HOUSE OF ASSEMBLY

Wednesday 10 April 1991

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

PETITION: MURRAY RIVER FERRIES

A petition signed by 400 residents of South Australia requesting that the House urge the Government to retain the present hours of operation for the Murray River ferries was presented by the Hon. E.R. Goldsworthy.

Petition received.

PETITION: PEDESTRIAN CROSSING

A petition signed by 414 residents of South Australia requesting that the House urge the Government to install a pedestrian crossing in the main street of Gumeracha was presented by the Hon. E.R. Goldsworthy.

Petition received.

PETITION: PURNONG FERRY

A petition signed by 913 residents of South Australia requesting that the House urge the Government to retain the Purnong ferry as a 24-hour service was presented by Mr Lewis.

Petition received.

PETITION: NARRUNG POLICE STATION

A petition signed by 191 residents of South Australia requesting that the House urge the Government not to close the Narrung Police Station was presented by Mr Lewis.

Petition received.

PETITION: WALKER FLAT FERRY

A petition signed by 3 052 residents of South Australia requesting that the House urge the Government to retain the Walker Flat ferry as a 24-hour service was presented by Mr Lewis.

Petition received.

MINISTERIAL STATEMENT: RURAL INTEREST RATES

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

Leave granted.

The Hon. LYNN ARNOLD: Yesterday, the member for Alexandra raised in this place the issue of loans from the Rural Finance and Development Division to a constituent of his. I wish to provide the following information. Loans were provided to this client at concessional interest rates in 1974, 1975 and 1977. In 1982 the client referred to had his loans consolidated into one loan at an interest rate of 8 per cent per annum. This rate was subsequently increased to 14 per cent in 1986, subject to appeal by the client. The client was unsuccessful in his appeal on the grounds that his gross income was considered sufficient to service the loan at the new rate of 14 per cent. In April 1990 a letter was forwarded to the client increasing his interest rate to 15 per cent effective from 1 April 1990. The increase in payment would be reflected in the April 1991 instalment. The client had no right of appeal as the maximum RAS interest rate had been approved to increase from 14 per cent to 15 per cent from 1 July 1989.

In the proposed lending program for 1989-90 one of the recommendations approved was that the mechanism for setting the RAS commercial rate be changed from a figure approved by the Minister to adoption by the Minister of a SAFA recommended rate. This had the consequence of raising the RAS commercial rate from 14 per cent to 15 per cent from 1 July 1989, being the expected borrowing cost to RFDD from SAFA. Borrowings of $16 million from SAFA to RFDD between July 1989 and June 1990 were, in fact, at the rate of 14.5 per cent per annum. I am aware that interest rates have dropped in 1990-91 and the RFDD, at my request, is currently in the process of reviewing the level of the maximum interest rates charged on RAS loans. It could be expected there will be a reduction, as the SAFA recommended rate has obviously gone down.

There have been 724 accounts that have had interest rates applicable to their loans increased to 15 per cent during the period July 1989 to March 1991. Of the 724 accounts, 493 have gone from 14 per cent to 15 per cent (for which there is no right of appeal), and the remaining 231 interest rate increases have been to those clients who have not taken up the right of appeal or have been unsuccessful in their appeals. On the matter of instalments, interest charged is always in arrears. For example, an instalment raised in April 1991 on an annual basis will have an interest component which is calculated for the period between April 1990 and March 1991.

Repayment arrangements for instalments on RAS loans take account of the clients' receipt of income, for example:

- Dairy clients normally pay monthly, farmers who receive a large proportion of their income from pig sales are able to pay quarterly, cereal farmers' instalments are usually based on an annual repayment after harvest receipts, and wool growers normally pay after receipt of their annual wool cheques.
- As such there is a menu of instalment payment dates arranged for RAS clients. Each application is considered on its merits.

PAPER TABLED

The following paper was laid on the table:

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

Royal Commission into Aboriginal Deaths in Custody—

Reports of the Inquiries into the Deaths of—

A Man who died at Oodnadatta on 21 December 1988.

Keith Edward Karpany

Edward Frederick Betts.

MINISTERIAL STATEMENT: CAMPBELLTOWN HIGH SCHOOL STUDENT

The Hon. G.J. CRAFTER (Minister of Education): I seek leave to make a statement.

Leave granted.

The Hon. G.J. CRAFTER: I refer to a report in this morning's *Advertiser* concerning an 18-year old student at Campbelltown High School being found in possession of

marijuana and supplying it to another student. The Principal of the school quite properly decided to take strong action. However, his decision to expel the student was beyond his delegated powers. A principal may suspend a student for a limited period, but expulsion is a matter for the Minister on advice from the Director-General.

Mr S.J. BAKER: On a point of order, Sir, it is normal practice in this House when giving a ministerial statement for the Minister to make that statement available to members of the Opposition.

The SPEAKER: It is a convention of this House that—

Members interjecting:

The SPEAKER: Order! It is a convention but there is no requirement under Standing Orders. As I understand it, copies are being distributed.

The Hon. G.J. CRAFTER: Copies are coming into the House, Sir. As with all allegations of drug offences in Government schools, the police have been informed and are conducting an investigation. I wish to make it clear that the possession and use of drugs by students in schools will under no circumstances be tolerated. Schools are not safe havens for drug users or traffickers. The Government will take the strongest possible measures to ensure that schools are drug-free environments, in which offenders are subject to penalties of the type the community has a right to expect. The Director-General of Education received a report on the Campbelltown incident this morning. Pending the outcome of a full police investigation, after receiving the police report, the Director-General will recommend on whether or not the student should be expelled, or offered a place in another Government school in order to make a fresh start.

Members interjecting:

The SPEAKER: Order!

The Hon. G.J. CRAFTER: I have asked the Director-General of Education to review the department's procedures in matters of this type.

MINISTERIAL STATEMENT: MYER REMM SITE ALLOWANCE

The Hon. R.J. GREGORY (Minister of Labour): I seek leave to make a statement.

Leave granted.

The Hon. R.J. GREGORY: Yesterday in this House I was asked a question by the member for Newland relating to alleged practices on the Myer Remm building site. The honourable member claimed that workers on the site were being paid a compliance allowance of $1 an hour not to wolf whistle at women in the Rundle Mall. She said she had been 'reliably informed' this was the case.

I have been advised by Remm that these claims are untrue. A statement issued by the company described the allegations made by the honourable member as an absolute fabrication. Apparently this ridiculous rumour has been around Adelaide for two years. The statement concluded by saying that Remm would not even consider agreeing to a payment for such a frivolous reason.

I understand that at no stage did the member for Newland or any member of the Opposition attempt to verify this rumour with Remm before the question was asked. I find it distressing to think that the Opposition is prepared to use a two year old rumour as the basis of a question in this House, without any attempt to research whether it is true. I find it a real concern that a member of this house considers that as being 'reliably informed'.

Unfortunately, this is just the latest in a sad list of Opposition attacks on the Remm Myer development and indeed on development as a whole in this State. Remm and its workers have been under almost constant criticism from the Opposition from the start of the project. I believe that workers at the site again feel this is another unfair slight at them. The Opposition has shown an embarrassing double standard in all this. While claiming to be in favour of development, it has done nothing but attack the largest building project in the State. This project has generated hundreds of jobs for South Australian workers and seen millions of dollars invested in the local economy. Yesterday, in response to the honourable member's question, I said I believed that sexist behaviour, such as wolf whistling, was objectionable and I want to stress that view again today.

An honourable member interjecting:

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

The Hon. R.J. GREGORY: At that time, I also expressed surprise that the Opposition showed concern about this alleged payment. Once again, we have a double standard—the Party that claims to be in favour of enterprise bargaining and direct negotiation attacking a payment allegedly agreed to between workers and their employer. I urge the Opposition to adopt a responsible stance and to stop its rumour mongering which will only serve to drive away investment from this State.

QUESTION TIME

STATE GOVERNMENT INSURANCE COMMISSION

Mr D.S. BAKER (Leader of the Opposition): My question is directed to the Treasurer, as Minister responsible for the SGIC.

Members interjecting:

Mr D.S. BAKER: He is. Why has the Treasurer misled the Parliament about arrangements made by the commission to finance 5DN's conversion to the FM band as Radio 102.3FM, and will he undertake to give a full account to the House tomorrow of those arrangements?

On 21 August last year, the Deputy Leader of the Opposition asked the Treasurer whether the SGIC had provided finance for this venture, which cost $6 million to buy the licence plus at least $7 million for the conversion. It took the Treasurer three months to provide a brief written reply which stated in part 'funds advanced were on normal commercial terms.' However, I have in my possession a copy of a letter dated 17 August last year—only four days before the Deputy Leader's original question. That letter, signed by the Chief General Manager of the SGIC, Mr Gerschwitz, advised the principal of a partner with the SGIC in this venture of the arrangements the SGIC was making to fund 102.3FM. Referring to the funds, Mr Gerschwitz referred to 'the funds to be made available by SGIC at a favourable rate of interest'.

Further, in his letter Mr Gerschwitz stated that the approval of the Minister, referring to the Treasurer, 'is required and this is being sought as a matter of urgency' which means that, while the Treasurer approved this arrangement at a 'favourable' rate of interest, he told Parliament it was done at a 'normal commercial' rate.

In seeking an explanation, a full account of these arrangements is necessary in view of further information in the possession of the Opposition revealing that the SGIC is in fact committed to underwriting the total operations of this currently unsuccessful radio station until September 1993.

The Hon. J.C. BANNON: This is another example of the Leader's attempt by innuendo and false interpretation

to try to create some sort of aura, scandal or problem around an issue. As everyone would know, in any kind of commercial parlance, favourable rates mean just that, namely, rates that are competitive or desirable for both those who are lending and those who are receiving. Look at the reaction of the Leader! It is apparent from his reaction that he knows very well that that is the case. Unfavourable rates are obviously those that drive a harder commercial bargain or are not attractive. I would hope that any investment that the SGIC undertakes would be in competitive and commercial ways. That is what it advises me and I have no reason to doubt it. Favourable interest rates as part of any kind of transaction are nothing to do with being uncompetitive or non-commercial. Let us lay that to rest, first.

Secondly, the original shareholding by SGIC was 30 per cent in conjunction with the Scott group, South-Eastern Telecasters—a locally based South Australian group operating from the area in which the honourable member has some representation—and Jeremy Cordeaux, at that time a local radio announcer. They took over the station as a commercial venture in light of competitive forces that would have seen it either owned interstate or closed. I suggest again that, if the honourable member is at all interested in that venture, he would know of SGIC being in conjunction with a powerful and successful group such as the Scott group (or perhaps the honourable member believes that that is not the case, and I know very well that he cannot and will not say that) and, secondly, with Cordeaux himself, who put his own money into it. It was undertaken on that basis. It was understood that they would try to work the station into profitability. The opportunity for an FM licence came up and they bid for it. It was known that in the process of transfer there would obviously be some problems—you lose some audience, and you have to rebuild and regain it. SGIC as an investor in that purchase knew that it would have to live with its investment for some time.

None of that suggests some kind of special deal but, if the honourable member is suggesting that an institution such as SGIC should be turning its back on South Australian opportunities—opportunities to retain business operations in this State instead of having them hijacked out of this State as has happened so often (and as South Australian Brewing would have been, if SGIC had not been a substantial holder, hijacked by Elders and dismantled so that we would have been left with nothing)—and if that is the sort of approach the Leader wants, let him say so and put it on the record. All that he wants SGIC to do in its customer base in South Australia is to reinvest those billions and millions of dollars in Government bonds or something similar, sit on them quietly and that is it. That is not good enough in terms of policy and, if the Leader were on this side of the House, rather than seeking to tear down South Australia so that he can scramble over the wreckage to get to this side of the House, he would be saying exactly what I am saying now.

Members interjecting:

The SPEAKER: Order! The member for Kavel and the Leader are out of order.

STATE BANK

The Hon. J.P. TRAINER (Walsh): Will the Premier advise the House whether tapes of State Bank Board meetings were seized by the Auditor-General? Today's *Advertiser* reported on the front page, under a large headline 'Bank's tapes seized', a story by Mr David Hellaby that tapes of the State Bank Group Board meetings were seized by the Auditor-General.

Mr S.J. Baker interjecting:

The Hon. J.C. BANNON: We saw a very curious exercise going on yesterday and, in reply to the interjection from the Deputy Leader, I have yes, indeed, got an answer. It is not in the bottom drawer, like the questions asked by members opposite. Those tapes—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I suggest that the backbench opposite might calm down a little, because they would rather like to hear, I suggest, what their Leader has been doing about this matter, and I will explain it to the House. In the paper this morning we saw this headline and report. In answer to the honourable member, no, they were not seized. Indeed, the Auditor-General was advised of the existence of the tapes by the bank itself when the royal commission and the inquiry by the Auditor-General were announced.

The Chief Executive Officer of the State Bank has, in fact, advised me today that it was at his initiative that the Auditor-General was advised of those tapes. The Auditor-General was asked to take possession of them and indeed he did so. They were passed to him on 19 February this year. The story, of course, has been based on the question that was asked by the Leader of the Opposition, who was pursuing this matter yesterday. He did it on the basis of information that he had received, as he told us. He wrote a letter to the Auditor-General—which he has published far and wide, of course—in which he advised the Auditor-General of certain information that was provided to him:

> . . . the practice . . . of tape recording meetings of the board . . . I am further advised that board members were unaware of this practice.
>
> The Opposition has two separate sources for this information. Both informants were in a position at relevant times to know and I therefore regard the sources as impeccable and their information reliable.

I have no quarrel with the Leader writing such a letter to the Auditor-General and attempting to get that information. It is a responsible thing to do if, indeed, he fears that the existence of these tape recordings was not known and that, therefore, the Auditor-General should know about them—obviously, not publishing it to the world, so that some action could be taken to recover them if indeed they were being kept hidden, as of course the Leader rather hoped, I suspect. So, I am not quarrelling with that, but the Auditor-General would have advised him of the facts that I have just placed before the House—that, indeed, he was aware of them; that they had not been seized, presumably, they had been offered to him; and that he held them. So, there was no problem.

Why then do we have the Leader of the Opposition standing up in this place asking the questions that he did about it yesterday, creating the story of the covert and secret taping and of the misleading of the board? It comes back to the very point I was making yesterday and that I have made on other occasions. The Leader is more interested in creating panic, confusion and alarm around the bank and its dealings than in trying to deal with it sensibly and in trying to get to the truth.

It has been very interesting to see the shifts of ground undertaken by the Leader of the Opposition in the course of the day. There is the letter to the Auditor-General about what he believes: that the board members were unaware of this practice and that the two impeccable and reliable sources have provided him with the information. It was on that basis, repeating some of that, that he asked a question of me in the House. A couple of hours later—a little time had passed—he has received his answers and realises the Auditor-General's position on the matter, no doubt, and he

wants to hold a press conference. So, he is telling the media then—he is just beginning to shift ground—that, well, it might not have been a cover-up. It now has all the hallmarks of a cover-up; it has shifted from being some kind of Watergate or 'Bankgate' into the hallmarks of a cover-up.

An honourable member interjecting:

The Hon. J.C. BANNON: Yes.

Mr LEWIS: Mr Speaker, I rise on a point of order. Under the terms of Standing Order 98, I do not understand how it is that the Premier can ascribe actions, motives and attitudes to the Leader of the Opposition in a hypothetical way and debate the question without answering it.

Members interjecting:

The SPEAKER: Order! I do not uphold the point of order. The Leader has, as has every member of this House, the right to defend himself in any situation in this House and I do not believe that there is any breach of Standing Orders.

Mr LEWIS: Mr Speaker, my point was not that the Leader needed defence: I simply sought your opinion of the Standing Order as it related to the actions that the Premier was taking in using the time of the House to do something unrelated to the substance of the question.

The SPEAKER: Again, I do not uphold the point of order. The question asked of the Premier related to his knowledge of and involvement in action taken. At this stage I think that the Premier is following that line.

The Hon. J.C. BANNON: Thank you, Mr Speaker, and I will confine myself to the Leader's own words and statements because, moving from that position about the board, we later find that he is saying, 'The information I have is that some board members were not aware of the tapings.' That is a very significant shift and a significant fact. Some board members were not aware. A little while before that, it had been all the board who were not aware; it was secretly done by officers.

Then we come to that interesting question of sources, which also relates to how many were or were not aware. The Auditor-General is told that he has two impeccable and reliable sources. When actually pushed on that, the Leader proclaims that, in fact, he does not have two such sources; one of them disappears from view. We certainly were not told who it was and it was certainly not put into the record—

Mr D.S. Baker: You wait until the royal commission.

The Hon. J.C. BANNON: Yes, the royal commission can deal with it. When questioned a little more closely—

Members interjecting:

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

The Hon. J.C. BANNON: The Leader was asked, 'You said today that board members'—mark that plural—'were irate that their meetings had been taped without their knowledge. Have you been told that personally by members of the board or past members of the board?' The Leader's response was, 'Well, no, no'; he was not told it personally; it was hearsay. He went on, 'I have information from a former board member that there was great concern when it was found out in February that board meetings had been taped and that those tapes were kept.' That may be the information that he received, but it is hearsay. So, the interviewer follows up his point: 'So your source'—remember that they were two impeccable sources, we are now down to one, and it is second-hand—'is a former board member. That is what you are saying?' 'Yes,' said the Leader. So he has misled the Auditor-General, for a start.

The interviewer decided that he would check this point out: 'So the information hasn't come to you second-hand? A minute ago you said it was not provided to you personally.' The Leader switches his argument then, 'Oh, no, no, no,' he says, 'Come on, we've been very responsible.' I am quoting his actual words.

The SPEAKER: Order! I ask the Premier to draw his response to a conclusion.

Members interjecting:

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

The Hon. J.C. BANNON: From not having personally received the information, from then being asked whether it was in fact second-hand, suddenly it was provided to him personally at first-hand. I come to the point; and I accept what you have said, Mr Speaker. All this whole sorry business (leading, no doubt, to the story in this morning's paper, with which the Leader would have been delighted because it did not represent the situation as he must have known it to be from what had transpired during the previous day)—shifting his ground through the day, changing his story and changing information about his sources of information—all of this sort of irresponsible carry-on really must stop. It must stop if the Leader is to have any credibility in saying that he has the long-term interests of the bank at heart. It is about the fourth piece of evidence in the last week of the Leader saying one thing to selected audiences about his responsibility and his concern, while doing his darndest, working as hard as he can to try to bring the house down, not just around our ears, and I am sure that is his primary aim, but it will be down around his ears, as well.

STATE GOVERNMENT INSURANCE COMMISSION

Mr S.J. BAKER (Deputy Leader of the Opposition): As the Minister responsible for the SGIC, did the Treasurer in February this year approve the purchase by the commission of a further 479 000 shares in First Radio Limited, owners of FM Radio 102.3? If so, why, given that the station had incurred further losses of more than $1 million in the first half of this financial year and its balance sheet at December 1990 vastly overvalues the company's FM licence? Will he make a full statement to the House tomorrow on the exposures of all State Government financial instrumentalities to First Radio Limited?

I have a copy of a management profit and loss statement for the first six months of this financial year showing a loss of more than $1.1 million. I also have a balance sheet as at 31 December 1990 which lists the company's licence value as $13.4 million as an asset offsetting liabilities of $13 million in commercial bills and advances to First Radio. But First Radio paid only $6 million for its FM licence and licence values have, if anything, fallen since that time. It appears that only this grossly inflated licence value maintains First Radio's balance sheet in the black given it has accumulated losses of $3.5 million.

SGIC paid about $3 million for its original shareholding in First Radio Limited early in 1988. Later in 1988, the State Bank took a charge over the company's assets as security for a loan I understand could be $3.6 million. SGIC also has charges over the assets and a debenture which acknowledges an advance of $7 million by SGIC to First Radio Limited on 20 September last year. That debenture also commits the commission to underwriting First Radio Limited until September 1993. Another document I have shows that, in February 1991, SGIC purchased another 479 000 First Radio Limited shares, bringing its total share in the company to just under 34 per cent.

The Hon. J.C. BANNON: That is not a question: that is the sort of thing that should be put to the House in a grievance debate, or something of that kind. There are forms

of the House that will allow the Deputy Leader to place all that information, if indeed it is accurate information, on the record. The honourable member called for me to provide a report—he has given the report, in his own view, and there the matter can rest.

Members interjecting:

The SPEAKER: Order! In the opinion of the Chair, both questions and answers are taking far too long, and I ask all members to take note of that. I also mention to the member for Hayward that hiding behind that bulkhead does not protect him when he interjects.

TRAINING AND EMPLOYMENT FOR YOUNG PEOPLE

Mrs HUTCHISON (Stuart): Will the Minister of Employment and Further Education explain what is being done in Port Pirie to combine training and employment opportunities for people with environmental concerns who are considered to be the most disadvantaged in the labour market?

The Hon. M.D. RANN: I thank the member for her continued interest in Port Pirie's employment. I am pleased to be able to announce that I have approved a $150 000 grant to the Port Pirie Golf Club, sponsors of a Work Link program, which will provide employment and training for 15 local people. Of course, Work Link projects have a dual purpose within local communities: they provide vital training opportunities for local residents, while at the same time benefiting the community through the improvement of facilities and services.

The aim of the Port Pirie project is to upgrade the facilities of the Port Pirie Golf Club by replacing existing sand greens with grass and to upgrade fairways to ensure that playing facilities are available all year round. While the project will upgrade a valuable sporting facility for that regional city, it has been specifically designed to address the difficulty our young people have in securing employment, especially early school leavers. The target group is very much the youth of both genders of the town, with a significant Aboriginal focus as well.

A further three projects will be funded this year in both rural and metropolitan areas of the State. The member for Price will also be pleased, and you, too, Mr Speaker, that a $122 900 Work Link grant to the Port Adelaide Central Mission will enable that group to undertake an environment enhancement project on a degraded block of unused land owned by the Port Adelaide council. The land at Taperoo East was formerly known as the 'old ponding basin'. My ministerial colleague, the member for Florey, would be pleased to hear of a $143 000 grant to the City of Tea Tree Gully, which will landscape the Tea Tree Gully skateboard park.

Mr Quirke interjecting:

The Hon. M.D. RANN: The member for Playford asks about the June reshuffle of the Opposition. I understand that the member for Newland and the member for Coles are currently competing to get onto the front bench, and the member for Murray-Mallee might be given the flick.

Mr S.J. BAKER: On a point of order, Mr Speaker, the Minister is wasting the time of the House with debate.

The SPEAKER: Order! I take the point of order. That part of the Minister's answer was certainly not relevant to the question. As the Minister was apparently reading from a document, I would suggest that perhaps a ministerial statement may be a better vehicle for those sorts of comments.

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. JENNIFER CASHMORE (Coles): My question is directed to the Treasurer. As Minister responsible for SGIC, does he support—

The SPEAKER: Order! Before the honourable member continues, another point of concern to the Chair is the continual reference to the 'Minister responsible'. The whole House knows who is responsible for which portfolios. I would request that the Ministers being questioned be referred to by their title in the House.

The Hon. JENNIFER CASHMORE: Certainly, the Treasurer seems reluctant to be responsible.

Members interjecting:

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

The Hon. JENNIFER CASHMORE: Does the Treasurer support the use of commission funds, which are guaranteed by the taxpayer, to help FM Radio 102.3 to destabilise a competitor, 5AD? I possess a copy of a letter dated 21 February this year written by a Director of First Radio Limited, Mr A. F. Johnson, to a fellow Director. After commenting on another 'extremely poor' revenue result for January, with actual revenue of $92 000 compared with the budgeted amount of $350 000, Mr Johnson went on to refer to a plan to seek a market share from 5AD involving the current Managing Director of 5AD, Mr Brian Neilsen, transferring to 102.3. Mr Johnson's letter on this point continues:

> I think he [referring to Mr Neilsen] has the necessary skills to run a radio station successfully and also he could bring about the destabilisation of 5AD. Unless we can destabilise 5AD and, in effect, take their market, then we have little chance of succeeding.

This letter also states that 102.3FM cannot continue to carry its current debt without further support from SGIC in the form of converting debt to equity. Mr Johnson states:

> Dennis Gerschwitz is giving consideration to that. Whichever way we look at it we have a money problem.

His letter identifies the need for additional funding of up to $1 million and further states:

> Dennis says that if we do not agree to the extra funding then the doors will have to be closed.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: SGIC obviously has its commercial interests to protect. The honourable member recoils from the harsh, cruel world of commercial operation. I thought that is what her Party stood for—the free enterprise system.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: No, Mr Speaker, that is not good enough. If SGIC is operating on a commercial basis, it is the same as any other investor and owner of capital—no difference at all.

Members interjecting:

The Hon. J.C. BANNON: Coming back to the original point—

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

The Hon. J.C. BANNON: The honourable member recoils in horror from the implications of the very system that she and her Party have been pushing as hard as they can, in all its naked competition. Every time—

The Hon. Jennifer Cashmore interjecting:

The Hon. J.C. BANNON: It is very interesting to hear these protestations. I see, dog can eat dog and the throats can be cut, as long as there is no Government money in it. SGIC is not using Government money. In 1970 SGIC was provided with starting capital which it repaid within some

months of its beginning. It has not received one cent of capital since. The money SGIC uses to invest is raised through its commercial operations from its policy holders. That is a fact. It is true that SGIC—

Members interjecting:

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

The Hon. J.C. BANNON: —would like to have some capital infusion, and it can probably establish a good case for it. It is nonsense for the honourable member to say it is using taxpayers' money. It is not. It is not using one cent of it. Let us get back to the cold, hard world. It seems that 102.3FM is competing against 5AD. I reckon that 5AD can look after itself quite well in that competitive environment. Indeed, I am sure that if 102FM had as good a rating as 5AD those people would be laughing. That is what it is all about.

I am amazed that the honourable member could have been around so long, more particularly being a member of the Liberal Party and a member of this place, and still read it with horror and disgust. If it was one of my colleagues pointing out some outrageous practice in the commercial world, trying to defend somebody, I would expect it, but for the honourable member to do it in these circumstances and expect me to clutch my forehead and say 'How heinous' I think is extraordinary. Talk to the Leader of the Opposition, I would suggest, Mr Speaker, and see if you can change some of his views, and we might be able to get together on a few policies instead of being opposed.

Members interjecting:

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

STATE TRANSPORT AUTHORITY

Mr De LAINE (Price): Will the Minister of Transport advise the House whether STA rail guards on the Outer Harbor line have been dismissed, or threatened with dismissal, for speaking to the media? A recent media article stated:

'A rail guard has been sacked for speaking to the media, and others have been told to keep quiet about "out of control" violence on the Outer Harbor line,' says Liberal MLC Julian Stefani. 'Obviously the Bannon Government does not want the community to know that the confrontation and violence on our public transport system, particularly the trains, is out of control,' Mr Stefani said.

