HOUSE OF ASSEMBLY

Wednesday 23 October 1991

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

PETITIONS: WATER RATES

Petitions signed by 140 residents of South Australia requesting that the House urge the Government to revert to the previous water rating system were presented by Messrs Becker and Wotton.

Petitions received.

PETITION: CHILD ABUSE

A petition signed by 149 residents of South Australia requesting that the House urge the Government to increase penalties for offenders convicted of child abuse was presented by Mrs Kotz.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following answer to a question asked during the Estimates Committees be distributed and printed in *Hansard.*

SOUTH AUSTRALIAN RECREATION INSTITUTE

Estimates Ccommittee A

In reply to **Mr OSWALD (Morphett)** 26 September.

The Hon. M.K. MAYES: The replies are as follows:

1. The sum of $21 091 was received in 1990-91 for the sale of the Recreation Institute's publications.

2. Sponsorship income gained by the Recreation Institute's publications in 1990-91 was nil.

QUESTION TIME

COMMONWEALTH GAMES

Mr D.S. BAKER (Leader of the Opposition): Is the Premier concerned that the Federal Government has been placing its own interests above that of Adelaide's bid for the 1998 Commonwealth Games? Yesterday, following a sudden warming of relations with the Prime Minister of Malaysia, Mr Hawke made a public statement about a perceived preference for a developing country to host the Commonwealth Games, which had the effect of undermining Adelaide's bid in favour of Kuala Lumpur. I wrote to complain to the Prime Minister and this morning received his letter of denial. Senator Olsen has now released information that at the last minute—

Members interjecting:

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

The Hon. E.R. Goldsworthy: He got more votes than you did!

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

Mr D.S. BAKER: Senator Olsen has now released information that at the last minute the Federal Minister of Sport, Mrs Kelly, cancelled her official trip to the South Pacific Games in Papua New Guinea last month and sent a Labor backbencher. Sending a Labor backbencher while Malaysia sent its national Minister had the effect of snubbing the PNG Prime Minister, a key member of the South Pacific Forum, who has now publicly backed Malaysia's games bid. Key sporting administrators see these consequences of the Hawke Government's recent actions as being far from helpful to Adelaide's games bid.

The Hon. J.P. TRAINER: I take the same point of order as yesterday, Sir, that matters of that nature should not be introduced by way of debating the question but should be raised in other forums.

Members interjecting:

The SPEAKER: Order! The member for Mount Gambier is out of order. The point is the same as yesterday. The control of Question Time in this House is limited to preventing comment, and I did notice that the Leader did comment to some degree, and I was about to pull him into order when the honourable member took to his feet. However, the control of the grievance debate following Question Time is really in the hands of members. Even though I may agree personally that that is the place to do it, Question Time is here for all members to use within the orders and the rules laid down by the House. The honourable Premier.

The Hon. J.C. BANNON: I find it extraordinary that the Leader of the Opposition has just thrown in the towel. Apparently, he is taking the view that we have lost the games, that the speculation that has been made about the Prime Minister's acknowledging the reality that there has been a move in the Commonwealth for some years now for the games to go to a so-called developing country has, in fact, blown it as far as Adelaide is concerned. He calls in aid for this his former Leader—whom he was very pleased to see off into the Federal Parliament so that he could take his place, and he must be very embarrassed these days when people keep saying that the former Leader should be back here because of the failures of the current Leader of the Opposition.

I suppose that, in quoting him, the Leader of the Opposition is trying to cement Senator Olsen there in the Senate, because he is a little frightened that he might return to the State arena. Be that as it may, as far as the South Australian Government is concerned, we have not given up the fight. We have still to see a full assessment of events at Harare and their influence on the sporting organisations that will make the decision. Obviously, there will be debriefings from Mr Beltchev, who was a member of the Australian delegation. My colleague the Minister of Recreation and Sport, who knows more about what is going on worldwide in relation to this bid, will be considering the position and discussing it with his committee, and we will see where we go. Neither we nor the Commonwealth Government have abandoned the games: we are still fighting.

Members interjecting:

The SPEAKER: Order! There is far too much background noise. The Chair cannot hear the response from the Premier.

The Hon. J.C. BANNON: Another reason why we probably had this question today is that the Leader of the Opposition was somewhat discomfited by the Prime Minister's responding to his churlish letter of yesterday immediately and very effectively and, in fact, putting it on the record. I should have thought that the Leader could, at least, have consulted his colleague the member for Hanson before blundering into the international arena in this way.

If at the end of the day we are not awarded the 1998 Commonwealth Games, obviously we will need to look back at the various events and stages and analyse what we did wrong, because we may well get into this arena again. But to try to do that in the middle of the bid, to try to create some cheap headlines, will have the net effect internationally of people saying, 'Adelaide's given the game away: look at them squabbling amongst themselves.' It is absolutely disastrous and pathetic on the part of the Leader of the Opposition. I should like him to keep out of it if he is not prepared to be constructive or, instead of trying to grandstand in this way, to use his representative whom he has nominated to be part of our team. And if questions are to come from the Opposition, let them come from the source that is at least knowledgeable about the situation.

SEATON PRIMARY SCHOOL

Mr HAMILTON (Albert Park): Will the Minister of Education advise, first, whether a decision has been made to close the Seaton Primary School and, secondly, whether it is likely that a decision on the future of the school will be made soon? As the Minister is aware, I have been in constant contact with his ministerial office and the Adelaide area office in relation to the future of this school and, in particular, in relation to how students' current and future education needs will be guaranteed and enhanced at this school.

The Hon. G.J. CRAFTER: The short answers to the honourable member's questions are 'No' and 'Yes'. I very much appreciate the interest that the honourable member has shown in the future provision of education in this part of his electorate. He has made numerous representations to me about this matter and, I believe, shown considerable leadership in his local community on this issue. As a result of the review of education in the western suburbs, which has been in progress since October last year, the director of the Adelaide area office of the Education Department advised the principal and the school council chairperson of the Seaton North Primary School and a meeting of parents that he intended to recommend that the school close at the end of the 1992 school year. The enrolment trends at that school show that the time is rapidly approaching when the viability of the school is threatened.

A decade ago the school had 345 students and the number has reduced this year to 160 students. It is estimated that next year 130 students will attend the school and that that decline will continue into the future. The proposal that has been mooted is that no reception students will be enrolled next year and, at the end of 1992, the current years one to four students will relocate. It is estimated that fewer than 100 students would be attending the school and indications have been given that there would be a 50/50 distribution of students between two nearby primary schools—Hendon and Seaton Park. Hendon Primary School is a kilometre north of the Seaton North Primary School, and the majority of the current Seaton North students live north of the school. This arrangement would mean that the current year 5 students would remain on site as year 7s in 1993.

