HOUSE OF ASSEMBLY

Thursday 21 March 1991

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

FREEDOM OF INFORMATION BILL (No. 2)

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

That the sitting of the House be continued during the conference with the Legislative Council on the Freedom of Information Bill (No. 2).

Motion carried.

NOTICE PAPER

The Hon. JENNIFER CASHMORE: On a point of order, Mr Speaker, I do not have a Notice Paper and I do not see a Notice Paper before any member. It is very difficult to—

Members interjecting:

The SPEAKER: Order! I will investigate the matter and have the situation remedied as soon as possible.

GLENELG DRY AREA

Mr OSWALD (Morphett): I move:

That this House disagrees with the new guidelines published on 29 January 1991, for dealing with councils' requests for dry areas under the Liquor Licensing Act and, in particular, as they affect applications made by seaside councils for alcohol bans on those sections of the foreshore which are not under their legal control, such as beaches and jetties, and, further this House does not endorse the policy of making local councils and local ratepayers financially responsible for the care and rehabilitation of drinkers who descend on councils from other local government areas, as it is believed that this is a State Government responsibility.

In moving this motion I can only say that the councils in the areas I represent are absolutely incensed—I use that word carefully—with the action of this Government in removing the original arrangements that we had for dry areas. The Glenelg area has been a problem area; we do not like it, we put up with it, but it has been a problem area for some years now. As early as 1984, the council, myself, and other elected representatives started making overtures to the Government to do something about the problem. On 29 January this year the Hon. Barbara Wiese, MLC, made a public statement as Minister, setting down new guidelines for dry areas, as follows:

Discussions have already been held with local government associations.

Well, discussions may have been held with the Local Government Association, but certainly they were not held with the councils of Glenelg or Brighton, two of the problem areas of this State. So, I wonder how much consultation really did take place before these ludicrous new guidelines, which are not appreciated, were set in train. The press statement she put out stated that:

The creation of dry areas in certain locations has been successful in diminishing public nuisance and assisting law enforcement.

We have no qualms with that; that was the purpose of having dry areas. She went on to say:

But in some cases the declaration of dry areas has simply moved the problem of drunkenness or vandalism from one area to another.

That has to be analysed, because in Glenelg specifically the situation was like sheep in the paddock: these drinkers came down to Glenelg and they caused trouble there. Whether or not they would have caused trouble anywhere else had they not been allowed to come to Glenelg is theoretical. To say that the problem would have been shifted to all the other seaside councils is not correct. This problem has occurred in some seaside councils because of the nature of the coastline there, which attracts these individuals. Those councils have reacted and put in the bans and now these people have gone elsewhere, so that has been successful.

Another statement in the Minister's press release that incurred the wrath of the local residents was:

But under the Liquor Licensing Act dry areas in other locations will only be declared in specific circumstances.

The Minister and the Government have imposed on local government an impossible arrangement. They have said that the councils can still apply for the dry zones to be declared in the areas they control but, in areas they do not control, only certain strict guidelines will apply. One of those guidelines reads:

... on application from councils, provided they include a broader, local strategy for preventing anti-social behaviour and/or providing appropriate care and rehabilitation.

Does this mean that, if on the beach, say, someone is arrested for drunken and disorderly behaviour, because there is no dry zone there, and the council wants a dry zone, it will get a dry zone if it provides appropriate care and rehabilitation for the people who are being arrested? To impose that on local government is ludicrous. That is exactly what this proposition does.

As I said initially, Glenelg first raised the problems about drunken youths on the foreshore area as early as 1984. The problem was gradually building up. At that time alcohol consumption had noticeably increased, unruly behaviour and vandalism was on the increase in the district and something had to be done about it. We had many public meetings, many meetings with the Government, it was discussed at council at length and it was discussed in the media and used as an issue by political Parties, of both persuasions. It was very obvious to any of us who lived in the district that family groups were being discouraged from using the foreshore area because groups of drinkers were congregating along those popular areas, creating problems on the lawns and roaring around in their cars.

So, when dry areas were declared on the foreshore, many of the drinkers moved on to the beach and the jetty, requiring us to extend those dry zones down onto the beach and in fact out onto the jetty. Now that the problem largely has been cleaned up, we find that the Bannon Government is going to bring in a new set of guidelines which will restrict the dry areas back to those council areas, namely, the lawns, and there will be a return to the problems we had in the late 1980s, when they would just go into the car parks and down onto the beach. Certainly, councils will be able to continue to have that dry zone on their own properties, but if we are going to relax the guidelines, as per the Government's formula, we are going to see a return of the drinking problems right along the coast. It is not acceptable at any price. The police support what I am saying, and I refer to the local Messenger newspaper:

Glenelg police have supported the move to ban drinking from areas of Glenelg and have started a campaign to curb local alcohol abuse. Inspector Nick Zuvich said larrikin behaviour had become a major problem on southern beaches over summer.

'More than 600 people gather in the Anzac Highway car park and Magic Mountain Amusement Park on warm nights to consume alcohol and do burn-outs in their cars,' he said.

They terrify local residents and tourists and cause thousands of dollars damage.

For the past year we have had some peace down there. If the Government proceeds with these guidelines, that peace

will diminish and the problem will be back as bad as ever. It is not just me, the local member, who is concerned about this and saying something about it. I notice in the same release that the candidate for the ALP in Hawker, Elizabeth Harvey, got into the act. She supports the move and has written to Mr Sumner urging his cooperation. Her comments were reported as follows:

She said the ban would stop 'reasonable people from having an occasional beer on the beach on a hot day', but 'the situation is really getting out of hand when local residents—including the elderly and families with children—are deterred from using the beach because of the anti-social behaviour of a few visitors'.

Mrs Harvey said accumulation of bottles and cans was bad for Glenelg's image and the local businesses which relied on tourist trade.

In my concluding remarks on this motion, on which I am seeking absolute and 100 per cent support from all members, I put to the House that to change the guidelines will turn the clock back and we will again have a situation along the foreshore where, on the warm nights, the larrikin element will move in with their eskys, and families will be forced to move out. To its credit, the Government had bitten the bullet, had tidied up the situation by giving us these powers to declare dry areas—to remove them would certainly be a backward step. I cannot understand the Government's logic in even bringing in such a set of new guidelines and, on behalf of all those who represent family groups, I implore the Government to reconsider this move. The guidelines have certainly not been discussed at council level. They may have been discussed in the Local Government Association. If they had been discussed at council level, it would have been found that they are unpopular, ill-conceived and, indeed, quite ridiculous. I ask all members to support my motion.

Mr HOLLOWAY secured the adjournment of the debate.

AIF 50TH BATTALION COLOURS

Mr OSWALD (Morphett): I move:

That this House calls on the Government to negotiate with the Army Office in Canberra and the Commander, 6th Military District, Hobart, for the return to St Peter's Cathedral, Adelaide, of the colours of the 50th Battalion AIF (1916-19) which were originally ceremonially laid-up in St Peter's Cathedral in 1937 but were transferred to St David's Cathedral, Hobart, in 1973 on the authority of the Army Office at the time.

Some members may consider this an unusual resolution to bring before a State Parliament, but I think that, when members hear my remarks and realise the intense historical significance of the resolution to many families both living and deceased in this State, they will see that it encapsulates part of the history of this State and it should be supported 100 per cent. Let me give the House some background of the events leading up to the laying up of these colours in St Peter's Cathedral, Adelaide.

The Australian Imperial Force was evacuated from Gallipoli in December 1915. In early 1916 the Australian Government decided to double the size of the AIF and in Egypt all the old Gallipoli battalions were divided in two to form 16 new battalions. The 10th Battalion AIF, the 'City of Adelaide Rifles' as it was called, was the first battalion raised in South Australia in 1914 and was, arguably, the second battalion to land on Gallipoli on 25 April 1915, minutes behind the 9th Battalion, the 'City of Brisbane Regiment'. The 10th had distinguished service on Gallipoli under the command of Lt Col. Stanley Price-Weir, with Major Frederick Hurcombe as his 2IC. In February 1916, the other half of the 10th Battalion became the 50th Battalion, another purely South Australian unit. The first commander was Frederick Hurcombe. It became one of the four battalions of the 13th Brigade under the command of Brigadier Thomas William Glasgow. The others were the 49th, formed from the 9th (Brisbane), the 11th (Perth) and the 12th which was primarily a Tasmanian battalion with a company of South Australians mainly from the Port Pirie area.

The colours of the colour patch were the same as the 10th, but it was circular, rather than oblong. The 50th Battalion sailed from Egypt on 6 June 1916 on HMT *Acadian* and landed in France at Marseilles on 11 June. The battalion had distinguished service in France and Belgium, being in the front line in the major battles of Pozieres, Bullecourt, Messines, Polygon Wood, Passchendaele and Villers-Bretonneux. Its particularly important battles were at Bullecourt in April 1917 where it took the village of Noreuil with a brilliant attack. Members may know of a house or lady with the name Noreuil and many fathers of members would be very familiar with this incident. Also Villers-Bretonneux where the 13th Brigade retook the village and saved Amiens. This battle on Anzac Day 1918 was the final turning point of the tide in the war against Germany. The cross erected at Villers-Bretonneux by the men, in memory of their comrades lost in this battle, can now be seen behind the Cross of Sacrifice on North Terrace.

During the war, 3 397 men served with the 50th Battalion and the great majority were South Australians or from Broken Hill. A total of 711 men paid the supreme sacrifice. Decorations awarded to the battalion were: one Victoria Cross, two DSOs, two Bars to DSO, one OBE, 28 Military Crosses, three Bars to MC, 13 DCMs, 107 MMs, four Bars to MM, eight MSMs, one DSC (USA), three *Croix De Guerre* (Belgium), two *Croix De Guerre* (France), one Legion of Honour (France), and one Bronze Medal for Military Valour (Italy). The Victoria Cross awarded to Private Jorgen Jensen was placed in the Australian War Memorial three years ago by his family, who live at Henley Beach. Jensen died in a tragic accident in Adelaide in 1922.

After Pozieres, Lieutenant Colonel Hurcombe was replaced as commander by Lieutenant-Colonel Alfred Salisbury, a great Queensland fighting commander. Others to command the battalion were Lieutenant Colonel Noel Loutit, DSO and Bar, who moved further inland than anyone on the day of the landing at Gallipoli. He was awarded his two DSOs within 10 days at Bullecourt. In the Second World War, he commanded the Alice Springs area. Major William Murray Fowler, MC—one of the D&J Fowler Lion Brand family who died tragically young in 1953—took the battalion into battle when aged 22 years. Major James Churchill-Smith, MC and Bar, was a well-known city accountant and secretary of the Royal Aero Club. He was awarded two MCs within days at Pozieres.

The battalion was a microcosm of South Australian society. Lieutenant Reginald John Rudall was a member of the South Australian Parliament and served as a Minister in the Playford Ministry. Lieutenant Keith Wilkinson was prominent in Adelaide real estate circles. Lance Sergeant William Roy Drummond, MM, was a great footballer with the Port Adelaide Football Club. Lieutenant Frederick McBryde was a Master of the Supreme Court. Captain Patrick Auld, MC, was prominent in Catholic philanthropic organisations, having become interested in religious affairs whilst a POW. Albert Bampton was Registrar of the University of Adelaide. Captain Tennyson George Clarke, MC, was a founder of the Dairy Vale company. Lieutenant Arden Seymour Hawker, MC, was a well-known grazier and Adelaide city councillor.

RSM Roy Reginald Foulkes was a senior inspector with the MTT. Lieutenant John Earnest Edwards, MM, was the

proprietor of the *Whyalla News* and the *Transcontinental* at Port Augusta. John Michael Geary was a well-known race caller and journalist. Lieutenant Colonel Ross Jacob served with the 10th and 50th battalions and was national President of the RSL. Lieutenant Edgar Noblett, MC, who died last year, founded the Noblett Furniture Company. James Hinge was a hairdresser in Bordertown. Lieutenant Walter Vincent Pendle, MM, founded a bus line to the Riverland. Horton Joseph Jennison ran a successful motor vehicle dealership in Burra. Lieutenant Edward Hugh Price, MC, was the son of the Hon. Thomas Price, who was the Labor Premier of South Australia in 1905. Major Harold William Seager, MC, was the son of Mrs Seager who founded the 'Cheer Up Hut'. His wife, Dr Joy Seager, was a prominent general medical practitioner on Kangaroo Island between the wars.

Lieutenant John Smith designed and built the pontoon bridge that spanned the Derwent River in Hobart. Lieutenant Harry Thomson, MC, had a distinguished legal career and became a King's Counsel. Edward James Oatey started a South Australian football dynasty. Lieutenant Colonel Lewis Jeffries, DSO, OBE, had long service in general medical practice and later in the Hospitals Department. Major Harold Powell, MC, served as a general medical practitioner in the Largs Bay area.

Many men of the 50th Battalion battled great hardship in the early years to develop virgin blocks of land in the Riverland and on the West Coast. Few of the 50th Battalion survive. Those known to be surviving are Raymond George Goodman, in Frankston, Victoria, Oscar August Maraun at Grange, Albert Edward Harris at Fullarton, Charles William Whittaker at Pasadena, Norman Lawrence Arney at Klemzig and Alfred George Parsons at Glenelg.

Many widows of the men of the 50th Battalion survive, some of them being war brides. Immediately after the war, an association of the 50th Battalion was formed, and it met regularly until a few years ago. In 1926 the club obtained a regimental colour. It was consecrated on Anzac Day in 1927 and was carried at the ceremonial parade associated with the inauguration of the Commonwealth Parliament in Canberra in May 1927. On Sunday 3 October 1937, the colour was laid up in St Peter's Cathedral, having been presented to Bishop Nutter-Thomas by Major Murray Fowler and Lieutenant Fred Wakelin, both officers of the old battalion. The cathedral was packed with men of the battalion, their wives and children. Part of the service was as follows:

[Major Fowler] This consecrated colour, formerly carried in the service of the King and Empire, I now deliver into your hands for safe custody within these walls.

[The Bishop] In gratitude for the mercies of God, and in remembrance of the gallant services of the soldiers of this regiment, we accept their regimental colour for safekeeping in this house of God, in the name of the Father and of the Son, and of the Holy Ghost. Amen.

In 1972 the army decided to remove the colours from St Peter's Cathedral and place them in St David's Cathedral, Hobart. That was done on the basis that a militia battalion had been formed in Tasmania in the period prior to the Second World War and given the number 50. There was no connection whatsoever between this unit and the old 50th Battalion AIF, whose honours I have read this morning.

The transfer was carried out without reference to or the knowledge of the 50th Battalion Club, which was still active, and was discovered when only a local military historian who was collating a history of the battalion inquired at the cathedral of its whereabouts. It is army policy that once a colour has been laid up in a cathedral it shall remain there. The fact that those colours were removed went against army policy, anyway. It will require some initiative from someone to have those colours returned from Tasmania to South Australia. When members read this record of the battalion they will see the way in which it encapsulates the history of the State; indeed they will support my motion calling on the State Government to intervene to have the colours returned. It is part of the history of this State. The laying up of colours is a tradition that has gone on for 1 000 years; it is something which people value and something which I do not believe should be lost.

Whilst the colours may now be just a remnant of material hanging in a cathedral in Hobart, they represent a great tradition to the families of the men who fell and to those who have been involved in the services. As the memories of the fallen on those colours refer to South Australians, it is only right and proper that this Government should move immediately to have those colours returned to the State and laid up in the South Australian cathedral.

Mr QUIRKE secured the adjournment of the debate.

MARALINGA TESTS

The Hon. T.H. HEMMINGS (Napier): I move:

That this House calls upon the British and Commonwealth Governments to negotiate with the Maralinga people to achieve fair and just compensation for the use of their lands for atomic testing purposes.

I was living in England in 1953 when two atom bombs, code-named Totem 1 and Totem 2, were exploded at Emu, about 190 km north-east of Maralinga. These were the first of nine atom bomb explosions and several hundred minor trials, mainly using radioactive materials, conducted by the United Kingdom at Maralinga and Emu between 1953 and 1963. These tests were carried out—so the British Government told us—by the United Kingdom so as to ensure that the United Kingdom remained a member of the exclusive nuclear club, thereby being able to influence world affairs and maintain world order.

The atomic tests had a devastating impact on the Maralinga people. They were rounded up, forced to leave their homes and carted off to allow the tests to be held during the 1950s. But no-one bothered to tell the British public this. As far as we were concerned, according to the press and the Government the test area was uninhabited. This rounding-up process was not thorough and there are stories of those who were directly and indirectly exposed to the tests and who remained in the area or who were in the path of the fallout. Again, nothing of this reached the ears of the British public—the press and the Government ensured that.

Large areas of the Maralinga people's lands have been left contaminated and unfit for Aboriginal habitation for hundreds of thousands of years. The issue of fair and just compensation for the Maralinga Aboriginal people for the loss of the use and enjoyment of their lands during the British nuclear test program in Australia is a question of justice and moral right, something that does not seem to be fashionable in the UK as far as the Aboriginal people are concerned.

I do not think that I can adequately convey to the House my sense of outrage at what happened during the atomic test program at Maralinga—the fact that the British scientists were allowed to walk away leaving their nuclear cocktail behind, to contaminate the land virtually for eternity. I am also angry and outraged at the Australian authorities of the day who allowed the British scientists to do that.

I feel angry when I read the 1984 Report of the Royal Commission into British Nuclear Tests in Australia. The Royal Commissioner, in reporting on the four atomic bomb

tests in the Buffalo series in September and October 1956, concluded:

> Overall, the attempts to ensure Aboriginal safety during the Buffalo series demonstrate ignorance, incompetence and cynicism on the part of those responsible for that safety. The inescapable conclusion is that, if Aboriginals were not injured or killed as a result of the explosions, this was a matter of luck rather than adequate organisation, management and resources allocated to ensuring safety.

There has also been the tragic results of a once proud, nomadic, traditional people being forced away from their lands to live in a semi-European lifestyle, and exposed to a life alien from their tradition. Breakdown of culture and authority, devastation to health, and violence and social disruption have been the result of that move away from their lands.

It is rather fortuitous that there was a replay of the film *Ground Zero* earlier this week, which again highlighted the tragedy of what happened at Maralinga many years ago. Radioactive and hazardous materials were dispersed over the area. The atomic explosions deposited radioactive fused sand into glazing or induced radioactivity in the soil. In some of the minor trials, beryllium, uranium and plutonium were dispersed. At Taranaki, about 22 kilograms of plutonium was dispersed in narrow plumes, existing as a fine dust, as small particles or as contamination on other debris.

In 1967, a so-called clean-up of the Maralinga and Emu sites called 'Operation Brumby' was undertaken by the UK. At Taranaki it attempted to reduce surface contamination by ploughing to a depth of 15 to 25 cm. In the long term, this caused more problems than it solved. At Maralinga, contaminated soil, debris and general rubbish was buried in pits. Twenty-one burial pits at Taranaki are believed to contain between 2 kg and 20 kg of plutonium. Elsewhere, pits contain up to 7 tonnes of uranium, as well as other radioactive and toxic materials. A total of approximately 500 square kilometres of land is contaminated to a level exceeding acceptable health levels. Of major concern is that about 34 square kilometres of this land outside section 400, which is the prohibited access zone owned by the Commonwealth and which extends into land now owned by the Maralinga Tjarutja people. This area must be cleaned up or made secure. In addition, the permanent loss of the use of this contaminated land will have an ongoing detrimental effect to Maralinga lifestyle and culture.

Section 400 is traversed by a number of traditional routes, utilised by people in the past when travelling through to Ooldea and to important sites and water resources south-east of Maralinga. These routes link several water sources which remain of spiritual as well as economic significance to the Maralinga people today. People at Oak Valley, which is the residence on the lands for many of these people, have one of the most traditional Aboriginal lifestyles in Australia.

Section 400 was also considered a valuable hunting area because of good access and visibility. The effects on the health of the people also have to be considered. There are four ways in which individuals may be exposed to radioactive materials. These are by inhalation, by ingestion, by entry of materials into the body through wounds and by exposure to radiation.

The environment and Aboriginal lifestyle together ensure that the intake of soil and dust through ingestion and inhalation is high, as is the incidence of cuts and wounds likely to contain dust, ash or soil. Thus, there are many ways in which the lifestyle and culture of the Maralinga people have been and will continue to be permanently affected by the contamination.

The Technical Advisory Group was established to advise the Commonwealth on the extent of contamination, how to clean it up and the costs involved. This group, which included British scientific experts, has conducted extensive studies of the area, including research into Aboriginal lifestyles, to determine the extent of the clean-up required for people to live on the lands with minimal health risks.

It presents the Commonwealth with a series of options on the extent of the clean-up. We have now reached the stage where decisions must soon be made on the clean-up and on compensation. But, how can we ever repay the debt to the Aboriginal people at Maralinga?

I am pleased to say that the State Government has taken a decisive lead in helping the Maralinga people to re-establish their life back on the lands and, hopefully, their sense of purpose. Except for some prohibited areas, the Maralinga lands were handed back under freehold title in 1984 by the Premier in a moving ceremony of restoration with the land and of its spirituality. This area covers some 76 500 square kilometres.

I am very pleased that here in South Australia we have achieved strong bipartisanship on the Maralinga issue. The Minister of Aboriginal Affairs has advised me that this year he hopes that the historic Ooldea mission and camp sites will be included in the Maralinga land title. This Government is making a concerted effort to make up for the errors of the past and to at least provide tangible compensation by way of land grants to the traditional people.

Nevertheless, the clean-up of nuclear contamination and the payment of compensation for the permanent surrender of contaminated land must be addressed. The options presented by the Technical Advisory Group include a total clean-up option at a cost of least $650 million. Maralinga Tjarutja has now come up with a most reasonable position and is seeking the clean-up of certain areas which will cost in the vicinity of $93 million.

However, if this option is accepted extensive areas will require secure fencing to prevent casual access. These areas are those most heavily contaminated and where clean-up is technologically difficult and/or could create long-term environmental destruction. As these areas will need to be sealed off totally forever, Maralinga Tjarutja will be seeking further compensation for the permanent surrender of these areas. The Commonwealth Government must be supported in its efforts to get the British Government to accept its responsibility to meet the cost of both clean-up and compensation.

In the past the British Government has walked away from its responsibilities by denying any legal liability. However, the moral obligation is clear, and I therefore call upon the British Government to now face its obligations to the Aboriginal people of this State. Members will be well aware that I am a member of the Maralinga lands parliamentary select committee. In that capacity I want to place on record my appreciation of the role of the Federal Minister for Aboriginal Affairs, Robert Tickner, in attempting to advance the Aboriginal issue at Maralinga.

I understand that Mr Tickner joined the State Minister of Aboriginal Affairs in a visit to Maralinga last December to inspect the atomic test site and to meet with representatives of Maralinga Tjarutja. I would also like to pay a tribute to the technical expertise of Commonwealth Officers involved in the Technical Assessment Group, which looked at the various clean-up options. However, I do have a clear message for the Federal Government in making its decision about the future of Maralinga. Compensation issues must be addressed and we should not relent in our efforts to secure the British Government's involvement in that clean-up process.

I think that we must also place on record that there must be no attempt by the British Government to duck-shove

the compensation issue to South Australia through some phoney claim that the Playford Government was somehow responsible.

Mr Lewis: Don't be guilty of speciesism.

The Hon. T.H. HEMMINGS: I know that there are those who will try this diversion, and obviously the member for Murray-Mallee fully supports that ploy, but it will not work and would be seen internationally as a cold, cynical cop-out. The British tests were held under the Federal Government's constitutional defence and foreign affairs powers. In any case, the Federal Government's own royal commission directly considered the issue of responsibility. Justice McClelland recommended that the British Government should bear the costs of all the clean-up of all the tests sites (recommendation 6) and that the Australian Government should compensate traditional Aborigines from Maralinga for the loss of the use and enjoyment of their lands. It is time for these responsibilities to be honoured.

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

WORLD UNIVERSITY

The Hon T.H. HEMMINGS: I move:

That this House supports moves to establish a world university in South Australia and to promote Adelaide as a national and international centre for further education and training.

I think it is fair to say that Australia is at a critical stage in its economic life. We face the choice of succeeding or failing, developing a fully competing economy, exporting high value manufactured goods and services, and competing more effectively with importers versus going down the road to a banana republic.

High among the list of solutions to bring about this lift in economic performance in the 1990s and beyond is an emphasis on skill formation and training. At no time in our modern history has higher education and training been more critical to our future. South Australia already has a record to be proud of in this area. The recent restructuring of our tertiary education system has resulted in a third high quality university joining Adelaide and Flinders Universities in making their mark not only in this State but nationally and internationally.

Our TAFE system is second to none, providing training geared to the needs of industry as well as to the demands of South Australian citizens. However, we can and must do better. We must have the daring to try new innovations and explore new ideas. The world university is an exciting and vital part of the whole MFP vision, but the concept of a university city and a world university are not dependent on the MFP. We could achieve a world university without the MFP, because we have much to be proud of from the excellent work already being done by our tertiary institutions, but I believe we could not achieve the MFP without a world university.

The skills and knowledge developed from the world university will underpin the other technological advances that we expect will be developed at the MFP. It is not a traditional university; the parameters of the world university will be as broad and as imaginative as we allow them to be. Just as the MFP will be an Australian project, the world university must be grasped by the institutions in South Australia and become an institution that is useful and relevant to our needs as an enhancement of the existing university system here.

The world university will not be a competitor to our three universities; nor will it be some kind of over-arching institution. We are more interested in a cooperative role involving the three South Australian universities and a range of other institutions and groups. This will strengthen, not weaken, our existing institutions.

Indeed, we would expect the world university to attract new resources for South Australian higher education including students, teachers, research contracts, grants and new centres of excellence. We also want it to act as a catalyst for shared resources. It must enhance the rule and importance of the tertiary sector to South Australia's future prospects as the knowledge and skills centre of Australia. This will require increasing cooperation with the private sector. Australia's declining competitiveness in world markets means that we must involve the private sector more both in research and development, and in transforming the creative ideas of our academic research into marketable products.

To increase coordinated initiatives between tertiary institutions, industry and Government, the Federal Government funds schemes such as the recently announced cooperative research centres. The University of Adelaide must be congratulated for its significant achievement in being chosen to host three of the first 15 centres to be announced. This gives South Australia an important edge in obtaining international recognition for its major scientific research. This can only boost our aim to be known as Australia's University City. But, central to the world university, I believe, is the issue of information technology.

It is through this that we can establish a fresh concept of a university; one that is not imprisoned by walls, confined by restrictive thinking and teaching methods. I have had the pleasure of seeing a video which—

Members interjecting:

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: Thank you, Sir. As I was saying before I was rudely interrupted, recently I had the pleasure of seeing a video which illustrates how TAFE is exploring high tech teaching delivery methods with the interactive video system. It is hoped that this exciting use of technology, which is proving highly successful in bringing TAFE's products to rural areas, will be taken up by the new university as adaptations of the video system have the potential to truly make it a world university. Our new university will have a crucial role to play in the export of education services. It will be a leader in distance education. We need to develop our own unique approach to use the best of what we have to develop, something that is essential for the further development of our State.

Much of the success of the world university will depend on the academic network maintaining a positive understanding of the MFP. Much also depends on the involvement of the world community. There is clear evidence of interest in our world university. The James Cook University wants to be involved and Monash is also keen to get involved. I know Adelaide and Flinders are forging links with overseas universities.

There has been planning to have a group of trustees, that is, an international group of world scholars. There has been talk about the necessity of encouraging the involvement of international fellows who would participate in a range of educational offerings by the world university. Envisaged are international symposia, intensive leading edge short courses, specialised training, master classes, joint courses with international institutions, educational teleconferences and programs of educational events that will involve both academic and industry resources located in any part of the world. These will all be part of the world university curriculum.

The world university is a sound concept in its own right. It adds a new collaborative dimension. It is a gateway to

the world, and it is important to make the most of the door currently provided by the multifunction polis. As a unionist I have spent most of my working life in London and Elizabeth, and only a few short years ago concepts such as a world university would have left me incredulous.

I, and I trust the rest of this House, despite the somewhat facetious laughter that seems to be emanating from the Opposition benches because they do not seem to be able to grasp what is actually happening—

Members interjecting:

The Hon. T.H. HEMMINGS: I did say that I am a working class man who did not have the pleasure or the privilege of a tertiary education. After hearing the comments from the other side, I feel like an intellectual giant compared with members opposite, because at least I understand what we are trying to achieve. I find it rather strange that all that the product of the university system opposite can do is carp, criticise and raise the traditional white flag on any form of innovative thinking. That is their reaction.

I urge the rest of the House—those more intelligent members—to grasp what we are trying to achieve here, because we need to be able to provide something that is an addition to that offered by the three existing universities. This may be a time of recession, but it is fair to say that this is also a window of opportunity. It is an opportunity to ensure that, as a State, South Australia comes out of the recession stronger than it was before. The Government alone cannot ensure that, but in concert with all sectors of the community—and I hope the Opposition—the world university can and must succeed. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Second reading.

