HOUSE OF ASSEMBLY

Thursday 13 December 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 11 a.m. and read prayers.

CLARE-MINTARO SUPPLEMENTARY DEVELOPMENT PLAN

Mr VENNING (Custance): I move:

That the minutes of evidence of the Joint Committee on Subordinate Legislation relating to the District Council of Clare-Mintaro State heritage supplementary development plan, laid on the table of this House on 24 October and 7 November 1990, be noted.

In 1988 the Department of Environment and Planning proposed to undertake a series of studies into the Mintaro State heritage area. These studies were funded by the department and, I believe, Tourism South Australia. Council was invited to have representation on the steering committee which would have overseen the develoment of these plans. However—

The SPEAKER: Order! The House is being particularly discourteous to this member. There is a lot of background talk and noise going on. I ask all members to resume their seats and to pay due respect to the member on his feet.

Mr VENNING: It is a serious matter. However, it was soon realised, the proposal having been led by the State Heritage Branch of the Department of Environment and Planning, that its philosophies would be predominant. One of the conditions of the consultant's brief in undertaking the study was the holding of two public meetings at which the general public could and should be involved and participate. The first meeting was held, and representatives of the department were requested to provide a greater degree of local community involvement which they and the consultants agreed to undertake.

The next public meeting was held on 26 October 1989 following continuing pressure from the district council that the local public needed to have a greater input. This was finally agreed to. However, the presentation at this meeting was a supplementary development plan which had been brought into being under an interim order. The SDP was already in place; it had been declared to operate as from 26 October 1989, the day of the meeting.

All development must comply with the content of this SDP as from 26 October 1989, and this had not received the sanction of the District Council of Clare or the local residents. A council delegation travelled to Adelaide to meet with the Minister for Environment and Planning in order to attempt a guarantee of public consultation prior to formal permanent adoption of this SDP. The Minister admitted to a lack of public consultation and agreed to forward a letter to Mintaro residents offering her apologies for the handling of the issue. This was undertaken only after a reminder by council in a letter dated 1 February 1990.

A public hearing in relation to the plan was held in the Mintaro Institute hall on 8 February 1990 at which some 40 individual representations were made against the plan in addition to a petition seeking that the whole plan be given unrestricted public consultation. This petition was signed by every resident—and I stress 'every resident'—of Mintaro and was presented to the Chairperson and the members of the Advisory Committee on Planning. Council was invited to have a representative on the committee, which it accepted. The Chairperson of ACOP promised at the hearing that a copy of ACOP's report to the Minister would be made available to all persons lodging submissions. To date, this has not occurred.

On 13 February council forwarded to the Minister a copy of this petition from the entire population of Mintaro and advised that it would continue to oppose the lack of public involvement. On 30 March 1990 the Minister advised council that she was waiting for the report of the Advisory Committee on Planning and would advise council of her decision in relation to the SDP. On 16 May 1990 council invited the Minister to visit Mintaro as a guest of the council, and that visit was undertaken on 19 June 1990. Council reiterated that it totally opposed the plan as it stood and the method of its implementation.

On 9 August 1990 council wrote again to the Director-General of the department requesting a meeting in relation to the SDP prior to its submission to Cabinet. By way of advice to the local member (me), council received a copy of this amended SDP which would appear to be a final draft marked 'For authorisation'. There was a considerable number of alterations within this draft which council and the community of Mintaro vigorously opposed. Therefore, council considered the plan to be completely unworkable, placing enormous restrictions on development in Mintaro.

I quote directly from the minutes; the Mayor of Clare (Mr Phillips) stated:

Our main concern related to the lack of consultation throughout the study by the study group appointed and by the department, not only from the point of view of the public—and I refer specifically to the public of Mintaro—but also the public of the Clare council area. The Clare council has not had access to any information that has been collected on this subject. As a matter of fact, we have not yet received a copy of the last print of the SDP.

The latter point, that the council had not seen the plan for approval, became clear during the course of evidence, and the committee and the council were looking at different plans. This is why I have become involved. What happened was quite disgraceful. I happened to obtain a copy of these minutes just by chance. I went to the Clare council on other business and, when I raised these matters as a side issue, the problem was truly revealed. I am not sure whether other members of this place have read these minutes which were tabled in this House by another honourable member. Quoting further from the minutes, the CEO of Clare was asked:

If this SDP were disallowed, it would revert to the District Council of Clare SDP which included in it a specific Mintaro zone which has principles and objectives for Mintaro. Whether this SDP is in place or otherwise, a planning application still has to go through that procedure, whether this is in place or otherwise.

I join with the council and the residents of Mintaro in considering that this SDP was unnecessary, a waste of taxpayers' money and carried out insensitively without anything like adequate consultation, and was in fact bureaucracy at its dictatorial worst.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 5)

Returned from the Legislative Council with the following amendments:

No. 1 Page 1, lines 15 to 26 (clause 3)—Leave out clause 3 and insert new clause as follows:

'Interpretation

3. Section 5 of the principal Act is amended by striking out from the definition of 'reduced registration fee' in subsection (1) of 'reduced registration fee' in subsection (1) 'under this Act that is' and substituting 'that is, by virtue of a provision of the first schedule,'.

No. 2 Page 2, lines 17 to 19 (clause 9)—Leave out 'the following paragraphs:' and paragraph *(d)* and substitute 'the following word and paragraph:'.

No. 3 Page 2—After line 36 insert new clause 13a. as follows:

Insertion of first schedule

13a. The following schedule is inserted after section 148 of the principal Act immediately below the heading 'SCHEDULES':

FIRST SCHEDULE
REGISTRATION FEES

Interpretation

1. In this schedule—

'council' means a municipal or district council:.

Vehicles to be registered without payment of registration fees

2. (1) The Registrar must register without payment of registration fees—

(a) any motor vehicle owned by the South Australian Metropolitan Fire Service, or a voluntary fire brigade or voluntary fire fighting organisation registered under any Act;

(b) any motor vehicle owned by a council and used solely for the purpose of fire fighting;

(c) any motor ambulance for the use of which no charge is made;

(d) any motor ambulance operated by a council or by a society or association otherwise than for the purpose of monetary gain to the individual members of such society or organisation;

(e) any motor vehicle owned by the Renmark Irrigation Trust and used solely or mainly in connection with the construction or maintenance of all or any of the following works, namely, roads, irrigation channels, irrigation drains and other works for irrigation or drainage of the trust's area;

(f) any motor vehicle consisting of mobile machinery and plant used solely for boring for water or of mobile machinery and plant used solely for excavating and cleaning dams;

(g) any motor vehicle owned by an accredited diplomatic officer or accredited consular officer *de carriere*, who is a national of the country which he or she represents and who resides in the State;

(h) any trailer used solely for the purpose of carrying equipment and fuel for generating producer gas for the propulsion of the motor vehicle by which the trailer is drawn;

(i) any tractor, bulldozer, scarifier, grader, roller, tar sprayer, tar kettle or other similar vehicle constructed or adapted for doing work in constructing, improving or repairing roads and used only in such work or in the course of a journey to or from a place where such work is being, or is to be, done;

(j) any motor vehicle owned by a council and used solely for the purpose of civil defence;

(k) any motor vehicle owned by, and used for the purposes of, the Lyrup Village Association;

(l) any motor vehicle owned by, and used for the purposes of, the West Beach Trust;

(m) any motor vehicle owned by a council or an animal and plant control board under the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986, and used solely or mainly in connection with the eradication and control of plants to which a provision of Part IV of that Act applies;

(n) any motor omnibus owned by the State Transport Authority and used for the purpose of carrying passengers for hire and reward;

(o) any motor vehicle constructed or adapted integrally with a drilling rig and used solely for water, petroleum or mineral exploration or production;

(p) any motor vehicle owned by The Coober Pedy Progress and Miners Association Incorporated and used—

(i) as an ambulance otherwise than for the purpose of monetary gain to the individual members of the association;

(ii) solely for the purpose of fire fighting;

(iii) solely or mainly for the collection and transport of household rubbish;

(iv) solely or mainly in connection with the construction or maintenance of roads;

or

(v) solely for the purpose of civil defence;

(q) any motor vehicle owned by a council and used solely for State emergency services;

(r) any motor vehicle owned by the State Emergency Service and operated in an area under the control of the Outback Areas Community Development Trust and used solely for State emergency purposes;

(s) any motor cycle the mass of which does not exceed 50 kg and that is fitted with and capable of being propelled by pedals.

(2) Where—

(a) a motor vehicle has been registered under this clause;

(b) an application for registration of the vehicle is made otherwise than under this clause;

and

(c) the vehicle has not previously been registered under this Act on an application by the present applicant in respect of which stamp duty has been paid,

the Registrar must treat the application as if the vehicle had not previously been registered under this Act, and registration fees and stamp duty will be payable on the application accordingly.

3. In this clause—

'dam' means any excavation in which water is stored or intended to be stored:

'mineral' means mineral as defined in the Mining Act 1971:

'petroleum' means petroleum as defined in the Petroleum Act 1940.

Registration fees for primary producers' commercial vehicles

3. (1) If the owner of a commercial motor vehicle or tractor—

(a) satisfies the Registrar by such evidence as the Registrar requires that the owner is a primary producer in this State;

and

(b) undertakes that that motor vehicle or tractor will not, unless the balance of the prescribed registration fee is paid, be used on roads for carrying Her Majesty's mails, goods or passengers for pecuniary reward or for carrying goods in the course of any trade or business other than that of a primary producer,

the registration fee is one-half of the prescribed registration fee.

(2) In this clause—

'carry', 'carrying' and 'carriage' respectively include haul, hauling and haulage.

Registration fees for primary producers' tractors

4. (1) If the owner of a motor tractor—

(a) satisfies the Registrar by such evidence as the Registrar requires that the owner is a primary producer in this State;

and

(b) undertakes that, unless the balance of the prescribed registration fee is paid, the motor tractor will not be used on roads except for the purposes mentioned in subclause (2),

the registration fee is one-quarter of the prescribed registration fee.

(2) The purposes referred to in subclause (1) are—

(a) transporting produce of the primary producer's land from that land to the nearest railway station, or if there is a port nearer to that land than any railway station then to that port;

(b) transporting any such produce to a place not more than 24 kilometres from that land for the purpose of the packing, processing, delivery to a carrier, or sale;

(c) transporting goods intended for consumption or use on the land of the primary producer from any such railway station, port or place to that land.

Registration fees for certain vehicles owned by councils

5. (1) The registration fee payable in respect of an application to register—

(a) any motor vehicle owned by a council and used solely or mainly in connection with the construction or maintenance of roads;

or

(b) any motor vehicle owned by a council or by a controlling authority under the Local Government Act 1934 and used solely or mainly for the collection and transport of household rubbish,

is one-half of the prescribed registration fee.

(2) This clause does not apply to or in relation to any motor vehicle in respect of which a reduced registration fee is payable pursuant to any provision of this Act other than this clause.

Registration fees for vehicles in outer areas

6. (1) If the owner of a motor vehicle undertakes that, unless the balance of the prescribed registration fee is paid, the vehicle will, during the period for which registration is applied for—

(a) be used wholly or mainly in outer areas;

(b) be in the possession and under the control of a person who resides in an outer area;

and

(c) be usually kept at premises situated in an outer area,

the registration fee is one-half of the prescribed registration fee.

(2) In this clause—

'outer area' means—

(a) the whole of Kangaroo Island;

(b) the area of the District Council of Coober Pedy;

(c) the area of the District Council of Roxby Downs;

or

(d) all other parts of the State that are not within a council area or Iron Knob.

(3) In subclause (2)—

'Iron Knob' means all that portion of the County of Manchester within a circle having a radius of 2 415 metres and its centre at the south-western corner of Allotment 270, town of Iron Knob.

Registration fees for vehicles owned by incapacitated ex-service personnel

7. (1) If the Registrar is satisfied by such evidence as the Registrar requires that—

(a) a motor vehicle is owned by a person who has been a member of a naval, military or air force of Her Majesty;

(b) the owner, as a result of services in such a naval, military or air force—

(i) is totally and permanently incapacitated;

(ii) is blind;

(iii) has lost a leg or foot;

or

(iv) receives under the laws of the Commonwealth relating to repatriation a pension at the rate for total incapacity or a pension granted by reason of impairment of the power of locomotion at a rate not less than 75 per cent of the rate for total incapacity;

and

(c) the vehicle will, during the period for which it is sought to be registered, be wholly or mainly used for the transport of the owner,

the registration fee is one-third of the prescribed registration fee.

(2) This clause does not apply to or in relation to—

(a) more than one motor vehicle owned by the same owner;

or

(b) any motor vehicle in respect of the registration of which a reduced registration fee is payable pursuant to any provision of this Act other than this clause.

(3) If the registered owner of a motor vehicle that has been registered at a reduced registration fee in accordance with this clause dies, or ceases to be the owner of the vehicle, the registration will, subject to this Act, continue in force for a period of one month after death, or the cessation of ownership, and will, unless the balance of the prescribed registration fee is paid, become void on the expiration of that period.

Registration fees for vehicles owned by certain concession card holders

8. (1) If the Registrar is satisfied by such evidence as the Registrar requires that the owner of a motor vehicle—

(a) is entitled, as the holder of—

(i) a State Concession Card issued by the Department for Family and Community Services;

or

(ii) a pensioner entitlement card issued under any Act or law of the Commonwealth,

to travel on public transport in this State at reduced fares;

and

(b) the vehicle will, during the period for which it is sought to be registered, be wholly or mainly used for the transport of the owner,

the registration fee is one-half of the prescribed registration fee.

(2) This clause does not apply to or in relation to—

(a) more than one motor vehicle owned by the same owner;

or

(b) any motor vehicles in respect of the registration of which a reduced registration fee is payable pursuant to any provision of this Act other than this clause.

(3) If the registered owner of a motor vehicle that has been registered at a reduced registration fee in accordance with this clause dies, or ceases to be the owner of the vehicle, the registration will, subject to this Act, continue in force for a period of one month after death, or the cessation of ownership, and will, unless the balance of the prescribed registration fee is paid, become void on the expiration of that period.

Registration fees for trailers owned by certain concession card holders

9. (1) If the Registrar is satisfied by such evidence as the Registrar requires that the owner of a trailer—

(a) is entitled, as the holder of—

(i) a State Concession Card issued by the Department for Family and Community Services;

or

(ii) a pensioner entitlement card issued under any Act or law of the Commonwealth,

to travel on public transport in this State at reduced fares;

and

(b) the trailer will, during the period for which it is sought to be registered, be wholly or mainly employed in the personal use of the owner,

the registration fee is one-half of the prescribed registration fee.

(2) This clause does not authorise the registration at a reduced registration fee of more than one trailer owned by the same owner.

(3) If the registered owner of a trailer that has been registered at a reduced registration fee in accordance with this clause dies, or ceases to be the owner of the trailer, the registration will, subject to this Act, continue in force for a period of one month after death, or the cessation of ownership, and will, unless the balance of the prescribed registration fee is paid, become void on the expiration of that period.

Registration fees for vehicles owned by certain incapacitated persons

10. (1) If the Registrar is satisfied by such evidence as the Registrar requires that the owner of a motor vehicle—

(a) in consequence of the loss of the use of one or both legs, is permanently unable to use public transport;

and

(b) the vehicle will, during the period for which it is sought to be registered, be wholly or mainly used for the transport of the owner,

the registration fee is one-half of the prescribed registration fee.

(2) This clause does not apply to or in relation to—

(a) more than one motor vehicle owned by the same owner;

or

(b) any motor vehicle in respect of the registration of which a reduced registration fee is payable pursuant to any provision of this Act other than this clause.

(3) If the registered owner of a motor vehicle that has been registered at a reduced registration fee in accordance with this clause dies, or ceases to be the owner of the vehicle, the registration will, subject to this Act, continue in force for a period of one month after death, or the cessation of ownership, and will, unless the balance of the prescribed registration fee is paid, become void on the expiration of that period.

Registration fee for vehicles driven, etc., by electricity

11. (1) The registration fee payable in respect of an application to register a motor vehicle driven or propelled, or ordinarily capable of being driven or propelled, solely by electricity is one-half of the prescribed registration fee.

(2) This clause does not apply to or in relation to any motor vehicle in respect of which a reduced registration fee is payable pursuant to any provision of this Act other than this clause.

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

That the Legislative Council's amendments be disagreed to.

These amendments quite clearly destroy the intention of the Bill, which is to raise certain amounts of money that were flagged in the budget. These funds were targeted for the Highways Fund to cover the road program proposed by the State Government for this year. Clearly, we cannot

complete the road program without this very large amount of money. Therefore, I urge the Committee to support the motion.

The Hon. TED CHAPMAN: I do not rise to speak to the motion but to the matter touched upon by the Minister. I am disappointed that this Bill, having run the gambit of the two Houses, should now come back in what we on this side consider to be a very tidy form, and that the Minister should indicate the Government's intention to disagree with the amendments.

The amendments which are of specific interest to me, and I think to every member on this side, relate to the earlier proposed abolition of the concession on registration fees for primary producers with vehicles of two tonnes or less. I indicate my intention to insist on my own behalf and that of my electorate that this place be aware of the situation and agree wholeheartedly with the amendments from the other place.

Mr GUNN: It is quite clear from the sentiments expressed by the Minister that the Government wishes to continue to plunder the pockets of the most important section of the economy of this State—the people engaged in primary industry. I want to make it very clear that we on this side will not be party to that sort of outrageous behaviour. That industry is going through one of its most difficult and traumatic times, but the Government's answer is to levy higher taxes on those involved in it and make life more difficult for them. This decision was based on the advice of a class 5 public servant who would not know A from B in the real world. The Government has blindly followed that public servant's decision, and it is quite disgraceful and unnecessary and not in the best interests of the citizens of this State.

For the Government to say that the amendments will take money away from the Highways Fund is a nonsense. It is about time that the Government got stuck into some of these huge bureaucracies, which it has created, and sacked half of the non-essential ones in the Department of Environment and Planning which are an impediment to the proper development of this State. That would help solve the problems in this industry. So, I commend the Legislative Council for the course of action that it has taken.

Motion carried.

SRI LANKA

The Legislative Council transmitted the following resolution in which it requested the concurrence of the House of Assembly:

That this Council—

1. Condemns the persistent human rights violations by all sides including extrajudicial executions, 'disappearances' and torture in Sir Lanka which affect the population in both north and south and which are outlined in recent reports by Amnesty International;
2. Calls on the Government of Sir Lanka to:
   (a) set up an independent commission of inquiry into extrajudicial executions, the result of which should be made public; and
   (b) investigate impartially, through an independent commission of inquiry, the whereabouts or fate of all people reported to have 'disappeared';
3. While understanding the very real constraints placed upon the Sri Lankan Government by the conflict, urges the Government of Sri Lanka to ensure strict control, including a clear chain of command, over all officials responsible for apprehension, arrest, detention, custody and imprisonment as well as over all officials authorised by law to use force and firearms; and
4. Urges the Australian Government to seek whatever ways are appropriate to bring a halt to all human rights abuses carried out by all armed parties in Sri Lanka and urges all parties involved to exercise maximum restraint.

The Hon. JENNIFER CASHMORE secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL

The Legislative Council intimated that it agreed to the recommendations of the conference.

CLARE-MINTARO SUPPLEMENTARY DEVELOPMENT PLAN

Adjourned debate on motion of Mr Venning (resumed on motion).

(Continued from page 2737.)

Mr VENNING (Custance): I will be very brief in exposing some of the anomalies in this SDP. First, in general, the effluent disposal is to be by aerobic disposal systems. This would add approximately $3 000 to $4 000 to an average residential building cost over normal septic tank installation. Secondly, the plan says that lot 40 on the corner of Young and Burra Streets, Mintaro, should remain in agricultural use to retain the views of the hills and the heritage buildings beyond. That block happens to be right in the middle of the designated town of Mintaro. This provision also exemplifies the petty nature of the plan by picking out a particular allotment. Thirdly, in a specified area of the town, all signs must be of a size no more than .2 square metres, which is about three foolscap pages. The list goes on.

I will not go as far as I could on this matter, but I will say how I became involved. A final copy of this draft came to me marked 'For authorisation'. I assumed that the Clare council knew about it and was in favour of it. I happened to be speaking to the CEO (Mr Burfitt) on other matters and, as an aside, I stated that I had a final copy of the SDP. A quick perusal revealed this direct conflict. I fully support the Clare council in this matter. It has a very professional approach and is very tourist minded. I stand behind its delegation 100 per cent.

I am further concerned that other SDPs are travelling along a similar road. I have had notice of two others—Kapunda and Balaklava. Kapunda is already experiencing difficulties, but they are quite different from Clare's problems. Finally, I consider that the manner in which Parliament handles SDPs in general is quite unsatisfactory and that the legislation is a complete hotchpotch. I urge the Minister to consider a complete redraft.

Mr Ferguson: It was your mob who put it up.

The SPEAKER: Order!

Mr VENNING: It was your mob who amended it. The people and Parliament have to be more involved in the setting up and scrutiny of these most important documents. I ask all members to note the minutes.

The Hon. D.J. HOPGOOD secured the adjournment of the debate.

RURAL YOUTH

Mr VENNING (Custance): I move:

That this House recognises the importance of the South Australian Rural Youth organisation, deplores the reduction of

resources to the organisation by successive Governments and urges the Government to recognise the cost effectiveness of the training function of Rural Youth by providing incentive based grants designed to attract private sector funding to assist worthwhile projects for the benefit of rural youth in South Australia.

I apologise for taking more than my share of time in moving two motions in succession. This is a matter that is dear to my heart. Rural Youth will celebrate its fourtieth birthday shortly and I raise this matter because I am concerned for two reasons. The first is that the state of Rural Youth in South Australia has declined steadily from the mid 1960s from a membership of 4 500 to a membership now of a little over 500, and the second is that the opportunities for young people in the rural community today are at crisis point. Rural Youth has had a fine record over 40 years. Many of today's rural leaders owe their success to their early training in Rural Youth. Those who are known to me and who live near me are Mr Andrew Inglis, President of the Grains Council of Australia; Mr Don Blesing, Chairman of the Australian Wheat Research Council; Mr Malcolm Sarjent, Chairman of the South Australian Grain Research Committee; and Mr Don Pfitzner, President of the UF&S; and the list goes on.

All these people got their grass roots training through Rural Youth. Many others, including me, have gone further than the farm gate. Past Rural Youth members are studded right throughout the framework of both rural and urban life in South Australia. In local government, in the UF&S, the advisory board of agriculture, the Rural Advisory Council and any position of leadership and responsibility, Rural Youth has played a major part. It assisted young adolescents to develop their skills in debating, public speaking, demonstrating and many other industrial and personal areas. In the mid 1960s it was particularly successful, but today the state of Rural Youth is in sad decline, as it has largely followed the decline in the general downturn in the rural economy. Successive Governments have cut expenditure and so on from the organisation and general incentive has waned.

Rural Youth began here in South Australia in 1952 with three advisers; by 1958 there were 61 clubs with 2 000 members and four advisers; in 1963 it had 81 clubs with 3 500 members and five Government sponsored advisers; and it peaked in the mid 1960s with 4 700 members and five advisers.

I would like to quote from a book of historical facts published by the Department of Agriculture about Rural Youth, as follows:

Great changes took place within the movement during the 1970s [the period of decline] that were to severely hamper its growth and development. In 1971 the Department of Agriculture made a formal request for the transfer of administration of the movement to the Education Department. Negotiations dragged on until 1973, when the Education Department declined the proposal. The Department of Agriculture began winding down its Rural Youth advisory section. By 1975 the number of Rural Youth advisers had been reduced from five to three. After 1976 advisory support to the movement had effectively ended.

Staff levels were high. We had a chief adviser, Mr Art Hooper, and four others, who were regional advisers. Today the membership is about 500, just a shadow of the former membership, and there are two shared staff under Lesley Jacobs, who are Meg Partridge in a clerical position and Lib McClure in training. Those three staff are shared with other departmental organisations.

The four organisations are: the Advisory Board of the bureau, the Women's Agricultural Bureau, Rural Youth and the Rural Advisory Council. The training of Rural Youth covered, and still covers, a wide ambit, including the personal skills already mentioned, along with organisational areas, meeting procedures, etc., as well as industry skills such as stock judging, soil sciences and conservation, basic agronomy, welding, chemical application, cooking, domestic arts, wool classing and safety seminars.

More than anything else, it encourages young people to take an interest in things in which they would not normally have an interest, usually because neither the opportunity nor the incentive was there in any of the isolated areas. The spirit of learning and competition between clubs inspired many a young rebel to involve themselves in levels of much higher learning, levels that many of the young today consider 'square' until they become involved in and see the value of such training.