I stress that no recommendation has yet been formally made on this proposal. It is important to point out that this school is not being looked into in isolation from other education facilities in the local community. As I indicated during the Estimates Committee, proposals exist for upgrading education facilities in this district. I understand that the proposed closure of the Seaton North Primary School has been discussed in associaton with the proposed upgrading of the nearby Hendon Primary School, and an upgrading and expansion of the adjacent Seaton High School onto the Seaton North Primary School site. There would be long-term benefits for each of the students.

The Seaton High School serves the same community as does the Seaton North Primary School, and I understand that support exists for these proposals in the general community, but I have been advised that some parents of students—and naturally so—at Seaton North Primary School still do not wish to see their school closed. I have considerable sympathy with school communities that face these difficult decisions about the future of their schools—schools that have often served their respective communities for many years, and served them well. The reality is that we need to face these decisions with the benefit of our knowledge of future enrolment trends and the increasing demands being placed on us to improve educational opportunities for young people. I am to see a deputation from the school in the near future, and I will be pleased to discuss the matter with them.

STATE REVENUE

Mr S.J. BAKER (Deputy Leader of the Opposition): Does the Premier favour Mr Keating's centralist view that States should be neither given the power to raise most of their own revenue nor the increased freedom to spend it, or is he a belated supporter of the Prime Minister's new financial federalism proposals, which include income tax sharing through the Australian Taxation Office and top up grants for the poorer States? Which does the Premier prefer?

The Hon. J.C. BANNON: I do not subscribe in total to either of the views attributed to the Prime Minister (and I am not sure how the Deputy Leader can be definitive about that, as we are yet to see the Commonwealth paper that will be discussed at the November conference). We have been privy to Mr Keating's views and I believe he overstated the dramatic implications of one of the matters being discussed. I have been, and am, on the record as saying that I do not believe we need an income taxing power as States, nor that a second layer of income tax should be imposed by States. That is inappropriate. I am not saying that we should not be looking at the rationalisation of both responsibilities, the overlapping and duplication that goes on in the delivery of services and our respective revenue raising areas. All those matters are on the agenda for the Premiers Conference and will be appropriately discussed.

GLENELG TO BOLIVAR SLUDGE MAIN

Mr FERGUSON (Henley Beach): Will the Minister of Water Resources confirm that work is about to commence on the construction of the Glenelg to Bolivar sludge main, and can she give an assurance that disturbances to the public as a result of excavations and road closures will be kept to a minimum?

An honourable member interjecting:

The Hon. S.M. LENEHAN: If the honourable member would listen he might learn something new. I am delighted to be able to inform all members, but particularly the member for Henley Beach, that work on the construction of the sludge main will commence this week, and probably has already commenced as I answer this question. The project will mean that the sludge from Glenelg and Port Adelaide sewage treatment works will be disposed of on land and that discharge of this material into the marine environment

will cease. I regard this as a major step in our program to protect the marine environment.

I can, indeed, give the honourable member the assurance he has requested—that, while work on the main will begin in Military Road, Glenelg and progress north to the River Torrens easement along Seaview Road, all the local councils affected are being consulted and safety signs will be erected to assist motorists. Indeed, householders will be advised by mail before excavations start in front of their properties. While it is inevitable—

Members interjecting:

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

The Hon. S.M. LENEHAN: I did not realise that this project had such popular support. While it is inevitable that some degree of inconvenience may be caused—

Members interjecting:

The SPEAKER: The member for Hanson is out of order. The honourable Minister.

The Hon. S.M. LENEHAN: —to residents, the completion of the project will be of great benefit to all South Australians. I would like to put on the public record an apology to the local residents who may be inconvenienced. However, I believe that this is one project that has the total support of not only all members of this Parliament but all members of the South Australian community, I am sure that local councils, local members and residents will understand the small level of inconvenience for the greater good of South Australia.

STATE BANK GROUP

The Hon. D.C. WOTTON (Heysen): Will the Treasurer use his powers under the State Bank Group indemnity to investigate the responsibility for excesses at a Beneficial Finance Company board party held earlier this month? I have been informed that a Beneficial board party was held in the late afternoon of 1 October to celebrate Mr John Studdy's final board meeting. I am told that the Managing Director of Beneficial, Mr John Malouf, was not satisfied with the Australian wine and champagne kept in-house, so at the last minute he sent out for a dozen bottles of premium French champagne valued at many hundreds of dollars. My informant was sickened, given that the Beneficial board has presided over losses of almost $1 000 million and the State's unemployment rate is now 10.4 per cent, that the board and senior executive of Beneficial were still indulging themselves in such excesses.

The Hon. J.C. BANNON: I assume that the honourable member has already made some inquiries by some other means as to the validity of this matter before raising it in Parliament, because that would be the reasonable thing to do.

The Hon. D.C. Wotton interjecting:

The Hon. J.C. BANNON: The honourable member says that he has. I think it would have been more appropriate to write a letter or to follow up the matter; then, if the member was not satisfied with the response, he could raise the matter in Parliament. I do not know the extent to which this matter is in the public interest, but the honourable member has raised it so I will naturally refer the question to the bank.

Mr D.S. Baker interjecting:

The SPEAKER: Order! The member for Napier.

INDUSTRIAL RELATIONS LAWS

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Labour advise whether the Government is considering industrial relations laws similar to those proposed in New South Wales and what effect those laws would have on this State? It has been put to me by a very worried constituent that, if a general strike were to be called in this State, as is happening today in New South Wales, it would have a severe detrimental effect on the State's well-being.

The Hon. R.J. GREGORY: I can assure the honourable member, you, Mr Speaker, and the House that our Government will not go down the New South Wales path in industrial relations. Unlike Liberal members opposite, we do know what we are doing in the area of industrial relations. Our spokesmen do not get up at functions and say, 'Our position in this matter is very fluid, and what we are going to say to you today may not be what we are going to do tomorrow.' At least we know what we are doing, but it is obvious that members opposite do not.