The Hon. D.C. WOTTON (Heysen): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill to amend the Road Traffic Act aims to encourage the installation of coin operated breath testing machines in licensed premises. These machines are an important road safety measure, as they help to educate drivers about their capacity to absorb alcohol. Until recently, there has been no effective way for drivers on a voluntary basis to measure accurately their alcohol intake, and most licensed premises in South Australia are reluctant to install the machines because they are concerned about their legal liability. Hotels and club owners fear they could be held responsible—

- for the actions of an individual who may not heed warnings on the machine that blood alcohol levels will continue to rise for at least 20 minutes after the last drink; or
- for the actions of individuals between the time of the self-test reading and the time that a person may be picked up by police for driving in excess of the legal BAC limit.

This private member's Bill removes any possibility of a breath testing reading obtained from a coin operated self-testing machine being entered as defence evidence in any court proceedings. It will facilitate the installation of coin operated breath testing machines in licensed premises across the length and breadth of the State.

Mr HOLLOWAY (Mitchell): The Government is happy to support the Bill. It is a brief one sentence addition to the Road Traffic Act which clarifies the situation relating to any evidence from the use of coin operated breath testing machines in hotels and other premises. The Government welcomes the measure. While we believe that the present law may well cover this situation, it certainly does not hurt to spell it out clearly within the Act. We welcome this initiative from the Opposition and we are pleased to support the measure.

The Hon. D.C. WOTTON (Heysen): I take this opportunity to commend the member in another place, Hon. Diana Laidlaw, whose initiative this legislation is. The Bill is to amend the Road Traffic Act, and it aims to encourage the installation of coin operated breath testing machines in licensed premises. We believe strongly that, by educating drivers about their capacity to absorb alcohol, the machines will help to encourage responsible behaviour and individual responsibility for one's actions as an important goal that we believe Parliament should be promoting, particularly in the area of road safety. On behalf of my colleague in another place, I thank the Government for its support of the Bill.

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

VIDEO MACHINES

Adjourned debate on motion of Mr S.G. Evans:

That the regulations under the Casino Act 1983 relating to video machines, made on 29 March and laid on the table of this House on 3 April 1990, be disallowed.

(Continued from 8 November. Page 1683.)

Mr HOLLOWAY (Mitchell): When time elapsed for this debate on 8 November last year, I was opposing the motion of the member for Davenport to disallow video machines in the casino. In that speech I described the video machines that were to be introduced, I had explained the provisions of the Casino Act, which regulate the video machines, and I had outlined the procedures that were necessary before video machines could be introduced into the casino. I also spoke of the importance to the future of the casino and the benefit to the tourist industry generally of introducing video machines.

Unfortunately, we have not had the opportunity to continue the debate since that time and in the past 4½ months events have changed. The inquiries by the Casino Supervisory Authority have been completed and video machines successfully commenced operating in the casino this week. It is long overdue that this disallowance motion be dispatched and the threat over the operations of video machines in the casino be ended.

As I indicated last week, when the threat to video machines is removed we can consider the important measure, also moved by the member for Davenport, to extend their operation into clubs and hotels. I do not intend to delay debate on this matter any further. It has gone on long enough. I ask the House to reject the motion.

The Hon. TED CHAPMAN (Alexandra): I agree that the motion should be disposed of today, that it has been around for long enough, and for some institutions in this State too long. The motion proposing to disallow the installation and use of video machines in South Australia has concerned me

from the time that video machines were proposed as an added gambling device in the Adelaide Casino. I do not want to waste the time of the House by talking about the history of events too far back as it relates to what can and cannot be played by way of gambling activities within that premise. The Act is clear in relation to the use of poker machines in South Australia. There are none, nor should there be. Indeed, the Act does not provide for the installation of such machines. However, by regulation, which has been exercised, it gives the Parliament the opportunity to consider whether or not other gambling devices should be so installed. It is on that premise that we are now debating the disallowance motion—that is, disallowance of the regulation tabled by the Government last year to enable video machines in particular to be installed and used in the Adelaide Casino.

From the outset, as you, Mr Speaker, and other members in this place will recall, I have supported the idea that the public should be allowed to gamble in whatever way they choose, so long as the gambling devices made available to them are open and the odds for the operator are displayed, as is the case on the racecourse with bookmaking and with the vast majority of gambling devices at our disposal. But as for locked-up machines that determine the result for the house in secret, from the outset I have been, and still am, opposed to them. I have pleaded in this Chamber on a number of occasions that the casino authorities, the licensees, the board and the supervisory authority in this State should note the importance of advising the public of the odds for the house from each and all gambling devices in that place. Those authorities have blatantly and doggedly refused to display those House odds.

I know, and I think all members know—and in case they do not, I will tell them—that the video machines which have been installed in that premise are geared to paying the house 14.5 per cent of the overall takings. Over a period, that is the proportion of investors' money that will finish up in the Adelaide Casino and be distributed to shareholders and to the State Treasury, and so on. Whether it is a 14.5 per cent, 4 per cent or 34 per cent margin is irrelevant, so long as that percentage for the house is publicly displayed and people know what odds they are gambling against. But it is not displayed on the machines, and I understand that it is not yet displayed anywhere in the areas where these machines are installed. On that premise it is quite wrong for this House of this Parliament to agree to allow the regulations providing for the installation and use of video machines in the casino to proceed unchallenged. I believe that, as members of Parliament, it is our responsibility to introduce laws that the public understand—that is, laws not to protect them against themselves, but to give them the facts. In this instance, by allowing these regulations to proceed, we are supporting a measure which invites the public to indulge in blind gambling. In my view, that principle is wrong.

Added to that is the debacle that we had last week in relation to its advertised opening of the video facility. I expressed my concern for what I described as contempt of the Parliament by the Adelaide Casino in advertising a party to celebrate the opening on 19 March of the premise in which the video machines are installed and knowing that today, 21 March, we would be and are dealing with the subject. I still believe that it was an appropriate term to use, and I am aware that members on both sides share my view in that regard.

I respect that the word 'contempt' has been interpreted by the staff of this Parliament, and accordingly adopted by the Speaker, as being a little over the top, simply by way of technical definition of that word, but in my view it was appropriate. However, whether or not it is technically the right term is pretty well irrelevant. The situation is that the action by the Adelaide Casino in proceeding in the way it did earlier this week in celebrating and opening this premise and facility before the full passage of this motion was a blatant disregard for the institution of Parliament; a blatant disregard for the feelings and views of the individual members of this place and constituting at least a gross discourtesy to the collective membership of Parliament.

I raise this issue again in this debate today, and it is very important. It is important here in Adelaide more especially than possibly in any other mainland city of this country. Adelaide is a very conservative place and those people involved in the casino activities have that facility—that is a licensed gambling facility in this State—by the seat of their pants and by the skin of their teeth. Parliamentary approval just sneaked it through and even then it was after the third attempt in this place over a period of years to get a licence in this State. So, with the bare margin of support they have in that regard, one would have thought that the casino authorities—and I speak in relation to all associated with the decision making and management of that place—would have paid extraordinary care and courtesy for the institution of Parliament.

The Hon. B.C. Eastick: I think it has something to do with the big dollar.

The Hon. TED CHAPMAN: It no doubt has a lot to do with the big dollar, but you know, the big dollar does not dictate everything; it might in New York and it might even in Sydney, but it does not in dear old Adelaide yet and, as far as I am concerned, having respect for the conservatism of this city, I understand that the public at large becomes concerned when anyone blatantly disregards their institutions, whether it is their hospital, whether it is their university, whether it is their Parliament, whether it is their library or whether it is their church.

Members interjecting:

The Hon. TED CHAPMAN: Certain members on the other side can make a mockery out of the subject if they want to; in my view it is a very serious matter and there has been a blatant disregard for the role of Parliament, for the institution itself, by their behaviour—and I make no apologies whatsoever for saying so. Given that background, and given that level of behaviour by the Casino atuhorities in the past few days in particular, I have absolutely no hesitation in supporting the motion for disallowance. Added to that, I support the motion for disallowance for all the reasons I have canvassed in this place many times, and in particular the fact that the casino refuses to display the odds for the House in relation to the use of those electronic machines. That is very, very wrong in anyone's language, and anyone who can sit in this place at the time of voting for a measure of this kind and support blind gambling does not understand the subject, has not thought it through or does not care. So, I do ask members to think about this subject very seriously, recognise the conscience they ought to have on such sensitive issues and support the motion for disallowance.

Members interjecting:

The Hon. TED CHAPMAN: I have just been reminded of the opportunity I have and, indeed, will exercise to bring in a motion myself to make it obligatory for gambling devices in this State to display the odds to the operator.

Mr Atkinson: What about horse racing?

The Hon. TED CHAPMAN: Horse racing? What are you talking about? Here is a member interjecting about horse

racing; it is already there. When you walk on the racecourse, there's the board.

Mr Atkinson: But you don't know how it will finish.

The Hon. TED CHAPMAN: You know your odds immediately at a glance, and the odds you take on the bookmaker's board are the odds you get when the race finishes. The honourable member is showing his ignorance again. The member for whatever it is over there is now telling me, for God's sake, what happens with a bookmaker's board on the course.

Members interjecting:

The ACTING SPEAKER (Mr Blacker): Order!

The Hon. TED CHAPMAN: One has only to view the board on arriving to calculate the odds that the bookmaker has set his board for. So, there is no point in the member's interjecting in that regard. The other on course operator is the tote and that is to become totally public. It is very public. If the member has ever been on a racecourse before, he would know that the Government operates the totalisator in this State and that it takes 16 per cent of the takings before paying the punter dividends. That is as obvious as the nose on his face, and it is readily available to anybody on the course who wants to know about it. It is even being advanced that it be made more public in the immediate future than it is now. However, here we have a proposal—where in fact they have jumped the gun—for a device of a new kind for this State which is indeed indulging in this blind gambling caper. I am conscious of the fact that others want to speak on this motion. I thank the House collectively and indeed the mover of this motion for taking the initiative to seek to disallow the regulations.

Mr MATTHEW (Bright): I support this motion to disallow the regulations under the Casino Act 1983 relating to video poker machines. There is no doubt that the drafting of these regulations by the Government is one of the greatest acts of hypocrisy of all time. Further, there is no doubt that the activities which followed the drafting of this motion demonstrate one of the greatest examples of disregard for the processes of this Parliament by any Government in this State. Only yesterday we had video poker machines open to the public before this debate was completed. The casino authority itself showed disregard for Parliament, and the Government showed complete disregard for the parliamentary process by working on that opening with the employees from the casino for a considerable period of time.

The Casino Act 1983 excludes poker machines from the casino. It quite correctly defines poker machines as encompassing both analog and digital machines, both of which are quite clearly poker machines. However, the Government has now decided to distinguish digital machines by giving them a new name: video machines. Who on earth do they think they are kidding? Who do they think they are fooling by calling them something different?

I went into the casino yesterday at 12.30 to observe the staff and what was happening with those machines. On three separate occasions, within only 30 minutes, I heard three different members of the casino staff give the same answer when people asked whether the casino had the ones with the wheels that spin. On all three occasions they were told, 'These are just an updated version, they are electronic, technology has changed them, but these are poker machines.' That is what the casino staff is telling the public—and it is the truth.

This Government tries to kid people by changing the definition in the regulations. It is quite true that the digital poker machines are simply an advancement in technology over the original type. The analog machine is known to many as the one-arm bandit. As many members would be aware, legal poker machines were introduced into New South Wales for registered clubs in 1956. By some small coincidence, about that time black and white television was also introduced into Australia. Black and white television, of course, has changed considerably over the time that has passed. We now have colour televisions, we now have stereo televisions and push button remote controls. In the same way, technology has not stood still for the analog poker machine or the one-arm bandit; we now have a video version, a digital version. It is essentially the same device. It is the same device over which members of this Parliament argued for hours and hours on end, into the night, talking about what would happen with video machines. Many members on the other side of this Chamber were here for that debate and stated, as a matter of public record, that they were opposed to video poker machines in this State.

In fact, when that debate was before this Parliament the member for Semaphore and the member for Hartley stressed that they did not favour the introduction of poker machines into this State. Likewise, the member for Albert Park made the same comment. Those comments are a matter of public record and I am sure that I do not need to repeat them. I would encourage members to read them.

The fact of the matter is that the ALP has not permitted a conscience vote on this issue, so members on the other side who are concerned about this must sit down and keep quiet or else they face Party discipline. What a disgraceful situation to find themselves in—the big arm of the Party keeping them in line! And now that we have problems with organisations such as the State Bank they will have to keep quiet for longer. This about-face has occurred for one reason and one reason only: the ALP needs to raise more revenue through the Government, and it will do that by putting video machines, poker machines—or whatever it likes to call them—into the casino, come hell or high water.

The Hon. T.H. HEMMINGS: On a point of order, Sir, there has been a personal reflection on me, not so much as a member of this Parliament but as a member of the Australian Labor Party, by the member for Bright's inference that the Australian Labor Party is raising money through the Government for its own organisations. I take that as a personal reflection against me.

The ACTING SPEAKER: Order! The honourable member's comments were made in a generalised way, and I do not believe that a point of order can be sustained.

Mr MATTHEW: At this point I think it is appropriate that I refer to the Joint Committee on Subordinate Legislation when it looked at the Casino Act regulations. I refer to evidence given by Mr W. Pryor, the Liquor Licensing Commissioner. It is interesting to note that, as part of his evidence, he said:

> The Adelaide Casino is looking to introduce poker machines from 1 November—

meaning 1 November 1990—

> but that would be a very difficult date to meet.

Indeed, it has been a very difficult date to meet because the member for Davenport, and all due credit to him, saw what was going on and moved to stop it. The other interesting point is a further comment made by Mr Pryor:

> Machines these days are no longer barrel machines where you just crank a handle and a barrel goes round; they all work off a computer chip. For every machine there is a chip called an EPROM, measuring about 1.5 × .5 inches. The software that would be generated from that one EPROM would probably comprise a computer printout about 1.5 inches thick. That would require engineering/computer people to go through and analyse each line of the software to ensure that there are no hidden systems that if a person plays a particular sequence of numbers

it will bring out a jackpot, so we must check every line of the software to ensure its integrity.

That is the crux of the matter because that is the next stage in the technological development that we have seen. As machines became capable of being connected to the computer, it certainly struck the manufacturers of those machines that a simple audit mechanism could be provided through a computer printout. However, whenever we have a connection to a computer we introduce a very worrying aspect. The old machines, because they were analog, could be interfered with by an amateur and that could be easily spotted. On the other hand, the workings of the electronic machines are hidden in a silicon chip and, as the Commissioner told the Joint Committee on Subordinate Legislation, it takes an expert to go through each program line by line on each machine.

What I would like to know from the other side is the qualifications of those people who have gone through the programs, whether that has been done and, if so, when that work occurred, how long it took or, in fact, whether that work is still going on now even though the machines have already been introduced into the casino. I suggest that the latter example is exactly what is occurring. I do not believe that full checks have been done. I believe that there is every possibility that those programs could be deficient, and I challenge the Government to provide proof that that is not the case.

Another interesting aspect of these machines is the slot on the side. That slot is for the insertion of a credit card or similar device. At this point the casino will use membership cards that it will allocate to people, but casino staff have confessed to me that it is easily possible instead to use a MasterCard, Visacard or some other card, and that happens overseas. That is the next dimension that this movement is taking on. I wonder how many members who remain in this House and who expressed concern about one-arm bandits when the casino legislation was debated knew that a few years later the casino would be open 24 hours a day with machines that will accept credit cards so that the gambler will continue to lose his or her money at a much faster rate than before.

These machines are not just stand-alone machines. As of yesterday, the casino has three banks of 16 machines that are connected together as one playing for a jackpot pool. For there to be a jackpot pool, information must be collated about money put in to calculate the pool size. I contend that there is an exchange of information between those video poker machines and a central mainframe computer and, when that two-way exchange of information occurs, the opportunity for criminal activity increases significantly, but not the ordinary, seedy criminal activity that we have seen in the past. It will create an opportunity for high level, organised crime. I challenge members on the other side of the House to say that high level, organised crime has not been attracted to casinos throughout the world. That is what they have let happen, that is the sort of risk involved. The appropriate safeguards are not in place to ensure this does not happen.

The Government cannot be sure that these machines have been checked out. The integrity of the software remains in question and the Government needs to get its act together to see what is happening in the casino and prove to this Parliament and to the people of this State that there is no risk of that occurring. I guarantee that the Government will not be able to prove that because it does not have any way of proving it. It has been too lax in its approach to this problem. I appeal to members to have the courage of their convictions. There is no doubt that many members have demonstrated their courage before, and I refer to an article in the *News* of 2 December 1987 headed 'MPs back casino pokies' as follows:

> A significant number of Bannon Government MPs would like to see poker machines in the Adelaide Casino. More than a third of Labor's House of Assembly politicians are prepared to vote for their introduction.

Importantly, the article goes on to say:

> Labor MPs who oppose the legalisation are Ministers Mr Arnold (Ramsay), Mr Crafter (Norwood), Mr Hopgood (Baudin) and Mr Mayes (Unley), and backbenchers Mr Evans (Elizabeth), Mr Ferguson (Henley Beach)...

It mentions two other members who are no longer in this place. If those members have any guts, if they are prepared to stand up for their convictions, they will not be muzzled by the Party line, which refuses them a conscience vote because the Government needs the revenue in this State, however it can obtain it. Instead, they will stand up and support the motion moved by the member for Davenport. I commend this motion to the House; it must get through.

The ACTING SPEAKER: Order! Before I call the member for Coles, I advise the House that there is too much background noise. I ask members to show courtesy to the Chair.

The Hon. JENNIFER CASHMORE (Coles): I support the motion for the disallowance of the regulations. I commend my colleagues who have already put forward compelling arguments as to why this motion should be supported and the regulations disallowed. I point out to the member who interjected that we on this side of the House are wowsers that there has never been any suggestion in this House or anywhere else that the member for Alexandra is a wowser. He happens to be an acknowledged—

Members interjecting:

The ACTING SPEAKER: Order!

The Hon. JENNIFER CASHMORE: The member for Alexandra supports this motion and he does so from the point of view of an acknowledged gambler who has personal experience of these machines but who, nevertheless, condemns their introduction into the casino.

I would have thought that the views of the member for Alexandra on this subject should be taken very seriously by every member who is concerned not only about the integrity and the authority of Parliament but also about the integrity of gambling systems. I make that point because I think it is relevant to this argument. The member for Alexandra and the member for Bright pointed out that, if the casino is not technically in contempt of Parliament, there is no doubt whatsoever that the casino authorities have pre-empted Parliament in introducing those machines and doing so in a way that virtually flaunts the pre-empting of Parliament with considerable publicity and with a complete contempt—and I use that word advisedly—for the proper processes which ought to be respected by anyone who is governed under an Act of this Parliament. I think, regardless of the views of the Opposition about the pros and cons of gambling, members opposite who have any respect for the institution of Parliament should be condemning the actions of the casino authorities in pre-empting Parliament in introducing video gambling machines before this motion had even been properly debated, let alone voted upon.

Having heard the member for Alexandra, as a gambler, condemning the introduction of these machines, we then heard the member for Bright, who is one of the few, if not

the only, members of this Parliament who is qualified from a technical point of view to speak with authority on computer matters, cast considerable doubt on the integrity of these machines. He has also provided evidence to suggest that the machines can be manipulated and are very vulnerable to manipulation by major criminal elements. That should be a matter of intense concern to every member. But members opposite, in their bravado, are attempting—although few of them have spoken in opposition to the motion—to bluff their way through. I will explain the reason why: the reason is that this Government is hooked on gambling. It has become totally addicted to gambling, and it cannot stop its insatiable drive for revenue which depends on gambling.

One only has to look at the Estimates of Receipts for 1990-91 (page 10 under the heading 'Recurrent Receipts') to see that in the year just past the Government's revenue from gambling was $111 673 217—

Members interjecting:

The ACTING SPEAKER: Order! There is too much background noise.

The Hon. JENNIFER CASHMORE: —from the total of commission on bets; licences; service fees; small lotteries application and licence fees; and the contribution from casino operations ($15 million), the hospitals fund from the Lotteries Commission ($66 million), the Totalisator Agency Board ($22 million), and other sources, including $1.4 million recouped from the recreation and sport fund. In South Australia we have 251 Totalisator Agency Board outlets; 86 outlets for Sky Network; 496 Lotteries Commission agencies (348 in Adelaide and 148 in the country); and 600 or so video gaming machines proposed for the casino, 450 of which have already been installed, notwithstanding this motion.

Mr S.G. Evans: How many keno terminals?

The Hon. JENNIFER CASHMORE: How many keno terminals? I cannot answer that. That is in addition to all the outlets that I have just listed. In short, I have demonstrated that there is no shortage of access to gambling facilities in this State already and that any citizen who wishes to participate in that activity can do so at whatever level he or she desires, whether it is high roller gambling in the casino or a small bet at a TAB outlet or, indeed, at the races. I mention that to demonstrate that, even if one were considering this motion from the point of view of a liberal attitude to the freedoms of the individual, one would have to acknowledge that those freedoms are already given considerable play in this State, and one could not, on a philosophical basis, say that we need additional gambling facilities because there is not sufficient access to people from all walks of life, wherever they may live.

So, the facilities are there; they are there in plenty and they are used to the hilt. It is worth noting the enormous increase in the level of gambling in this State since 1965. In 1965, the population of South Australia was 1 063 075, and the amount spent on gambling in that year was $59 725 000; in other words, approximately $56 per head. In 1989, the population of this State was 1 424 700, and the amount spent on gambling was $1 171 412 000, approximately $822 per head, creeping up towards $1 000 per head of population—man, woman and child—in this State in contrast with $56 per head 25 years ago.

If anyone wanted a demonstration of how those figures have grown, one could look at the Acts that have been amended and introduced year after year to expand the gambling facilities of this State. Those Acts have covered every conceivable form of gambling. On a computer printout, I estimate that there would be about six metres of summarised information on new initiatives in gambling in this State in the past 25 years. The last principal Act to maximise gambling in this State was, of course, the Casino Act, which followed several efforts, including one based on the report of a select committee of this Chamber.

An honourable member interjecting:

The Hon. JENNIFER CASHMORE: Three efforts were made, and one of those resulted in a select committee. When that select committee report was noted on 18 August 1982, the House saw that the first conclusion was that not sufficient was known about the social impact of gambling, and the first recommendation called for a national inquiry into gambling. When the Bill that ultimately was passed to become the Casino Act was debated, I recall that the private member, the member for Hartley, who was acting for the Government on that occasion, said—

Members interjecting:

The Hon. JENNIFER CASHMORE: I will demonstrate that he was acting for the Government. On 11 May 1983, the member for Hartley said:

> I am advised by the Premier that, if the legislation passes, the Government will give, via the Premier, an undertaking that appropriate sums will be expended on research into the effects of gambling on the community.

That promise was given eight years ago, but it has never been honoured, or its honouring has never even been contemplated, yet the Government—and I say 'the Government' advisedly because apparently members opposite have been bound and are required to vote in opposition to this motion and in support of the regulations—is now moving towards what is probably the greatest expansion of gambling in terms of its effect upon the lives of ordinary individuals in this State that has ever been contemplated, namely, whatever one calls them, the introduction of poker machines. That is irresponsibility in the extreme, it cannot be justified on any grounds whatsoever, and the Government stands condemned not only for breaching its promise but for exacerbating further a situation that has become very damaging and dangerous to this State.

I quote from the Report of the Australian Institute of Criminology, its trends and issues paper No. 24 entitled 'Gambling in Australia' which was released in July 1990. It stressed, as part of its initial statement, the importance of thorough research and evaluation prior to the implementation of legislative and policy changes in the area of gambling. The Government had done not one thing in terms of evaluation or research prior to the introduction of this major measure. The report states:

> Casinos, both legal and illegal, have traditionally been linked with crime. British and American experience has revealed that legal casinos present authorities with problems such as hidden ownership, tax evasion, laundering of money, cheating and loan sharking. Legal casino gambling is particularly susceptible to crime . . .

That is not some crank speaking, Mr Acting Speaker: it is the Australian Institute of Criminology after considerable research into this subject. Another very critical point is made which is very relevant to this motion. It is as follows:

> The practical implementation and administration of much of Australia's gambling legislation and policies is left up to numerous 'semi-autonomous' statutory bodies—boards, commissions, tribunals and committees.

I stress the next sentence:

> The result has been the emergence of a haphazard, unwieldy semi-government structure that makes it difficult, if not impossible, to ensure effective parliamentary supervision.

It continues:

> Policy decisions are generally kept out of the reach and scrutiny of public representatives.

If ever that was the case it was the case with the introduction of these machines. The report continues:

> . . . problems associated with excessive gambling may be severe and costly to both the individual, significant others and the community in general.

I conclude on this note in respect of the report as follows:

> Surveys (Kallick *et al.* 1979) and clinical reports (Moran 1970) have shown that there is a positive relationship between participation rates and the number of gambling outlets.

We are proposing to increase significantly, by the introduction of 450 machines, the number of gambling outlets. This Government, which undertook to conduct research into the operation of gambling in South Australia and the effect of the casino and which has done nothing, is now proposing to increase substantially the number of those outlets. It is doing so, I repeat, for the simple reason that the Government is hooked on gambling and addicted to its revenue. It has demonstrated no concern socially, as is evidenced by its failure to undertake that promised research and, as far as I am concerned, this Government stands condemned for what it has done in regard to the regulations which this House ought now to disallow.

Mr FERGUSON (Henley Beach): I had no intention of entering this debate. However, I feel that I must defend myself in view of the remarks that were made by the member for Bright. I will have a conscience vote on this issue. It is my intention to exercise my conscience in such a way that I will vote against the motion that is now before us. The member for Bright mentioned, as reported in *Hansard*, my opposition to the proposed introduction of poker machines. I intend to inform the House of my reasons for changing my mind.

The member for Coles suggested that this State is hooked on gambling. One of the reasons why I am forced to vote for the introduction of video machines is that the New South Wales Greiner Government has the highest amount of money per head of population taken out in gambling which is added to its taxation levels and used against us at the Premiers Conference when we go to Canberra. Unless this State can get into the swim and match the taxation dollar that is being taken out by other States, in some way at least, we will find ourselves in a very difficult position.

Not only that but since the time of the last debate in this House, two things have occurred: first, under the conservative National Party Government of Bjelke-Petersen in Queensland, legislation was introduced to put poker machines into that State's casinos. In addition, the Victorian Government has now made the decision that it will introduce poker machines. While I was in Sydney in January, I consulted with some Liberal members from Victoria; they were most enthusiastic about the proposal and they told me that if, by any chance, there is a change of Government in Victoria, it is their intention to continue with the proposition.

Unless we do something about it, South Australia will find itself the only State without these gambling machines. Already busloads and busloads of pensioners from Adelaide take cheap bus trips to New South Wales to spend good South Australian money on New South Wales poker machines. I want our people to be able to spend their money in our State. The amount of money that South Australia is losing because of what is already happening is quite phenomenal, but the amount of money that South Australia will lose when Victoria introduces poker machines will be absolutely astronomical. Unless this Parliament takes cognisance of what has happened there is very little chance of our being able to maintain our taxation base in the way in which we would like to maintain it.

The member for Bright made some very uninformed comments about the regulations. The regulation came down on 3 April 1990, and the Casino was entitled to put in video machines from that date. However, it held off because it knew of the proposition, which was moved in this Parliament on 11 April 1990. For some strange reason—and I do not think it would be political; it could not possibly have been political—the honourable member who proposed the motion before us held off and did not want the matter debated.

Was he trying to make a political point, I wonder? I should not like to cast reflections on an honourable member, so I will be charitable and say that he has been thinking about this debate for a very, very long time. Who can blame the Casino, after waiting from 3 April 1990 until this date for this Parliament to make a decision? What is more, the honourable member concerned was offered Government time if he wanted the debate to come before this House, but he refused that opportunity. So, one could be excused for thinking that he was delaying this debate deliberately for political reasons. People can make up their own mind about that.

I do not have much time left, as I know we must have a vote on this matter today, but one of the reasons I voted against this matter originally was the result of the royal commission held in Victoria on gambling. Since the decision of that royal commission was brought down, the whole of the technology for these machines has changed. All the complaints being made about these machines in those days no longer apply. For instance, it was quite possible for people to go to the back of the machine with a specially made key—and this was happening in New South Wales—open up the machine, dip their hands into the bin and take out coins.

Further, the accountancy was very poor. We never had the on-line computer accountancy that we have today. All sorts of things were possible given the way the old machines were being used. All those things have now been accounted for, and the fraud that was suggested that might be going on can no longer occur with the new technology. That is one thing that has swung my thoughts to vote against the motion.

The member for Bright and the member for Coles have suggested that organised crime is in some way connected with the Casino, but they have not put to this House one shred of evidence to back up the accusations. It is absolutely disgraceful that someone should come into this House of privilege and put forward a proposition that organised crime is connected with our Casino. They are not game to go out onto the front steps and repeat their accusations. I invite the member for Bright to say outside what he has said in here about organised crime being connected with the Casino, and see how he gets on.

There is not one shred of evidence to connect organised crime with our South Australian Casino. Well might the member for Coles go red in the face, because there is absolutely nothing in the accusations that she has made. Time is against us; we must get a decision on this matter. I am prepared to vote against the motion.