Most of these training areas had finalists in the State competitions, with honour for the zone, for the club and for the individual. Most members of this House, including those on the other side, would be aware of the Rural Youth organisation. I note that the member for Napier recognises it, and I am glad. Hopefully, it will be recognised more in these days of rural crisis.

The training arm of Rural Youth has been very cost effective, with low input from the Government—often, none at all—and an almost negligible dropout rate. In so many isolated areas of this State, Rural Youth training was the only opportunity many school leavers had of further education. Many of the courses offered by TAFE today were offered many years previously by Rural Youth, and have been offered for many years, albeit often only in a minor or introductory way.

It whets the appetite of many school leavers to continue education when they thought they had finished. It also filled the gap for young rural people, especially farmers' sons, who, having left school, were not attracted to the older people's Agricultural Bureau, either for men or for women. Most young farmers do not start active participation in the Agricultural Bureau until their mid-twenties, and Rural Youth filled the gap well for those between 16 and 25. I will quote again from the history, as it explains quite well the current problem. The document states:

Although farmers under 30 make up 28 per cent of the rural male population, they only account for 17 per cent of the Agricultural Bureau's membership.

Members can see an imbalance there. The document continues:

In contrast, farmers in the 30-39 age group made up 35 per cent of bureau membership, and 18 per cent of the farming population.

Clearly, there is a gap between the school leaving age and the age at which young people become involved in agricultural education. Rural Youth filled this gap. Rural Youth has the runs on the board but, when it is needed most, it is suffering from neglect. Young farmers are in a desperate plight, which I do not need to tell any members of this House. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

SEA RESCUE SQUADRON

Mr BECKER (Hanson): I move:

That this House congratulates the South Australian Sea Rescue Squadron Incorporated on 30 years of promoting safety at sea and search and rescue.

The South Australian Sea Rescue Squadron headquarters are located in my electorate. There seems a little doubt as to the exact date of the commencement of operations of this organisation: nevertheless a group was formed and 8 May 1991 is really the thirtieth anniversary of the incorporation of the South Australian Sea Rescue Squadron.

It is believed that a group was working before then, in December, and that that original group, which was formed on 11 December 1960, was the forerunner to the Sea Rescue Squadron. However, no matter what date we look at and accept, the South Australian Sea Rescue Squadron has a record of which it can be proud. Over those years many men and women have served the squadron unselfishly, providing facilities and services to fellow boat users.

The South Australian Sea Rescue Squadron is made up of a group of people from all walks of life who use their own boats and the squadron's rescue boats to assist others in vessels on our waters who are in distress. As you know, Mr Speaker, it can appear to be a calm day at six o'clock in the morning when a boat is taken out for fishing but by midday a storm can blow up and someone who is inexperienced especially in a small boat, can easily get into trouble. One of the biggest problems with boat owners is that they do not always service their boats; they do not always carry essential equipment and they sometimes tend to skip over the basic safety elements necessary to be observed when taking a boat out. So, boating is a very serious business, especially when you have other people on board and full safety equipment is essential. As I have said, anything can happen at sea: there can be a breakdown and a boat may be missing; the South Australian Sea Rescue Squadron is then called in to undertake a search to find the missing boat and crew. That has happened on many occasions.

The Sea Rescue Squadron is an organisation that goes about its task of rescuing people in distress without any fuss at all; it gets on with the job. I have witnessed numerous rescues from its operations depot at the Patawalonga outlet and I have great admiration for the professional manner in which these people go out in all types of weather, particularly when having to manoeuvre their vessel over the sand bar at Glenelg. That is really the only place where they can launch some of the boats because the boat launching facilities at the West Beach headquarters are unsatisfactory.

It is interesting to note that in 1989-90 there were 67 reported incidents; 180 people were assisted and, regrettably, one person died. Since the formation of the Sea Rescue Squadron there have been 668 reported incidents; 1 282 persons assisted and the number of fatalities recorded, 26. The Sea Rescue Squadron had to recover those deceased persons and, of course, that is not a very pleasant task for a group of volunteers to perform, but somebody has to do it.

What really galls me is that, although the life insurance companies and insurance industry benefit considerably from the efforts of these people, those organisations make little, if any, contribution whatsoever to the Sea Rescue Squadron. If we take the 1 282 persons who were saved and place a value on their lives then, of course, the life insurance companies have benefited by virtually millions and millions of dollars, and I believe that in some way, we should insist on the insurance industry providing assistance to the South Australian Sea Rescue Squadron and, similarly, to the Surf Lifesaving Association.

All Government's have supported the Sea Rescue Squadron and its branch divisions over the years, and they are to be commended on that. The Government recognises the value and importance of the Sea Rescue Squadron, and that is why I am disappointed that the insurance industry has not done so. The squadron gets a tremendous amount of support from private sponsors as well as from its own members, who contribute thousands of dollars in time and equipment. One of the most notable firms that support the Sea Rescue Squadron is Lewis Brothers; the Lewis brothers have been wonderful supporters of that organisation. However, I believe that the insurance industry should play its part also.

The annual report of the Sea Rescue Squadron contains details of incidents that have occurred during the year, and I would like to put some of those details on the record for the benefit of members. They are as follows:

13.5.89: 36 foot motor cruiser had motor failure due west of Grange. Sea Rescue craft *Obsession* attended at his request and towed craft to Patawalonga mooring. Five persons aboard.

27.12.89: 30 foot yacht went aground whilst navigating Port River channel. Limited call-out put out, and SR1 and HQ crew were called. SR1 unable to free craft but assisted with swinging craft around and placing kedge anchor out. Crew were not in any danger and vessel was left to await next tide with Master's acknowledgment. Five persons aboard.

24.12.89: May-day radio call; 18 foot Hartley cabin-cruiser motoring off Christies Beach has wooden transom which motor is attached to pulled away from hull, and draft flooding and eventually capsized. SR2 attended within minutes of the call and four persons rescued. Capsized craft later towed back to ramp. Crew sent to hospital for observation.

Those cases will give members an idea of what the Sea Rescue Squadron does and, as I have said, it goes about its task quietly, efficiently and expertly. Also, the squadron trains its members and offers its facilities to the boating public and to those interested in learning all facets (including the safety aspect) of handling their boats and craft at sea.

The biggest and probably the most annoying problem for the Sea Rescue Squadron is false alarms—people in the gulf playing around, lighting flares and creating a situation of someone in distress. In those circumstances the squadron has to attend the call-out and often finds that it was a false alarm or that there is nothing there, and that of course is very frustrating. Even though the squadron has many of these false alarms its members go about their duties in earnest. Every day they are rostered—on call for 24 hours—no matter whether they are at work, at home or at a social function; if their pager is activated they immediately attend the call-out and, as I said, within minutes they can be at the squadron's headquarters launching their boats into the gulf.

I think that 30 years of service to the community in this way is commendable. I hope that this House will support me in congratulating the Sea Rescue Squadron members and its supporters on this wonderful community service.

Mr FERGUSON secured the adjournment of the debate.

SUMMARY OFFENCES ACT AMENDMENT BILL

Mr BECKER (Hanson) obtained leave and introduced a Bill for an Act to amend the Summary Offences Act 1953. Read a first time.

Mr BECKER: I move:

That this Bill be now read a second time.

On 18 September 1986 (*Hansard* page 991) I introduced a similar measure to amend this Act which in effect would have provided a penalty for graffiti offences, but the Government saw fit not to support the Bill at that time and said that similar legislation existed. The Government has had four long years to do something about the graffiti problem, but it has done nothing. The performance of the Government in this area is not satisfactory. All we have seen is a plethora of little horrors running around the metropolitan area drawing on and desecrating anything and everything that stands still.

I, like all members, receive numerous complaints weekly from people who are annoyed at graffiti and the response from the various authorities. It is very easy for us to include

offences for graffiti in legislation, and I believe that the Summary Offences Act is legislation in which we should include a division 7 penalty, which would be a fine of $2 000 or six months imprisonment. Previously I had sought a higher penalty; I really wanted a $2 000 fine and six months imprisonment for anyone who damaged private property.

I have always believed that the parents of children who damage people's property should be liable for that damage. However, that proposition has not received support and would be very difficult to implement. I believe that Parliament should instruct the courts that we have had enough of the leniency that we believe has been given by the courts, and that the public is now demanding of us as legislators stricter penalties for graffiti. More importantly, I believe that those who vandalise other people's property with graffiti should be made to clean it off—and this Bill covers that situation. If that is not a satisfactory deterrent—

An honourable member interjecting:

Mr BECKER: It is not in the Summary Offences Act. I want it in the Summary Offences Act to let the courts know that it is about time they stopped handing out community service orders for this type of offence. It is high time that we give the courts the message that we are under continual pressure and that we are concerned. I wrote to two of the councils in my electorate that suffer most from graffiti. The City of Henley and Grange advised me yesterday as follows:

In response to your recent report, I advise that council does not keep exact costs on the cleaning of graffiti damage. Last year, 1989-90, it is estimated that council incurred a cost of about $3 000 due to graffiti within the total vandalism cost of $20 000.

This year, the estimate is greater and council administration expects the annual cost to be in the vicinity of $6 000. I hope this information assists you with your private member's Bill.

The Glenelg council spent about $45 000, but it has a definite policy on law and order, and supports the move to do anything to reduce the incidence of graffiti in Glenelg. We seem to be subject to a tremendous amount of difficulty in that area.

West Torrens council is yet to respond, but West Torrens council has a policy that, as soon as a bus shelter or some other structure within the council area is damaged by graffiti or vandalism, it is fixed up immediately. So, within 24 to 48 hours of the damage being done, it is cleaned up by the council, costing the council a considerable sum. I believe that that is the alternative to beating the graffiti artists.

Local government should accept a greater responsibility in keeping the place clean. If the graffiti is allowed to remain, these little horrors think that they can keep on doing it. The State Transport Authority spends about $1 million a year. Nothing is more sickening to get on to a train or transport vehicle that has been vandalised, including interior seating. It shows that some people have no respect for other people's property. They would not do it in their own home. They would not be permitted to do it in their own home, so why should they be allowed to do it publicly?

Mr Hamilton: Some of them do.

Mr BECKER: I am not aware of that. It is unfortunate that parents in this community are unable to train or encourage their children in better social behaviour, and so we will have to do something through legislation. This issue has been debated on many occasions within the community. Many questions have been asked in the House, and the Government is fully aware of the problems and the cost of damage caused by graffiti. If cities we visited interstate and overseas have been vandalised by graffiti, we think of them as dirty. We are very proud of Adelaide. It is one of the loveliest and cleanest cities in Australia, and I want to keep it that way.

Clause 1 is the short title. Clause 2 amends section 43 of the principal Act by striking out paragraph *(b)* of subsection (1). Clause 3 inserts new section 48a as follows:

Writing on walls, etc.

48a. (1) A person who, without lawful authority, writes on, soils, defaces or marks a building, wall, fence, structure, road or footpath with paint or chalk or by any other means is guilty of an offence.

Penalty: Division 7 fine or division 7 imprisonment.

(2) Where a person is convicted of an offence against this section, the court may order the person to pay to the owner or occupier of the building, wall, fence, structure, road or footpath in relation to which the offence was committed such sum by way of compensation for damage caused by the person as the court considers just.

(3) Where a person is convicted of an offence against this section, the court must give serious consideration to sentencing the defendant to community service, or including in a bond a condition requiring performances of community service.

(4) In this section—

'parent' means a natural or adoptive parent.

I commend the Bill to the House.

Mr HAMILTON secured the adjournment of the debate.

MURRAY-DARLING BASIN ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADDRESS TO THE GOVERNOR

The Legislative Council indicated its agreement to the address to His Excellency the Governor.

BUILDING SOCIETIES BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 5)

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

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

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Blevins, Hemmings, Holloway, Venning and Wotton.

ADELAIDE AIRPORT

Mr BECKER (Hanson): I move:

That this House congratulates the Federal Airports Corporation on its action of responsibly upgrading Adelaide Airport and deplores the article 'Low Flying' written by Peter Ward in the magazine section of the *Advertiser* on 3 November 1990.

It is fair to say that no other monument of modern life—nuclear power plants included—brings such benefit to so many people and yet is so detested by those who live nearby.

In the 20 years that I have been in Parliament, certainly I have criticised on many occasions the Adelaide Airport, and the noise interference that it has caused to local residents. The residents who live near the airport, who built there either before the airport was established or when aircraft were petrol powered, never experienced the horrendous noise and impact on their lifestyle created by the DC9 and the DC727 jet aircraft. Thank goodness they are being phased out with wide-bodied aircraft, and the people who are now living near the airport think that the 747 jumbo jets are absolutely gorgeous. The noise level now is not nearly so bad.

The article by Peter Ward in the *Advertiser* of Saturday 3 November 1990 headed 'Low Flying', which was illustrated with a drawing of, presumably, the Adelaide Airport with planes crashing all over the plaee, pot holes, and buildings falling down, was probably the most disgusting and disgraceful article I have ever read about any Government instrumentality. Ward had been to New Zealand to cover the elections and had flown back to Adelaide. He must have been suffering from jet lag, because this is what he said:

Finally there came Adelaide, and the whole point of this preamble, because after Wellington and Sydney—indeed, as I've often felt, after Christchurch, Auckland, Brisbane, Canberra, Melbourne, Hobart, Launceston, Cairns, Townsville, and even Alice Springs—Adelaide is a ghastly place to arrive after a bad day in the air. It is Australia's worst major domestic terminal—the special case of Darwin aside—and in any case they're building a new one there.

Adelaide is the pits. To start with it just looks awful, an architectural mish-mash of ever cheaper accretions, I think eight now in all. And then there is the departure hall. It treats economy passengers and their guests with contempt. If you're held up there, if your flight's delayed or you want to farewell someone, you have now to crowd into a pocket handkerchief-sized bar. The big one upstairs has gone, and there's no cafeteria now, and no snack bar, just this new bar which sells soggy sandwiches, lukewarm pies if you're lucky, and charges outrageously high prices for everthing, especially drinks, outrageously high. Mark-ups of 150 per cent on spirits, for instance.

Peter Ward obviously does not know very much about how to run a hotel because a 150 per cent mark-up on sprits is reasonable from what I can gather. He should visit some of the five star hotels in Adelaide. Obviously, he was suffering from jet lag, which can be the cause of many things.

I feel that the article was most unfortunate, because it does not do much for Adelaide. We are trying to sell Adelaide overseas, doing our best to sell it as an airport with its location close to the city. We are using the airport as one of the major selling points in our bid for the Commonwealth Games. We are doing our best to promote tourism in South Australia, but we have one cynical person who writes an article like this. I asked the General Manager of the Adelaide Airport, Lew MacKrall, what he thought of the article and whether he had had an opportunity to respond. He was given no opportunity whatsoever to respond by the *Advertiser*. Mr MacKrall wrote to me on 7 November 1990 saying:

We committed ourselves to improve aprons, roads, taxiways, power, water, sewerage capacity and landscaping at a cost of approximately $5 million during 1989-90.

Mr MacKrall said also:

The corporation assumed ownership of Adelaide Airport on 1 January 1988. It did not take us long to realise that the airport was 'fatigued' and often an embarrassment as the gateway to South Australia.

The letter continues:

These works will support redevelopments by Ansett and Australian Airlines of the domestic terminal. We contracted to expand the international terminal building at a cost of $3.5 million including fit-out costs to accommodate the anticipated increases in international traffic. The corporation has responded to the undeniable need for improved airport facilities and has begun planning for a new contemporary international terminal complex which is forecast to be required in the mid 1990s.

The letter describes further what has happened to the airport:

In that context, Ansett submitted plans to upgrade and refurbish their half of the domestic terminal. Stage one, costing about $10 million, is all but complete. Stage two, which must be started by 1995, is estimated to cost a further $20 million in 1989 terms. Australian Airlines has similar aspirations to those of Ansett but is yet to submit plans of their proposal. They do, however, expect to spend somewhere in the order of $30 million over the next six years.

The Ansett and Australian developments require the corporation to alter and upgrade the airport's road system, car park, water, electrical and sewage reticulation services and extend the domestic aprons and taxiways at a cost of $5 million for stage one and a further $16 million for stage two. Relocation of the aircraft refuelling depot at a cost of about $5 million is among the other projects foreshadowed.

In addition to these major facility developments, the corporation has commissioned a master plan and environmental impact study to shape the airport's development into the 21st century.

A multi-deck car park and ground transport terminus, interfacing with existing airline terminals, are two opportunities currently undergoing a feasibility review, in regard to commercial viability and the provision of competitive retail options for the benefit of consumers.

In view of the above, I am sure you would agree that the corporation, in a relatively short period of time, has embarked on an ambitious program to upgrade the international gateway to the State. I make no excuse for the existing minor inconvenience occasioned by the developments at the airport in the knowledge that the end result will justify the means.

I commend this motion to the House.

Mr HERON secured the adjournment of the debate.

MORGAN/BURRA/SPALDING ROAD

Adjourned debate on motion of Mr Venning:

That this House condemns the failure of successive Governments to upgrade the Morgan/Burra/Spalding road to a standard commensurate with its economic and social importance to the State.

(Continued from 22 November. Page 2187.)

The Hon. B.C. EASTICK (Light): On the last occasion on which I spoke on this matter, I indicated that it had been my pleasure to represent the areas through which most of this road extends. In fact, I did represent all of the councils involved, although part of the road in Burra was not in my electorate. I will refer to part of the letter forwarded by the District Council of Morgan on 19 October 1983, which I think encapsulates some of the problems that this road has experienced over a long period. The letter states:

Traffic counts for roads in the Murray Lands region of the Highways Department for 1978 and 1980 have been enclosed. These counts do not fully assess traffic on this road:

—the road is extensively signed advising of the unsealed surface,
—local residents are aware of the condition of the road and take the long route,
—the road is used by bus companies and heavy transport,
—tourists are not encouraged to use the road,
—a more accurate assessment may be determined by use of traffic counts on the Eudunda/Saddleworth section of the alternate route.

The letter continues:

Road users avoiding the unsealed road travel an additional 64 km to Burra.

That is a fact, and it applies also to quite a large number of heavy transport vehicles, even though heavy transport vehicles do sometimes go out through this area, which is basically sheep country once they leave Morgan. Therefore,

they run the risk of not only the dangers of the road but relative isolation in the case of any difficulty.

Following consultation with my colleague who moved this motion, I seek to amend the motion. I move:

Delete after the word 'House' the words 'condemns the failure of successive Governments to upgrade' and insert in lieu thereof:

urges the Government to give appropriate priority to upgrading.

The motion would then read:

That this House urges the Government to give appropriate priority to upgrading the Morgan/Burra/Spalding road to a standard commensurate with its economic and social importance to the State.

I support the amended motion.

Mrs HUTCHISON (Stuart): I would just like to say briefly that I support the amended motion. As my electorate adjoins the electorate of the member for Custance, I am fully aware of the urgent need for the upgrading of the Morgan/Burra/Spalding road, so I support the motion as amended.

The Hon. T.H. HEMMINGS (Napier): I will be equally as brief. I was quite taken with the sincerity that the member for Custance showed when he introduced this motion earlier. I have indicated to him privately that I share his concern and that I support the main thrust of what he is trying to achieve. I take great pleasure in supporting the amended motion moved by the member for Light and sincerely hope that it will not be too long before that road reaches the standard that the member for Custance so obviously wants.

Amendment carried; motion as amended carried.

DYING WITH DIGNITY

Adjourned debate on motion of Hon. Jennifer Cashmore:

That a select committee be established to examine:

(a) The extent in which both the health services and the present law provide adequate options for dying with dignity.

(b) Whether there is sufficient public and professional awareness of existing law and, if not, what measures should be taken to overcome any deficiency; and

(c) To what extent, if any, community attitudes towards death and dying may be changing and to what extent, if any, the law relating to dying needs to be clarified or amended.

(Continued from 6 December. Page 2456.)

The Hon. D.J. HOPGOOD (Minister of Health): I have already spoken briefly on this matter, and I do not want to overly prolong my remarks. My purpose in rising is to do two things. First of all, to further clear away any fog of confusion that there may be in relation to the motivation not only of the member for Coles for moving this but for this Chamber in what I assume will be support for her motion, possibly in a slightly amended form, as I will canvass briefly. Of course, the member for Coles is big enough to look after herself but I welcome the retraction which I understand has been published in today's *News* because it helps further to clear away any confusion.

It must be said that the honourable member went to very great pains to try to leave people in no doubt as to the reasons for bringing this matter forward at this time, and I find it rather strange that one of our major organs of opinion should have got itself in the position where it now has to retract in relation to certain allegations that were made. However, I welcome the retraction, as I think all members will, because it will help to put the context in which this debate is proceeding in a proper form and it will also help to put the context in which the select committee will meet in a proper form, as well.

In urging support for the setting up of a select committee of this House. I will seek to amend the motion that the honourable member has placed before the House. The terms of reference fall under three headings: *(a)*, *(b)* and *(c)*. I do not propose to suggest that there be any change to *(a)* and *(c)* but to *(b)*. I move:

Strike out from *(b)* all words from 'Whether' to 'deficiency' and insert in lieu thereof the following words—

Whether there is sufficient public and professional awareness of pain relief and palliative care available to patients facing severe prolonged pain in a terminal illness, whether there is adequate provision of such services, and whether there is sufficient public and professional awareness of the provisions of the Natural Death Act and, if not, what measures should be taken to overcome any deficiency.

I urge the amendment on the House.

Mr MEIER (Goyder): I oppose this motion and I am disappointed that it is before the House at present. I know that any matter dealing with the issue of dying is always full of emotive connotations, and there are certainly arguments for and against. I have weighed this up carefully over a number of years and I have stated quite clearly in letters that I am totally opposed to any form of euthanasia. I recognise that the member for Coles has said in debate in this House and beyond that she does not support voluntary euthanasia but, whether or not one likes it, this motion opens the option for that to be debated and introduced.

In 1988, the Australian body of the Voluntary Euthanasia Association said publicly that it would seek to have voluntary euthanasia accepted as part and parcel of our everyday laws in our bicentenary year. It waged a very intensive campaign. I remember that, at the time (it might have been 1987), I wrote back and said that I had clear views on this matter. I stated that I do not believe in voluntary euthanasia and I would prefer not to receive any more information. However, the association continued to send me a considerable amount of information, as is its right. I read it in part and I certainly think that I have on file most of the information received.

Very briefly, many of the arguments that I wish to put forward and with which I have great problems have been detailed very clearly by other groups and organisations and, in the limited time available to me, I will refer to some of them. First of all, I received a letter from Care for Life Incorporated, stating:

Care for Life has strong reservations regarding such a move—

the move to set up a select committee—

since the first and third clauses are based on assumptions that could permit the promotion of voluntary euthanasia. The second clause raises the educational issue of people's awareness of their right to refuse treatment.

In this respect, I have no problem with the amendment moved by the Minister. The thing is that it does not address the two issues in paragraph *(a)* and paragraph *(c)*: it leaves those untouched. Paragraph *(b)* needed a little bit of elaboration and the Minister's amendment has helped in that regard. The Care for Life group stated:

In our view the public policy and laws of South Australia should:

(1) Positively and actively discourage suicide, whether such suicide be by act or by omission;

(2) Refuse firmly to allow our present law, which makes it a crime to assist another person to commit suicide, to be whittled away directly or indirectly;

(3) Give effect to the critical distinction between—

(a) a deliberate but justified refusal of medical treatment that is futile or overly burdensome having regard to its likely benefits; and on the other hand—

(b) the killing of himself or herself by the patient by deliberate act or omission and assistance by a doctor, by deliberate act or omission, in bringing about such killing.

It is quite clear that members of the medical profession have adequate provisions at their disposal to remove life support mechanisms if, in their opinion, such mechanisms should be removed. I also received a letter from the Anglican Church Office of the Diocese of Adelaide, which suggested, among other things, a different motion altogether, indicating:

We believe, however, that the joint select committee should concentrate on questions dealing with care for the dying and therefore suggest the following alternative terms of reference.

I will not detail the alternative terms of reference because they are not before us now. That letter was signed by Bruce Rosier, Administrator of the Anglican Church Office. I also received a letter from the Catholic Church Office, written by the Most Reverend Leonard Faulkner, stating:

I wish to make it clear that the motion so proposed is contributing to a public confusion of great significance. Her motion—

referring to the member for Coles—

is to be praised for raising concerns about the legitimate questions of refusal of treatment. However, it does mischief in that it wishes to introduce a wider consideration of voluntary euthanasia riding on the back of these quite legitimate issues.