Today in New South Wales, we are seeing a Greiner/Baker/Hewson/Howard industrial relations system going on trial, and the verdict delivered to them by the working people would be one of guilty. Whilst they talk about freedom; the only freedoms they will create are to exploit, use up and underpay ordinary people. Already, we have seen an attempt in New South Wales to register this style of agreement. The Leader of the Opposition (Mr Baker, the member for Victoria), Mr Howard (from the Federal scene), Mr Greiner (New South Wales Premier) and their lackies, as well as others, all want employees to have their sick leave reduced from eight to five days; full sick leave pay reduced to half pay; the holiday leave loading and penalty rates for Saturdays and Sundays abolished; and workers to maintain and own their own uniforms and protective clothing, unlike the usual situation wherein those uniforms are maintained and laundered by employers.

Mrs Kotz interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: The member for Newland says, 'We've got a policy.' If she had been here a couple of weeks ago and had been awake, she might have learnt what our policy was, namely, to provide proper protection for workers, whether they be unemployed, young, people aged or unskilled. The Opposition wants to take away those protections so that people are exploited. Members opposite want the women working in industry to be exploited, to be told, as they were in New Zealand, 'Come back on Monday, and you are working for $1 an hour, because I can't afford to pay you any more.' That cannot be done in this State, but members opposite want to bring in those conditions here.

The style of industrial relations being introduced in New South Wales will bring into Australia the worst features of the American style. In some cities in America, the workers do not control their unions, the Mafia does. We will see in other areas deliberate attempts—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: The Fraser Government conducted an inquiry into the Painters and Dockers Federation in Victoria and it caught the carpetbaggers who got all the money for the Liberal Party through tax evasion. They were the crooks the Fraser Government went after. In New South Wales they want to use the force of the State to keep union officials away from their members. We can see the situation now where a union official will have to telephone a week in advance in order to see members. The employer can use

all the force he has so that he can deny workers the protections that a union can give them. That is what they want to do; they want to take away from workers the protection of awards.

While they say that this will solve industrial relations problems, it will not do so: it will create the situation where the equality we know among working people in Australia will be removed. We will see young people being exploited, underpaid and overworked. We will see the enforcement of a situation where young people may go to work in a hairdressing salon and work for a week or two with no pay, and after they have been there for two or three months they still may not be paid. We will see that situation extended into motels and so on, where employers will try out young people on no wages, with no awards to force them to pay people working on a trial basis.

Dr Armitage interjecting:

The Hon. R.J. GREGORY: Do you do that now?

The SPEAKER: Order!

The Hon. R.J. GREGORY: We've got the member for Adelaide suggesting that perhaps it is a good idea that people ought to work for nothing. We would have a situation where aides would not be able to get adequate payment for their work, and the unskilled and women would be exploited. All those people are vulnerable—every one of them. Members opposite are smiling and interjecting in their support of the Greiner Government going down that route.

EAST END MARKET REDEVELOPMENT

Mr INGERSON (Bragg): My question is directed to the Treasurer. Has his economic adviser or any other person acting on his behalf approached SGIC, SASFIT or any other Government agency in the past 12 months seeking their participation in the East End Market redevelopment?

The Hon. J.C. BANNON: Not as far as I am aware. Certainly my office, and indeed the Premier's Department, is very interested in the fate of the East End development site. As I have already outlined to this House, we are going to be involved in talks on that matter. In fact, I hope to be speaking to the Lord Mayor fairly shortly about what the Adelaide City Council proposes, because so far all it seems to have in mind is that somebody else should pick up the responsibility and do something about it. That is under very active consideration at the moment. To the extent that Beneficial Finance, which is the substantive owner ultimately through the bank, must be involved in that, obviously contact will be made and discussions held with it.

GRAFFITI ACTION CONFERENCE

The Hon. J.P. TRAINER (Walsh): Can the Minister of Youth Affairs advise the House of the outcome of the graffiti action conference that was held in Adelaide on Monday? This conference was an element in a comprehensive anti-graffiti strategy. I am pleased to note that a pamphlet compiled at my suggestion formed part of the graffiti action kit that was distributed at that conference.

The Hon. M.D. RANN: I was delighted that a number of members of Parliament representing all Parties—Liberal, Labor and Democrats—attended the graffiti action conference. I think that most of the 130 or so people who attended would agree that it was both well attended and a very useful exercise in the exchange of information. Those who attended included the police, Neighbourhood Watch members, teachers, lecturers, youth workers, church representatives and interested members of the public. I was particularly pleased with the strong response from local government with councillors and, I understand, mayors being present and indicating their keen interest in playing an active role in combating graffiti.

Mr Hamilton: Particularly the Mayor of Gosnells.

The Hon. M.D. RANN: I will get to the Mayor of Gosnells in a moment. The conference quite deliberately focused more on preventive strategies as well as the punitive response. We have to use the punitive measures, the tougher measures, that we will introduce into this Parliament and educative programs, rapid clean-up and strategies designed to divert young people involved in illegal activity into more productive roles.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The conference participants heard from Mrs Pat Morris, the Mayor of Gosnells, who detailed how her council in Western Australia involved young people not only in diversionary art programs but also in making decisions about how the programs were to be run. These programs resulted in a 50 per cent reduction in the incidence of graffiti in that major city of Western Australia along with a 50 per cent reduction in clean-up costs and reductions in insurance and security costs. Not only has the cost of cleaning up graffiti in that city dropped markedly but also young people have learned decision-making skills in a practical way. It is great to see them getting out of the illegal activity that is involved in mindless tagging and into some productive pursuits.

Participants at the conference were given a graffiti action kit, as the member for Walsh mentioned. This kit contained a range of information such as contact people, reference booklists, a check list for organisers of various preventive programs, a description of the strong and hierarchical graffiti culture (so as to understand that culture in order to tackle it head on), and a paper detailing interstate and overseas initiatives that have worked. I pay a tribute to the member for Albert Park for his strong role in advocating these preventive and other measures in the graffiti area. He drew my attention to initiatives which have occurred in Western Australia and which have been effective. I am pleased that members on all sides of politics have been involved in this program in a constructive way.

Of course, preventive and diversionary programs will not work for all young people in all areas, and it was emphasised to participants that no single approach will work, and what might succeed in one place with certain individuals might not succeed in other areas. However, it is vitally important that we know what is going on around the country and overseas in order to effectively tackle this problem. I certainly believe that only by working together and consistently attacking the problem on a number of fronts, will we be able to achieve success, and I thank all those involved in the conference. The pamphlet that we put out and which was suggested by the member for Walsh has been very well received, and we look forward to producing more and getting them out into the community.