Mr S.J. BAKER (Deputy Leader of the Opposition): I simply wish to make the point that the motion before us reflects the frustration that we have with this Government. It reflects the contempt with which the Premier of this State is treating this Parliament. Let me remind members that the Casino Act was assented to on 26 May 1983. Section 25 provides:

> No person shall have a poker machine in his possession or control either in the premises of the licensed casino or elsewhere.

That was a very important provision. It suggested that the Parliament was willing to embrace a casino if there were no poker machines.

The Hon. Ted Chapman: Only just!

Mr S.J. BAKER: Only just. The Premier and every member in this place was well aware of that at the time. If the Government of the day wished to reverse that decision on poker machines, it had a right to bring the legislation back before this Parliament and amend it. However, it decided to use the regulatory process and go through the backdoor, because the Premier has no guts, and this Government will not stand up. It was fearful of the backlash and the lobbies. So, the Government decided to do it through the backdoor, and that is why, above all else, I am upset and outraged by the behaviour of the Government in this matter. Importantly, that is being compounded by the Casino which operates under the licence provided by this Government, because it is treating the Parliament with contempt in relation to starting up these machines before the regulations dealing with them have been passed.

This motion is not about whether or not we should have video machines; it is about the fact that the Parliament has been by-passed and that the principles of democracy have again been denied because the Government is going through the backdoor. That is what this motion is about: contempt for the Parliament and the people of South Australia. If the Premier had had the guts, and brought this matter before the Parliament, as one would expect him to do, he might well have had a very strong resolution in favour of video machines. But, we will never know. I am disgusted and outraged at the way in which the Premier has treated this Parliament.

Mr ATKINSON (Spence): I will depart from my usual practice of making my contribution during the contributions of other members. A number of errors have been made on the other side and I will rebut some of them. First, the member for Alexandra tried to tell us that any form of gambling where the final odds on the bet were not certain ought to be prohibited in South Australia and that, indeed, all punters—no matter what form of gambling is involved—ought to be told the odds. We have had the Totalizator Agency Board operating in South Australia for more than a generation, and one of its principles is that one does not know the final odds of the bet one makes. So, it seems to me that, if the member for Alexandra's suggestion were taken to its logical conclusion, tote betting in South Australia would have to be prohibited; it would have to be converted to fixed odds.

Secondly, the conscience vote certainly applies to this matter in the Australian Labor Party. Rule 75U of the South Australian branch allows the President of the Party—that is, the President of the extra-parliamentary Party—to declare a certain matter to be a social matter. Once that has happened, members of the Australian Labor Party, whether or not they are in Parliament, have a right to follow their conscience on the matter. I have more reason than most to be familiar with those rules, and I have studied their history. I can assure members that for generations the matter of gambling has been a conscience vote under those rules, and this matter is a conscience vote.

The third error I wish to deal with is the idea that somehow this is a contempt of Parliament. The member for Davenport's conduct of this item is a contempt of the rule of law and the system of parliamentary government. These regulations were introduced into Parliament on 3 April 1990 and the motion for disallowance was moved within two weeks. However, the Opposition, in its own time, made no time for it to be debated and it has chosen to delay consideration of the disallowance motion for almost a year. The Opposition had the power to dispose of this matter a long time ago and it chose not to do so. As the Opposition well knows, most regulations operate from the day of promulgation.

The Hon. Ted Chapman: All regulations operate from the date of promulgation.

Mr ATKINSON: Not all. So, it was within the Opposition's power to do something about this and now, 11 months later, it is carping about it. The final thing I want to deal with is the idea that somehow there is organised crime and corruption at the Adelaide Casino. Those allegations are quite cowardly. The Casino Supervisory Authority, which oversees the casino, is headed by Frances Nelson QC, and I believe that the authority does a good job indeed.

It is contemptible for the Opposition to make these cheap allegations in this House. If the Opposition has any evidence of crime or corruption, it should refer it to the authority.

Mr S.G. EVANS (Davenport): In summing up, I will speak to what has been said. I am amazed at the limited knowledge of some members, including the preceding speaker, who made the claim that we held up this proposition. Let the Minister or the member deny that the casino did not obtain final approval to use these machines until last Friday when the supervising authority met for the special purpose of giving permission. That permission was not given until last Friday.

Therefore, my first opportunity as a private member to seek a vote on the matter was on this day at this time, knowing that the authority had approved the change. That is the truth, and let any member deny it. The Minister recently claimed on television that I was approached to have this matter discussed by the Government—I assume the Minister was referring to either himself or a colleague—in Government time. However, I was never approached as an individual. The Deputy Leader had an approach and I told him that the matter was in my hands and they came to me in respect of private members matters. That is something that I have protected on all occasions.

The member for Price referred to my knowledge of the rule of law. It was an arrogant approach by the Government and a form of contempt by the casino to proceed with installing the machines and announcing a party, sending out invitations so that people could see the machines operating, even before it had the authority to operate them. It did that knowing that this Parliament had this motion before it.

The casino knew that the licence to run a casino had been granted by the smallest margin possible. There had been three attempts in this State to establish such a thing and by the smallest of margins permission was granted, yet a guarantee was given by a member of the ALP in Government on behalf of the Premier and the Government that poker machines would not be installed, that they would never be installed in the casino.

There was then the claim that video machines are not poker machines, yet one of the games is draw poker. If draw poker is not poker, what is it? That automatically rules out that argument. Each member of the Government knows, as does the member for Price, who is a graduate in law, while I am not, that the proper thing to do in this matter was to bring before Parliament a Bill to change the Act. The Government chose not to do that because it knew the matter would be debated in Government time, that time would be unlimited and that members would have plenty of time to debate it and the Government would have to

front up to it as a Party issue, thus not involving the subterfuge of a conscience vote. We will certainly see that later when the vote is taken. The Government was not game to bring before Parliament a Bill to amend the Act because it has no intestinal fortitude. That was the approach, because they did not want to front up as a Government and say that there would be a change to the Act.

I commend the motion to the Parliament. The casino, when it opened, was not expecting to get poker machines—or was it promised them behind the scenes? Was a promise made, 'If we are still in Government, some time down the track we will give them to you'? Was that a deal? If it was not a deal, why did the ALP go back on its word? They knew that they got the licence by the skin of their teeth, and that many people in the State and in the Parliament objected. I find it amazing that the Government has taken this approach. It is not a conscience issue with them. We realise that it is Caucus decision. I still ask them to think about it now as they vote for it. I ask them to support the motion. Forget what has been decided in the Caucus room. Keep the promise that the Party made—or is this another example that John Bannon's group cannot be trusted to keep a promise? Is that the reason? I commend the motion to the Parliament.

The House divided on the motion:

Ayes (16)—Messrs Allison, D.S. Baker, S.J. Baker, Becker and Blacker, Ms Cashmore, Messrs Chapman, Eastick and S.G. Evans (teller), Mrs Kotz, Messrs Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes (21)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway (teller) and Hopgood, Mrs Hutchison, Messrs McKee, Mayes, Quirke, Rann and Trainer.

Pairs—Ayes—Messrs P.B. Arnold, Brindal and Goldsworthy. Noes—Messrs Armitage, Ingerson and Klunder.

Majority of 5 for the Noes.

Motion thus negatived.

[*Sitting suspended from 1.1 to 2 p.m.*]

QUESTION TIME

STATE BANK

Mr D.S. BAKER (Leader of the Opposition): Will the Treasurer advise when members of the State Bank group were first made aware of the fact that the Taxation Office's investigation of their affairs might be anything more than a routine general tax audit and when were they first aware that a joint investigation with the Federal Police was underway?

The Hon. J.C. BANNON: As I understand it, the tax audit (and this is part of any business) was established as a result of a letter requesting a meeting and commencement of such an audit in October 1989. From that initial meeting, and in the course of the audit, matters have been going on in the light of yesterday's events, I summoned the General Manager of the bank, Mr Paddison, and three Beneficial Finance operatives—Mr Malouf, (the Managing Director), Mr Parkinson and Mr Yelland—and asked them about their knowledge of the situation. Of course, they had been actively involved in response to the tax audit. They advised me that they felt that they had been cooperating fully in all aspects of it and they were surprised and shocked by the police action yesterday. That is a matter that can be sorted out with them.

I also ascertained that even at the bank level there was no more information than the fact that an audit was being carried out in relation to the general audit of Beneficial Finance. Therefore, nothing was seen as unusual about that and those transactions. I have since written to the Chairman, Mr Nobby Clark, seeking confirmation from him as Chairman of the bank the understanding of the bank in relation to this matter. Nothing that I have heard today as a result of my further inquiries can alter what I have stated before.

WATERFRONT REFORM

Mr QUIRKE (Playford): Will the Minister of Labour advise what progress is being made in the area of waterfront reform in Australia and what effect would the use of military force have on this State's waterfront? Federal Liberal Leader, Dr John Hewson, has claimed that if he won power in Australia he would be prepared to use the army to implement his version of waterfront reform.

Members interjecting:

The SPEAKER: Order! Both sides will come to order.

The Hon. R.J. GREGORY: I thank the member for Playford for his question. I also was amazed, upon reading the paper this morning, to find that the Liberal Leader of the Opposition in Canberra, if Australia was unfortunate enough to have him elected as Prime Minister, would use the army to bring about waterfront reform. I would have thought that the history of waterfront disturbances over the years, the legacy of which we are just starting to get over with sensible reform whereby the employers and the unions are more efficiently negotiating waterfront operations so that we will see a tremendous change in such operations on the waterfront, would show that negotiation was the only course. I would have thought that the Opposition Leader would have learnt from what has happened in Europe where, in the Port of Rotterdam they believe that what we are attempting to do in less than three years is very fast, considering they took seven years, and the Port of Rotterdam is often used as a comparison.

I just wonder whether this proposal includes the South Australian Liberal Party and whether the current Leader of the State Liberal Party, if by chance he was to become the Premier of this State, would use the army or, indeed, the police in waterfront reform. I just wonder how that goes with his professed public knowledge of consultation, because when you use force such as the military or the police you are not consulting. There is no chance of negotiation. Using the Industrial Relations Commission and the South Australian Industrial Court and Commission, we have been able, through the disputes settling procedures, to achieve far-reaching reforms within the Department of Marine and Harbors. In fact the efficiency achieved in that area will be further enhanced in the future.

On the waterfront we have seen the commencement of the first of enterprise based agreements whereby the union and the employers have agreed to significant reductions in the work force with corresponding increases in productivity. I think that peaceful negotiation is the way to go—not using the bayonet and the boot to get your own way.

STATE BANK

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is to the Treasurer. Given that the audit on the State Bank Group commenced in October 1989, as the

Premier has just told the House, what was the Treasurer told about the nature of the Taxation Office audit, if anything, and exactly when was he informed of the investigation?

The Hon. J.C. BANNON: With respect to the existence of a tax audit, I was aware of it in only very general terms as part of the normal course of business. I am not sure when I first became aware of it but the fact was that, after its initiation in October 1989, I do not think that very much happened until many months later. So that is the response I can give to the honourable member. It is interesting that the Deputy Leader is picking up from where the Leader of the Opposition left off, and no doubt we are going to get a series of questions of this kind down the line.

I have to say, in this context, that I am a little disturbed that this might be part of a pattern we have been seeing, perhaps, and related to statements made by the Leader of the Opposition last night on the *7.30 Report*. In talking about the questions that are asked here in this Parliament—questions supposedly to elucidate information—he said the Opposition had the answers to all the questions before they asked them. In fact, his exact words were, 'The answers to all the questions are in the bottom drawer before we ask them.' That is an outrageous statement, because it suggests that some political game is being played in here, some form of scorched earth policy—which is aimed at playing tricks and laying traps and doing nothing but creating mischief and therefore damage to the institutions concerned. Or, more seriously, it suggests that important information may well be withheld. For instance, the member for Alexandra made a statement of fact yesterday, and there have been many others reflected in explanations by members, statements of fact, the answers to which, incidentally, are all in the bottom drawer we are told. Appropriately they should be placed before the authorities that can deal with them.

Members interjecting:

The SPEAKER: Order!

The Hon. J. C. BANNON: Yes, indeed, the Leader of the Opposition should do it. But I am constantly amazed at the Leader's affirmations that he does not seek to harm the State Bank, that he does not seek to destroy confidence in an ongoing institution—at the same time, by this method of questioning, of innuendo and all the other techniques that have been used, he creates completely the opposite impression and does completely the opposite. I am not going to rehash again—

Mr S.J. Baker interjecting:

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

The Hon. J.C. BANNON: —the shredding incident and so on. Incidentally, in this respect such is the Leader of the Opposition's desire to make this totally political that he will never understand—nor will he allow those asking questions supplied by him and Opposition to understand—the proper statutory relationship between the Government, the Treasurer, this Parliament, indeed, and the State Bank. It is a fact that the State Bank has written into it certain protections and has, indeed, been given by statute both a commercial brief and a protection from political interference and direction. That is a fact, and the Opposition supported that strongly: indeed, it sought to strengthen those provisions. Not a single acknowledgement is made of that.

An honourable member interjecting:

The Hon. J.C. BANNON: No, on the contrary.

Mr S.J. Baker interjecting:

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

The Hon. J.C. BANNON: I am spoken of as the Minister responsible for the State Bank. Members on both sides know well that in the various Acts governing statutory authorities there are clauses in most cases saying that the authority is subject to the control and direction of the Minister: that is a fact. Under that control and direction procedure there is obviously a direct relationship. No such clause exists in relation to the State Bank: on the contrary, the State Bank and its board are provided with protections. Whether that is right or wrong is something that will be explored in detail in the next six months. That was the fact; that was supported by the Opposition; yet we get this nonsense about 'the Minister responsible for the State Bank', and, even better, last night I became the head of the State Bank. Yes, indeed!

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Mr Nobby Bannon is the head of the State Bank! That is an indication of the way in which the Opposition is seeking to take a vital, important financial problem (and all our support is needed to deal with it) into an issue of just plain, straight grabbing politics aimed at ensuring that advantage is provided; it is the scorched earth policy, 'I don't care if the bank goes down. I don't care if all these dreadful things happen. We are going to get the Government; we are going to get the Treasurer and Premier, and I am going to try to sit in here.' That ought to be exposed, and it is unacceptable behaviour by the Leader of the Opposition.

MULTIFUNCTION POLIS

Mr De LAINE (Price): Will the Premier confirm that the estimated cost for the development of the multifunction polis at Gillman is over $700 million?

The Hon. J.C. BANNON: In the past few days, there has been considerable publicity about the multifunction polis, particularly following the International Advisory Board meeting. It is very welcome and is dealing with the issue in a sensible and sensitive way, recognising the importance for this State. We have not brought this project off but, my goodness, we are going to try because it is really important for South Australia.

It does not help if wrong impressions are created about the economics surrounding the proposal. First, let me make the point that detailed assessment of those is not yet available to us. We will not know until the management board presents its report exactly what those economic studies have come up with. Certainly, detailed work has been undertaken, and so far it stacks up. The figure that was quoted the other day, to which the honourable member refers, was $705 million, and I guess a number of people, including the honourable member, would have said, 'That is a very large sum of money indeed to be directed [as the article suggested] to cleaning up the Gillman site.' In fact, that is not the figure for clean-up of the Gillman site. Indeed, those contaminated areas that have been identified will obviously need special attention, but the figure is much less than that. That figure is the best currently available estimate of the cost over the whole development period of the project—and, incidentally, we are talking about a time of up to 20 years or more—to bring that core site up to the building stage, which will be done progressively, and have it ready for that development.

The estimated figure includes public infrastructure and private development costs which are, of course, associated with any large scale project. Let me say again that the sum of $705 million is not what the Government is contributing

to this project: on the contrary, that amount of money includes everything that is involved, including the large private contribution to the project.

In fact, our public sector costs for the land development are still subject to detailed assessment, but they will be a comparatively small proportion of the total cost and will reflect simply the normal sorts of costs that would be involved in any similar type of development. We will be contributing infrastructure to it. The extra cost of some of the particular areas of the site is matched by the access of infrastructure to the site, something which we do not get in some of our broad acre outer suburban developments. So, there are checks and balances. We will contribute only a proportion of that—a fair proportion—but, at the moment, it is not possible to estimate how much. An indicative figure will have to wait.

Let me refer again to the figure of $705 million. Let not that figure become some sort of holy writ. As was reported properly in the article, there is a variation of that figure of some 20 per cent either way. It can be only an estimate depending on the progress, pace and overall scale of the project but, if that contribution is divided over the period of 20 years or more, it is certainly not an unreasonable amount of money to put into an overall development of that size.

Finally, it is important to realise that a return to basic land costs would include investment in residential, commercial, technological and other developments on that site and, indeed, elsewhere in Adelaide. In other words, there would be a return for that money on site in actual commercial value delivered and in a whole series of ancillary activities that could happen in and around Adelaide.

Let me conclude by saying that I welcome the ongoing debate about the MFP; as I have said, I believe it is being conducted responsibly and comprehensively. This will be a total information sharing exercise, but it is important that we understand the information that is being provided. We understand that inevitably there must be estimates—guesstimates even—in particular stages. The project is not a reality; we will have to work very hard to make it a reality, and we are a long way from getting the approval to do that.

STATE BANK

The Hon. D.C. WOTTON (Heysen): Why did the Treasurer not obtain or seek to obtain details about the Commonwealth tax investigations from Beneficial Finance or the State Bank before yesterday? In his ministerial statement yesterday the Treasurer quoted section 16 (2) of the Commonwealth Income Tax Assessment Act which would prohibit a taxation officer from divulging to an outside party information about a company or person being investigated, but this section does not prohibit an officer of the State Bank or of Beneficial informing the Treasurer, representing the taxpayers who own the bank, of the areas in which the Taxation Office or Federal police might be making inquiries.

The Hon. J.C. BANNON: I have already explained the circumstances of that, and I hope to see the bank's attitude confirmed in response to my letter on this subject. As far as the audit is concerned, it was felt that it was not necessary to draw these matters to my attention. In this context, let me refer back to the point, about which much has been made, about the answers to questions that I gave in December last year. I have been told that I provided four answers to questions on this issue, but I can find only one. It is appropriate that the member for Heysen has asked this question, because the answer that I was able to find was in reply to a question asked by that honourable member on 6 December. In my reply I said, 'I am satisfied there is nothing untoward about the financial arrangements.' I was asked whether, particularly in relation to off balance sheet companies, the State Bank Group was using them to avoid taxation, stamp duty and so on, and to conceal assets. I said that I was satisfied that that was not the case. I have been assured—

Members interjecting:

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

The Hon. J.C. BANNON: —that they are normal practice in the banking and corporate community. That is the information with which I was provided. Of course, there were complex structures and there was minimisation, as in any area.

Members interjecting:

The Hon. J.C BANNON: Well may members of the Liberal Opposition chortle. I remember a particular transaction involving the Liberal Party building that was divided into 12 particular segments—

An honourable member: It was 25.

The Hon. J.C. BANNON: I thank the honourable member for that correction—in order to ensure that stamp duty was minimised in that case, as I understand. That was not an illegal practice: in fact, it was a normal commercial practice. I have not criticised that practice or said that it was sharp practice or anything like that. I understand that it was done in the normal course of business and, unless there is evidence to the contrary, one need not complain.

But it is outrageous for that standard to operate in relation to the business or commercial transactions of the Liberal Party or of any other organisation and for them to be closed off to other corporate operations or financial institutions. If fraud is involved, if illegal practice is involved, it must be stopped. That is the purpose of the tax audit. Indeed, in the case of this particular transaction, involving the client of Beneficial, Luxcar, action is being taken. It is somewhat dramatic action in the circumstances, I suggest, but action nonetheless.

No-one at all should have any quarrel with that; indeed, it should be the case. But when I answered the question of the honourable member and replied with a further written response on 12 December—and I repeat that it is the only one; I cannot find another three on this particular subject—I made that point: that what was being undertaken was normal commercial practice. If that is not the case, I am not the one to judge. Like the Leader of the Opposition, who said last night on television, 'I leave those things to my accountant'—and that is quite appropriate—I leave those things to my officers, who are experts in these areas. I expect them to report to me if there are mistakes. I could have gone into the bank and examined those things, and it would not have meant anything at all to me in the circumstances.

We rely on the advice of experts and the assessments they have made, and on the audit control that operated. These are all things that anyone in business would rely on, and the Leader of the Opposition, who has great business experience, has said and confirmed exactly that. Let us not have a double standard here. All these matters will be examined appropriately by a royal commission and by the Auditor-General; therefore, Parliament will be satisfied in respect of these questions.

I say again to the honourable member that at the time I was giving those answers there was no question that my advice was that these were normal commercial practices. It remains for the Taxation Office and, indeed, for the courts to determine otherwise, not for me.

TIOXIDE AUSTRALIA

Mrs HUTCHISON (Stuart): I direct my question to the Minister of Industry, Trade and Technology. It has been announced today that a new $200 million paint pigment industry has selected Whyalla as its preferred Australian location. Will the Minister provide the House with further information on this matter?

The Hon. LYNN ARNOLD: This offers some very promising news about a development that may take place in Whyalla and represent a major boost to the industrial infrastructure in the area. I deliberately say 'may take place', because the race is not yet over. A very important first step in the race has been met and won by South Australia, but there is still another very important stage to go through.

The first important step that has been won was the selection of Whyalla as the site for a proposed plant by Tioxide Australia, a subsidiary of Tioxide in the United Kingdom. In coming to its decision that Whyalla should be the site, it made the choice between Whyalla, Gladstone in Queensland and Bell Bay in Tasmania. The company assessed those three sites very vigorously and considered that Whyalla offered unique opportunities for innovative environmental solution at modest cost, with the proposal involving the use of evaporation to process effluent rather than discharging it into the sea.

The company found that the other criteria on which an industrial decision would be made favoured Whyalla rather than Gladstone or Bell Bay. It is only the first stage and another very important stage still has to be gone through. In the United Kingdom the board that will be responsible for making the final decision as to where this major new paint pigment industry will be located will be considering not only the Whyalla option but also options from other countries. In other words, we have won the decision that if the plant is to be established in Australia it will be established in Whyalla, but we have yet to win the decision for it to be in Australia. We are certainly providing a lot of information to the company to help it come to a decision to select Whyalla, rather than some alternative site in some other part of the world.

In terms of analysing all the possible options in this country, Whyalla came out on top in terms of every criterion used to assess that point. It will be a very big investment indeed—wherever it is located. Stage one of the plant would employ about 200 people directly, with about 50 subcontract workers. It would cost $200 million, with a future possibility of tripling the size of the plant. Part of the philosophy of this investment proposal is that it be based not just on meeting the domestic market for paint pigment but that it would become a major exporter of its products, of course, predominantly involving titanium dioxide.

If the project is approved, it is expected that the plant would be commissioned in 1994. In answer to the honourable member's question, there have been some delays in the final decision-making process in the United Kingdom because the ownership of Tioxide United Kingdom has itself been the subject of some changes: it is now a wholly owned subsidiary of ICI, whereas previously I think it was a 50 per cent or 60 per cent subsidiary of ICI. In the process of that change, various other proposals Tioxide has had before it have been delayed a couple of months. So, we estimate that a decision should be made in the United Kingdom towards the end of May.

I think that the people of Whyalla can take pride in the fact that their city has been identified as meeting all the best criteria for this type of investment among other options in Australia. The Department of Industry, Trade and Technology in this State can take credit for the way in which, working with the community in Whyalla, it has sold the benefits of that city, together with the industrial benefits of South Australia and the advantages of doing business in this State for this decision to be made. It is very important that we understand the significance of that, because one of the concerns expressed in the industry statement last week is that perhaps there has not been enough awareness of the very real advantages offered by regional development in this country. Here we have an example where, a good, economic and environmental analysis, this regional location has been determined to be the best in the country.

In relation to the environment, it needs to be stated very firmly that the company understands the position and is willing to the greatest extent to proceed with the development of an environmental impact statement. It has done extensive work already in this regard, but it knows that that would need to be the next stage. In fact, it was environmental reasons as well as economic reasons that resulted in the company's choosing this particular site, because it is the company's belief that very positive, creative and environmental management responses would be more possible at Whyalla than they would be at the other two sites that it might have considered.

BENEFICIAL FINANCE

Mr INGERSON (Bragg): I direct my question to the Treasurer. Did the Federal Police, acting with the Taxation Office, issue subpoenas or other demands to Beneficial ordering them to hand over 41 documents by 10.15 a.m. last Monday and, if so, was the Treasurer informed, and why were the demands not complied with? I have been informed that the Federal Police issued a subpoena to Beneficial on 15 March requiring the handing over of 41 documents by 10.15 a.m. last Monday. I am told that the documents were not handed over and that this prompted the warrants executed yesterday. My informant claims these facts suggest that the Chief Executive of the bank and the Treasurer knew or should have known of serious taxation investigations before yesterday.

The Hon. J.C. BANNON: I have already explained the state of my knowledge, and that stands. I am advised that the subpoena was in fact received on Friday afternoon, 15 March, and that certain legal proceedings followed, and there was agreement—

Members interjecting:

The Hon. J.C. BANNON: This advice was received at the meeting held this morning, to which I have just referred.

Members interjecting:

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

The Hon. J.C. BANNON: They do not want to hear the information, Mr Speaker; they are not interested when I go to the trouble of finding and providing it. The matter of non-compliance with the subpoena is in dispute. I have been advised that adjournment by consent was agreed between counsel in relation to this case in which a subpoena was involved, and it involved a particular company. On Monday, 18 March application for the adjournment was made and granted. That information will obviously be a matter of discussion and dispute between the parties. It was probably one of the reasons why an injunction was sought and granted. That is the situation. Incidentally, in relation to these tax business audits, of which I am meant to have had some detailed comprehensive knowledge, I am told that

the Australian Taxation Office conducted 6 366 business audits in 1989-90, and for 1990-91 its target quota is some 9 000. So to say that it is normal commercial practice is spot on.

MIDDLE EAST

Mr FERGUSON (Henley Beach): I direct my question to the Minister of Industry, Trade and Technology. Following the recent mission by the Federal Minister for Overseas Trade and Development to Saudi Arabia and Kuwait, can the Minister advise the House what State Government initiatives are being taken to maximise South Australian investment in the Middle East?

The Hon. LYNN ARNOLD: I thank the honourable member for his important question, which relates to a ministerial statement that I made to the House a couple of weeks ago on the actions that the South Australian Government was taking in respect of the Middle East now that the Gulf war is over. One of the first things that we did following that ministerial statement was to ask Geoff Walls, the South Australian Agent-General in London, to go into the area, to find out what he could, and to report back to us on what opportunities we should be following up. Fortunately, he was able to work with the delegation that the Minister for Overseas Trade and Development led to the area, which certainly helped him to obtain some very significant meetings while he was in the Middle East, particularly in Saudi Arabia and Kuwait.

Some of the information that he has given us, as well as the work that we have done here in the intervening period, has resulted in the decisions that we are now making. In his report to me, he has recommended that there is merit in a group, which combines public and private sector interests, going into the region to make an evaluation of business opportunities, in particular in Bahrain and the eastern province of Saudi Arabia. He also believes that there is merit in a mission going to other parts of the region. Because of the logistic difficulties within Kuwait, he feels that the best opportunities to access Kuwait are through Dammam or Dubai. As a result of that, we are now targeting a trade mission to go to that part of the world in late April this year that will visit Turkey, Iran, Bahrain, Dubai and Saudi Arabia.

We are presently in contact with various companies in South Australia to ascertain which companies would like to come on that mission. We are getting very keen interest. The reasons why we are getting keen interest are the selfsame reasons as Geoff Walls has recorded about the enormous amount of work that has to be undertaken in that part of the world. One of the visits in which Geoff Walls was involved was a courtesy call on the Prime Minister of Kuwait and the Minister of State for Municipal Affairs, and they outlined exactly what is being undertaken by the Kuwait task force and the Kuwait Emergency Recovery Committee.

Phase one of the recovery is described as the emergency phase, and phase two will be the reconstruction phase. For the moment, priority is being given to the supply of power, water, food, medicines and communications, as well as undertaking a damage assessment which will be the basis for developing a recovery plan. Phase two would then be to put in place the necessary reconstruction that would follow from that.

As I mentioned before, businesses which are interested in pursuing these matters are advised to make contact with the Kuwait Emergency Recovery Committee, and it is suggested that they do so through either Dammam or Dubai. As I said, we are getting this group together to go there, and I think it will offer some very real opportunities for South Australian business to make up the ground that might have been lost because of the tragic war that took place there.

The other point I mentioned previously was the establishment of a Middle East trade development group and I have already indicated the terms of reference of that group, so I will not repeat them. However, we have now had acceptances and I have approved the formation of a committee under the Chairmanship of Hugh McClelland, the Director, Agricultural Development and Marketing. That committee will also consist of Mr Ian Gemmell of Atco Industries, Mr Max Jongebloed of SEEDCO, Malcolm Harvey of the Hines Group of Companies, David Walker of the Orlartus Trading Company, David Thomas the State Manager of the Australian Wheat Board: Michael Iwaniw of the Australian Barley Board; Nicholas Alistair-Jones of CONBATA, Mr Ashley O'Brien, Managing Director of Aquatrade; Peter Shea of SAGRIC, International; Mr Brian Leedham the State Manager of Austrade; Richard Cooper of the Department of Industry, Trade and Technology; and Mr Kevin Foley from my ministry.