'The STA management has advised workers they would be dismissed if they spoke to the media about the problems.'

The Hon. FRANK BLEVINS: I despair at times about irresponsible statements made by some members of the Liberal Party; I really do. In the past four weeks we have seen the most incredible cop bashing I have seen in my time in this Parliament from this gentleman, and now apparently he has turned his sights on the STA. The statement that the STA has sacked a guard for speaking to the media is patently absurd. Would anybody here believe that, first of all, the STA would take such action and, secondly, that the guard concerned and the union which represents that guard—

Members interjecting:

The SPEAKER: Order!

Mr S.J. BAKER: I take a point of order, Mr Speaker. Standing orders do not allow any member in this House to reflect on a member in another place. The question not only did that but also the—

The SPEAKER: Order! Before the honourable member goes too far, I understood—and I will get clarification from the member for Price—it was a report in a newspaper. The Chair does not consider that to be a reflection on a member in the other place in the sense that the comment was made not about a parliamentary duty but about a report in a paper of comments made by an individual.

Mr S.J. BAKER: On a further point of order, with due respect, Sir, when the Minister did respond, he referred to—

Members interjecting:

Mr S.J. BAKER: I will not use those words, because I do not think they dignify the Parliament but he did cast some doubts about an honourable member in another place, and I believe his comment should be ruled out of order.

The SPEAKER: If a reflection was made in the question (and I may have missed it) it is out of order. If the honourable member did reflect, I ask him to withdraw. I did not hear it at that stage.

The Hon. FRANK BLEVINS: I am not quite sure whether anybody has reflected on anybody. The term I used was 'gentleman' in the other place. I am very happy to withdraw that. I nearly choked on it when I said it. Can we just get on with it?

The SPEAKER: Yes. I would suggest that the Minister get on with the answer.

The Hon. FRANK BLEVINS: I agree. There is absolutely no way that the union which represents the guard would tolerate a guard being sacked for speaking to the media. The arrangements for speaking to the media and the STA are well known to the media and to every member in this House. There is a customer services manager that the press can contact at any hour of the night and day, and the manager deals with the issues. That is the way we prefer it in the STA, and I think the media prefer it that way, too.

More substantially, on the question of violence, the media reports stated that the honourable member in another place made allegations about violence, beer bottles and goodness knows what. No doubt from time to time on our trains and buses there are incidents of violence just as there are such incidents at football matches. Apparently we offended the AFL during our first AFL football match. There is no monopoly on violent incidents in the STA.

However, to put them in context, I point out that the STA in the second half of last year was subjected to 91 assaults. I regret that; it is a large number. To put it in context, a total of 32 101 710 journeys took place in that period. Whilst 91 assaults are to be deplored, in that context assaults are a very rare occurrence. However, with the cooperation of the South Australian Police Force and our own transit squad we are doing everything reasonable to minimise any violence on STA facilities, and I am sure the South Australian police are trying to do that within the community.

It is not fair to make statements such as those made by the honourable member in another place without any justification whatsoever when it is clear to anybody who understands the way that the work force and unions work in this State, particularly in the public sector, that such an occurrence could not take place.

STATE GOVERNMENT INSURANCE COMMISSION

Dr ARMITAGE (Adelaide): Has the Treasurer been made aware of serious criticism of SGIC's role in FM Radio 102.3 by the principal shareholder in the company which owns the station? I have in my possession the minutes of a November 1990 meeting of the board of directors of South-East Telecasters Limited, which owns the principal shareholding in First Radio Limited, through Communications Investments Limited.

Those minutes include a report by one of the company's representatives on the board of First Radio Limited, which refers to 102.3FM's first rating result of 3.3 as 'disastrous' and then states:

SGIC have made a lot of mistakes since they took management control of the station in June—in short they have botched it up and have made an even bigger mess of what we had before.

The report also states:

I am amazed at SGIC's coolness and lack of panic at the disastrous situation. They seem to be quite jovial and Vin Kean laughed to me about 102FM—perhaps it is too much Christmas cheer, but it is little wonder that SGIC have problems in other areas.

The Hon. J.C. BANNON: A question or so ago referred to how ruthless, conniving and strategic are the activities of Radio 102.3FM management in improving its ratings. Apparently now it is a tale of disaster and woe. I do not know the real truth—it will have to be sorted out in the media world itself.

Members interjecting:

The SPEAKER: Order!

PARENT GROUPS

Mr FERGUSON (Henley Beach): Will the Minister of Education advise what the Education Department is doing to ensure that local schools encourage parents to participate in decision-making in schools? I received a letter from the Minister of Education recently informing me of grants received by parent groups in my electorate. I understand that a number of members on both sides of the House received similar letters. The purpose of the grants is to assist parent groups to participate more effectively in the life of their local school.

The Hon. G.J. CRAFTER: I am pleased to advise the honourable member, and indeed all members, of recent initiatives that have been taken in this all important area of education. It is my firm belief that where there is a unison of commitment between parents, students and teachers—that is the basis of school communities—we have a good education system indeed. I was recently able to distribute to members information of grants recommended by the Parents and Students in Schools Committee, which provided to schools some $320 000, since the committee was formed, to enable parents to participate in a more effective way in the government of our schools and in the development of our school communities.

Those grants have been targeted to include those groups who find it more difficult than others to take their role in school councils and in other school activities. That has been reinforced in a real way by the distribution now to all schools of a 'Parents and Schools Kit', which was released recently by my colleague the Minister of Mines and Energy. That kit highlights strategies to encourage parents to take an active role in school decisions affecting the classroom and financial and other aspects of the school. It contains the Education Department's policies with respect to parent participation, and a video is available for showing to school councils and parent groups to encourage their participation in the government of our schools. The Education Department has recently provided for parents to have a say in choosing their local school principal and, for the first time, on the sole basis of merit. There are clear statewide three-year education plans that spell out that parent participation must be a priority in our schools, with local schools making a firm commitment to important parent participation in schools, and more than 80 per cent of schools are placing parent participation among top priorities for their school development plans.

Success is being achieved with the Learning Assistance Program (LAP), which involves parents, Government and non-government agencies helping teachers to support children in the classroom. This program was initiated in South Australia and is now recognised nationally. Finally, it is very pleasing to see that hundreds and hundreds of parents are going back to school themselves to improve their careeer and job prospects. I might say that those parents are achieving remarkably high results in their academic pursuits.

STATE GOVERNMENT INSURANCE COMMISSION

Mr INGERSON (Bragg): Will the Treasurer report fully to the House tomorrow on the amount of advertising that SGIC has bought from Radio 102.3FM? The accounts for the first six months of this financial year identify a payment by SGIC of almost $78 000 as shareholder advertising. This shareholder advertising 'has not been included in the above revenue figures'. In addition, I have been advised that just before the end of last financial year SGIC bought $120 000 of advertising to assist the station with revenue difficulties.

The Hon. J.C. BANNON: I guess that at least the honourable member's portfolio responsibility does touch on this area. It is good that our health and hospital system is in such good order that the shadow Minister can ask a question on this matter

Members interjecting:

The Hon. J.C. BANNON: I am delighted by the interest of all members opposite.

Dr Armitage interjecting:

The Hon. J.C. BANNON: The member for Adelaide advises my colleague the Minister of Health, to wait. That is what he has been doing—waiting for a question on health and hospitals for some weeks, but apparently—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: The honourable member cannot get on the list to ask the sort of question that he probably is interested in asking, because he has to retail the nonsense that is handed to him by the Leader's office. Well, as I say, at least in the case of the Leader-in-waiting, or the pretender—

The Hon. B.C. Eastick: What about an answer?

The Hon. J.C. BANNON: I thank the member for Light. I am sure he is very interested in this radio station and its fortunes as well. I do not know whether its footprint goes all the way out to Gawler, but I am sure there is a good listening audience out there. This has been a pathetic exercise in wasting the time of this House. If there are questions or issues relating to this particular investment or matter, let them all be set out properly. This is nonsensical carry-on. Because it involves the media, I suppose it is hoped there will be a lot of titillation about it and rival outlets will publicise it, although it probably will not get much of a run on 102.3FM, but who knows!

The Hon. B.C. Eastick: What about becoming relevant?

The Hon. J.C. BANNON: Again, I thank the member for Light. Relevance is crucial, and I think that I have said enough.

ANGLE VALE PRESCHOOL

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Education advise what impact increasing numbers of

children in the Angle Vale area will have on its new community preschool? Along with my good friend the member for Light, I was pleased to attend the recent opening by the Minister of the Angle Vale Community Preschool. The official opening was a great success and it was made clear to me on that day that the new service is already proving very popular with local families because enrolments have already increased rapidly.

The Hon. G.J. CRAFTER: I was pleased to attend the recent opening of the Angle Vale Preschool in the company of the member for Napier and the member for Light and it was a pleasant occasion. I also recall attending that same campus to open the renovated Angle Vale Primary School some 12 months prior, also in the company of those two members, whereupon we planted some trees to commemorate the occasion. It is interesting to see the growth in the school age population in that community and I was pleased that we were able to provide facilities for that community when they were most needed. Indeed, the growing enrolments at the new preschool reflect a trend of increasing numbers of children in a number of outer metropolitan areas, and at the same time declining school enrolments in the more established areas leave many schools nearly empty.

Indeed, our schools continue to restructure to meet the needs of students while at the same time the State Government is providing new services in growing areas. Recent figures indicate that Angle Vale Preschool attendances are way beyond expected numbers. It was anticipated that enrolments would not reach their present level for some time. In term two of this year, it is anticipated that 45 eligible four year olds will be wanting to attend that preschool. That growth means that it is likely that the preschool could become a full-day service later this year. Similarly, the occasional child-care service at the preschool is proving very successful with local families, with the numbers of children at the session steadily increasing. I am pleased that the many programs providing occasional care that we have established in recent years are proving effective in meeting the needs of that group of people in our community.

I must say that the growth is not confined to the northern metropolitan areas and members in the southern suburbs will have experienced similar pressures in preschool and other education facilities in their areas. At Sheidow Park, in the southern area, a new junior primary school is being established as enrolments continue to increase. This financial year, the State Government is injecting funds totalling $680 000 into the school and already $426 000 has been expended on providing a new six teacher unit at that school. Similarly, a new preschool costing $560 000 is being provided for families in the Sheidow Park area, creating a new facility for that community for up to 45 children.

CAMPBELLTOWN HIGH SCHOOL STUDENT

Mr BRINDAL (Hayward): Will the Minister of Education indicate on what date the police were contacted about the 18-year-old student supplying drugs at Campbelltown High School? Have any charges or expiation notices been laid against the student and, if not, why not?

The Hon. G.J. CRAFTER: I do not have the actual date on which the police were advised of this matter, but I will be pleased to obtain it for the honourable member.

HOYT'S IMITATION BRANDY ESSENCE

Mrs HUTCHISON (Stuart): Is the Minister of Health aware of a product called Hoyt's imitation brandy essence which is freely available through delicatessens and supermarkets and which is being used by young people to make up an alcoholic beverage? Yesterday, I received a phone call from a distraught parent whose 17-year-old son had been obtaining this product from a local delicatessen and using it to make an alcoholic beverage. My constituent indicates that, according to the Poisons Information Centre, the essence contains 60 per cent alcohol. My constituent is most concerned that the product is readily available to young people.

The Hon. D.J. HOPGOOD: The commission is aware of this product, and is investigating the matter. I make the point that although I am a bit of a babe in the woods when it comes to alcohol and its various associated beverages—I am the wowser of the Assembly, one might say—I know enough about chemistry to know that the number of products that can be used as a precursor to alcohol is legion.

Indeed, the experience of the Americans from 1919 to 1934, or whatever it was, or, indeed, that of the armed forces between 1939 and 1945, showed the extraordinary ingenuity of our species in relation to using various materials as a precursors to alcohol—boot polish and all sorts of things. If we banned every product that might be a precursor to alcohol, there would not be too much left. However, there may be particular concerns about this product. I would prefer that the matter was not bruited about too much. We are looking at the matter to see what can be done.

RURAL ASSISTANCE

Mr MEIER (Goyder): Did the Premier tell the Prime Minister last week that South Australia was prepared to jointly implement Part B assistance under the States and Northern Territory Grants (Rural Adjustment) Act 1988 to assist our State's hard-hit farmers and, if not, will he do so as a matter of urgency? Under the Commonwealth Act—and, in fact, it would also be under the State Act, Part B assistance is given by way of grants for the purpose of interest subsidies on loans up to a ceiling of 50 per cent of the interest and other fees payable. Once activated, the scheme involves the State and the Commonwealth contributing dollar for dollar for the cost of the subsidies. It is a significant and practical way the State Government could help not only wheat farmers but all who are suffering from the rural crisis.

The Hon. J.C. BANNON: We have made representations on this matter. I hope that the honourable member has received a copy of the presentation that was made to the Prime Minister: if not, I will certainly arrange to get him one, although elements of it have been outlined in various releases. A number of matters have been placed before the Federal Government, including the minimum price scheme. Obviously, that garnered most of the publicity, and that is the one area on which we have not been able to make any progress. I must say that, apart from Western Australia, we have not had the support of the other States on that, which has made it very much more difficult to pursue this issue. We made what we felt was a very realistic, guaranteed price proposal to the Federal Government but have been unable to shift it. We received no support from anywhere. I think the biggest wheat growing State of all, New South Wales, could have seen fit to back that but it has some philosophical or ideological objection to it.

There was a range of other matters as well that have not received as much publicity, including the one raised by the honourable member. Our proposition was for an 80/20 split for that further stage. It has been suggested to us that that

is a bit of an ambit claim. We believe that it can be justified, and the Minister has indicated that he will certainly look at any proposal that the Commonwealth is prepared to put in this area. We would argue that there should be a higher proportion of Commonwealth contribution than a 50/50 split, and we maintain that position. We are awaiting a response from the Commonwealth. I hope that in a couple of areas like that we will receive a response sooner rather than later. In other words, while a comprehensive major rural industry statement is to be made, the time of that was set back and my colleague—

An honourable member interjecting:

The Hon. J.C. BANNON: Yes, the industry statement was similarly delayed. My colleague the Minister of Agriculture pointed out the severe problems that that would create. I have raised that personally with the Prime Minister who acknowledges that, if possible, it would be useful to have at least some elements of what is proposed made public before the actual full statement is issued. At the moment I cannot advise the honourable member what progress has been made there, but I have written to the Prime Minister, following that up with a request that we do get at least one or two things that can be announced because, in this particular period, confidence is one of the key ingredients that needs to be engendered, both in farmers facing such a bleak outlook and in their financiers hanging back and not moving in to support them.

ONE STOP BILL PAYMENT CENTRES

Mr HOLLOWAY (Mitchell): Will the Minister of Transport inform the House whether the use of one stop bill payment centres at post offices and agencies has proved successful for motor registration renewals?

The Hon. FRANK BLEVINS: It has been an outstanding success and I want to congratulate Australia Post in its initiative in this area, not just with motor registration renewals but also with water, telephone and gas accounts, and almost any other account. When I pay my bills, almost invariably I pay them at Australia Post. Irrespective of the size of the town, particularly in the country, there is usually a post office, and to have an outlet in virtually every country town makes an enormous amount of difference to the convenience of those people, as those members here who live in the country will agree. As a matter of fact, the response has quite staggered us.

The initial commencement was reasonable. We were happy with the fact that the post offices were used for about 480 motor registration transactions per day, but that has now almost doubled. Close to 1 000 transactions per day are now carried out at post offices. Quite clearly it is a service that the community has come to appreciate. Incidentally, that figure is one-sixth of our total transactions, and it has made a great deal of difference to the Motor Registration Division because it has relieved the pressure in the local offices, and that is something that is highly desirable.

From time to time we have to remind people that it is necessary to renew their registration through Australia Post prior to the date of its expiry, so there is a limitation. I have asked the Motor Registration Division to review that system because, if it is possible for us to arrange with Australia Post to transact re-registrations and some of the more complex registrations for us, again that is a better service to the customer and it assists us enormously. It has been an outstanding success. I am very pleased at the initiative of the Motor Registration Division and Australia Post, and we will continue to refine the system so that more and more of our services can be provided through Australia Post for the convenience of people, particularly those who live in country areas.

WILPENA RESORT

The Hon. D.C. WOTTON (Heysen): I direct a question to the Minister for Environment and Planning. In view of the failure by Ophix Pty Ltd to meet the Government's condition for commencement of the construction of the Wilpena Station resort by 1 November 1990, does the Government intend to further extend the period for commencement, if so, to what date and, if not, when will the Government negotiate other arrangements for a tourist resort in the region?

The Hon. S.M. LENEHAN: I thank the honourable member for his question. I think it is one of the first questions I have had from him this session and, as Minister for Environment and Planning and Water Resources, I cover quite an area of common ground with the honourable member. His question, as I understand it, concerned the redevelopment and relocation of the existing facilities at the Wilpena site into the old disused Wilpena Station area. I think the honourable member has asked what the Government's position will be with respect to looking at the agreements under the lease. I will be very pleased to bring the honourable member a report on his question, and he has specifically asked for some fairly detailed aspects in relation to that. I would be pleased to bring him a report.

ANIMAL WELFARE

Mr QUIRKE (Playford): In her capacity as the Minister responsible for animal welfare in South Australia, can the Minister for Environment and Planning give the House any assurance that issues such as the control of feral cats in the agricultural and pastoral areas of this State, and the humane treatment of pets in urban areas, will be given serious consideration?

An honourable member interjecting:

The Hon. S.M. LENEHAN: I thank the honourable member for his question. To the member across the Chamber, who interjected, yes, I am the Minister responsible for animal welfare as well as quite a number of other areas. I am aware that there are several animal welfare issues currently being debated by this House, and I do not intend to touch upon those issues. The issues confronting both me, as the South Australian Minister responsible for animal welfare, and all other Ministers responsible for animal welfare in this country fall into two categories.

First, we must ensure that those animals which are kept as pets or companion animals are treated humanely by their owners, and we must also endeavour to ensure that those domestic pets which are not wanted are controlled, because in rural areas—the second area of my responsibility—the control of feral cat populations which prey so heavily on native birds and animals and which act as vectors for a number of livestock diseases is a matter requiring national coordination and Federal funding. I am sure that members opposite as well as members on this side of the House who represent rural electorates will agree with me that the control of feral cats in particular is a monumental problem. It is one that we must look at at a national level. It is simply beyond the resources of individual States to allocate the vast amounts of money which would be needed to run in-

depth research programs into biological control methods for pest animals, such as foxes, cats and rabbits.

The more immediate concerns relating to companion animals can certainly be dealt with at a State or local level and, in order to coordinate the approaches of the various States to formulate a national approach to such issues as the control of urban stray cats (and a number of members have contacted me about the whole question of trying to control other people's stray animals in the city areas, particularly cats) and also the surgical procedures to which pets are sometimes submitted, these matters must be addressed. To do that, I have, as I have announced in this Parliament on a previous occasion, written to my counterparts in the various States and the Territories to convene a meeting in the latter half of this year of Ministers responsible for animal welfare. It is my intention to address both the domestic questions relating to the keeping of pets and also the broader question of feral animals and their impact upon native birds and animals and the general flora and fauna. I therefore thank the honourable member for his question.

PERSONAL EXPLANATION: STATE BANK TAPES

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

Leave granted.

Mr D.S. BAKER: I was misrepresented by the Premier on several occasions today. First, I find it offensive that the Premier has attempted to use me to drag the Auditor-General into a political argument. Frankly, the Premier's statements do not make sense. I referred to one source of information on the *7.30 Report* last night: that does not mean to say that there is not another source of the information. There are two sources of the information.

Members interjecting:

The SPEAKER: Order!

Mr D.S. BAKER: One is a former member of the board, as I pointed out last night.

The Hon. J.C. Bannon: Who is the other one?

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

Members interjecting:

The SPEAKER: Order! Leave has been granted for this personal explanation. The member for Heysen is out of order, and the Leader will be protected.

Mr D.S. BAKER: The identity of the other person, of course, will be made known to the royal commission. The facts are as follows: the information was volunteered to the Opposition: it was not sought. One of our informants, as I have said, was a former member of the board. His information was—and I must read this very carefully so that people in the House can understand—that members were aware of the use of a recording machine during board meetings.

However, their understanding was that this machine was used by the minute secretary to record matters of a complex nature to ensure that the minutes were accurate. It was also their understanding that, immediately the tapes were used for this purpose and the minutes were passed by the board, they were erased. However, board members—plurally—expressed concern that their comments had been recorded and that the tapes were retained without their knowledge, and they became aware of that only in January and February this year, whereas it had started in October last year.

On becoming aware of this matter, I acted responsibly in informing the Auditor-General to ensure that he had possession of those tapes before the matter was raised in the House. The matter is now on the parliamentary record, and those tapes will be used by the Auditor-General and, I hope, by the Royal Commissioner. I would have thought that the person most interested in what is said on those tapes would be the Premier.

MINISTERIAL STATEMENT: CAMPBELLTOWN HIGH SCHOOL STUDENT

The Hon. G.J. CRAFTER (Minister of Education): I seek leave to make a further statement.

Leave granted.

The Hon. G.J. CRAFTER: It has been pointed out that earlier today I may have omitted some words from my ministerial statement as a result of an interjection. I would like to reread my ministerial statement with respect to the penultimate paragraph to clarify that matter.

The Director General of Education has received a report of the Campbelltown incident this morning. On the basis of the report, the student will be suspended from this or any other Government school indefinitely pending the receipt of the outcome of a full police investigation. After receiving a police report, the Director General will recommend whether or not the student should be expelled or offered a place in another Government school in order to make a fresh start.

SOUTH AUSTRALIAN METROPOLITAN FIRE (MISCELLANEOUS POWERS) ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

SPENT CONVICTIONS BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill seeks to give effect to what this Government regards as a significant and highly desirable reform.

BACKGROUND. In 1974 the Law Reform Committee of South Australia submitted to the then Attorney-General its 32nd Report 'Relating to the Past Records of Offenders and Other Persons'.

That Report was principally a commentary on and elaboration of an English Report of 1972 entitled 'Living it Down—The Problem of Old Convictions' prepared by a Committee set up by Justice (the British Section of the International Commission of Jurists), the Howard League for Penal Reform and The National Association for the Care and Resettlement of Offenders.

In November 1984 the Attorney-General's Department published a detailed Discussion Paper on 'Rehabilitation of Offenders: Old Criminal Convictions' and sought and obtained comments and submissions from various interested persons and authorities. A preliminary draft Bill was attached to that Discussion Paper. The response to the Discussion Paper was most pleasing and there was no doubt

the proposals inherent in the Bill received strong support and encouragement.

Since then, a number of developments have taken place, in other Australian jurisdictions, which have given added impetus to the formulation of this Bill. Thus, for example, the Australian Law Reform Commission published a Discussion Paper (No. 25, 1985) on Criminal Records followed by a Final Report on the topic. The Law Reform Commission of Western Australia published a Report on 'The Problem of Old Convictions' in June 1986. In September 1987 the Attorney-General's Department of Victoria published a Background Paper on 'Spent Convictions'. In April 1986, the Queensland Parliament passed the Criminal Law (Rehabilitation of Offenders) Act which provides particular forms of protection for persons convicted of less serious types of offences, where the conviction is more than ten years old and no subsequent serious convictions have been incurred. Further, Western Australia has enacted the Spent Convictions Act, 1988 and a Federal program entitled the Spent Convictions Scheme came into operation in July of last year. The Bill follows many of the proposals in the new Federal Scheme in order to maintain as much uniformity as possible for ease of understanding and administration.

THE BILL. The heart of the reform that this Bill represents can, I think, best be described in the words of the English Justice Committee Report (to which reference has already been made):

> Much of the crime committed in this country is the work of a group of people, sometimes called 'recidivists', who spend most of their adult lives in and out of gaol, undeterred and unreformed. They present society with an apparently intractable problem, but they are not the people with whom we are concerned...
>
> We are concerned instead with a much larger number of people who offend once, or a few times, pay the penalty which the courts impose on them, and then settle down to become hard working and respectable citizens. Often, their offences are committed during adolescence, which is a period of emotional instability in even the most normal people, and can sometimes be delayed if they are 'late developers'. There may have been a spate of thefts, breaking-in, driving away other people's motor cars, street corner violence, or hooliganism. When the phase is over, many of these people grow out of the need to behave delinquently. Mostly, they marry, find work and settle down, and never offend again.
>
> ... they have done, over a number of years after their delinquent phase, all that society can reasonably expect from its respectable citizens. But for rehabilitation to be complete, society too has to accept that they are now respectable citizens, and no longer to hold their past against them. At present, this is not the case, for the rehabilitated person continues to be faced with great difficulties, especially in the fields of employment and insurance, and in the courts.

Therefore, what this Bill tries to achieve is a better balance between the demands, strictures and sanctions imposed on an offender by society and his or her honest and genuine claims to rehabilitation and recognition as a worthy contributor to that society.

Generally speaking, a person's conviction will become and be deemed to be 'spent' if, in the case of adults 10 years, and in the case of children 5 years, elapse during which period the convicted person is not convicted of a further offence—or, at least, of a further serious offence. If a conviction is 'spent' a person cannot be required to divulge information relating to the conviction or the circumstances surrounding the conviction.

There are to be a number of important exceptions to the general prohibition against publishing information on spent convictions, most notably exceptions relating to the proper administration of justice.

Moreover, the integrity and essential privacy of information relating to spent convictions is to be assured by prohibitions against the improper, unauthorised or malicious disclosure of such information, on pain of penalty.

The concept of a spent conviction is, moreover, extended by virtue of Clause 3, to include considerations relating to:

- the fact that the person in question committed the offence;
- the fact the person in question was arrested for or charged with the offence; or
- the fact the person in question can avail himself or herself of the provisions of the Bill itself.

In summary, therefore, the main features of the Bill are:

- to apply only to a conviction which attracts a sentence of imprisonment not exceeding 30 months or a fine not exceeding $10 000;
- to provide that admission to certain professions is excluded from the provisions of the Bill. Further persons employed in the care and supervision of children and the mentally impaired are excluded from the Bill as are proceedings before a court or tribunal in order to enable the proper administration of justice;
- to provide that convictions will become spent if a (serious) conviction-free period of 10 years (for adults) or 5 years (for children) elapses;
- to provide that a rehabilitated person is protected from the need to furnish information (even on oath) relating to a conviction that has become spent;
- to enable spent convictions still to be adduced in proceedings before a court or tribunal, where justice requires this to be the case;
- to regulate the circumstances in which it is lawful to disclose the existence of a spent conviction;
- to create a tort of malicious disclosure of a spent conviction, for which a rehabilitated person may be compensated in damages.