The Catholic Church indicates clearly its attitude towards the killing of innocent human beings in its *Declaration on Euthanasia*, Sacred Congregation for the Doctrine of the Faith, as follows:

It is necessary to state firmly once more that nothing and no-one can in any way permit the killing of an innocent human being, whether a foetus or an embryo, an infant or an adult, an old person, or one suffering from an incurable disease, or a person who is dying. Furthermore, no-one is permitted to ask for this act of killing, either for himself or herself or for another person entrusted to his or her care, nor can he or she consent to it, either explicitly or implicitly. Nor can any authority legitimately recommend or permit such an action. For it is a question of the violation of the divine law, an offence against the dignity of the human person, a crime against life, and an attack on humanity.

I must say I have a lot of sympathy with that statement. Finally, I have received two letters from the Lutheran Church of Australia, one signed by Reverend Dr Daniel Overduin, Chairman of the the Commission on Social Questions, and another, follow-up letter from Reverend D.O. Paech, President of the Lutheran Church. In both cases they opposed the motion. In the first letter Dr Overduin said:

We believe that the terms of reference set out in this motion provide for a discussion on voluntary euthanasia and assisted suicide in the context of morally legitimate concerns about death and dying.

The second letter from Reverend Paech states (and he is referring to Dr Overduin's letter):

He pointed out that the proposed public inquiry, because of its terms of reference, would have to deal 'with issues of totally different bioethical and moral import' which would 'encourage public confusion and give occasion for mischief.'

I would urge members to reconsider their views on this motion, which I oppose.

Mr BECKER secured the adjournment of the debate.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendments Nos 1 to 3 to which the House of Assembly had disagreed, and had agreed to the alternative amendment to amendment No. 2 of the House of Assembly, without any amendment.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 5)

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 12.15 p.m. on Thursday 13 December.

The Hon. FRANK BLEVINS: I move:

That the sitting of the House be continued during the conference on the Bill with the Legislative Council.

DYING WITH DIGNITY

Adjourned debate on motion of Hon. Jennifer Cashmore (resumed on motion).

(Continued from page 2747.)

Mr BECKER (Hanson): I want to place on record my opposition to the motion. I admire the member for Coles in raising the subject, but my personal religious beliefs are such that I cannot support the motion in this form or as amended by the Deputy Premier. All members have received letters from the most Reverend Leonard Faulkner, Archbishop of Adelaide, on behalf of the Catholic Church and from the Reverend Dr Overduin, President of the Lutheran Church, and they are quite self-explanatory. There is no need for me to repeat them; the member for Goyder has already read them. I simply wish to place on record my opposition to the motion.

Dr ARMITAGE (Adelaide): I wish to speak briefly to this motion, given that I am probably the only person in this House with first-hand experience in this matter. I wish to draw to the attention of the House two experiences I have had which have been formative in my views on this matter. Between the first and second years in my medical career I spent the holidays working in Magill wards at the Royal Adelaide Hospital. In a particular ward in which I was working there were 33 patients, 30 of whom had terminal cancer and 29 of whom died by the end of my two months stint in the wards. I also worked as a resident medical officer in Invercargill in New Zealand and in particular I recall one person who had had quite major bowel surgery which was state of the art medical surgery at that stage. I was called to him for pain relief early in the morning and he said to me, 'As a farmer, if I was a cow I would put myself down.'

I know the medical profession, unlike other people in this House, and I know its limitations. I believe that we ought not, merely because of the mystique about dying, to close our eyes to the substance of this motion. I believe absolutely no harm can come from an investigation into this matter and I strongly support the motion.

The Hon. JENNIFER CASHMORE (Coles): I thank the members of the Government and other members for their support for this motion. I thank particularly the Deputy Premier for acknowledging my position on the motion. I express disappointment that any member of this Parliament should be disinclined to support a detached parliamentary scrutiny of issues that have such a profound effect on the wellbeing of our community. Fortunately, Parliament exists to represent people; it exists not to control people's attitudes but to express their views, to examine the merit of those views and to act according to its judgment of the merits of those views.

I must refute the claim made by the member for Goyder that the law at present is clear. Medical and legal opinions that I have consulted indicate that the law as it stands at the moment places health professionals at risk of prosecution if they fail to resuscitate a dying patient. That being the case, I regard it as essential that at least one clause in this motion makes reference to examination of the existing law. I am very pleased to support the amendment moved by the Deputy Premier. I believe it strengthens the motion and I commend the motion to the House.

Amendment carried; motion as amended carried.

The House appointed a select committee consisting of Mr Atkinson, Ms Cashmore, Messrs Eastick, M.J. Evans, Heron and Hopgood, and Mrs Kotz; the quorum of members necessary to be present at all meetings of the committee to be fixed at four members; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 11 April 1991.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 6 December. Page 2462.)

Mr HAMILTON (Albert Park): As I indicated previously in this debate, I believe that Mr Brindal's amendment is a clumsy attempt to embarrass members on this side. There is no question from the amount of correspondence that I have received—and it has been considerable—particularly from people who, I believe, would know better than the member for Hayward, that, in their opinion, this is legislatively clumsy with medically meaningless definitions which will mean that hospital services can actually be defined as abortion clinics at existing hospitals; for example, country hospitals may not qualify as hospitals.

I am also advised that, by our not including any mention of existing hospital services, existing hospitals on the section 82 schedule may require approval again, which means, of course, that this can be disallowed. I have been advised that the change to the regulation enactment process means that there will be lengthy delays in the approval process, especially during the times of the year when Parliament is not sitting.

The effect of this Bill may be to make termination of pregnancy services unavailable to South Australian women altogether. I believe that that is the intention. There is no question that there is a hidden agenda here. From my experience during my 52 years on this earth, particularly in adulthood, I have seen to my distress the impact of young women having to go interstate. I do not support that in any way, shape or form, and am very strong in my conviction about the right of women to choose what they want to do with their own body.

I believe very strongly in that right. What happens if those clinics are not available for such women? Since time immemorial, abortions have taken place. Women should have the right to determine what they will do with their own body. In my view, that means that, when they make that choice, they should have the best medical and professional health services available to them. Well may the member for Hayward shake his head, but the reality is that this is a clumsy Bill. I have received correspondence from many different organisations and hospitals, from the chairpersons and boards of directors of hospitals, from the Adelaide Medical Centre for Women and Children and from the Flinders Medical Centre. I am being given the wind up: unfortunately, I must agree to that. Nevertheless, I have listened around the traps for a long time and believe that the member for Hayward has been embarrassed by his Bill.

I do not believe that members of this House will support such a proposition. In my opinion, it is clumsy. The honourable member has the right to put forward a proposition which, if based on conscience, I could understand. But as I said in this House, this is a political move to try to embarrass members on this side of the House. It is a proposition based not on factual information but on emotive information.

When one looks at the history of abortion in this country and sees that women now have the legal right to have terminations in a healthy and proper environment, one recognises that the number of maternal deaths in this country have been reduced quite considerably. I fully support the right for women to do what they want with their own body. I strongly oppose this proposition, and only wish that I had been given more time by the Government to discuss this more fully, because I would be most trenchant in my criticism of this abortion of a Bill.

Mr ATKINSON (Spence): Polarisation of the abortion debate has obscured the choices that the public and the Parliament must now make. I shall try to clarify some of those choices. At one end of the debate are the Right to Life organisations, which believe that our law ought to treat abortion as an unlawful homicide, as it was for a time before the Bourne case. Most, although not all, of those in Right to Life base their opposition to all abortions on the scriptures, in particular, on the sixth commandment. Their slogan is 'Abortion is murder'.

At the other end of the debate is the Coalition for Women's Right to Choose, which believes that abortion ought to be permitted up to and including the ninth month of pregnancy; indeed, that abortion is justified for any reason until the moment of birth. It wants the repeal of all restrictions on abortion. Its slogan is 'A woman's right to choose'. The law favoured by the Right to Life operates in the Republic of Ireland, and also operated in the Socialist Republic of Romania until the Christmas revolution of 1989. Its effects in that country give me no confidence that it would make good law in Australia, although I concede that it would reduce the number of abortions a little by encouraging anti-abortion values.

Law often makes values in its own image. The law favoured by the Coalition for Women's Right to Choose operates in the People's Republic of China, where abortion is legal at all stages of pregnancy. Its effects there are at least as repulsive as the effects of the old Romanian law. It has resulted in a lost generation of Chinese women, because baby boys are prized and baby girls are aborted. I shall not go into detail about how real abortion on demand works in the People's Republic of China, because I do not wish to upset the member for Hanson, but the details may be read in the 2-8 March 1984 edition of the *National Times*.

It is my opinion that most South Australians who think about abortion reject both poles of the debate. I, for one, predict that, if abortion in the first trimester were regarded by the criminal law as unlawful homicide, doctors and nurses would continue to perform abortions in public hospitals and no jury would convict them. I also say that the aborting of babies capable of being born alive at the moment of abortion is barbaric. It is against the instincts and values of most Australians. Medical staff will not do it. The Coalition for Women's Right to Choose can dress its proposals

in whatever slogans it likes: Australians will not vote for legalised infanticide.

In 1969 this Parliament debated a codification of the law of abortion. It was an exhaustive debate that crossed Party lines. The Parliament enacted three main principles of the abortion law. First, it decided that abortions would be lawful if performed in a prescribed hospital before the foetus was capable of being born alive. Secondly, it presumed that a foetus was incapable of being born alive before 28 weeks, that is, seven months gestation. Thirdly, it enacted that Parliament would have an opportunity to disallow each proposed abortion clinic.

Before a hospital could be prescribed for the purposes of performing abortions, regulations had to be promulgated so prescribing the hospital, and the regulations had to be laid before each House of Parliament where they would be subject to disallowance within a specified time. Before I relate the Bill to those three principles, I want to comment on some side issues.

The first is the suggestion that I should not vote on this Bill because I am a man and cannot myself have an abortion. I did not run for election to Parliament intending to be a partisan on abortion. I did not regard the abortion law in this State as a priority until Cabinet decided to upset the 20 year old consensus on abortion by taking abortion outside hospitals. Cabinet did so against the advice of the report of the Health Commission working party on abortion services—the Furler report. This report was written from a hard line and pre-arranged abortion on demand perspective. Cabinet overlooked the key recommendation of the Furler report, namely, that abortion clinics be established in the grounds of major metropolitan hospitals. Cabinet then decided that a free-standing abortion clinic would be better located at the former Mareeba Babies Home in the electorate of Spence than in the first suggested location in another electorate, the name of which escapes me just now.

Hundreds of people in the Labor voting area of Woodville were hurt and angry about the decision. As the endorsed Labor candidate for Spence, I had a duty to answer their questions. I had a duty to tell them where I stood. To have evaded the issue would have been dishonest and cowardly. To abstain from this vote because of my gender would have been to abdicate as a member of this House. I made commitments to the people of Woodville, and I intend to honour them whatever the consequences for me. I speak on this matter reluctantly and after study, reflection and self-criticism.

The second suggestion that is made to me is that I am forcing my religious beliefs on a public that does not share them. This is simply not true. I formed my view of the abortion law as a law student and did so on humanistic principles, before I was a practising Christian. If I sought to impose my church's teaching on abortion, I would be seeking a total ban on abortion and would not have expressed the view about first trimester abortions that I expressed in my speech to the House last March. I am conscious that the abortion law I am advocating does not conform to the teachings of my church or to the beliefs of my wife and my closest friends in the Labor movement.

The third suggestion that is made is that the question of abortion should not be a conscience vote. Just over a year ago an attempt was made to expel me from my Party because of my opposition to the abortion clinic proposed for the former Mareeba Babies Home at Belmore Terrace, Woodville. The reason for my surviving that attempt was that the rules and policy of the Australian Labor Party on abortion are quite clear. The Federal Party rules provide:

> The matter of abortion can be freely debated at any State or Federal forum of the Australian Labor Party but any decision reached is not binding on any member of the Party.

The State Party rules provide:

> Matters which are ruled by the Presiding Officer as social questions may be freely debated within the South Australian Labor Party, but any decisions taken shall not be binding on members of the Party.

The question of a pregnancy advisory centre was ruled a social question by the President of the Party on 2 July 1989, and not one murmur of dissent was heard from his ruling. These rules are the conscience vote provisions of the Labor Party. They are important to all Party members, not just to members of Parliament. They are precious and those of us who need them must fight to protect them or face expulsion from the Party. I believe that the conscience vote has stood the test of time and will prevail for at least another generation. If the conscience vote on abortion were to be denied, no Catholic, Orthodox Christian or Lutheran who took his or her faith seriously could be a member of the Australian Labor Party or run for public office as an ALP nominee. In that event, the Labor Party would be saying to one-third of the population, 'By all means vote ALP, but don't apply to join or participate, because your religious beliefs disqualify you.' If the conscience vote were abolished or read down, the Australian Labor Party would reduce itself to a minor sectarian Party. It would not be a Party capable of governing in its own right. I do not believe that that will happen.

My beliefs on the principles of the law of abortion were expressed in this House in a speech I made last March. I appeal to those who would damn me for my part in this debate to do me the courtesy of reading what I actually said. My approach to the topic is well summarised by an American pro-choice writer, Mary Gordon, in an article she wrote for the *Atlantic Monthly* in April this year. She wrote:

> Commonsense, experience and linguistic usage point clearly to the fact that we habitually consider, for example, a seven week old foetus to be different from a seven month old one. We can tell this by the way we respond to the involuntary loss of one as against the other. We have a different language for the involuntary expulsion of the foetus from the womb depending on the point of gestation at which the experience occurs. If it occurs early in the pregnancy we call it a miscarriage; if late, we call it stillbirth.

The 1969 law on abortion is under challenge from three directions. One of these is medical science. Better intensive care means that foetuses are capable of being born alive and nurtured to normal health well before 28 weeks gestation. The Wolrld Health Organisation now deems viability to occur at 22 weeks. Since 1976 ultrasound has allowed parents to see their baby in the womb and now chorionic villus sampling lets them know the baby's gender at the eleventh week, information that is sometimes fatal for a female foetus in our society. The second challenge is from medical staff. Nurses and doctors at the Queen Elizabeth Hospital are refusing to do late abortions because they know that foetuses at that stage are on the threshold of ordinary human life. They are too lifelike. Volunteers cannot be found to perform these abortions, much as Dr Robert Jones and the Health Commission *nomenclatura* might deplore it. The Coalition for Women's Right to Choose attributes this to Right to Life harassment and church condemnation. This is paranoia. I can tell that organisation what causes the lack of volunteers: it is common humanity, the same common humanity that impelled nurses and doctors to provide unlawful first trimester abortions to women before the 1969 law.

In all the speeches I have heard and letters I have read in the past 18 months from supporters of the Mareeba proposal, not one person has had the guts to say why it is

necessary to take abortions outside the major public hospitals. They know and I know, but they do not want the public to know. The third direction of the challenge to the 1969 consensus comes from the Health Commission. It seeks to take abortion into the side streets, away from the mainstream of medical ethics, which resides in the major public hospitals, and it seeks to do so without the permission of Parliament. Whereas the challenge from medical science and medical staff undermines the first two principles of the 1969 consensus, the Health Commission is trying to undermine the third principle, that of parliamentary control.

Since 1969, 80 abortion facilities have been approved by Parliament. Not one has been disallowed. The Mareeba proposal is the only proposed clinic in the 20 year history of the law not to be presented to Parliament. The reason for this omission is not hard to guess. The Mareeba proposal is the first to have a potential parliamentary majority against it. Woodville council's challenge in the Supreme Court may yet prove this failure to have tabled regulations to be unlawful and a barrier to the proposal. The opponents of this Bill ought to say why, as members of Parliament, they want to renounce their control over abortion clinics and hand the power to the Health Commission. Not one speaker against the Bill has yet debated this central principle of the Bill.

The Bill before us has several defects. The first is that its method of disallowing regulations is unusual. Under the Bill, the regulations prescribing an abortion clinic would not come into effect until the 14 day period of disallowance has passed. I am satisfied with the disallowance provisions of the 1969 Act.

The second defect is that it forces the abortion clinics at the Queen Victoria Hospital and the Queen Elizabeth Hospital to gain fresh prescription under the Act. I believe that this is a waste of time and I do not seek that result. The third defect is that, should the Mareeba proposal fail and the Government decide to build a free-standing abortion clinic in the grounds of the Queen Elizabeth Hospital, the new clinic would have to be separately prescribed by a fresh regulation. I do not want that. Indeed, I encourage the Minister to establish such a clinic and thereby accept the Furler report's main recommendation. These defects ought to be remedied in Committee but I notice that the only amendment circulated by the member for Hayward addresses only one of those defects. But the principle of the Bill is that it reaffirms parliamentary control and, in doing so, it shores up the third principle of the 1969 law. I therefore support the second reading.

I regret that the first two principles of the 1969 law are not directly before us, as they need revision. This means that the Bill must necessarily be modest. I support the Bill to the extent that it merely restores the law as it was understood two years ago and may yet be understood by the Supreme Court. If this Bill passes it is not a victory for the Right to Life, as Margaret Tighe observes. It merely restores the meaning of the law that permits abortion in almost all circumstances and for any reason.

My opposition to the Mareeba proposal is focused on the 4 per cent of very late abortions that used to be performed in this State for no compelling medical reason. The Mareeba proposal is about forcing those horror abortions through the public system against prevailing medical ethics. The Coalition for Women's Right to Choose is frightened of debate on those 4 per cent of abortions because it knows that when the public is offered a clear choice about these abortions the majority will want to call a halt.

The coalition has mischievously tried to exaggerate the effect of my opposition to the Mareeba proposal. It has told South Australian women that they will be denied the right to an abortion. The truth is that not one woman who can get an abortion in South Australia today will be denied an abortion were the Bill to become law in the form I propose—not one. The Bill is the *status quo*.

I conclude by advising members to harken to the remainder of this debate. It is an historical curiosity. Its like shall not be heard again. Within a few years the RU-486 pill, which induces abortion early on, will be available in Australia. When women can choose to have first trimester abortions by chemical means in the privacy of their homes, the public will feel no further responsibility for the law. Abortions will be truly privatised and there will be no need for abortuaries like the Mareeba proposal that concentrate on dilatation and evacuation abortions. Today's debate will be nostalgia and my part in it may have earned me a new vocation.

The Hon. D.J. HOPGOOD (Deputy Premier): Conscious of the time and the fact that others wish to speak in this debate, I move:

That the debate be adjourned.

The House divided on the motion:

Ayes (22)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood (teller), Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Quirke and Trainer.

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

Majority of 1 for the Noes.

Motion thus negatived.

The Hon. D.J. HOPGOOD: What seems to have been a procedural mistake in relation to pairs has the unfortunate effect that we will not be able to set up the select committee on privacy. I guess I have nothing to do now but proceed, in the next five or six minutes, with that part of the speech that I would otherwise have given when we return in the new year. If any members want to take a procedural point, I will be only too happy to accommodate them. This is unfortunate for the member for Hartley who, of course, has worked very hard to try to get us to this point. This is a very serious matter and one which needs to be addressed by members. Mr Speaker, do I take it that the member for Alexandra is seeking your attention?

The SPEAKER: Order! Will the Minister resume his seat. Will members resume their seats and, in this very serious debate, extend due courtesy to the member on his feet. Also, the background noise is very high and I am having trouble hearing the debate, as I am sure all members are.

The Hon. TED CHAPMAN: With respect, Mr Speaker, I rose in my seat to leave the Chamber, and I did not know that it was an offence to do so. It certainly was not intended to offend.

Members interjecting:

The SPEAKER: Order! I accept the honourable member's explanation. However, he was on his feet, as were many other members. It is a problem concerning the Chair, and the Chair will take the House to task every time it occurs. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: I accept the explanation of the member for Alexandra and I apologise for having singled him out. It is just that I understood there was some enthusiasm on the part of members for some procedural

arrangement which would allow another select committee to be set up.

The SPEAKER: Order! The Minister is wandering far and wide from the Bill. We have a Bill before the Chamber and I draw the Deputy Premier back to it.

The Hon. D.J. HOPGOOD: Thank you, Sir. Naturally, I will return to the Bill. I simply wanted to square the matter with my colleague on the other side.

The SPEAKER: I suggest that you can do that out of the Chamber.

The Hon. D.J. HOPGOOD: In 1969, when the law as it exists at present was set in place as a result of a motion of the then Attorney-General, Robin Millhouse, there was wide-ranging debate on these particular matters. I was not here at the time, but I came in in 1970 and the echoes of that debate were ringing around the Chamber. It was a very wide-ranging debate, and as I recall most members spoke to it. I seek leave to continue my remarks.

The SPEAKER: Standing Orders provide that, within 15 minutes of a previous motion to adjourn a debate, an honourable member cannot seek leave to continue or move to adjourn.

The Hon. D.J. HOPGOOD: Am I in a position to move the further adjournment of the debate, Sir?

The SPEAKER: Not within the 15 minutes; one must debate it for that length of time.

The Hon. D.J. HOPGOOD: Sir, am I in a position to move that Standing Orders be so far suspended as to allow this debate to be adjourned so that a further motion can be placed before the House?

The SPEAKER: No. That is out of order. The only option the Chair can see for the Deputy Premier is to debate it out.

The Hon. D.J. HOPGOOD: Well, in that case I can do no other, in the services of the House, but to conclude my remarks—to give away my right to be able to debate further the particular matter, and I will have to ensure that others, from whatever side of the House, who share my viewpoint in this matter will be in a position to convey my feelings on the Bill.

The SPEAKER: Before the Deputy Premier sits down, I point out that no-one can adjourn the debate within 15 minutes of the previous result. The clock shows 16 minutes left in what I assume is a 20 minute slot, the Deputy Premier is 11 minutes short.

The Hon. D.J. HOPGOOD: Sir, can I have further clarification? If I sit down at this stage is it in order for another honourable member to move that the debate be adjourned?

The SPEAKER: No, because that member would have to speak for 15 minutes as well.

The Hon. D.J. HOPGOOD: Well, I return to what I was saying earlier. The debate in 1969 was one which was prolonged and which attracted comments from practically every honourable member. The present Bill really seeks to provide for a very significant departure from the procedures that we have been involved in since that particular time.

Members interjecting:

The Hon. D.J. HOPGOOD: I find it strange that there should be some enthusiasm for what we would have to regard this time around as being a very brief second reading debate. I would have thought that a large number of members would want to put their points of view on the record. The appropriate time for that to happen is during the second reading debate, not at the third reading when Standing Orders constrain us to debate the matter only as it comes out of Committee; and not in Committee because all you can do then is debate it clause by clause. It is at the second reading of the Bill where members are able to put their position on the line and, indeed, that is what traditionally has happened—and that is what happened in 1969. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

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

PHYSIOTHERAPISTS BILL

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 5)

The Hon. FRANK BLEVINS (Minister of Transport): I have to report that the managers for the two Houses conferred together but that no agreement was reached.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions without notice be distributed and printed in *Hansard.*

RIVERLAND CITRUS GROWERS

In reply to **Mr D.S. BAKER (Leader of the Opposition)** 15 November.

The Hon. LYNN ARNOLD: I am unable to quantify the number of growers who may decide to leave their land. However, I can provide the following statistics on recent assessments and on the provision of Re-establishment Grants and Household Support applications from July until October 1990 in the Riverland area.

	Debt Reconstruction	Farm Build-up	Farm Improvement	Houshold Support	Re-establishmt Grants
Approved . .	13	1	1	2	1
Declined . . .	43	2	4	—	—

Household Support and Re-establishment Grants are measures of assistance which are funded under Part C of the Rural Adjustment Scheme to provide help to those primary producers who, after all available options have been examined, are considered to be without prospects in the rural industry.

I assure you that it is my belief that the criteria is compassionate, and endeavours to assist people to stay on their properties wherever possible. However, one aspect of a Rural Adjustment Scheme is that some farmers and their families would be best served if a decision was made to adjust out of farming with as much equity and dignity as possible.

To date the applications for Household Support and Re-establishment Grants have been less than anticipated. This may be a result of the number of Riverland properties on the market at the present time. It is possible that the depressed market for horticulture blocks is making it difficult for those who wish to adjust out of farming to do so.

Rural Finance and Development Division (RFDD) anticipate a greater number of applications early in the new year. Before approaching the RFDD or any other source of finance I would encourage all growers to take advantage of the Farm Business Guide released in the *Stock Journal* and local Riverland papers in the week beginning Monday 24 November. Preparation of a cash flow budget is an essential step in establishing a business position. Information I have been given by the RFDD indicates that even in these difficult times growers are still not taking all measures at their disposal to monitor adequately their financial position.

GLENELG AND BRIGHTON COUNCILS

In reply to **Mr HOLLOWAY (Mitchell)** 21 November.