LP GAS CONVERSIONS

Mr BECKER (Hanson): What action has the Minister of Labour taken to prevent what literally could be an explosive situation despite having received a written complaint last December about a supplier of faulty car gas conversions? I understand that there are about 127 businesses in South Australia licensed by the Department of Labour, Dangerous

Substances Section, to undertake about 8 000 motor vehicle gas conversions annually. Despite the letter to the Minister, a constituent of mine has complained to me that he recently had his HJ Holden converted to LP gas by one of these businesses, Auto Gas Conversions, only to be advised some days later by the Department of Road Transport, Regency Park, that the installation does not comply with Australian standards.

My constituent paid $1 450 for the conversion, believing he was having installed an Impco brand unit, only to be told that only a small section was Impco, that the parts did not meet manufacturer's specifications, and that Auto Gas Conversions has been refused distribution rights to Impco. This letter to the Minister described liquid gas spilling into the spare wheel compartment every time the tank is filled. He suggested that dozens, perhaps hundreds, of vehicles could be on our roads with similar dangerous conversions, and should be withdrawn.

The Hon. R.J. GREGORY: I thank the honourable member for Hanson for his question. This a matter that was raised in this House some time ago in response to a question in respect of Auto Gas Conversions, when I warned members and the public in general of the possibility of one or two people offering conversions but not doing it correctly and the actions being undertaken by the department to correct this situation. I am personally aware of only two such conversions where, in my opinion, a dangerous situation was created, where I think the people whose cars were converted, luckily, were non-smokers. I think that, if they had been smokers, they would have been incinerated in their motor vehicles.

We have taken up the matter and discussed it with the Motor Traders Association, and it fully supports us in the action that we are undertaking. At the moment the tradesperson who does the conversion work must be registered with the department. The employer and the owner of the premises where the conversion takes place is required to purchase compliance plates from the department. We are very concerned that one person in particular operating one of these businesses is not as scrupulous as he could be, and he places great pressure upon the people working for him to do the work as quickly as possible. Consequently, work may not be done to the proper standard. This worker is told, 'If you don't hurry up, I'll dismiss you,' and the pressure is upon that worker. We are changing the regulations under the Act so that the employer will be the person penalised and not the worker. We are very concerned about it. Inspectors have taken action against the particular person about whom I am talking. I am not sure whether the prosecution has been finalised, but I anticipate that the person would be penalised.

As the member for Hanson wants to refresh our memories about this incident, I will obtain details in respect of that person's car. In respect of non-complying materials being used, that is a matter for the Department of Fair Trading to take up with the supplier of the faulty goods. I am quite confident that the department would do that quickly and effectively in respect of the poor workmanship that is detected by inspectors, and the employers are forced to ensure that the work is to a proper standard.

MOSS PROGRAM

Mr QUIRKE (Playford): Will the Minister for Environment and Planning inform the House how the Metropolitan Open Space System (MOSS) has contributed to the creation of a linked system of public and private land of an open or natural character in and around metropolitan Adelaide?

The Hon. S.M. LENEHAN: I thank the honourable member for his interest in this whole area of the environment, and particularly with respect to the MOSS program. Since the Government made a commitment to MOSS in 1987, more than $1.8 million has been spent on the acquisition and development of the land. The most recent allocation was some $200 000 to the City of Salisbury, and this was towards the cost of purchasing an area of land fronting the Little Para River as a component of Linear Park being developed by the council.

The major elements of MOSS are the hills face zone, the coast and the rivers that run across the Adelaide Plain, the most significant of which is, of course, the Torrens River. Work is in progress to define MOSS in the development plan for metropolitan Adelaide, and policies for land within MOSS will be updated by councils when they review policies for their areas.

CHILDREN WITH LEARNING DIFFICULTIES

Mr BRINDAL (Hayward): Why did the Minister of Education mislead this Parliament on 19 September 1991 when, in response to my question on the lack of assistance for children with learning difficulties—

The SPEAKER: Order! The honourable member should be aware of the Standing Orders. I know that he has studied them fairly closely recently. To accuse someone of misleading the Parliament is a very serious allegation. Again, it comes to the point where the only way that that can be done is by way of substantive motion. I am not sure whether what the honourable member said in the question was a slip of the tongue. However, to use that term is definitely out of order and I suggest that he rephrase it.

Mr BRINDAL: I apologise if it was out of order. It was in response to my question on the lack of assistance for children with learning difficulties when the Minister claimed that this budget provided for an additional 29 full-time equivalent salaries.

The Hon. T.H. HEMMINGS: On a point of order, Mr Speaker, after you gave guidance to the member for Hayward as to the way in which he phrased the question, there was no rephrasing at all. It was just a continuation of the written question he had before him.

The SPEAKER: Order! I ask the honourable member to rephrase the question totally. I was distracted again when he went on. I point out again that one cannot use the term 'mislead'.

Mr BRINDAL: I apologise for that. Will the Minister explain the apparent anomalies contained in the answer to my question of 19 September 1991? The question concerned the lack of assistance for children with learning difficulties, and the Minister claimed that this budget provided for an additional 29 full-time equivalent salaries. A leaked copy of an Education Department report revealed that, in the southern area of the Education Department alone, there were 1 500 students with severe learning difficulties, and it was estimated that 5 per cent to 7 per cent of all students suffered from some form of learning difficulty.

Senior Education Department sources have confirmed that in 1991 45 negotiable staff salaries were used Statewide to support these students with learning difficulties. These 45 salaries for 1991 have, we believe, been abolished for 1992 and replaced with 29 formal educational salaries, of which the Minister informed this House; thus, the claimed 29 salaries increase is, in reality, a cut of 16 salaries for 1992.

The Hon. G.J. CRAFTER: I think it is the honourable member who is attempting to do the misleading in this

situation. I have spoken on a number of occasions in this House of the additional resources that have been provided in the budget for special education programs.

The honourable member is taking up the cause on the part of a small but disgruntled group of people in the Education Department who are seeking to oppose reforms in the department with respect to delivery of services for students with special education needs.

The department has suffered badly as a result of the allegations advanced by the honourable member and others who seek to quote from leaked documents that are without an author and certainly without any status in the Education Department itself. People rush off to the press very quickly to make these allegations, and a vulnerable group of young people in our schools suffer as a result of that inexcusable behaviour. The reality is that additional resources have been provided and policy changes have been recommended in the Government Agencies Review Group report. These are being negotiated at the moment. It is anticipated that some people will be disaffected by that process, but those people chose to ignore the reality that, within our primary schools, there are now more than 70 full-time equivalent positions for student counsellors. They choose to ignore that. We are the only State in Australia providing student counsellors in our primary schools in this way. They choose to ignore the additional salaries that the honourable member seeks to deduct from our existing resources.