The Bill applies to convictions recorded within or outside South Australia either before or after the commencement of the legislation.

Generally speaking, if a person is convicted of another offence during the 10 (or 5) year rehabilitation period that relates to an earlier conviction, then time will stop to run and will wholly recommence following the later conviction. In other words, there will be no partial credits for time running: a person must have had a completely conviction free 10 (or 5) year period before a conviction becomes spent.

A PARTICULAR CONCERN. Perhaps the matter of greatest concern to respondents to the Attorney-General's Department's 1984 Discussion Paper was the question of suitability of certain classes of offenders to some types of employment. It was a matter that also gave the Law Reform Committee cause for concern:

> It is however true that every exception involves to that extent a retreat from the overall policy recommended in this report and for that reason one member would wish that there be no exceptions; on the other hand other members feel that some areas are of particular delicacy and although each case raises its own questions of policy and discretion in general they support the following exceptions. In order to be placed on the roll of medical practitioners or dentists, in order to be admitted to practice as a barrister and solicitor, in order to be registered as a teacher under the Education Act, 1972, it is necessary in each case that the person should be a fit and proper person. Hitherto that has meant a disclosure of prior convictions. It may well be that in all of those three cases at least and possibly in some others, the public interest requires the full disclosure of all convictions to the registering body.

Clause 4 of the Bill, the Government feels, will enable the sorts of problems adverted to by the Law Reform Committee, and others, to be dealt with both sensitively and sensibly. In other words the approach proposed in this Bill should assuage those fears and concerns.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 sets out the various definitions required for the purposes of the Bill.

Clause 4 relates to the scope and application of the Act. It is proposed that the Act apply in relation to convictions recorded within or outside the State either before or after the commencement of the measure. However, the Act will not apply if the convicted person is sentenced to imprisonment for an indeterminate term or for a period exceeding 30 months, or is ordered to pay a fine exceeding $10 000. Furthermore, the Act will not apply in a number of cases set out in clause 4(3).

Clause 5 sets out the provisions by which an offence may be regarded as 'spent'. Basically, it is proposed that an offence will be regarded as spent if, in the case of an offence committed by an adult, 10 years, or, in the case of an offence committed by a child, 5 years, have elapsed since a particular day without further conviction for another offence.

Clause 6 provides that the Act will bind the Crown.

Clause 7 regulates the disclosure of spent convictions, or circumstances surrounding spent convictions. It is proposed that, except as provided by the Act, a person cannot be lawfully asked to disclose information relating to a spent conviction or a circumstance surrounding a spent conviction and a person can provide information without disclosing the fact that he or she has been convicted of an offence the conviction for which has become spent. The provision will extend to situations where the person must give the information on oath or affirmation, or by statutory declaration. Evidence tending to prove a spent conviction or circumstances surrounding a spent conviction will only be able to be introduced into proceedings before a court or tribunal by leave, and leave will only be granted in specified cases.

Clause 8 provides that a person (other than the rehabilitated person) who discloses the existence of a spent conviction or circumstances surrounding a spent conviction is, subject to specified exceptions, guilty of an offence. The exceptions include disclosures made with the consent of the relevant person, disclosures made under the authority of any Act, disclosures made in the course of official duties by a person in custody of an official record, and disclosures made in law reports or materials produced for educational, scientific or professional purposes.

Clause 9 relates to offences under the proposed Act. Proceedings for an offence will only be able to be commenced with the authority of the Attorney-General.

Clause 10 will allow a rehabilitated person to seek compensation for any loss suffered as a result of another person maliciously or recklessly disclosing the existence of a spent conviction or circumstances surrounding a spent conviction.

Clause 11 is a regulation-making provision.

Mr INGERSON secured the adjournment of the debate.

STATUTES AMENDMENT (CRIMINAL LAW SENTENCING) BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Section 16 of the Criminal Law (Sentencing) Act provides that a court may impose a fine without recording a conviction. However, there is no such power when making an order for community service or imposing a fine and/or doing community service (section 18). From time to time a defendant asks the Court to make an order for community service in lieu of paying a fine principally because they are worried about their ability to pay a fine. In such a case, the court should be able to decide whether or not a conviction should be recorded. Therefore an amendment is proposed to section 16 to allow a court to impose a fine, a sentence of community service, or both a fine and community service without recording a conviction.

The Children's Protection and Young Offenders Act will also be amended to enable the Children's Court to impose a community service order without recording a conviction. this is an important amendment as it should further encourage the Children's Court to use community service orders as a sentending option for young offenders.

I commend this Bill to honourable members.

Clause 1 is formal.

Clause 2 provides for commencement fo the measure by proclamation.

Clause 3 is formal.

Clause 4 provides that a sentence of community service may be ordered by a court without imposing a conviction.

Clause 5 is an amendment that is consequential upon the preceding clause.

Part III amends the Children's Protection and young offenders Act.

Clause 6 is formal.

Clause 7 provides that an order for community service may be made against a child without recording a conviction.

Mr INGERSON secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (SELF-DEFENCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 April. Page 4210.)

The Hon. G.J. CRAFTER (Minister of Education): I thank all members who spoke in the debate for their interest in this measure and for their comments. Most of the debate was on the general issue that we are addressing in the community. I also thank members who particpated in the select committee process, obviously in an area of some complexity of the law. In a matter that requires a simple explanation to be given to the community with respect to the application of the law in this area, the select committee process has proved itself to be very worthwhile. It is important that in areas of law reform of this nature there be a bi-partisan approach to explain to the community the application of the law with respect to self-defence and the defence of one's own property, and home in particular. So, we should always bear in mind as legislators the maxim that every person is presumed to know the law. When we write the law, we should bear in mind our obligation to present it to the community in a way that can be simply and clearly understood, even though the principles in which we are engaged are somewhat obtuse.

Before the matter goes into Committee I comment briefly on the contributions of some members who raised issues to shorten the Committee debate. First, a point was raised by

the member for Kavel, and later by the member for Newland, arising out of the representations that some members had received from Mr Wells, the former Supreme Court judge. In that paper, Mr Wells pointed out that the draft Bill talks about genuine belief in relation to the use of force that is reasonably necessary. He suggested that it is nonsensical to look to belief in relation to the use of force, because people acting in real self-defence do not stop to think about the use of force: they just react. Moreover, it is not what the select committee was talking about, as I understand it, in its deliberations: it was talking about genuine beliefs held about the occasion to use force that is,the circumstances that give rise to the fear—and hence the use of force. The member for Kavel and the member for Newland prefer the formulation of wording similar to that found in the English Law Reform Commission report, which states those words explicitly. Hence, they want new section 15 (1) (a) of the Bill to read something like this:

A person does not commit an offence by using such force against another as, in the circumstances which he or she genuinely believe to exist, is immediately necessary and reasonable to defend himself/herself or another.

I have not seen the formulation of that by the member for Kavel, but I understand that that is what he was articulating in the debate last evening. The Bill provides:

A person does not commit an offence by using force against another if that person has a genuine belief that the force is reasonably necessary to defend himself/herself or another.

It can be seen perhaps that there is little difference between the two. Indeed, in terms of the select committee recommendations about genuine belief, it is suggested that there is no difference in law between the two at all. The question is really whether one thinks that the first or the second is clearer or preferable for reasons of expression rather than substance. I guess that this is a matter for personal preference. That is my understanding of the arguments advanced in the debate last night and this is where they currently reside.

If an amendment is to be forthcoming, it should be looked at carefully and analysed in the way that the select committee analysed other matters so that there is not an instantaneous decision. It is properly a matter that should be resolved upon reflection in another place. As to excessive self-defence, I refer to the paper quoted last night (which had also been distributed by Justice Wells) against the reintroduction of the partial defence of excessive self-defence.

The recommendation of the select committee that it be reintroduced should be adhered to because, first, it will mean that people who make honest but unreasonable mistakes about the degree of force used in genuine self-defence will be convicted of manslaughter but not murder. They are acting in self-defence after all, however unreasonably, and people who act unreasonably and kill are convicted of manslaughter. The argument advanced last evening is that some who would be acquitted altogether will now be convicted of manslaughter. There is not sufficient evidence to support that and, moreover, when we had the defence of excessive self-defence in the common law between 1978 and 1987 there were no such complaints about it. This will merely restore the law to the situation obtaining before the High Court changed its mind in 1987.

Secondly, the House should retain the recommendations of the select committee with respect to excessive self-defence because the reintroduction of the defence of excessive self-defence has the support of the English Law Commission and the Law Reform Commission in Canada. The Victorian Law Reform Commission proposed its reintroduction in its discussion paper on the subject and the vast majority of responses thought that to be a good idea. I understand that the yet to be released final report of the Victorian Law Reform Commission will seek to achieve the desired result by a different method. I have the details if members are interested in pursuing the matter further.

The third element to which I wish to respond in the debate last evening came from the member for Light. He referred to some representations he had received regarding the Hutton case and the use of the words 'lawful cause' in this context. It should be clarified that the honourable member's correspondent shows somewhat of a misunderstanding with respect to the wording of section 51 of the Summary Offences Act. The correspondent based his argument on the notion that section 51 of the Summary Offences Act punishes acts done without reasonable excuse. It does not—it punishes things done without reasonable cause and the two are not the same. Once the error is pointed out to the correspondent the arguments that he advances no longer remain valid. No authority is cited for the point, and the argument seems somewhat confused as it is based on those wrong assumptions with respect to the wording of section 51 of the Summary Offences Act.

The fourth point that I address is one raised by way of exploratory discussion by the member for Kavel on the protection of property and the involvement of terrorist activity. He said that he did not feel strongly about the issue but sought clarification on it. The question relates to restriction on the defence of property, and so on, to the effect that the defence of property does not justify the use of force with the intention to commit murder: that is intentional reckless infliction of death or grievous bodily harm.

The example raised by the honourable member was of the terrorist who threatened to poison the water supply of the community. The answer in that case involves action not merely to protect property from unlawful appropriation, destruction, damage or interference: the terrorist will rightly be guilty of at least one of a number of offences against the person, such as recklessly endangering the life or inflicting bodily injury to another (as provided under section 29 of the Criminal Law Consolidation Act), or guilty of threats to the life or the person (section 19 of the Criminal Law Consolidation Act). So, action taken against the terrorist will not be solely to prevent damage to property or solely to affect the arrest of the offender. The action taken will be to defend the personal safety of other people.

It is difficult to think of a situation really warranting the use of force with the intention to murder where there is no threat to the person or another and, hence, the action falling within clause 15 (1) *(a)* of the Bill. The fact of the matter is that no society should condone the use of force with murderous intent in the mere protection of property. In 1984 a 14-year-old boy was shot to death in New South Wales for the heinous crime of stealing some melons. That is simply not justified in the defence of property. In any event a person using force in such drastic circumstances as the terrorist bombing would have a defence of necessity at common law.

The Hon. E.R. Goldsworthy interjecting:

The Hon. G.J. CRAFTER: I explained that that is covered. If any difficulty was felt about the extent of the power to use force in relation to arrest, one would have expected the police to raise the issue before the select committee, and I understand that they have not done so. I hope that those explanations clarify the points made in the debate last evening. I thank all members who participated and commend the measure to the House.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Self-defence.'

The Hon. E.R. GOLDSWORTHY: I wish to put the record straight on some remarks I made on this clause last night in which I quoted a submission from former Justice Wells which led to a retort by the member for Hartley in what can only be described as a most spiteful speech from a clever little politician. It was a spiteful, intemperate speech in clear distinction from every other speech made during the debate. I would not carry the matter further except for the fact that the member for Hartley was not dealing with the facts. The member for Newland will be moving an amendment on this clause in a moment or two.

In the circumstances that led to the amendment I canvassed the views of Justice Wells. He was talking about clause 2 of the Bill, which amends section 15 of the principal Act. I suggested that it raised doubt in my mind whether we had the wording as clearly and explicitly as we might have. This led to a most amazing outburst from the member for Hartley, who accused us of backing off from the Bill, yet we were seeking to make the point clearer.

The member for Hartley claimed that he was getting great kudos from women and the elderly about what the Government had done about this measure. Let me put the record straight. Indeed, I would not have raised these matters but they need answering in the interest of truth in this matter. The Government came to the committee with the clear riding instructions that there was to be no change but that we needed an education program to educate the public about what the law really said.

The marching orders were coming from the Attorney-General. I know what Standing Orders tell us about the confidentiality of a select committee, but I am convinced, as were all members of the committee, that the orders were coming from the Attorney-General via the Chairman of the committee. The member for Newland and I hung out for significant change so that the public could defend themselves more adequately. Halfway through the committee the member for Hartley, the committee Chairman, said, 'You've had a win, Roger.' You, Mr Chairman, were a member of the committee and were open to reasonable argument, as you always are. The member for Hartley said, 'You've had a win.' I interpreted him to mean that the Liberal Party had managed to get the Attorney-General to agree that we would change the law and toughen it up, so that we would make it easier for people to defend themselves. Now the member for Hartley says that we are miffed and are backing off because the Government got some credit for it.

We brought the Government screaming to the barrier on this measure and we forced it to agree. In the end the committee came to a harmonious result which the member for Newland and I support. The Government got the credit because the report was tabled in this House and, unbeknown to any of the committee members—the matter was not debated until the next day—the committee Chairman appeared with a prepared press statement claiming all the credit for the Government. That is why the Government got the credit.

The CHAIRMAN: Order! I have been lenient with the member for Kavel to date, but I draw his attention to the fact that this is not a second or third reading debate: it is the Committee debate on clause 2.

The Hon. E.R. GOLDSWORTHY: Thank you, Sir. I conclude by saying that I was very disappointed with the spiteful little speech by the member for Hartley, who obviously overreacted to the thought that there could be some slight improvement on the work of the committee. He overreacted totally when it was suggested that, as a result of the submission from the learned former justice, we might slightly improve our work.

I do not know whether the member for Hartley believes he is omniscient or that he knows the lot: I certainly do not, because it is my view that one listens to sensible advice. Returning to the clause, I believe that what the learned former justice said was enough to raise a doubt in my mind. He stated:

> Clause 15 (1) *(a)*, with the passage 'genuine belief that the force is reasonably necessary', introduces an entirely novel and wholly unreasonable test.

I will not repeat it all, because I went through it last night. He said that the person defending himself or herself would have to ask, 'Is the force I am using unreasonable? Am I using too much force?' As I said, I thought he was drawing a long bow. The committee finished up accepting, with a slight qualification, the British and Tasmanian situations, which the member for Hartley erroneously suggested do not work. From the inquiries I have made, the situation in Tasmania has improved markedly. The Minister's reply was reasonable and helpful, as indeed was the speech from the member for Stuart, but the one thing that sticks out in this whole exercise is the speech of the member for Hartley. It sticks out like a sore thumb, a totally jarring note. He cannot even deal in truths. The fact is that we are not backing off. I refer to the wording in the English system that the Minister mentioned, as follows:

> A person does not commit an offence by using such force as, in the circumstances which exist or which he believes to exist, is immediately necessary and reasonable . . .

The emphasis there is on the circumstance which the person believes exists. When it comes before a court, the person who is accused and who is trying to defend himself in the name of self-defence finds that the concentration is on the circumstances in which he finds himself, which is what was going on in his mind. If it is a woman who genuinely believes that she is about to be raped, she is justified in using extreme force.

If a frail pensioner sees someone coming through the window—a burley thief—and gives him a whack over the head with an iron bar or whatever the person can lay their hands on—or if they think that they are in grave danger—the circumstances are what is important; the fact that they think they are in grave danger. The last thing they will be thinking of is, 'Have I grabbed the wrong or right thing? Will it be excessive force if I whack him with this?'

The last thing they will be thinking about is the sort of thing that the former justice raises in his query. It occurred to me that maybe we could make it more explicit. That was the only point I raised. The other points related to queries which the Minister of Education satisfactorily answered. It occurred to me that we could make a minor change—that is all it would be—to make the provision more explicit for the general public, who would know that we were talking about the circumstances in which people believe they find themselves.

As I say, that led to the extraordinary outburst by the member for Hartley. It has taken me a long time to get it out of my system. I thought he was a reasonable man. I knew that he was a tricky little politician who could weave and turn with the best of them, but I did not think that he was so obtuse or that he would suggest that we were backing off. How could he think that we were backing off? We were the ones who dragged the Government screaming up to the barrier.

The CHAIRMAN: Order! This is not the second reading debate.

The Hon. E.R. GOLDSWORTHY: I am sorry—I will get back to the nub of it. The member for Hartley is on my

mind; I am worried about him and the illogicality of his remarks. The member for Newland will move an amendment which, in our judgment, makes the position clearer for the general public. Lawyers tell me that it is implicit in the wording. I have been talking to lawyers. As I said before, I am frightened by lawyers. When one has to put matters in the hands of lawyers one is up for big money and is in big trouble. I am generally nervous of lawyers, and I tend to steer clear of them. The lawyers tell me that it is implicit in the wording that we have. I am saying that if we can make it more explicit it will help 99.9 per cent of the public who are not lawyers, and I am one of them. We have had a pretty eminent lawyer raise some fairly serious questions about this clause.

Mr Ferguson interjecting:

The Hon. E.R. GOLDSWORTHY: I was gratified that the Minister said that they would look at it in another place. If we accepted the amendment here the Chairman of the Committee would have to lose face.

The CHAIRMAN: Order! It might suit the convenience of the Committee to have the amendment before it. I ask the member for Newland to move her amendments.

Mrs KOTZ: I move:

Page 1—

Line 19—After 'reasonably necessary' insert 'in the circumstances (as he or she genuinely believes them to exist)'.

Line 25—After 'reasonably necessary' insert 'in the circumstances (as he or she genuinely believes them to exist)'.

These amendments relate to the deliberations of the select committee. It was my understanding, at the end of many discussions and deliberations, that two major objectives were being sought by the select committee and by the Bill now before us. In my belief, the major objectives were to protect victims of assault in a self-defence situation. The second area was to look at clarifying the law where individuals could at any time look through the statutes and know quite clearly what their rights were without having them explained in legal terms. To my mind, the Bill now before the Committee does neither of those two things. New section 15 (1) *(a)* provides:

A person does not commit an offence by using force against another if that person has a genuine belief that the force is reasonably necessary to defend himself, herself or another.

To my mind, that does not provide any greater form of personal protection than what is in the common law, nor does it make the intention of this measure clear with respect to self-defence. In part, the report of the select committee states:

The committee was ... greatly impressed with the argument that, as a general principle in the criminal law, people are to be judged on the facts as they believe them to be and not as the reasonable person would believe them to be. This principle was reflected in the fourth report of the Mitchell committee when it said, 'The essential point is that, whatever the reason, if the defendant was acting genuinely in self-defence and either believed the consequences to the victim to be necessary or did not advert to them at all, he should be acquitted altogether.'

I do not believe that this provision states clearly enough that the circumstances are to be taken into consideration when there is a genuine belief and reasonable force is taken. For those reasons, I would like to see the circumstances as such clarified in this new section.

I was amazed by the member for Hartley's outburst last night, considering the fact that, as a unit, the committee agreed upon a certain stage of protection for individuals, including the elderly and women; yet we on this side of the Chamber are accused of trying to back off from the Bill now before the Committee. However, I do not believe that the Bill reflects the deliberations of the select committee. It is a watered-down version of what was agreed within that committee.

I should like to refer to one matter that was presented by the committee. Taking into account codification, when we looked at the question of clarification and the circumstances surrounding self-defence for the people of this State, we said that the question of whether the force used by an accused person was reasonable or excessive must be determined by reference to the circumstances in which it was used, as the accused genuinely believed them to be, unless no evidence or insufficient evidence of the accused's belief is available to the court, in which case the question must be determined by reference to the circumstances as they existed.

It is my contention that new section 15 (1) *(a)* does not do that. In my mind, we are alluding again to the reasonableness of force. Interpretation can be taken to a far greater degree than the select committee recommended, because it was intended to tighten the law so that these people could be protected, that there would not be any openness of interpretation regarding a person who, in his own genuine belief, used a certain amount of force to protect himself. I do not believe that this new section does that, and I ask that the amendment be considered seriously. In effect, it will bring us back to the intention of the committee, which was to strengthen the law, rather than water it down, which is what this Bill does.

Mr GROOM: I oppose the amendments moved by the member for Newland and I do so on very cogent grounds. The select committee went through draft after draft to arrive at its final position and words similar to these were in the earlier drafts that, after very careful and considered deliberation of all the various permeations, the committee rejected. We consciously deleted reference to the circumstances as they actually existed or were believed to exist. We did so consciously. One of the difficulties with the Hon. Trevor Griffin's Bill, which he introduced on 5 September 1990, was just this.

Mrs Kotz interjecting:

Mr GROOM: Just be patient. Mr Griffin's Bill included the words:

A person is justified in using in defence of himself, herself or another such force as is reasonable in the circumstances as they actually exist or as the person believes them to be.

The import of the term 'as they actually exist' linked with the word 'circumstances' can work quite serious injustice, and the committee was made aware of a number of situations where the continuing use of the term 'circumstances as they exist' presents a problem.

Those words do not quite appear in the Tasmanian code and, in contradistinction to what the honourable member said, they appear in the Commonwealth code but in the reverse way. By moving this amendment, the honourable member has injected confusion into the situation. As I said about the Hon. Trevor Griffin's Bill, when the words 'circumstances as they actually exist' are introduced—even coupled with the word 'genuine'—a new element is imported. One of the examples given to the select committee of how a bizarre result can be arrived at involved the case of a husband who was intent on killing his wife to get the insurance money. He comes home with that intention, sees a silhouetted figure in the house, belts the silhouetted figure around the head, kills the silhouetted figure who turns out not to be the wife, whom he intended to kill, but Fred the burglar armed with a shotgun and about to rob the house.

When that is related in the circumstances as they actually existed, he was probably quite entitled to use that force against Fred the burglar. Does the law intend that consequence when the husband was really there to kill his wife? That is an extreme situation, but it was that sort of example that influenced the committee in its deliberations. The com-

mittee did not accept the Hon. Trevor Griffin's draft because it imported the term 'circumstances as they actually exist'. I appreciate that it is coupled with the word 'genuine', but I have been a courtroom lawyer. I practised extensively in the criminal jurisdiction and appeared before juries on many occasions in major criminal trials of all types over the years that I was a practitioner.

By unanimous decision, the select committee came down in favour of a simple mandate that emphasised that a person does not commit an offence by using force if that person has a genuine belief that the force is reasonably necessary to defend himself, herself or another. Of course, it imports 'in the circumstances'. How can a genuine belief be formed other than in the circumstances? We came down in favour of a simplistic mandate that everyone could follow, a mandate that gave women's groups and elderly people the right to use force, provided they formed a genuine belief. We took out the other element about circumstances as they exist. I remind the honourable member of the circumstances in the Dadson case. It was an influencing factor in relation to this draft.

We created this emphasis because the honourable member's amendment imports another element into the equation and complicates the statute and does not match up with the Commonwealth Law Reform Commission. Other consequential amendments would have to be made to fit in and, in that way, the whole draft would be changed. I want to emphasise this point with respect to women's groups because it is so critical in so far as this recommendation is concerned. When a woman is confronted by a male intruder, the women's groups gave quite clear evidence that even if the intruder was there to only steal the TV set or the video, a woman forms an immediate and genuine belief that that person may be there to commit a sexual assault of some description.

In its recommendation, the select committee said that, provided a woman has a genuine belief, a male intruder should not be there in the first place. If he is there only to steal the TV set or the video, that is his problem: he should not be there at all. The committee decided that a woman was entitled to form that opinion. There is a difficulty when one starts playing around with the term 'in the circumstances as they actually exist' during a jury trial because, when the accused gives evidence, he would say, 'Look I wasn't there to do anything of that kind. I wasn't there to molest or interfere with her; I was there to steal the video or the TV.' So, that is imported into the equation, watering down the right of a woman to use force. That was the point made by the women's groups. Before she took up a weapon to protect herself, a woman may have to say, 'Look, are you here to get me, or are you here to steal the TV?' It is a very good jury point that is used by lawyers. So, the committee decided to scrap all that. In fact, we went through draft after draft in which these very words appeared.

I suggest to members opposite that they go back and look at these drafts, because we went through an exhaustive process. It is no good coming up now, clutching at straws, wanting to confuse the whole situation by importing an amendment. In relation to this business of who takes the credit, I said that all members of the select committee had a win in various ways, because the select committee worked together to produce—

The Hon. E.R. Goldsworthy interjecting:

Mr GROOM: That is not what you have been trying to do lately. The select committee produced a result that the community wanted and that was in the interests of the community. The concern of members opposite relates to who is getting the credit for all this.

The Hon. E.R. Goldsworthy: Rubbish!

Mr GROOM: It's not rubbish, because that is what you are on about.

The CHAIRMAN: Order! There will not be a debate across the floor. Members who wish to participate in the debate will rise in their place at the appropriate time. The member for Hartley.

Mr GROOM: I believe members opposite are looking for an advantage, and in so doing they will change the emphasis: not only will they change the emphasis but they will complicate the statute and, as a result, open an area of litigation and misinterpretation that perhaps this Parliament may not intend. I want to put on record a retraction in relation to the member for Alexandra because in his speech when the select committee was set up he quite clearly and accurately recited the facts of the Hutton case. The people who misrepresented those facts for political advantage were the member for Goyder and the member for Mitcham, apart from members in another place. I oppose the amendment.

The Hon. E.R. GOLDSWORTHY: I do not know what sort of a living the honourable member earnt as a lawyer, but, if part of the trade involves drawing red herrings across the trail, he would have been quite successful. What he said is a load of old cobblers, quite frankly. The honourable member talked about an intruder and the situation as it exists. The amendment does not talk about the position as it exists: it talks about the circumstances that the victim, the person who is claiming self-defence, generally believed existed.

To say that it does not appear in the Tasmanian code is incorrect: that is not a statement of fact. He would soon get bowled over on that matter in court. The fact is the Tasmanian code talks about the 'circumstance'—the word is there—that a person believes exist. So does the British code; it uses the precise words that we are talking about. We are not talking about what actually existed but what people believed existed. The red herring about what the criminal says is totally irrelevant. It is the belief of the woman who is about to be raped. The honourable member kept coming back to this and said that it was confusing. It is far from confusing: it makes it clearer. The honourable member does not have the wit to understand that it makes it clearer. If a woman believes that she is about to be raped, they are the circumstances, and she has a defence.