That committee will bring together public and private sector views on how best we can target opportunities. The combination of the trade group that will go there, the advice and liaison with Austrade in the region, and Geoff Walls' work as Agent-General, will give us the best opportunity to maximise business for South Australian enterprises.

STATE BANK

Mr BRINDAL (Hayward): Will the Treasurer, as Minister responsible for the State Bank, inform the house of the size of any bad loans made through New York, London or Hong Kong and whether any group off balance sheet companies operate in those cities?

The Hon. J.C. BANNON: I will refer that question to the bank to ascertain what information can be provided.

WEST LAKES BOULEVARD

Mr HAMILTON (Albert Park): Will the Minister of Recreation and Sport advise whether the traffic flow to Football Park will be disrupted on Friday night because of the boulevard being dug up by the E&WS Department? Earlier this week the media suggested that there would be delays in gaining access to Football Park on Friday night when the Adelaide Crows play their first full home game of the season against Hawthorn. As a consequence of that report I received many telephone calls from residents, particularly in the West Lakes area, seeking confirmation on the manner in which they will be able to gain access to their own residence.

The Hon. M.K. MAYES: I thank the honourable member for his question. Obviously he is concerned not only for his constituents but also for patrons attending the first Crows match at Football Park. I hope that members will be able to attend and support our team.

Members interjecting:

The Hon. M.K. MAYES: Yes, I'll be there.

The SPEAKER: Order! I ask the Minister to direct his remarks through the Chair and to come back to the subject.

The Hon. M.K. MAYES: I was, indeed, Sir, and I will continue to do so. I assure members that all lanes will be open in both directions for both patrons and constituents.

Mr Hamilton: It's a full house, too.

The Hon. M.K. MAYES: It will be a full house. I am told that virtually every seat is sold. Those who want to see the Crows win should get along and support them. I will be there and look forward with great interest to seeing the match.

An honourable member interjecting:

The Hon. M.K. MAYES: A few people would like to send you a cheerio on occasions, but I wouldn't worry about it.

The SPEAKER: Order!

The Hon. M.K. MAYES: After Easter two city lanes and three inbound lanes to Football Park on the boulevard will remain open during peak traffic whilst essential work is carried out by the E&WS. It is important that constituents and patrons know what is happening on that road. As Minister of Recreation and Sport I am delighted to answer the question on my behalf and that of my colleague who is at a ministerial conference. I wish the Crows success, particularly Chris McDermott, who is our captain.

Mr Lewis interjecting:

The Hon. M.K. MAYES: It has a lot to do with it, as I am sure they will perform at their best and we will see them succeed on Friday night.

STATE BANK

The Hon. JENNIFER CASHMORE (Coles): My question is directed to the Premier. Following his admission that Beneficial Finance received a subpoena last Friday, was he told about this at the time and, if not, does he believe he should have been informed immediately and who does he hold responsible for withholding the information?

The Hon. J.C. BANNON: No, I was not informed and I have written to the Chairman of the bank concerning the circumstances of that. Incidentally, I might say that the member for Coles asked her question; the member for Bragg, of course, began his question with the words, 'I am advised.' I am sure that all members noted the portentous nature of the fact that he was advised.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Was the honourable member informed there? Certainly, he was advised or informed and I thought, as I answered the question, 'What was this major insight or "Deep Throat" that had provided this information to the member for Bragg, apart from the Leader of the Opposition'? It turned out to be the front page of this morning's *Advertiser* because it is recorded there.

Members interjecting:

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

MULTICULTURAL ARTS TRUST

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Ethnic Affairs advise the House of the current activities of the Multicultural Arts Trust?

The Hon. LYNN ARNOLD: I thank the honourable member for his question, because I am pleased to have the chance to talk about the excellent work the Multicultural Arts Trust has been doing. Recently the Multicultural Festival was held at Elder Park and I know that other members in this place attended that festival. Indeed, I am actually waiting for the Deputy Leader of the Opposition to stand up and give a personal explanation about that day because he proffered, on behalf of members on both sides of the House, that at next year's dragon boat race a parliamentary team would race against the media. I think that the rest of us require apologies by him in that regard. I must now advise members that, on behalf of the Parliament, the honourable member has committed us, so we will have to arrange for a team to take part in next year's festival.

I might say that the dragon boat race was just one component of a very successful day that attracted many tens of thousands of people and can undoubtedly be classed as the most successful Multicultural Arts Festival that has yet been held. But, of course, over the years it has been sponsored by the State Bank, which has done an excellent job in providing support for this activity. It brings together many different groups in the community who represent a wide range of multicultural arts. The performing arts, the display arts and other forms of activities were all represented and each attracted a large range of interests. The Zambian music group 'Zonke' performed in the amphitheatre, more classical music was heard in the marquee, and other music and performances were displayed in what is called the 'town square' of the Multicultural Arts Trust.

So, Ron Heunig (the Executive Director of the Multicultural Arts Trust), members of his staff, Basil Taliangis (the Chair of the board of the Multicultural Arts Trust) and other members of the board of the Multicultural Arts Trust can take, in an artistic way, a bow for the success of the day. It certainly was very successful.

But that is not the only thing the trust has been doing. Recently there was the Palimpsest exhibition 'Visions of Multicultural Australia', a much smaller function in terms of the people who attended but, nevertheless, also very successful and, in conjunction with the Leisurely Study Arts Association and Dr Lawrence Chan, it supported the exhibition of art works reminiscent of the eighteenth century artists of Yangzhov brought here especially from Yangzhov in China, and this was the first place in Australia to receive that exhibition. Two visiting Chinese scholars talked about that work and, again, I think it is evidence of the work of the trust. I thank the honourable member for his question and I look forward to the trust continuing this positive role in promoting multicultural arts in our community.

STATE BANK

The Hon. H. ALLISON (Mount Gambier): My question is directed to the Treasurer. In view of the considerable powers available to the Treasurer under the State Bank Act to be informed about the bank's affairs and to make proposals to the bank about those affairs—

An honourable member: And the indemnity.

The Hon. H. ALLISON: —and the indemnity, how much longer does the Premier think that South Australians will go on accepting the Ronald Reagan-style expression of 'Don't know' or 'Can't remember'—

The SPEAKER: Order! I rule the question out of order. The honourable member has certainly been here long enough to know the Standing Orders in regard to questions. The honourable member for Spence.

Members interjecting:

The SPEAKER: Order! The member for Spence will resume his seat.

The Hon. B.C. EASTICK: On a point of order, Mr Speaker, when you ruled out of order a question from the Government side late last week, you immediately gave the call back to that side. Will you do so on this occasion?

The SPEAKER: I do not recall the incident, but I am sure there are plenty of members here who will. However,

the Chair always balances up the questions. On occasions where several questions have been asked from one side, they have always been balanced up. I am not aware of any occasion when there has not been a balance in relation to questions, except when we have run out of time, of course. On this occasion I will do what I normally do, that is, to call from side to side. I have ruled the question out of order, so I will call from that side and then I will call from the other. As I say, there are occasions in this Chamber when I do call questions in line from either side, but that is when there is some reason, such as my not having a list or a request from the respective sides. The member for Spence.

ADULT EDUCATION

Mr ATKINSON (Spence): Will the Minister of Employment and Further Education explain what is being done to make education more accessible to adults who cannot or will not attend formal education institutions but who still want to increase or broaden their skills?

The Hon. M.D. RANN: I am pleased to announce funding totalling $277 000 for community adult education in South Australia. The funds derive from both Commonwealth and State sources on a 50-50 basis, and it is anticipated that additional State funds will be made available at a later stage this year. This present allocation comprises $137 000 from the State Government. In the district of Spence, six separate grants have been allocated in the very areas that the member has highlighted as being of greatest need. I see that the Bowden-Brompton Community Group and the Indo-Chinese Australian Women's Association have received grants. Community-based adult education provides—

Members interjecting:

The Hon. M.D. RANN: I am surprised by the interjections from members, because indeed there are grants all around the State, and I will be advising of them shortly. The latest allocation of grants involves more than 100 programs throughout South Australia, and groups are expected to receive their cheques in the mail in the next week—or in other ways. The courses funded under community adult education are based in neighbourhood houses and community centres and are designed to provide people with the opportunity to increase and broaden their skills. Such courses often provide confidence, incentive and the knowledge required to undertake further training or to enter the work force. Perhaps the honourable Leader of the Opposition's accountant might want to join such a course after last night's extraordinary display on the *7.30 Report*. Perhaps he can tell us about the Elgin Trust.

Literacy is also a critical area to ensure South Australia's future. It is the cornerstone of skills for not only the work force but also our daily lives. It is simply not acceptable in this country that more than one million adult Australians have problems with basic reading and writing skills. Over the full financial year, the State's commitment to community adult education has been boosted significantly.

Members interjecting:

The Hon. M.D. RANN: What is this about the bottom of the drawer scheme? I don't know. The State's commitment to this important area has increased from $60 000 in 1988-89 to $210 000 in 1990-91. An Advisory Committee on Community Adult Education was set up to advise me on strategies and the allocation of funds.

STATE GOVERNMENT INSURANCE COMMISSION

Mr BECKER (Hanson): Has the Treasurer received a half-yearly report from SGIC, and will he outline its main contents, including the profit and loss and contingent liabilities?

The Hon. J.C. BANNON: I have not, as yet, received a half yearly report; I do not think that SGIC publishes specific half yearly reports, although some institutions do.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I remind the House that, in relation to SGIC's financial performance, I have commissioned and publicly announced an expert team that is undertaking that task at this moment. While that task is being undertaken—and it is being undertaken with dispatch—I do not believe that there is any necessity for any particular information to be provided. If the honourable member has some specific questions, I would be happy to answer them.

SMOKE DETECTORS

Mr De LAINE (Price): Will the Minister of Emergency Services consider making the installation of smoke detectors mandatory in all new buildings and dwellings as a means of protecting lives and property?

The Hon. J.H.C. KLUNDER: As the honourable member would be aware, this matter has had considerable prominence in the past few months, partly at least as a result of the national fire services conference recently held in Adelaide. That conference supported the mandatory installation of smoke detectors in all new dwellings as an important step toward reducing deaths from fire in dwellings in Australia.

Having recently been briefed by the Chief Officer of the Metropolitan Fire Service with regard to this matter, I have asked the Chief Officer to provide me with a formal proposal on the matter, which I expect to receive in the next few weeks. I will then be in a position to discuss this matter with my colleague the Minister for Environment and Planning, because the mechanisms for achieving the mandatory installation of smoke detectors is a matter for the relevant building codes that fall within her area of responsibility. I understand that Victoria has already drafted legislation on this matter, and I think it is appropriate that in South Australia we should at least give it close attention.

RURAL ASSISTANCE

Mr MEIER (Goyder): Has the Minister of Agriculture considered using his Government's Federal rural assistance grants to subsidise farmers' high interest rates and thus help them stay on their properties? I am told that both the New South Wales and Victorian State Governments have chosen to use these grants to pay an interest rate subsidy to farmers of up to 5 per cent on loans they have with banks and other lending institutions.

The Hon. LYNN ARNOLD: The way in which rural assistance moneys are used must comply with the guidelines that are the subject of agreement between State and Federal Ministers. The next meeting at which there will be discussion between State and Federal Ministers about such guidelines will take place in April. John Kerin confirmed with me today that there would be such a meeting.

We are awaiting a report on rural assistance from Dr Onko Kingsma in order to consider his recommendations.

The actual proposal to which the honourable member has referred has a number of major problems built into it. One is that essentially it proposes the transferring of obligation from banks to Government with not a great deal of opportunity for Government to be involved in the actual management of that. In other words, it is really being proposed that all the decisions be made elsewhere with the implicit result that the taxpayer will pick up the burden.

I acknowledge that issues of rural assistance need to be re-examined. The very fact that I have indicated that I am prepared to look at the issue of carry-on finance and various related proposals is an indicator of the fact that I know that this issue needs to be further examined, and I am doing precisely that in consultation with other Ministers and the Federal Government.

Knee-jerk reactions need to be avoided if they are going to cause more problems for the economy, the taxpayer or, ultimately, the farmer than exist already. I do not necessarily believe that the responses undertaken in New South Wales and Victoria are adequate. Rural assistance in South Australia under RAS Part A is already an interest rate subsidised scheme compared with interest rates that are available in the marketplace.

An honourable member interjecting:

The Hon. LYNN ARNOLD: Well, it is significantly subsidised. The interest rate that applies is either 10 or 12 per cent for the first three years, depending on the amount that is actually taken out. That is a significant reduction on the interest rates that are payable by small business, for example, or by household mortgagees.

The Hon. Frank Blevins interjecting:

The Hon. LYNN ARNOLD: As my colleague says, it is significantly reduced and, even in the commercial rural loans section of the Rural Finance and Development Division, commercial rural loans now run at 14.5 per cent on offer, which is a significant reduction on the commercial rates applying from banks. The point I have made to many farmers is that, if they choose to go to financial institutions or banks where they may be paying 17 per cent, 18 per cent or more, why are they not coming to the commercial rural loans section of the department and getting the finance with no bank charges at a significantly reduced rate.

I understand what part of the answer is: some people are already tied up with loan agreements that have fixed interest rates, but if they are already tied up that is something the banks should look at. They, too, have a responsibility to help rural Australia get back into the mainstream of the economy and contribute to this country. They have an obligation to do that, and I am very concerned about reports that they are refusing carry-on finance to so many, because that is simply denying their responsibilities to help this economy keep on running.

This is a point that I intend to take up with the banks in this State, and I know that John Kerin and other State Ministers are doing precisely that. The short answer to the honourable member's question will come out of a meeting of State and Federal Ministers in April when we discuss rural assistance and come to some sort of agreement about what we should all be doing.

VEHICLE NUMBERPLATES

Mr HOLLOWAY (Mitchell): Has the Minister of Transport made a decision about whether custom numberplates can be extended from the current six digits to allow seven digit combinations? Following approaches from a constituent on this matter, I asked the Minister earlier this year to consider introducing seven digit custom plates. My constituent pointed out that the existing plate dimensions allow room for another digit.

The Hon. FRANK BLEVINS: I thank the member for Mitchell for his question. He has been somewhat persistent of late with this issue. I have considered the matter and decided to allow seven digit operations. Special numberplates, including the existing custom plates, personalised, historic and Grand Prix plates are very popular with South Australian motorists—and, I may add, with the Minister of Finance, as they raise around $750 000 a year.

Members interjecting:

The Hon. FRANK BLEVINS: Exactly! That is the price of vanity—$750 000 a year—and I know that the member for Murray-Mallee contributes to this $750 000. This revenue goes straight into the Highways Fund for the construction and maintenance of our roads. Allowing an extra digit on custom plates will not cause us any technical problems so, if people are prepared to pay for them, I can see no reason why they should not be made available, particularly with the additional proceeds going to our roads.

South Australia will be the first State to introduce seven digit plates. Application forms will be available from tomorrow at motor registration offices. Because there may be some competition for particular plates, there will be no agreement to display seven digit combinations until after 30 April. After that date, numberplates will be released at a cost of $250 to those applicants where only one application has been received for a particular combination. If more than one application is received for a particular combination, the applicants will receive by post an invitation to bid for the combination by closed tender.

We cannot anticipate precisely how much will be raised for our roads by this measure, but I expect that it will be several hundred thousand dollars. If motorists are willing to pay these prices for these plates, there is no doubt that it will assist us to maintain the condition of South Australian roads which are by far the best in Australia. To all the people who want a personalised numberplate, whether in a six-digit or seven-digit combination, I say, 'Thank you very much.'

ADELAIDE CASINO

Mr SUCH (Fisher): I direct my question to the Minister of Finance. Why have the owners of the Adelaide Casino failed to honour a commitment given to the Casino Supervisory Authority to invite public equity in the Casino? The current owners of the Casino made a submission to the Casino Supervisory Authority in 1983 when the authority was considering what recommendations it should make to the Government in relation to ownership and operation of the Casino. I quote in part from that submission:

> It is . . . proposed that public equity participation in AIG (the ASER Investment Group) might be delayed for up to five years, by which time not less than one-third of AIG will be offered to the public.

The Casino has now been in operation for almost five and a half years, but no public equity has yet been offered.

The Hon. FRANK BLEVINS: I know nothing of that matter. I will ask the operators of the casino what response they would wish to give to the member for Fisher. However, while we are speaking about the Casino, I can outline to the House that I have been advised by the operators of the Casino that the video gaming machines, which have been quite proper and lawful since April last year, have been a great success to date. Comments from the customers have been very favourable and I think they would thank the

Parliament and the Government for the consideration that we have given in allowing the machines to be installed.

PERSONAL EXPLANATION: ALLEGATIONS MADE IN PARLIAMENT

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

Leave granted.

Mr D.S. BAKER: Twice today allegations have been made in this House about me and about comments that I have made. The first allegation was made by the Treasurer in relation to comments that I made on the *7.30 Report* last night, and the second was made in Question Time today by the member for Briggs and the Premier in relation to my accountant. I will read two letters into *Hansard*. I received the first letter at 1.30 p.m. today from the Premier and Treasurer, and it states:

Dear Dale,

Regardless of our political differences and our assessment of the reasons for the State Bank's financial difficulties, we have both taken care in our public statements to stress that the bank's customers have no cause for concern. However, the process of returning the bank to profitability is equally important, particularly for the long-term financial strength of the State. I am sure you would agree that argument in the political arena should not be allowed to jeopardise this rebuilding process by undermining confidence in the bank.

For this reason I was very concerned to hear your comments on the *7.30 Report* last night concerning the questions that you and your colleagues are asking in the Parliament. I particularly refer to the following statement:

> ... with all our questioning ... the answers to all our questions are in the bottom drawer before we ask them.

I have accepted that your questions are asked in good faith in line with your responsibilities as an Opposition and your absolute right as a member of the House to question the Government on any matter. However, if it is the case that you are already in possession of the information you seek, then I can think of no other motive on your part than a desire to sensationalise issues relating to the State Bank and indeed to further destabilise the bank in pursuit of political objectives.

I am also concerned that members of the Opposition may be in possession of information which is relevant to the royal commission and the inquiry by the Auditor-General. I particularly refer to the questions asked yesterday by the member for Alexandra and the member for Hanson. I have written to the Auditor-General drawing his attention to the comments made by both these members and suggested that he may find it appropriate to seek further details from them. However, I believe that it would be irresponsible for any member of the Parliament who is in possession of relevant information to withhold that information from the appropriate authorities who have been charged with investigating matters relating to the State Bank.

Yours sincerely.

My reply reads as follows:

Dear John,

Your letter of today's date was delivered to me at 1.30 p.m. In the event that you intend to refer to its contents in the House this afternoon you should recognise that you have taken my remarks on the *7.30 Report* last night totally out of context.

Members interjecting:

The SPEAKER: Order!

Mr D.S. BAKER: Thank you, Mr Speaker. The letter continues:

The meaning of my remarks was to emphasise that the Opposition has not and will never ask questions relating to the State Bank based on rumour, innuendo or information which we have been unable to broadly substantiate. Hence, when I became aware in December that there may be a Federal Police investigation under way relating to the State Bank, I did not raise the matter publicly. You would also be aware that on two occasions I have corresponded with you on a confidential basis about matters which, were they to be raised publicly, could cause concern to customers of the State Bank.

I maintain that we have acted completely responsibly throughout, going back to our initial questions in 1989. We remain ready to assist the royal commission and the Auditor-General in whatever way we can and, given the contents of your letter, I trust the Government will not seek to oppose our attempt to be represented before the royal commission. I am surprised that you should think that we would behave otherwise.

The other matter was the reference to my accountant and some sort of tax audit that may have been going on. I point out to the Treasurer that, if there is a tax audit on anyone's personal affairs, it is directed, first, to the accountant and if the accountant makes a mistake the responsibility for that mistake rests squarely with the client—in this case, with me. However, if the State Bank is wrong, who takes responsibility? This seems to be what the Treasurer is trying to duck away from.

PERSONAL EXPLANATION: MINISTER'S REMARKS

Mr SUCH (Fisher): I seek leave to make a personal explanation.

Leave granted.

Mr SUCH: Yesterday, in answer to a question asked by the member for Napier, the Minister of Agriculture gave what I would call a lemon of an answer. He misled the House, reflected on my ability and demonstrated, once again, that he was barking up the wrong tree.

The SPEAKER: Order! I point out to the honourable member that personal explanations may not be debated. The rule is very clear and I draw the attention of the House to it. The subject of a personal explanation may not be debated. I draw the honourable member's attention to that.

Mr SUCH: Thank you for your guidance, Mr Speaker. The Minister in his answer, and I will read his actual words, said:

> I did see in the stop press of the first edition of the *News* today the reference to the member for Fisher's suggestion that sniffer dogs should be used at fruit-fly roadblocks. I think it was a sensible decision on the part of the editorial team that they cut it out of the later editions of the *News*.

That was blatantly untrue. I understand that the late edition of the *News* is delivered here prior to the completion of Question Time. I wish to put on record that the Minister was misleading the House by suggesting—

The SPEAKER: Order! I am not quite sure where this personal explanation is going, but I would ask the honourable member to be very careful.

Mr FERGUSON: I rise on a point of order.

The SPEAKER: Order! The member for Henley Beach will resume his seat. I draw the attention of the member for Henley Beach to the fact that I was speaking to the member for Fisher at the time of his taking a point of order. I would ask the member to be very clear in what he says. Do not debate it; it is a personal explanation.

Mr FERGUSON: On a point of order, Sir, the charge that the honourable member has just made, that the Minister of Agriculture was misleading the House, is a very serious charge.

Members interjecting:

The SPEAKER: Order! The member for Henley Beach will resume his seat. The member for Mount Gambier will come to order. The Minister concerned is in the House, heard the statement and took no offence. The Standing Orders are clear: if the person concerned is in the House, that person is the one to take offence.

Mr SUCH: I believe that my position was misrepresented and I can attest to the fact that the late edition of the *News* carried an expanded version. Furthermore, the Minister said in his reply yesterday:

The member for Fisher would have been better served had he made inquiries about the situation before talking about sniffer dogs trying to sniff out either fruit-fly or peaches.

In today's *Advertiser* my proposition was confirmed in an article which quoted Senior Constable Kurt Wenner of the South Australian police dog squad. The *Advertiser* (page 18) states:

'It's a feasible proposition, but a costly proposition,' he said. He said they could be used in customs checks on vehicles or at airports, and the deterrent value could make the scheme worthwhile. He said a similar scheme detecting vegetable material on freight planes—

The SPEAKER: Order! The honourable member has made his point.

SITTINGS AND BUSINESS

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

That the House at its rising adjourn until Wednesday 3 April at 2 p.m.

I take this opportunity of wishing all members the very best for Easter. I think a lot of them are looking forward to it.

Motion carried.

CITRUS INDUSTRY BILL

The Hon. LYNN ARNOLD (Minister of Agriculture) obtained leave and introduced a Bill for an Act to provide for the organisation and development of the citrus industry and the marketing of citrus fruit; to repeal the Citrus Industry Organisation Act 1965; and for other purposes. Read a first time.

The Hon. LYNN ARNOLD: 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 object of this Bill is to provide for the establishment of a new, restructured Citrus Board to organise and develop the citrus industry and the marketing of citrus fruit, regulate the movement of citrus fruit from growers to wholesalers, set grade and quality standards for fruit, provide for powers to be used to set prices and terms of payment for processing fruit in the event of market failure and increase the flow of production and marketing information throughout the industry.

The Citrus Industry Organization Act followed the report of the Committee of Inquiry into the Citrus Industry in South Australia completed in 1965. The reason for the inquiry was because the distribution and marketing of citrus had become chaotic because of the increased citrus harvest in the years 1962 to 1964 and a dependence on fresh fruit markets.

Much of the increase in these three years was unexpected and fruit of a quality below normal came onto the market. Processors took 20 per cent of the fruit (now 70 per cent), and growers therefore had no alternative but to quit their fruit at reduced prices on the Adelaide and interstate fresh fruit markets. In the period 1962 to 1964 the Adelaide market comprised 17 per cent of the total South Australian citrus production (now 60 per cent).

The Citrus Industry Organization Act was passed by Parliament in 1965, and the Citrus Organization Committee (later the Citrus Board of South Australia) was appointed to administer the Act. An orderly market was created by directing the supply of fruit onto the South Australian market by orders from licensed packers to licensed wholesalers at established minimum selling prices.

In December 1977 the Minister announced an Enquiry into Citrus Marketing in South Australia. This inquiry recommended several changes. Since 1978, the Act has remained unchanged apart from a change in name of the administering body from the Citrus Organisation Committee (COC) to the Citrus Board of South Australia (CBSA) and an increase in the number of growers required to call a poll, from 100 to 200 growers.

This Bill is the result of an extensive review of regulation of the citrus industry which began in April 1989 with the release of a Green Paper. This paper was widely distributed and submissions were received from every citrus grower and marketing organisation in South Australia and also from national bodies.

Almost every submission was critical of some aspect of the Board's structure, operations or powers but the vast majority believed that the Board was performing functions which had been of benefit to the industry and to consumers and should continue to exist.

The Government considered all the submissions received and recognised that regulation of the citrus industry had to be brought into the 1990s with a new direction and vigour to face the pressures now being experienced. The Government's intentions were stated in a White Paper released in May 1990. Almost all groups indicated support for these policies with the controversial aspects being phasing out the Board's function of routinely setting prices and terms of payment for processing fruit and the structure of the new Board.

The Board will have the challenging task of guiding the industry in its adjustment from being predominantly oriented to the production of fruit for processing to more emphasis on producing a high quality product for fresh consumption in our domestic and export markets. It will be well placed to cooperate with the Australian Horticultural Corporation in the development of markets and to ensure that initiatives taken in South Australia are coordinated with those taken in other States and by the Corporation.

The Bill provides for the Board to determine and set the standards for production, packing and marketing of high quality fruit in South Australia to meet the requirements of new markets such as in Japan and the USA. The Board has been strengthened with skills and expertise in marketing, processing and packing. In addition, a new process of selecting the Board is proposed. A selection Committee, representing the industry, will recommend appointments to the Board. The Board itself is not intended to be representative since the important factor is that the Board has within its membership the skills to ensure that growers are kept fully informed on the Australian and world supply and demand situation and outlook, and all sectors of the industry are encouraged and assisted to pursue new products and markets.

In order to monitor production and marketing trends, the Board will maintain a register of growers, packers, processors and volume retailers, collect statistical returns and ensure that this information and similar information about Australian and world production and marketing is regularly received by growers.

The Board will continue to have a reserve power for the setting of prices and terms of payment for processing fruit

when markets are disorderly and with the approval of the Minister of Agriculture, but will not set prices for fresh fruit. The latter point simply formalises the Board's policy of several years.

The Board will be required to develop a rolling five year plan and present this plan to industry meetings. The Board is fully industry funded and will be able to continue collecting contributions to fund its operations and will consult with the industry on any proposal to vary the contributions.

The Board will complement the national role of the Australian Horticultural Corporation in developing export markets and in the promotion of citrus. It will also have a role in assisting South Australian exporters work together for generic promotion and coordinated marketing in export markets.

Honourable members will be aware of the uncertainty pervading the citrus industry at present. Tariffs on imported frozen concentrated orange juice will continue to fall and the local content rule for sales tax reduction of 10 per cent if Australian juice is mixed in juices, cordials and drinks will be removed from 1 July 1991. These changes and the supply projections for orange juice concentrate indicate that the industry is facing a long term problem which will require strong and informed guidance and coordinated action on the part of growers, packers, processors and exporters and marketers generally. The proposed Citrus Industry Act provides for that leadership.

The Bill sets the regulatory framework for the development of industry in the 1990s. It is the Government's belief that the restructured Board has a vital role to play in helping the industry through the difficult times ahead.

I commend the Bill to honourable members.

Clause 1 is formal.

Clause 2 provides for commencement of the Act on proclamation.

Clause 3 provides the necessary definitions of expressions appearing in the Act. The definition of 'marketing' makes it clear, particularly in relation to the functions of the Board, that this Act is concerned with all the post-harvest procedures for dealing with citrus fruit.

Clause 4 continues in existence the Citrus Board of South Australia established under the repealed Act. It is confirmed that the Board is a body corporate of full legal capacity.

Clause 5 provides that the Board is to consist of seven members, one being appointed by the Governor on the nomination of the Minister and six being so appointed on the nomination of the selection committee. Of these six, three will be registered growers and three will be other persons who have expertise in the marketing of citrus fruit or other foodstuffs. The member nominated by the Minister will be the presiding member and one other member of the Board will be appointed as the deputy presiding member. Selection committee members are not eligible for appointment to the Board.

Clause 6 sets out the usual provisions relating to terms of office for members of the Board. It is provided that members' allowances are to be paid out of Board funds.

Clause 7 provides for the chairing of meetings of the Board and sets the quorum at four members.

Clause 8 provides for the disclosure of interest by members of the Board, be it an interest of the member or of a person closely associated with the member. This provision is modelled on the conflict of interests provisions in other recent Acts of this Parliament, for example, the Local Government Act.

Clause 9 establishes the Citrus Board Selection Committee as a committee of five persons drawn by the Minister from a panel of eight names submitted by various citrus industry organisations on the invitation of the Minister.