The honourable member is saying that he wants no change in the department, to keep things going as they were in the past, to accommodate those people who resist change and indeed to reduce the role of the classroom teacher, particularly with respect to the responsibility of classroom teachers to assist students with learning difficulties rather than to call in a team of specialist staff to assist in every one of those instances. Some people argue that almost every child in every school has some learning difficulty.

Whilst that may lead to one definition or another being applied to that situation, the reality is that the ordinary, every-day classroom teacher has had in the past, and will continue to have, a responsibility for care and provision of special assistance to some students in each of those classes. Those who fall within the policy of the Education Department and are categorised as students with special education needs will receive additional assistance as is provided in the established rules and those that are being further negotiated in the Education Department. I certainly have not intended to overlook the difficulties experienced in this area. It is a complex, difficult and emotional area of education. I receive many representations from parents and local members about this element of education, but I will continue to give it the very highest priority.

SOUTH AUSTRALIAN HOUSING TRUST

Mr De LAINE (Price): Will the Minister of Housing and Construction inform the House of the current situation with respect to the proposed reintroduction of the South Australian Housing Trust's successful design and construct program?

The Hon. M.K. MAYES: I thank the member for Price for his interest in this area, as it is an important initiative in the building industry in this State, particularly as the State Government and the Housing Trust are working hand in glove to increase the diversity of opportunity within the housing sector within South Australia. I noted the headlines in the *News* the other day on the building industry. The article highlighted that the housing sector in South Australia is still showing strong trends and continuing to maintain its existing and previous number of new commencements. This process that we will reintroduce, which involves calling for public tender, for both builders and constructors to come forward, is very important, because design and construct can offer those builders and developers the opportunity to submit their proposals for housing of their own design, either on their own land or on trust land (or a mixture). Of course, on completion they can sell the housing to the Housing Trust.

The first call under the design and construct program was advertised in August 1981 and wound up on 18 April 1987. One of the reasons why we introduced this program is that we are now concentrating most of our resources—unfortunately, because of the reduction in staff numbers—on urban infill and consolidation, which is fairly labour intensive in that part of the housing supply sector.

We are now able to go to the design and construct program, and we anticipate that that will be called very shortly. We expect the reintroduction of that program to bring forward approximately 100 new building commencements by the end of 1991-92. We hope that we can achieve the same sort of results that we achieved between 1981 and 1987 when we built approximately 3 671 new housing units under the design and construct program.

The first call will be opened on 8 October and will close on 4 November 1991 with the requirement that the housing accepted under this call be completed before the end of the financial year. Calls will then be made for housing on both builders' and trust land, with the size of those calls being dependent on the trust's overall building program. So, it will fit into the program. I think the industry will welcome this as an opportunity to offer its designs and resources for construction on either its own or trust land.

TRAVEL CONCESSIONS

Mr MATTHEW (Bright): Does the Minister of Transport still insist that, from the beginning of the 1992 academic year, all tertiary students not eligible for Austudy will have to pay full adult fares for STA travel, or does the Government propose to back down from its budget announcement? Student representatives claim that the budget decision to remove the long-standing travel concessions from two-thirds of the 53 000 tertiary students in South Australia will cause great financial hardship for many students. They also claim that the 11 000 full-time tertiary students not eligible to receive Austudy have an average income of only $6 000 per annum and, further, that it remains unclear how the Government would administer its new policy in a way that would be cost effective and realise the proposed $2 million savings to the STA.

The Hon. FRANK BLEVINS: I thank the member for Bright for his question. Incidentally, there are no savings to the State Transport Authority. If the member for Bright had greater understanding of the budget, he would know that. Leaving that to one side, the honourable member was also factually incorrect. Our figures show that 41 per cent of tertiary students in this State get Austudy; so, those people will be covered.

However, leaving aside the inaccuracies and the comments contained in the honourable member's question, I have made the position very clear publicly. The Government has put forward a proposal that it intends to implement. If the students have any counter-proposals to put forward, quite obviously, as reasonable people, we will look at and discuss them. In fact, I have had three or perhaps

four meetings with students, and those meetings have been very amicable and constructive. The student representatives have been constructive: they have not come to the Government with some sort of a mindless view that nothing will change, that no-one will be affected. That has not been their approach: their approach has been most reasonable. But should the rest of the taxpayers, which includes people in the District of Bright, pay concessions that are untargeted? Should people be paid concessions irrespective of their means? It is a very simple problem, one that the Liberal Party seems to have resolved by saying that no concessions will be paid other than to people who, it has been demonstrated by a means test of one form or another, require those concessions. The concessions are not given by the Government but by other taxpayers who, in many cases, cannot afford to give concessions to people who might not need them. It is a very simple problem. However, the Government has made perfectly clear from the first day of the announcement—

Dr Armitage interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: The member for Adelaide says, 'Governments can't afford very much.' Governments have no money of their own: it is, as I said, all taxpayers' money. We have attempted to take care of the poorest 41 per cent of students by using the Federal Government's means test, involving Austudy. There are some arguments about whether Austudy is an appropriate means test, but I do not know about that. As I said, I would be willing and happy to hear those arguments against Austudy by various student bodies. They would make interesting hearing, there is no doubt about that. Nevertheless, it is the means test that is used. It is used by the Federal Government so, unless we want to re-invent a new means test, that would be appropriate.

All taxpayers, no matter how poor or rich, in all member's electorates are paying those concessions, not the Government. There is an obligation on Government to ensure that any concessions that are given are given in the fairest and most equitable way. I know that the argument is taken to the 'nth' degree by members opposite, and I welcome the support of members opposite who agree with that philosophy.

Concessions ought to go only to those who need them, not across the board, irrespective of means. Members opposite are purely opportunists. What ideology they have appears to be flexible. They enjoy the cheap cheers. I urge them to get a little bit of integrity. Some members of the Liberal Party—and I will quote one, John Howard—have integrity. I do not always agree with John Howard, but he has consistency and he is prepared to stand up against the yells and boos and put a logical position, even though I may disagree with that position. Discussions are open, and they are fruitful and amicable. This Government, being so reasonable, will be able to come up with a solution that satisfies everybody except the Opposition.