Rather more learned lawyers than the member for Hartley have suggested to me that the amendment is implicit in the draft. Two rather more eminent lawyers have told me that what we seek to introduce by way of amendment is implicit. They say that the term 'reasonable force' could not be used without thinking about the total situation. However, they make the point that what we seek to do makes it more explicit—what is implicit is made explicit. Far from confusing the issue—as the member for Hartley suggests—it makes it clearer. It makes the situation clear in respect of a woman who is about to be attacked. If a woman believes that she is in a circumstance where she is about to be raped, and the offender says—and these are the words of the member for Hartley—'I am here to pinch the TV', that is totally irrelevant. We do not talk about the situation as it exists: we talk about the circumstances that a victim genuinely believes exist. If a woman genuinely believes that she is about to be raped, she can use whatever force is necessary to repel the offender—stab him, whack him or whatever is reasonably necessary.

What the member for Hartley said is a total red herring. I am afraid the honourable member's pride is hurt to think that an amendment could make something a bit clearer. It is totally incorrect to suggest that the amendment confuses

the issue: it makes it clearer for the public who are not lawyers. They are the precise circumstances that people believe exist in the English code. Contrary to what the member says, it exists in the Tasmanian code and it does not confuse the issue. If anything, the only significant point in what the honourable member says is his belief that it might let a few of the bizarre defendants off the hook. That is the only point he made of any consequence.

The rather more learned lawyers tell me that what the amendment says is implicit, because it must be a genuine belief in the circumstances. That does not let the bizarre bods in. The only point made by the honourable member to which I would give credit is the area of opening the door to the more bizarre cases, whereby those people might have a defence. In certain situations in the law, I have heard judges expound the view that it is far better to let off one or two guilty people than convict the innocent.

Mr Brindal interjecting:

The Hon. E.R. GOLDSWORTHY: Yes, but in this situation it is a borderline case. To suggest that this confuses the issue is pure humbug.

Mr GROOM: This matter cannot be compared with the Tasmanian code. This issue is quite fundamental. The Tasmanian code provides:

> A person is justified in using in defence of himself or another person such force as in the circumstances as he believes them to be it is reasonable to use.

I know that the member for Kavel favoured that formulation, and he argued for its adoption. The reason it was rejected by the committee was that it allowed in the bizarre belief, such as all male delivery persons are hired assassins, so they should be shot on sight. Because it unnecessarily complicated the statute, we changed the legislation by deleting the term 'in the circumstances' and replacing 'as they existed' and 'believes them to be'. We wanted to make it simple and straightforward. This amendment is back to front to the Commonwealth Criminal Law Reform Commission report. One only has to read that report to see that. Once it is put back, one has to look at the formulation and go through the same process. The Commonwealth provision commences:

> A person does not commit an offence by using such force as, in the circumstances which exist or which he believes to exist, is immediately necessary and reasonable . . .

It then continues with a series of quite complicated limbs. I know that former Justice Wells is a very eminent jurist. I have made that point. He is a very well respected man. He was my lecturer in evidence and procedure when I was at the Law School in 1969. I have the utmost respect for him. This is not a court but a political forum where we make laws for the citizens so the citizens can understand them.

The Hon. E.R. Goldsworthy interjecting:

Mr GROOM: Of course it will be interpreted and, as in relation to any other law, the courts will have that function. If it needs refinement or if there are suggestions further down the track, it will come back to this Parliament, as every law does. This is a change of emphasis, subtle as it is, because just limiting it to the phrase 'in the circumstances', it is quite implicit—

The Hon. E.R. Goldsworthy interjecting:

Mr GROOM: Just a moment. It is quite implicit that one can judge a genuine belief only by looking at the circumstances. When we go further and start adding these words 'as he or she genuinely believes them to exist', we fall into the trap created by the Hon. Trevor Griffin and the permeations I have outlined. Once we link this to the circumstances as they existed, we detract from a genuine belief. I stress that this is included because of submissions made by the women's groups and the elderly citizens groups. They wanted not to be in any uncertainty about the fact that it is their genuine belief that prevails, and not going on and importing further standards, linking them to circumstances and shifting the emphasis to circumstances as they exist.

I stress that the woman in the situation that I depicted, where she is confronted with an intruder who is there only to steal the television or video, may form a genuine belief that he is there to commit a sexual assault of some description. The moment we link circumstances, even if we include the word 'genuine' and link them together—'he or she genuinely believes them to exist'—people must form a genuine belief, and it is a very good point before a jury to say that that woman could not have formed a genuine belief, because she should have asked the intruder what he was there for or something similar. People have only an instant to react. Elderly people might react genuinely on the basis, when faced with an intruder, that they will be tied up. They do not have to go and ask, 'Are you going to tie me up or just nick the TV or video?' They do not have to do that. Why complicate the statute?

The select committee went through this process, and I am surprised that we are going back through it again, because I thought after all the exhaustive sessions that we had reached a common position on this matter. The drafts that were put before us included these words that we all rejected because of the complications and change in emphasis. I thought we were all there to bring down a very clear and express mandate to allay the fears of women and elderly people in the community. There is just no need for this amendment. I do not believe that limiting it to 'in the circumstances' really adds anything at all. When that is coupled with 'in the circumstances as they exist', we complicate the statute and open it up to legal, technical and jury points.

Mrs KOTZ: I must admit to some amazement, because I am not quite sure at this moment whether in fact we were all sitting on the same select committee, nor am I sure that the draft to which I agreed at the end of the select committee is the one we are all talking about. The one to which I am referring certainly contradicts all that we have just heard from the member for Hartley. I must admit that I did particularly like his rendition of the woman in the house alone when the intruder comes in, and all he is there for is to take the television set and walk away. Rather than adding to the argument of the member for Hartley, I think he should face the very area that we are trying to determine here and now: in those circumstances, the woman certainly is not going to turn around and ask an intruder why he is there. The circumstances will be so dire at that moment that whatever will happen will happen within seconds or minutes, and the point of the whole exercise would be that a self-defence action would take place.

The circumstances occurring at that moment would be those determined in a court of law, and this is the emphasis that we are trying to put back into this clause through this amendment. When the member for Hartley says that the circumstance he relates under that situation will make absolutely no difference at all in a court of law, that is absolute rubbish. It is complete nonsense. To place the circumstance in the area that we wish it to be in this amendment is to put more reliability into an assessment of what the self-defence action is when reasonable force is used.

I find it quite incredible that, when talking about including an area of circumstance relating to genuine belief, the member for Hartley cannot see that what we have in clause 2 at the moment does not relate to the full protection that we need for victims in the circumstances that he just related.

Mr Groom: You are weakening it.

Mrs KOTZ: The member for Hartley says that we are weakening it. What we have here is no change. All we have is a statement that provides that, within this clause, the force is reasonably necessary to defend oneself. What is reasonably necessary? What would a court of law determine as reasonable force? This was the argument that I believe we had at the time. Any court of law that may be held 10, 12 or 24 months after an event, whatever the peers of the person accused at the time consider is reasonable, will not take into account the fact that an individual—the accused—genuinely believed that the circumstances in which they took that action were in fact genuine and reasonable at the time of the incident. Unless circumstance is placed within this area under this clause, I am convinced that we will have done nothing more than codify what was in this area prior to the select committee.

Mr GROOM: I am sorry to labour this point, because the member for Newland seems to have great difficulty in understanding that the Bill as drafted will protect women amongst other members of the community. I want to take up the point that she just left. The difference, subtle as it may be, is very important before a jury. If I were representing the male intruder in the situation which I depicted with a woman who, say, shot that person in the leg because she thought he was there to sexually molest or interfere with her, as an advocate representing the intruder who suffered some severe disability when he was there to steal the television, if an amendment of the nature of that moved by the member for Newland was coupling with the circumstances as they existed, the first thing I would do is lead evidence from the male intruder to the effect that he was there to steal the TV or video but not to commit any sexual molestation at all. However, the way in which the woman retaliated by his presence in the house outdid the balance of proportion. It went too far because he was there only to get the TV. It did not warrant the serious injury inflicted upon him.

Then the line of inquiry to the woman would be whether he made any move towards her in some sexual way. Did he grab her or do something of that nature? Did she therefore have a 'genuine' belief in the circumstances? Before we know it, women are back in the common law position about which they protested to the committee—that they were paralysed, and uncertain about their use of force. The select committee recommendation came down on the side of women and elderly people—I have given that example. We took out that element to emphasise that in that situation it was that woman's genuine belief that would prevail over the male intruder, because the male intruder should not have been there in the first place. Whether he was there to steal the TV set or the video is irrelevant, because it is a natural belief for a woman to have in that situation. It was to be her genuine belief that was to prevail over the intruder. I wish that members would not inject these red herrings. I heard the member for Newland say during her speech that the amendment did not change anything. Why move it, then, and change the situation?

The Hon. E.R GOLDSWORTHY: I would like to be the lawyer for the defence in this case. Anyone could shoot down the member for Hartley. He has not read the amendment. It is what the woman genuinely believes is the circumstance that we are writing into the Bill. The member for Hartley has left—a pity!

The amendment changes the emphasis and makes it clearer and stronger for the woman and for the defence. All this guff that the first thing is what circumstances exist does not matter: it is what the woman genuinely believes the circumstance is. If we carry this argument in reverse and leave the Bill as it is, and give any credence at all to what the learned former judge says, and if I were the prosecutor, I would follow this line of questioning, talking only about the force: 'Why did you stab him near the heart? He was there only to pinch the TV.' All the emphasis would be on the force. 'Why did you use this force?' It would all be on the force, not the circumstances. The circumstance and the genuine belief is that she thought that she would be raped: she has an iron-clad defence.

The member for Hartley conveniently leaves out the rider that it is a genuine belief. He hangs the whole argument on the genuine belief in relation to the force, but conveniently leaves out the genuine belief of the accused in relation to the circumstances in which the person believes that she finds herself. He has not read the law as we seek to amend it.

At worst, the member for Hartley seeks to deny a clarification of this clause. At best, his opinion is not that of other learned lawyers, who say, 'What we are seeking to do is implicit in the clause anyway.' We want to make it explicit and make it easier for the woman under attack. All this emotional guff about the woman under attack! It is said, 'We are here to protect the woman.' We are, too, and have been from day one. We are trying to make it clear that, if they genuinely believe that they will be raped, and if they stab someone or do something pretty violent, they are in the clear. The emphasis is on the circumstances.

The robber says, 'I was there to pinch the TV', but that is totally irrelevant. We are talking not about the circumstances as they exist but about what the woman genuinely believes exists. She genuinely believes that she is about to be attacked: that is the burden of the argument. That is what we are trying to write in, and the meanest intellect in this place could understand it.

All we seek to do is make it clearer that one of the preeminent judgments in these situations is on what the defendants genuinely believe is the circumstance in which they find themselves. I do not know why the honourable member came in here: perhaps he has to make a living. I would love to defend the case. He is not correctly reading the amendment or the law. He conveniently forgets the rider that the person genuinely believes the circumstances are such that that the person is in danger. Maybe it is implicit. I want it spelt out: it strengthens the hand immeasurably.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: Bunkum! The honourable member forgets about the genuine belief. The line of questioning about the circumstance is totally irrelevant: the issue is not what the robber believes but what the woman believes. Even the meanest intellect could see that. I bow to the judgment of the other eminent lawyers around this place whom I have consulted. In their judgment, this amendment clarifies the clause. What we seek to do is explicit, because one could not talk about the force without considering the circumstances. It changes the circumstances subtly and strengthens the case for the defendant because, if we say in plain English that if they genuinely believe that they are in mortal danger or in danger of being raped, they have a foolproof defence. I totally reject the member for Hartley's claims. The amendment is not complicated: the amendment will clarify the situation. I repeat for the umpteenth time that we are explicitly putting in words what I am told is implicit in this clause.

The Hon. G.J. CRAFTER: I do not wish to prolong the debate about the pedantics of the interpretations of the amendments that are before the House. I spoke on this

matter during the second reading debate and clearly explained the Government's position to the House. I will not go over the conclusions that I drew with respect to the amendment that I understood was being foreshadowed at that time. Suffice to say that this is worthy of consideration when this matter goes to another place. That will give the opportunity for members both in this and in another place to reflect on the impact of the amendment and to see whether it improves the Bill, as the member for Kavel claims it will.

As I said before, in a sense it boils down to personal preference. In the Government's view, there is no difference in law between the two. On reflection, this matter may be clarified in the other place, so that the concerns of members can be put to rest. It is very clearly our common aim that this measure be simply understood by or explained to the community and to have good law enacted by this Parliament. For those reasons, the Government rejects the Opposition amendment, but it does so in the context that I have explained this afternoon.

Amendment negatived.

The Hon. E.R. GOLDSWORTHY: I thank the Minister, because his contribution has been rational and civilised. He has really given the member for Hartley a bit of an uppercut. The member for Hartley has been drawing these red herrings across the trail and making suggestions about the criminal law and all the rest of it. However, what the Minister said is what other eminent lawyers I have consulted have been telling me, that it is implicit in the phrase, but if it makes it clearer for the public—which I think is a desirable aim—then the Government will have a look at it. So, I thank the Minister for that assurance.

Mrs KOTZ: I want to add my thanks to the Minister. As members have probably been aware throughout this debate, I am in fact most emphatic that a change is required. I do not believe that the clause we have at the moment will be beneficial until those amendments are made. I am extremely happy to hear that the Minister has guaranteed that this will be looked at in this manner, because it was my intention to divide on this clause, but I will not seek to do that knowing that the Minister has taken the matter up and guaranteed that it will be looked at in the other House.

Amendments negatived; clause passed.

Title passed.

Bill read a third time and passed.

LAND AGENTS, VALUERS BROKERS AND (INCORPORATED LAND BROKERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 April. Page 4214.)

Mr INGERSON (Bragg): The Opposition supports this very important Bill for the land agents, valuers and brokers. The Bill has in fact been in waiting for some three years and, as with a lot of the professionals who have requested incorporation, the Government has, thankfully, finally recommended and accepted that this type of action is fair and reasonable. This Bill will enable the brokers and land agents to carry on their business through a company. The Bill reflects in principle the fact that the land brokers can incorporate and provide any civil liability to be jointly and severally borne by the company and the persons who were directors of the company at the time the liability was incurred. In other words, this Bill enables limited liability. It is the sort of move that all the professions have been after for the last 10 years that I am aware of, having been involved in the pharmaceutical profession for some 20 years. I know it has been on the agenda for professions to have this opportunity.

It seems to me that the desire to incorporate is a fair and reasonable one, because it brings with it some important opportunities for change for all members of the Land Brokers, Land Agents and Valuers Association. Principally, the opportunities are those of taxation change, not necessarily opportunities of taxation relief. Rather, incorporation enables companies to do away with provisional tax, in a sense, and replace it with a progressive taxation system. In today's economic environment that is a very important issue for many small businesses, as in many cases it enables them, purely and simply, to remain viable. Cash flow is a very important issue for small business, in particular, and incorporation through the ability to move from a provisional tax system to a progressive tax system will enhance that cash flow.

This Bill also establishes an ownership clause, preventing members of the public, other than professionals within this group, from being part of the corporation. There are two exceptions to that: the company that has two directors, where one of them could in fact be a direct relative—that is, either a husband or a wife—and there is also provision in the Bill to recognise a putative spouse. While there are many arguments on this side of the House—and I would assume many arguments on the other side—as to whether a putative spouse ought to be included, this provision has been included in many other legislative measures. That is an argument that has been well and truly discussed. It is an issue which many members of the public would argue is a backward step, but I do not support that; I believe that the putative spouse position is one that has been well argued and accepted in law.

The only other change in terms of ownership is that employees of a company can in fact hold up to 10 per cent of the issued shares. That is a very interesting improvement to this particular professional incorporation area. I note that, in particular, it was not provided in the pharmacy area, nor in any of the other professional areas. The way we are moving in the area of industrial agreements, including the opportunity for employees to participate in profits through ownership, is a very important principle that we ought to recognise within the law. I strongly support the move that has been made in this particular Bill. As I have indicated, this legislation is very similar to all other legislation we have had before this House in recent times in relation to professionals.

It has been brought to my attention that this Bill distinguishes between land broking, on the one hand, and mortgage and finance broking, on the other. We in this place would remember the unfortunate situation involved with Hodby, Schiller, Field and Winzor, and I believe this Bill clearly covers that sort of problem and offers a very good alternative. The Opposition strongly supports this Bill and we hope it has a quick passage through the House.

The Hon. G.J. CRAFTER (Minister of Education): I thank Opposition members for their support of this measure, which amends the land agents, valuers and brokers legislation to enable and to provide for mechanisms to allow licensed land brokers to organise their businesses in the form of companies. Indeed, like many other regulated professions and occupations, the measures that we have before us are taken from similar provisions contained in the Legal Practitioners Act and incorporated in other measures containing two professions—for example, those regu-

lating pharmacists and chiropractors—and in those instances the legislation has been beneficial. It has provided a number of benefits to the practitioners with respect to administrative arrangements, including tax advantages that may allow developments to occur within an industry which can see it extend, with moneys being expended on professional development and on other advances in these professions. That can be of advantage not only to the practitioners, of course, but to their clients and the community as a whole.

So, it is for those reasons, as a result of representations and the successful application of similar provisions with respect to other professions, that the legislation comes before the Parliament in this form. It is not a controversial matter but one that has been discussed widely with the profession involved and, as the member for Bragg has just indicated, recent experience in the land broking profession indicates that the provisions before us may well enhance the reputation of that profession which has been somewhat scarred in recent times.

The decision to allow land brokers to incorporate is made only on condition that incorporation is permitted to facilitate business arrangements with no effect on the personal liability for negligence, fraud or otherwise of members of incorporated land broking practices. With that important stipulation being placed on this measure, I commend it to all members.

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

PRIVATE PARKING AREAS (DISABLED PERSONS PARKING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 April. Page 4096.)

Mr MEIER (Goyder): The Opposition supports the Bill. It is pleasing to see a strengthening of the original Act so that disabled persons get a fair go when parking in private parking areas. Members would be aware that the Private Parking Act of 1986 entitled the owner of a private parking area to impose time limits on the parking of vehicles in that area and to set aside any part of the private parking area for the purposes of disabled persons, loading, no standing, restricted parking or permit parking. In the case of disabled persons, it would be an offence to park in that area without a permit issued under the Motor Vehicles Act. Certainly those persons with a permit are allowed 90 minutes in excess of the time limit before incurring a penalty. Disabled persons' parking permits have been a great step forward in this State.

I remember when overseas in, I believe, the USA some years ago seeing disabled parking permits clearly identified. That was before South Australia had adopted this policy, and it is pleasing that we have followed suit. Penalties for unauthorised persons parking in a disabled persons' parking area are not to exceed $200, so that should certainly make one think twice before so doing. However, the policing of this problem has been almost negligible. It appears that on-the-spot fines have not been issued in this respect. In many cases unlawful parking has not been penalised, and few owners have taken steps to provide disabled parking spaces. It is only if someone is a disabled person that the essential need is highlighted for such permits and areas to be made available.

I will cite a case in my own area of a person in her 30s who, unfortunately, suffered a disabling disease and must spend the rest of her life in a wheelchair. Although still an active person and able to drive a motor vehicle, she has been frustrated so often because, whilst she knows where to find disabled parking areas, invariably someone else has parked there without the appropriate permit, and it is high time that something is done, as these people have little or no redress. They are in a much worse situation than we are.

Mr Hamilton interjecting:

Mr MEIER: Yes, totally uncaring and unthinking. The Bill seeks to correct that anomaly. It is very pleasing that a committee was formed some time ago comprising members of SALGEA (South Australian Local Government Engineers Association), the Disability Adviser to the Premier, the Executive Director of Disabled Peoples International (SA Branch) and chaired by the Assistant Director of the Department of Local Government. That committee put forward various recommendations. Local councils will be empowered to police and enforce disabled persons' parking areas in neighbouring private parking areas, notwithstanding that no enforcement agreement has been entered into between the owner and the council. In this respect the police can also be used.

It should be noted that a Planning Act supplementary development plan for centres and shopping developments is under preparation and the committee has ensured that there will be provision for a fixed ratio of disabled persons' parking spaces relevant to the total area—again, a positive move forward. We will see these areas maintained and kept as they should be. Some of us may have incurred parking infringement notices, although I hope not for parking in disabled persons' spaces. The Unley council is strict with people parking where signs state otherwise and I was recently booked for parking too close to a driveway. I was upset, as I had checked how far I was from the driveway and thought it was about two metres. I thought that that was ample, but when I came back I had a ticket. I believe that I should have been three to four metres from the driveway. It cost me $15 and made me realise that I need to get a long way from a driveway in future.

The SPEAKER: I hope that the honourable member will link up his remarks.

Mr MEIER: Indeed, Sir. When penalties hit the hip pocket people stop and think and, it is hoped, will be more careful next time. If the fees applying to the regulations are not adequate, I am sure the Government—although it is not the Government that receives the revenue—

The SPEAKER: Order! The honourable member will address his remarks through the Chair.

Mr MEIER: Local government also needs the money and I am sure that it will attend to the fees. It is a positive step forward and the Opposition is pleased to support the Bill, which we hope will have a speedy passage through the House.

Mr FERGUSON (Henley Beach): I rise to support the Bill and wish to make a few remarks, as I do not believe that one member in this place has not received complaints from time to time from disabled people about the way that the legislation has not been working. I would like to pay tribute to Mrs June Appleby, who was responsible for guiding the first Bill through the House. It was her persistence and questions over a number of years to the Minister of Transport, the Minister of Local Government and others that forced this matter into legislation. Probably the Parliament was too trusting in the first place, because we believed that the owners of shopping centres would be willing to make sure that the legislation worked, that they would enter into agreements with local government about enforcement.

Unfortunately, it has not worked out that way and many times disabled people have come to my office to complain that they have been unable to gain parking spaces in shopping centres because the disabled parking spaces have been taken up by able-bodied people. When these able-bodied people have been challenged by disabled people, they have been extremely abusive: not only abusive but in some cases there has been physical violence and, in other cases, disabled people have been given the two-fingered Australian salute. That is quite despicable.

Another complaint that I receive in my office involves people who are disabled and who have a permit but appear to the general public not to be disabled. One male constituent is disabled and has authority to park in a disabled area but to all outside appearances he is a fully able person. This man is on the receiving end of abuse from disabled and able-bodied people, and it is a difficult problem.

Another problem is that, although parking spaces have been put aside for disabled people, they are the normal size. People with crutches, walking aids and wheelchairs find themselves in difficulty, being unable to open the door of their vehicle wide enough to get in and out of the vehicle in the space provided for them. I am pleased to see that this Bill provides for wider than normal parking spaces for the disabled.

Another matter I find pleasing in the legislation is the increase in the expiation fee. I understand that the fee will be increased from $20 to $50, which brings it into line with most other expiation fees that apply to local government. I believe that all expiation fees should be the same, that a uniform amount should apply in respect of expiation fees, so I hope it is not too long before all expiation fees are the same. A local government expiation fee that comes to mind relates to littering, where the maximum fine is $20. I hope that the expiation fee for littering eventually falls into line with the fee in this legislation and that all expiation fees go to at least $50.

There has been a problem with proprietors who have been unwilling to enter into an enforcement agreement with their local council. Many times local councils have been approached about breaches in respect of disabled parking only to discover that the property owner has been unwilling to enter into an enforcement agreement with the local council. Therefore, the local council has had no power to do anything about the problem. For that reason it is good to see that the Bill empowers local government to police and enforce disabled persons' parking areas in neighbouring private parking areas, notwithstanding that no enforcement agreement has been entered into between the council and the owner. It still leaves a bit of a gap, relative to whether the local council wants to exercise the rights available under this legislation.

I know that it is difficult for local councils, because from time to time they appear to be the bad boys in respect of enforcement in areas such as illegal parking, littering and breaches of council regulations. At times councils are reluctant to enter into the fray. This Bill gives councils the power to police disabled parking, and I hope that councils do just that.

I am not too far away from the West Lakes shopping centre. Certainly, I have no wish to reflect on the management of that centre and I have no quarrel with the way that it organises its affairs. Indeed, I would say that the West Lakes shopping centre is probably one of the best managers of general shopping centres, but there is still a problem with respect to disabled parking. The problem relates to a group of louts who wander around the area picking on disabled people. The problem is that, because disabled people have their own parking area, this brings them into the firing line in respect of these louts. I have written to the Henley Beach police about this problem, and I have always received great cooperation from the police, particularly Mr Bruce James-Martin, who is in charge of that police station.

I do not know whether this problem relates only to the West Lakes shopping centre, but it involves able-bodied youths wandering around picking on disabled people. They do this knowing full well that these people are disabled, and I find that absolutely disgraceful. I heard of an incident the other day involving a man with only 10 per cent sight whose wife drives him around. He was in the disabled parking area and was humiliated by a bunch of these thugs who had been wandering around the area. It was fortunate that someone went to his assistance. The police were called and turned up, but these louts seem to have a sixth sense about these things and they disappeared before the police arrived. Extra protection ought to be afforded to these people, and that is the only problem with the Bill: it locates disabled people in one spot and people who know that they are disabled can pick them out.

By and large, I am totally in favour of this proposition. I hope that all goes well and councils take up their responsibilities. I hope that this will reduce the number of people who seek assistance in this area. I want to put on the record once more my appreciation of the work that June Appleby put into this legislation and I hope that she goes down in history as the creator of the legislation now before Parliament.

Mr HAMILTON (Albert Park): I rise to support the Bill and congratulate all those people who have been involved in its formulation. I do not believe that there would be one member of this House who has not taken up this issue on behalf of his or her constituents at some time or another. I get angry when I see able-bodied people who are so ignorant, uncaring or selfish that they seemingly do not care about those people who are less fortunate than they are. When you have a disability, you come to understand very quickly what it is all about. I have a recurring back problem and sometimes I have to go to a physiotherapist or a chiropractor to get it sorted out. When I am fit I really appreciate how lucky I am. When my back is out a country mile, I know what it is like to try to get in and out of the car, so I have some understanding of the sorts of problems that disabled people come across. However, I cannot appreciate the problems of people in wheelchairs and the like. I can only say that we as members of Parliament must try to do everything we can through legislative means to assist disabled people.

In the years that I have been in this place, I have tried to address a number of areas relating to disabled people and, like many members, that includes involvement with Access Cabs. Successive Governments and, indeed, most members have addressed the general issue of access to public transport for disabled people. Because I come from the railway industry, I am particularly interested in problems faced by disabled people with respect to railway stations. The kneel-down buses represent a very positive and important measure aimed at helping disabled and elderly people in the community.