Clause 10 provides that the selection committee members will be appointed to office for a term of three years, and that a casual vacancy may be filled by the Minister.

Clause 11 sets out procedural requirements for meetings of the selection committee. The committee cannot act if there is more than one vacancy in its membership. Where the committee is meeting to nominate candidates for the Board, all existing members of the committee must be present. Four members constitute a quorum at other meetings.

Clause 12 provides for the declaration of conflicts of interest arising where a member of the selection committee is closely associated with a person who is under consideration for nomination to the Board.

Clause 13 sets out the primary functions of the Board, which are to develop policies for orderly marketing and minimum standards for citrus fruit and citrus fruit products, to encourage the export trade, to promote the consumption of citrus fruit and citrus fruit products, to keep track of marketing trends in the industry and to disseminate such data to persons within the industry.

Clause 14 sets out the general powers that the Board has for the purpose of the performance of its functions. It is provided that the Board may act in concert with interstate marketing authorities, it may develop codes of practice for the citrus industry, it may act as agent for the collection of Commonwealth levies and generally may enter into contracts, borrow money, deal with property, etc.

Clause 15 empowers the Board to establish committees.

Clause 16 provides the usual power of delegation for the Board.

Clause 17 provides that the Board employs its own staff on terms and conditions fixed by the Board. The staff are not Public Service employees.

Clause 18 gives the Board the power to exempt specified persons or persons of a specified class from any provisions of this Act, the regulations or a marketing order. Exemptions are only effective when published in the *Gazette*.

Clause 19 empowers the Board to require returns to be furnished by any registered person for the purposes of gathering information necessary for the proper administration of this Act.

Clause 20 requires the Board to prepare and present to a public meeting a plan of its proposed operations over the next ensuing five years. This plan must be revised each year so that it continues to cover the ensuing five year period.

Clause 21 empowers the Board to require all registered persons or a class of registered persons to pay contributions to the Board towards the costs of carrying out the functions of the Board. The Board may determine the amount of those contributions and their method of payment or collection. Before the Board changes existing contributions or requires a particular class to make an initial contribution, it must consult with the persons liable to pay.

Clause 22 requires the Board to keep proper accounts and to have them audited at least once a year by a registered company auditor.

Clause 23 requires the Board to furnish the Minister with an annual report (including the audited accounts and five year plan). This report must be laid before both Houses of Parliament.

Clause 24 provides that the Board must maintain a register of all registered persons.

Clause 25 requires growers, packers, processors, wholesalers and volume retailers to be registered. A grower will be registered (unconditionally) on due application being

made and on payment of the appropriate fee (if one has been prescribed). If the application is for registration as a packer or a processor, the Board must be satisfied as to the applicant's business knowledge and financial resources to run a business, as well as to the business premises, facilities and equipment being of a particular standard prescribed by regulation. Where application is for registration as a wholesaler or volume retailer, the Board need only satisfy itself as to the standard of the applicant's premises, facilities or equipment. Registration is for a period of one year and is renewable on due application and payment of the prescribed fee. Registration may be subject to conditions, except for registration as a grower. The Board can add to, vary or revoke the conditions of registration.

Clause 26 provides for cancellation or suspension of registration for contravention of the Act and for suspension of registration for default in payment of contributions or fees.

Clause 27 provides for a right of appeal to a court of summary jurisdiction against a decision of the Board to refuse, cancel or suspend registration or to impose conditions (either initially or during the registration period). A decision of the Board to cancel or suspend registration continues in effect during the appeal unless, on the application of the person concerned, the Board or the court orders otherwise.

Clause 28 creates the offence of contravention of conditions of registration.

Clause 29 creates the offence of carrying on business as a grower, packer, processor, wholesaler or volume retailer without being registered as such.

Clause 30 creates a number of offences relating to the sale and purchase of citrus fruit. A grower is required to sell citrus fruit to a registered packer, a registered processor, or (provided that the fruit has first been prepared and packed in accordance with the regulations) a registered wholesaler or volume retailer. This does not prevent the grower from selling the grower's own fruit by retail in pursuance of a permit from the Board. A packer is required to prepare and pack fruit in accordance with the regulations. Subclause (5) requires a packer to sell only citrus fruit that has been prepared and packed in accordance with the regulations. A processor is not permitted to sell citrus fruit except to another processor. A wholesaler is required to purchase citrus fruit only from a registered grower or a registered packer. A volume retailer must purchase from a registered grower, a registered packer or registered wholesaler, and any other retailer must purchase from a registered wholesaler. These restrictions on wholesalers, volume retailers and retailers do not apply in relation to citrus fruit purchased from a person outside the State. Subclause (9) creates an offence where a wholesaler or retailer purchases citrus fruit (for the purpose of resale) that has not been prepared and packed in accordance with the regulations.

Clause 31 empowers the Board to issue permits to growers to enable them to sell their own citrus fruit by retail (for example, on the roadside), subject to such conditions as the Board may impose.

Clause 32 empowers the Board to issue orders, with the approval of the Minister, fixing prices for the sale of citrus fruit for processing, or setting the terms and conditions on which citrus fruit may be sold for processing. Orders fixing prices cannot endure for longer than 3 months. Those fixing rates of commission or terms and conditions of sale can continue for a maximum of 12 months. The Minister can waive the Minister's right of approval in relation to orders under this section, other than those fixing prices. The Board and other persons are expressly empowered to meet and discuss price fixing under this section. This avoids any possible infringement of the Commonwealth Trade Practices Act.

Clause 33 empowers an inspector to enter and inspect land, premises and vehicles for the purpose of ascertaining whether the Act is being complied with or where he or she suspects an offence against the Act has been or is being committed. Samples may be taken, false marks may be erased from packages, questions may be asked and fruit may be held pending completion of an inspection. Reasonable force may be used in exercising these powers, but a warrant is required where a building is to be broken into, unless the building is used as part of a registered person's business (not being his or her residence).

Clause 34 gives persons engaged in the administration of this Act personal immunity for acts done in good faith in the exercise or purported exercise of powers under this Act.

Clause 35 renders void any arrangement entered into for the purpose of evading this Act.

Clause 36 provides that offences under the Act are summary offences. The defence of 'no negligence' is provided for a person charged with an offence against this Act. Certain basic evidentiary matters are provided for.

Clause 37 is the regulation making power. All aspects of the marketing of citrus fruit (as defined in the Act) may be regulated. Subclauses (3) and (4) empower the Board to prescribe a registration fee that consists of both a fixed amount and an amount that varies according to factors determined by the Board. A regulation prescribing a fee containing such a variable component may only be made on the recommendation of the Board. Subclauses (5), (6), (7) and (8) deal with the incorporation of codes (whether published by the Board or any other authority) into the regulations. It should be noted that amendments to such codes also have to be adopted by further regulations.

The schedule repeals the current Act and deems all persons registered or licensed under the old Act to be registered under this Act for the balance of their previous registration or licence. Clause 4 provides for vacation of office by current Board members on the new Act coming into operation so that fresh appointments can be made in accordance with the new Act. Clause 5 provides for contributions to continue to be payable by growers in accordance with the last determination of the Board under the repealed Act until a new determination is made by the Board under this Act.

Mr MEIER secured the adjournment of the debate.

FISHERIES (MISCELLANEOUS) AMENDMENT BILL

The Hon. LYNN ARNOLD (Minister of Fisheries) obtained leave and introduced a Bill for an Act to amend the Fisheries Act 1982. Read a first time.

The Hon. LYNN ARNOLD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill provides for a number of amendments to the Fisheries Act 1982, to enable both the Government and the Department of Fisheries to more effectively meet the objectives of the Act as set out in section 20. Specifically, the amendments recognise the dynamic nature of fisheries management and the need to provide measures for the proper management and conservation of South Australia's aquatic resources.

Details of the various amendments are as follows:

1. Definition of 'take'

The Fisheries Act 1982 provides a mechanism for the management of South Australia's fisheries resources. Fishing activities are regulated through various restrictions or limitations aimed at ensuring the resources are not endangered or overexploited.

The definitions outlined in the Act do not differentiate between the taking of live fish or dead fish. In particular, the definitions of 'fishing activity' and 'take' give no indication of whether or not it is an offence to take dead fish. The Department of Fisheries has always administered the Act on the basis that it applies to all fish, regardless or whether the fish is dead or alive when it is taken. The rationale for this is because some fishing activities will kill fish in the process—for example, gill netting. In order to ensure the legislation is upheld, fishers removing dead fish from the water should observe management controls such as size limits and bag limits and return to the water all fish (including dead fish) which exceed the prescribed limits. By not including dead fish within the scope of the Act, the Department of Fisheries will not be able to apply effective management controls to the fisheries.

The Crown Solicitor's Office has advised that whilst there are provisions in the Act which are clearly intended to relate to dead fish or parts of fish, a dead fish is not taken in the sense in which the Act defines the word 'take'. The definition presupposes that the fish are alive and in the water to start with. In a recent case, the Department initiated prosecution against a person who took a considerable quantity of undersize fish. The defendant claimed that the fish were returned to the water by another person who observed the legal minimum length requirements of the Act. During the hearing, argument was put forward that it is not an offence to pick up dead fish. The Stipendiary Magistrate upheld the argument, ruling that the provisions of the Fisheries Act and regulations must refer to live fish only. As such, there was no case for the defendant to answer. Such a defence could be mounted in all similar cases where a person is found in possession of undersize or over the bag limit fish but where the prosecution cannot prove that the fish were alive when taken.

It is proposed to amend the interpretation provisions of section 5 of the Act so that the definition of 'take' involves the taking of fish, irrespective of whether it is alive or dead.

2. Sale of fish taken from inland waters surrounded by land

The intent of the Fisheries Act 1982 is to provide for the conservation, enhancement and management of marine and freshwater fisheries resources. However, section 5 (5) states that where inland waters are surrounded by land in the ownership, possession or control of the same person, the Act does not apply except where those waters are used for fish farming activities.

In some situations, this definition limits the ability of the Department to discharge its statutory obligations to properly manage the state's fishery resources. For example, during periods of high water flow in the River Murray, fish are carried into many backwaters and lagoons. When the river level drops, stocks of fish are left in these lagoons etc, many of which become surrounded by private property. Advice from the Crown Solicitor indicates that such a situation is not considered to be a fish farming activity on the part of the land owner and therefore the land owner may take and sell those fish without a licence because of the exclusion provision in section 5 (5). Size and bag limit controls also would not apply.

Similar situations occur elsewhere such as in the Cooper Creek system and to some degree the Leigh Creek retention dam. The Electricity Trust of South Australia has requested the Department of Fisheries to police the retention dam which was cleared of carp and restocked with native fish at public expense. However, such matters are outside the scope of the Fisheries Act 1982 as it stands.

There is a means of avoiding the current legislation which would enable a person to sell fish taken illegally and claim that they were taken from 'private' waters. This matter is becoming more widely known. The Fisheries Act makes a clear distinction between commercial and recreational fishing whereby it is unlawful for a person to sell fish not taken pursuant to a licence. The distinction between commercial and recreational fishing cannot be maintained if unlicensed persons sell fish taken from private waters or are able to claim that they did.

To allow such situations to occur would provide for increased fishing effort as well as conflict between licensed and unlicensed persons. Enforcement officers who receive complaints relating to such activities are powerless to act and public confidence in the integrity of the Act is eroded.

The purpose of the amendment would not be to prevent persons from taking fish from private waters (that is, waters surrounded by private land) for their own use. However, persons taking fish from private waters for the purpose of business or trade would have to do so under either approved licensing arrangements or as registered fish farmers.

It is proposed that section 5 (5) be amended such that fish cannot be taken for the purpose of trade or business from inland bodies of water surrounded by land in the ownership, possession or control of the same person, unless the fish are taken pursuant to an authority.

3. Waters surrounded by Crown land and private land

Section 5 (5) of the Act excludes application of the Act in waters surrounded by land in the control of one person—that is, 'private' waters except where they are used for fish farming. However, there is a need for the Act to apply in situations where 'private' waters are surrounded by Crown land and in relation to the introduction of exotic fish and fish diseases in 'private' waters.

The first instance arises primarily in the case of waters surrounded by land under the jurisdiction of the National Parks and Wildlife Service, for example, a conservation park. Similar instances could apply to dams or reservoirs under the jurisdiction of the Engineering and Water Supply Department. In these instances, the Department of Fisheries is not able to prevent illegal fishing activities such as netting in inland waters, taking undersize fish, exceeding bag limits or using non-permitted gear. Under the existing legislative arrangements it would appear that recreational and commercial fishers can take fish from 'private' waters and sell those fish without regard to the Fisheries Act. Such activities would compromise established fisheries management arrangements. It is evident that more people are becoming aware of this means of avoiding the legislation.

With regard to the placement of exotic fish in 'private' waters, the existing legislative provisions cover situations where the fish are introduced for fish farming purposes. Commercial and non-commercial fish farmers are required to observe certain standards aimed at preventing and controlling disease outbreaks and, importantly, possible translocation of diseased or exotic fish to areas that do not have such a problem. The placement of exotic fish in 'private' waters is not covered by the Act if the individual does not engage in fish farming, that is, simply introduces exotic fish (without regard to disease control) and takes no action to nurture or cultivate those fish. As such, the Department is currently unable to address its management responsibilities relating to exotic fish and fish disease matters.

Without adequate control over the release of introduced (exotic) fish species, many of which have adverse environmental and disease characteristics further damaging changes to the local ecosystem will occur. A particular example is the damage caused by the introduction of European carp into the fresh water system. Exotic fish species of this nature inflict the same kinds of damage on the aquatic systems of South Australia as the rabbit and other introduced pests have done to the land.

It is believed that when section 5 (5) of the Act was originally proposed and implemented, it was not intended to remove jurisdiction over important inland fisheries nor to create means of avoiding the legislation now becoming more widely known. The amendments as proposed still maintain the spirit of allowing private individuals to keep fish for personal use on their property (in farm dams etc) providing they do not introduce exotic fish or fish diseases.

In short, section 5 (5) of the Fisheries Act should be amended to ensure that the Fisheries Act would apply to waters surrounded by Crown land, and that people would not be permitted to introduce exotic fish into private waters without a permit from the Director of Fisheries. The proposed amendments would not change the status of 'private' waters such as farm dams, or other impoundments surrounded by land owned by a single private person, other than to control the use of exotic fish (and possible introduction of fish diseases) into such waters. It is proposed that section 5 (5) be amended so that the Act applies:

- in waters surrounded by Crown land
- in waters surrounded by land in the ownership, possession or control of the same person, in respect of the introduction of exotic fish and fish diseases into those waters.

4. State/Commonwealth arrangements

The Fisheries Act provides for arrangements to be made with the Commonwealth whereby the management of a fishery can be implemented in accordance with State legislation or Commonwealth legislation or both.

In June 1987, arrangements were implemented for the marine scalefish, abalone, rock lobster and west coast prawn fisheries to be managed according to South Australian fisheries legislation. In addition, arrangements were implemented for the tuna fishery to be managed according to Commonwealth fisheries legislation.

Since these arrangements were promulgated, the Crown Solicitor has advised that there is some uncertainty as to the Commonwealth's authority to manage fisheries in waters within the limits of South Australia. The Commonwealth Fisheries Act provides for arrangements in respect of fisheries in waters adjacent to a state being a fishery wholly or partly in waters on the seaward side of the coastal waters of the State. Coastal waters are defined in terms which exclude waters which are within the limits of a State.

It is generally accepted that waters within the limits of South Australia (coastal waters) are waters within three nautical miles of:

- low water mark of the mainland coast
- low water mark of any island adjacent to the coast
- baselines proclaimed under section 7 (1) of the Seas and Submerged Lands Act 1973 and published in *Commonwealth of Australia Special Gazette* No. S29, 9/2/83 and No. S57, 31/3/87.

Waters within the limits of the State are waters within baselines and include bays, estuaries, river mouths, etc.

Baselines include the waters of Fowlers Bay, Denial Bay, Streaky Bay, Anxious Bay, Spencer Gulf, Gulf St Vincent, Investigator Strait, Encounter Bay, Lacepede Bay and Rivoli Bay.

It is also accepted that the limits of the State apply from low water mark to the closing lines of Sceale Bay, Coffin Bay, Avoid Bay, Vivonne Bay and Guichen Bay, or three nautical miles of low water mark (whichever is the greater). In these instances the limits do not extend for a further three nautical miles from each closing line.

With regard to the tuna fishery, licensees often operate in waters within the limits of South Australia, usually to take bait for subsequent tuna fishing activities in Commonwealth waters. However, all operations are conducted pursuant to a Commonwealth licence, subject to the management arrangement between South Australia and the Commonwealth.

An amendment to the Act would clarify the existing arrangement which applies to the tuna fishery, and simplify any future considerations for State managed fisheries to be managed by the Commonwealth.

It is proposed that Part II of the South Australian Fisheries Act be amended to provide that where an arrangement is in force whereby a fishery is to be managed in accordance with the laws of the Commonwealth, then in waters within the limits of the State, Commonwealth law is to apply as State law.

5. Appointment of fisheries officers

The Department of Fisheries has established a system of co-operation and information exchange with its counterparts in other states. Such action enhances the enforcement capabilities of the respective agencies.

At present, 15 South Australian fisheries officers are authorised as fisheries officers in Victoria, and eight in New South Wales. It is proposed that South Australia reciprocate and appoint Victorian and New South Wales fisheries officers as fisheries officers in this State. Officers from other States would be considered for appointment as South Australian fisheries officers if and when the need arises.

Such appointments would effectively increase the number of officers who could assist with surveillance and enforcement operations. For example, South Australian officers would be able to call upon their interstate counterparts to assist with investigations into illegal fishing operations where fish taken from one State are sent to another State for sale.

South Australian fisheries officers' operational capabilities would be enhanced by having additional expertise readily available as well as knowledge of local fish catching areas and methods, particularly around the South Australia/Victoria border area.

A cooperative approach such as this would assist in the successful apprehension and prosecution of offenders. However, any enforcement activities the interstate officers may conduct in South Australia would be in conjunction with and under the instruction of South Australian officers.

Section 25 of the Fisheries Act 1982, empowers the Governor to appoint an officer of the South Australian Public Service as a fisheries (enforcement) officer. However, this provision cannot be used to appoint an officer of an interstate public service to the position of a South Australian fisheries officer.

It is proposed that this provision be amended so that fisheries officers from other States or Territories may be appointed as South Australian fisheries officers.

It is also proposed that this provision be amended so that an appointment be made by the Minister of Fisheries instead of the Governor. This would be consistent with section 68 of the Constitution Act 1934 which provides for a minor-appointment to a public office to be vested, by statute, in 'Heads of Departments, or other officers or persons within the State'. Such a provision would facilitate the appointment

process and eliminate the need to submit each proposal to Executive Council.

The appointment of interstate fisheries officers would be subject to the following conditions (which were formulated on the advice of the Crown Solicitor):

- they would not receive or be entitled to receive any remuneration from the South Australian Government in respect of their office
- they would hold the office only whilst accredited as a fisheries officer in their respective State
- they would be subject to the directions of the Director of Fisheries with regard to their exercise of power pursuant to the Fisheries Act 1982
- they would not be entitled to the rights and privileges of employees granted by the Government Management and Employment Act 1985.

It is proposed that section 25 be amended to empower the Minister of Fisheries to appoint South Australian public servants as well as fisheries officers from other States or Territories of the Commonwealth as fisheries officers in South Australia.

6. Assistance to enforcement officers

Section 28 enables fisheries officers to exercise various powers in their role of fisheries enforcement. Provision is made for a fisheries officer, while exercising his/her powers, to request voluntary assistance from any person and to request the person in charge of any boat to voluntarily make the boat available for his/her use. Where a boat is used by a fisheries officer in such circumstances, compensation may be paid to the person who had charge of the boat at the time.

Enforcement operations are also conducted on land, requiring the use of four wheel drive as well as two wheel drive vehicles. In the majority of situations, fisheries officers have an appropriate vehicle available with back-up facilities. However, some enforcement operations may require the use of additional vehicles when and if the situation arises. Calling for departmental support vehicles to attend may not be a viable consideration when immediate action is required. Provisions which enable a fisheries officer to request voluntary assistance from a person in charge of any vehicle would enhance the department's operational capabilities. It should be noted that a request does not translate to commandeer in these circumstances, the boat (and vehicle) owner has the right to refuse.

It is proposed that section 28 be expanded to allow a fisheries officer to request—and pay compensation for—the use of any vehicle voluntarily offered to assist with enforcement operations.

7. Licence conditions

Section 37 enables the Director to impose conditions on licences. Conditions must be directed towards conserving, enhancing or managing fishery resources, or related to matters prescribed in the scheme of management regulations for the fishery.

In order to reduce total fishing effort on some species, conditions may need to be imposed on some licences that would effectively stop a licensee or class of licensees from having access to that species of fish. Also, a species of fish may be selectively targeted by using one type of fishing device. Reductions in fishing effort may require a limitation on where the device could be used (area exclusion) or a limitation on the dimensions of the device. It could be argued that such action, by effectively denying the licensee from taking a species of fish that is permitted to be taken pursuant to the licence, be construed as derogation of the grant of a licence and therefore not legally tenable. The Crown Solicitor has advised that in order to overcome such a situation, it is necessary to amend the legislation.

It is proposed that section 37 be amended to empower the Director to impose a condition on a licence notwithstanding that the condition would prevent a licensee from taking one or more species of fish or from using devices that could otherwise lawfully be used pursuant to the licence, providing that condition is directed towards conserving, enhancing or managing the living resources so that they are not endangered or overexploited.

8. Fisheries licences as security for loans

The South Australian fishing industry and financial lending institutions have expressed interest in having procedures established for commercial fishery licences and endorsements to be used as collateral for loans.

In response to this interest, the Department of Fisheries, with Cabinet approval, issued two green papers on the topic. The first paper was released in May 1988, followed by a supplementary paper in July 1989. Both papers attracted wide ranging comments from the fishing industry and lending institutions. A number of responses suggested schemes which would involve considerable departmental involvement and possible compromises to effective management of the various fisheries.

The Government proposes to implement an arrangement which recognises that licences and endorsements can be used as security for loans, but at the same time maintaining management prerogative to vary legislative, policy, administrative or procedural matters to meet the responsibilities of properly managing the fisheries resources of South Australia. This could be achieved as follows:

- the licence holder to advise the Director of Fisheries that a lender has a financial interest in a licence
- the Director of Fisheries be required to withhold his consent for the transfer of a licence/endorsement/quota without the written consent of the lender who has put the director on notice
- the maintenance of a public register which identifies licences subject to a financial arrangement
- the collection of a fee for providing such a service.

Also, the Director of Fisheries would undertake to provide the lender with information relating to prosecution action initiated against the licence holder under the Fisheries Act bearing in mind that such prosecutions may affect the status of the licence. Such an obligation could be incorporated into the proposed legislation.

The Department of Fisheries will implement procedures to minimise administrative errors, but the fact remains that persons wishing to utilise the scheme would do so at their own risk. Unforeseen circumstances or events over which the Department of Fisheries has no control may occur. In this regard it is proposed that no liability lie against the Crown.

It is proposed that sections 30, 38, 61 and 65 of the Fisheries Act be amended to: require the Director of Fisheries to withhold his consent for the transfer of a licence, endorsement or quota without the written consent of a lender who has previously informed the Director that a licence is subject to a financial arrangement; and require the Director to advise a lender of any legal action undertaken against the holder of a licence in which the lender has an interest; provide that no liability lie against the Crown for any loss arising in the event of the Director of Fisheries not meeting his obligations; require the Director to maintain a public register identifying licences subject to a financial arrangement; provide for the collection of a fee for such a service.

9. Fishery closure notices

Section 43 empowers the Minister of Fisheries, by notice in the *Government Gazette*, to impose a temporary prohibition on certain fishing activities. In the majority of cases, these prohibitions are applied in response to an agreed need to vary harvesting strategies in the prawn fisheries, or in response to chemical/toxic spills or outbreaks of algal blooms.

The requirement to gazette such notices severely limits the Minister's obligation to properly administer the requirements of the Fisheries Act. In the case of the prawn fisheries, a strict harvesting regime is imposed on licensees so that the prawn stocks are not endangered or overexploited. In practice, management decisions are made on a daily basis, requiring immediate action to prohibit fishing in certain waters. In the case of chemical/toxic spills and algal blooms, the Government has an overriding responsibility to safeguard public health. This also requires immediate action to prohibit the taking of fish from contaminated waters.

The obligation to urgently respond in these situations is limited by the requirement to publish notices in the *Government Gazette*. It is extremely difficult to arrange gazettal at short notice, particularly at night, during weekends or public holidays.

In the interest of proper management of the State's prawn fisheries and in view of the urgency associated with safeguarding public health, it is proposed that the Act be amended such that a section 43 notice, issued by the Minister (or his delegate) in respect of the commercial prawn fishery or in response to chemical/toxic spills and algal blooms, take effect immediately. An appropriate media release would be issued where public health/safety could be at risk. The Department of Fisheries would advise prawn fishery licensees of the issue of a closure notice. Gazettal of these notices would still be made at the earliest opportunity. Other temporary prohibitions on fishing activities would continue to be gazetted, and appropriate information disseminated to those affected by such notices.

It is proposed that section 43 be amended so that a fishery closure notice issued in respect of protecting the living resources of the State, or in the interest of safeguarding public health, take effect immediately.

10. Possession of protected fish

Under existing provisions of the Act, it is an offence for a person to take protected fish. Examples of protected fish include seals, dolphins, whales and leafy sea dragons.

Under the evidentiary provisions of the Act, if it is proved that a protected fish was in the possession or control of a person in proximity to waters, it shall be presumed, in the absence of proof to the contrary, that the fish was taken by that person. The evidentiary provisions do not assist in situations where a person is not in proximity to any waters. In such circumstances, the department's ability to successfully prosecute offenders could be compromised by not having a specific provision which makes it an offence to be in possession of protected fish. Given the serious nature of taking protected fish, the legislation should make it quite clear that not only is the taking of protected fish an offence, but also being in possession of such fish would be an offence.

It is recognised that in some instances, persons would be in possession of fish that were not taken unlawfully at the time, for example, a leafy sea dragon taken prior to such fish being declared as a protected species. Defence provisions have been included to cover such situations.

It is proposed that section 44 be varied to make the possession of declared protected fish an offence.

11. Possession of undersize fish

Section 44 has provisions which make it an offence to be in possession of undersize fish where those fish were taken from waters within the limits of the State.

Fisheries officers actively monitor size limits on fish whilst conducting their enforcement operations. This involves checking fish at the point of landing and at wholesale and retail premises. Being in possession of undersize fish at a point of landing or where those fish were obtained from a registered fish farm is not a contentious issue as it usually can be established where the fish were taken.

The main problem arises where undersize fish in a person's possession in South Australia may be claimed to have originated interstate or where the department cannot prove that they were taken in contravention of the Act. The department has had experience in more recent years where prosecution has been jeopardised or unsuccessful because of the onus of proof which the department must comply with to satisfy the court that undersize fish in possession were taken illegally in waters under the jurisdiction of the Fisheries Act 1982. Such proof may be difficult to provide where undersize fish are located in trading premises away from the water.

The existing provisions which prohibit the possession of undersize fish are limited because of the scope of the Act. In order to overcome this problem without undue interference upon established marketing arrangements, it is proposed that the Act be amended to prohibit the sale, purchase or possession of undersize fish irrespective of the origins of the fish. This would not deny fish wholesalers or retailers the right to purchase fish from whatever source they choose provided those fish comply with the legal minimum length in South Australia. Such variations to the legislation would ensure that fisheries management arrangements are not undermined.

The enabling legislation would require the making of regulations to give effect to the proposal. It is intended that initially, such regulations apply to commercial operators only, that is, licence holders and fish processors.

It should be noted that section 47 of the repealed Fisheries Act 1971 prohibited the sale of any undersize fish. Advice from the Crown Solicitor in 1983 confirmed that any importation of undersize fish for sale would be an offence under that provision of the Act. Unfortunately that provision was not carried over from the 1971 Act to the current Act.

Such a prohibition can be sustained by virtue of the High Court decision in *Cole v Whitfield* (1988) which enables a State to impose a legal minimum length on fish irrespective of where the fish was taken. Other States already have implemented such controls in their fisheries management arrangements.

It is proposed that section 44 be amended to prohibit the sale, purchase or possession of undersize fish.

12. Marine parks

The Fisheries Act places an obligation on the Minister and Director of Fisheries to ensure proper conservation measures are applied to the living aquatic resources of South Australia—that is protect the aquatic habitat.

To date, 14 aquatic reserves have been proclaimed pursuant to the Act. The reasons for their establishment encompass factors such as:

- conservation/protection/preservation
- fisheries management
- scientific research/education
- recreation.

As well as managing renewable resources, the department must also ensure that endangered species and unique habitats are afforded adequate protection.

The existing fisheries legislative mechanism allows a flexible approach towards the management of aquatic reserves. Once proclaimed, activities may be permitted within the

reserve by making regulations or by a permit issued by the Director of Fisheries.