The Hon. M.D. RANN: My colleague the Minister of Local Government has advised that the proposals for boundary change affecting the Brighton, Glenelg and Marion council areas are presently before the Local Government Advisory Commission for investigation. These include the proposal lodged by Brighton council, as well as the proposals from Marion and Glenelg councils and the two residents groups in Marino and Seacliff Park and Seaview Downs. Any discussions concerning the status of these proposals, on the likelihood of their withdrawal, are therefore matters which will be dealt with directly by the commission.

The commission has informed the Minister of Local Government that a meeting was held with the three councils in September this year, to discuss how the proposals would be dealt with in view of the new commission procedures. The Minister understands that there has also been some discussion concerning the possibility of withdrawal of the council's proposals. The introduction of the new procedures does not however necessitate, or require, the withdrawal of proposals presently before the commission. In this regard, a decision to withdraw can only be taken by the proposers.

The commission expects to report to the Minister shortly on the two residents' proposals and will then address the councils' proposals.

SAMCOR ABATTOIRS

In reply to **Mr MEIER (Goyder)** 5 December.

The Hon. LYNN ARNOLD: All major abattoirs in South Australia traditionally close for some extended period during the year for repairs and maintenance and annual leave. SAMCOR has traditionally closed over the Christmas/New Year period. The other two major abattoirs in South Australia will also close over a similar period. Metro's abattoir at Murray Bridge will close on 20 December and reopen 2 January, while Metro's abattoir at Noarlunga will close at the same time but reopen 7 January. These are shorter periods than SAMCOR but these two abattoirs also close for a month in the middle of the year, whereas SAMCOR closes only once a year. Accordingly SAMCOR is usually closed for a shorter period than any other major abattoir in South Australia over a whole year.

SAMCOR will use the closure over Christmas to program major repairs and maintenance that could not be completed over weekends. Closing for an extended period also significantly reduces inspection costs and the need to employ extra labour to cover annual leave entitlements. The Christmas/New Year period was chosen by SAMCOR as the time to close as it is traditionally a quiet period and therefore has minimum effect upon its customers.

JOHN FAIRFAX GROUP

In reply to **Mr INGERSON (Bragg)** 12 December.

The Hon. J.C. BANNON: The bank is not in a position to answer any questions concerning the detail of this matter, as it would be a breach of confidentiality arising from a banker/customer relationship. John Fairfax Goup Finance Pty Ltd has in fact reinforced this point formally through its solicitors who have written to all banks involved in the banking syndicate. In regard to the specific provisioning, the banking syndicate has publicly indicated that no loss is anticipated.

BENEFICIAL FINANCE

In reply to **Mr D.S. BAKER (Leader of the Opposition)** 12 December.

The Hon. J.C. BANNON: Under section 273 (5) of the Companies Code, companies may apply to the National Companies and Securities Commission for an NCSC Class Order (Release No. 633), relieving companies in a specified class from the accounting requirements for wholly owned subsidiaries.

This order appies only to wholly owned subsidiaries of a holding company. Consolidated accounts are still prepared and lodged. These consolidated accounts include the results and balances of all companies exempted under the class order and are audited to ensure the accounts show a true and fair view of the state of affairs and results of the company and the group (that is, it includes all subsidiaries exempted).

The purpose of the order is not to restrict the accountability, but to save time and money in the preparation, printing, distribution and auditing of each of the individual subsidiaries accounts in Schedule 7 format. It is estimated that the approval of the application referred to in the question will save $51 000 per year.

SOUTHSTATE CORPORATE FINANCE

In reply to **Mr D.S. BAKER (Leader of the Opposition)** 12 December.

The Hon. J.C. BANNON: Southstate Corporate Finance (New Zealand Entity) is now a wholly owned subsidiary of State Bank, and therefore, the Beneficial Trust deed does not apply.

BFCL had a 49 per cent holding in Southstate Corporate Finance—this holding did not qualify the relationship as a subsidiary company under the Companies Code. In June 1989 the company was brought within Southstate Corporate Holdings with BFCL managing the entity. In June 1990 the company passed to State Bank. Since June 1989 BFCL had no shareholding and was only involved in management of the entity. As a result, the trust deed has no operation in terms of Southstate.

Management control of Southstate Corporate Finance passed to State Bank New Zealand formally on 30 June 1990. BFCL's reference in the 1989 annual report concerning the company's structured finance division was in relation only to management control and not legal ownership.

The ownership structure prior to transfer to SBSA-NZ on 30 June 1990 was:

SBSA 100 per cent ownership of Southstate Corporate Holdings Ltd (SCH)

SCH 100 per cent ownership of Southstate International Ltd (SIL)

SIL 100 per cent ownership of Southstate Holdings Ltd (SHL) (formerlly Bearsdon Pty Ltd)

SHL 100 per cent ownership of Southstate Corporate Finance Ltd.

MINISTERIAL STATEMENT: STATE BANK

The Hon. J.C. BANNON (Premier): I seek leave to make a statement.

Leave granted.

The Hon. J.C. BANNON: On Thursday 6 December I provided a written answer to a question asked by the member for Kavel concerning off balance sheet companies within the State Bank Group.

On Tuesday 11 December the Chairman of the State Bank wrote to me advising that the information contained in that answer may need revision. To ensure that any further answer to the House was as accurate and as comprehensive as possible, I forwarded the Chairman's letter to the Under Treasurer for his advice with a request that this advice be made available so that I could inform the House of any changes to the answer I had given before the Parliament rose today.

I am advised that the reason for the revisions is twofold. First, in association with their auditors, the State Bank Group have continued to review in detail all off balance sheet entities. A distinction has been made between 'companies', which were referred to in parliamentary questions and 'entities' which refer to corporate bodies including trusts, partnerships, and joint ventures. To an extent this distinction is academic; nevertheless it does have an impact on statistics.

Secondly, and more importantly, there is some confusion concerning the definition of an off balance sheet entity. The accounts for the State Bank group in 1989-90 have been based on a classification system related to schedule 7 of the Companies Code. Recently, a new accounting standard AAS 24 has been promulgated.

The Under Treasurer has confirmed that there is no recognised definition of the term 'off balance sheet' entity and that inconsistencies exist between the new accounting standard and existing companies legislation. He has advised me that, as the new standard was only issued in June of this year, there has generally been insufficient time for organisations such as the State Bank to reach agreement with their auditors about the application of the new standard, and that these accounting issues have created difficulties in providing precise responses to the questions put.

In view of this, it will not be possible for the bank to provide a response with any certainty until a clear operational definition of 'off balance sheet entity' is agreed and appropriate research and reporting conducted. Consequently, although I am not yet in a position to provide a revision to the previous answer, I believe it appropriate that I should bring this matter to the attention of members.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Agriculture (Hon. Lynn Arnold)—

South Australian Egg Board—Report, 1989-90.

By the Minister of Ethnic Affairs (Hon. Lynn Arnold)—

South Australian Multicultural and Ethnic Affairs Commission and Office of Multicultural and Ethnic Affairs—Report, 1989-90.

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

Commissioner for Equal Opportunity—Report, 1989-90.

Legal Services Commission—Report, 1989-90.

Royal Commission into Aboriginal Deaths in Custody—Report of the Inquiry into the Death of Craig Douglas Karpany.

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

South Australian Planning Commission—Report, 1989-90.

South Australian Urban Land Trust—Report, 1989-90.

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

Local Government Superannuation Board—Report, 1989-90.

MINISTERIAL STATEMENT: SOUTHERN BLUEFIN TUNA INDUSTRY

The Hon. LYNN ARNOLD (Minister of Fisheries): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: I wish to advise this House of two initiatives associated with the southern bluefin tuna industry. This morning, I was a cosignatory to a tripartite agreement that proposes a 2½ year $2.5 million investigation into the farming of wild caught southern bluefin tuna.

The memorandum of agreement involves the Japanese Overseas Fisheries Cooperation Foundation, the Japanese National Fisheries Research and Development Authority, the Australian Tuna Boat Owners Association and the South Australian Government through the Department of Fisheries.

The proposal aims to research the grow-out of wildcaught southern bluefin tuna in sea pens off Port Lincoln. This has the potential to provide a product of greatly enhanced value. Initial work on the project has been conducted at Dangerous Reef near Port Lincoln. During 1989-90, 200 juvenile southern bluefin tuna were captured in the Great Australian Bight, and transported to the Dangerous Reef viewing platform sea pen. This allowed for the parties to develop and test the live capture and handling skills for the potential domestication of southern bluefin tuna. (Domestication in this sense means capturing the fish and keeping them successfully in an enclosed environment).

Encouraged by the success of the experiment, the parties have developed a proposal for a trial research and development program for a 2½ year period commencing January 1991. The Japanese Overseas Fisheries Cooperation Foundation will provide the bulk of the funding, its input being of the order of $2 million. The Australian Tuna Boat Owners Association will provide much of the operational and support services and personnel, along with an expected Federal Government contribution of $500 000. The go-ahead for this pilot scheme will be subject to formal approval by the joint Government/Industry Aquiculture Committee and the Marine and Harbors Department. Applications have already been lodged.

I wish to advise that the 1990 season negotiations between the Commonwealth, Japanese and New Zealand Government representatives concerning the global and national quota allocations for southern bluefin tuna were recently concluded. The arrangements provide for no changes to the southern bluefin tuna quota levels for Australia, Japan and New Zealand but provide for substantial structural adjustments in the way in which the Australian quota is utilised. Under new arrangements for the coming southern bluefin tuna fishing season, the Australian quota will be 5 265 tonnes, out of a world quota of 11 750 tonnes. Of this, some 2 165 tonnes will be allocated for traditional Australian

fishing methods, using mainly pole and purse seine techniques, whilst the remainder will be used for lease and charter arrangements entered into with the Japanese.

The private industry Australian/Japanese arrangements proposed for the coming season are aimed at the long-term restructuring of the Australian industry to provide much more substantial returns. The Australian southern bluefin tuna fishing industry has been labouring under generally low prices for its product compared with the price paid for Japanese caught southern bluefin tuna on the Japanese sashimi market. To a large degree this price differential is attributable to the smaller fish caught by the Australian fleet using pole and bait and purse seine (netting) fishing methods compared with the Japanese deep water long-line fishing operations which generally take large fish in better condition as far as the market place is concerned.

Although the details for the proposed fishing arrangements for 1990-91 are yet to be finalised, the agreements reached in Canberra represent a major adjustment by the Australian fleet to adapt its methods to invest in the long-term future of the industry, particularly by diversification of the Australian industry into the long-line sector. The effects on employment in Port Lincoln and other regions of Australia are still unclear and will largely be determined by the outcome of ongoing negotiations between Australian industry representatives and the Japanese. The South Australian Government has indicated to the Federal Minister for Primary Industries and Energy (Hon. John Kerin) that it wishes to be kept advised of any developments in this field because of the important implications for South Australia.

MINISTERIAL STATEMENT: MEMBER'S STATEMENT

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: During Question Time yesterday, I was asked whether I had sought from the police a copy of a statement made to police by the member for Bright on 4 December in relation to certain matters raised by that member in a question to the Minister of Correctional Services. I told the House yesterday that, on the day in question, I had asked a member of my staff to convey to the Police Commissioner a request that the police interview the member for Bright on the matters he had raised in the House. I indicated that I personally had not sought a copy of the member's statement, but that I would have to check with my staff as to whether they may have made such a request.

I have spoken to my staff and established that they did not request the member for Bright's statement. I have also confirmed this with the Commissioner of Police. On 5 December, the Police Commissioner forwarded to me a written report, as is his usual practice, outlining the outcome of the investigations undertaken into the allegations made by the member for Bright. That report was accompanied by a typed version of the statement made to police by the member for Bright. As I informed the House yesterday, I provided these documents to my colleague the Minister of Correctional Services for his information.

ADELAIDE MAGISTRATES COURT REDEVELOPMENT

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

Redevelopment of the Adelaide Magistrates Court.

Ordered that report be printed.

QUESTION TIME

The SPEAKER: Before calling for questions, I advise the House that the Minister of Industry, Trade and Technology will take questions usually directed to the Minister of Employment and Further Education.

BENEFICIAL FINANCE CORPORATION

Mr D.S. BAKER (Leader of the Opposition): In view of the Treasurer's statement reported in the *Advertiser* of 6 August, which he confirmed in answer to a question in this House the following day, that he had been kept informed of developments within Beneficial Finance Corporation, will the Treasurer say what reasons he was given at the time for the departure of the Managing Director (Mr Baker) and the Chief General Manager, Group Management Services (Mr Reichert)? In particular, was the Treasurer told that Beneficial's exposure to Pegasus Leasing Limited and their involvement in the bloodstock industry was a factor in their sudden departure? In light of what has now become known publicly, does the Treasurer consider that he was kept adequately informed about these matters?

The Hon. J.C. BANNON: I do not recall the matter of Pegasus and any involvement being mentioned in that specific context. I can only repeat what I said then: the resignation was accorded by some fundamental disagreements between Mr Baker and the board of Beneficial Finance as to the way in which the company should operate. Like any of those matters, there are probably numerous aspects that could be dealt with, but the net result was that Mr Baker and Beneficial Finance parted company, and that is as I have stated it.

PRISONS CONFERENCE

Mrs HUTCHISON (Stuart): Is the Minister of Health aware of the results and recommendations arising from the first national HIV/AIDS and Prisons Conference held in Melbourne from 19 to 21 November 1990? It was jointly organised by the Australian Institute of Criminology and the National Centre for Epidemiology and Population Health, and received sponsorship support from the Commonwealth Department of Community Services and Health and the National Centre for HIV Social Research. If so, what is the Minister's response to the recommendation for an urgent meeting of Federal, State and Territory Health and Corrective Services Ministers to consider the conference recommendations?

The Hon. D.J. HOPGOOD: AIDS has never quite become an epidemic in this country—it was predicted for the year of grace 1990 but fortunately has not actually taken place—and the incidence of AIDS in our community is considerably lower than that which was feared when the matter was first brought to general attention. That is almost certainly testimony to the vigilance with which health authorities and

indeed the general community have considered this whole matter. It is a serious matter; it continues to be a serious matter and there is no reason for any complacency, although we can certainly be gratified that the figures are considerably lower than those which were feared some time ago. South Australia would be interested in a joint meeting, although I question whether at this stage it need be of Ministers. I have to say that while I regard meetings of Ministers as being important and that Ministers who have common portfolios should meet once a year, particularly to look at some of the national issues, I really do query the worth of meetings being held more regularly than that.

I think that where public servants can meet together with specific instructions from their Governments on these matters it is often better. I can recall that at a Murray-Darling Basin meeting on an earlier occasion—and members would know that on those occasions the States are usually represented by three Ministers—one particular State turned up with three different positions, one occupied by each Minister. I was amazed that they had not caucused on that matter. Where officers are sent to a meeting, Caucus is obligatory; we are forced to come to a common position, if only as a discipline on those officers as to what they are committing us to. So, South Australia would be interested but, at this stage and at the time indicated by this body, I would favour a meeting of officers with, of course, clear instructions from their political masters.

STATE BANK

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is directed to the Premier. At the regular briefings he has with the Chairman and Managing Director of State Bank Group, has the group's exposure to Pegasus Leasing ever been raised before today and, in particular, was he made aware of a further loan of $50 million to Pegasus on 30 August 1990—the day before Mr John Baker left Beneficial—which was in addition to earlier loans of $73 million; at what level these loans were approved; and whether they were subsequently modified?

The Hon. J.C. BANNON: The answer is 'No'; I have not had any specific briefings on Pegasus. It was one of the businesses that Beneficial Finance was involved in—one of many—and I do not receive briefings on those sorts of details. I should not be involved in those operational activities. In the light of the questions that have been raised surrounding it, I certainly am expecting the fullest possible briefing and indeed would be willing to provide whatever information I can to the House in consequence. I do understand in relation to the final point made by the Deputy Leader that, if he is referring to some agreement to provide funding of up to $50 million to this company in September 1990, that information is not correct. No application for increased funding was received or agreed to, as I understand it. I repeat: it may or may not be the same amount or the same occasion and that is why, obviously, I must receive the fullest briefing before I am able to respond to the House on the complexities of this issue.

WOOMERA ROCKET RANGE

Mr FERGUSON (Henley Beach): Will the Premier inform the House whether he is aware that the Woomera Rocket Range has been chosen to lift two satellites into low earth orbit? This morning in the *Financial Review* the Motorola Corporation announced its plans to spend $2.7 billion to open up a new communications system, especially in sparsely populated areas. Woomera will be used as a base for these operations.

The Hon. J.C. BANNON: I am certainly well aware of the proposal, which goes under the name of Iridium. Iridium is an element that apparently contains 77 electrons, and it is also a fact that the low earth orbiting satellite system that is proposed will have 77 such satellites, hence the name of the project. Both the Minister of Industry, Trade and Technology and I have been quite actively involved in pursuing the possibilities of this project for South Australia.

It is not true to say, first, that the project itself at the international level—that is Motorola's proposition—has been finally approved or defined. A comprehensive communications exercise of this kind requires agreements all over the world, and the launching of so many satellites in Apollo orbit, obviously, is a massive enterprise. At the moment, while the proposition is being developed, the Motorola Corporation is now calling tenders for participants in the overall scheme. In this respect, the South Australian Government and our national space agency have been active in working with two Australian companies, Transfield and Australian Launch Vehicles Pty Ltd, to see whether or not there could be Australian participation in this matter.

I understand that the submissions and tenders put forward by Transfield are very good and very competitive. In the process that has gone on, Motorola eventually identified 10 companies, only two of which were not based in the United States, and one was Transfield, which was a pretty remarkable achievement, to work its way through to that stage. This month, further detailed work has been done, obviously as a consequence of the report to which the honourable member refers, and presentations have been made in the United States to the Motorola Corporation.

This project has enormous possibilities and very much fits within the Government's industrial development strategy for South Australia in that it is dealing with twenty-first century applications of technology. It is using logical and natural infrastructure here, such as the Woomera Rocket Range and the infrastructure of aerospace and communications facilities that we are developing. It dovetails into the international communications area and our communications utility proposition, which also is part of the MFP, and all these things come together with real logic and in a very compelling way.

The implications of it are very big for Australia, and I must stress again that, if Transfield is successful, obviously, there will be a number of participants in Australia. Not all of them will be in South Australia: it is a project of national dimensions. It is estimated that it could create up to 1 500 jobs directly and indirectly. It would have a positive effect on the country's balance of payments of some $60 million per annum and gross domestic product of $100 million per annum.

That gives one an idea of the real scale of this incredibly exciting opportunity. Having said that, I point out that we are still at the stage where we are working through the tendering process, and at all times the South Australian Government will be actively supporting in direct communication with those involved in the Iridium project. I know that presentation has been made at the Federal level as well, and I have written to a number of Federal Ministers, indicating our interest in the project and our assessment of it. So, follow-up work will take place. It is far too early to say that it is in the bag, but it is certainly a very interesting and exciting possibility.

STATE BANK

The Hon. D.C. WOTTON (Heysen): My question is directed to the Premier as Treasurer. When and for what reasons did two current senior executives of the State Bank group join the board of Pegasus Leasing and in view of this close involvement with the company, will the Premier obtain information, if he does not already have it, about the company's financial position and State Bank group funds consequently at risk.

The Hon. J.C. BANNON: I should think that the change in directorship would come about because of a change in the personnel of Beneficial Finance. It is simply a replacement of two with two, as I understand it. On the second aspect of the honourable member's question, I will certainly request that information and provide it as soon as possible.

COORONG NATIONAL PARK

Mr HAMILTON (Albert Park): Can the Minister for Environment and Planning advise whether a plan of management has been finalised for the Coorong National Park and, if so, when will it be available for the public and what other major issues are addressed by the plan?

The Hon. S.M. LENEHAN: I am very pleased to be able to inform the House and, in particular, the member for Albert Park and the member for Murray-Mallee (because of the member for Murray-Mallee's interest in this matter) that I have today released the Coorong National Park plan of management. I remind the House that the Coorong National Park is one of South Australia's most important conservation areas and is recognised as a wetland of international significance.

The process of drawing up this plan has, indeed, taken several years and there has been wide consultation with the local communities, with the advisory committee and, indeed, with the local councils in the area. The park provides—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: Well, given the interjection from the honourable member, I am sure that he will support this plan and the ongoing proper management of the park. I am delighted about his support and I thank him for it.

The park provides an important refuge for many water fowl and migratory birds. It contains a rich array of archaeological and historical resources and serves as a major focus for recreational and tourist activities. This diversity of roles has led to some major conflict with different groups, but I believe that the plan now adopted deals effectively with issues affecting the park. This plan aims to do so by addressing issues such as the control of fires, the provision of a range of recreational facilities in selected areas and the encouragement of public appreciation and understanding of the region through interpretation and educational facilities.

I will briefly outline the major features, and I am sure that the member for Murray-Mallee will be interested in these. First, the Coorong Game Reserve, which is actually sited in the middle of the Coorong National Park, is to be abolished and added to the park in terms of the categories that come under the national park system. The park will be extended to the low watermark as part of the strategy to protect the sand dunes and fresh water soakage. No change in traditional public use patterns for beaches will be contemplated without a plan of management adoption process, and I will delineate that. The Government believes it is important to avoid serious degradation of the environment and I think we have now reached a workable, compromise solution which will achieve this and which will also accommodate recreational fishers who, traditionally, have had vehicle access to sections of the park and the adjacent ocean beach.

I am also delighted to inform the House that existing shacks will be assessed for their value as historical interpretative assets, holiday accommodation and short-term community purposes. Therefore, we have extended life tenure to those lessees while they, of course, maintain their leases. Once the lease has expired—

The Hon. JENNIFER CASHMORE: On a point of order, Mr Speaker, the Minister is going into great depth and length to describe the management plan, and that is really not an appropriate use of Question Time.

The SPEAKER: That is for the Chair to decide, but I ask the Minister—

The Hon. S.M. LENEHAN: I was almost finished and I thought it was of monumental significance, because the reason I am including the announcement on the shacks is that, previously, we had a policy whereby shacks in national parks were not part of the general policy of the Government, which was that, where shack owners would not be given any long-term leases they were to be given life tenure. So, on the death of the person holding the lease, the shack would revert to the Crown and be removed from the highly environmentally sensitive area in which it was placed.

We have extended the policy to include the shacks in the Coorong National Park. I wanted to inform the House about this, because there has been a great deal of interest from the community, and indeed it is part of the decision relating to the Coorong management plan, which I have released today.

STATE BANK

Mr GUNN (Eyre): I direct a question to the Treasurer. Have any senior members of the State Bank group used the group's off balance sheet companies for personal advantage and, if so, what were the full circumstances? Will the Treasurer request that the Auditor-General inquire into these matters so that the Auditor-General can present a report to the Parliament at the earliest opportunity?

The Hon. J.C. BANNON: That is a very general question, but it certainly raises a significant matter. I will certainly make some inquiries into that. If there is some basis in what the honourable member suggests and further inquiry is warranted, it may be appropriate for the Auditor-General to be involved. But I do not believe that that is the case in the current circumstances.

AIR QUALITY MONITORING

Mrs HUTCHISON (Stuart): Will the Minister for Environment and Planning explain to the House what air quality monitoring is currently being carried out by the Department of Environment and Planning and say whether any changes to the monitoring program are envisaged?

The Hon. S.M. LENEHAN: I thank the honourable member for her question, and I am sure that the member for Fisher will be interested in hearing the answer.

Mr S.J. Baker interjecting:

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

The Hon. S.M. LENEHAN: Thank you, Mr Speaker. The Air Quality Branch of the Department of Environment and Planning conducts long-term air quality monitoring in

12 different sites within metropolitan Adelaide. Pollutants monitored include ozone, oxides of nitrogen, carbon monoxide, sulphur dioxide and a number of other substances and chemicals which it is important to monitor in terms of the cleanliness of our air. However, all pollutants are not necessarily monitored on all sites.

In addition to the foregoing long-term monitoring, emission testing of air pollutants from industrial plants and odour testing is carried out on an *ad hoc* basis. The branch also monitors airborne lead as part of the Port Pirie lead monitoring program, and has more recently become involved in the measurement of indoor pollution levels for such things as combustion products from home heating appliances.

As part of the GARG review it has been recommended that the long-term monitoring be continued and that emission testing of specific industries be carried out by the industry or by consultants acting on behalf of the industry with the branch maintaining an audit function.

STATE BANK

Mr SUCH (Fisher): Does the Premier now believe that the State Bank group attempted to deceive the public when it made a public statement, reported in the *Advertiser* of 4 August 1990, at the time of the departure of the Managing Director of Beneficial Finance, that Mr Baker's retirement had been planned for some time?

The Hon. J.C. BANNON: I do not think there is a question of deception. The disagreement between the board and Mr Baker was in fact explained by me in response to questions in this House and by statement, and that is where the matter rests as far as I am concerned.