NATIONAL RAIL FREIGHT CORPORATION

Mrs HUTCHISON (Stuart): Will the Minister of Transport advise the House of the current situation with regard to negotiations on the National Rail Freight Corporation's and South Australia's position? As the Minister and the House would be aware, decisions made regarding the National Rail Freight Corporation will have a vital impact, particularly on rail workers in my electorate and, indeed, in South Australia as a whole.

The Hon. FRANK BLEVINS: I thank the member for Stuart for her question and also for the interest and assistance I have had from her when dealing with this problem. I do not think anyone in Australia would argue that the National Rail Corporation will eventually be a good thing. I know the Liberal Party has made many statements about the necessity of getting efficiency into our rail system, as well as the road and shipping systems and so on. Members of the Liberal Party are particularly strong in the area of rail; they have made many statements. However, I have also heard them make statements recently about how sorry they were to hear about the potential job losses at Port Augusta and Islington. They say that they are really sorry, and they blame the dreadful Federal Government: it is hypocrisy. They cannot have it both ways. They cannot have the policy of saying, 'We require all these efficiencies' and then cry tears when people are affected. This Government has said quite clearly that in theory we agree with the National Rail Corporation. We have not signed an agreement to that effect: the Premier did not sign an agreement to that effect at the Special Premiers Conference some time ago. That was because at this stage the Government is not sure whether the National Rail Corporation will operate on a commercial basis.

We believe that the railways ought to operate in the freight area on a commercial basis. If that is the case, we have no fears for the workshops at Port Augusta or Islington because we know that on a commercial basis they will be able to win tenders to do work for the National Rail Corporation. However, we fear that the Governments of other States, which have not done what Australian National has done in making its workshops efficient, will subsidise their workshops, and there will be no advantage to Australia in that whatsoever.

In South Australia the hard decisions have been taken and the efficiencies introduced, and still we may not win the contracts, because the other State Governments could subsidise their workshops. If that is the case, all the efficiencies that have gone on in these railway workshops will be absolutely to no avail, and that would be a great pity. It is a position that this State Government will not tolerate. What we have said, and have said very clearly, is that all we are asking for are commercial decisions—nothing else but commercial decisions. I would have thought that everybody in this Parliament would agree with that. When the Federal Government—

Mr S.J. BAKER: On a point of order, Mr Speaker, through a number of decisions you have guided the House as to the length of answers, and the Minister is now abusing the privileges of this House in that regard.

The SPEAKER: Order! As a matter of practice, I keep an eye on the clock. There have been many long answers today, but the Minister is not the longest by any means at this stage. However, I ask him to draw his response to a close.

The Hon. FRANK BLEVINS: I was just going to conclude, Mr Speaker. If the Federal Government is able to assure us that decisions will be taken on a commercial basis, we have no fears about the ability of South Australian railway workers to meet that challenge and win the work for South Australia on a commercial basis. But if there is no guarantee against hidden subsidies by other State Governments buying work for their workshops, the National Rail Corporation will have a very rocky road indeed when it wants to run across South Australian lines.

NATIONAL PARKS

Mr GUNN (Eyre): In view of the possibility of serious bushfires in national parks, will the Minister for Environment and Planning take immediate action to allow controlled burning and selected grazing in national parks to reduce potential fire hazards? I have been advised and have also seen for myself that there is a considerable amount of growth in the Mount Remarkable National Park which could be a possible fire hazard again this year. If selected grazing and controlled burning took place it would reduce that hazard and prevent the dislocation and danger to the community that has occurred in the past because of the failure to properly manage this and other parks.

At the Mount Remarkable show I was approached by constituents of mine who expressed concern that there has been a build-up of growth since the last fire a couple of years ago and that if something is not done an even more serious fire could occur and cause long-term or permanent damage to the park. I point out that this matter was raised yesterday also by the member for Alexandra.

The Hon. S.M. LENEHAN: I thank the honourable member for his ongoing interest, both in the area of South Australia that comes under the national parks and wildlife system as well as, of course, the privately owned arid areas. It is not a simple matter of whether I will make a decision as to whether we will have controlled burning and, indeed, controlled grazing in national parks. The honourable member knows, and I say this quite sincerely, that there is a difference in the philosophical positions between a number of the National Parks and Wildlife Services around the country.

For example, the Northern Territory does have a policy of controlled burning. When I was in the Northern Territory recently I asked specific questions about the reasons for its policy, and whether it believes that it works effectively. I saw for myself large numbers of areas which were under a controlled burning program. In the Northern Territory there is even a difference of opinion about whether this is the way to go in order to protect national parks and private lands adjoining national parks.

An honourable member interjecting:

The Hon. S.M. LENEHAN: I am aware of the various positions around the country. I am trying to answer the question in the context that it is not a simple 'Yes' or 'No' answer, and I am not suggesting that the honourable member is asking me to give such an answer. I will certainly renegotiate discussions with the Director of the National Parks and Wildlife Service in South Australia. However, I think that the points raised by the honourable member need very serious consideration. For example, the use of firebreaks around national parks and, indeed, the joint situation where private landowners and national parks have firebreaks that are contributed to by both parties is certainly one way of looking at controlling the potential problem.

The whole resolution of this issue must be balanced against preserving the values that the community thinks are important to preserve in national parks, that is, on the one hand to provide the habitat and to ensure that the biodiversity that is the very reason and rationale for establishing national parks is protected and preserved and, on the the other hand, there is a responsibility to private landowners to ensure that the national parks are not responsible for bushfires that cause enormous amounts of destruction.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: Notwithstanding the interjections, I am prepared to convene a meeting between the honourable member and the Director of the National Parks and Wildlife Service, and I think that is—

An honourable member interjecting:

The Hon. S.M. LENEHAN: Well, I have made the offer to the honourable member who asked the question. I think that the honourable member interjecting could perhaps be a little more polite in the way that he requests that he be present at such a meeting.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: I am taking this question seriously. I am trying to approach this in a spirit of finding a solution and not exacerbating confrontation. The honourable member who has interjected obviously would like to see an exacerbation of the confrontation, but I am not prepared to do that. I will, indeed, look at this matter quite seriously.

GRIEVANCE DEBATE

The SPEAKER: I pose the question that the House note grievances.

Mr BRINDAL (Hayward): Education in South Australia is in a state of chaos. Every thinking member in this House and in this community is aware of the parlous state into which the South Australian education system has sunk under eight years of Labor maladministration.

Members interjecting:

The SPEAKER: Order!