Since the current legislation was formulated, it has become apparent that there is a need to have a legislative framework within the Fisheries Act which is compatible with the requirements of other Government managers of (terrestrial) parks and wildlife. This is particularly so where an area of water has considerable conservation and preservation significance, both within the Australian context and internationally (for example, world heritage listing) such as the proposed Great Australian Bight marine park. Other areas may also be identified for such recognition. It is a basic tenet of conservation management that conservation reserves have a legislative framework which provides security of tenure. In the case of a conservation reserve, the Government is the manager of the public land and water and is therefore publicly accountable. Security of tenure and public accountability may both be maintained such that proclamation and revocation of reserve status can be achieved only through the parliamentary process as is provided for under the National Parks and Wildlife Act 1972. Under the Fisheries Act, an aquatic reserve may be proclaimed by the Governor and regulations made (or a Director's permit issued) to manage activities within the reserve.

Ongoing management of an area such as the Great Australian Bight marine park would need to be subject to an approved management plan, identifying matters such as:

- objectives of management
- provision for recreational and commercial use
- management of visitor activities
- provision for research
- policing/protecting the reserve.

Legislation which addresses such matters exists in the National Parks and Wildlife Act 1972. Whilst this legislation was formulated mainly to manage terrestrial reserves, the amendments proposed for the Fisheries Act would be similar to the National Parks and Wildlife Act, but aimed at managing, protecting, conserving and preserving the aquatic flora and fauna resources of South Australia.

In order to afford a higher degree of security of tenure (than at present) to significant aquatic reserves (marine parks), an amendment to section 48 of the Fisheries Act would be required. Such an amendment should be additional to the provisions that are already in place, so that a marine park could be proclaimed and be managed by regulations if additional status such as world heritage listing is required.

Under existing provisions contained in the Fisheries Act, otherwise prohibited fishing activities or activities which interfere with the aquatic habitat within an aquatic reserve can be approved by regulation or by a permit issued by the Director of Fisheries. Section 48 (3) enables the Director to:

> ... issue a permit to any person authorising that person to engage in any activity, or do any act, specified in the permit during such period and subject to such conditions as may be specified ...

In the case of a marine park, which the Government recognises as having significance such as world heritage listing, such powers should be vested only in the Minister of Fisheries. This would reflect the provisions of the National Parks and Wildlife Act when implementing a management regime to a reserve such as that proposed for the Great Australian Bight.

With regard to joint management, where a constituted marine park is adjacent to a reserve constituted under the National Parks and Wildlife Act 1972, it is envisaged that management of the marine park be undertaken by the Minister of Fisheries in consultation with the Minister for Environment and Planning. Similarly, where a marine park is adjacent to a marine park administered the Commonwealth, it is envisaged that management of the South Australian marine park be undertaken by the Minister of Fisheries in consultation with the relevant Commonwealth Minister.

In addition, it is proposed that the objectives of the Fisheries Act as set out in section 20 require an amendment to reflect the concept of 'preservation' of the living aquatic resources of South Australia. This would be consistent with the intent of the Act.

It is proposed that section 20 be amended to incorporate reference to 'preservation' in the administration of the Act; and section 48 be amended so that a marine park can be proclaimed and be managed by regulation.

13. Fish farming regulations

Section 51 empowers the making of regulations relating to exotic fish, fish farming and disease in fish. Such regulations have been made, but there are limitations as to how fish farming can be regulated because section 51 is not as comprehensive as section 46 (which includes general management regulation-making powers). Also, the exotic fish, fish farming and fish diseases regulations are complex because the provisions contain a large amount of information on fish species permitted to be introduced into South Australia and subsequently farmed, as well as detailed information on disease identification and control; and disposal of diseased fish and contaminated water.

In order to simplify the combined exotic fish, fish farming and fish disease regulations, it is proposed that section 51 be amended to provide for the making of fish farm regulations which would provide a specific legislative category for the regulation and monitoring of fish farming activities; including a provision clarifying licensing requirements for conducting fish farming operations. Such action would enhance public understanding of the regulations.

Existing provisions enable the Director of Fisheries to grant registration of a fish farm. However, registration cannot be refused if inspection shows a site to be inadequate in respect of matters such as water quality or good farming practice. In addition, a registration cannot be revoked if the operator fails to observe required standards relating to exotic fish, fish diseases or the proper disposal of water used for fish farming.

Also, there is no provision for the Department of Fisheries to charge a fee for the registration of a fish farm. As the department provides an administrative, enforcement and research function associated with aquaculture/fish farming, the Government may wish to recover some of the cost of providing the service. This would be in line with the principle of collecting fees from commercial licensees.

It is proposed that section 51 be amended to make it an offence to conduct a fish farming operation without an appropriate authority and to empower the making of regulations:

- that regulate fish farming
- prescribe matters of which the Director must be satisfied before granting a licence
- prescribe matters that may be the subject of conditions on a licence
- prescribe the term of licences and provide for renewal of such licences
- prescribe matters of which the Director must be satisfied before renewing a licence
- authorise the transfer of licences;
- prescribe matters of which the Director must be satisfied before consenting to the transfer of a licence
- prescribe fees for the granting, renewal or transfer of a licence

- provide for the payment, refund and recovery of fees or parts of fees payable
- restrict or regulate the treatment, handling, storage, movement or dealing in farmed fish
- require licensees to furnish the Director with returns (in a form fixed by the Director) outlining production and value details.

14. Fish processors/shark certification

Most of the shark taken by South Australian licensees is processed and sent in fillet form to the Victorian market.

The Victorian Government has implemented controls which limit the species of shark that may be brought into the State.

Following extensive negotiations, it was agreed South Australia would implement controls which would satisfy the Victorian requirements. Since then, Victoria has decided not to continue with its most restrictive measure (prohibition on shark fillets entering Victoria), subject to South Australian shark processors voluntarily complying with a code of practice such that:

- only approved species of shark may enter Victoria
- packages of shark to be accompanied with certification that the shark is an approved species
- fillets to be consigned in sealed containers.

Notwithstanding Victoria's decision not to activate its controls at the present time, it is proposed to proceed with enabling legislation in the South Australian Fisheries Act in the event Victoria reintroduces more restrictive measures or there is a problem with the voluntary arrangements. A change to the South Australian Act would enable this State to implement regulations, at short notice, to satisfy Victorian requirements.

In order to provide the means of addressing Victorian requirements (when and if necessary), a number of regulatory provisions for certifying processed shark have been identified. However, such regulations are not within the scope of the Fisheries Act provisions which deal with fish processing. The introduction of a formal South Australian based shark certification program would require legislative provisions as follows:

- a registered processor would not be permitted to process shark unless he was the holder of an appropriate endorsement issued by the Director of Fisheries
- the endorsement may, upon application to the Director of Fisheries, be issued subject to conditions which limit the species of shark that may be processed
- the Director of Fisheries may refuse to issue such an endorsement if the processor has been convicted in South Australia or elsewhere in Australia of a fisheries-related offence within the preceding three years
- the Minister of Fisheries may suspend or cancel a shark endorsement if the processor has been convicted in South Australia or elsewhere in Australia of a fisheries-related offence
- such an endorsement be subject to an annual fee
- shark processed pursuant to the endorsement only to be consigned in a sealed container/package appropriately identified
- the container/package to have attached to it a seal or other mark identifying it as having been issued by the Department of Fisheries
- the issue of sealed or marked packages be subject to a fee
- officers of the Department of Fisheries may take and retain shark product for the purpose of sampling and analysis (without compensation).

The fish processor regulations have provisions which outline the documentation that must be completed by a registered fish processor. The proposed amendments, together with the existing provisions, would assist industry in processing and selling fillets of shark taken from approved species by ensuring their continued access to traditional markets.

It is proposed that sections 54 and 55 be amended to provide for a shark processing and certification program as outlined above.

15. Suspension of licence

Section 56 of the Act provides for a court, following a conviction for an offence, to suspend the offender's licence for a specified period. In addition, section 56 provides for the mandatory suspension of a licence for a period of not less than three months where a person is convicted of a prescribed offence within a three year period.

In the managed fisheries, such as the rock lobster and prawn fisheries, there are seasonal limitations on fishing operations. In particular, the rock lobster seasons are fixed at seven months in the northern and southern zones whilst the prawn seasons vary according to management strategies. It is not uncommon for prawn fishing to be limited to 3-4 nights of trawling followed by an extended period (for example, from 10 days to three months) of no permitted activity.

Following a recent prosecution of a prawn fishery licence holder, the court imposed a 10 day licence suspension. The Department of Fisheries sought to split the suspension into two periods which were within predetermined fishing days because the next fishing period was expected to be no more than eight days. However, the magistrate was of the view that section 56 does not authorise a non-consecutive suspension period because the word 'period' as used in section 56 means a time that runs continuously. As a result, the full 10 day suspension of the offender's licence could not be realised because the last two days of the suspension period were not predetermined fishing days.

In order to restore the intent of the provision to serve as a deterrent to those persons who contemplate fishing in contravention of the Act an appropriate amendment should be made to the legislation.

It is proposed that section 56 be varied to provide for a licence to be suspended for a period or periods of time over non-consecutive days.

16. Additional penalty—undersize fish

Section 66 states that where a person is convicted of an offence against the Act involving the taking of fish, the court shall, in addition to imposing any other penalty, impose an additional penalty equal to—

(a) five times the amount determined by the convicting court to be the wholesale value of the fish at the time of which they were taken;

or

(b) $30 000,

whichever is the lesser amount.

During prosecution action initiated by the department against fishery offenders, argument has arisen as to whether undersize fish have a value. It has been intimated that, because it is illegal to take undersize fish (except where taken from a jetty, pier, wharf or breakwater abutting land), there can be no market for them and consequently they have no value. This argument would erode the deterrent and actual effect of section 66 because if undersize fish had no value, no additional penalty could be applied.

In one recent instance (*Crown v Ferraro*), the Department attempted to secure an additional penalty against the defendant, who was able to argue that, as undersize fish did not have a value, the additional penalty should not be applied. Although this judgment was upheld by the court at the time, the department successfully appealed the judgment in this particular case. The Crown Solicitor has advised that

the relevant section be amended to avoid any misunderstanding in this regard.

It is proposed that section 66 be amended to remove any uncertainty in this matter to recognise the fact that undersize fish have a monetary value.

17. Catch and effort data

An essential component of fisheries management is the collection of data from licensees. This information is submitted on a monthly basis, and includes details such as:

- species of fish caught
- total weight of catch for each species
- type of fishing gear/method used
- number of days fished
- areas fished.

Once this information is assembled, collated and analysed, research staff (biologists) use it to monitor the state of the fisheries resources. This is supplemented with information obtained first hand from sampling conducted in the field.

The results of research activities indicate trends in fish mortality and fishing effort, which are two of the important factors which must be addressed by fisheries managers. It is of paramount importance that overexploitation of any fish species not occur, and management decisions must be based on reliable and accurate data.

Individual licensees, and the fishing industry in general, have been adamant that the catch and effort information they provide monthly be treated confidentially by the Department of Fisheries. As business persons operating in a highly competitive commercial arena, individuals do not want their personal business details made public. Such action would obviously be to the detriment of their established fishing practices. The Department of Fisheries has always recognised the need to maintain confidentiality, and always resisted attempts from courts, Government departments, businesses or individuals to make personal details available for whatever reason. The department has on numerous occasions given an undertaking to the fishing industry that it would uphold the confidentiality of licensees' catch and effort details. Statistical details are only ever released when the information is of a general or aggregate nature or an average for a particular fishery, without identifying individual licensees. By maintaining this approach, licensees have confidence in the department and are more likely to submit reliable data. However, if personal details were made public, then licensees would tend to under-report their catches in an effort to conceal their true levels of fishing activity. Such action would undermine the integrity of research data and erode the ability of the department to make sound management decisions.

On a number of occasions, the department has been requested to supply personal details to the Taxation Commissioner and to courts as a result of actions between the department and licensees or licensees and third parties. All requests have been strenuously resisted, notwithstanding that the Taxation Commissioner has wide-ranging powers.

Whilst an amendment to the Act to maintain confidentiality would not overrule the Commonwealth taxation legislation, it would enable the Director of Fisheries to refuse requests for access to catch and effort data from others claiming an interest.

It is proposed that the Fisheries Act contain a provision such that the Minister or Director of Fisheries not be required by subpoena or otherwise to produce catch and effort information which identifies an individual licensee to any court, or to any other person; unless that information is made available with the prior consent in writing of the person to whose activities the information relates.

In providing the above explanation of proposed amendments to the Fisheries Act 1982, I would inform the House that the South Australian Fishing Industry Council, representing the interests of commercial fishers, and the South Australian Recreational Fishing Advisory Council, representing the interests of amateur fishers, have been consulted and support the proposed amendments to the Act.

In addition, other interest groups have been consulted and their responses indicate agreement in principle to the proposals.

In preparing the draft Bill, the Parliamentary Counsel has taken the opportunity to incorporate statute law revision amendments.

I commend the measure to the House.

Clause 1 is formal.

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

Clause 3 amends section 5 of the principal Act.

The amendment—

(a) inserts definitions of 'fish farming licence' and 'marine park' (two new terms used in provisions inserted into the principal Act by this Bill);

(b) amends the definition of 'take' to include the taking of dead fish;

and

(c) substitutes a new subsection (5) which sets out in which cases the principal Act does not apply.

The effect of new subsection (5) is to extend the application of the Act—

(a) to the taking of fish for the purpose of trade or business and to the introduction of exotic fish or fish disease in inland waters that are surrounded by land that is in the ownership, possession or control of the same person;

and

(b) to activities engaged in in relation to inland waters that are surrounded by land in the ownership, possession or control of the Crown or an instrumentality of the Crown.

Clause 4 inserts new section 14a into the principal Act. The section provides that where there is in force an arrangement that provides that a particular fishery is to be managed in accordance with the law of the Commonwealth, that law applies within the limits of the State as a law of the State.

Clause 5 amends section 20 of the principal Act which sets out the principal objectives that the Director and the Minister must have regard to in the administration of the Act to include a requirement that the objective of ensuring that the living resources of the waters to which the Act applies are not endangered or over exploited is achieved through proper 'conservation, preservation and fisheries' management measures rather than through proper 'conservation and management' measures.

Clause 6 repeals section 25 of the principal Act and substitutes a new provision. At present the Governor is empowered to appoint officers of the State Public Service to be fisheries officers for the purposes of the Act.

New subsection (1) empowers the Minister to appoint any of the following persons to be fisheries officers for the purposes of the Act: Public Service employees, officers under the Commonwealth Fisheries Act and interstate and territory fisheries officers.

New subsection (2) provides that the Director and each member of the Police Force are fisheries officers for the purposes of the Act.

New subsection (3) provides than an appointment under subsection (1) may be made subject to conditions limiting

the area within which, or the purposes for which, the appointee may exercise the powers of a fisheries officer.

New subsection (4) empowers the Minister, by notice in writing served on a fisheries officer, to vary or revoke conditions imposed under subsection (3) or to revoke the appointment.

Clause 7 amends section 26 of the principal Act to require an identity card that is issued to a fisheries officer whose appointment has been made subject to conditions under section 25 (3) limiting the officer's powers to contain a statement of those limitations.

Clause 8 amends section 28 of the principal Act to empower a fisheries officer to request a person in charge of a vehicle to make the vehicle available for the officer's use for the purpose of enforcing the Act and to empower the Minister, where a fisheries officer makes use of such a vehicle, to compensate the person who would otherwise have been entitled to the use of the vehicle at that time for any loss incurred as a result of the vehicle being made available for use by the fisheries officer.

Clause 9 repeals section 30 of the principal Act and substitutes a new provision.

New subsection (1) provides that a person engaged in the administration of the Act incurs no liability for an honest act or omission in the exercise or discharge, or purported exercise or discharge, of a power, function or duty under the Act.

New subsection (2) provides that subject to subsection (3), a liability that would, but for subsection (1) lie against the person lies instead against the Crown.

New subsection (3) provides that no liability lies against the Crown for any loss arising from—

(a) the granting of consent by the Director to the transfer of a fishery licence without the consent of a person nominated as having an interest in the licence (where that interest is recorded on the register pursuant to section 65);

(b) the acceptance by the Director of the surrender of a fishery licence without the consent of that person having been obtained;

or

(c) a failure on the part of the Director to record an interest in a licence pursuant to section 65, to notify the person recorded on the register as having an interest in a fishery licence of any proceedings for an offence against the holder of the licence or to remove a notation of an interest from the register.

Clause 10 amends section 34 of the principal Act to make it clear that only a natural person may be registered as the master of a boat.

Clause 11 amends section 36 of the principal Act to prevent a person other than the person nominated as the proposed master of a boat from being registered as the master.

Clause 12 amends section 37 of the principal Act to make it clear that the Director has power to impose a condition of a licence even though the effect of the condition is to prevent—

(a) the taking of one or more species of fish that could otherwise be lawfully taken pursuant to the licence;

or

(b) the use of any device or equipment that could otherwise be lawfully used to take fish pursuant to the licence.

Clause 13 amends section 38 of the principal Act to provide that the Director cannot consent to the transfer of a fishery licence which is subject to an interest recorded in the register of authorities pursuant to section 65 unless the person specified in the register as having that interest has consented to the transfer.

Clause 14 amends section 43 of the principal Act by inserting several new provisions.

New subsection (2) empowers the Minister or a fisheries officer authorised by the Minister to direct any person or any persons of a specified class to not engage in a fishing activity of a specified class during a specified period where, in the opinion of the Minister, it is necessary to take urgent action to safeguard public health or protect living resources of the waters to which the Act applies.

New subsection (3) requires such a direction or authorisation to be given in written form unless the Minister or the fisheries officer considers that impracticable by reason of the urgency of the situation, in which case it may be given orally.

New subsection (4) provides that where an authorisation is given orally, written notice must be given as soon as practicable.

New subsection (5) provides that where a direction is given under subsection (2), notice of it must be published in the *Gazette* as soon as practicable.

New subsection (6) (which incorporates the existing subsection (3)) provides that a person must not engage in a fishing activity in contravention of a declaration or direction under the section. The maximum penalty is, for a first offence—a division 7 fine ($2 000), for a second offence—a division 6 fine ($4 000) and for a subsequent offence—a division 5 fine ($8 000).

Clause 15 amends section 44 of the principal Act to—

(a) make it an offence to sell, purchase or have possession or control of fish of a class declared to be protected for the purposes of section 42;

(b) to ensure that regulations made for the purposes of subsection (2) *(b)*, (that is, to prescribe classes of fish) may prescribe a class of fish comprised of or including fish taken elsewhere than in waters to which the Act applies (this will make it possible to make it an offence to sell, have possession of, etc., undersize fish taken anywhere);

and

(c) to provide an additional defence to a charge of an offence against the section if the defendant proves—

(i) that he or she did not take the fish in contravention of the Act;

and

(ii) that he or she did not know, and had no reason to believe, that the fish were, as the case may be, fish taken in waters to which the Act applies but not pursuant to a licence, fish taken in contravention of the Act, fish of a class declared protected for the purposes of section 42 or fish of a prescribed class.

Clause 16 amends section 46 of the principal Act to extend the regulation-making power—

(a) in respect of fisheries subject to a scheme of management—to the making of regulations that provide that no further licences may be granted in respect of the fishery, and, in respect of a miscellaneous fishery—to provide for licences of different kinds by empowering the Director to impose licence conditions limiting the class of fishing activities that may be engaged in pursuant to the licence, limiting the term for which a

licence may remain in force or imposing any other limitation or restriction;

and

(b) to the making of regulations that provide for returns to be furnished to the Director by licensees to contain such information as the Director may, with the approval of the Minister, require (rather than information prescribed by regulation).

Clause 17 repeals section 48 of the principal Act and substitutes new sections dealing with marine parks and the protection of the aquatic habitat.

New section 48 deals with the constitution of marine parks.

Subsection (1) empowers the Governor, by proclamation, to constitute as a marine park any waters, or land and waters, specified in the proclamation, that the Governor considers to be of national significance by reason of the aquatic flora or fauna of those waters or the aquatic habitat and to assign a name to a marine park so constituted.

Subsection (2) empowers the Governor, by subsequent proclamation, to abolish, alter the boundaries or alter the name of, a marine park.

Subsection (3) requires the Minister to submit any proposal to constitute, or alter the boundaries of, a marine park to the Minister who has jurisdiction over any land that is to be included in a marine park for that Minister's approval and to submit any such proposal to the Minister of Mines and Energy and consider the views of that Minister in relation to the proposal.

Subsection (4) provides that a proclamation constituting, abolishing or altering the boundaries of, a marine park must not be made without the approval or approvals required by the section.

Subsection (5) provides that a proclamation abolishing, or altering the boundaries of, a marine park must not be made except in pursuance of a resolution passed by both Houses of Parliament.

Subsection (6) requires notice of a motion for such a resolution to be given at least 14 sitting days before the motion is passed.

Section 48a deals with the control and administration of marine parks.

Subsection (1) places marine parks under the control and administration of the Minister.

Subsection (2) empowers the Minister to grant on appropriate terms and conditions a lease or licence entitling a person to rights of entry, use or occupation in respect of a marine park.

Subsection (3) provides that any lease or licence granted in respect of waters or land and waters constituted as a marine park under the Act and in force immediately before the constitution of the marine park continues, subject to its terms and conditions, in force for the remainder of the term for which it was granted as if it had been granted by the Minister under this section.

Section 48b deals with plans of management for marine parks.

Subsection (1) requires the Minister to propose a plan of management for a marine park within two years after constitution of the park.

Subsection (2) empowers the Minister to prepare, at any time, an amendment to a plan of management or a plan to be substituted for a previous plan.

Subsection (3) requires the Minister to invite members of the public to make representations as to matters that should be addressed by the plan of management and to consider all representations made when preparing the plan of management.

Subsection (4) requires a plan of management to set out the proposals of the Minister in relation to the marine park and any other proposals by which the Minister proposes to accomplish the objectives of the Act in relation to the marine park.

Subsection (5) requires the Minister to incorporate in the plan of management for a marine park such measures as the Minister considers necessary or appropriate for—

(a) the protection, conservation and preservation of the flora and fauna of the waters included in the marine park and their habitat;

(b) regulation of fishing, mining and research activities in, public access to, and other use of, the marine park to prevent or minimise adverse effect on the flora and fauna and their habitat;

(c) coordination of the management of the marine park with the management of any adjacent reserve, park or conservation zone or area established under the law of this or any other State or of the Commonwealth;

(d) the promotion of public understanding of the purposes and significance of the marine park.

Subsection (6) requires the Minister to give notice by public advertisement of the fact that a plan of management has been prepared.

Subsection (7) provides that such notice must specify an address at which copies of the plan of management may be inspected and an address to which representations in connection with the plan may be forwarded.

Subsection (8) permits a person to make representations to the Minister in connection with a plan of management.

Subsection (9) requires the Minister to make copies of all representations made by members of the public under the section available for public inspection and purchase (other than those made in confidence) and to give notice of the place where those copies are available.

Subsection (10) empowers the Minister to adopt a plan of management either without alteration or with such alterations as the Minister thinks reasonable in view of the representations made by members of the public.

Subsection (11) requires the Minister to give public notice of the fact that he or she has adopted a plan of management.

Subsection (12) requires the Director to furnish a person who applies for a copy of a plan of management adopted under the section and pays the prescribed fee with a copy of the plan.

Subsection (13) defines certain terms used in the section.

Section 48c provides that the Planning Act 1982 does not apply to development undertaken in, or in relation to, a marine park pursuant to a plan of management adopted by the Minister in relation to that marine park.

Section 48d deals with the implementation of plans of management.

Subsection (1) provides that subject to subsection (2), where the Minister adopts a plan of management, the provisions of the plan must be carried out in relation to the marine park and activities must not be undertaken in relation to the marine park unless those activities are in accordance with the plan of management.

Subsection (2) provides that where a mining tenement has been granted in relation to land that forms part of, or has, since the tenement was granted, become part of, a marine park, the management of the marine park is subject to the exercise by the holder of the tenement of rights under the tenement.

Section 48e deals with agreements as to conditions.

Subsection (1) provides that the Minister and the Minister of Mines and Energy may enter into an agreement with the

holder of a mining tenement in relation to land that forms part of a marine park imposing conditions limiting or restricting the exercise of rights under the tenement by the holder and his or her successors in title.

Subsection (2) requires the Minister of Mines and Energy, at the request of the Minister, to serve notice on the holder of a mining tenement in respect of which conditions imposed by agreement under subsection (1) have been contravened or not complied with, requiring the holder to rectify the contravention or failure in the manner and period set out in the notice.

Subsection (3) empowers the Minister of Mines and Energy to cancel a mining tenement held by a person who fails to comply with a notice under subsection (2).

Section 48f deals with rights of prospecting and mining in marine parks.

Subsection (1) provides that subject to subsection (2), rights of entry, prospecting, exploration or mining cannot be acquired or exercised pursuant to the Mining Act 1971, the Petroleum Act 1940 or the Petroleum (Submerged Lands) Act 1982 in respect of land forming part of a marine park.

Subsection (2) empowers the Governor, by proclamation, to declare that, subject to any conditions specified in the proclamation, rights of entry, prospecting, exploration or mining may be acquired and exercised in respect of land forming part of a marine park.

Subsection (3) provides that a person must not contravene or fail to comply with a condition of a proclamation under subsection (2). The maximum penalty is a division 5 fine ($8 000).

Subsection (4) provides that a proclamation under subsection (2) has effect according to its terms.

Subsection (5) empowers the Governor, by proclamation, to vary or revoke a proclamation under subsection (2).

Subsection (6) provides that rights of entry, prospecting, exploration or mining acquired by virtue of a proclamation under subsection (2) must be exercised subject to the plan of management for the marine park except where those rights were vested in the person seeking to exercise them before the commencement of the section or where those rights are exercised pursuant to an agreement with the Minister (or with the Minister and the Minister of Mines and Energy), in which case implementation of the plan is subject to the agreement.

Section 48g deals with the protection of the aquatic habitat.

Subsection (1) provides that except as provided by the regulations or pursuant to permit under the section, a person must not enter or remain in an aquatic reserve or marine park or engage in any fishing activity in an aquatic reserve or marine park.

Subsection (2) provides that except as provided by the regulations or pursuant to a permit under the section, a person must not engage in an operation involving or resulting in disturbance of the bed of any waters or removal of or interference with aquatic or benthic flora or fauna of any waters.

The maximum penalty for contravention of subsection (1) or (2) is, for a first offence—a division 7 fine ($2 000), for a second offence—a division 6 fine ($4 000) and for a subsequent offence—a division 5 fine ($8 000).

Subsection (3) empowers the Director—

(a) to issue a permit to any person authorising that person to engage in activity, or do any act specified in the permit, in an aquatic reserve, during such period and subject to such conditions as may be specified in the permit;

and

(b) to vary or revoke a condition of such a permit or impose a further condition.

Subsection (4) empowers the Director to revoke a permit under subsection (3) if a condition of the permit is contravened or not complied with.

Subsection (5) empowers the Minister, if satisfied that the carrying out of a particular activity or the doing of a particular act in a marine park is in accordance with the plan of management for the park, issue a permit to any person authorising the person to engage in that activity or do that act in the marine park during such period and subject to such conditions as may be specified in the permit.

Subsection (6) empowers the Minister to vary or revoke a condition of a permit under subsection (5) or impose a further condition.

Subsection (7) empowers the Minister to revoke a permit under subsection (5) if a condition of the permit has been contravened or not complied with.

Subsection (8) provides that a holder of a permit under the section must not contravene or fail to comply with a condition of the permit. The maximum penalty is, for a first offence—a division 7 fine ($2 000), for a second offence—a division 6 fine ($4 000) and for a subsequent offence—a division 5 fine ($8 000).

Subsection (9) defines 'aquatic or benthic flora or fauna'.

Section 48h empowers the Governor to make regulations prescribing and providing for the recovery of fees and charges payable for entry to a marine park or for the use of facilities provided in a marine park.

Clause 18 repeals section 51 of the principal Act and substitutes new provisions.

Section 51 provides that a person must not engage in fish farming unless the person holds a licence issued by the Director in accordance with the regulations or the person is acting as an agent of a person holding such a licence. The maximum penalty is a division 6 fine ($4 000).

Section 51a sets out the regulation-making powers with respect to the regulation of fish farming and the control of exotic fish and disease in fish.

Clause 19 amends section 54 of the principal Act which deals with the registration of fish processors by inserting several new provisions.

New subsection (7) provides that, subject to the regulations, a registered fish processor must not process fish of a prescribed class unless authorised to do so by the Director.

New subsection (8) requires such an authorisation to be endorsed on the certificate of registration.

New subsection (9) provides that an authorisation remains in force for such period as may be specified in the certificate of registration.

New subsection (10) empowers the Director to limit the species of fish that may be processed pursuant to an authorisation and to vary or revoke any such limitation.

New subsection (11) empowers the Director to refuse to grant an authorisation unless satisfied as to the matters prescribed in the regulations.

New subsection (12) provides that if the Minister is satisfied that the holder of an authorisation has been convicted of an offence against the Act or against any other Act relating to fishing (whether it be an Act of the Commonwealth or of another State or a Territory of the Commonwealth), the Minister may by notice in writing to the holder revoke the authorisation and require the holder to return the certificate of registration at a place and within a period specified in the notice.

Subsection (13) provides that a person must not fail to comply with a requirement imposed by notice under sub-

section (12). The maximum penalty is a division 8 fine ($1 000).