Like the member for Henley Beach, I have seen problems at the West Lakes shopping centre, and I believe that this Government measure is very positive and I commend all those people who have been involved in its formulation. Whilst I agree 100 per cent with the increase from $20 to $50 in the expiation fee for unlawful use of a disabled person's parking space, I would like to see it go even higher.

Indeed, some time down the track, I would like the police or local councils to have the power to tow away offending vehicles. That is one of the answers: to deprive those people, who uncaringly and selfishly use these spaces, of their cars. I ask the Minister to draw that to the attention of his department for consideration in the future because a tow-away provision would be very useful.

There is nothing more embarrassing for a person who illegally parks his or her car in a disabled person's car park to find his or her car gone. It is very easy to pay a $50 fine to expiate the offence, and no-one seems to know any more about it. If the vehicle is towed away, the owner first has to find out where it is. He or she would go to the police, suspecting that it has been stolen, only to find out that because it was parked in a disabled person's car park it has been towed away and an additional cost will have to be paid to release it. I would like to see that implemented to get the message across to those people—and there are quite a few—who offend in this way.

Like other members in this place I hate to see such injustice. At about 11.30 on a Saturday morning, in the company of my wife, I was walking out of the West Lakes shopping centre and I saw two very able-bodied young men park their car in a disabled person's car park on the eastern side of the shopping centre, get out of their car and walk into the shopping centre. I said, 'Hey! Listen fellas: what about parking your car somewhere else?' The mouthful of abuse I got was not unexpected and I was warned by my partner that I should not have done it; but I believe that members of Parliament have to stand up and be counted.

The fact that there has been consultation between BOMA, Westfield Shopping Centre Management, the Local Government Association, the RAA and other organisations is to be commended. I know that one of my constituents, a Mr Ray Pamment, who has come to see me so often over the years, will be absolutely delighted by this Bill. Those disabled members of my electorate of Albert Park will be equally delighted by this Bill, which I hope is proclaimed quickly. I note that Cabinet has also approved the drafting of amendments to the Motor Vehicles Act to review and upgrade eligibility qualifications for a person seeking to obtain a disabled person's parking permit. In this context, it is proposed to follow the examples of some other States and introduce a permit for organisations that frequently transport people with serious disabilities in specially adapted vehicles. I commend again those people who have been involved in the formulation of this Bill and all those members who have contributed in a positive way to this debate to assist those less fortunate than we are. I trust that the Bill has a speedy passage through Parliament.

Mr HOLLOWAY (Mitchell): I rise to support the Bill, which is one of a number of measures that the Bannon Government has introduced over nearly a decade to improve the lot of disabled people. The introduction of Access Cabs has improved the accessibility of disabled people, and there has been the establishment of technical aids and appliance programs for people with disabilities. There has been anti-discrimination legislation, which has been a great help in incorporating a disability focus and providing an avenue for redressing discriminatory practices in a number of areas including employment, education, accommodation and access to goods and services. There have also been changes to building codes that have assisted disabled people with their mobility.

The provision of parking for disabled people is a very important issue in my electorate, where there is a relatively large number of people in that situation. The key measure in this Bill is to provide for the enforcement of parking in disabled persons' areas in private car parks by local government inspectors and members of the Police Force. Agreement between the council and the shopping centre owner is no longer required. The present situation is that the owners have discretion to set aside any part of their car park as a disabled persons' parking area and, where a time limit is imposed in that car park, those vehicles have 90 minutes over that limit. The problem that has arisen is that illegal parking in disabled persons' areas is not being enforced because of council reluctance, in some cases. Fortunately, that is not true of all of them and one council occasionally polices parking in one of the larger shopping centres in my electorate. However, because other areas have not been policed, particularly supermarkets, there is a growing problem. There is also a growing demand for disabled car parks.

To achieve the desired outcome, which is to ensure the adequate provision of car parks for disabled persons, it is important that there be effective policing of disabled car parks. To achieve the desired outcome, this amendment will require adequate provision of disabled parking areas so that shopping centres, and so on, do not get around enforcement. It is no good allowing for the policing of car parks if the owners of the shopping centres do not provide adequate car parks. I am certainly pleased that in the second reading explanation the Minister indicated that a Planning Act Supplementary Development Plan for centres and shopping developments is under preparation, and there will be provision for a fixed ratio of disabled parking spaces relative to the total area. Indeed, it is necessary if we are to get effective policies in the area.

Of course, a related problem is the location of disabled car parks away from the entrance. Whereas the larger shopping centres do provide disabled parking areas close to the entrance, we will need to make sure that there is not a loophole where the owners of car parks can locate the disabled parks away from the entrance to the centre. I am also pleased with the measure in this Bill to increase the expiation fee from $20 to $50. The sum of $50 is obviously a more appropriate penalty for this offence.

The second part of the Bill inserts a new section, which enables the incorporation of codes or standards by regulation. This will enable the Minister to incorporate a national standard on parking signs into the code that sets out the requirements for signs, notices and markings in private parking areas, and that is something that we should welcome. I also welcome the indication from the Minister that changes will be made to the Motor Vehicles Act.

In the second reading explanation, the Minister states:

> . . . amendments to the Motor Vehicles Act to review and upgrade eligibility qualifications for a person seeking to obtain a disabled person's parking permit. In this context it is proposed to follow the example of some other States and introduce a permit for organisations which frequently transport people with severe disabilities in specially adapted vehicles. That measure will be brought before Parliament in the August session.

I certainly welcome that. I hope that this Bill and the related action that has been referred to by the Government will improve the situation for disabled people and end some of the problems that have been caused by those selfish people who illegally park in places that have been set aside for disabled people. I hope that the Bill will prove successful in providing better access for disabled people.

The Hon. T.H. HEMMINGS (Napier): I support the Bill. I pay tribute to my colleagues on this side of the House who have spoken prior to me, particularly the member for Henley Beach and the member for Albert Park who put forward in a most eloquent manner the more positive aspects

of this Bill, and also highlighted the selfishness of some people who have no wish to recognise that there are others within our society who need additional help in regard to parking. I will cover that matter later.

I think it is only fair to reiterate what the member for Henley Beach said about a previous member in this House, June Appleby, who explored this problem and other aspects of providing assistance to the disabled during her time here. Mr Speaker, she would often have had discussions with you on this matter. I do not often refer to my time in the Cabinet, but I remember that I was continually hounded by June Appleby to get support for some of the things that she was pushing through. In effect, this Bill is a tribute to what June did in the time that she was in this Parliament.

I will go on on a different tack from my colleagues on this side of the House. I am disappointed with part of this legislation, mainly for two reasons. Too often we on this side of the House hear members opposite saying, 'Why didn't Government members stand up and have a say?' Apart from the lead speaker on the other side of the House, no-one opposite has either criticised this legislation or lauded the Minister for this measure. I sincerely hope that the conscience of someone on the other side of the House has been pricked sufficiently so that he or she will stand up and support this legislation or, if they feel that we should not care for the handicapped, criticise the Government.

The SPEAKER: I ask the honourable member to link his remarks to the Bill before the House.

The Hon. T.H. HEMMINGS: I am, Sir; I just felt that I had to get that matter off my chest. I feel so strongly about these kinds of things. I am also disappointed that in society today we must resort, through legislation, to implementing punitive measures to ensure that the legislation is being policed properly. The member for Albert Park spoke at great length, although very lucidly, about his agreement that unauthorised vehicles parked in handicapped areas should be towed away. The member for Henley Beach talked about the expiation fees that have been incorporated in this legislation.

I would like to think that there is a philosophy in the community that we are our brother's keeper, that we do worry about other people, that we do worry about those people who are less fortunate than ourselves so that we do do the right things whether it be in terms of parking, access to buildings, doing the right and proper thing to allow people who are physically disabled the opportunity to take our place in a queue, or whatever. Sadly, those kinds of things that I know you, Mr Speaker, support vehmently, as do most of my colleagues on this side of the House, we do naturally. I would have no problem with the idea that Norm Peterson in private life, if he was driving into the Port Adelaide shopping centre—

The SPEAKER: Order! The honourable member has been here for many, many years. In fact I have noticed above his office door that he currently occupies the office of elder statesman, so he has been here for a long time. He is well aware of the requirement that members are not referred to by their name: they are referred to by their electorate or the position they hold in the House. I ask the honourable member to comply with that requirement.

The Hon. T.H. HEMMINGS: I stand admonished by you, Sir. What I should say, in line with Standing Orders, is that when you, Mr Speaker, as a private citizen, go to one of the big shopping centres at Port Adelaide (the area which you dearly love and represent so well) and come to an area that is for handicapped parking, you do not think, 'If I park in there I'm going to cop a $20 or $50 fine' or 'If I do that, I'm going to be towed away.' Your duty as a citizen of this world would ensure that you would not park in that area: you would park somewhere else. Unfortunately, as the member for Albert Park has so adequately canvassed, some people would not give a damn. They park in the first vacant space they come to, with no compunction, whether there is a prohibitive sign, either on the bitumen or on a post. That is what disappoints me.

I congratulate the Minister for ensuring that these putative measures and all the correct mechanisms are in the Bill, giving local government its correct responsibility to ensure that all these things happen, but I feel hurt personally that I have to be party to legislation that will ensure that there are powers to deal with those larrikins out there who do not have a jot of thought for people less fortunate than themselves in relation to physical ability. I would like members to reflect on that point of view. Some of the sentiments that I have expressed here in relation to the Bill could be applied to many pieces of legislation. One talks about too much regulation in this Parliament, and we are accused by members opposite of too much regulation. But, sadly, it is a fact of life that we have to do that. In some ways this Bill could be the catalyst for an educational process in the community to show that we all have a role to play in society. I support the Bill.

Mr BLACKER (Flinders): I, too, support the Bill. We would all agree that there is a need for some strengthening of the laws to make sure that those areas that have been set aside for disabled parking are in fact available for those persons who require their use. I have a continuing interest in the needs of the disabled: I am the chairman of the Eyre Disability Coordinating Group, which is a small group operating on Lower Eyre Peninsula to assist support groups and services that look after disabled people, intellectually or physically. There is nothing more frustrating than to have brought before our meeting regularly the inconvenience unnecessarily placed on those persons who require the use of disabled car park places, particularly those persons who require more than the standard car place, but a little extra width to get a wheelchair in or out of the vehicle.

Because there has been abuse of these areas by physically able persons, some disabled persons in wheelchairs have been taking the law into their own hands: I know of a number of instances where cars that have been parked illegally in disabled places have done it only once because they have had a scratch down the side of their cars caused by a wheelchair. Although that may sound like wanton destruction that no-one would like to happen, it has occurred more than once.

This legislation was designed to give the powers-that-be greater ability to police that. There has been some argument between local government and police as to whose responsibility it is to police the disabled parking spaces. That to-ing and fro-ing between the authorities to effectively carry out that policing has been somewhat of a frustration to not only those who are physically disabled and require the use of those spaces but those of us who try to help those people get proper access to those areas.

There have recently been a number of very good changes to the law to assist disabled people: there is no question about that. There is a greater consciousness amongst planning authorities that greater access needs to be provided in developing and redeveloping buildings. I am pleased to say that a considerable amount of money has been spent on the Port Lincoln High School to ensure that almost every room is accessible to students or parents in wheelchairs should they require that. That is a recognition of the needs of the community and facilitates the greater assimilation of

handicapped persons amongst the wider community, to allow them to participate in general activities in education and the wider community. I can only applaud that these rules and regulations that have been implemented over a long period are taking effect and that there is no longer an attitude that because one is physically or, in some cases, mentally disabled one should not have access to certain areas.

Regrettably, a small section of the community still carries those thoughts. Those people abuse the rights of handicapped people to access to those areas. I hope that this legislation will help to overcome that.

I support the legislation. It is a move in the right direction that has been in the pipeline for some time. It will strengthen the laws by ensuring the adequate policing of parking spaces to make sure that those most in need and deserving of those areas are granted that right.

Mrs HUTCHISON (Stuart): I am delighted to support the Bill wholeheartedly. I am sure that all members in this House have people coming into their electorate offices from time to time who have had problems with regard to people who are not disabled using the disabled spaces. The common thread through all those complaints is that the penalties for parking in disabled parking spaces are not heavy enough to deter people from doing so. It is an indictment on a lot of people in our community that they do not have the proper respect for disabled people and do not realise that those people have to be close to were they are going.

It distresses me considerably to realise that we have people like that in our community. I am aware that we have had a review of disabled services over time. I comment on the work done by a previous member of this House, June Appleby, in regard to disabled services. I had reason to contact her from time to time prior to my coming into this House. She was always very committed to looking at services for disabled people and to improving all the services for those people across the board. One of those areas was disabled parking.

Recently, work was done in the Port Pirie part of my electorate of Stuart. Some disabled people there have looked at services available for them on the ground and made recommendations to their local council. Some of those recommendations have been for basic things: anything that will improve the situation for disabled people has to be supported in its entirety in this House, and I believe that it will be by all members present because of its importance to the people in our constituencies who are handicapped.

I support this Bill wholeheartedly. It will have a very good effect in all our electorates and overall for disabled people in our community.

The Hon. J.P. TRAINER (Walsh): I also support this Bill and will try not to repeat the arguments that have been put so eloquently by members on this side and also by the member for Flinders, who made a most worthwhile personal contribution to the debate. One thing that struck me is that this legislation is really a decade late. Less than a decade has passed since we had the International Year for the Disabled. As a community, we should have addressed this problem at that time and not be approaching it now. Nevertheless, better late than never.

Legislation of this nature would not be needed if there was a greater degree of altruism in the community. This subject has been briefly touched upon by my colleague the member for Napier. This legislation provides greater punitive powers because, unfortunately, there are many people out in the community who do not operate from altruistic motives. It is most unfortunate that we have to deal with human nature as we find it and not as we would like it to be but this legislation contains those punitive powers because of the sad lack of altruism out in the community.

All of us would hold in total contempt those who do not respect the parking spaces that are put aside for the disabled. However, I will just mention in passing that a space at the front of this building possibly could be reconsidered in the light of the parking pressure that applies in North Terrace at the front of Parliament House. When I was either the Chairman or alternate Chairman of the Joint Parliamentary Service Committee, it was on my initiative that a space was provided at the front of the building, as the member for Napier, who was the Minister of Housing and Construction at the time, would confirm. It was put forward as a trial, and that trial has now had several years of experience to draw upon. It has not been a complete success—not only because it has been flouted by one or two members—

The Hon. T.H. Hemmings: Anyone from within?

The Hon. J.P. TRAINER: I am not sure whether the member for Napier was suggesting it was the member for Kavel or other individuals, but the arrangement has been flouted from time to time. There is a great deal of pressure on the parking space at the front of the building which really is not a parking space but merely a slightly extended loading area. That space ought to be reviewed in the light of the fact that it has not been used to a great extent for the purpose for which it was originally put aside, and it may well be that there are other ways of addressing that problem.

Mr Speaker, I understand that you are probably considering that I am straying from the actual subject matter of the Bill, but that matter, tangential as it was, was touched upon by the Bill in a roundabout way. I am sure that we will all support this matter when it comes to a vote; I am sure there will be no division. I am sure that it will be the unanimous decision of this House that the Bill will have the support of all members. I am sure also that, at a later stage, we will have better access to the Parliament for disabled persons, particularly if we can open those centre hall doors. I support the Bill.

The Hon. JENNIFER CASHMORE (Coles): I support the Bill and am very pleased that provisions will be enacted to ensure that there is a much more effective way of making people comply with the law. That is what this Bill is all about. I rise to speak on it briefly, simply from my experience over a period of three years during which I have taken out my mother each weekend to different places around Adelaide. At that stage she was confined to a wheelchair.

First, I want to say that Adelaide must be the best city in the world for provision for the disabled through ramps, accesses and simply through the geographical advantage of being a city on a plain, a city where such things are relatively easy to provide. I understand that we were also among the first in this country, if not in the world, to enact legislation in the International Year of the Disabled, and I pay tribute to my colleague the Hon. Trevor Griffin for the requirement, by law, that provision be made for the disabled, in respect of not only parking but access and in other ways.

The fact that Adelaide is potentially a pleasurable place for disabled people means that, when the law or conditions are not observed, all our good intentions are in vain. I support the Bill because it reinforces our capacity to put our intentions into practice. As a driver who at times unwittingly has driven into a disabled parking area—as I am sure we have all done—and got just about on top of it before I have realised what it is, I strongly recommend that improved

signage is essential so that people of goodwill do not unwittingly breach the present regulations. Therefore, we need to make sure they are more effective, and I am pleased that the Government is proceeding to that end.

Mr S.G. EVANS (Davenport): I support the legislation, and I raise one point that the Minister may wish to take up with the Federal authority. I invite members to identify parking spaces in metropolitan Adelaide not only for the disabled but for ordinary citizens who wish to deal with Australia Post. Australia Post provides virtually no accommodation at all for its customers. Usually there is a 15 minute council limit in front of the building. It is impossible for the aged or disabled to go to a post office, get into a queue to post an item, and leave the premises within 15 minutes. I suggest that the Minister and members look at Australia Post's facilities for parking. It is an absolute disgrace in most instances, right throughout the metropolitan area.

The Hon. M.D. RANN (Minister of Employment and Further Education): This is both an emotional moment for me personally and also an historic one for this Parliament, in that we are taking a major step forward in the provision of services for the disabled in this State. I want to follow on from the contribution of the member for Coles, because she is right in saying that we are an international leader in this area. Whilst it is not my usual manner, I want to pay tribute to the member for Napier who, when he was Minister of Public Works and Minister of Housing and Construction, carried out a number of programs and has led Australia in the provision of access for the disabled in public buildings. I join with other members in paying tribute to the former member for Hayward (June Appleby) who had enormous compassion in this area. As we all know, compassion by itself is not enough, and June showed that she had the courage, tenacity and drive to keep on with her campaign to improve facilities for the disabled. This Bill, which I am sure will be passed by this House today, is very much a tribute to June Appleby's perseverance and dedication towards the disabled.

The member for Albert Park mentioned tow-away provisions, and that is certainly a matter that I will be happy to take up with my ministerial colleague in another place, the Minister for Local Government Relations. The effect of the Bill is simply that, where an owner has properly marked out a space only for the disabled in a private car park, that space can be policed by local government inspectors and police officers without any formal agreement for policing being made between the owner and the council. Council inspectors will not go beyond the borders of their council areas, and the expiation fee will be payable to the council and not to the Government. As I say, this is a major step forward and I thank all members for their contributions to the debate.

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

PARKS COMMUNITY CENTRE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 April. Page 4095.)

Mr VENNING (Custance): I appreciate the significance of this occasion, allowing me the opportunity to handle this Bill on behalf of the Opposition. These are the dying days of this Parliament and, as it is my first year in Parliament, I do think it is a privilege. I have enjoyed being involved in this issue and visiting the Parks Community Centre. I knew the centre was there, but it gave me much pleasure to visit it especially with this interest in mind.

The Opposition supports the general thrust of the amendments outlined in this Bill. The Parks Community Centre was established under the Parks Community Centre Act 1981 by our Liberal colleague, the Hon. Murray Hill, the former Minister of Local Government, and the Bill will give him much pleasure in reminding him of that. The centre was built to meet the social, educational, recreational, cultural and welfare needs of that local community, from the suburbs of Angle Park, Mansfield Park, Ferryden Park, Woodville Gardens, Athol Park, Wingfield and Ottoway.

The Hon. Jennifer Cashmore interjecting:

Mr VENNING: I note the interjection by the member for Coles: it is in a deprived area, and it is pleasing to see such a facility where it is and doing such a splendid job. It is obviously very popular and very well used. The facilities that are offered at the Parks complex include a high school; TAFE; a library; sporting complex with indoor and outdoor facilities; an arts complex, including art, craft and theatre facilities; a skills program and other youth services; a child-care centre; the Enfield Council regional office; the Department of Family and Community Services office; the Angle Park computing centre, the Government printing office; community health services; and legal services. It is a very comprehensive list of services offered by the Parks Community Centre for the people in that area.

The Parks Community Centre services an area where the need for such a facility is obvious and well warranted. I think members would agree that, coming from me as a country person, that comment is worth noting. Housing is predominantly public housing, and it has been estimated that in the area in excess of 75 per cent of all households receive social security as the primary source of income. As a rural person, at the opposite end of the spectrum, I was very interested to visit this excellent facility. It is a beautifully appointed complex and apparently well used. Recently, the assistant Chief Executive Officer, Mr Steve Coughlin, spent some time speaking to me and showing me the facilities it offers, explaining some of the functions of the centre, and I thank Mr Coughlin very much for that.

I have some difficulty, as members would expect, because of my country upbringing, in coming to terms with a complex where everything is provided by the Government, although admittedly there is an element of user-pays in some activities. It appears from the last Auditor-General's Report that the net cost to the community of running the Parks through various Government funding measures amounted to more than $4 million for 1989-90, and that does not include the high school. Part of that cost is the remuneration paid to the Chairperson and members of the board under section 9 of the Act. Can the Minister detail the allowances and expenses received by the present board for this financial year? I would be very interested to know these details and what changes can be expected for the new board. It does concern me that, out of a population of about 100 000 who can in one way or another make use of the Parks facility, 75 000—or three-quarters—live in households which receive social security as a primary source of income.

We have this large group of people residing in metropolitan Adelaide who are dependent on the State for their livelihood and the facilities they can and do enjoy at the Parks. However, apart from the school, I believe it should not be an economic drain on the taxpayers of Australia and

South Australia forever. It is an indictment on both the Commonwealth and the State Governments that the economic climate has apparently not improved for people in the general Parks area since 1981. Despite buoyant overseas economic conditions for the last five or six years, Australia has managed to go backwards, and it is residents such as those serviced by the Parks centre that bear the brunt of this. I will always argue that it is preferable to run complexes such as the Parks in such a way that there is little, if any, net cost to the taxpayers of this State.

Following many years of involvement with my local rural community and with local government, I have operated with an overriding principle that if people have something to occupy their leisure time, somewhere to go, the undesirable effects of boredom can be markedly reduced. In that community this facet is very obvious to a person from the outside. There is so much there for the young people to do, and it must be helping to minimise the crime figures, as well as helping the police to maintain law and order.

Common facilities for education, sport, recreation, and the like, help to bind communities together, something that I believe is vital in the Parks area. I commend my colleague the former Minister, the Hon. Murray Hill, for his foresight in getting the centre up and running.

The Bill before us now seeks to do just two things. It restructures the board to provide a more outward looking community-oriented membership which will be, I hope, better able to respond to the community's needs. I note that the Minister for Local Government Relations will now nominate six members of the board (not four as stated in the second reading speech)—I would like the Minister involved to clarify that—out of a reduced board membership of 11 (down from 13). That is a streamlining which I think we all appreciate. Previously, no fewer than four other Minister also nominated representatives to the board. I welcome this streamlining of appointment procedure from what was an unwieldy and very much a bureaucratic operation. Surely, when you have four Ministers sending their nominees to a board, there would have to be some sort of conflict in that area. I expect that the Minister for Local Government Relations—just the one Minister—will be able to select people who can best represent the various community interests.

Enfield council still has a board representative; registered users have three representatives; and there will be one elected staff member. The Bill also provides that a casual or part-time employee can be elected as a staff representative. The Chief Executive Officer will be responsible for the effective management of the centre, as I gather he is now, for the management of the staff and for the implementation of management plans and budgets determined by the board.

I wish the board, the Parks Community Centre and the Chief Executive Officer well as they tackle the day-to-day management of such a worthwhile community centre. In closing, I recommend that all members take the opportunity to go out to the Parks and be enlightened and, as I did this morning, refresh their minds on what a marvellous facility this is and on the great job it is doing. I support the second reading of this Bill on behalf of the Liberal Party.

The Hon. T.H. HEMMINGS (Napier): Obviously, I rise to support the Bill. May I congratulate the member for Custance on having the carriage of this Bill on behalf of the Opposition. The honourable member is far too modest. He stands there and makes excuses about being a country boy and suggests that we on this side of the House may be surprised that he can stand up here and support it. Let me place this on record: I have never considered the member for Custance to be a red-neck, like some of his colleagues. To me he has always been a compassionate man. I say to him: continue doing the kind of things that you are doing now and it will work to your advantage.

It is also a very refreshing change to hear the Liberal Party—in this instance the member for Custance—supporting this Bill and, in doing so, supporting the Parks Community Centre. I well remember when the Parks Community Centre was being attacked by the Liberal Party of the day, and thankfully none of the members are here in the House at this time—they have all left and gone to greener or sparcer pastures. Those people in the Liberal Party attacked it at the time. They said it was a waste of money. They said, 'Why put that much money into an area like the Parks?'

Let me make it perfectly clear that I am not levelling that accusation against the member for Custance, or any other member who wants to stand up and support this Bill, and I sincerely hope they do, because it is a major Bill. The Liberal Party at the time said, 'Why spend money at the Parks? Why do you want to spend that kind of money out there in that area?' I can assure the House—and I see the member for Elizabeth present in the Chamber—that at that time we were crying out for similar projects to be established in our area. We were not members of Parliament, but we were acting within the local community.

I saw the Parks Community Centre develop and, as it has developed, there has been development out in the community. Prior to the Parks Community Centre being built there was very little sense of purpose amongst the local community and very little dignity. They are all battlers, very similar to the people in the electorate that you represent, Sir. They wanted to do their bit but there was nothing to bring them together. But now if we go to the Parks Community Centre we find active community health programs provided by the Government. I pay tribute to the member for Coles for her time as Minister of Health, as she supported community health. I am not the kind of person to pay tribute on the one hand and use a sledgehammer on the other, but insufficient funding was forthcoming during the time the member for Coles was Minister.

The Hon. Jennifer Cashmore interjecting:

The Hon. T.H. HEMMINGS: The member for Coles agrees. In the past women went to their local GP to get their dose of anti-depressant—valium, mogodon or serapax—but they now go to the Parks Community Health Centre and receive positive advice on health. That is an integral part of the Bill and, in fact, the second reading explanation talks about 'a more outward community oriented' approach. Much has been done, but more is required to involve the community.

The SPEAKER: Order! The honourable member will link his remarks to the Bill before the House.

The Hon. T.H. HEMMINGS: Already we see an outward community oriented membership of the Parks Community Centre. That centre, in conjunction with the South Australian Housing Trust, has encouraged tenant participation. One such area that was so successful was where it was based at the Parks Community Centre. For that reason we should support the legislation which gives far greater centre membership out there in the community.

As Minister of Local Government I accompanied the Prince of Wales and his charming wife, Princess Diana, during the March 1983 royal tour, to the Parks Community Centre where all types of activities took place for the benefit of their Royal Highnesses. In the swimming centre youngsters from deprived families along with handicapped children put on a race for the royal couple, and it was delightful to

see the smile on the faces of their Royal Highnesses and the obvious happiness that they were experiencing. It meant a lot to me.