The Hon. H. Allison: India has Uttar Pradesh; we have utter chaos!

Mr BRINDAL: As my learned colleague commented—

The SPEAKER: I would point out to the member for Hayward that it is very hard to protect him from his own.

Mr BRINDAL: Yes, Sir, My colleague said, 'India has Uttar Pradesh; we have utter chaos.' I believe that is nowhere more true than with the Education Department. On a serious note, this Government has presided over the decline and dismemberment of the finest education system in this country.

The Minister has said on many occasions in this place that we have the finest education system, and I and every other member on this side acknowledge that we did have the finest system, but I hope that my colleagues will agree with me when I say that it has now been dismembered and abandoned by this Government. In five minutes I can hope only to scratch the surface, but I should like to start by exhorting all members of this House to consider very seriously whether we should form a select committee of this place to inquire into the state of education in South Australia. I am seriously considering talking to my colleagues about just such a process.

Education is of paramount importance to all South Australians, especially to those who have children or grandchildren, and I believe that this place can no longer afford to ignore the flagrant disregard of this Government for our schools and the education of its children. The Estimates Committee went some way towards answering some questions, but it exposed weaknesses and not necessarily problems. Two or three years ago, before I came into this place, my predecessor was successful in having a new, expensive and excellent addition made to Brighton High School. Phase two of the school is a credit to the Government. However, there was to be a phase three, a new portion of the school

to include a family and community studies block—the Education Department does not call it home economics any more—and a new technical studies block.

By way of a substantive motion in this House, I asked that phase three be put back on the Government's agenda, but I, along with many of my colleagues, was told that I was greedy and selfish and wanted everything for my electorate. Of course, that was before this Government threw away billions of dollars on the State Bank. I wanted a few million for something substantial, something that would last in my electorate for decades. That was very greedy of me to ask for, but it was not irresponsible of this Government to throw away billions of dollars on the State Bank.

My request was denied and, instead, next year we will have a ludicrous situation whereby the whole of Brighton High School will be transported by bus to Mawson High School to do their technical studies and family and community studies, because Brighton has neither the facilities nor the capacity to cope with its own students—and that in a high school which is filled to the brim and which is the most popular high school in the area. This Government refuses to provide it with adequate facilities. I could go on, but I will not, in terms of the school closures up and down the western seaboard. I draw the attention of members of this House to an answer given by the Hon. Anne Levy in another place, and I will quote part of that answer in the brief time available to me—

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

Mrs HUTCHISON (Stuart): Today I should like to talk about some of the problems that are facing my electorate in regard to job losses at Australian National. Yesterday, as members would be aware, AN workers marched on Parliament House to express their concerns about job losses, and today they did so in Port Augusta. Uncertainty is rife in the Australian National workshops and administrative offices in Port Augusta. The rumours are flying so thickly that most of the workers are being very traumatised about the possibility of losing their jobs. Rumour mongering by people such as the Hon. Ian Gilfillan in the other House have certainly not helped this. The honourable member made comments about the number of job losses that were to occur in the first week of November. His allegations had no substance whatsoever but, effectively, what they did was to cause a lot of trauma for the workers in Port Augusta who thought that the information being promulgated by the honourable member was correct.

Mr Hamilton: Outrageous!

Mrs HUTCHISON: As my colleague the member for Albert Park says, it is outrageous. It takes no account of the feelings of the human beings involved, and for that I do not respect the honourable member. It is totally irresponsible to promote that sort of non-factual information. The importance of AN to Port Augusta would probably be realised by most members of this place, particularly the member for Eyre, who also had some railway workers in his electorate. In both Port Augusta and Port Pirie in my electorate the presence of AN was very big indeed. Unfortunately few workers are left in Port Pirie, as the member for Custance would agree, and the numbers are being substantially reduced in Port Augusta. The Port Augusta community got together with the Australian rail unions and promoted a meeting last week in Port Augusta at which there was fruitful discussion. The people who attended that meeting were from a broad cross-section, including the Mount Remarkable council, the Port Augusta council, the business community of Port Augusta, rail unions and State and Federal members.

The outcome of the meeting was very constructive. Effectively, Mr O'Neil, the Federal member for Grey, advised the meeting that, contrary to rumours circulating in the city, the work force would be reduced by 132 employees from the present 1 446 employees, leaving 1 312 employees by 30 June 1992. This is substantially different from the numbers promoted by the honourable member in the other place who said that 300 jobs would be lost in the first week in November with another 200 shortly afterwards. It was totally irresponsible of him to say that. Mr O'Neil also said that job losses would be in accordance with previous advice provided to employees of Australian National some months ago.

The advice was effectively provided some months ago. He also said that the figures were confirmed by a spokesperson for the Minister for Land Transport, the Hon. Bob Brown, on 17 October 1991. In addition to providing the advice on job numbers, Mr O'Neil also indicated to the meeting that Mr Brown would visit Port Augusta on 22 November to meet with community and union leaders and employees to discuss future employment prospects within the Australian National work force. This is not before time but, because of the rumours that have been circulating, it is time we had a meeting with the Minister so that we can sit down and find out exactly what is going to happen to Port Augusta and to railway workers.

The Hon. Ted Chapman interjecting:

Mrs HUTCHISON: The honourable member interjects. The Mayor of Port Augusta was present at the meeting. Her attitude was very constructive with regard to what we need to do in future for the benefit of the community of Port Augusta. It really is a big step forward in our negotiations.

The Hon. Ted Chapman interjecting:

The SPEAKER: Order!

Mrs HUTCHISON: The meeting decided unanimously to support a motion that was put forward, and it was sent to the Prime Minister, the Minister for Land Transport, the Minister for Industrial Relations and Finance and the President of the ACTU.

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

Mr BECKER (Hanson): This afternoon I raised a question with the Minister of Labour about a company called Auto Gas Conversions. I do not name companies in this place without some reason and where people are aggrieved.

Mr Atkinson: Not much!

Mr BECKER: You haven't even been here long enough to get your hair dry. When consumers are being ripped off, somebody must stand up and put the point of the consumer. The Minister in reply said that there would be proper protection for workers. I advise the Minister that there will be proper protection for consumers. While it is done by the Office of Fair Trading and the Minister in another place, I am loath to see consumers being ripped off. The Minister knew about the issue some years ago and, as he said in his reply to the House, he thought that the question had been raised some time ago. This person wrote to the Minister in December last year pointing out the faults and experiences that they had had with this company, but the Minister is yet to reply. After 10 months, that person has received no reply or response whatsoever from the Minister. In his letter he stated:

I am writing to you regarding a matter of some urgency with respect to poor and dangerous workmanship being performed by Auto Gas Conversions, owned by J. White. I became aware of the problem when I had my car converted to gas by this company

on 30 October 1990. I am a qualified motor mechanic of 25 years experience, nine of which running my own business. I am well qualified to judge the quality of the work performed.