GREAT AUSTRALIAN BIGHT TRAWL FISHERY

The Hon. T.H. HEMMINGS (Napier): Can the Minister of Agriculture advise the House on the progress of the research program into the Great Australian Bight trawl fishery?

The Hon. LYNN ARNOLD: It is fair to say that the Great Australia Bight trawl fishery is still an experimental fishery. It had undergone a two-year program in 1988-89, and that was extended at the end of 1989 to a further two-year program to 31 December 1991.

The limited access to this fishery is designed to allow those vessels which have permission to be in the fishery to make income from it while, at the same time, using their information as part of a broader research program. At this stage, until 31 December 1991, up to 12 Australian vessels of 40 metres or less which have a demonstrated involvement in the fishery are permitted access to that fishery, and up to three large vessels, Australian or foreign, are allowed to take fish not fully and commercially exploited regularly by the smaller Australian boats, or to explore areas not being fished by those boats. The entitlements granted to those 15 vessels in total will cease to have effect on 31 December 1991.

In the meantime the Commonwealth, through the Bureau of Rural Resources, has implemented a research program for the Great Australian Bight Trawl Fishery. Two full-time positions have been funded by the Commonwealth—a research officer based in Canberra to oversee and run the program, and a research assistant based at the South Australian Department of Fisheries to undertake field studies aboard vessels working in the Bight and to monitor landings at Port Adelaide and Port Lincoln. The research program, which is coordinated by the Bureau of Rural Resources, is concentrating on the commercially important orange roughy, deepwater flathead and Bight redfish fisheries, and is designed to complement other research being conducted on orange roughy, and other important species in the adjacent South-East trawl fishery. Catches during 1990 have been generally low, mainly due to the failure to locate high yielding aggregations of orange roughy. Many of the Australian vessels which hold the Great Australian Bight and South-East trawl endorsements have concentrated their attention on taking orange roughy off the Tasmanian east coast.

STATE BANK

Mr BECKER (Hanson): My question is directed to the Treasurer: do the board and executive management of the State Bank group, and particularly the group Managing Director, Mr Marcus Clark, retain the full and unqualified confidence of the Treasurer?

The Hon. J.C. BANNON: The answer to that is 'Yes'. I believe that the board and its Managing Director are doing their best in difficult circumstances to ensure that the bank remains active and successful. The difficult circumstances are those that are shared by all banks and financial institutions as the honourable member would be well aware. It is extremely difficult for the bank to concentrate on its main core business when it is subjected to some elements of questioning and attention that have been going on recently. Indeed, other financial institutions are not subjected to the same kind of activity but, nonetheless, I believe that the bank is responding to those requests and demands.

I will continue as Treasurer to demand a performance of them, but I draw attention once again to the fact that the State Bank Act and the way in which it is established specifically precludes, and rightly so, the Government being directly involved in direction and management of the bank's affairs. It also ensures that the bank has a commercial charter and therefore must take its place in the commercial world, and that is what it is doing. So, I can only say that I have no reason to have a lack of confidence in those who are handling the bank's affairs. I simply want them to get on with it and do the best job that they can for South Australia.

YATALA LABOUR PRISON

Mr QUIRKE (Playford): Can the Minister of Correctional Services advise the House on the details of recent improvements at Yatala and say what provision has been made for the safety of prison warders in the new complex? Can he further advise how many potential new constituents I could have if the facility is full?

The Hon. FRANK BLEVINS: I can assure the member for Playford that his constituents will be in safe hands, as regards both security and their representation in this House. The division that was opened at Yatala yesterday is just about the final division that we can put in Yatala, given the existing space.

An honourable member interjecting:

The Hon. FRANK BLEVINS: Well, we have. The building program at Yatala has cost, from memory, almost $40 million—it was very extensive indeed. We are not happy about spending that amount of money on a prison; we would much rather spend it on schools and hospitals, but the prison accommodation is necessary.

The new division will add 95 beds to the prison system, and this will be very welcome given the tightness of the situation at the moment. Members who were with me yesterday at the opening ceremony would have to agree that it is a very fine building, a credit to the architect and to the Department of Housing and Construction employees involved, and it will serve its purpose very well indeed.

Regarding the question of security for prison officers, the design of the building means that it will be a very secure part of the institution. In particular, the way in which the division is split up into a number of small units makes unit management very much easier for prison officers. Certain classes and categories of prisoners will be able to be kept together in some of these small units away from other people in the division who may wish them ill. Also, it will enable us to have accommodation for those prisoners in B division whose sole aim in life appears to be to make the life of the prison authorities a misery, and also some of their fellow prisoners because it is just as sad.

With the legislation that passed this House with the cooperation of members opposite, we will be able to put those prisoners into very secure accommodation in the new division and keep them out of the mainstream of the prison population. Not only will prison officers in the new F division take a great deal of comfort from that provision but also will officers who have to look after the bulk of the population at Yatala in B division. In that division, if a few people are determined to disrupt the division, it is extremely difficult for prison officers to manage. Several injuries have occurred to prison officers through the activities of some prisoners and we expect to see a reduction in those injuries by taking out of B division those prisoners who misbehave, to say the least, and putting them into F division. So, it will be a very useful facility indeed and, coupled with the recent legislation that has gone through the Parliament, it will assist enormously in maintaining security in our institutions.

STATE BANK

The Hon. TED CHAPMAN (Alexandra): Following the commitment given almost a fortnight ago by the Managing Director of the State Bank group that he would make public details of his and other executive salary packages in about two weeks, and his subsequent statements that he will provide information only through Parliament, has the Treasurer been advised of these details and, if so, will he make them available to the House; if not, will the Treasurer ask Mr Marcus Clark to ensure that they are made public within the next few days as promised, even though Parliament will not be sitting?

The Hon. J.C. BANNON: The State Bank has advised that it will comply with the same requirements that the private banks have in relation to the publication of salaries. This is usually done in the context of the annual report. In fact, a matter on the Notice Paper which obviously cannot be debated or referred to relates to this very issue. I do not know whether this question transgresses that, but I will not take that point. I am told that the bank board is considering the matter prior to any annual report releasing those salary package details, and I expect that an announcement will be made irrespective of whether or not Parliament is sitting.

In that context, I might say that I have undertaken to get further information on a number of questions that have been asked in this place. I will attempt to get that information over the next few weeks and, as soon as it is available, I will forward it to members. In other words, I do not think that we should wait until Parliament resumes sitting in February before those answers are provided. I have already assured the Leader that that is my intention, and I will comply with that.

COUNTRY RAIL SERVICES

Mrs HUTCHISON (Stuart): Will the Premier advise the House of the results of a meeting held with the mayors and delegates of provincial cities regarding the retention of regional passenger rail services in South Australia?

The Hon. J.C. BANNON: I appreciate the honourable member's question. She took a leading role in organising and arranging for a delegation representing provincial cities to see me and the Minister of Transport with an extended presentation and discussion yesterday. I thank the honourable member for facilitating that contact. The delegation which was introduced to us by the member for Stuart asked Mr Peter Black, the Mayor of Broken Hill, to act as its lead spokesman. Incidentally, Mr Black often describes Broken Hill as the third largest provincial city of South Australia, an appellation with which I fully concur. I only wish the border could be redrawn slightly so we could claim some of the royalties that Broken Hill has generated over the years and pays to the New South Wales Government.

It is certainly true that Broken Hill has strong contacts with South Australia, not just the direct economic link between Broken Hill and Port Pirie but many social, sporting and other common interests. I was delighted to see Mayor Black and the representatives of the municipalities of Port Pirie, Port Augusta, Mount Gambier and Whyalla, and a representative of the Australian Railway Workers Union.

The delegation discussed the implications of the decision made by Australian National to terminate intrastate and Broken Hill country rail services, and we discussed ways and means by which we could try to ensure that the views of those cities and the South Australian Government could be pursued in a political and legal context. One of the things that concerns us is that the announcement has been made and a date set for the discontinuance of services, even though they are still under dispute. As a first step, we will continue to urge that no action take place until the arbitration procedures, of which we have given notice, are resolved.

It seems quite unreasonable to discontinue the service and then place the onus on us to try to get it restored, as opposed to allowing the *status quo* to remain and for it to be established that, in fact, the service should be continued. That is one of the issues that was taken up. As far as our status is concerned, it had to be made clear that, under the Railways Transfer Agreement, we can require the service to Mount Gambier to be taken to arbitration, and we are doing so. The member for Mount Gambier was involved in the deputation, too, and I thank him for his valuable contribution.

Obviously, the arbitration procedures are important, but they are limited in their actual legal effect. However, the point was made that, if we can establish that position in relation to that particular service, it is reasonable that the same principles, information and data should apply to the other services. The third point made related to the actual basis of the decision by Australian National. Australian National and the Federal Government have quoted figures and statistics which purport to support their case. However, we have not seen the actual data, which I understand comes from the Bureau of Transport Communications Economics, and the workings behind it. We are calling for that data to

be placed on the table. It seems to me that, if AN is confident in its decision, it ought to be confident in the data on which it is based. It should give us the opportunity to analyse that properly, because we have some disagreement with that. So, that also is a matter that will be pursued following the discussion with the deputation.

I would point out that the South Australian Government's legal powers in this area are extremely limited and I think that is generally understood. In a sense, we are in no stronger position than the local government authorities themselves in relation to this, but we do have a common cause with them. Secondly, we are on a pretty tight time line, because the decision to discontinue all these service operates as announced from the beginning of next year, and in a first step to try to maintain the service in the interim while the matters are more properly considered and debated, we have to act pretty quickly.

In consequence of that, the Minister and I are discussing the approach we can make to AN and the Federal Government. We will be advising them of the deputation and what was said and putting those arguments again with the support of the South Australian Government. I might add, incidentally, that a number of members of the deputation had in fact had a meeting previously with the Federal Minister for Transport, Mr Brown, in which some of these matters had been explored, but we will certainly take that up and pursue it.

REMM MYER DEVELOPMENT

Mr INGERSON (Bragg): My question is to the Treasurer. Has he been involved in any recent discussions about the application of the *force majeure* clause of the financing contract for the Remm Myer development and, if so, can he say what cost overruns, if any, are now estimated for this project and how these will affect the State Bank group's financing obligations to the project?

The Hon. J.C. BANNON: I am certainly aware of the commitment that the State Bank and other financial institutions have made to that very important and large project, and it is vital that the project is successfully accomplished. Indeed, I am getting a full briefing within the next few days from Myer regarding its intentions in terms of the occupancy of the site, and the implications of that will result in the employment of some hundreds of extra persons. Secondly, as far as the financing arrangements are concerned, they are in place and I am told that they are satisfactory, but a lot depends on the successful completion of the project. That is the issue that needs to be occupying everybody's attention, and it is very important in the interests of the State overall, I believe, that we demonstrate through that project that we are able to do these things successfully. If we cannot, a number of other projects will simply not start in the present difficult economic climate. It is that degree of confidence that is necessary to get us through these next difficult months, and the Remm project plays a very important part in that situation.

MOTOR REGISTRATION FEES

The Hon. T.H. HEMMINGS (Napier): I direct my question to the Minister of Transport.

Members interjecting:

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: I will direct this to the Minister of Finance. Can the Minister advise the House of the financial consequences of the Motor Vehicles Act Amendment Bill (No. 5) not being passed? I understand that, as a result of the conference of managers, the Bill referred to in my question has been laid aside by the Legislative Council.

Members interjecting:

The SPEAKER: Order! Before calling on the Minister I would bring to the attention of the House, and the Minister in particular, that this has been debated in both Houses and, although an answer is possible, it may not be debated, and I would ask the Minister to be very careful about the way in which he responds to the question.

Mr S.J. BAKER: On a point of order, Mr Speaker, the question is out of order; we still have not heard a report from the other place and we are not allowed to debate matters under consideration in this session.

The SPEAKER: Order! I did not hear the point of order; would the member please repeat it.

Mr S.J. BAKER: First, the other place has not reported to the House about the way in which the Bill was considered and, secondly, it is out of order to ask questions on debates that have taken place in this House.

The SPEAKER: Order! It is for the Chair to make that decision.

Mr S.J. BAKER: I repeat: it is out of order to ask questions on debates that have taken place within this House.

The SPEAKER: The information I have is that the Bill has been laid aside and will not come to us. There will be no message, and I have asked the Minister—and it will be an instruction if need be—not to debate the issue. The honourable Minister.

The Hon. FRANK BLEVINS: Thank you for your wise counsel, Mr Speaker. The consequences of the Bill's being laid aside are very clear. The budget that was presented to the House by the Premier contained a receipt side and an expenditure side. The receipts to the budget now will be close to $3 million less, so, quite clearly, the expenditure side of the budget, particularly from the Highways Fund, will be a corresponding amount short. The consequences of that will be a cut in the road program by the same amount, that is, close to $3 million.

That will result in the loss of a number of jobs. I cannot at this stage detail the precise number of jobs that will be lost, but it will be significant. Also, I think that the precedent that has been set for the future is unfortunate, and I can see future Oppositions playing merry hell with this provision.

The SPEAKER: Order! The Minister will be careful not to debate the question.

The Hon. FRANK BLEVINS: I think, just looking at you, Sir, that I had better leave it there.

STATE LIBRARY

The Hon. JENNIFER CASHMORE (Coles): Will the Premier ask the Minister of Local Government to extend the two week period allotted for public response to the report on the development of a South Australian Library and Information Service, in view of not only considerable public disquiet but also staff concern about the report's proposals? Indications of public disquiet about proposals for the State Library were expressed in an editorial in this morning's *Advertiser*.

At a meeting of the Public Service Association for Bray Reference Library members held on 11 December in the institute building, the following motion was passed:

That this meeting of PSA members in the Bray Reference Library wishes to express its grave concern at the lack of oppor-

tunity for genuine consultation offered to Bray staff during the course of the State Library review. The contributions made by Bray staff during the review process have not been given the consideration they merit, but have been trivialised, denigrated or ignored. This was particularly evident during the staff consultation sessions of the last week when experienced reference staff, attempting to make a positive contribution, were made to feel frustrated, powerless, personally demeaned and deprived of the opportunity for meaningful input into the process. This severely jeopardises the likelihood of a positive outcome to the review.

The motion continues:

This meeting therefore expresses its complete lack of confidence in the review process and in the interim report which has resulted from that process. We consider that the structure outlined in the interim report bears little resemblance to the information and ideas put forward by staff during the early stage of the review. We call for a new process to be instituted which allows for and incorporates genuine and meaningful consultation with all library staff, and formal consultation with the Public Service Association.

The meeting was attended by 52 members, and the motion was carried unanimously.

The Hon. J.C. BANNON: I was not aware of the motion that has been carried, but I am sure that it will be referred to the Minister. In any case, I will do exactly that with the question that has been asked by the honourable member. In doing so, I might say that we find in many areas that, when change is proposed, people become nervous or suspicious of it.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: No more so than in some of the areas of our established institutions. As far as the Government's record on libraries is concerned, it is second to none. The Dunstan Government initiated the program to extend our public library system throughout the State. South Australia was certainly lagging in that area in previous decades. That responsibility was continued under Murray Hill in the Tonkin Government and has been taken right through the last decade notwithstanding the difficult financial circumstances we have had at times during that period. Our network of library services is light years ahead of what it was only 10 years ago, and it is being used accordingly. There has been superb community response and uptake. Naturally, that changes the context in which our State Library operates, and that must be understood. Its role changed as the network of other libraries was extended.

At one stage one could go into the State Library and freely borrow any reference book. I think we were the last library in Australia, if not the world, where the central reference library could simply, freely, lend books of fundamental reference. That could be justified on the ground of inadequate provisions in various other libraries around the State. That situation has now changed quite dramatically and I think we are in a position to reassess the way in which our central library service should be looked at; the concept of an integrated service of the Bray Reference Library, the Mortlock and the lending library; and the idea of the Adelaide City Council's picking up responsibility for library provision to its residents. All of these things are very positive, but I agree that they mean change and reorganisation or restructuring and, inevitably, all the worst elements of those things are drawn out.

The honourable member quoted from the union motion arising from that meeting, and that is fine. However, I wish she would reserve the same sort of credibility and support for other motions passed by meetings of union members in a whole series of other matters. Of course, she does not; it just happens that, in this case, she wants to take up the advocacy. All I can say is that the matters the honourable member raises certainly deserve attention, and I will refer the question to my colleague. Obviously she will look at the import of the motion and its implications for the library system. I assure the House that there will be change, but it will be change looking at the long-term future of our library system and maintaining it at the very high standard that we have come to expect.

AUSTRALIAN WAY OF LIFE

Mr HAMILTON (Albert Park): Will the Minister for Environment and Planning consider discussing with her Federal and State ministerial colleagues the recent criticisms of the head of the Australian Family Planning Federation and population expert, Ms Dianne Proctor, that the Australian way of life is responsible for a huge waste of natural resources? In a recent interstate newspaper article, Ms Proctor's criticisms included the following: Australians needed to change lifestyles to conserve resources; Australians were consumers *par excellence*; European-style gardens needed massive amounts of scarce water; and Australians were amongst the greatest wasters of energy in the world.

The Hon. S.M. LENEHAN: I think the honourable member's question canvasses a number of areas which, of course, are outside my portfolio, particularly in the area of family size and family planning. I am sure that my colleague the Minister of Health is much more able to answer those sorts of criticisms—

An honourable member interjecting:

The Hon. S.M. LENEHAN: Yes, I will deal with that part of the question that relates to the areas for which I am responsible. My colleague the Minister of Mines and Energy, with whom I have ongoing dialogue about a whole range of these issues—

An honourable member interjecting:

The Hon. S.M. LENEHAN: Yes, they are very successful actually. I am certainly prepared to have an in-depth look at the comments the honourable member has raised relating to this article from the Western Australian newspaper. If we are to have some hope for the future for this planet, it seems to me that we have to look not only at the control of population on a worldwide basis but also at per capita energy usage. It is not just a matter of reducing population: it is a matter of how much energy we use per capita and how many non-renewable resources of the earth, including energy, we are prepared to preserve and protect, and indeed minimise.

This State Government has policies in relation to energy minimisation. I think that members in this place have heard me speak on a number of occasions about the whole approach to this area using the three Rs of recycling—reduce, reuse and recycle. That, of course, is based on a policy of minimising the amount of wastage and the amount of energy that we use, indeed, moving to reuse those parts of our resources that we can use and, finally, when that is not possible, to look at recycling.

The State Government is moving to address the issues that have been raised by the member for Albert Park. I will be delighted to refer the broader issues to my State and Federal colleagues.

COUNTRY HOSPITALS

Mr BLACKER (Flinders): Will the Minister of Health request or, if necessary, direct the South Australian Health Commission to review the fee for service component in the budgets allocated to the 64 country hospitals to ensure that no community in the State is disadvantaged in relation to

other communities? An article appeared in the *Advertiser* last Monday in which Dr Gerard Quigley was replying to plans of the Federal Government to redress an oversupply of doctors in the cities and a shortage of doctors in country areas. It states:

Dr Quigley . . . has recruited a husband and wife medical team to work with him at the town's [Cummins] 33-bed hospital.

But the couple cannot take up the job because the South Australian Health Commission will not fund the Cummins Hospital board for the pair to treat public patients in the hospital.

'It rather makes a mockery of the Federal Government's claims that it is trying to do something about the oversupply of doctors in the city by encouraging them to move to the country,' he said.

Dr Quigley has been in Cummins for eight months and works long hours as the only doctor for a population of 3 900.

Under commission arrangements imposed this year, budgets for South Australia's 64 country hospitals include a preset sum for fees to country doctors who treat public or non-insured Medicare patients in hospitals.

This sum, which is set on a fee for service basis, was previously a separate component in hospital budgets.

Cummins faces a problem because fee for service payments this year have been fixed at the level set last year. Until Dr Quigley took up practice, Cummins had a series of irregular locums and one doctor for only six months.

He says the fee for service payments were artificially deflated and it is only a matter of time before he has to charge all patients irrespective of whether they are public or private . . .

Cummins had nearly 4 000 residents and one doctor. Tumby Bay had three doctors for 2 900 residents and Cleve, three for 2 800. The Australian average for inner city areas was one doctor for 300 people.

'The commission has said Eyre Peninsula has the lowest proportion of GPs anywhere in South Australia,' he said.

The article goes on to quote the Chairman of the hospital board. This irregularity is disadvantaging the people in the Cummins area.

The Hon. D.J. HOPGOOD: I thank the honourable member for raising this matter, because it is of some concern. I certainly cannot commit myself to any general review of the way in which this matter is being financed, but I can indicate to the honourable member that currently we are reviewing the situation to see whether certain hospitals require additional assistance in this particular matter. As I see it, the ongoing problem continues to be the attracting of specialists to country areas.

I do not believe that the budgets of the country hospitals *per se* are in any great problem. In fact, I seem to recall one spokesperson who, in respect of some country doctors, said, 'If we are not careful, we will get into a situation like they are in in the metropolitan area where there is actually a booking list for some surgical procedures.' Of course, from time to time there may well be a booking list for surgical procedures in country hospitals, but that is due not so much to a lack of beds as to simply a lack of the immediate availability of surgeons for those procedures. So, we are sympathetic to the situation in which some country hospitals find themselves.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: That matter is currently being examined, but I cannot promise the honourable member that there will be a review for the lot.

GRAIN STORAGE

Mrs HUTCHISON (Stuart): Is the Minister of Agriculture aware of the problems currently facing grain growers in the Port Pirie region whereby they are unable to off-load their grain because the storage facilities are full? It would appear that the ships to transport the grain from silos to ongoing destinations have not been coming into Port Pirie.

The Hon. LYNN ARNOLD: I am not sure that it is correct that there have not been enough ships coming into Port Pirie. In fact, one is due to commence loading tomorrow as I understand it. What has caused the problem in the Port Pirie area is that last year the grain growing area around Port Pirie had a record season, which therefore meant record or near record deliveries. A significant amount left over from last year was still in storage in Port Pirie and surrounding areas. That has been compounded by this year's crop, which has been almost as good as last year's in terms of volume. It is also worth noting that a lot of it seems to be of better quality than last year's crop, and I am obtaining very impressive readings on protein levels in grain. Unfortunately, the actual price received will be much lower than that received last year.

The South Australian Container Bulk Handling did anticipate this problem (and I guess a lot of grain is not a problem). It anticipated that this would happen and that there would be some problems with storage. In view of that, a bulk bunker storage capacity of 250 000 tonnes was constructed to accommodate the extra grain this year. That was done because it did not expect that there would be as much shipping as would be required to move that volume, taking into account last year's carryover plus this year's very high production of grain. However, I am advised that reasonable shipping has come through the port to date and, as I mentioned, it is anticipated that a further 17 500 tonnes will be loaded, commencing tomorrow, on a vessel calling at Port Pirie. If everything goes according to the current plan, there should be some residual storage space at the end of the season in the Port Pirie area.

I am also advised that, while the Port Pirie terminal itself is relatively tight on space, of the 250 000 tonne extra bunker storage space, 120 000 tonnes is at the Port Pirie terminal and 120 000 tonnes is at the Gladstone terminal. So, there should be enough storage capacity available within the entire area. It does appear that the shipping is reasonable and should be adequate for the needs.

SITTINGS AND BUSINESS

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

That the House at its rising adjourn until Tuesday 12 February 1991 at 2 p.m.

This is the traditional time when we take the opportunity to exchange Christmas greetings and to thank a very large number of people on whom we rely for the efficient workings of this Chamber and, indeed, the Parliament as a whole. I take a great deal of pleasure in doing that and in wishing everybody a very merry Christmas. My merriest was in 1947 when I got a Bluebird junior model tennis raquet, and I am looking forward in 1990 to at least matching that so far as Santa is concerned. I also look forward to playing Santa in various ways, something in which I take a great deal of pleasure.

First of all, I thank you, Sir, for the very fair yet firm way in which you have guided our destinies as a debating and decision-making Chamber. Obviously, the tone of the Chamber is very much set by the way in which Mr Speaker discharges his duties, and I believe that at all times you have discharged your duties in such a way as to bring a good deal of satisfaction to members. Secondly, I want to commend all members for the way in which there has been a good deal of cooperation in the despatch of business. Of course, I could be a little selective as to those members who

perhaps have been more cooperative than others, but I think we would want to say that, irrespective of what we might think about the outcome of some of the debates, for the most part members have been particularly concerned about proceeding with some degree of expedition.

I commend to members the Deputy Leader of the Opposition, who meets with me at the beginning of each parliamentary week. We have an impossible task in endeavouring to predict the prolixity of members. However, by a process of divination, flipping of the coin and mind-reading, somehow we are able to get reasonably close to the mark.