Clause 20 amends section 55 of the principal Act which sets out the regulation-making powers with respect to fish processing to extend those powers and to require fish processors to furnish to the Director returns containing such information as the Director may, with the approval of the Minister, require (rather than information prescribed by regulation).

Clause 21 amends section 56 of the principal Act to make it clear that a court has power to suspend fishery licences and other authorities for non-consecutive periods.

Clause 22 amends section 58 of the principal Act to give a person aggrieved by a decision of the Minister to revoke an authorisation under section 54 the right to a review by the District Court of the decision.

Clause 23 repeals section 61 of the principal Act which deals with the surrender of authorities and substitutes a new provision.

New subsection (1) provides that the holder of an authority may, subject to subsection (2), at any time surrender the authority to the Director.

New subsection (2) provides that where the register of fishery licences includes a notation made pursuant to section 65 that a specified person has an interest in the licence, the licence cannot be surrendered without the consent of the person specified in that notation.

New subsection (3) provides that where an authority is surrendered to the Director the authority ceases to have any force or effect.

Clause 24 amends section 65 of the principal Act by inserting several new provisions.

New subsection (3) requires the Director, on application by the holder of a fishery licence and payment of the prescribed fee, to make a notation on the register of authorities kept under the section that a specified person nominated by the holder of the licence has an interest in the licence.

New subsection (4) provides that where the register includes a notation made pursuant to subsection (3) and proceedings for an offence against the Act have been commenced against the holder of the licence, the Director must give or cause to be given to the person specified in the notation written notice of the particulars of the alleged offence.

New subsection (5) provides that where the register includes a notation made pursuant to subsection (3) that a specified person has an interest in a fishery licence, the Director must, on application by that person, remove that notation from the register.

Clause 25 amends section 66 of the principal Act to provide that a fish taken in contravention of the Act is to be taken to have a wholesale value equivalent to a fish of the same species taken not in contravention of the Act.

Clause 26 inserts new section 66a into the principal Act.

Subsection (1) provides that a person must not divulge information obtained (whether by that person or some other person) in the administration of the Act except as authorised by or under the Act, with the consent of the person from whom the information was obtained or to whom the information relates, in connection with the administration of the Act or for the purposes of any legal proceedings arising out of the administration of the Act. The maximum penalty is a division 6 fine ($4 000).

Subsection (2) provides that notwithstanding any other law to the contrary, the Minister or Director cannot be required by subpoena or otherwise to produce to a court any information contained in a return furnished by a licensee to the Director under the Act.

The schedule further amends the principal Act to bring it into conformity with modern standards of drafting (to substitute old 'legalese' language with modern expressions and to substitute 'shall' with the now preferred plain English words 'must', 'is' and 'will', as appropriate), to remove obsolete and spent provisions (such as commencement provisions and references to repealed Acts) and to convert all provisions into gender neutral language.

Mr MEIER secured the adjournment of the debate.

SELECT COMMITTEE ON THE WRONGS ACT AMENDMENT BILL (No. 2)

Mr GROOM (Hartley): I move:

That the time for bringing up the report of the select committee be extended until Thursday 11 April.

Motion carried.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 20 March. Page 3836.)

Mr FERGUSON (Henley Beach): I referred last night in rebuttal to the remarks made by the member for Goyder, who was caught on the hop, not having had the chance to research the Bill as thoroughly as he does normally. He was asked to continue his remarks in order to provide more time for other things to happen in another place. Therefore his contribution was perhaps not as careful as we have come to expect from the honourable member. When I sought leave to continue my remarks, I referred to his suggestion that the equal opportunity provisions would not be compatible with the Government's policy of preference to unionists.

At the same time he was suggesting that preference to unionists was a case of compulsory unionism. That is a smokescreen always put up by members of the Opposition in relation to preference to unionists. For the edification of the member for Goyder, I point out that the preference to unionists clause comes into operation—

Mr Lewis interjecting:

Mr FERGUSON: I hope that the member for Murray-Mallee is not being his usual stupid self. The man is a fool. I hope he sits quietly and listens.

Mr MEIER: The words that the honourable member used in reflecting on the member for Murray-Mallee have nothing to do with the debate and I ask that you, Sir, rule them out of order.

The SPEAKER: The words were—

Mr LEWIS: On a point of order, Sir, I take exception to being called a stupid fool.

The SPEAKER: Order! The point of order is before the Chair so no other business can take precedence. To which words did the member for Goyder take exception?

Mr MEIER: They are words that I would prefer not to repeat in this place. They reflected upon the member for Murray-Mallee.

The SPEAKER: Order! If the honourable member does not make known to the Chair the words that were offensive, the Chair can take no action.

Mr LEWIS: Is it legitimate, Mr Speaker, for a member of this place to refer to another as a stupid fool?

The SPEAKER: That is the point of order. The words are not unparliamentary under the usual definition of the word. Any honourable member has the right to take offence at anything said in this Chamber, if he feels that it is offensive to him. He can take a point of order and it is up to the House. The Chair does not believe that the language falls within the usual definition of 'unparliamentary language' in this Chamber.

Mr LEWIS: I trust that the member for Henley Beach realises that it takes one to find one.

The SPEAKER: Order!

Mr FERGUSON: I hope that I can continue my remarks uninterrupted. The reference by the member for Goyder to preference to unionists being compulsory unionism is ridiculous. It is no wonder people refer to South Australia as being in a recession when members of the Opposition purport to represent the industrial leadership of this State, yet we hear remarks like that. They could not stand in the shadow of Sir Thomas Playford or other prominent industrialists who once represented members opposite.

The Hon. J.P Trainer: But they could stand in the shadow of a corkscrew.

Mr FERGUSON: That is an unkind thing to say.

The SPEAKER: Order!

Mr FERGUSON: In reference to preference to unionists, Sir Thomas Playford was not beyond giving preference to unionists and, when the Leigh Creek coalfields were being developed, it was by no accident that Sir Thomas Playford had everybody who was seeking employment sent to the Secretary of the AWU just to make sure that they were fit and proper people to work in that establishment. And if that was not *de facto* preference to unionists, I have never seen anything that—

The SPEAKER: Order! The honourable member is well aware of the Bill that is before the House and I wish he would link his comments with the clauses of the Bill.

Mr FERGUSON: Thank you, Sir, and I accept your advice. I was referring to the remarks made by the member for Goyder on this Bill and I took the opportunity to rebut them; having done that, I will come back to the proposition before the House.

The member for Goyder criticised the provisions of this Bill whereby the Government is insisting that councils present an annual report. I cannot see why exception should be taken to the Parliament's requiring local government to provide an annual report. Under its rules every business organisation—indeed, every corporate body—is required to provide an annual report for perusal by both the shareholders and the general public, in the case of corporate bodies. I cannot understand why the member for Goyder would want local councils to escape their responsibility by not providing an annual report for their constituents—the ratepayers in that local area. This provision is very sensible, one that every member in this House should applaud, not criticise.

The member for Goyder also criticised the requirement for certificates of competency and membership of professional bodies in relation to people retaining certain classifications within local government. I could not quite understand why the Opposition would criticise the provision of minimum requirements for competency in local government. The member for Goyder tried to make a comparison between what was happening in the teaching profession (before people in that profession were required to have qualifications) and this Bill.

Since the Government of the day required teachers to have specific qualifications in order to teach, I have not heard one criticism from the general public or, indeed, from anyone else—even the teaching profession itself—about this matter.

An honourable member interjecting:

Mr FERGUSON: The honourable member interjects and says that I have had nothing to do with the teaching profession. I inform the honourable member that I am one of the few people in this Parliament who regularly attend high school council meetings. I know that the member for Goyder does not attend his high school council meetings because in private conversation he has told me that he has too many of them. I do not accept that as an excuse for not attending high school council meetings. I think he ought to attend at least some high school council meetings.

Mr Meier interjecting:

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

Mr FERGUSON: Thank you for your protection, Mr Speaker. After having been on the high school council for nine years—

The SPEAKER: Order! The member for Henley Beach will resume his seat. The member for Murray-Mallee has a point of order.

Mr LEWIS: On a point of order, Mr Speaker, could you help me understand how the remarks of the member for Henley Beach over the past two and a half minutes relate to this measure? The honourable member is referring to high school councils.

The SPEAKER: Last evening when the member for Goyder was speaking in this debate, references were made to the teaching profession, so, to that extent, I rule that the honourable member's remarks are in order. However, I now ask the member for Henley Beach to confine his remarks to the Bill.

Mr FERGUSON: Thank you, Mr Speaker. I find it most difficult to continue my remarks while I am being harassed by members on the other side.

The SPEAKER: Order! The member will resume his seat. Let me assure the member for Henley Beach that harassment will be dealt with severely from now on.

Mr FERGUSON: Thank you for that protection, Mr Speaker, and I, of course, accept your advice. The member for Goyder, who seems to be upset by my remarks, and I cannot understand—

Mr S.G. Evans interjecting:

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

Mr Meier interjecting:

The SPEAKER: Order! The member for Goyder is out of order. The member for Henley Beach.

Mr FERGUSON: I cannot understand why the member for Goyder would be so upset by my remarks.

The Hon. P.B. Arnold interjecting:

Mr FERGUSON: I think the member for Chaffey is a fool also.

The Hon. P.B. Arnold interjecting:

The SPEAKER: Order! The member for Chaffey is out of order. The member for Henley Beach will resume his seat. I have informed the Chamber that I will be taking severe action in relation to interjections. I advise all members that I will be watching this matter very closely. The honourable member for Henley Beach.

Mr FERGUSON: Members of the Opposition are determined that I will not finish my remarks, and I just cannot understand it.

The SPEAKER: Order! I also advise the member for Henley Beach that being provocative does not help the situation at all.

Mr FERGUSON: Thank you for your protection, Mr Speaker. The member for Goyder suggested that there ought not to be special qualifications for local government classifications and, as an analogy, he cited the changeover to qualifications within the teaching profession. Even within the teaching profession, I have heard no criticism of the fact that qualifications have been established by the Parliament for teachers. I believe it is churlish of the member for Goyder to introduce a criticism of this kind when all we are trying to do is raise the standard of quality of employees within local government. I believe that this measure should be supported by all members.

The SPEAKER: Before calling the next speaker, I point out that there has obviously been a problem in this debate in relation to relevance. I inform further speakers that relevance also will be under close scrutiny from the Chair.

The Hon. T.H. HEMMINGS (Napier): I support the Bill, to which I will adhere strictly. I was rather disappointed with the contribution by the member for Goyder because I think he did not really understand what the Bill was all about. He asked whether local government bodies really wanted this legislation, when the Minister's second reading explanation actually outlined step by step the amount of consultation that had taken place between her department and local government throughout this State.

I have often heard the allegation made that governments do not consult and, to be fair, I suppose in some instances there is some validity in that comment. However, when one notes from the Minister's second reading explanation that much consultation did take place, one can only congratulate the Minister in the other place for making sure that everyone in the local government community knew exactly what this measure was all about. The Minister, in her second reading explanation, said:

> An extensive consultation process accompanied the development of the proposals, including the distribution of a discussion paper, a circular to councils, and a series of seminars in metropolitan and country locations. A total of 57 submissions were received in response to the discussion paper and the seminars. A total of 130 people attended the four seminars, mostly chief executive officers and chairs of councils.

That, in effect, makes a lie (and it should be noted that I use the word 'lie') of what the member for Goyder said when he posed the question, without any backup, 'Does local government want this legislation?' If the member for Goyder, in his usual style, had then proceeded to read 45 letters of objection from different bodies backing up such a question, I might not even have bothered to stand up. But I was so incensed with that cavalier attitude, as evidenced by 'Does local government want this legislation?'

The SPEAKER: Ordeer! The honourable member has had time now to build his argument. I will ask him to come back to the Bill.

The Hon. T.H. HEMMINGS: I think I have dispensed with that rather inane question that the member for Goyder asked about whether local government bodies really needed this legislation. What did the honourable member say about annual reports by local government to the community? He said:

> It is acknowledged that many councils already publish an annual report, and I think it is great that councils take that opportunity.

I would say that it is imperative that councils take that opportunity and inform the ratepayers, who in most cases are paying in excess of $400 or $500 a year to a group of elected people who, in the main instance, have only 15 per cent of the population voting for them. He thought it was great that some of them should do it. Then he kind of went off the rails and said:

> It is more compulsion and more force.

We have been saying in this House for years that there must be accountability.

Mr Speaker, you would be the first person to agree with me that, as elected members, whether in Government or Opposition, we are accountable to the people who elect us; yet, the member for Goyder, who has been braying out that message ever since he became a member in 1972, suddenly says, 'It is all right for us in the Parliament, we are accountable, but my friends out there in local government can hide behind a typical pie chart of "where your money goes and where we spend it".' This Bill talks about accountability at the grass roots level.

The Hon. M.D. Rann: And the broad principles.

The Hon. T.H. HEMMINGS: And, as the Minister says correctly, the broad principles of what accountability and Government are all about. If the member for Goyder wants to accept the white feather, fair enough; if he wants to abdicate his responsibilities, well and good but, as a member of this Parliament and for as long as I am here, I say that accountability should take place all the time.

The major thrust of this Bill relates to equal opportunity. The stark facts were outlined in the Minister's second reading explanation and pursued by my colleague the member for Henley Beach. The member for Goyder did not understand equal opportunity in this instance. He talked about why 90 per cent of the top managerial positions in local government are held by men and why the bulk of the people who work in local government are women performing basically menial tasks. The honourable member did not understand that situation or perhaps he did not have any conflict with it. He led us down a path where, as a teacher, he felt that equal opportunity was not a good thing. If I were to enter into fantasy land, methinks that the member for Goyder may have been passed over for a promotion at some time in his teaching career, and it has given him a fixed idea—

The SPEAKER: Order! I have warned the honourable member about relevance.

The Hon. T.H. HEMMINGS: We should be applauding equal opportunity. I would love to be able to stand up in this Chamber and say that I, personally, know six, seven, eight or nine chief executive officers who are women. Mr Speaker, if you were to offer me a prize for naming one chief executive officer in local government who is a woman, I would fail miserably. Yet, the member for Goyder seems to find nothing wrong with that. That tells me only one thing: once a country redneck, always a country redneck. I urge the House to support this piece of legislation, which is long overdue. I am sure that if we think about it seriously enough we will get it through so that we can all go home.

The Hon. B.C. EASTICK (Light): The member for Napier is to have a change of role, and of course he will recognise his impartiality where he is going. I was pleased to hear the honourable member talk about accountability, because with the many changes that have taken place in the Local Government Act since 1984, changes undertaken by Ministers other than himself, who could not hack local government and local government could not hack him—

The Hon. M.D. Rann: That is outrageous.

The Hon. B.C. EASTICK: It is not outrageous; it is a matter of fact.

The Hon. M.D. RANN: On a point of order, Mr Acting Speaker, that is a quite unfair and odious allegation which brings into disrepute a member of this House and, therefore, it should be disallowed.

The ACTING SPEAKER (Hon. T.H. Hemmings): I find myself in an awkward situation because the allegation was against me. However, in order to allow the debate to proceed, I will rule that there is no point of order. The member for Light.

The Hon. B.C. EASTICK: In 1984, when the major activities associated with the re-write of the Local Government Act were being considered, the then Minister (Hon. Gavin Keneally) and the Opposition correctly recognised the tremendous importance of accountability in local government. This was a feature of the major debate related to the changes in local government that were envisaged.

Members will recall that, whilst there were areas of division or difficulty in coming to grips with various aspects of voting patterns that would arise in the future in relation to local government, other issues were keenly fought and major amendments were undertaken by the two Houses giving us a new 'front' section, if I can use that term in the broad sense, of the Local Government Act, which has served local government relatively well since 1984. I repeat: one of the major features put forward by the then Minister of Local Government was the importance of accountability not only of staff but of elected members.

Mr LEWIS: On a point of order, Mr Acting Speaker, the Minister, upon leaving the Chamber, failed to acknowledge you and upon returning has treated you with the same contempt.

The ACTING SPEAKER: I ask the member for Murray-Mallee to resume his seat. There is no point of order.

The Hon. B.C. EASTICK: The general requirement was for a better arrangement for local government than might have existed in the past. This was no reflection on the fact that local government had served the community very well over the years, but it was quite important that there would be fidelity in relation to actions associated directly with financial affairs. Legislation was proposed to prevent people voting on issues that came before the council in which there may have been a conflict of interest, and members have appreciated that fact.

When the second group of amendments were proposed in 1988, we agreed that it was important that local government proceed under the best possible terms. It was seeking to become a commendable third tier of government. Local government has come a long way. I believe that every member present would appreciate the tremendous amount of work undertaken by the Local Government Association in creating its own workers compensation system, the South Australian Local Government Financing Authority and the Purchasing Authority, and the structure of the association and the delivery to the public at large of an annual policy document are to be lauded.

There has been a great deal of discussion and involvement by local government with Government and, in many cases, with the Opposition, so that the ultimate end of any amendments that come before the House will be worthy of local government and the people whom it represents. I acknowledge those things. It is most unfortunate, therefore, to find in the middle of this amendment a set of circumstances which is discriminatory and, more than that, which reduces the degree of accountability associated with local government. I refer to the clause that relates to the appointment of auditors. To understand the audit position, it is necessary to have all the elements shown in full, so I will read section 162 of the 1988 amending Act, which provides:

(1) A council must have an auditor;

(2) The auditor will, subject to this section, be appointed by the council.

It is the council's responsibility, and there is no argument about that, but it must make sure that the person it appoints has certain qualifications. The section continues:

(3) No person except—

(a) the Auditor-General;

or

(b) a person who holds an auditor's certificate of registration issued by the Local Government Qualifications Committee,

is eligible for appointment as a council's auditor.

I stress paragraph *(b)* in particular, because it indicates that it was important that the person held an auditor's certificate of registration issued by the Local Government Qualifications Committee. Here was the opportunity to make sure that the people offering for auditors work had a knowledge of local government. In doing so, they were more likely to be totally proficient in the delivery of services to local government and indirectly back through local government, first, to the community it represented but, more particularly, to the overall community benefit. The section continues:

(4) A person who has an interest (directly or indirectly) in a contract with the council (other than a contract to act as the council's auditor) is not eligible for appointment as the council's auditor.

(5) A member of the council is not eligible for appointment as the auditor and the auditor is not eligible to stand for election as a member of the council.

Very clearly, we were laying down in the Act that the auditor had to be a person of integrity and could not be a person who would have any other direct influence on the council. Those subsections have not been taken out, and I am not suggesting that they have. What has been taken out is the subsection before. For the brevity of this debate, I will not read subsections (6) to (10), but they are there for anyone to read. They advance the point of view, which was being put to the House at the time and which was being encapsulated in the Local Government Act, that a very important position was being created.

The legislation also required that the auditor had a responsibility to feed back to local government or to the council of which that person was a representative any untoward circumstance that he or she found but, more than that, if he or she were at all concerned that the council was not responding correctly to the advice that had been given, the opportunity was there for direct information to go back to the Minister of Local Government. That remains in the Act.

So, we had a group of people for appointment who had particular skills or training. Their training related to a knowledge of local government. Clause 10 of the Bill provides:

Section 162 of the principal Act is amended—

(a) by striking out subsection (3) and substituting the following subsection:

(3) No person is eligible for appointment as a council's auditor except—

(a) the Auditor-General;—

that is the same as before—

(b) a person who holds a practising certificate issued by the Australian Society of Certified Practising Accountants or the Institute of Chartered Accountants in Australia;

or

(c) a person who was eligible for such appointment immediately prior to the commencement of this subsection.;

One would have no difficulty with clause 10 (3) *(c)*, otherwise known as the grandfather clause. One would recognise that there are people who fall outside the new criteria that are laid down. In fact, Sir, you will appreciate that the Returning Officer in your own electorate (who is a local government auditor, amongst his other auditing activities,

and a State and national councillor of the organisation) would, if he sought to be eligible today, be denied by that clause, notwithstanding that for almost 20 years he was a local government Clerk, first in the District Council of Mudlawirra and then the District Council of Munno Para before it became a city.

Suddenly, for no good reason that can be described nor, I believe, has been described elsewhere, we take out of the eligibility for appointment people who have proven very successful in the accounting world for many years; people who, for example, are qualified and eligible to provide accounting services in both Commonwealth and State Government areas of operation at the present time. I will read from a document that gives information relative to areas in which people in the other accountancy group, the NIA (as it is known at present), are recognised not just for the purpose of appointment but in legislation or policy guidelines as appropriate for auditing in:

1. Insurance and Superannuation Commission regulations for auditing superannuation funds.

The magnitude of superannuation funds in many instances is far greater than anything they will ever be called upon to audit so far as local government is concerned. I continue:

2. Commonwealth and State Schools Commissions—auditing of private schools.

3. The South Australian Public Services (DPIR) quotes 'an appropriate tertiary qualification in accounting' as a requisite for management accountant or auditor and the 'appropriate tertiary qualification' includes—

and this is the important point—

the Associate Diploma in Accounting, which is the minimum admission requirement for membership in NIA.

That is the National Institute of Accountants. I make these points as an indication of why I believe that in clause 10 of the Bill before us there has been an element of discrimination which I cannot fathom. I believe that it needs to be corrected. The person to whom I have just referred as a known local government auditor and your electoral Returning Officer, Sir, is covered by paragraph *(c)*, under the grandfather clause. However, many other people with those same qualifications—including the member for Hartley and the member for Stuart—would be denied the opportunity to use those qualifications in appointment to local government. That discrimination is something that this House needs to deal with urgently. I hope that during the Committee stage we will be able to rectify that matter.

There is a form of words that eliminates the names of the two organisations that are currently shown in the Bill before us. It does not pick up the name of the NIA, which seems to be on the outer for reasons I cannot understand, but uses a form of words that allows people with appropriate accounting qualifications to be picked up in another form of regulation.

I express this quite deliberately: I would hope that those regulations that refer to who will be 'prescribed persons' for the purpose of being appointed as auditors for local government will also show that there is a need to be able to demonstrate a reasonable knowledge of local government. I have not found any reference to that. However, most certainly, a person who has had nothing to do with local government may be a very good accountant but would be starting behind scratch if they did not know where to look in local government books for some of the errors or difficulties that occur frequently in local government bodies. Therefore, my contribution deals basically with that clause. It is essential that attention be given to that clause in Committee.

Mr S.G. EVANS (Davenport): I will speak briefly on this Bill. I wish to respond to a comment made by the member for Henley Beach when he referred to a personal conversation he had with the member for Goyder. I have a lot of respect for the member for Henley Beach but, of course, he must realise that, once he repeats a private conversation in this place, he can never be trusted again. That is a pity.

In the main, the Bill refers to implementing equal opportunity, whether it be in relation to men or women, the handicapped, colour, race or creed. I thought that as a society we had reached the stage where we did not have to include these provisions in every piece of legislation, and I find it rather depressing that we keep on repeating them. It is a sign of weakness in each and every one of us if we have to write this into every Act and that the Acts that have been passed in this State do not cover those procedures. What is happening in practice is that, quite often, it is not a matter of equal opportunity—it is a matter of saying that we will have equal numbers of this type of person in a particular area, regardless of ability. I think it should be the other way around: regardless of who the person is, ability must come first. If this country is to solve its problems, we must use the most able people that we have in every area of the work force. If we do not do that we are lowering the denominator and that is part of the problem in this country. We have tried to say that it does not matter if people cannot compete, because they can still do the job.

I cannot understand why we take this path. One particular area of concern to me in relation to equal opportunity is the issue of men and women. This issue has led to some hardships, while eliminating others. As a result of modern education of both men and women, more people are qualified for professional and semi-professional occupations, even in local government. However, there is a problem with those families that are dependent on one income. I am referring to a situation where one partner does not have any qualifications, or those qualifications are out of date because that person has decided to raise a family.

The result is that when one starts to implement this policy of equal opportunity, saying that there must be X number of women and X number of men, more dual income families are created that are often better off. However, where individuals do not have qualifications, and where the male partner has a job and is competing against a woman of equal ability (bringing about equality of the sexes will take years; and I am not anti that goal) we must remember that we are making some families totally dependent on social security while other families have two incomes. Eventually it will sort itself out, but it could take 10 or 20 years. However, I hope that those families that enjoy two incomes will stop and think about those circumstances.

Who the heck are we to write into an Act such as this the duties of a chief executive officer or to say what community services a council should provide? It is the electors of the council who should decide what services they want. Because some Ministers are telling councils in my area what they should do as a result of a report from some advisory group, and saying that the councils must appoint this officer or that officer, the councils are implementing programs that the community has never requested. In fact, in the case of Mitcham, the community voted against them. The electors voted three to one that they were satisfied with what they had.

We get these damn trendy expensive ideas that someone should tell a sporting group that it should pay for the use of facilities so that the council can pay the officer's wages and for his or her motor vehicle. This really means that there is a paid officer telling a sporting group, which has

had the support of council for years in the maintenance of its playing fields, surfaces or building to some degree, that the user-pays principle should apply. The officer saying that is employed on a huge salary with a motor vehicle. As a result, volunteers have to give up their time to raise money, in essence, to pay that officer's salary.

I now refer to parks, which are used for all sorts of activities—walking dogs, flying kites, walking and so on. I believe that they should be there and that the councils should pay for them. Although many people do not use the libraries, they still have to help pay for them, as is the case with fields and sporting facilities. It is not this Parliament's role to write into legislation that councils must supply adequate community services. It is up to those who pay the rates and taxes to decide what services they want. I do not get enthusiastic about this sort of legislation. It is nothing more than Parliament trying to dictate how another elected group will operate. The chief executive officers of councils are answerable to the community that elects them, and that is as it should be as far as community services are concerned.

The Hon. M.D. RANN (Minister of Employment and Further Education): I rise with some humility because I am not the Minister of Local Government Relations. However, I believe that we in this House are currently taking part in the passage of a very historic piece of legislation. Indeed, for the past few months we have seen quite massive and fundamental changes in the relationship between State and local government. Of course, the Premier and the head of the Local Government Association announced late last year that new changes over the next 18 months will recognise local government's unique role in the delivery of services to South Australians.

An honourable member interjecting:

The Hon. M.D. RANN: That is quite right. I am sure that many people were disappointed when the referendum to try to recognise the constitutional position of local government failed. I think that was probably more on the basis that the general public did not understand all the ramifications of local government throughout our lives.

However, this legislation does not in any way pre-empt what is being forged between the Premier and the head of the Local Government Association, with the assistance and guidance of the Minister for Local Government Relations. What we are doing today is not setting out in some deliberate finite fashion rules and regulations for local government; we are not telling local government what it can and must and cannot do. Instead, we are looking at the guiding principles which will bring local government up to the standard of other areas of government across Australia in terms of the basic principles of accountability and equal opportunity.

During the debate this afternoon we have seen in a number of contributions, particularly by the member for Henley Beach and the Acting Speaker, a recognition of the true role of local government and how we can assist the legislative framework for local government in South Australia by setting down a broad framework in which local government can raise its standards, as high as they are at the moment, to the very highest level of service delivery and accountability.

This Bill seeks to apply the principles of public administration and personnel practice in the Local Government Act to the local government sector. It is particularly significant that these principles be included in the Local Government Act at this time when the role of local government as the key local decision maker reflecting the needs of its community is being fully recognised and a new relationship between the sectors is being developed. That negotiation process will continue over the next 18 months to determine relative functions, financial relationships and legislative responsibilities.

With this changed relationship, it is increasingly important that the sector and the community have a guide to the operations of local government and are assured of the principles under which it operates. Local government recognises that it needs a legislative framework for its actions to have any validity. This framework will enable the sector to determine the need for common prescription for all councils and for the diversity of differing council circumstances. We recognise that, while there are common matters for all councils, there is also great diversity between councils. The principles and objectives in the Bill are those which, during consultation with the Local Government Association, were submitted as those which it seeks to achieve.

There has been an extraordinary amount of consultation. Meetings and hearings were held in country and city areas. Indeed, the Minister for Local Government Relations introduced this legislation late last year in order to allow it to lie on the table over Christmas and the festive season so that members of local government and of the wider community could freely discuss and debate this great step forward that we believe we are making today.

Of course, it touches on a number of particular areas which have generated some controversy, and one of those areas is equal opportunity. I cannot for the life of me see why equal opportunity guidelines should in any way offend members opposite. Equal opportunity legislation has applied in this State for some time and has been legislated by the Federal Parliament to apply in a myriad of areas across this country, not only in statutory authorities and in State and Federal Government departments but in universities. It is widely accepted. Indeed, in other States these same principles of equal opportunity are being mooted and passed for local government.

It is vital that the one remaining sector of Australian life—local government—should now be brought up to date in terms of equal opportunity. It concerns me enormously that the vast bulk of chief executive officers—more than 90 per cent—are men. That is quite bizarre in this modern day and age. I guess that the Acting Speaker, who is a former mayor and someone of great prominence in local government before he entered Parliament—indeed, he continued as Mayor of Elizabeth after he entered this Parliament—would recognise that it is now important that we take that step forward. I hope that by the time I leave this Parliament there will be equality between the sexes in terms of chief executive officers not by some grand design but because the merits of those people have been truly recognised as they should be.