The SPEAKER: Order! The honourable member's remarks do not mean a lot to the Chair. I ask him to be relevant and to confine his remarks to the Bill.

The Hon. T.H. HEMMINGS: My remarks highlight what the community centre means to local residents. If this Bill results in increased community involvement, it is a positive step. I support the Bill.

Mr FERGUSON (Henley Beach): I support the Bill before us and congratulate the member for Custance for the obvious research he put into it and the way he presented the Opposition's point of view. He took the trouble to go down to the Parks Community Centre to check out the place and to talk to management. I extend my congratulations to him on his presentation this evening. I fancy that where he is now sitting in the Leader's seat is not inappropriate as far as the future is concerned.

I made the point that the Hon. Murray Hill opened the Parks Community Centre in 1981, but it was the Federal Whitlam Labor Government that provided the finance to put it together. Whitlam's vision was to provide these centres in areas of need throughout Australia. The South Australian Government was first off the mark by conceding that money was available in Treasury and approached the Federal Government. Indeed, we led the rest of the country with the Parks Community Centre, and what a magnificent asset it is. I agree with the member for Custance, who stated that in his opening remarks. However, I could not come to grips with a couple of things he said.

The member for Custance said that he had problems with the fact that the user-pays principle did not apply. He said he had difficulty coming to terms with the fact that it is not a centre where the user pays in total for use of the centre. If we had a user pays principle, we would never have had the Parks Community Centre because the people of the area are amongst the poorest in our community and they would never have been able to put together the money to provide such a magnificent centre.

The member for Custance suggested that there should be no net cost to taxpayers. I hope that I am not misquoting him, but I think that is what he said. If that sort of attitude were to prevail, we will never maintain such centres. There is a plus for the community in such centres, and that was recognised by the honourable member. One has to balance the good being done in such centres against what the community is paying. One cannot calculate what the crime rate would be if we did not have the centre in that area with all the social justice that it provides for people. The clock is against me, but I support the Bill.

Mr HAMILTON (Albert Park): I must pay tribute to the member for Custance. I congratulate him on the carriage of his first Bill. Let it not be said that members on this side of the House are not gracious in their praise of members handling a Bill for the first time on behalf of their Party. Certainly, it must be a thrill for the member for Custance to see the passage of this Bill on behalf of the Opposition. As my colleague the member for Henley Beach so aptly put it, the involvement of the Whitlam Government and the Hon. Hugh Hudson should not be forgotten because this centre was a first in Australia. The centre was badly needed in this depressed area. At that time the area needed uplifting, and the centre provided a means by which working class people could express themselves artistically. The expressive arts is one area in which working class people can be involved and express themselves in theatre, song and dance and various other activities open to art groups.

One reason why I wanted to speak to the Bill, although we are short of time, is because many groups in my electorate have used the Parks Community Centre facilities. To both the past and current centre management I wish to express appreciation for the wonderful job that they do and have done. Despite the changes, we should place on record our appreciation of the people who have served in that area and who have provided the opportunity for disadvantaged kids and adults not only in that area but as far ranging as your electorate, Mr Speaker, and mine, to use the centre's facilities. I support the Bill and pay tribute to both the past and current members of the board.

The Hon. JENNIFER CASHMORE (Coles): I support the Bill, which is a simple one to restructure the board of the Parks Community Centre, and to define the roles and functions of the Chief Executive Officer. I first visited the centre as Minister of Health, as the member for Napier mentioned, and I was immensely impressed. I acknowledge the points made by the member for Henley Beach about the role of the Whitlam Government in making provision for community centres, especially in deprived areas, and there is no doubt whatever that the Parks is in an immensely deprived area.

I want to participate in the debate to express my admiration for those who work in this area, in both a professional and voluntary capacity, and I would like to particularly mention the work of the primary school associated with the centre. I would like to say how impressed I was some years back when the primary school invited me and Mick Young (then Federal member for Port Adelaide), and I regret that I cannot remember the third person who was probably someone terribly important, to speak to the children.

They were the most responsive and delightful group of children, and I found it a privilege to be with Federal colleagues who were opponents in that situation. I simply commend the Bill and the role of the centre. I commend my colleague the member for Custance for his carriage of the Bill.

The Hon. M.D. RANN (Minister of Employment and Further Education): I thank all members for their contribution and I congratulate the member for Custance on his maiden Bill, because he handled it with dignity and statesmanship. I want to pay tribute to a couple of people. First, Hugh Hudson, the Minister in the Dunstan Government who had carriage of the Parks Community Centre in terms of the State Government. Secondly, I pay tribute to both the member for Ross Smith and the member for Price. There could not be greater supporters of the Parks Community Centre than either of those two members of Parliament, and I want to make note of that. Basically, this Bill cleans up a number of administrative matters relating to the powers of both the board and the executive officer. It brings the situation into line with current management practice and I commend the Bill to the House.

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

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

ABALONE FISHERY

Adjourned debate on motion of Hon. Lynn Arnold:

That a select committee be established to examine—

(a) the owner operator policy that applies to the South Australian abalone fishery;

(b) the potential impact on biological and resource management (including enforcement) requirements for the fishery;
(c) equity issues with regard to the distribution of benefits between existing (current licence holders), intergenerational and community interests;
(d) application of occupational health and safety standards for employee divers;
(e) possible implication of the application of the Workers Compensation and Rehabilitation Act 1986; and
(f) any possible implications relaxation of the policy may have on the nature of investment in the fishery.

(Continued from 5 March. Page 3220.)

Mr MEIER (Goyder): I wish to amend the motion. I move:

After the present contents which are designated as paragraph (1) insert:

(2) *(a)* the current state of the Gulf St Vincent prawn fishery and the reasons for its present catch rates;
(b) the possibility of a further steep decline in catch and whether its current stock or recruitment levels are evidence of the fishery already being in collapse;
(c) the biological and resource management (including enforcement) requirements for the fishery;
(d) past and present management policies and practices adopted in the fishery by the Department of Fisheries; and
(e) whether the Fisheries (Gulf St Vincent Prawn Fishery Rationalisation) Act 1987 should be amended,

(3) *(a)* the biological and resource management (including enforcement) requirements for the shark fishery;
(b) the distribution of shark fish resources between the various commercial operators;
(c) the effects of short and long term closures on the industry and on South Australia as a whole; and
(d) the relationship between the Commonwealth and State fisheries and future options;

and

(4) *(a)* the distribution of marine scale fish resources between the various commercial and recreational sectors;
(b) the biological and resource management (including enforcement) requirements for the fishery;
(c) the nature of investment both in the commercial and recreational sectors of the fishery; and
(d) the management of the marine scale fishery.

Before speaking specifically to the amendment that I have moved, I wish to address the motion moved by the Minister to set up a select committee into the abalone fishery. The Minister's speech deals with a variety of factors that relate to the abalone industry, one of the most important points being that the value of production to licence holders in 1989-90 was $16.7 million, so it is a very important industry. I also note that the Minister identifies that regulations and licence conditions limit the taking of abalone to the licence holder who also must be the registered master of the vessel and that an abalone fishery licence may be issued only to a natural person, being one person.

The Minister goes on to point out some of the problems and indicates that the legislative provisions restrict operations to the licence holder and not necessarily to the licence owner. Furthermore, it is reported that up to two-thirds of the 23 licences in the western zone are owned by someone other than the person whose name is on the licence, that there is usually a private contract between the licence owner and the licence holder and that this type of arrangement can be the subject of a legal dispute, as in the case *Pennington v McGovern.*

Members who participated in the Estimates Committee dealing with the Department of Fisheries would be well aware that the issue of legal title holders and property has been considered and debated to some extent and still needs to be resolved one way or the other. It is also pointed out by the Minister that licence holders could pursue a lifelong career in the industry with reduced individual exposure to long-term diving related illness by employing divers, and this provision is sought through the terms and conditions of the select committee. Such arrangements have developed unofficially and the industry is seeking that they be recognised formally in legislation.

I know that the issue of excessive diving by abalone divers is an important one. I have spoken with some divers and it is tragic that their health has been ruined for life. Many of them believe that they have a limited life span and some can no longer engage in the physical activity that they used to. These divers have real problems and it is absolutely essential that their problems be addressed, for the health of those people concerned and, equally importantly, for the future of the abalone industry in South Australia.

Cabinet has considered the issue and requested that it be dealt with by a select committee of this House. I was very surprised when the Minister gave notice that he intended to move for the establishment of a select committee into the abalone industry, because that is not common practice, but the Minister will undoubtedly give me examples where it has happened. In the eight years that I have been in this place, to the best of my knowledge, few if any select committees have been set up by the Government without the pushing of the Opposition. It is my understanding that the Government is elected for that very purpose, namely, to govern; that it is the Government who considers issues, with appropriate consultation; that it is the Government who makes the tough decisions, if necessary; and, in the end, that it is the Government which carries the can.

Maybe the Minister will correct me if I am wrong in saying that the Government does not seem to be able or is not prepared to make a decision in this area; hence the select committee. I will be interested in the answer. With the Government's having decided to move for a select committee, I immediately considered some of the many issues that have been brought to my attention since I have been shadow Minister of Fisheries. I felt that, if the Government wants to set up a select committee for a problem that it sees, it is only fair and right that the Opposition take the opportunity to extend the select committee to include other problems in the fishing industry. That is the reason for my amendment, which embraces three areas: first, the Gulf St Vincent prawn fishery; secondly, the shark fishery; and, finally, the marine scale fishery.

I was upset when contacted by members of the abalone industry, who gave me the clear indication that, as Opposition spokesperson on fisheries, I was seeking to delay the select committee into the abalone industry by extending its terms of reference. That was the last thing on my mind, and I indicated that accordingly. I asked where this information had come from and I was advised of one person who said that I was delaying the abalone select committee inquiry. I addressed that person, and I believe I got a satisfactory answer. I certainly put my case that under no circumstances was I delaying it. In fact, if blame needs to be sheeted home, one could put it back on the Government for having taken a long time to decide to go to a select committee.

The Hon. P.B. Arnold: You wanted a full inquiry, and that is commonsense.

Mr MEIER: Exactly. As the member for Chaffey commented, I wanted a full inquiry since we were setting up a select committee anyway. I made clear to the members of the abalone industry who contacted me that I would seek to have interim reports handed down as each fishery was considered. In other words, the abalone industry was to be looked at first and, therefore, an interim report would be handed down as soon as that inquiry was finished. There would be no delay at all. I was pleased to receive infor-

mation from the abalone industry in a letter dated 15 October 1990, addressed to me, as follows:

In the very near future the Government is to make a decision as to the enforced practice of owner operator in the South Australian abalone industry.

Under this practice, the owner of a licence in this significant State-wide industry must also be the diver.

As you are aware, abalone diving is both a stressful and high risk occupation and, while the practice of the licence holder being the diver may have operated satisfactorily in the industry's developmental days, it is now causing considerable anguish and in some instances actual and unnecessary hardship amongst our members . . . Further, the very price of a licence at over $1 million has witnessed the ever growing involvment of many relatively small South Australian business people forming sydicates thus ensuring a continued and a much more widespread local involvement in the industry.

Throughout our representations over the past three years we have been constantly urged that the solution to our dilemma has been to simply sell out.

However, the facts of life are that many of our members have reached the stage where, and for whatever reason, no longer wish to continue active diving and don't wish to leave the industry.

On looking through my files and noting what the industry said last October, it came home to me very clearly why people were upset that there could be a delay because of the select committee, why they were upset that the matter went to a select committee in the first instance; it has been progressing for a long time and it should have been addressed before today.

I also received a copy of a letter sent to the Minister of Fisheries dated 5 March 1990. Again I quote extracts from that letter as follows:

Dear Minister,

We were both disappointed and understanding to learn of your inability to make a decision on owner operator in our industry pending what could be long and drawn out legal moves involving the property rights of licences in your letter of 31 January, 1990 . . . However, the reality is that while these legal/philosophical arguments run their course, the enforcement of the policy of compulsory owner operator continues to adversely affect our members on a daily basis.

The letter goes on to identify at least one example and to indicate that they have problems in the industry. The last sentence states:

We look forward to discussing the matter with you further.

I received additional information, dated October 1990, in which specific proposals were put forward and comments were made by the abalone industry. It is clear that the abalone industry has been seeking for a long period action in the areas that people they believe are affecting their industry. For that reason the Opposition is very pleased to support the establishment of a select committee.

We thank the Minister for allowing us to be directly involved in the process of Government and of making these decisions: I am happy to acknowledge that, as long as it is not at the expense of the industry in further delays. As you, Mr Speaker, and all members here would appreciate, because of the resources of this Parliament select committees invariably, if not always, have to sit during Parliamentary recess periods. It was obvious from the time this motion was moved that we would have to wait some weeks before the select committee could be set up. Hopefully, as this is the last week of sitting, the committee will be established and will meet as soon as possible.

I refer now to the present state of the Gulf St Vincent prawn fishery and the reasons for the present catch rates. Members who have been here for some years will be only too aware that the Gulf St Vincent prawn fishery has a somewhat chequered history. In fact, it goes back well before this present Government into the time of the previous Liberal Government of 1979-82, and before that. It is interesting to look back at some of the *Hansard* volumes. I will not take the time of this House to cite speech after speech, but one interesting comment caught my attention. On 1 April 1982 an urgency motion was moved against the then Minister of Fisheries. The Hon. Mr Keneally, I assume the then Opposition spokesman for fisheries, said:

I notice that my comments are causing a degree of dissention in the Government ranks—

he was a member of the Opposition at that stage—

and I am not surprised, because rarely is anyone prepared to speak strongly, forcefully, and accurately about the fishing industry in South Australia, an industry which, by and large, flourishes in certain fisheries because of the action of this place, the Government and the Parliament of South Australia. We have a right and a responsibility to involve ourselves in what is happening in the waters of South Australia. Failure to do so would mean that we are not fulfilling our responsibilities. Failure to do so does not mean that every thing is rosy in the fishing industry, because it is not . . .

Mr Keneally was quite right and I possibly did not even have to acknowledge his words: I could have plagiarised them, and they would have been as appropriate now as they were in 1982. It was interesting to see a write-up on this, I assume the following day, as follows:

The Premier (Mr Tonkin) said, 'The motion reflected badly on the Opposition because it had caused the entire problem when in Government. In 1975 that Labor Government gave two extra licences in St Vincent Gulf and five permits in Investigator Strait, and they did so without any research whatsoever', Mr Tonkin said. 'That decision committed too many boats to the area, and that is the whole basis for the present situation.' He said there was no truth in any of Mr Keneally's allegations. 'The honourable member could not resist the temptation to exaggerate his case', he said.

As a fellow Liberal, I can only agree entirely with the comments of Mr Tonkin, the former Premier. Let us have a look at some aspects of the history of the Gulf St Vincent prawn fishery. A paper entitled 'Gulf of St Vincent Prawn Fishery', under the heading 'A Liquid Goldmine', states:

This description of the Gulf St Vincent/Investigator Strait prawn fishery was given in 1977 to the High Court of Australia, during a hearing of disputed access to the fishing ground. The fishery, in that calendar year, produced a catch of 800 tonnes of top quality Western King prawns, worth 12 million dollars at today's values.

The fishermen believed, with confidence, that a catch of this order could be sustained and probably improved. Their belief was based on the knowledge that the yearly crop of mature prawns was not being entirely taken and that the breeding stock remained intact. This view was shared by officers of the department who agreed, on two occasions in 1977, to the issuing of additional fishing licences on the grounds that the fishery was under-utilised.

It is noteworthy that Professor Copes of the Institute of Fisheries Analysis, Simon Fraser University, B.C., Canada, whilst in South Australia in 1978, also suggested that the fishery appeared able to absorb more boats. Thereafter the fishery declined. The decline coincided with a change in the Department of Fisheries personnel and policy. The fishermen warned repeatedly that the department's new policy was the cause of the decline but department officials blamed seasonal fluctuations and other nebulous reasons. They reported yearly that they were bringing about a recovery and that there had been a good recruitment of juvenile prawns to the fishery.

By 1986, the fishery was in such a poor state that the South Australian Government engaged Professor Copes to conduct an inquiry into its management. He found the fishery to be in crisis with prawn stocks seriously depleted and recommended, *inter alia*, the removal of one-third of the fleet. The department officers assured Professor Copes and the Government that there would be steadily rising catches under the new 'harvesting management strategy'. On that basis the Government arranged a $2.8m loan ($7.5m with interest over 10 years) which it demanded that the fishermen repay, to buy out one-third of the fleet.

When the predicted catches failed to materialise and fishermen were unable to meet the loan payments, the department officers directed them to take prawns which Professor Copes had recommended should be left to grow and spawn.

An honourable member: Why don't you just incorporate it in *Hansard*? Why are you reading it?

Mr MEIER: I do not think I am allowed to incorporate it in *Hansard*.

The SPEAKER: Order! The honourable member will direct his remarks to the Chair.

Mr MEIER: That is a very good point, and I seek your ruling, Mr Speaker, as to whether I would be allowed to incorporate in *Hansard* an extract of a written document.

The SPEAKER: Of course, the House can do what it likes.

Mr MEIER: As I have nearly finished I will continue:

At the same time, in order to cover up their faulty management, they advised the Government that the lower catches were due to their deliberate policy of forgoing some available catches to allow greater catches in the future. They claimed this was being done with the full support of the licence-holders.

That provides a succinct summary over a long period of the Gulf St Vincent's problems. It is interesting to note that not only has the catch of the Gulf St Vincent and, in the earlier days, Investigator Strait fisheries declined but also the size of prawns has seriously diminished, and that has created another problem. It is also pointed out that in recent years prawn aquaculture has boomed and world markets are flooded with relatively cheaply produced prawns. The document continues:

Most of these prawns are small because costs restrict the size to which they can be produced. If natural fisheries are to survive against aquaculture, it is imperative that their prawn size be kept high, but in the Gulf St Vincent fishery the opposite is occurring.

It is recognised and noted that the Gulf St Vincent was one of the first fisheries in the world to be placed under biological, economical management and to have from its inception the following:

1. Biologists and economists appointed to it.
2. Fishing effort controlled by limiting licences, vessels and fishing gear.
3. Strict criteria for selecting licence-holders, for example, responsible attitude and commitment towards fisheries, etc.
4. Legislation requiring fishermen to provide data on catches, fishing effort, etc., making it the best documented fishery in the world.

So, considering the Gulf St Vincent fishery's management, one would have thought that it should have been able to set an example for the rest of the world: instead, according to one report, it has caused the fishery to become one of the poorest prawn fisheries in Australia. We have seen the situation where the boats are tied up for hundreds of days each year, the crews' wages have often had to be supplemented by social security payments, accountants' reports have shown that the boats' owners have survived financially only by using for other purposes money that should have been set aside for vessel replacement, fishermen operate in boats which are inadequate and unsafe by 1990 standards, and we have seen the department directing fishermen to take prawns which should constitute the breeding stock in order to stave off bankruptcy.

According to one of the fishermen, the problem confronting the Gulf St Vincent/Investigator Strait prawn fishery was not a biological one but one of management. As he said, there is no suggestion that the resource has been or is confronted with a biological-based trauma. Professor Copes reported:

Nature has not abandoned the fishermen, for the environment is capable of supporting as good a fishery as before. Only human institutions have failed to maintain the fishery in a healthy state.

There are certainly some interesting examples that have been brought to my attention of the way certain people have sought to influence others to convince the fishermen that things were all right or that they were not as bad as was being preached, even to the extent that letters were written by a fisherman and supposedly answered by other fishermen, the person answering those letters having apparently been a senior officer in the Department of Fisheries. I dare say that many of those factors will be brought forward in the select committee, the terms of reference of which will allow a broad range of subjects to be considered.

I mentioned at the beginning, dealing with various aspects of the Gulf St Vincent prawn fishery, that it had been described as a liquid goldmine. In an article on 7 November 1979, I notice that, already at that stage, the liquid goldmine was identified as one that may collapse. In 1987, nearly 10 years later, we see the then Minister of Fisheries (Hon. Kym Mayes) moving to bring in a new agreement with Gulf St Vincent prawn fishermen. In his press release of 12 March 1987, the Minister said, among other things:

The Government has adopted a major recommendation by Professor Copes that six vessels should be removed to ensure the conservation, regeneration and long-term viability and stability of the fishery. If the situation demands it, and this will be based on progressive scientific and biological data, then the sixth vessel will have to be removed.

The Minister stated further:

The current value of the annual harvest of 262 tonnes based on $13 per kilogram of prawns is $3.4 million. A harvest of 400 tonnes at $13 per kilogram will be worth $5.2 million a year. Based on these projections, I believe that an average repayment of between $70 000 and $80 000 per fisherman per year is a reasonable and realistic expectation, particularly when the substantial long-term viability of the fishery is recognised.

So, that brings us to a new feature, the anticipated catch rate. The Department of Fisheries Research Department had estimated catch sizes in the event that it took three, five or seven years to restore the fishery to the desired level of 400 tonnes per annum. Remember that that was what the Minister referred to when he indicated that the fishermen could pay between $70 000 and $80 000 per year. So, we have figures put to the fishermen commencing with the year 1987-88 as year 1, going through to year 10, and I seek leave to insert in *Hansard* a table, giving the assurance that it is purely statistical.

Leave granted.

Years	Estimated Total Catch (tonnes) 3-year recovery	5-year recovery	7-year recovery
1	262	262	262
2	331	296.5	285
3	400	331	308
4	400	365	331
5	400	400	377
6	400	400	400
7	400	400	400
8	400	400	400
9	400	400	400
10	400	400	400

Mr MEIER: The table shows that we had predicted tonnages, as I indicated, for 1987-88 (year 1) of 262 tonnes on a three year recovery, going to 331 tonnes the following year, and to 400 tonnes for 1989-90, which would be the figure to which the then Minister of Fisheries was referring. But what has actually happened in reality? Have these predictions come true? Unfortunately, the answer is 'No, not within a long shot.' We see that in 1986-87, the year the changeover occurred (which was not in the predicted figures), a catch rate of 260 tonnes eventuated. In 1987-88, the first predicted year, instead of 262 tonnes, the catch was 211 tonnes. The next year, instead of a predicted catch of 331 tonnes, the catch was 247 tonnes. In 1989-90, instead of a predicted catch of 400 tonnes, it was 169 tonnes, a rather disastrous result.

The figures for this year are not available as yet but, speaking with some of the fishermen at the end of last year and early this year, I was told they felt that the catch would be less than 100 tonnes. In fact, there is no evidence pres-

ently to indicate that the catch will be any better than 100 tonnes, and I will come back to that matter shortly.

I will refer to the fishermen's call, because of the decline in catches, for a return of Professor Copes to look into their activities and ascertain exactly what was and what was not right with the fishery. In his report given to the Minister on 3 September 1990, Professor Copes said:

A promising start was made with implementation of my recommendations in 1987, notably involving a buy-back program that removed five vessels from the Gulf St Vincent and Investigator Strait fisheries, leaving the combined area to be fished by the 11 remaining boats from the gulf. My recommendation for a new effort at cooperation between the DOF and the boat owners also appeared initially to have been implemented with some success, resulting in a 'real-time' management program involving cooperative survey work, stock monitoring and rapid fleet deployment to target suitable aggregations of prawns.

Unfortunately, stock rebuilding and harvest recovery has proceeded too slowly to alleviate financial stress in the industry, leading recently to fresh controversies over management strategy and implementation. Under the pressure of circumstances, relations between the boat owners' association and the DOF once more have descended to a state of severe acrimony. Boat owners feel seriously threatened by financial ruin and loss of their livelihood. Department officers feel oppressed by innuendo that has called in question their competence and integrity. Meanwhile, cooperative survey operations have been suspended.

It highlights the fact that what the fishermen had been saying was in many cases, particularly in the case I quoted, substantiated by Professor Copes. Certainly, there are areas where Professor Copes deviates from what the fishermen had to say. It is also interesting to note in the 1990 Copes report other areas where he indicates that operators in the Gulf St Vincent prawn fishery, as a group, appeared to be under severe financial pressure. He says:

In recent years net returns from the fishery for many of them seem to have been quite inadequate to service their considerable loan commitments in addition to on-going charges resulting from the 1987 buy-back program. Rebuilding of the Gulf St Vincent prawn stock has been slower than hoped for and than anticipated, signifying a corresponding delay in improved returns for the fishery. This has led the extremely frustrated fishing operators recently to question with renewed vigour the efficacy of management practices in the fishery and the proficiency of Department of Fisheries personnel. A high level of acrimony is again evident in relations between the department and the industry, which has seriously undermined the system of harvesting management that requires close cooperation for successful implementation.

What has happened to the debt of $2.8 million put on to the fishermen in 1987? It has progressively grown. I believe I am right in saying that the fishermen have been able to meet part or all of their interest repayments on only one occasion, and I believe the debt is now fast approaching $4 million: a huge increase and one that is getting out of hand. I am well aware, as a result of questions in this House and from a ministerial statement, that the Minister has sought to take some action, action that could well be described as too late. This action had to be taken as a result of perhaps—not perhaps, unquestionably—bad decisions earlier on. The blame lies in many areas and the department cannot escape its own fair share.

Professor Copes has come and gone on two occasions, and the fishery still wallows in a massive debt situation, at a time when we still have the former Auditor-General, I assume, looking at the financial affairs of the fishery. It is interesting to look through the many press articles that have appeared over the years. I do not intend to go through them all, but I will highlight several. In the *Advertiser* of 7 June 1990 an article headed 'Gulf prawn fishery in a sorry mess' stated:

The secretary of the Gulf St Vincent Prawn Boat Owners Association, Mr Maurice Corigliano, said the fishery's catch would fall from 247 tonnes last year to 170 this year, leaving the fishermen 'in a sorry mess . . . For a whole decade the fishermen have warned and pleaded with the Government to do something,' he said. 'It's going to take some big sacrifices to get it back. Unless the fishery is picked up, the taxpayer will pay.'

A further article of 22 September 1990 headed 'Government slammed over fishery malaise' highlighted, among other things, the dramatic fall in catches. On 22 September 1990 in an article headed 'Report slams Government over fishery woes' the area is identified as being in great need of help. An article of 5 October 1990 headed 'Prawn fishery in a bureaucratic net' again features Mr Maurice Corigliano, wherein he expresses great disappointment with what has happened. Amongst many things the article states:

'The buy-back was a disaster', says Mr Corigliano. 'We said so then. The Government paid too much and vastly overestimated the fleet's ability to pay it back'.