On behalf of the Government and members on the other side, I would like to thank the Clerks, and the staff of Parliament House in general, including the catering staff, the Library officers, the attendants and, in fact, all people who work here, who try to ensure that the running of the Parliament is as efficient and productive as possible.

I believe that this has been a productive portion of this session. I am reminded that the session is not closed; in fact, as a result of this motion we will reconvene on 12 February when there will be about six weeks of further sitting and when we can expect some very energetic debate on the quite considerable number of matters left on the Notice Paper and others that will be introduced in the interim. Again, I express my thanks to all those people who work so very hard to serve us as the elected representatives of the people, and I wish them, along with you, Mr Speaker, and all members, a very merry Christmas and the best for the new year.

Mr S.J. BAKER (Deputy Leader of the Opposition): It is an appropriate time of the year to reflect on the past 12 months and particularly on the past six months. It is par for the course to take a very positive attitude to the things that have taken place because this is the festive season. However, I think that this year we can reflect in a positive way a little more genuinely than perhaps in other years, because we have a very evenly balanced Parliament, and that has made for a more humane attitude in the way that we have treated each other in this Parliament. In fact, some of the aggravations that have occurred in the past have not been a feature of this Parliament during the past 12 months and particularly the past six months.

It has been a special time for me not only in being involved in the running of the House but in seeing the changes taking place in the way that we deal with each other and with the community at large, and I believe there are a number of positive aspects to be seen in the way this Parliament has operated. A great deal of credit should be given to the Speaker who chairs this House, because we are enforcing on ourselves, and through the good offices of the Speaker, a great deal more responsibility than perhaps has been shown in the past. For that we are grateful, because it means that we feel we are being treated fairly, which may not have been the case in previous Parliaments due to no-one's fault in particular but because of the balance of the Parliament itself.

It has been a good 12 months, and there has been a great deal of objectivity and good decision-making by you, Mr Speaker, in keeping a close eye on the way that the Parliament operates. There has been cooperation between the Deputy Premier and me on a number of aspects, although we have never been able to predict how long debates would take. There have been occasions when members have not been able to make their contributions to the grievance debate, but we will try to address that problem in the new year, together with a number of other aspects.

I wish to sincerely thank all the staff of Parliament House. They have done a wonderful job, as they always do. We have had a change of personnel in the catering area, and, despite the fact that they are new and do not know what we like and how we operate, they have done a particularly fine job of understanding the needs of parliamentarians and of running the catering service. I am very pleased with the work of *Hansard*, the attendants and the clerks, and have no criticism whatsoever to make of them. It has been a very good year in terms of the support shown, and I wish everyone the compliments of the season.

Mr BLACKER (Flinders): I would like to express my support of the Deputy Premier and the Deputy Leader of the Opposition, and to say a special 'Thank you' to all members of this House, both parliamentary and staff members, who help us so much throughout the year. I refer in particular to the Library staff, the catering staff, the messengers and attendants, the clerks of the House and all those people who have made their time freely available to all members of the House, myself in particular. I thank them for the great assistance they have given.

Mr Speaker, for the guidance that you have given to all members of the House during this time, I thank you. It has been an interesting year thus far, and the session will continue in the new year. I wish everyone a merry Christmas and a happy new year, knowing full well that if they have health and happiness they will have success.

Mr LEWIS (Murray-Mallee): I support the motion put by the Deputy Premier and endorse the remarks of the two speakers who have contributed thus far. I rise not simply to do that but as a member of the Joint Parliamentary Services Committee, which is not a very old committee in terms of years of service to the Parliament but one whose role is continuing to evolve and which has significant responsibility for ensuring in some way or another that the Parliament will continue to function as an institution. I place on record on behalf of that committee its thanks to you, Mr Speaker, as its Chairman during the past year.

I also place on record my thanks to the people who have served us in this institution: the catering division, the Library, *Hansard*, and the administrative division. They are all servants of an institution, the administration of which is continuing to evolve. It is a unique institution in society, one which ensures that good government may continue as far as is possible with representative democracy. In that process, they have onerous and unpredictable tasks. I do not mean to exclude in making those remarks those people who work for each of the Houses and, in particular, for this House—they are equally important in the whole process. However, my purpose is to address the difficulties which those officers I have mentioned in the various service divisions face throughout the year and the inconvenience they suffer, and I congratulate them on the uniquely professional way in which they provide us with the essential back-up to make it possible for us to do our jobs.

I regret that 12 months has passed since many of those people have sought to have their conditions of employment in this place re-examined in the light of changing circumstances in society, in the way this House conducts its business, and in relation to Executive Government. Certain questions have not been resolved, and that is unfortunate. I believe that the House should note that those matters are unresolved and that the difficult problem of finding a resolution to them is being addressed with all expedition. I hope that members take that matter into account in their judgment of how well they believe they have been served

as members of this Chamber and institution. I endorse the remarks of other speakers in wishing members a very merry Christmas and a happier 1991.

Before we recommence our business in February next year, it is to be remembered that some of us from this place as well as from the other place will, meanwhile, have joined the battle with representatives of other Parliaments of the States of Australia in the bowls carnival in New South Wales. I am sure that it will be more likely than it has been in the past decade of my presence here that we will bring home the pennant.

The SPEAKER: I take this opportunity to also place on record my thoughts and my thanks. I thank members for their support and help. One can never keep everyone happy. We have 47 members, and it was never my intention to keep every member happy, but to keep the place working, and I am pleased to say that it has so far.

As Chairman of the Joint Parliamentary Service Committee, I thank the Joint Parliamentary Service staff—those people in accounts, the Library and *Hansard*—for their endeavours. At times, they work under considerable pressure, keeping up with our needs, and I thank them for that. In particular, I thank the House of Assembly staff for their forbearance, guidance and help. Whatever I needed they helped me with, and I thank them very much. I express those thanks from everyone both inside and outside the Chamber. I wish everyone a very happy Christmas and, in our terms, a productive and contented new year. On behalf of the staff, and as Speaker of this House, I pass on to all members and families good wishes for this coming Christmas. May the new year be everything that members wish for themselves and their families.

Motion carried.

PHYSIOTHERAPISTS BILL

The Hon. D.J. HOPGOOD (Minister of Health) obtained leave and introduced a Bill for an Act to provide for the registration of physiotherapists; and to regulate the practice of physiotherapy; to repeal the Physiotherapists Act 1945; and for other purposes. Read a first time.

The Hon. D.J. HOPGOOD: 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 practice of physiotherapy in South Australia (indeed, throughout Australia) has undergone extensive changes since the Physiotherapists Act 1945 came into being. All aspects of physiotherapy practice, education and research reflect the change which has been particularly pronounced during the past two decades. In 1945, physiotherapists were entirely dependent upon the medical profession for the continued supply of patients, for the diagnosis of conditions to be treated and even for research within the profession.

Education programs were based on the traditional English model and instruction was provided by British qualified teachers—the programs were hospital centred, empirical in form and followed an apprenticeship style centred entirely on clinical experience. The Diploma of Physiotherapy under the auspices of the University of Adelaide reflected this educational model in 1945 along with other programs elsewhere in Australia. The practice of physiotherapy was dominated by the effects of two world wars and two polio epidemics—massage to improve circulation, exercises and splinting to prevent deformity in paralysed limbs; rehabilitation centres for ex-service men and women and the use of electrical treatment to stimulate muscle function and recovery.

Today, physiotherapy is a health profession concerned with the assessment, treatment and prevention of disorders of human movement. The overall concept of physiotherapy deals with problems of function and involves a combination of manual therapy, movement training and physical agents to resolve these problems. It forms part of the total care of patients of all ages suffering from a wide range of disorders. Equally important is the education of patients and relatives regarding the nature of conditions, the prevention of disability and the maintenance of health and function. In some cases a physiotherapist will be required to teach individuals with permanent disabilities how best to maximise their physical potential to cope with the demands of a 'new' lifestyle.

Taking into account changes in health trends and community needs, the physiotherapy profession throughout Australia has modified its practice and widened its scope to meet the demands placed upon it. This is particularly exemplified by the increased awareness of the community of a healthy lifestyle, including sport and recreational pursuits and the growth of physiotherapy in these areas. The profession of physiotherapy is a growth profession and one where demand outstrips supply. This is true for all States of Australia. The physiotherapist is educated to be a practitioner of first contact. Primary contact practitioner status for physiotherapists has been in place since 1976, allowing patients if they choose, to seek the services of a physiotherapist directly rather than being referred through medical channels. Indeed, after considerable national debate, Australian physiotherapists became the first physiotherapy group in the world to rescind a major ethical principle and accept their responsibility as primary contact practitioners, thus replacing the requirement that all patients should be referred through medical channels. Since moving to a source delivery model as primary contact practitioners, this lead has been ratified by the World Confederation of Physical Therapy and followed by other countries. Today, across the country, an average of between 60 per cent and 70 per cent of private practitioner physiotherapy treatments are referred by medical practitioners. A growing number, however, attend the physiotherapist directly as the primary health provider of choice.

While physiotherapists do function as first contact practitioners, the desirability of a cooperative team approach to physical treatment is continually reinforced.

The education of physiotherapists in Australia had developed considerably since the first course of training in massage, medical electricity and medical gymnastics was established in 1908 under the auspices of the Australasian Massage Association. Even at this early stage the core competency in physiotherapy, namely, analysis of human movement, was recognised and in South Australia physiotherapy students undertook anatomy and physiology at the University of Adelaide in conjunction with medical students.

Today the basic professional education requirement is a four year degree, most commonly, a Bachelor of Applied Science in Physiotherapy. There are five Schools of Physiotherapy in Australia, all at major tertiary institutions.

The development of the undergraduate degree programs in physiotherapy across Australia occurred concomitantly with—

- broadening and extension of the knowledge base in physiotherapy;

- extension of the curriculum to include aspects of fundamental biological and clinical research;
- increasing integration of academic knowledge in the clinical situation.

A conscious endeavour to widen the scope of physiotherapy practice by teaching the application of physiotherapy techniques for health promotion, accident prevention and community centred service has prepared graduates to respond to changing population needs.

All Australian degree programs include statistics, research design and a research project as required areas of study.

South Australia has an enviable reputation as a leader in physiotherapy training and research, at both undergraduate and graduate level. It is acknowledged as a centre of excellence in teaching and research in manipulative physiotherapy, attracting physiotherapists from all over the world.

In summary, the physiotherapy profession in South Australia (indeed throughout Australia) has changed over the past three decades from one which was entirely service based and medically directed, to a more independent and complex profession with increased responsibilities and wide community service requirements.

It is appropriate, therefore, that the legislation under which the profession operates should be significantly upgraded to reflect these changes.

The Bill seeks to redress shortcomings in the present legislation, to provide an appropriate framework for the protection of the public, the registration of physiotherapists, the regulation of the practice of physiotherapy, and at the same time, to provide sufficient flexibility for subsequent developments within the profession of physiotherapy.

The Bill continues the present arrangement of providing for a board to implement its objectives and operate as a statutory body, which will be required to report to Parliament annually.

The present board consists of five members. The Bill retains those categories of members but proposes to increase the size of the board to seven, by adding a consumer member and one additional elected physiotherapist. The board recognises that opening their proceedings up to scrutiny by the addition of a consumer member acknowledges and enhances their public accountability. A physiotherapist rather than the lawyer member is to preside at meetings.

The board is empowered to form committees to whom it may delegate powers and functions. This should assist it in carrying out its functions expeditiously. Committees can include members who are not members of the board.

For the first time, the functions of the board are clearly delineated in the Bill. Along with the registration and professional discipline of physiotherapists, the board is charged with exercising a general oversight of the standards of practice of physiotherapy, monitoring the standards of courses and consulting with educational authorities. In exercising these functions, the board must have a view to ensuring that the community is provided with services of the highest standard and that professional standards of competence and conduct are maintained.

A number of changes are proposed in the registration provisions.

Power to grant provisional and limited registration is included.

In relation to provisional registration, power is given to the Registrar to grant registration provisionally if he/she believes that the board is likely to grant the application. The board would then determine the application at its next meeting. This will enable newly trained graduates, overseas trained persons and other qualified persons to take up a position as a physiotherapist without delay and financial hardship.

In relation to limited registration, provision is included for a person who does not meet all the requirements for full registration to be given limited registration.

This can cover several situations:

- to enable the person to acquire the experience and skill required for full registration under the Act;

or

- to teach or to undertake research or study in South Australia;

or

- if, in the board's opinion, registration of the person is in the public interest.

The board can impose conditions on such registrations, for example, limiting the areas of physiotherapy in which the person can practise; restricting places at which they can practise.

The trend toward private practice in physiotherapy continues. The Bill recognises this by containing provisions for the registration of companies whose sole object is to practise as a physiotherapist. These provisions are similar to those appearing in other recent health profession registration Acts.

The board is concerned to ensure that physiotherapists maintain their professional competence and standards.

The Bill includes several important provisions in this regard, aimed at protecting the public. The board, of its own volition or on complaint, can determine whether a registered person is fit to practise unrestricted. Not only could such a provision enable the board to limit the area of practice, it should be used to insist upon continuing education in individual cases.

The Bill also makes provision for the board to be able to require a registered physiotherapist who has not practised for five or more years, to undertake a refresher course before resuming practice. Conditions may be placed on the registration.

It is proposed that the board will be able to suspend or restrict the registration of a person who suffers from a mental or physical incapacity which seriously impairs their ability to perform duties. The treating practitioner is obliged to report such incapacity to the board.

The Bill maintains the present proven effective procedure of allowing the board itself to handle disciplinary matters, without the need or expense of creation of a separate disciplinary tribunal. It does, however, increase the range of sanctions which may be imposed as a consequence of an inquiry. Besides imposing penalties of reprimand, suspension or cancellation of registration, the board may impose conditions restricting the right of practice and impose a division 5 fine.

Another important feature of the Bill is the provision that a suspension or cancellation in another State or Territory is automatically effective in South Australia.

It avoids the situation whereby a practitioner who is registered in a number of States and whose registration has been cancelled interstate (which would be for a serious offence) can come to South Australia and practise, putting the public at risk.

One of the difficulties in approaching legislation such as this is to arrive at a definition which adequately describes what the profession does, thereby providing for appropriate regulation over those who practise the profession for fee or reward, but at the same time, to ensure that other practitioners whose activities might impinge in some way on the definition are not unreasonably restricted.

The current Act contains a definition of 'physiotherapy' which describes certain procedures applied for the purpose

of curing or alleviating any abnormal condition, and includes 'massage' within its ambit. There are limited circumstances under which massage or other components of the definition of physiotherapy can be carried out by unregistered people.

There are further restrictions in that unregistered persons (except in very limited circumstances) are prohibited from holding themselves out or from using certain titles, including 'masseur'.

In light of current day attitudes and practices, the combined effect of the current provisions is considered to be unnecessarily restrictive and out of date.

The Bill therefore provides some loosening of the current provisions. The Bill retains a definition of physiotherapy which is wide enough to describe what constitutes physiotherapy, and includes massage. Clause 26 spells out a number of exclusions, one of which is 'a person who practises physiotherapy only by reason that he or she massages another or provides advice related to massage'. The Bill also removes any restrictions on the use of the title 'masseur'. Of course, only registered persons will be able to use the title 'physiotherapist' and related titles, thus ensuring that the public can continue to have confidence in receiving the high standards of care to which it is accustomed from members of this profession.

As with other health profession registration Acts, provision is included to require physiotherapists to be idenmified against loss. The Bill also obliges a physiotherapist to notify the board within 30 days of details of payments relating to claims for negligence, as it is important for the board to be aware of such activities.

The maximum penalties under the Act are currently $200. These are out of date, and are upgraded by the Bill to division 5 fines (not exceeding $8 000) and division 7 fines (not exceeding $2 000) in line with more modern Acts. In keeping with the board remaining financially self-supporting, fines imposed for offences against the new Act must be paid to the board.

The role of the professional is under increasing scrutiny. The provisions of this Bill make a significant contribution toward public accountability of physiotherapists. It is the first major revision of the Act for some considerable time. A good deal of consultation has occurred. There will be the opportunity for further consultation prior to debate commencing in the autumn session.

Clauses 1 and 2 are formal.

Clause 3 repeals the Physiotherapists Act 1945.

Clause 4 is an interpretation provision. 'Physiotherapy' means—

(a) any treatment applied to the human body (including manipulative therapy, electrotherapy, therapeutic exercise and massage) for the purpose of preventing, curing or alleviating any abnormality of movement or posture or any other sign associated with physical disability;

(b) any related service or advice;

and

(c) an act or activity of a class declared by regulation to be physiotherapy.

The remainder of the Bill is divided into the following parts:

Part II—The board

Part III—Registration and Practice

Part IV—Investigations and Inquiries

Part V—Appeals

Part VI—Miscellaneous.

Part II, Division I deals with the constitution of the Physiotherapists board.

Clause 5 provides that the Physiotherapists board of South Australia continues in existence as a body corporate with all relevant powers.

Clause 6 provides that the board is constituted of seven members appointed by the Governor—a legal practitioner, a medical practitioner, a person nominated to represent the interests of persons receiving physiotherapy services, a registered physiotherapist nominated by the council of the South Australian Institute of Technology and three registered physiotherapists elected by their peers.

Clause 7 sets out the terms and conditions of membership of the board. The maximum term of appointment is three years, though a member is eligible for reappointment.

Clause 8 enables the Governor to determine remuneration and expenses payable to members.

Clause 9 disqualifies a member with a personal or pecuniary interest in a matter from taking part in the board's consideration of the matter.

Clause 10 sets the quorum at four members. The presiding member has a second or casting vote.

Clause 11 empowers the board to establish committees to advise the board or to carry out functions on behalf of the board. A committee may include persons who are not members of the board.

Clause 12 gives the board power to delegate its functions or powers (except those relating to investigations and inquiries under Part IV) to a member, the Registrar, an officer or employee or a committee established under clause 11.

Clause 13 provides that a vacancy or defect in membership of the board does not invalidate its actions.

Clause 14 enables the board to appoint a Registrar and other officers and employees. Such persons will not be Public Service employees.

Part II, Division II, sets out the functions of the board.

Clause 15 states that the board is responsible for—

(a) the registration and professional discipline of physiotherapists;

(b) exercising a general oversight over the standards of the practice of physiotherapy;

(c) monitoring the standards of courses of instruction and training available to—

(i) those seeking registration as physiotherapists;

and

(ii) registered physiotherapists seeking to maintain and improve their skills in the practice of physiotherapy,

and consulting with educational authorities in relation to the establishment, maintenance and improvement of such courses;

and

(d) exercising the other functions assigned to it by or under the measure.

The board is required to exercise these functions with a view—

(a) to ensuring that the community is adequately provided with physiotherapy services of the highest standard; and

(b) to achieving and maintaining professional standards of competence and conduct in the practice of physiotherapy.

Part II, Division III contains administrative provisions.

Clause 16 requires the board to keep proper accounts of its financial affairs and to have a statement of accounts in respect of each financial year audited.

Clause 17 requires the board to prepare an annual report to be tabled in each House of Parliament. The report must

contain statistics relating to complaints received by the board and the orders and decisions of the board.

Part III, Division I establishes criteria for registration.

Clause 18 provides that a person is eligible to be a registered physiotherapist if he or she is over 18, is a fit and proper person to be registered, has the qualifications and experience in the practice of physiotherapy required by the regulations and fulfils all other requirements set out in the regulations.

The clause further provides that a company is eligible to be a registered physiotherapist if the sole object of the company is to practise as a physiotherapist, if certain requirements are met in respect of directors and shareholders and if the memorandum and articles of association are otherwise appropriate to a company formed for the purpose of practising as a physiotherapist.

Part III, Division II provides for various kinds of registration and for the process of registration.

Clause 19 sets out the procedure for application for registration and enables the board to require further information from the applicant.

Clause 20 compels the board to register an applicant if satisfied that the applicant is eligible for registration. The Registrar may provisionally register an applicant if it appears likely that the board will grant the application.

Clause 21 enables the board to grant limited registration to—

(a) an applicant who does not have the requisite qualifications or experience or does not fulfil the prescribed requirements in order to enable the applicant to do whatever is necessary to become eligible for full registration or to teach or undertake research or study in the State or if the applicant's registration is in the public interest;

or

(b) an applicant who has the requisite qualifications and experience but who does not satisfy the board that he or she is a fit and proper person to be registered unconditionally.

The board can impose any conditions it thinks fit on such registration.

Clause 22 provides that registration must be renewed each financial year.

Clause 23 enables the board to vary or revoke conditions attaching to registration of a physiotherapist.

Clause 24 requires the Registrar to keep a register of physiotherapists which is to be available for public inspection.

Clause 25 requires the Registrar to provide copies of certain information in the register.

Part III, Division III contains provisions relating to the practice of physiotherapy.

Clause 26 establishes the obligation to be registered. The clause makes it an offence for an unregistered person to practise physiotherapy for fee or reward or to use prescribed equipment on the provision of services that constitute physiotherapy. The penalty provided is a division 5 fine (maximum $8 000) or division 7 imprisonment (maximum 6 months). The clause excepts the following classes of person:

(a) a person who practises physiotherapy, under the supervision of a registered physiotherapist, in connection with a prescribed course of training;

(b) a person carrying on the business of a hospital, nursing home or rest home who practises physiotherapy through the instrumentality of a registered physiotherapist or of a person who is under the supervision of a registered physiotherapist;

(c) a person who practises physiotherapy under the supervision of a registered physiotherapist on behalf of a person carrying on the business of a hospital, nursing home or rest home;

(d) a qualified person personally providing services that constitute physiotherapy in the ordinary course of his or her professional practice.

(e) a person who practices physiotherapy only by reason that he or she massages another or provides advice related to massage;

(f) a person who is a trainer of a sporting team, club or organisation and—

(i) who practices physiotherapy only by reason of applying treatment (in accordance with the directions of a medical practitioner or registered physiotherapist) to members of the team, club or organisation for the purposes of preventing injury being suffered, or alleviating injury suffered, by any member in the course of participation in sport or training on behalf of the team, club or organisation;

but

(ii) who does not, for the purpose of alleviating an injury, apply such treatment for a period longer than one month.

Clause 27 makes it an offence for an unregistered person to hold himself or herself out as a registered physiotherapist or to permit someone else to do so. It also makes it an offence for a person to hold out another person as being registered if that other person is not. The penalty provided in each case is a division 5 fine (maximum $8 000) or division 7 imprisonment (maximum 6 months).

Clause 28 prohibits a person who is not a registered physiotherapist using certain words to describe himself or herself or a service that he or she provides. It also makes it an offence for a person to use those words, in the course of advertising or promoting a service, to describe an unregistered person engaged in the provision of the service. The penalty provided in each case is a division 5 fine (maximum $8 000) or division 7 imprisonment (maximum 6 months).

Clause 29 requires a registered physiotherapist who has not practised for five years to obtain the board's approval before practising again. The penalty provided for not doing so is a division 5 fine (maximum $8 000). The board is empowered to require the physiotherapist to undertake a refresher course or the like and may impose restrictions on the physiotherapist's right to practice.

Clause 30 requires a registered physiotherapist to have suitable insurance relating to his or her practice. The penalty provided for non-compliance is a division 5 fine (maximum $8 000). The board may grant exemptions from this requirement.

Clause 31 requires physiotherapists to provide the board with information relating to any claims against the physiotherapist for alleged negligence. The penalty provided for not providing such information is a division 5 fine (maximum $8 000).

Part III, Division IV sets out provisions of special application to registered companies. The penalty provided for any offence against the division is a division 7 fine (maximum $2 000).

Clause 32 enables the board to require a company registered under the measure to comply with requirements relating to provisions to be included in the memorandum or articles of association of the company. If the company

refuses to comply with a direction of the board, the company's registration is suspended.

Clause 33 provides that the board must approve any proposed alteration to the memorandum or articles of association of a company registered under the measure.

Clause 34 prevents a company registered under the measure from practising in partnership, unless authorised to do so by the board.

Clause 35 prevents a company from employing more registered physiotherapists (excluding directors) than twice the number of directors without the approval of the board.

Clause 36 provides that any civil liability incurred by a registered company is enforceable against the company and the directors or any of them.

Clause 37 requires registered companies to submit annual returns to the board and to inform the board when any person becomes or ceases to be a director or member of the company.

Part IV, Division I empowers the board to conduct certain investigations.

Clause 38 sets out the circumstances in which an inspector appointed by the board may investigate a matter. These are where the board has reasonable grounds to suspect that an unregistered person may have practised physiotherapy for fee or reward, that there is proper cause for disciplinary action against a registered physiotherapist or that a registered physiotherapist may be mentally or physically unfit to practise. Powers are given to an inspector to enter premises of a registered physiotherapist or of a person suspected of unlawfully practising physiotherapy, to put questions to persons on the premises and to seize any object affording evidence of an offence against the measure.