There has been some controversy about the fact that in this broad framework of principles there is a requirement that local government should publish an annual report. Members opposite are continually harassing the Government about whether annual reports from a range of agencies, committees and departments have been produced on time and whether annual reports truly reflect the nature of those agencies. They are continually harassing this Government about accountability issues. Surely, people who pay their rates and vote for their elected representatives at local government level should have the opportunity to find out the vision as well as the record of their local government representatives through an annual report. It is hardly onerous; it is one of the basic tenets of accountability.

There are other areas that we could perhaps consider in Committee in terms of chief executive officers and regulations governing the basic requirements and professional standards needed to hold office. I repeat, all that we are doing today is setting down the broad guidelines in which local government can make that step forward towards the year 2000.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr MEIER: In this clause we see various definitions that will be used in the Act from now on. I think that this is an appropriate time for me to refer to some of the comments that were made earlier relating particularly to the equal employment opportunity program. In that context, the contributions by the members for Henley Beach and for Napier I felt were completely out of place. They made statements that could not be backed up. I did not think that they really contributed to this debate, and I was very disappointed. I do not have any specific questions on this clause. I think that we can deal with the concept of merit and so on when it is referred to later.

Clause passed.

Clause 4 passed.

Clause 5—'Annual report.'

Mr MEIER: How many councils currently release an annual report?

The Hon. M.D. RANN: I do not have that information before me. I understand that a number of councils do. I have certainly been made aware of that over time and that information can be obtained for the honourable member. I will attempt to do so. I make a general point about annual reports. The content of the report will be developed in the Local Government Services Bureau, and the Local Government Association has a majority on the management committee. The annual report is to be made available to the community, not to the Minister or the Parliament, in line with the new relationship that we are negotiating between State Governments and local government.

As has been pointed out, some councils currently utilise annual reports as one means of communicating with their communities. Inclusion of a requirement for an annual report in the Local Government Act provides recognition of the efforts of the sector as being an accountable and autonomous sphere of government, certainly nothing of which the honourable member should be afraid in terms of the impact on local bodies in his area. We pointed out that the committee that will be responsible for drawing up the regulations covering this area has a majority of members from the Local Government Association.

Mr MEIER: I thank the Minister for his answer. I am sorry that he does not have that information. I can understand that he would not carry the information on councils that currently release annual reports, as I imagine that the percentage would be very high. There are currently 120 local councils. I firmly believe that the councils not producing annual reports will be doing so shortly. The Minister would argue that the Bill will ensure that they produce annual reports, but it is an unnecessary impost to make them prepare an annual report when, I suggest, figures show that the vast majority are already doing so because of the way local government is run today.

The Hon. M.D. RANN: We are trying to bring local government one great historic step forward into the 1990s. We will not be laying down strict regulations as to what will or will not be in the annual report; we will be leaving that to the committee which has on it a majority of members from the LGA. This is part of the principles of accountability. If the vast majority of councils are already undertaking this practice, I am sure that the honourable member will believe that it is about time other councils addressed this important accountability and communication principle.

Mr S.J. BAKER: As the Minister would realise, having been Chairman of the Printing Committee, a number of Government departments failed to comply with the expectation of Parliament that reports be presented within six months of the end of the financial year. What is the reporting time frame envisaged by the Minister?

The Hon. M.D. RANN: Of course, the honourable member is right: I certainly regard my time on the Printing Committee as part of my parliamentary learning curve and something which had extraordinary benefits for me as a Minister. I have been advised over the past few days that Flinders University is lagging behind in getting its report to us and I will be writing to those responsible. It is very important that we try to ensure that, if we establish principles of accountability, there is accountability for that very accountability. Certainly in terms of what will be required, we are leaving it up to the local government sector to determine. That is part of this partnership to which we have been referring.

Mr S.J. BAKER: Given that there are so many departures, what will be the prescribed day in each year? I presume that we are talking about a financial year rather than a calendar year during which they have to report. Will there be a fine for failure to do so?

The Hon. M.D. RANN: There will be no prescription by this Parliament or this Government on when local bodies must report, whether it be in the financial or calendar year. We are establishing a principle of accountability and leaving it up to the local government sector to work out the arrangements. If it wants to get into the area of fines, particular dates, and so on, that is something which it is more than capable of addressing. It will be left to that sector to determine. We are writing the broad framework and allowing local government to fill in the details, and that should be the role of the Parliament; we should not be using some kind of standover tactics in regard to local government.

Clause passed.

Clause 6—'Substitution of heading to Division I of Part VI.'

The Hon. B.C. EASTICK: Clauses 6 and 7 relate to the same issue. This division was previously titled 'Officers and employees of councils' and is now titled, 'Chief executive officer'. Clause 7 refers to people who can deputise for the chief executive officer. I have no difficulty with the general thrust; and obviously it has arisen as a result of debate and discussion in local government circles. It is also reflective of the changing attitude that people who do not have primary local government training or qualifications may be appointed to the position of chief executive officer. I draw attention to the fact that, when we start putting theory into practice difficulties sometimes occur.

Whilst it will not be part of the Act when this Bill goes through, most certainly any council should take care in employing somebody who might be a high flier but who does not have to have local government qualifications, as was the position under the 1984 Act, wherein section 66 (5) provides:

> A person is not eligible for appointment as chief executive officer of a council unless—
>
> *(a)* he or she holds the certificate of registration issued by the Local Government Qualification Committee.

We referred earlier today to the fact that the Local Government Qualification Committee began to go out of existence

when we started talking about auditors. I ask members to cast back their mind to the activities of one or two councils in the near Adelaide area wherein the decisions of a person who did not have basic local government qualifications, who had a great deal of managerial experience that that person was able to bring to the council, but who was not *au fait* with some of the peculiarities of local government caused a ruckus amongst staff and caused all sorts of problems at the coalface.

Whilst acknowledging this change, and it is one that has been engineered by local government itself, I would hope that those who are going to make appointments would be ever mindful of providing for the communities they represent somebody whose qualifications are a little bit better than perhaps three degrees, rather than one degree and some common nous and hands-on experience.

The Hon. M.D. RANN: The honourable member is right. The title has been altered from 'Appointment of officers and employees' to 'Chief Executive Officer' and the appointment of officers is dealt with in Division II, Part VI, under clause 8, 'Other officers and employees'.

I want to make the point that what we are talking about today is the direct request of local government. I do not believe for one moment that this House should somehow unfairly reflect on local government's ability to choose people of worth for these positions. In line with the memorandum of understanding between the Premier and the President of the Local Government Association, the following restrictions relating to the chief executive officer were removed:

1. Requirements relating to the position of department chief executive officer.
2. The requirement for a chief executive officer to hold a certificate of registration from the Local Government Qualifications Committee or to have ministerial approval.
3. The requirement to publish the appointment of a chief executive officer in the *Gazette*; and
4. The prescription of terms of resignation of a chief executive officer.

What we are doing is putting into effect what local government wants, and local government must not be patronised in this process.

The Hon. B.C. EASTICK: I indicated earlier that I was fully appreciative of the fact that local government has been heavily involved in this matter and that we are acting upon its requirement. But it does not do away with the responsibility of this level of government or anybody out in the community, for that matter, to say to local government, 'Let's not have any experiences of the past that have gone off the rails.' That is the point I sought to make.

The Hon. M.D. RANN: Well, I think perhaps we are reaching some commonality or accord on this matter. All we are doing, again, is establishing the broad principles of management in which local government can act.

Mr MEIER: I see no problems with the suggestion that the chief executive officer and other officers do not have to have specific certificates of registration but rather will be accepted as long as they have membership of a professional body, where appropriate. From that point of view, I suppose it is necessary to implement the changes through legislation, given that the current Bill does not include that provision. Was there much negative feedback from councils, particularly from chief executive officers, regarding these officers no longer having to have a certificate?

The Hon. M.D. RANN: I think it is fair to say that the Government sought to make these changes in relation to the CEOs and then local government responded about other positions as well but, certainly, there is considerable commonality of view throughout the sector on these matters, as I understand it.

Mr S.J. BAKER: Clause 7 provides that the Chief Executive Officer:

(a) is responsible to the council—
(i) for the execution of its decisions;
(ii) for the efficient and effective management of the operations and affairs of the council;

Is the chief executive officer indemnified for carrying out those decisions? I ask this question because quite a number of interventions have occurred in the affairs of the Unley council by the member for Unley and a Minister of the Crown. This has led to abuse of the Town Clerk and abuse of councillors on a number of occasions. Members will remember the most recent example which involved the demolition of a house at 17 Arthur Street. The house was not, in fact, a heritage item. In fact, it had been looked at by the Heritage Unit of the Department for Environment and Planning on two occasions and rejected; yet the Minister intervened in a way that reflected on the council and its office-bearers and, indeed, the chief executive officer. A second example of this conflict was in relation to Palmerston Road. I am talking about the chief executive officer undertaking those responsibilities of council and being responsible for their execution, as in clause 7.

The ACTING CHAIRMAN (Hon. T.H. Hemmings): Order! I advise the Deputy Leader that, whilst the clause to which he is speaking describes the responsibility of the chief executive officer, I have not detected any form of question to the Minister in relation to this clause. I ask the Deputy Leader to ask the Minister his question on this clause and to desist from giving a potted history involving a council area and a member of this Parliament.

Mr S.J. BAKER: I take your point, Sir, on this matter. I was merely using it as an example, because the clause deals with the responsibility of the chief executive officer. I was asking the Minister responsible whether the chief executive officer was indemnified for carrying out the decisions of council—a truly democratically elected council. I was giving examples where, indeed, members of Parliament had transgressed, and you would appreciate, Sir, that is a very important point.

Mr FERGUSON: On a point of order, Mr Acting Chairman: the honourable Deputy Leader is taking the opportunity to move into debate on another matter which has nothing to do with the Bill. In doing so he is casting reflections upon a Minister—

The ACTING CHAIRMAN: Order! I ask the member for Henley Beach to be seated. The Chair will decide whether the Deputy Leader is transgressing in any way. I can assure all members of the Committee that I will be listening to the debate very intently. If I feel at any time that any member on either side of the Chair is transgressing, I will take the appropriate action.

Mr S.J. BAKER: Thank you, Sir. Another example of where this conflict arose, where the chief executive officer was carrying out the responsibilities given to him under the council, was in relation to a church that was to be established on Palmerston Road. Some quite bizarre claims were made by the member for Unley on that occasion. There have been other occasions, but the third and most notorious of these was in relation to the attempted overturning of underground parking on Fullarton Road and intervention by the Minister. Whilst the chief executive officer is made responsible for the decisions of council, does he or she have the full support of Parliament, and is the Chief Executive Officer indemnified from this sort of intervention?

The Hon. M.D. RANN: Quite frankly, I cannot possibly see the relevance of the examples that the honourable Deputy Leader of the Opposition has raised. The Bill provides that a chief executive officer:

(a) is responsible to the council—
(i) for the execution of its decisions;
(ii) for the efficient and effective management of the operations and affairs of the council;
and
(iii) for giving effect to the general management objectives and principles of personnel management prescribed by this Act;
and
(b) has such other powers, functions and duties as may be conferred on the chief executive officer by or under this or any other Act.;

We are talking about statutory responsibilities. I, in my own area, have at times raised complaints about various council matters to the chief executive officer of the Salisbury council, with whom I have an excellent relationship. Sometimes, those differences have boiled over into the public sector and have been reported in the newspapers. Surely, it is part of the job of these very well qualified and highly paid officers in many respects to take the heat—or otherwise keep out of the kitchen. The simple fact is they are indemnified if they are acting on the requests of the council—they have to be.

Mr FERGUSON: Does the wording mean that a chief executive officer should not be critisised by a member of Parliament, or indeed by a member of the public, for any decision that he makes in any way whatsoever so far as local Government is concerned?

The Hon. M.D. RANN: There is absolutely no requirement under this Act, or any other Act in the world of which I am aware—perhaps with the possible exception of Albania—in terms of giving some kind of indemnity for criticism. We are talking about democracy, democracy at the coalface. Again, the duties of chief executive officers, if they enter into the public arena, as is the case with any local organisation members and State Government members, involve reflecting the views of their constituents.

Clause passed.

Clause 7 passed.

Clause 8—'Substitution of s.67 and Division II of Part VI.'

The CHAIRMAN: As this clause is designed to insert various new sections, I propose that the Committee deal with each separately.

New sections 67 to 69 agreed to.

New section 69a—'General principles of personnel management.'

Mr MEIER: We see references to the general principles of personnel management. I referred to some of these in the second reading debate, and certainly indicated my full agreement to a selection process directed towards and based on a proper assessment of merit, and I applaud that. The condition is then imposed that there must be no unlawful discrimination in relation to items such as sex, sexuality, marital status, pregnancy, etc., or any other ground. Will this ensure that there is no discrimination against persons who refuse to become a member of a union in the local government area?

The Hon. M.D. RANN: A number of councils were concerned about the capacity to fulfil the preference requirements for members of the Municipal Officers Association or the Australian Workers Union if principles of merit and equal employment opportunity were incorporated in the Local Government Act 1934. Advice was taken from the Attorney-General's Department that Commonwealth provisions override State provisions and that specific situations override general principles.

The Municipal Officers Association's award is a Commonwealth award and falls within the jurisdiction of the Federal Industrial Commission, as it is concerned with matters between an employer and a employee. The award therefore overrides State legislation; indeed, it overrides the Local Government Act. The Australian Workers Union award is a State award; however, as it provides for a specific power within the Industrial Commission it overrides general principles that may be laid out in the Local Government Act, including principles about selection on the basis of merit. I see from the honourable member's demeanour that he understands and grasps the difference.

Mr MEIER: Does this mean that people will not be discriminated against if they refuse to become a member of a union?

The Hon. M.D. RANN: Of course there would be no discrimination. Obviously this is something to be worked out by the industrial parties. We will not get a situation where two people are exactly equal counterparts—that does not happen in the real world, as the honourable member would know.

Mr MEIER: As the Minister would be aware, at the State Government level a person who is not a member of a union is discriminated against and is refused employment. Because local government employees cannot be discriminated against on any other ground, does that mean that that sort of situation cannot apply at the local government level?

The Hon. M.D. RANN: Preference is given to union members at the State level, but I am not aware of any incident occurring in local government—and I would be happy to take up with the honourable member any particular incidents that he may wish to put forward—where discrimination has occurred in relation to people of equal employability. As I say, the Attorney-General's Department has advised that Commonwealth provisions override State provisions in this regard.

Mr FERGUSON: Notwithstanding what is contained in new section 69 *(a)*, is it not possible for a person who does not want to join a union to obtain exemption from the Federal Abritration Commission or the State Industrial Commission by paying his union contributions to any charity of his choice so that he then becomes a non-union person? By so doing, this provision would not apply to him, but he would be given the satisfaction of knowing that he was paying the same amount of money as every other person who pays union fees to improve their wages and working conditions.

The Hon. M.D. RANN: I ask the honourable member to clarify his last point.

Mr FERGUSON: Members may obtain exemption from either the State or Federal commission by paying an amount equal to their union contribution to a charity of their choice. This demonstrates to their fellow workmates that they are not bludging on their workmates because they are paying out the same amount of money as those paying union fees to improve wages and working conditions.

The Hon. M.D. RANN: I concur with the honourable member's point—I am not aware of any discrimination in this area.

New section agreed to.

New sections 69b and 69c agreed to.

New section 69d—'Responsibilities of Chief Executive Officer and councils in relation to equal employment opportunity.'

Mr MEIER: New section 69d (2) provides:

A council must comply with such requirements relating to equal employment opportunity as are prescribed in relation to all councils or a class of councils to which the council belongs.

Will the Minister give an assurance that this does not mean that quotas will be imposed; in other words, that 50 per cent of clerks would have to be male and that the other 50 per cent will have to be female? The way this subsection reads, it is not difficult to interpret it in that way.

The Hon. M.D. RANN: No quotas will be applied. I repeat: we are laying down the framework to allow local government to get on with the job.

Mr MEIER: Why cannot the Local Government Association operate under the Equal Opportunity Act that applies in this State rather than having those provisions written into its own Act?

The Hon. M.D. RANN: That is the same requirement that occurs in terms of higher education. They are accountable under the Equal Opportunity Act. We are dealing with equal employment opportunity provisions designed to set down the principles of equal opportunity for local government in the same way as this House unanimously passed similar measures for higher education last year. We are setting down the basic broad principles. As pointed out previously, local government is the only area not specifically covered. Other States are moving similarly.

Mr FERGUSON: Is it not true that 90 per cent of all senior classifications in local government at this stage are held by males and, so far as employment of females with equal qualifications is concerned, has not there been a reluctance by local government to provide equal opportunity?

The Hon. M.D. RANN: That is true. Local government itself recognises that it must come of age in terms of the new provisions and partnership with the State Government. With new responsibilities and privileges must come duties. Obviously, local government has been slow to address these matters. The fact is that 90 per cent are male and this does not reflect abilities out there in the coalface of the community. Of course, the gender separation in terms of traditional areas in respect of clerical areas and so forth in South Australian local government is poor compared with other States, so again it is important that these principles be laid down.

New section agreed to.

New section 69e agreed to.

Clause passed.

Clause 9 passed.

Clause 10—'The auditor.'

Mr MEIER: I move:

Page 6, lines 26 to 28—Leave out paragraph *(b)* and insert—

(b) a person who holds a practising certificate issued by a prescribed professional body;.

As the Committee can see, the names of the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia are specifically mentioned in the Bill, but it excludes the National Institute of Accountants, which represents more than 1 600 members in Australia. The institute issues a practising certificate to its members and, for the interest of the Committee, I point out that part of its by-law provides:

Members of the National Institute of Accountants are bound by Australian accounting standards and approved accounting standards as promulgated by the Australian Standards Review Board and the Australian Accounting Research Foundation, now merged, and are also committed to its promotion of the International Accounting Standards.

In addition, the institute requires its members to comply with the Australian accounting and auditing standards, and its members must hold professional indemnity insurance cover. In fact, the National Institute of Accountants was not in existence when the old section 162 came into being and it is now going out. It seems, especially as South Australian local government has used the NIA previously, at the very least its members should be given the opportunity to audit and be used as accountants. My amendment at least opens the area wider but still ensures, by saying that it is a prescribed professional body, that appropriate qualifications are to be held and that standards will be maintained.

The Hon. M.D. RANN: This amendment seeks to omit the two professional bodies listed in the Bill in favour of using regulations to determine the appropriate bodies for the office of council auditor. The office of council auditor is a statutory office, not a position within council administration and, therefore, not solely a matter of a council selecting a person to suit its job. It is an independent auditing position with a public accountability function.

A great deal of discussion occurred in another place about whether there is a need to upgrade the qualifications for this important office. This clause seeks to provide a mechanism by which the current standards can be maintained, following the abolition of the Local Government Qualifications Committee. Membership of the two bodies listed in the Bill has been the criteria used by that committee for some years in issuing certificates of registration for the office.

Following the debate in the Legislative Council the Minister for Local Government Relations has agreed to write to the Local Government Association seeking that it reviews the qualifications for the office with a view to upgrading them. That is what we are about: upgrading local government as we go towards the year 2000. New South Wales has recently reviewed qualifications for the office in that State under a Liberal Administration and has included the two professional bodies listed here as the appropriate means of maintaining standards.

That is important. The National Institute of Accountants has sought to be included as an appropriate body. The institute has informed the Minister that its minimum qualification for membership is not equivalent to that of the two bodies listed. Should the national institute be able to demonstrate a membership structure that maintains the current standard for the office, any LGA review of qualifications for the office could obviously consider its suitability at that time. The amendment can be accepted—although, I must say, somewhat reluctantly—but on the clear understanding that regulations developed maintain or upgrade the standard of the office and not pull it down at this critical stage in local government history.

The Hon. M.D. RANN: (Minister of Employment and Further Education): I move:

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

Motion carried.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

The Hon. M.D. RANN (Minister of Employment and Further Education): I move:

That the House do now adjourn.

The SPEAKER: Is the motion seconded?

An honourable member: Yes, Sir.

Mr D.S. BAKER (Leader of the Opposition): Under Standing Order 132, I rise on a matter of privilege.

The SPEAKER: Order! The Chair considers that, as the motion has been accepted and seconded, we are now into the adjournment debate. The Leader is certainly entitled to speak during the adjournment debate. Is that the wish of the Leader?

Mr D.S. BAKER: No, Sir.

The SPEAKER: The member for Light.

The Hon. B.C. EASTICK: On a point of order, Sir. I ask whether you can direct the House as to how it can rescind the motion most recently taken.

The SPEAKER: It is not for the Chair to direct the House to do anything. The House is always the master of its own destiny. If members wish to move that way and carry it, the House can do so.

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

That the motion most recently taken be rescinded.

I do so because of the importance of a matter of privilege—

The SPEAKER: Order! The honourable member cannot debate the motion. On reference to Standing Orders, it is the opinion of the Chair that the honourable member must suspend Standing Orders to do that.

The Hon. B.C. EASTICK: I move:

That Standing Orders be so far suspended as to allow the rescission of the motion most recently taken.

The SPEAKER: I have taken advice and, in the opinion of the Chair, the adjournment has been moved and seconded. It is the decision of the Chair that we continue with the adjournment debate.

Mr S.J. BAKER: On a point of order—

The SPEAKER: Order! Let me qualify further. First, the House has not carried the adjournment—it has been moved and seconded. The House cannot rescind a motion that has not been carried. The adjournment is not carried until the end of the debate.

Mr S.J. BAKER: On a point of order, Sir. The Opposition is seeking to suspend Standing Orders to enable the Leader of the Opposition to speak on a matter of privilege. That is why we are seeking your indulgence, Sir, whether or not that means reversing or rescinding the original motion. At any stage the House can decide to suspend Standing Orders. That is my understanding of Standing Orders. At any stage during the proceedings we as a Parliament can suspend Standing Orders to enable certain things to happen. On this occasion, we believe that it is important that the Leader have the opportunity to speak on a matter of privilege.

The SPEAKER: I understand absolutely the position of the Leader. I have spoken to the Leader. However, his right to do so is subject to the other Standing Orders of the House. As I say, the adjournment has been moved and seconded. We have not dealt with that business, so we cannot suspend it.

Mr LEWIS: Mr Speaker—

The SPEAKER: Order! The Speaker is on his feet. In the opinion of the Chair, until we complete the business of the House, we cannot suspend.

Mr S.G. EVANS: On a point of order, Sir. Are you saying that the House, even at this time, cannot suspend Standing Orders to allow a person to speak on a matter of privilege if the House agrees—regardless of your position—that it wants to suspend Standing Orders? We have not put it to a vote yet. If someone moves (as the member for Light has) that Standing Orders be suspended to allow the Leader to speak on a matter of privilege, are you interpreting that to mean that the House does not have the power to decide its own destiny?

Members interjecting:

The SPEAKER: Order! There is a point of order. There is a long-standing principle that a matter before the House cannot be suspended before it is dealt with, and that is the principle that I am upholding here.

The Hon. B.C. EASTICK: On a point of order, Mr Speaker: would you be able to identify to the House whether Standing Orders will require you, immediately on the passage of the motion, to leave the House, preceded by the mace, therefore denying the Leader of the Opposition any opportunity to raise the point at issue, which is extremely important?

The SPEAKER: Yes, that would be the interpretation of the Chair of the practice of the House; that once the question was put and carried the Speaker would vacate the Chair.

Mr LEWIS: On a point of order, Mr Speaker: why cannot the House of its motion and its own decision not suspend so much of Standing Orders as will enable the motion, which is committed but not voted upon, to be withdrawn from consideration?

The SPEAKER: Because we have a question before the Chair.

Mr S.G. EVANS: On a point of order, Mr Speaker: it is true that we have a matter before the Chair that has not been put to the vote, so the House has not made a decision and only two people have put their view—the mover and the seconder. Surely, with the seconder's permission, the mover is able to withdraw that motion to suspend Standing Orders.

The Hon. B.C. EASTICK: On a point of order, Mr Speaker: I draw your attention to Standing Order 132 which provides:

All points of order and matters of privilege, whenever they arise, suspend the consideration of the question under discussion until they are decided. The Speaker may, with the concurrence of the House, defer a decision on the point of order or matter of privilege.

There are two alternatives there, I suggest: the first is the one we have suggested, namely, that the privilege be concluded, with the concurrence of the House to suspend Standing Orders, or that you give a direction to the House that you will receive the matter of privilege at the end of the adjournment motion.

The SPEAKER: Does the Minister wish to seek leave to withdraw the motion?

The Hon. M.D. RANN: I am happy to do that in order to assist the Leader of the Opposition. I seek leave to withdraw my motion.

Leave granted; motion withdrawn.

MATTER OF PRIVILEGE

Mr D.S. BAKER (Leader of the Opposition): Mr Speaker under Standing Order 132, I rise on a matter of privilege. I allege that in the House this afternoon the member for Briggs and Minister for Further Education and Employment, Youth Affairs and Aboriginal Affairs breached parliamentary privilege by maliciously referring to a trust in which I have an interest and which is included in the Register of Members' Interests.

Under the Members of Parliament (Register of Interests) Act 1983 a 'person shall not publish whether in Parliament or outside Parliament any comment on the facts set forth in the register or statement unless that comment is fair and published in the public interest and without malice'. The Act further provides that a person contravening the Act in this way shall be guilty of a contempt of Parliament.

Mr Speaker, it cannot be claimed that the Minister in revealing this information was acting in the public interest and without malice. The honourable member made reference to a trust declared in my return in terms which clearly implied some impropriety. Mr Speaker, I call on the Minister to withdraw immediately and apologise for what I believe is a clear contempt of this House. If he refuses to do so, I call on you to convene a Committee of Privileges to consider this breach and determine penalty.

The SPEAKER: I have referred to the Act and have listened to the Leader's comments. I would like to consider the matter over the break and will inform the House of my decision on 3 April.

PERSONAL EXPLANATION: LEADER'S REMARKS

The Hon. M.D. RANN (Minister of Employment and Further Education): I seek leave to make a personal explanation.

Leave granted.

The Hon. M.D. RANN: Members will be aware that last week in this Parliament a question was asked which implied that I was somehow involved in secret dealings in relation to the State Bank in New Zealand. That was a total fabrication, to use the Leader of the Opposition's favourite term when he repeatedly refers to me as the 'honourable fabricator' and various other names. The simple fact is that in this Parliament—

Mr D.S. Baker interjecting:

The Hon. M.D. RANN: He says, 'Never honourable', again, as part of a reflection—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: This is the Parliament, not a glasshouse. If the Leader of the Opposition cannot take the heat, let him vacate his position to someone else on the other side—

Members interjecting:

The SPEAKER: Order! This is a personal explanation and the Minister is well aware that debate is not allowed.

The Hon. M.D. RANN: Thank you, Mr Speaker. Last night on the *7.30 Report*, and I refer in particular to the question of Hand, the Leader of the Opposition was questioned about whether any of his own companies or interests had been investigated by a tax audit. First of all, from my recollections—I do not have a transcript in front of me—I understand he denied that. Later on he was again asked by Ian Altschwager—the question was basically repeated—and the Leader of the Opposition said that basically he would not know because that was not a question that his tax accountant would raise with him.

Members interjecting:

The SPEAKER: Order! The member for Murray-Mallee.

Mr LEWIS: On a point of order, Sir, I want to know whether this is an instance in which the Minister claims to have been misrepresented and, if so, what that instance is, and what his explanation of that situation is?

The SPEAKER: Order! It is a personal explanation. The Minister was referring to the events that took place. I think that is valid. There is no debate at this stage. I am listening to what he is saying. It is a personal explanation, which the Minister must lodge himself, and I would ask him to keep to the facts.

The Hon. M.D. RANN: I will come to the point very quickly. In this House today I referred to the accountant's position, in response to various interjections of abuse, and I also said, 'Perhaps they could give us some details about the Elgin Trust.' I do not know whether it is listed in his pecuniary interests statement. I have not even seen his pecuniary interests statement, nor am I interested in it. I have been told, however, that he does have an interest in the Elgin Trust. There is no suggestion that there was anything shonky about the Elgin Trust. All I have ever heard of are the Elgin Marbles which used to exist in Greece.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: If the Leader of the Opposition is offended by those matters, I am happy to withdraw any inference, because there was no inference.

The SPEAKER: Order! The member for Murray-Mallee.

Mr LEWIS: On a further point of order, Mr Speaker, I fail to see how the Minister claims to have been misrepresented. My point of order, therefore, is that, unless he points out to the House, through you, Sir, that he has been misrepresented—

The SPEAKER: Order! Let me clarify the position as the Chair sees it. It is a personal explanation. At no stage did I hear a claim of being misrepresented. It was a personal explanation on the situation as it occurred. The Minister was out of order when he started debating. However, the Minister, as I understand it, was withdrawing following the point of order.

The Hon. M.D. RANN: I just want to point out that there was no malice or intent, because I am not aware of any impropriety on behalf of any of the Leader of the Opposition's companies. I was simply referring to questions that were raised in the public arena on the *7.30 Report* last night. The simple fact is that I have not seen his pecuniary interests statement, nor do I have any interest in his pecuniary interests statement. So, how could I breach privilege?

ADJOURNMENT

At 5.14 p.m. the House adjourned until Wednesday 3 April at 2 p.m.