In November 1990, in an article entitled 'Prawn industry plea for debt payment freeze', again Mr Corigliano features, as follows:

Mr Corigliano said the Fisheries Minister, Mr Arnold, had constantly received the wrong advice from the department. Fishermen were being used as 'scapegoats for long-standing bureaucratic and Government bungling'.

Likewise, in December 1990 an article headed 'Gulf prawns gone, claim fishermen', stated:

Prawn fishermen in St Vincent's Gulf claim the fishery has been virtually wiped out after returning with almost empty boats over the past three nights. So far this season the 11 boat fleet, based at Port Adelaide, has caught only around five tonnes of Western King prawns—but fishermen claim by this stage in the season they should have had catches of between 200 and 250 tonnes.

On 2 April 1991 an article headed 'Prawn recovery hopes' states:

Unusually warm waters in Gulf St Vincent and strict controls on fishing in previous years had meant a good opening autumn prawn harvest, State Fisheries Department director Mr Rob Lewis said yesterday. However, South Australian Fishing Industry Council Executive Director Mr Peter Peterson said the catch was among the lowest on record and it would be some time before the fishery recovered to its greatest potential.

Further on it states:

Mr Lewis said the department believed the gulf was capable of producing 400 tonnes of western king prawns a year but that this could be achieved only if fishing continued to be closely monitored. Mr Peterson said although the harvest was encouraging, 'with 10 days left to fish, prawn fishermen are still looking at less than they caught last year'.

That article drew some attention from the Gulf St Vincent Prawn Boat Owners Association. In fact, in a letter to the Minister, a copy of which was sent to me, I note the following:

Dear Mr Arnold, members of this association refute recent publicity, particulary in the *Advertiser* 2 April, suggesting a recovery in the Gulf St Vincent prawn fishery. We are disturbed because the figures referred to by your department are incorrect and implications or conclusions based upon them are also incorrect. Figures from fishermen provided to the association indicate an average catch by the 11 boats over 11 nights fishing of a little more than half of what the Director quoted to the media. The reality is that both the catch and stock numbers are lower than last year after allowing for the earlier than usual influx of juvenile prawns and given that opposed to last year there has been virtually no prior fishing. The Director's suggestion that this year's recruitment of juvenile prawns is due, in part, to good department management also stretches the limits of credibility. It is without question that the influx has occurred as a result of abnormally high water temperatures and fishermen's earlier restraint in targeting larger prawns and is not evidence of increased stock levels.

It goes on to state many other areas of concern to the fishermen and highlights some of the other factors to which I referred earlier in this debate. It expresses grave concern at the way the prawn fishery is being handled. Some of the things mentioned in the letter will come out during the select committee, so I will not detain the House unnecessarily on that issue. We see further statements from the Gulf St Vincent Prawn Boat Owners Association, one dated

only yesterday, 9 April. It is a fax to the Minister of Fisheries and I received a copy. Referring to Saturday and Sunday nights (6 and 7 April), it states:

> On Saturday and Sunday nights, the Department of Fisheries conducted a survey in the northern half of the Gulf St Vincent. I understand SAFIC expressed concern about this to you prior to the survey taking place. As there was no justifiable reason for the survey for research purposes (particularly after 23 years of research) it can only be assumed that the department was desperately hoping to locate fishable prawns to support their repeated advice over the years of an improvement in the fishery.

Further on it states:

> ... it could confidently be predicted that there would have been a further influx of juvenile prawns. This proved to be so! The deplorable state of the fishery dictates that all juvenile and small prawns must be protected yet this unnecessary survey has resulted in a considerable number of such prawns being destroyed or taken. It is felt that those responsible for this action should be reprimanded.

The fax goes on to look at the issue of the number of prawns per kilo—

Mr Groom interjecting:

Mr MEIER: Your chance will come to contribute to the debate. The fax looks at the size of the prawns, and concern is expressed. I am sure the select committee will hear more about that. I hope that the member for Hartley considers these matters. It is a pity that he does not show more understanding towards fisheries as a whole. I do not know whether he is a recreational fisherman—

Mr Groom: I am a consumer.

Mr MEIER: That is a positive attribute. The fax continues with this important statement:

> With only approximately 55 tonnes caught to date, it now appears that the year's catch will be even less than the 90 tonne estimate of our consultant biologist Dr Kesteven.

We are seeing lower catches every year. There is a problem, and something must be done about it. I have before me a detailed report by Dr Kesteven which I had originally intended to consider, but this report and others will come before the committee when it sits.

The Hon. Lynn Arnold interjecting:

Mr MEIER: The Minister interjects that I am anticipating that the amendment will be accepted. It is always difficult to anticipate anything in this place. I am given to understand that a foreshadowed amendment, whilst not agreeing with my amendment—

The Hon. Lynn Arnold interjecting:

Mr MEIER: Whilst one cannot be privy to exactly what will be moved, it is my understanding that the Minister's amendment will not interfere with the establishment of a select committee for the Gulf St Vincent prawn fishery.

The Hon. P.B. Arnold: But it doesn't go far enough.

Mr MEIER: That may or may not be correct. The Opposition will give due consideration to any proposed amendment. I certainly hope that Parliament will accept my amendment, as it is essential. From the information I have presented (and there are many other details to which I could refer) it is essential that a select committee look at the Gulf St Vincent prawn fishery. The fishery has carried on for far too long with improper management.

I am concerned about not only the people involved in the fishery but also what is happening to the marine environment of Gulf St Vincent. My electorate covers more of the gulf than any other electorate. Many marine scale fishermen are concerned about what is happening to the prawn fishery. It is hard to know what damage may be done to the surface of Gulf St Vincent. On one occasion I was asked to go out on one of the prawn boats to see what it caught. I was told that only prawns would be caught, but that does not mean that other fish cannot be caught by a prawn boat. Perhaps we will take up that matter further during the select committee. I urge members to support the first part of my amendment relating to the Gulf St Vincent prawn fishery.

The second part of my amendment seeks the establishment of a select committee into the shark fishery. By and large, the shark fishery is controlled by the Commonwealth. It is fully recognised that the majority of licence holders come under Commonwealth jurisdiction, but several shark fishermen are under State jurisdiction. It was very disturbing to me to find out earlier this year that the shark fishery was in serious trouble.

In fact, it is in worse trouble than most people had imagined. It was of concern to me because I have been informed that for many years now additional licences have been handed out, principally by the Commonwealth, to persons wanting to be shark fishermen. It should have been obvious to anyone that to continue handing out licences would lead to a ruination of the fishery.

We now have a situation in the shark fishery where fishermen are to have their net entitlement reduced dramatically—almost by half. I am not saying that that move was not necessary, but why did it have to happen and why did the Government not keep things under control? In the past six months or so the Government has suddenly found that the shark industry has got out of hand and that massive curbs must be applied. Fishermen will be in the unenviable situation of having only a certain number of nets, and their licence fees at the Commonwealth level are determined entirely or partly by the number of nets they have.

Fishermen have a certain number of nets and their licence fees are tied to that number. We are finding that the number of nets has been reduced dramatically but fishermen are still required to pay the licence fee on the total number of nets they have regardless of whether or not they use them. I regard that as an unfair situation and, understandably, the shark fishermen are upset about it. They might accept their net entitlement being cut back, but surely they should not have to pay licence fees for nets that they are not using.

Figures indicate that the level of commercial fishing has doubled over the past five years, yet shark fishing has not been sustainable in many areas around South Australia and southern Australia generally. Obviously, it is having a detrimental effect on the marine environment and it is understandable that fewer sharks are being caught. We should remember that the southern shark fishery generates about $15 million a year in South Australia and it exports about 90 per cent of its flake to Melbourne's lucrative fish market.

If we are to see the number of nets slashed, which indeed we have seen, it is quite on the cards that many fishermen will go broke. Again, it is a clear indication that the shark fishery has been mismanaged. Whilst the State has to take only a minor part of the blame, nevertheless the State jurisdiction needs to be looked at. What better way than through a select committee? We must look not only at the State's management of the fishery but at the whole aspect of joint Commonwealth and State management of the fishery. Why do we need joint management? I believe it would be far simpler if we had just one body overseeing the shark fishery, either State or Commonwealth.

In fact, considering that the Commonwealth has such a large jurisdiction, perhaps it goes without saying that the Commonwealth could take over the whole of the shark fishery. A lot of the blame, therefore, needs to be sheeted home to the Commonwealth. Whatever the case, the House will note from my amendment that there are many issues to be looked at, including the effect of short and long-term closures, the distribution of shark fish resources which currently exist, and the biological and resource management issues. Because much time has been spent debating the Gulf

St Vincent's prawns fishery, I will not further dwell on the shark aspect, but I refer now to the third part of my amendment in respect of the marine scale fishery.

Just as I have sought Parliament's agreement for the select committee to examine the Gulf St Vincent prawn fishery and the shark fishery I seek the support of Parliament to have the select committee also examine the marine scale fishery. Again, the matters that I have identified in the proposed marine scale fishery inquiry include the management of the marine scale fishery, the nature of investment, both in the commercial and recreational sectors of fishery, the biological and resource management requirements of the fishery and the distribution of marine scale fish resources between the various commercial and recreational sectors. Much can be said about this issue.

I recognise that a green paper was handed down last year on the marine scale fishery. True, I was disappointed with aspects of that green paper, but perhaps I did not take note of what the Minister said at that time, namely, that a second green paper may be released. We are now leading up to the release of that second green paper, and I do not decry that. However, I would be concerned if an unnecessary amount of time was taken by departmental officers simply working on that green paper without getting any further down the track and ensuring that we move to the next step of fixing up the fishery.

The counter argument is that the matter needs to be looked at thoroughly; but time must also be kept in mind. Understandably, I and other Opposition members had to weight up the question whether a select committee inquiry was appropriate for the marine scale fishery at a time when the industry is awaiting a second green paper. I understand that the green paper could be released in the near future and, in that respect, I feel it is an ideal time to establish the select committee so that not only will we have the green paper being considered by the fishing sector as a whole but also the industry will have the opportunity to put the viewpoint of those in the fishery to Parliament through the select committee.

In other words, it will be a double-edged sword and thus we will sort out the problems much more quickly than would otherwise be the case. There are certainly problems in both the commercial sector and the recreational sector of the marine scale fishery. In many cases these problems have occurred not just in the past few years but over generations. Many of us would have spoken with people who say, 'I remember when you could catch so many whiting on any trip out to X fishing ground, while today you are lucky to get more than half a dozen.' We have all noticed how restrictions have had to be placed on some areas in a dramatic way. I highlight the snapper industry in that respect.

Today one sees how the whole issue of netting versus hook and line is very topical. We have seen concerted efforts by certain sectors to abolish netting in several areas. We see additional efforts made for netting to be cut out. I realise that the green paper has been issued, and the new green paper may well address this matter in a more comprehensive manner, but I take note of what people report to me on a regular basis.

Only last weekend I was contacted by a concerned constituent who indicated that she had witnessed a fishermen draw up his nets on the adjoining beach. She said that thousands of fish had been left on the beach. The fish were piled onto the boat and later dumped out at sea. In other words, there was a total waste of fish resources. My constituent sought to have fishing inspectors and the police inspect the scene but, because of a variety of factors, that did not occur and my constituent was asked to take photographs for evidence.

I have no problem with that, except that she had to set herself up as the equivalent of a fisheries inspector to get the evidence. I believe the information has been passed on to the department and I hope that some action will occur, because such reports need to be attended to. This again highlights that this sort of report needs to come to the attention of Parliament. They need to be brought before a select committee. Such information would be better dealt with by a select committee than by a green paper.

Currently several petitions are circulating throughout South Australia, calling for various curtailments of some operations and referring to specific areas that need to be looked at from a marine scale fishery point of view, to ensure that our fish resources are properly looked after and preserved, to ensure that the recreational sector has a fair go compared with the commercial sector, and to ensure that the commercial sector itself is not divided and competing in an unhealthy manner. By that I mean that fishermen are not taking more than they should be, and that fishermen ensure that stocks are retained for the future. I know that many fishermen have very responsible attitudes to the fishery and look to the future, but I am informed that others do not take the same responsible attitude.

This evening I have highlighted three key areas, in relation to the Minister's request for a select committee on the abalone fishery, that need to be addressed by a select committee of this House. I ask the House to support my amendment.

Mr BLACKER (Flinders): I do not wish to speak for very long other than to say that I applaud the idea of referring the abalone industry to a select committee. I have 23 of the 35 abalone divers in this State within my electorate; therefore, it is of immense interest and importance to me. There is no doubt that the abalone industry is unique and specialised. It involves tremendous risks to the individual. I have been concerned that some of the risks taken are so great that many people suffer permanent disabilities as a result of their involvement within the industry. Of course, I refer to bone necrosis and a number of other conditions that relate to weightlessness and deep sea diving.

A number of issues need to be addressed. The most important issue to which this Bill refers is the tenure of the licence and the ability of the licence holder to use relief divers and to restructure their business affairs in a way in which many other industries are structured. I do not intend to discuss those issues now because the select committee is the appropriate forum for that to occur. Therefore, I do not wish to express an opinion as to what should be the outcome of that select committee, because I hope that due consideration may be given to my having a position on that commitee, although that is not the tenure of this motion: that will follow later and I will take it up at that point. To that end, I support the establishment of the select committee.

I note the amendment of the member for Goyder to extend the role of the select committee to involve other industries. I recognise that each of those industries should in turn receive some further consideration and I suggest that the idea of a select committee for those industries is an appropriate way to go, but I would not like to think that the inclusion of those other industries in the select committee process would delay the decision that needs to be made for the abalone industry now.

I have spoken to the shadow Minister of Agriculture, who has indicated that he intends, should his amendment be

accepted, that each industry be dealt with on a one-off basis, and that the first would be the abalone industry. Therefore, my concern would be addressed first. Whilst I accept that, I could concur with the honourable member's amendments purely on that basis.

The principal issue before the House, put before us by the Government of the day, is to overcome the perceived problem confronting the abalone industry now. I support the establishment of a select committee to ensure that the problem confronting the industry is addressed at the earliest possible opportunity.

The Hon. P.B. ARNOLD (Chaffey): I support the motion to establish a select committee into the abalone industry. I am more interested in the amendment and the amendment to the amendment that has been foreshadowed in the House tonight. The member for Goyder is endeavouring to expand the select committee to look at all aspects of the Gulf St Vincent fishery. The impact of pollution, in particular, on the Gulf St Vincent fishery as a whole has concerned many of us for many years.

The Gulf St Vincent is unique as far as our fisheries are concerned in that it is surrounded by agricultural land. It has on one of its shores the greater metropolitan area of Adelaide, with a population of one million people. The pollution coming from that source, as well as from the agricultural lands in the form of chemicals, must have a large impact on the total fishery, whether it be abalone, prawns or scale fish. I would very much like to see the extension of the select committee into that area. For that reason I was happy to second the amendment moved by the member for Goyder.

However, the Minister has indicated that he intends to move an amendment to the amendment moved by the member for Goyder which refers to the prawn fishery in Gulf St Vincent. I interjected that the only problem with the Minister's amendment is that it does not go far enough, because it does not relate to the total problems of the Gulf St Vincent fishery. That is absolutely essential, even though the Minister has a green paper out at this stage. I have seen a number of green papers in the past, and one in particular in relation to the Murray River fishery, and that does not always achieve the results that the public would like to see. At least the select committee gives the public the opportunity to come before a parliamentary forum and to express their point of view there and not just at public meetings in relation to a position paper that has been put down by the Government. I support the establishment of the select committee into the abalone industry. I also support the amendment that has been moved by the member for Goyder.

The Hon. LYNN ARNOLD (Minister of Fisheries): I thank honourable members for their contribution, discursive though one of them was. Certainly, the most immediate issue before the House is in respect of abalone: it is with respect not even to the abalone industry at large but to one aspect of the abalone fishery. Two amendments that seek to canvas wider areas have been tabled in the House.

I said inappropriately, because interjections are always out of order, that a significant part of one of the contributions this evening canvassed not the substance of the motion but that which is simply before the House without yet having been formally moved. Nevertheless, I guess that it is not unreasonable, since the matters have been raised, that I should respond to a number of them in my reply tonight.

I start off by indicating that the abalone industry—one aspect of it—is the substance of this motion. It has been put to the Government that there should be some reconsideration of the way in which licences can be applied to the abalone fishery. It has not been put to the Government that the abalone fishery itself and the management of the fishing aspects of that fishery, including quotas—the catch that is taken from that fishery—should be subject to investigation.

I believe it is widely accepted that what we have in place in South Australia for that fishery is a management policy, a management regime, that is resulting in a sustained catch being able to be taken from that fishery each year and that is a good livelihood for those who have licences in that fishery. That is attested to by the value that those licences have in the marketplace. It is also subject to sufficiently rigid enforcement policies ensuring illegal abalone taking is effectively being controlled and, therefore, the problems caused by that are in hand.

Had the motion been wider and looked at all those issues as well, one might have more easily understood the amendment moved by the shadow Minister of Fisheries. Essentially, that amendment deals with the very aspect of the fishery's management in each case rather than technical matters to deal with licensing, with which the select committee proposes to deal.

The requirements are that those who hold licences in the abalone fishery are those who dive for abalone. A degree of information has been made available that suggests that not all abalone licence holders are actually divers, that there is some delegation of the diving to others by licence holders. There are some circumstances where that is permissible, under certain approvals or exemptions that can be given for various periods under the present legislation. The reality is that it is not a general policy that is permissible that non-divers should be licence holders.

The industry has said that there are some very strong arguments to be put on behalf of licence holders being non-divers and that they should be able to employ other people who dive. They do that for a number of reasons, one being that a licence holder who might have been a diver might well acknowledge that diving is not an activity that can be undertaken for a long time. There are hazards to long-term diving. Therefore, a diver needs to leave the industry and, in leaving the diving aspect of the industry, needs to have some way of getting benefit from the wealth that he has generated during the period of his diving practice, and that is done by means of the licence that is held, and that then represents an ongoing stream of income from the investment in terms of effort that the diver has made during the diving years.

To require otherwise is to require the diver to summarily sell the licence and perhaps sustain a loss that might be considered an unfair result of the action of leaving diving and going on to become a manager. Also, given the fact that licences are presently obtaining a large value in the marketplace, it is not realistic for many divers or potential divers to gain access to abalone diving by purchasing a licence because it would be beyond the realm of any one individual, unless he had significant assets of other sorts, to generate the money necessary to buy the licence.

Those arguments are compelling to some degree and when this matter was first put to me as Minister of Fisheries, I was prepared to consider them. However, other issues need to be taken into account and they are equally valid. On the first hand, there is the issue that those who dive in the abalone industry do so at some risk. Therefore, they need to be assured that, in undertaking this risk activity, they are also able to benefit as much as possible from that activity.

It can be said that, if a licence is held by someone other than the diver, in other words, that a diver is employed by a licence holder, the diver undertakes the risk and the

licence holder receives the benefit. There may be a problem in terms of the benefit that the licence holder receives being reasonably shared with the risk-taker, namely, the diver. There would be the very real prospect that whereas in legal terms there should be a generation of people who are divers and licence holders, if the law is changed, a situation could be created where all licence holders are not divers and all divers are employees of licence holders.

Effectively, there has been the creation of a one-off benefit to one generation of divers who leave the industry, keep the licence value and employ other divers. From that point on, they are able to bequeath or otherwise pass on to others that inherited value, whilst in future the best that divers can seek, if they do not have private means, is employment from a licence holder. Clearly that is a point of inequity.

Another issue that needs to be considered complicates the matter from both points of view, that is, whether we maintain the legislation as it stands, that is, divers being the licence holders, or whether we change it to enable licence holders not to be divers. That is a set of issues that relates to occupational health and safety standards. It might be that a number of questions should be asked about occupational health and safety standards that apply in this industry at present in a situation where the divers are the licence holders under law, in other words, where they are self-employed.

The situation becomes more complex if an employer (a licence holder) is employing someone else to do the diving. In that situation, occupational health and safety regulations, including issues dealing with WorkCover insurance arrangements, immediately come into place. Not enough information is available at this stage to answer the various questions that are raised by that matter. Consequently, given the various complexities that come up in that matter, it was felt appropriate to refer the matter to a select committee.

I noticed that the member for Goyder questioned why we should have a select committee, that Governments are here to govern, that Governments should make decisions. The Government could have made a decision and, in the past, the Government has made a decision by refusing to change. However, by refusing to change, a situation has been created whereby, seemingly, some licence holders are not diving and reasonable doubts exist as to whether they intend to dive. What is the situation that should then apply?

Clearly at one level the situation should be that their licences should be suspended and that other arrangements should be made until or unless they indicate that they are going back to diving. Alternatively, there could be a situation whereby the Government could make a decision to immediately change and accept the fact that licence holders need not be divers. Then we come into these very complex occupational health and safety matters at the very least, not to mention other matters that also need addressing.

The Government was prepared to examine each of those and come down with a decision one way or the another, but it felt that the matter was significant enough that it was worthy of the industry and others interested in this matter having the opportunity for further participation. It could be said that this matter should be the subject of a green paper, and the member for Goyder made some comment about that process. In technical terms, it did not seem to be the appropriate way to handle this matter on this occasion. Rather, we thought it appropriate to enable members of Parliament and the community to have some input. In that context, I found the comments of the member for Goyder a touch churlish, that he sought to indicate that Governments should be governing and not having select committees into these matters. That is not a relevant comment from the honourable member.

More importantly, I take the point made by the member for Flinders that this gives an opportunity for these important matters to be properly canvassed and, in order to be certain when Parliament finally asks of the Government that a decision be made, ensures that all possible points of view have been taken into account and that a decision can be seen to be made on the basis of the fullest possible set of information.

It is not unusual for a select committee to be appointed by the Government. Indeed, I can recall not long after I first became a member of this place that I had the pleasure to be a member of a select committee appointed by the then Minister of Agriculture (the member for Alexandra, the Hon. Ted Chapman), which was in relation to abattoirs and slaughter houses. I remember that the member for Kavel was riveted by speeches made about the proceedings of that select committee, when at 10 past 5 in the morning he stayed awake with great interest listening to comments, about slaughter houses and the activities that take place in them.

The Hon. E.R. Goldsworthy interjecting:

The Hon. LYNN ARNOLD: I would be modest enough not to name the honourable member who gave such a riveting speech on that occasion at 10 past 5 in the morning. Nevertheless, the point that I want to make—before I encourage further interjections, which I know are out of order—is that that was a decision by a Minister of a Government of the day which recognised that because the issues were complex it was considered appropriate to allow a select committee to be put into place to investigate them, rather than simply come to a quick decision, which the Government in its right had the capacity to make. So, this is not a case of the Government's choosing to abrogate its responsibilities, but rather to give maximum opportunity for other views to be taken into account.

That then brings in the other issues that have been put before the House this evening, which include the Gulf St Vincent prawn fishery, the shark fishery and the marine scale fishery. I want to deal with the Gulf St Vincent fishery last. I will first deal with the shark and marine scale fisheries. The shark fishery has recently attracted considerable public attention. But it needs to be noted that the shark fishery is not a fishery that is entirely within the control of the State Government. Indeed, it is only within the control of the State Government to a minority extent. It is essentially a Commonwealth driven fishery. The real issue is to ensure that the relevant points of view are taken into account by the Commonwealth Government in its management of the fishery and the extent to which we as a State Government have to consider having complementary regulations, legislation or administrative decision after the Commonwealth has taken into account all relevant matters.

We in South Australia have put a number of points of view to the Commonwealth on this matter. For example, we have expressed the view that there might be some considerable merit in there being a single jurisdiction to enable decision-making not to be reliant upon one Federal Government and three State Governments. Whatever the case, this is not a matter that is entirely within the control of this Parliament, and we are somewhat driven by other events pertaining to other Governments and other levels of Government.

I do not believe that, given the issues that are presently facing the industry, that is something that could appropriately be referred to a select committee at this stage. I believe the time lines are too short: we need to have decisions much

quicker than that. Indeed, I am pleased to be able to say that the Commonwealth has indicated that some further work will be done on the research side and the technical side of the shark fishery before final decisions are made. However, to have added the political process of a select committee into that would have extended the process for far too long.

It is worth noting that some of the concerns that have been expressed about the shark fishery have resulted from the research capacity of the South Australian Department of Fisheries. Indeed, the assessment that the shark fishery was at serious risk in this country was based upon the excellent work done by the department, particularly with respect to its computer model called Shark Sim. Shark Sim is being validated over the next three to six months by the Australian shark scientific community, but the evidence is that the model that is being posed by Shark Sim gives a very real guide as to the health of the shark fishery. In fact, the health of the shark fishery is at risk—about that I think even the shark fish themselves would not quibble.

In relation to the questions concerning the marine scale fishery, the honourable member referred to the fact that there has been a green paper. He made a number of comments about the green paper process: indeed, he was a degree cynical about the green paper process. So be it, but in this State we do have a green paper process that gives the community the opportunity to comment on legislation and regulations. I think that is something we should be pleased about, not a thing we should be negative about. Nevertheless, the honourable member chose to make some negative comments about that. More importantly, though, he has chosen to come along in the middle of a process, which has already been publicly explained, and to seek to cut it off, to curtail it, after all the investment of effort has already gone in, he has sought to truncate that and suddenly put in place another process.

Mr Meier interjecting:

The Hon. LYNN ARNOLD: Now he interjects that he wants to compliment it. He is really asking that we continue the green paper process and that we have alongside it a select committee, thus making it a most convoluted process of discussion, with two sets of findings at the end, with a confused result being a real possibility.

Let me explain to the member exactly what is being done in the green paper process. We have had a green paper into the marine scale fishery that was public for some considerable time, and we received a volume of responses. Those responses are being considered at this stage. It is true that we have been somewhat longer in coming out with the next green paper than we had hoped. However, I anticipate that the next green paper will be available for public distribution within the next month or so.

The member for Goyder indicated on an earlier occasion that we had so botched up, in his view, the green paper process that we were having to issue a second green paper. He was totally forgetting the fact that when I first released the green paper on the marine scale fishery, I indicated at that stage that, in all probability, we would have to issue a second green paper, because the issue was so broad it had to be canvassed and as the feedback came in we would seek to narrow it down to come to some more firm terms of reference. This is not a case of botching up: this is quite a reasonable approach when one is dealing with a very complex fishery. Nor is it unusual, because we have done precisely the same with the river fishery. We issued a broad green paper in the first instance and after receiving some significant feedback, we issued a supplementary green paper based upon that feedback and our further consideration of the first green paper. Ultimately of course, a white paper came from that.