Clause 39 makes it an offence to hinder or obstruct an inspector or to fail to answer an inspector's questions truthfully. The penalty provided is a division 7 fine (maximum $2 000). The privilege against self-incrimination is preserved.

Clause 40 obliges a medical practitioner to report to the board if of the opinion that a registered physiotherapist being treated by the practitioner is suffering an illness that is likely to result in mental or physical incapacity to practice. The penalty provided for not doing so is a division 7 fine (maximum $2 000).

Clause 41 empowers the board to require a registered physiotherapist to submit to a medical examination relating to the physiotherapist's mental or physical fitness to practice.

Part IV, Division II empowers the board to conduct certain inquiries.

Clause 42 sets out the circumstances in which an inquiry may be conducted. The first is to determine whether a registered physiotherapist is mentally or physically unfit to practice. If the board is satisfied that the physiotherapist is mentally or physically unfit to practise or to exercise an unrestricted right of practice, it may impose conditions restricting the right of practice, suspend the registration of the physiotherapist for up to three years or cancel the registration of the physiotherapist. The second circumstance in which an inquiry may be conducted is to determine whether there is a proper cause for disciplinary action against a registered physiotherapist, namely, whether the physiotherapist's registration was obtained improperly; the physiotherapist has been convicted, or is guilty, of an offence against the measure or an offence involving dishonesty or punishable by imprisonment for one year or more; or the physiotherapist is guilty of unprofessional conduct. The regulations may specify conduct that will be regarded as unprofessional. If the board is satisfied that there is proper cause for disciplinary action it may reprimand the physiotherapist, impose a division 5 fine (maximum $8 000), impose conditions restricting the right to practice, suspend the registration of the physiotherapist for up to three years or cancel the registration of the physiotherapist.

Clause 43 sets out basic procedures to be followed for an inquiry. The board must give the physiotherapist and the complainant at least 14 days notice of the inquiry. Both parties may be represented by counsel. The board is not bound by rules of evidence and must act according to equity, good conscience and the substantial merits of the case.

Clause 44 gives the board various powers for the purposes of an inquiry. These include the ability to issue a summons to compel attendance or the production of records or equipment and to compel persons to answer questions. The privilege against self incrimination is preserved.

Clause 45 enables the board to order a party to pay costs to another party. The assessment of costs may be taken on appeal to the Master of the Supreme Court.

Part IV, Division III relates to the consequences in this State of action against a registered physiotherapist in some other jurisdiction.

Clause 46 provides that a suspension or cancellation of a physiotherapist's registration in another State or Territory is automatically reflected here.

Part V provides for a right of appeal against a decision or order of the board.

Clause 47 provides that the appeal is to the Supreme Court and that the time for appeal is one month. The Supreme Court is given the power to affirm, vary, quash or substitute the board's decision or order, to remit the matter to the board and to make orders as to costs or other matters as the case requires.

Clause 48 enables the board or the Supreme Court to suspend the operation of an order of the board that is subject to an appeal.

Part VI contains miscellaneous provisions.

Clause 49 makes it an offence to breach a condition of registration under the measure. The penalty provided is a division 5 fine (maximum $8 000).

Clause 50 sets out the consequences of a body corporate being found guilty of an offence against the measure.

Clause 51 protects members of the board, the Registrar, the staff of the board and inspectors from liability.

Clause 52 facilitates proof of registration of a physiotherapist and of any other matter contained in the register of physiotherapists.

Clause 53 provides that disciplinary action is not a bar to prosecution for an offence and vice versa.

Clause 54 enables service by post of any notice to be given under the measure.

Clause 55 provides that offences against the measure are summary offences. Prosecutions must be commenced within 12 months or such further time as the Minister allows.

Clause 56 provides that any fine imposed for an offence against the measure must be paid to the board.

Clause 57 provides regulation making power, including power to regulate the standard of physiotherapists' premises and equipment, advertising by physiotherapists and the professional conduct of physiotherapists.

The schedule contains transitional provisions.

Dr ARMITAGE secured the adjournment of the debate.

CORPORATIONS (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.
(Continued from 12 December. Page 2688.)

Mr INGERSON (Bragg): In recent days, my colleague in another place, the Hon. Trevor Griffin, has well and truly covered the concerns and comments relating to this Bill. I will make a few points in support of his comments. The Hon. Mr Griffin was particularly concerned about the way in which this Bill has developed and how it will be implemented. The idea for this unfortunate Bill, as many South Australian companies have described it, was put forward eight or nine years ago when Lionel Bowen was the Federal Attorney-General and tried to take over companies and securities regulation. That particular move by the then Attorney-General in the Commonwealth Parliament was challenged by a number of States in the High Court and, interestingly enough, the decision came down in favour of the States. As a consequence of that decision, the Corporations Bill and corporations law were developed federally.

This Bill was developed by a committee of all the States and there was a lot of wheeling and dealing and a lot of compromises were made. Finally, this Bill eventuated. The deal was done because there was a perception of disrepute concerning the business dealings of many companies in Australia. That perception was set through media reporting and the failure of many companies in Australia and from what were feared and have proven to be unfortunate and poor business dealings by directors.

There was also a perception that the cooperative scheme set out with the States was not working. It is my belief that that was an unfair perception because the problems were caused by a lack of funds from the Federal Government to look after its section of the cooperative scheme. The South Australian Government had significant input into the decisions being taken, and South Australia was advantaged by being part of the cooperative scheme. However, under this legislation, the Attorney-General or any other Minister who may be representing South Australia in corporate affairs will not have any input into any of these decisions.

The Opposition recognises that the Administrative Council will still exist, but that is a far cry from the existing position where South Australia has one vote in any decisions made in the corporate securities area. The Liberal Party is concerned that South Australia and, for that matter, all the smaller States have been sold out in the rush to get a Federal uniform code of practice. While I support the argument in favour of that, I think it is a pity that the smaller States, particularly our own, have been and will be disadvanged by this decision.

Another matter of concern was that, when the Federal Corporations Bill was put before that Parliament in November, it consisted of 800 pages. It is my information that it took 12 seconds per page to pass through Parliament. In other words, it took something like an hour to pass one of the most complicated and detailed Bills that have come before Federal Parliament for some time. It just goes to show the contempt the Labor Party has for Parliament when a Bill of such complexity and importance can pass Parliament with only one or two speakers from the Opposition having the opportunity to peruse and debate it. Of course, that situation has continued in this Parliament because the Bill was debated in another place on Tuesday, and we are expected to accept the uniform code and rush it through in the last sitting days of this session.

The timetabling for the drafting and reviewing of the Bill was meant to take six months in the Federal arena, but it ended up taking one hour. That is disgraceful, and the Federal Labor Government should be condemned for doing that sort of thing. As one of my Federal colleagues said, in essence, this whole change to corporate law passed Federal Parliament without any scrutiny whatsoever. In itself, that is incredible and disgusting. The agreement between the Ministers of all the States meant virtually the abdication of responsibility on their part, transferring it to the Commonwealth Government and the Commonwealth Parliament in a form which has some dramatic ramifications for us at the State level.

The Commonwealth is to take over absolutely the law relating to take-over, security, public fundraising and futures. The Ministerial Council will be consulted by the Commonwealth about these areas but there is no obligation to take any notice of the views of the Ministerial Council, as I have said. The Ministerial Council will comprise the Ministers of the States, Northern Territory and the Commonwealth as at present, but the Commonwealth Attorney-General will be the permanent Chairman with four votes plus a casting vote, with the States and the Northern Territory having one vote each. On all other areas of law the Ministerial Council will be able to make decisions which will be reflected in the Commonwealth legislation and which the Commonwealth Parliament may amend without reference to the Ministerial Council. When passed, Commonwealth law automatically becomes the law of the States without any involvement of a State Minister or a State Parliament, other than through the Ministerial Council.

A number of Commonwealth laws, such as those relating to the Commonwealth Ombudsman, administrative appeals, privacy and freedom of information, will override State laws in the area of companies and securities. The prosecuting functions where offences occur will be the responsibility of the agencies, as will be the investigation of breaches of the new corporate law.

That in essence summarises our position and the history to date. Our concern as an Opposition is about this whole haste for this proposal, and I will just give some practical examples of the chaos that we are concerned will occur as of 1 January. First, there is the difficulty that will be experienced by every business in this State, whether it be small or large, in being able to procure company seals. I am personally involved in this area, because we have two very small private companies, and it was only yesterday that we received information from our accountant that we had to get $15 for each company back to our accountants by Friday, otherwise we would not have the seals available to use as of 1 January 1991. We are a small company and it is not often that we have to use these seals but, to put it in perspective, larger companies might have to use those seals on 1 January 1991—I am advised by my accountant that all companies are having the problem—and there will be massive chaos in the exchange of documentation that requires seals after 1 January 1991.

Administration problems will be experienced; we will all be required to have our new national code number on all our letters, stationery and postage material as of 1 January and, whilst I note some suggestion that there may be a six-month period in which to get up to date with this stationery, the law itself requires us to do this by 1 January.

Questions have been raised about the staffing of the new Australian Securities Commission and also about the control of information and registration. What happens to all the information currently in the Corporate Affairs Commission here in South Australia? Is that automatically the property of the Australian Securities Commission as of 1 January? What about all the existing documentation that is

currently flowing through the system? How is that monitored and what guarantees are there that there will be a reasonable flow of material through the system?

The business community in this State does support this change, but it is very concerned about the haste and the need to implement these changes very quickly. With those few comments and concerns the Opposition will support the passage of this Bill through the House.

Mr S.J. BAKER (Deputy Leader of the Opposition): I support my colleague the member for Bragg and his comments about corporations legislation. It is far reaching legislation; it represents a significant breakdown in the rights of States and must be considered most carefully. I share the concern of all people on this side of the House that the haste with which this legislation has been drawn up, here and nationally, will cause some difficulty for firms where there need be no difficulties whatsoever. I would have hoped that there could be some leeway in the system to allow further adjustments, rather than the six months to which the Commonwealth has agreed to allow for any adjustment to meet the requirements of both pieces of legislation.

It is important for people to understand that we are not just changing the law; we are changing the whole basis of operation of corporate scrutiny. It would be remiss of me if I did not say that perhaps at one stage scrutiny at the State level was appropriate because of communications and the closeness of the individuals concerned and involved in scrutiny to the market place. We could say, for example, that many officers of the Department of Corporate Affairs were highly attuned to the local market; they knew which companies were involved in what businesses and indeed where there may be breaches. There is a distinct risk that the movement to Canberra and the centralisation of the process will somehow reduce much of the local knowledge.

I believe on balance that it is a very progressive and appropriate move to centralise the process of corporate legislation and of corporate scrutiny. I say that because I do not believe in any shape or form that our corporate watchdogs have done justice to this State or country over the past 10 years. We have seen some of the worst cases of corporate abuse in the history of this country and only now are we starting to pick up the pieces, with some of the individuals involved being brought to justice. It is a very long and painful process.

However, today's business community and every person out there must have wondered whether it would be better to be fancy free with their shareholders' money, because there was no-one saying that what was happening in terms of the rules being broken was wrong. We have seen too much abuse. We have seen too many cowboys who, in their operations, if they have not broken the law, have certainly stretched it to a limit that has advantaged them but, in the long term, has disadvantaged this country.

Just to get it in the hands of the Commonwealth is not good enough; we have to have a determination that that change will bring with it enough resources and enough sufficiently skilled manpower to do the job that every South Australian, and indeed every Australian, feels is appropriate. We have failed miserably in the past, as I have said, to bring to task those people who have been operating at or over the edge of the law in this country. I believe that certain officers of the Department of Corporate Affairs do not deserve to go on under the new arrangements, because I believe their commitment to their job has left a lot to be desired. I say that very advisedly, because I am unhappy about the way in which certain officers in this State have pursued minor offences and left alone some of the worst corporate abuses, for whatever reason.

The last point I wish to make is that we are entering an age where, despite the cry for deregulation, there must be an accounting for the laws that we pass and whether they are being adhered to; there must be an accounting for some of the individuals who have perpetrated corporate fraud on a very large scale; there must be an accounting of those individuals in the legal sense who have supported the practices of some of our corporate high fliers; and there has to be an accounting of the very system under which we operate. It is not good enough to change the laws and say that we will divest ourselves of our responsibility and refer it to the Commonwealth; we will have to improve the system somehow and to ensure that if there are laws they are adhered to; and if indeed people are operating within the ambit of the law, but in the best interests of themselves and not of Australia, we have to change the law.

All those things should be possible under this legislation. We hope that the Commonwealth will devolve some of the responsibility for scrutiny back to the States, but there will be a very strong corporate approach, if you like, to the scrutiny of companies. We must be totally professional. We know where the targets are and where the abuse has taken place, and there is no excuse whatsoever why those people should not be prosecuted in such a way as to give the taxpayers of this country a great deal more confidence than they have had in the past.

Everyone in this Parliament would be well aware that the activities of a number of our one-time heroes and now much devalued corporate giants have had an incredible effect on our standing overseas, and this must stop. The only way it can stop is if Governments take their responsibilities very seriously and prosecute without fear or favour. I have reservations about the passage of the legislation, the time taken and the amount of effort put into it, but I support the principle that we must have fundamental change in the way in which we in this country operate.

Mr LEWIS (Murray-Mallee): I am no expert in these matters, but I am a member of this place and have some responsibility to the community of South Australia for all the measures that pass through this place. Whether other members see their responsibilities likewise is a matter for them in conscience and in consultation with their constituents. I imply no criticism of them whether or not they participate in this debate.

I participate in the debate, if only briefly, because some points in principle need to be made. In principle, as has been said by the other two speakers for the Opposition, what we are attempting to do is great. It is necessary and appropriate and, in practice and reality, distressing. Quite clearly, the law as it will become, once this measure passes and other legislation of a similar nature complementary to it passes the Federal Parliament and is proclaimed, will make it so much easier for bureaucrats to do things the way they wish but not necessarily to clarify to the citizen who is affected by this law what their responsibilities will be.

Equally, to my mind it is unfortunate that we have been left with such little time to consider the legislation and its real implications prior to its being passed. A gun is held at our head by lazy, incompetent bureaucrats who were responsible for the preparation of this legislation following the decision to introduce complementary legislation at the Federal and State levels. Why we are forced at this eleventh hour to give passage to this legislation in this way I do not know, other than that, if we do not, there will be a public

outcry against us led by people in the media looking for yet another sensational controversy.

I do not think that it is good law when the opportunity to analyse it is so limited. I do not think that it is necessarily effective law when the ambiguities it contains are so great, nor do I think it is legitimate for us to make such laws when, in doing so, we rely upon the good grace of other Chambers elsewhere and beyond our control to pass complementary legislation. I illustrate that point by referring to clause 52 (1), which provides:

> When the Federal Court is exercising jurisdiction with respect to matters arising under the Corporations Law of South Australia, being jurisdiction conferred by this division, that Court must apply the rules of court made because of section 60 of the Corporations Act, with such alterations as are necessary.

What are 'such alterations as are necessary'? Who will decide what they are? Why should we as members of this Parliament make such an ambiguous statement, simply handing it over to someone else, with no reciprocal guarantee in the way in which it will function and no opportunity to analyse what those rules will be?

By doing so, we abrogate our responsibilities as legislators to the people who put us here to make the laws to protect their interests as citizens against the interests of those who would seek, as a matter of convenience, to make their lives and their work more simple, that is, the bureaucrats who will administer the legislation. That is why I am uncomfortable about the whole thing: too little time and too much taken for granted, to the detriment of the integrity of this Chamber, this Parliament and the process which it should properly undertake in the interests of citizens.

I do not think that we as members of this institution do ourselves any credit by allowing ourselves to be so manipulated by bureaucrats and by the media as is obviously the case in this instance. I and the majority of members in this place accept some, although not all, of the responsibility for being unable on this occasion to exercise what I consider to be responsible deferral of the measure so that a more fulsome understanding of its implications could be obtained. I place on record not just my dismay but my abhorrence of the limitations imposed on us by the process to which we have been subjected.

Mr S.G. EVANS (Davenport): I have a similar viewpoint to that of my colleagues: that we are being forced into this in haste. We should be conscious that the Canberra octopus is not just bureaucratic: it is associated with the eastern States octopus in the corporate area. There is no doubt that in recent years corporate power—and we are talking about the Corporations Act here—in this country has become more and more centralised in the eastern States as, of course, is the population.

Fourteen million out of the 17 million Australians live on the eastern seaboard. We as a State should be cautious of the Canberra octopus, or of the utterings of corporate power in the other States. We should be conscious of the philosophy that more power should be given to Canberra and less to the States, and in fact that we do not have States, merely regions. It will be advisable to tell our children to tell their children to sell everything they have of any real value in South Australia, because eventually Canberra will make us a backwater, as it attempts to do now.

Each and every one of us who belongs to a political Party knows that, quite often, our Canberra counterparts, even though they may belong to the same Party as we do, do not always consider the States to be important when it comes to power. That is a human trait: that if we have power we seek more power, whether or not it is justified in the interests of the people we represent. We, as a community, should think about that, and particularly as a parliamentary community.

I have no doubt that some people will see this as a genuine attempt to give Federal authorities the opportunity to investigate corporate crime that may transgress the boundaries of our State and even our country. I have no compunction in saying that those in big business have not really thrilled me in some areas in recent times. What worries me about this particular provision is that the Federal authorities will have the power to take action to look for corporate crime and will use the Federal Police to do that. I can assure the House that, if the normal practices occur in this area, the small operators who may not get all the legal advice they need, who may not get all the accountancy advice they should and who may make a genuine error, will cop it sweet very quickly. But the big boys who quite often use shareholders' money, feathering their own nests in a luxurious way of life, will use every legal device to avoid prosecution or even proper investigation. They will even use the mateship of Prime Ministers and Treasurers or other people in palaces of power to slow down the process of being caught for the corporate crime in which they may be involved.

Quite often one can draw the difference between cases of genuine error and deliberate corporate crime. The smart alecs in the big league set out to commit corporate crime or run as close to the law as they possibly can, and at times (perhaps accidentally) they go over the line. But the small operators, in the main, do not set out to do that—it is through lack of expertise on their own part or from advice obtained. The authorities come down on them like a ton of bricks because they are easily caught. They are the small fish, and usually they lose their home and everything they have. But the smart alecs, having committed their own home or other personal assets to the same fate, even move offshore.

As much as the corporate law now allows for people to be charged for being, as one might say, to blame for a corporate failure or error, they can be sued for not being competent as well as being fraudulent, and then some or perhaps all of their assets may be at risk. But quite often that is not the case so, through this measure, we are bowing to the pressures of the Federal octopus in Canberra to give the Federal authorities more power and to put it under the control of the Federal police.

I suppose some would say that that was inevitable because, with modern methods of communication, with the shortening of distance by communication and travel, companies are able to reach out more readily into other areas, into other States, into the outback and to other countries more than they could 30 or 40 years ago. In expressing my doubts about what is happening, I indicate that South Australia will become a backwater if our Federal colleagues continue down the path they are on.

I recall Mr Tonkin the Leader of the Opposition in Western Australia, at the Constitutional Convention in the early 1970s, coming to me when I was the whip for the conservative forces and saying that he wanted to follow the speech of Prime Minister Whitlam in relation to more power to Canberra. This was agreed with those I served, and his speech, as recorded in the report of that convention, I summarise as follows:

> Mr Prime Minister, if you keep talking in that vein I will lead for a separation of Western Australia from the Commonwealth because it takes us a week to get an answer from Canberra.

In reality, that is what happens—and we should know it. Once people get into their own cosy little office they tend to forget that they serve the whole country. Nothing illustrates that more at the moment than the Federal Treasurer,

who is more intent on gaining power for himself than on serving the people he is supposed to serve.

An honourable member interjecting:

Mr S.G. EVANS: As my colleague says, there is an example of that on the front page of today's *News*, which talks about 200 000 more people joining the dole queue. Corporate crime is a real problem in our society. I hope that those with the power will set out to get the direct manipulators who adopt scurrilous practices and use other people's money; I hope that they leave to last the dregs of the corporate area who make 'errors'. If they pounce, they should pounce with compassion, because these 'errors' occur because of a lack of knowledge, experience or financial resources to obtain advice.

I think that this move will be another instance where South Australia, as small as it may be, will be disadvantaged. We might not have had enough success with our own corporate crime investigators in this State, but I think they were genuine; they were definitely working towards the goals they were given, and with limited resources. Perhaps more resources and encouragement by those in power over the past decade might have resulted in less corporate crime, less heartbreak and fewer people suffering in terms of their family and their employment because of these manipulators. I am not keen to support this Bill and have grave reservations about it.

Mr FERGUSON (Henley Beach): Strange as it may seem, I have some sympathy with the sentiments that have been expressed by members opposite. It took me some time in the Attorney-General's caucus to be convinced that the exercise on which we are now embarking should be undertaken. I am always very cautious about legislation that is taken over by the Commonwealth, because in the current state of play the eastern States dominate the Australian scene, and from time to time they are contemptuous of the smaller States.

If this legislation is passed in every State Parliament and the Commonwealth Parliament, it will put the Commonwealth on its mettle. In this piece of legislation, above every other piece of legislation, it will need to make sure that it provides a service to South Australian business that is as good as the service that is currently being provided—indeed, I hope it is better. In dealing with Commonwealth agencies I have grave reservations about the ability of the Commonwealth to provide from time to time the sort of service that South Australian business seeks.

However, I was persuaded to accept this legislation and the logic that was put to me was so persuasive that I could not resist it. One of the reasons why I accept it is the corporate collapses that have been occurring in this country and what has been happening to shareholders. It seems to me that from time to time the shareholders of companies in this country are the last people who get consideration in relation to this country's financial affairs. One only has to look at what happened with the Bond Corporation, and that matter has yet to be looked at in detail by the Western Australian royal commission.

It is not my job to put to this House the things that will be put before the Western Australian royal commission. However, I do want to point out that in corporate Australia in the past 12 months, and indeed before that, we have seen some of the biggest scams that this country has ever seen. We have seen chairmen of the boards of various public companies receiving secret commissions from the very companies of which they are chairmen of the board. Through a private company, the Bond family owned a piece of Perth real estate and, when it was acquired by the Bond Corporation, a commission was paid to the chairman of the Bond Corporation for acquiring that private piece of real estate at a highly inflated price.

There had been little or no thought of what sort of consideration ought to be given to the shareholders of that company. The list is long of what has been happening in corporate Australia. We can talk about Alan Bond, Christopher Skase, Laurie Connell, Mr Herscu and the former president of the Liberal Party, Mr John Elliott. If it were not for the fact that some shareholders were extremely vigilant about what was going on in Elders, a former great South Australian company, Mr Elliott and one or two of his fellow directors may well have taken over control of that company for a minimum outlay through a company known as Harlen without having made an offer to the rest of the shareholders for the Elders shares. If it was not for some very vigilant people in Australia at that time, who took this matter to the authorities and forced Mr Elliott to make an offer to every shareholder, this corporate fraud that we are talking about in this instance would have been perpetuated.

That is not the end of it. Recently, we have found that secret loans, at no interest, have been made to company directors in South Australia. These matters did not come to light until they were thoroughly investigated. Indeed, one could read the accounts of these companies and not discover that secret loans had been made. That is the sort of thing that convinced me that we had to regulate these affairs on a national basis.

I should like to point to one or two other things which have been happening with regard to Australian companies and the present regulations. We can add to the list tax avoidance by registering companies overseas—for example, in the Cook Islands. I have been to the Cook Islands. Hundreds of companies are registered in the Cook Islands; yet, I have walked around the Cook Islands and not seen one company in operation. The reason is that these companies are set up there to avoid corporate tax.

I have been asked to curtail my remarks in this debate, about which I have grave reservations, but I should like to mention one other matter regarding Australian companies and the way in which shareholders are being cheated—and I use that word advisedly. I refer to the setting up of incentive schemes for executives. At one stage in our history company shares valued at $5, $6, $10 and more were allowed to be acquired by executives for 1c. Not only could they acquire shares for 1c each, but, at a later stage, if they did not feel like paying the appropriate price for the shares, they could hand them back. Of course, in the meantime, they were able to take all the bonus shares which were provided on the basis that they had those shares.

Indeed, a particular company director, who was the President of the Liberal Party at one stage, paid 1c each for millions of shares, collected millions of bonus shares because he was in that situation, and then returned the shares to the superannuation fund of that company, and the superannuation fund had to pick up the full price of those shares. That is the sort of thing that has been going on in companies in Australia and that is the sort of logic that led me to the view that I had to support this legislation to help to stop the sort of rorts which have been going on in this country. I still have reservations about the Commonwealth taking over in this area. However, I hope that, when it does, it will provide a full and sufficient service to the business interests of South Australia to justify the fact that it has taken over this regulation.