There was no changing of course by the Government in the middle of this it was what was intended right from day one. We are still midway through that process. Surely, at the very least, we should be allowed to have the supplementary green paper come out with its discussion process, and a white paper that indicates the Government's policy with any necessary changes to legislation and/or regulations. That matter can then come before the House in a legislative form, if required, and, if the Parliament is dissatisfied, naturally, it can call for a select committee into those matters. That is surely the appropriate time for that to be done.

We now come to the matter of the Gulf St Vincent prawn fishery. The member for Goyder's amendment seeks to bring in the shark fishery and the marine scale fishery and so I am a touch perplexed that he seeks to bring in only the Gulf St Vincent prawn fishery, I wonder why he did not bring in the West Coast fishery and the Spencer Gulf fishery as well. Since he seeks to be so far reaching, why is it that in every other area he wants to cover everything else we do in terms of the marine environment, but not with respect to prawns?

Mr Ferguson: Too good a story.

The Hon. LYNN ARNOLD: I suspect the member for Henley Beach is quite right. The member for Goyder sees this as too good a story to bother about too many facts. Therein lies the nub of a very important issue. What has been gratuitously said by a number of people in the Gulf St Vincent prawn fishery situation is that the Department of Fisheries has got it wrong: that the Minister of Fisheries has got it wrong; and that the Government has got it wrong. It is quite pertinent that the honourable member, therefore, limits his motion to the Gulf St Vincent prawn fishery, because what is the point of view of the association that covers the Spencer Gulf prawn fishery and the West Coast prawn fishery? Indeed, what is the point of view of any other association of fishers covering any other fishery in the State about capacity of the Department of Fisheries in its research skill and about the capacity of the Government and its management of fisheries? One will find that the Gulf St Vincent Prawn Boat Owners Association stands out in rather unique isolation.

It stands out in isolation because it has a different point of view from everybody else about the capacity of the Department of Fisheries. I am not about to say that the Department of Fisheries always gets it right in its resource management, and research capacity, because we are dealing with issues that are very complex and cover a large area, much of which is not capable of exact charting at any one point. Therefore, within scientific parameters we are going for the best guess based upon research data available. That will never be 100 per cent certain, but what is certain is that the best efforts have been applied and therefore reasonable assessments have been made. Even though reasonable assessments may be wrong, if one were to believe the Gulf St Vincent Prawn Boat Owners Association, there is nothing other than a total incapacity on the part of the department to ever get it right.

The reality is that that is not sustained by the research evidence of that department. Of course, the member for Goyder has chosen to limit his concerns only to Gulf St Vincent prawns, so that we do not bother about these other facts in respect of the capacity of the department. I will be moving to amend the amendment moved by the honourable member to allow a further select committee to be established. However, it will not be the same select committee, because I have already made the point that the abalone

select committee is not about the resource and management of abalone at sea but technical matters to do with licensing and workers occupational health and safety. It is quite inappropriate to add this onto the select committee.

However, I propose that a further select committee look into Gulf St Vincent prawns, and I do so because there has been enough public debate about this matter and perhaps one way to resolve it is to have a bipartisan committee of the Parliament report on these issues. We are prepared to front up with the evidence and the work that has been done, and I only hope that the Gulf St Vincent prawn boat owners are able to do the same and will accept the judgment of that select committee and the consequent decisions of Government, because I might say that I do not have the full confidence that they will.

On a number of occasions the Gulf St Vincent prawn boat owners have suggested that certain courses of action should be followed. We have argued about that from time to time and, on a number of occasions, we have actually accepted the recommendations that they have put. However, it concerns me greatly that the ground rules seem to change. I point out that, when the association told me that we should accept a financial consultancy that it had had prepared by Peat Marwick which suggested a new arrangement for the financial pay-back in the scheme, the Government did accept that in essence. However, that which the association proposed suddenly became that which the association opposed.

The association said, 'You must employ Professor Copes again to do another report into the fishery.' We argued about that for a time. We said that we did not think he was perhaps the most appropriate person, and that there were other people whom we could consider. However, the association rejected any other person and, in the spirit ever of fairness, we ultimately agreed to have Professor Copes, who is a respected person in his field. I certainly accept that. I respect his capacity and his work. So, we put him in place again to write another report.

I asked the association whether it would accept the recommendations of Professor Copes, and I have on file a letter from it stating that it would. What did Professor Copes say? The member for Goyder has commented on some of the things he said, but he judiciously left out some others. He judiciously left out the very complimentary comments made by Professor Copes about the Department of Fisheries and its research capacity, comments which I quoted earlier in this place in answer to a question during Question Time. Well, Mr Speaker, guess what? Ultimately, the association said, 'We don't actually think that we like the recommendations of Professor Copes. We think we would like you to go back to that which we recently opposed, but originally proposed, namely the Peat Marwick submission.' It must also be acknowledged that, in doing this very unusual tango, one leading member of the Gulf St Vincent Prawn Boat Owners Association has been heard to say at a couple of semi-public functions that the Peat Marwick proposal is a recipe for the Government to pick up the cost of the 1987 buy-back scheme.

Here is the issue that is involved: the responsibility for the debt that was entered into in the 1987 buy-back scheme. It is not sufficient for members of the association to be saying now that they were not willing parties to that scheme. If you were to listen to them now, you would believe that they were dragged screaming into that scheme with hand held to paper while they were forced to sign up for that particular scheme. It seems to me to be a creative rewriting of history for it to be said that that is the case. I have no problem in saying that because they did agree to be part of that scheme.

What some members of the association have done since is seek to deny that which they agreed to take part in back in 1987, and the debt has grown, and that is a concern. It is a concern to me as Minister of Fisheries, because I am a member of the Government, and I have an obligation to be concerned about the taxpayers' resources. The point that has been made to me is: why do you not simply pick up that debt for a fishery that is at risk? There are many situations in the community where people are at risk, where the taxpayer has a right to ask, 'Why should I, the taxpayer, have to pick up this debt'?

I also happen to be Minister of Agriculture, and I am very concerned about the serious situation facing agriculture in this State at the moment and the very serious financial problems currently facing people in this State. I also have to consider very carefully how I, as Minister of Agriculture, use the limited resources that the taxpayer is able to make available to Government to help with those problems. Apparently, I am supposed to simply pick up my pen and sign a $4 million cheque to write off this debt. The same can apply to small businesses and manufacturing in this State under pressure in the present recession. Apparently they are not supposed to receive some kind of benefit by a Government-funded payout but, in this situation, these 11 licence holders—or at least those who are persisting with this line—would require that to happen.

Of course, they would come up with all sorts of reasons and a series of statements about the department and the way this fishery has been managed but, because they move ground all the time and come up with such a vast array of criticisms without substantiation, frankly, I remain enormously cynical about the point of view of the association and its spokespeople. I note also that three members have resigned from the association, and that does not surprise me because I believe that what it has been putting forward must also be of great concern to members of that association who value their own credibility.

What did the Government offer? The Government said, 'Yes, you may have financial problems; tell us what are your financial problems. If they are significant enough, we will have a rescheduling of your debt'. We did not even ask them to come to me or to the department to lay on the table their figures. We accepted that maybe there should be an independent arbiter whose advice we would accept, so we chose Tom Sheridan, a former Auditor-General, and a person credible in the public arena as one who would make up his own mind fairly with due appreciation of financial circumstances, and would report to the Government. The association's first reaction was to oppose that quite bitterly.

Some members of the association have broken ranks with their association on that issue, because they appreciate that the reaction of the association was not valid. Actually, what the association or its spokespeople wanted was not to have to put their books on the table when they came asking for taxpayer funded help, and it is taxpayer funded, if the guarantee is ever called upon.

We do not offer that to any farmer. If a farmer comes to Rural Assistance, he cannot walk in the door and say, 'I would like some help, please; give me some financial assistance.' We expect them to give us access to their financial info. I do not believe the member for Goyder would disagree with that. I think he would agree that that is a valid thing to do. If a home owner faces problems with his or her mortgage approaches any of the mortgage relief schemes, that nobody would expect that they would walk through the front door and say, 'By the way, I would like some help.'

The person on the other side of the counter would say, 'Can I see your figures?' The home owner would not say, 'No, I do not want to show those. What right have you got to see my financial affairs?' That is not a valid argument.

If a manufacturer goes to the Department of Industry, Trade and Technology and seeks information or assistance about how they can develop their industry and then refuses to give access to their financial info, the taxpayer would think it reasonable for the department to say, 'We really don't want to know you.' Apparently this association has different rules. Apparently it does not have to reveal its financial affairs. Even though it may have many financial assets which it can acquit or use to help this debt, it does not have to do it. As I say, fortunately, good sense has prevailed and not all members of the association have accepted that. I believe that those who have not accepted it have made a very correct assessment of the situation.

There have been allegations that the fishery is collapsing, and I would accept that the fishery is under stress. There is no doubt about that. The very fact that there had to be a rationalisation or buy-back scheme in 1987 was a recognition that the fishery was under stress. It is not sufficient to talk about the peak catches of the 1970s; rather, it is a situation of acknowledging the stable, on-going catch rate from that fishery after the surplus catch had been taken in the 1970s and the fishery settled to a biomass generating a certain level of catch or recruitment each year.

The fishery has been under stress. Best guesses have been made on the basis of scientific information as to how quickly it might recover, or at least to what level it could recover, and the time it might take to get there. I do not believe that the estimate that it could recover to 400 tonnes per year is unreasonable. What time has shown is that the speed of it reaching to that level has not been as fast as we would have liked. That is hardly a matter for people to be casting blame, in some culpable sense. The evidence here has to be looked at very carefully to see what the Department of Fisheries actually said about the timing of recovery of the fishery, and that will doubtless be done—and I hope it is done—in any select committee that this House chooses to set up. Best efforts were made to suggest time periods within which the fishery could recover to that level, although it might not be as quick as that. In reality it has not been that quick.

There have been a lot of arguments about the size of prawns caught and about the decision I endorsed this year that we should allow the taking of somewhat smaller prawns than some of the fishers were prepared to do, and now we are having arguments about the actual catch figures. I can assure the House that, if a select committee is set up into this matter, the department will be more than willing to make all the catch data available to the committee, subject to respecting the confidentiality of all the fishers, of course, that and a judgment can then be made on those matters.

I may have sounded very strident in some of my comments tonight. If that is so, it is because I do not believe that the association has acted in good faith. A select committee, drawn from both sides of the House, may be set up. I pose that as a sign of good faith, yet again, that I am prepared for the record to be looked at and cross-examined.

On an earlier occasion, when the Leader of the Opposition suggested that there should be an independent validation of the research techniques by a group comprising someone from the association, someone from the department, and an independent chair, I accepted that, too. I have always been ready to show good faith in this matter. I am confident that the select committee will fairly judge this issue, and it may recommend that the Government consider some alterations to some of the things that are done. In hindsight, it may well be able to pick up some areas that should have been approached differently. Hindsight makes it very easy to do that.

It will be critical for the success of this select committee, if it is established, that there be an undertaking from the association that it will accept the committee's recommendations, that this time it will accept them and adhere to them and recognise that this debt, which is increasing every payment that goes by, is something that it cannot run away from, because it was a signatory to it back in 1987, and the taxpayer has a right to expect it to face up to its obligations.

I hope that the select committee into certain aspects of the abalone fishery is accepted by this House. We will then deal with the amendment of the member for Goyder and my further amendment. and I hope the House will deal with those issues appropriately. I move:

Leave out all words after 'insert—' and insert&

(2) that a further select committee be established to examine m and make recommendations on the management options for the Gulf St Vincewnt prawn fishery, with particular reference to:

(a) sustainable stock levels and harvests, bearing in mind:

(i) the biologicl status of the prawn stocks; and

(ii) harvesting strategies applied to the fishery;

(b) the licence rationalisation program and the surcharge options available to service the debt to finance the scheme;

(c) optimum fleet size including:

(i) boat replacement requirements (size and age of vessels);

and

(ii) past management and future options.

The Hon. Lynn Arnold's amendment carried; Mr Meier's amendment as amended carried; motion as amended carried.

The House appointed a select committee on the abalone industry consisting of Messrs Atkinson, Blacker, De Laine, Ferguson, and Gunn, Mrs Hutchison and Mr Meier; the quorum of members necessary to be present at all meetings of the select committee to be fixed at four members; the committee to have power to send for persons, papers and records, to adjourn from place to place, to sit during the recess and report on the first day of next session.

The House appointed a select committee on the Gulf St Vincent prawn fishery consisting of Messrs Chapman and Ferguson, Mrs Hutchison and Messrs Meier and Quirke; the committee to have power to send for persons, papers and records, to adjourn from place to place, to sit during the recess and report on the first day of next session.

ADJOURNMENT

The Hon. LYNN ARNOLD (Minister of Industry, Trade and Technology): I move:

That the House do now adjourn.

Mr HAMILTON (Albert Park): Last night in debate in this place I raised the question of Neighbourhood Watch in this State. I will quote from *Hansard* as it is relevant to what I am about to say. I stated:

As all members of this House would know, in November 1983, I asked this Parliament and this Government to introduce the Neighbourhood Watch Scheme into the State, and it has been very successful.

I went on to say:

I hasten to add while the Deputy Leader is in the House that he wrote to me and said that he did not believe it was a practical proposition.

I also said that I had that on record. In response to an interjection I stated:

It is on record and I can prove it to anyone in this House. The honourable member said it was not a practical proposition. It has been proven and, once again, the Deputy Leader is wrong.

The Deputy Leader of the Opposition followed me in the debate and stated, in part, referring to me:

He has never been able to tell the truth in this House.

Quite properly, a point of order was taken and you, Sir, ruled and the Deputy Leader withdrew. He went on to say:

The point that I was trying to make and make clearly is that the honourable member has paraded the notion that he was the instigator of Neighbourhood Watch.

I stated that I did not say that. In part the Deputy Leader went on to say:

He also said in his contribution tonight that the Deputy Leader has been opposed to it or said that it would not work. He can find no evidence of that. Indeed if he really wants to check the record, he should look at statements that were issued prior to the 1982 election when I introduced the concept into South Australia from America.

Let me set the record straight for everyone in this Parliament and for the people of South Australia. On 17 November 1983 (page 1933 of *Hansard*) I asked a question of the then Hon. Gavin Keneally, Minister of Transport, as follows:

Will the Chief Secretary consider introducing a neighbourhood crime watch scheme similar to that which is successfully operating in Western Australia? The Minister would be aware that, since my coming into this place, I have suggested many times the need for crime alert and prevention programs in South Australia, more specifically within the north-western suburbs. I was interested when it was pointed out to me that kits are issued in the scheme that operates in Western Australia that encourage people to watch their neighbours' homes for break-ins and report any suspicious activities. I am informed that such kit contains security suggestions and neighbourhood watch stickers for front doors. I am also informed that more Western Australian country towns are likely to get a neighbourhood crime watch scheme after an enthusiastic response to these kits in Bunbury.

I am further informed that the scheme helps police, in controlling crime, and that neighbours are in the best position to know who belongs and who does not belong around the house next door. Members would recall that I suggested a proposal similar to this scheme about six weeks ago in Parliament and with the forthcoming festive season, when many people will be away on holidays, I ask the Minister to consider such a scheme, and to highlight through the media the benefits of householders watching adjacent properties.

The Minister responded appropriately and at the end of that month history will record that the Police Commissioner and the Minister agreed to the setting up of the program. Never at any time have I claimed inside or outside of this place that I was the instigator of Neighbourhood Watch—to the contrary. In my question I gave credit to the people in Western Australia from whom I had picked up the idea. Never at any time did I claim to be the one who introduced the scheme or thought of the idea. However, I do lay claim to being the first member in this place to ask the Government to introduce the scheme.

Last night I was accused of being dishonest. I am many things but, if I am wrong, I am the first to openly and frankly admit to that. I have never had any problem owning up to my frailties. If I have made a mistake I will stand up in the Parliament, as I have done on a number of occasions, and apologise to the person concerned. On one occasion when I erred badly I apologised to a company. When the Deputy Leader made that accusation he was wrong, yet he challenged me to prove that my statement was correct.

On 20 December 1983 the now Deputy Leader of the Opposition wrote to me (I have a copy of the letter in his handwriting and signed by him) and stated:

At this stage it is impractical to introduce.

He went on to talk about the program and provided me with the article that appeared in the *Community Courier* viewpoint of 29 October 1982. His last sentence states:

I would have liked to initiate it in my electorate, but now is inappropriate. You may well have some success. Merry Christmas.

It is signed 'Steve Baker'. I do not mind owning up when I am wrong, but the real point I make about last night is that, I have been as guilty as anyone in this place of being sensitive to criticism directed towards me and have reacted unkindly to members opposite. However, to put the kindest connotation on the Deputy Leader's reactions, he reacted as though I had struck a nerve.

When I get angry I sometimes do not know the answer and I react and try to hurt people with words. I suspect that that is what the Deputy Leader did last night. It would be improper for me to call on him to collect a $1 wager. That is inappropriate for members of Parliament, but I want the record to show that the Deputy Leader's memory had failed him dismally. I pride myself on having on some occasions, a good memory for some things. I do not remember everything or have a perfect memory, but it has been indicated repeatedly in this Parliament that I have an interest in law and order. The bottom line is that the Deputy Leader said it was an impractical proposition. I put to the House that this is not the first time that the Deputy Leader has been wrong in some of the propositions and statements he has made in this place. I do not need to pursue it further: I rest my case. If any honourable member wishes to see the letter, I am happy to make it available to them.

Mr MATTHEW (Bright): I rise to talk about an issue that is of significant concern to members on both sides of the House: that is, vandalism and theft in our community. I will give examples of theft at the O'Sullivan Beach Junior Primary School over the past 12 months. The document before me came into my possession as a result of normal dealings with that school through involvement with parents, teachers and the school council. The goods were stolen between May 1990 and February 1991, but the most worrying aspect of the list is that most of the goods were stolen between 15 October 1990 and 18 February 1991. The list is extensive, and includes items stolen in each break-in.

Very briefly, the dates on which the junior primary school was broken into include 29 May 1990, 15 October 1990, 24 November 1990, 10 December 1990, 21 December 1990, 14 December 1990, 3 December 1990, 14 January 1991 and 18 February 1991. I remind members that this is only the junior primary school, which includes reception to year 2. It is one of two schools on a parcel of land.

As an example of the sort of theft that has occurred. I will briefly read out the list of break-ins from 29 May 1990. On that day the following were stolen: three TV monitors, valued at $1 112; three disc drives, valued at $1 185; three Commodore 64 keyboards valued at $666; one video recorder, valued at $555; one microwave oven, valued at $417; and three power supplies, valued at $185. The list for other dates when break-ins occurred reads much in the same vein, although on some of those occasions the items stolen were of a much more petty nature, such as audio tapes, pens, texta colours, Christmas sweets, petty cash and so on.

The most worrying aspect of this list is that many of these break-ins might not have occurred had this school had an adequate security system. It is fair to say that many of the schools in this State do not have adequate security systems. I understand that it is considered that the cost of such systems is prohibitive. If lists like this from one school are repeated in many other schools—members on both sides know that they are—surely we have to look very carefully at the type of security that we are offering in the schools of our State. This sort of wanton theft cannot continue in this vein.

Certainly, some of it is probably conducted by juveniles because the items are of a more petty nature, but the list that I detailed from 29 May 1990 is not petty, and clearly the thieves must have had a vehicle of some proportion to be able to carry away the goods involved. The amazing aspect of this problem is that most of these thefts were undetected until the next day. I would be more than happy to pass on to the Ministers of Education and Housing and Construction the lists that I have in order that they may be able to see for themselves and be able to view copies of the security incident reports that were forwarded to the Education Department as these thefts occurred.

The thefts resulted from various forced entries. Reading through the security incident reports, I note that there were thefts through a forced window, by breaking a catch on a window, by forcing a window, by smashing glass in a front door, and by breaking louvre windows. So the list goes on. Clearly, the State cannot keep supporting this type of theft. The problem can be controlled by providing adequate security, more adequate policing and social education.

Many times members in this place have detailed various youth projects that they would like to see come into being. It is a sad reflection that there is not much money available these days to support the establishment of new youth groups in our State in order to provide alternatives for our youth to occupy themselves so that they will not turn to such silly behaviour.

An increasing concern also is the rapid rise in vandalism that has occurred throughout our State, and particularly in the metropolitan area. Only today I spent some time in the vicinity of the Hallett Cove mall shopping centre examining carefully the result of the Easter weekend. Over that weekend a number of people, allegedly youths aged between 10 and 14, went on a rampage through that area, smashing everything in their path. Included amongst their targets was a large illuminated sign, which was not yet working as the electrical wiring had not been connected. Nonetheless, after only a few days of sitting in its spot that sign was brutally smashed with a hard implement.

Lights in the car park were knocked down and broken to the extent that live electrical wiring was bared and became a danger to the public. At the same time, drain covers vanished from the area, opening up large pits which formed obstacles to pedestrians and which were very dangerous at night, particularly after the lights in the car park had been knocked down. Three injection syringes were found in the front yard of a church across the road from the shopping centre and littered through the centre were empty alcohol bottles.

This is the path down which our youth are going today, and they need the support of our community through constructive programs. Regrettably, in this Parliament every time a matter of some substance is brought up and constructive solutions suggested by members of the Opposition, those matters are dismissed lightheartedly as being of little consequence, exaggerated or not worth implementing.

One example of a system that I brought up in this place was the 'adopt a railway station' concept. The Minister had indicated to me in discussions outside this place that such a scheme probably would not be viable because it might 'put trade unionists out of a job'. Without hesitation, I invited the Minister to discuss with me that aspect of the program in front of television cameras, because I would have been the first to say, 'Surely, Minister, you will not suggest to me that trade unions in this State have a vested interest in the proliferation of graffiti and crime through our community. I am sure that the trade union movement would not want that said of it because it is not true.'

Nevertheless, I am delighted that the scheme that I suggested to the Minister has now finally been implemented under the guise of a community stations program: the name is a little different, but the scheme remains the same. I do not take any credit for coming up with the idea: it is not original. The scheme operates successfully in Melbourne and was brought to my attention by constituents living in Hove. I hope that this scheme spreads rapidly throughout our State, as I am aware that many community groups, including a large number in my electorate, are very keen to be involved in this fight against graffiti, to ensure that the proliferation comes to a standstill, and that our metropolitan areas, particularly STA corridors of trains, trams and busways, are once again graffiti free.

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

Mr McKEE (Gilles): A constituent, Mr Phillip Smith of Northfield, came to see me two or three weeks ago concerning a superannuation problem. Mr Smith was an employee of Macquarie Textiles, owner of the Lobethal textile mill. No doubt members will recall the great publicity surrounding the closure of the mill, with the resultant economic impact on the town and the plight of the employees who would have been laid off. In those circumstances, many of the workers decided to take early retirement. Much negotiation took place between the employees, represented by their union, and Macquarie Textiles on behalf of the employers.

I might add that after a short time there was a change of mind by the company about shifting its activities to Warrnambool and there seems to have been some continuation of business at the Lobethal plant. At the very least, that has caused much confusion among the work force, not the least of whom are those workers who took early retirement or redundancy. My constituent's dilemma is that he retired expecting a small superannuation payout—not a lot, but it would have been of some assistance to him. The problem is that he has not received it—he has not received a zack of it.

If Mr Smith has not received his superannuation payout, how many other workers from that same company have not received theirs? How many other workers have been duped by Macquarie Textiles, which said, first, that it was closing down, yet it offered to employ some of the workers at the Warrnambool plant and then had a change of heart. It would appear that many people besides my constituent took up their only option in those circumstances, which was their superannuation payout. Further, they contributed to that superannuation, yet none of them have received their money.

What has happened is a very foggy situation, but I will try to outline it. The trustees of Macquarie Textiles Retirement Plan decided to transfer the plan to the Australian Retirement Fund. At that time the fund was managed by Towers, Perris, Forster and Crosby (TPF&C). TPF&C apparently withheld the transfer until necessary paperwork to do with taxation matters was completed. That matter was resolved and my constituent was advised by General Investments that moneys had been transferred and it could see no reason why his benefit should be delayed.

Mr Smith received a statement from Macquarie Textiles Retirement Plan telling him that his benefit would be $1 489.40. Mr Smith then received a letter from Australian Administration Service Party Ltd, a company involved with the Australian Retirement Fund, saying that his benefit would be $38.47. I do not want to underestimate the situation, but at the very least Mr Smith (along with a number

of other employees of the company and me) is confused and extremely annoyed.

It seems that the passage of the funds has gone from the workers at Macquarie Textiles, owned by General Investments, through their fund, Macquarie Textile Retirement Fund, managed by TPF&C. It was then handed over to the Australian Retirement Fund, administered by Australian Administration Services Pty Ltd, owned by the AMP. I have finally learned that $350 000 was transferred to the Australian Retirement Fund and, further, that a sum close to $1 million is invested in Rothschilds. After the involvement of all those companies, is anyone surprised that after receiving a statement that he would get $1 500 from his retirement fund, Mr Smith is advised that he is left with only $38.47? At least seven or eight different companies have got their fingers in this pie.

Mr Ingerson interjecting:

Mr McKEE: Is the AMP union based? Is General Investments union based? Is Australian Retirement Fund union based? I believe that—

Mr Ingerson: Disgraceful!

Mr McKEE: It is completely disgraceful. I believe that one company is holding out on the money and refusing for some reason to hand it over to be disbursed to the members of the fund. The questions must be asked: why is there this incredible delay and this incredible mess? When will the fund members receive their benefit and, because of the delay, can they look forward to receiving a larger payout because their funds have been invested for longer and would have therefore earned more interest?

Further, how many people have been living off the contributions of workers to their superannuation fund? I have just named seven or eight different companies that have all had their finger in the pie. I am thankful to the Federal Liberal member for Mayo (Mr Alexander Downer), whom I contacted in respect of this matter. For several months last year he was banging his head against the same brick wall, along with myself, members of the Parliament and my constituent Mr Smith, who is an ordinary working person who is unemployed.

Mr Smith was looking forward to a little assistance of $1 500 from the fund and it is an outrage that he has been told he will get only $38.47. We have heard much criticism about the State Bank, and so forth, in this House in the past couple of weeks, but no member of the Opposition, apart from the Federal member Mr Downer, has questioned the business activities of people in South Australia.

Members opposite never delve into what sort of crooked activities people are involved in, yet here is a prime example of seven or eight different companies ripping off ordinary workers while having up to $1 million invested with Rothschilds and earning interest. All these companies are getting paid, yet the poor worker who has had his job cut out while he is in his prime has ended up with a promissory note for $38.47. This is an outrage. Certainly, I intend to carry the matter further and take it up with Mr Downer, who is also pursuing the matter at a Federal level.

Motion carried.

At 9.57 p.m. the House adjourned until Thursday 11 April at 11 a.m.