Mr BECKER (Hanson): Like the member for Henley Beach, I am allowed to speak for only a few minutes on

what I consider to be one of the most important pieces of legislation to come before this House. It is a disgrace that not all members are allowed the privilege of talking on the legislation, let alone studying it thoroughly.

I will refer to the *Financial Review* of 7 December to understand in precis form exactly what the legislation is all about and what some of the ramifications of this Bill mean. In the *Financial Review*, Chanticleer states:

> The looming corporate law changeover has thrown the legal and advisory professions into such panic that business people are probably having trouble finding a lawyer who is not half-demented from stress and late nights.

This is the problem with this type of legislation. It provides a field day for the lawyers. The legal profession will make a fortune out of it, yet they do not even know or understand the legislation. The article continues:

> The amendment Bill that brings the corporations law into force by passing through State Parliaments was only available on 8 November (mind you, that was a miracle in itself: it took just three months to prepare a 300-page constitutional experiment, which says a lot about the ability of Canberra bureaucrats to work hard when they want to)... The Federal Opposition is not pressing for a delay, so 1 January is a bipartisan date.

I understand that not all regulations will be strictly enforced on that date. In other words, there will be some give and take, and commonsense will have to apply. Certainly, this legislation is needed, and the member for Henley Beach clearly spelt out some of the problems for corporate Australia and what it has been doing to Australia's reputation. Just as in the 1880s depression, with the bank crash that was led in Western Australia, and the 1929 depression, again we find the problems of very poor supervision and management of many companies in this country.

In today's *News*, there is a wonderful article under the heading 'Greed Inc's cache of "hidden" cash.' For the first time someone has had the courage to spell out just what has happened. The article states:

> Pity the poor entrepreneur. 1990 has been a hard year for Greed Inc.
>
> The corporate crunch over the past 12 months has seen such high fliers as Alan Bond, Laurie Connell, Christopher Skase and John Elliott fall to earth with a thud.
>
> ... Although the collapse of their public companies has cost shareholders alone more than $8 000 million, there has not been a sudden rush of entrepreneurs to Commonwealth Employment Service offices.

No wonder! They have all done pretty well. They have all milked the sacred cow. They have all screwed the system to get a quid and sock it away in their own private companies. So, the member for Henley Beach did spell out what was going on. As far as Christopher Skase is concerned, the article states:

> The one-time finance journalist and media tycoon has been forced to give up such necessities as a $6 million yacht, a 10-seat executive jet and a $7 million Brisbane mansion.

Yet when we receive a miserly $10 000 a year rise or readjustment for what we lost over the past 10 years, of course there are news editorials and what have you. However, the News Corporation does not tell us what its people are paid. The member for Henley Beach mentioned the salaries and skimming of some of the public companies by these various directors. It is interesting to note that, in the News Corporation, for argument's sake, 1 065 executives are paid $85 000 or more per year. There are eight people in the News Corporation who earn over $1 million per year, and one executive receives $12.5 million a year.

We could go through several Australian companies where salary packages are in the vicinity of $500 000, $600 000 and $700 000 per year. However, the Managing Director of BHP, the chief of the biggest company in Australia, gets nothing like that. So, it fluctuates from one to the other. It has been the entrepreneurs who have brought this country into disrepute. They have cost the shareholders, the people of Australia and the banks—and we have not found out the final story on the banking system; I warn the Parliament on that one. All banks will suffer further huge losses, and who will pay for them—the poor little consumer, the average Mr and Mrs Australia.

They will have to cover all these mammoth losses through high interest rates, high bank charges, high fees and high everything else. It is about time that we had a corporate watchdog with teeth. I only hope that, as we pass to the Federal Government the powers of this legislation, there will be ample funding, staff and resources. If there are not, the States ought to march on the Federal Government in Canberra and start pounding the door of Parliament House demanding that the Federal Government honours the arrangement and the powers that this legislation will give it.

We want the Federal Government to do it, and it must now carry out that role. I could go on much longer giving all sorts of examples of cases, for example, of what Holmes a Court did with the Bell Group. I happen to be a shareholder from the early days. I saw the company inflate shares and the company capital through bonus issues based on inflated property values. There was never any cash of value in the company. In the early days he gave himself three million $1 shares paid to 1c. When I wrote and queried it, I was promptly reminded that he was the chief executive, and had made it a wealthy company, and they asked why I should criticise him. The last paragraph of the letter back to me said, 'We are very sorry; we forgot to refer this issue to the shareholders at a special general meeting; we will do it at the annual general meeting and get it ratified.'

Holmes a Court got away with heaps and heaps of shares that were paid only to 1c. But he was not the only one. Plenty of directors skimmed the companies and socked funds away in their private companies. They can live comfortably while the rest of Australia pays. The challenge we give the Federal Government now is to bring this legislation in, enforce it and clean up corporate Australia.

The Hon. G.J. CRAFTER (Minister of Education): I thank all members who have contributed to the debate. I acknowledge the cooperation of the Opposition in giving a speedy passage to this important measure. As has been explained, it is part of a cooperative package between the States and the Commonwealth to provide for a new corporate regulation from 1 January 1991. That necessitates the Bill's speedy passage through the Parliaments of Australia and the Commonwealth.

It is interesting to note that only the Legislative Council in Western Australia has chosen to alter that schedule and the agreement entered into between the Governments of this country. I should just point out to the House by way of explanation that the member for Henley Beach in his contribution this afternoon indicated that there should be an investigation into the Bond Corporation by the new regulatory authority to be established under this legislation. I point out that the NCSC has already provided a reference for an investigation into that corporation. It is headed by an eminent South Australian lawyer, Mr John Sulan, QC, who is a former Commissioner of Corporate Affairs in this State. That investigation is well under way.

I note the comments of the member for Hanson in referring to today's newspaper story about people in public prominence whose corporations have failed and who still profit. Obviously, a great deal of investigation is to proceed, and the regulations that we have before us most certainly

will be tested to the fullest in the months and years to come. I note also the reservations that some members have, and that is not confined to one side of the House. All members need to proceed with caution in dealing with such fundamental laws as those that govern corporations in Australia and their regulation.

However, we do live under a federation and in a nation that does not take into account to any great extent any longer State boundaries in trading practices. So, corporations move across State boundaries freely. They have done so for a long time. I noticed in another place that some of the arguments that were advanced against this measure simply deny the reality of how we conduct business in this country today and how we communicate across this country through the new communication technologies which no longer leave one State more disadvantaged than another because of distance.

One can anticipate head offices of corporations no longer being required to locate in more populous areas simply to have a trading advantage and to be where key decisions are made. Those decisions are now made in a completely different way from tht which pertained only a decade ago.

That requires that we as Governments, on behalf of those whom we represent in this country and particularly on behalf of investors, should have a regulatory structure relevant to today's marketplace and today's society. The great risk for this country is that investors—in particular, small investors—will lose confidence in the marketplace and will invest in other than the corporations that have served this country well and have been part of its growth and development and, indeed, its prosperity for a number of generations. That would be a great tragedy indeed.

We most certainly need to encourage that level of small investment that is personified particularly in post-Second World War Australia. We can no longer deny that a problem exists with respect to the status and behaviour of many corporations in Australia today. The recent spate of downfalls of major corporations has caused us major embarrassment internationally and, undoubtedly, will have a very negative effect on our ability to attract investment to this country, and to encourage entrepreneurs to believe in our future and in the opportunities that exist in this country. We most certainly need that if we are to continue to prosper and if this country is to restructure so that it can place itself in a position to accept the challenges of the twenty-first century.

I noted also from the debate in the other place that a conspiracy theory was advanced that this legislation was cooked up by the Commonwealth and other interests in the big States, and I think reference was made to the fact that some big Sydney-based corporations were involved as well. Any objective observer would see that we need to deal with this issue now at a national level. The High Court has pronounced that the ability of an individual State to deal with these matters is very limited, very expensive and very much second best.

I do not wish to speak much longer on the genesis of this legislation, as it has been covered in this place briefly today and more fully in the other place. We have before us an important piece of legislation which forms part of the legislation in other States, with the exception of Western Australia—for this period of time at least—and the Commonwealth, which is designed to bring about an administrative, regulatory and investigative structure to serve this nation to ensure that there are ethical and established practices and that we have a marketplace that is well and truly alive and healthy and one that maintains the confidence of the Australian community, and in particular, as I said, Australian investors. I commend the measure to the House.

Bill read a second time.

In Committee.

Clauses 1 to 21 passed.

Clause 22—'Fees (including taxes) for chargeable matters.'

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

Page 7, line 37—Insert clause 22 as follows:

22. This section imposes the fees (including fees that are taxes) that the Corporations Regulations of South Australia prescribe.

This matter could not be dealt with in another place because it is a money matter and is in erased type.

Mr INGERSON: Will the Minister advise the Committee whether these taxes and fees go to the South Australian Government, or do they go towards funding the new Australian Securities Corporation?

The Hon. G.J. CRAFTER: The fees are collected by the Commonwealth Government, but part of that revenue, by an agreed arrangement, is returned to the States.

Clause inserted.

Remaining clauses (23 to 97) and title passed.

Bill read a third time and passed.

SELECT COMMITTEE ON SELF-DEFENCE

Mr GROOM (Hartley): I move:

That the report be noted.

In relation to the select committee report that was tabled yesterday, I think that both sides of the House—the Government and the Opposition—can take credit for producing a balanced report, consistent with community demands and, indeed, community needs. I will say a little more later in relation to individual contributions. The committee quite clearly indicated the way in which Parliament can function for the benefit of the community.

Just dealing with the substance of the select committee's report, the Law Society submission summarised the current common law. Because of time constraints, I will be as brief as possible. The Law Society submission quotes:

> It is both good sense and good law that, for the purposes of his defence, that person may do, but he may only do, what is reasonably necessary for the purpose, having regard to all the circumstances as he genuinely believed them to be at the time. If he does no more than is reasonably necessary in those circumstances, then such force as he employs is justifiable and lawful. If, in those circumstances, force by way of defence is not called for, or if, though some measure of force is warranted, he plainly oversteps the mark and uses force that is not reasonably necessary, then what he does is unlawful. That is the general rule.

It has not always been quite like that: there have been various phases of common law interpretation. If a lawyer looked at that passage, he or she would say that the law looks all right. The problem that confronted the committee was that, basically, the community does not understand the law. Because it is common law, one has to go to the cases—probably through legal advice—to find out what is the law, and one does not always receive a consistent interpretation.

The practical advice often given by the police when people are confronted with intruders is not to take any risks, do not do anything. Because we are dealing with common law and people sometimes get misadvice, that has created confusion in the minds of citizens. The House may recall that the select committee was presented with 40 000 signatures, and that really indicates the confusion in so far as the application of the law is concerned.

For it to be an adequate law, it must also meet the test that it is a law that the community can understand, apply and interpret. It is quite clear that people are confused about

the current state of the common law, and that has led to uncertainty on the part of people as to what they can do when they are victims of intruders. The select committee recommended codification of the common law, but it has really turned the common law around in that the codification gives specific mandates to the people. The select committee used the assistance of Parliamentary Counsel to have a draft Bill prepared, and clause 5 *(b)* of the proposed amendment to the Criminal Law Consolidation Act provides:

> A person does not commit an offence by using reasonable force in defence of himself, herself or another person.

Other limbs of that proposed measure also deal with property. It is a clear mandate to people that, when they want to find out what the law is, they can see that there is a clear mandate that they do not commit an offence if they use reasonable force.

One of the other important corollaries was whose belief we look at. The committee came down on the side of the fact that, in the case of an intruder, the householder's genuine belief will prevail against that of the intruder. If the householder has a genuine belief as to the extent of force that is necessary, it is that belief that will prevail. This is particularly important in practical situations to women and to elderly people because the evidence before the select committee was to the effect that, when women are confronted with a male intruder, the first thing they are concerned about is some form of sexual assault. The committee had clear evidence that women hesitate about what degree of force to use to protect themselves.

Even if the intruder is there just for the purpose of burglary and did not have sexual assault on his mind, that will be discounted under this codification because what will prevail is the genuine belief of the woman who is confronted with a male intruder in her house. She will be able to use force that she believes is reasonable to repel the circumstances. It is a very important emphasis in so far as codification is concerned.

The evidence before the select committee revealed that, because of their frailty, elderly people have great fear when confronted with an intruder in their house because they are not able to adequately look after themselves. They may want to resort to the use of assistance, such as a weapon. For elderly people, it will be their genuine belief which prevails in determining the extent of force that ought to be applied.

The net effect of codification of the law will strengthen the law and make it more certain for citizens. There is a clear mandate that no offence will be committed if reasonable force is used, and I have already explained the test of whose belief will be accepted. Other recommendations with respect to the law are also made. There have been some cases of considerable notoriety in relation to the fact that there is the absence of an alternate verdict when someone makes an error of judgment in a death situation.

The problem that arises is that there are only two alternatives for the jury, the first being a conviction of murder and the second a complete acquittal. In situations where excessive force has been used in selfdefence, there has been a tendency for juries to acquit because we can see the injustice in a situation where an error of judgment—albeit one that leads to death—is too harsh to convict someone of murder but too lenient to allow a complete acquittal. The proposed codification has the effect of giving juries a compromise verdict of manslaughter in lieu of complete acquittal or in lieu of a conviction of murder in appropriate circumstances of excessive self-defence.

An equally important innovation which has general application and which has been recognised as possibly needing to be the subject of further consideration (although I do not believe so), nevertheless may prove to be somewhat controversial, namely, the subject of intoxication.

The recommendation with regard to intoxication having general application to the criminal law is that the practical effect is that you cannot 'pump' yourself up with alcohol or drugs and expect to turn up in court, having committed a criminal offence, and be acquitted because you were too drunk to know what you were doing. The select committee report stated:

> A person charged with an offence who was in a state of 'self-induced' intoxication at the time of the alleged offence will be taken to have intended the consequences of his or her acts or omissions so far as those consequences would have been reasonably foreseeable by that person in the relevant circumstances if sober and to have had the same perception and comprehension of surrounding circumstances as he or she would have had if sober.

That means that people cannot 'pump' themselves up with alcohol or a drug in a self-induced situation and expect this to be used as a way of getting off a crime. Many offences dealing with breaking and entering and other general offences are combined with alcohol or drugs, so we are taking a more severe stand on behalf of the community in relation to self-induced states of intoxication. Because that has general application, other groups may or may not want to make submissions in relation to it.

The select committee dealt with other issues, namely, civil liability of occupiers insofar as damages are concerned in a trespass situation. We made no recommendation for change in relation to the civil law. With regard to dogs, if an intruder breaks into your house and your dog bites the intruder some people believe the dog owner will be sued, despite the fact that the intruder was about to commit a criminal offence. There are two sections in the Dog Control Act which potentially conflict and there is a simple device to ensure that a person has a defence that the dog was, at the material time, being genuinely used in the reasonable defence of any person or property. In other words, the idea that the intruder can sue the homeowner when bitten by the homeowner's dog will be completely laid to rest by a very simple device of ensuring that the two sections are read in conjunction because, if you read one section alone, you get the wrong impression of the law.

Other recommendations of the select committee include a code of practice dealing with the use of force by private persons engaged in private law enforcement, such as bouncers. We recommended that a section of the Commercial and Private Agents Act be used to draw up a code of conduct in consultation with the Commissioner of Police and that that code of conduct be admissible in evidence in any legal proceedings as evidence of the standard of behaviour expected of such persons.

Of great importance to the committee was the willingness of community based organisations such as the United Farmers and Stockowners, Neighbourhood Watch, elderly citizens groups, Victims of Crime, the Adelaide Rape Crisis Centre and others to participate in a public awareness education program to make widely known the real rights, duties and responsibilities of a citizen acting in self defence, in defence of others and in defence of property.

I think it is a very important aspect of the select committee's recommendations that these groups will participate and use their resources as well in a public education program to remove the confusion that exists in the community. Consequently, without going into all the other matters, and to allow other members time to deliberate on these matters, I believe the select committee has presented a very balanced

report for which both sides of this Chamber can take credit. I think the recommendations will be well received by the public.

I mention the role of members of the committee, because the involvement of members was extremely positive and I think that, despite our political differences, this select committee report really indicates that members of Parliament on both sides of the House genuinely want to see the public properly and better protected, particularly in this area of the law. I want to pay tribute to the role of the member for Kavel; he played a particularly constructive role in bringing about this report. Without his involvement, I dare say the report would not have attained the final shape that it did, so I want to ensure that the member for Kavel is properly recognised for his constructive role in bringing about the report and, likewise, the member for Elizabeth, for the very constructive role he played and his fine grasp of the very complex legal issues involved. The members for Stuart and Newland, likewise, had a great amount of constructive input, and I congratulate them on the sensitive way they handled the issues, particularly those issues of great concern to women.

There is no question but that it was an advantage to have the member for Stuart and the member for Newland on this select committee and, of course, the constructive way in which the member for Stuart handled this issue is in marked contrast to the aberrations coming from the Mayor of Port Augusta in dealing with the issue of curfew. I want to pay tribute to the research officer, Mr Matthew Goode—the committee was well served by his expertise; and I also want to pay tribute to Parliamentary Counsel for their expertise in assisting the select committee to arrive at a codification of the law which I think is in the interests of all citizens.

The Hon. E.R. GOLDSWORTHY (Kavel): I speak with a great deal of pleasure in noting this report. As the Chairman of the committee has noted, the committee indeed worked well and I think it is true to say that some members of the committee moderated and changed their views during the course of those discussions. I must say that I sensed initially that there was a feeling on the committee that perhaps the law did not need changing and that in fact a significant education program was all that would be required to clarify the law in the minds of the public. However, I state quite categorically that I went into the committee—as indeed did my colleague the member for Newland—in the firm belief that the law needed changing. We were well attuned to public sentiment and we were well aware of the fact that the public probably did not understand the law as written. It certainly did not understand the common law and, after considerable discussion, it was concluded that we needed some degree of codification, in other words, spelling out the law in some detail. Some of the lawyers argued that that would just confuse the issue, but in fact it was our view that it would clarify the law significantly for the public.

I do not think it unfair to say that I believe that the Government members of the committee changed their views significantly during the course of that committee. I do not believe that it is making a cheap political point to say that the end result lined up pretty well with what the Liberal Party had been saying for some time. I pay tribute to my colleague the member for Newland who, I recall, campaigned during her successful bid to become elected to this place on this very question of law and order and on the need to reform the law in relation to this very matter.

Although in the initial stages members of the committee might have concluded that the honourable member was listening and watching, I knew perfectly well—and I think members soon realised—that she wanted the law strengthened. That was entirely consistent with the view she had taken publicly during and after the election campaign. I pay tribute, as has the Chairman, to the contribution of the member for Stuart. I enjoyed the meetings of this committee, because all members approached the task in hand genuinely. There is always a bit of levity and a bit of banter during these committees, but the basic job is to try to improve the law. The member for Stuart certainly made a significant contribution.

The member for Elizabeth, as usual, brought his acute intelligence to bear on the issues. If we are allocating credit to people for the significant changes made, it was certainly the member for Elizabeth who was interested in the role of dogs: the clarification of what you can do with your pooch is certainly the result—

The Hon. S.M. Lenehan: I was wondering what you were going to say!

The Hon. E.R. GOLDSWORTHY: Your dog—your hound. We do not yet have to get down to wondering what is in the dog's mind or if the dog was intoxicated, but if the dog bites someone's leg, we do not yet have to go to the extent of examining the dog's intent.

Mr Ferguson: Don't you ever go door knocking again!

The Hon. E.R. GOLDSWORTHY: When I went door knocking—

The SPEAKER: Order! Is it relevant to the debate?

The Hon. E.R. GOLDSWORTHY: The fact is that all members contributed. The Liberal members, certainly, wanted the law toughened and, well down the track, it was finally agreed that the Tasmanian code—the one the member for Newland and I had in mind initially—was adopted. I draw the attention of members to the amendments I suggested. Subclause (5) talks about the situation as people genuinely believe it to be, which is, I believe, a significant change and one which pleases me considerably.

I also want to pay tribute to those members of the public who really have been alarmed and concerned at the state of affairs that exists in relation to defence of person and property. Anyone who will not concede that there has been an enormous increase in the number of housebreakings and in invasion of person and property in recent years is simply wearing blinkers. Anyone who tries to assert that that is not the case has not been reading recent statistics.

This concerns the public. Anyone who suggests that the police have anything like the resources—or that we could give them anything like the resources—to come to grips with the situation is likewise wearing a pair of blinkers. In my judgment, housebreaking and invasion of property is absolutely out of control, and the police rarely take the trouble even to follow it up. They just cannot. When there is a housebreaking every 12 minutes in metropolitan Adelaide, how on earth can they? The other thing that disturbs me is that the police are loath to allow the public to take the law into their own hands. The public, in total exasperation, want to do something to come to grips with this situation.

Members of my family and I have been in precisely the same position, as indeed have a number of people who took the trouble to appear before the committee. Two ladies took an enormous amount of trouble, because they were so concerned about the situation, to present a petition with no fewer than 40 000 signatures on it. They were Carolyn Pope and Betty Ewens, two ladies who were so concerned that they worked tirelessly to get 40 000 names, and that is no mean effort. Once the petition forms became available, names flooded in from all around the State, because people

wanted something to be done to help them protect their personal property from invasion. I am still not satisfied with some areas of the law, and I do not want to spend a great deal of time on this issue, because there are other matters to be dealt with tonight.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

The Hon. E.R. GOLDSWORTHY: The chairman has dealt fairly fully with the various aspects of our recommendations and where we recommend no change. However, I want to draw the attention of members to that section of the report that deals with the powers of arrest. In a situation where the police do not have the resources to come to grips with this escalation of housebreaking and so on, and the public is totally frustrated, what on earth do people do when they really want to bring the culprit to justice? One witness struggled with a person who was stealing property, and he was charged with assault.

Only isolated instances were presented, but instances none the less. The committee recommends that this area be investigated. I do not know whether we say that it should be investigated as a matter of urgency, but I believe the law in relation to the powers of arrest is antiquated and there should be some urgency. Nobody, but nobody, understands what their authority is in trying to apprehend law breakers; they do not know how far they can go, and what they can do. We thought it was outside the terms of reference of the committee, but we do recommend that that matter be considered.

I seriously hope that whoever has the authority to have that matter considered does so in the near future, because when the police cannot cope and private agencies and individuals try to do their work, the police get very uptight and lay charges against those people when, in my view, they are legitimately trying to protect life, limb and property.

I am very pleased with the result of the select committee. As I said, it was a significant victory for the viewpoint espoused by the Liberal Party over a long period. Trevor Griffin had a Bill drawn up which we analysed and which was significantly mauled in some of the submissions by academics and others. However, when it comes down to the bottom line, what we have come up with is certainly in the spirit of the Griffin Bill. So, it was a cooperative effort, and I am pleased with the result.

Mr M.J. EVANS secured the adjournment of the debate.

CORPORATIONS (SOUTH AUSTRALIA) BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

Mr GROOM: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

SITTINGS AND BUSINESS

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

That Standing Orders be so far suspended as to enable Order of the Day: Other Business No. 21 to be taken into consideration forthwith.

I ought to explain, Sir: you would be aware of the unfortunate misunderstanding this morning and this is to rectify that particular matter, and for no other reason.

Motion carried.

PRIVACY LAWS

Adjourned debate on motion of Mr Groom:

That a Select Committee be established to consider deficiencies or otherwise in the laws relating to privacy and in particular—

(a) to consider the terms of a draft Bill prepared by the Parliamentary Counsel on the instructions of the member for Hartley entitled 'an Act to create a right of privacy and to provide a right of action for an infringement of that right; and for other purposes';

(b) to examine and make recommendations about specific areas where citizens need protection against invasions of privacy; and

(c) to propose practical means of providing protection against invasions of privacy.

(Continued from 22 November. Page 2184.)

Mr S.G. EVANS (Davenport): As this matter is going to a select committee, the establishment of which the Opposition supports, I do not need to say any more. I wish the select committee good luck and success.

Mr GROOM (Hartley): I am indebted to the Opposition and to Government members, of course, and to the Independent members.

Motion carried.

The House appointed a select committee consisting of Messrs Allison, Atkinson, M.J. Evans, S.G. Evans and Groom; the committee to have power to send for persons, papers and records and to adjourn from place to place; the committee to report on Thursday 21 March 1991.

ADJOURNMENT

At 5.5 p.m. the House adjourned until Tuesday 12 February at 2 p.m.