The letter continues:

As by now I had no faith in Auto Gas Conversions, I had the test done by Performance Auto Gas Pty Ltd. They found three leaks in the engine compartment, one of which was that repaired by Auto Gas Conversions on 1 November 1990.

After 38 days, on 6 December another gas leak became obvious. This time the leak was so bad I had to drive with the windows open to vent the passenger compartment. I drove the car straight to Performance Auto Gas who found that a gas leak was evident in the gas filling line.

This person goes on to say that he took his car to the Department of Road Transport and that the department reported 15 faults that had to be rectified with respect to the workmanship on that motor vehicle, three of which were listed as: rectify liquid line pushed hard up against the sharp edge of the hole in the right-hand front mudguard—extremely dangerous and contrary to Australian standard 1425 of 1989; rectify fill valve loose and leaking in remote filling enclosure; and rectify gas leak at fill line connection at container multi-valve.

My constituent complained to me that he had asked for and been given a quote for an Impco gas conversion unit and that when he picked up his vehicle he was assured that that was exactly what he got. He was told that after six weeks he should go back to have it serviced and readjusted. But he found that he had a lot of problems with his vehicle. He took it to the Department of Road Transport and was told that aspects of the LPG installation were considered by that office to not comply with the current Australian standards. Again, several notes were given to him saying: the container orientation incorrect; the angle of orientation of container specified to be 30 degrees, measured at time of inspection at 15 degrees; AFL sticker to be fitted; and the fuel shut-off valve to be relocated in a more protected position.

Is it any wonder that people who are paying such large sums of money for conversion to LPG are concerned? They feel that they could be driving a lethal bomb. We cannot tolerate this position. Impco Conversion Services had the following to say about this auto gas company:

We believe, like in many other cases, this company that is in question has too many times frauded customers, given the equipment a bad name because of his deception and workmanship.

The letter goes on to say that Impco is the sole agent for the equipment in South Australia and it had advised that Auto Gas Conversions is incorrect in saying that it supplies equipment to Impco. The company that brought the equipment into Australia has advised Auto Gas Conversions that it is illegal for that company to imply that it is an Impco distributor and has advised Auto Gas Conversions that it will take legal action against the company. These issues are raised by people who care for their safety and the safety of others. They are most concerned that the community is being ripped off by someone who is not paying enough attention to the workmanship carried out by him and his employees.

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

Mr QUIRKE (Playford): I wish to raise a very important issue in my electorate. As with some of the other grievances, this matter relates to schools and, in particular, to a move by the Federal Commissioner of Taxation to bring about a situation where schools, students and parents who have to pay fees for students will be subjected to sales tax for the first time. Some of the schools in my electorate have raised this matter with me and have pointed out some of the fundamental economics that are at stake. I have a circular that was distributed by the Director-General of Education (Dr Ken Boston) to principals in which it is stated:

The Commissioner of Taxation has issued a revised ruling in relation to Item 63A of the first schedule to the Sales Tax (Exemptions and Classifications) Act relating to goods for use by schools. In view of the implications of the ruling, advice has been sought from the Crown Solicitor.

A sales tax exemption will not apply to stationery and other taxable goods supplied to students when it relates directly or indirectly to a fee or charge. Under a previous ruling a sales tax exemption applied to goods purchased from school funds and supplied to students, provided that separate charges for those goods were not identified and that the property in the stationery and other goods remained with the school and that this was conveyed in writing to parents and students.

Ominously, the circular goes on to say:

This is now no longer the case.

One of the main problems that this will result in for many members of Parliament is that they will see schools and school communities in general lose a great deal of money. Between 35 and 40 per cent of the parents of children at schools in my electorate are single parents who are largely on the Government assistance list.

In essence, the Education Department makes a payment to the schools to cover book charges, other fees that are levied at the beginning of each year and various other charges and legitimate costs made by the school budgeting committees. In fact, in most of the schools in my electorate that I have checked, the current charge, in primary schools at least, is about $90. The direct impact of a sales tax at 20 per cent will be to add almost $20 to those fees. In my electorate—and, I am sure, in many other electorates—one of the great problems of some of these school communities is bad debts. Many parents cannot afford to pay, or will not pay, the $90 to the school community. It is very sad, but this issue comes up in my office, and I see heads nodding around the Chamber, so I know I am not a Robinson Crusoe in relation to this matter.

This bad debt problem will probably increase because of a 20 per cent rake-off by the Federal Commissioner of Taxation. I will call on the Federal Government to take whatever steps are necessary to reintroduce the sales tax exemption for primary and secondary schools not only in my electorate but in every electorate in Australia. At the Para Hills Junior Primary School, which is in my electorate, there are 600 students. The effect of this sales tax will be to take more money out of that school community and from parents than was raised last year through all their charitable functions. Just by one administrative stroke of the pen we already have a consumption tax that will hit my electorate very badly.

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

The Hon. H. ALLISON (Mount Gambier): On Sunday morning I attended a very important meeting of shack owners at Donovans on the Glenelg River in the South-East of South Australia. When I arrived, I was asked to chair the meeting and to be the keynote speaker addressing the assembled group on the matter of the recently received Pak-Poy Kneebone report, which was supported by a report from Kinhill Redel of Melbourne. That report was handed down in August 1991 and the shack holders were extremely concerned that the report recommended that shacks in categories A and B had no hope of ever being given a freehold title or of being made permanent in the longer term, and that they be demolished as soon as possible.

The Minister of Lands is in the House at the moment, and I am pleased about that, because I am sure that she

will be delighted to hear that I defended her position by saying that, as far as I was aware, the Pak Poy Kneebone report had not been accepted for action by Cabinet and, furthermore, that the Minister herself had already given tenure by way of life tenure to those who wished it or tenure to the year 1999 to those who had chosen that option for the shack holders at Donovans. The shackholders were distressed that of the four categories—A, B, C and D—all shacks categorised A or B were recommended for demolition as soon as possible, according to the Pak Poy Kneebone report; category C shacks were subject to questionable, long-term tenure; and only category D shacks had any promise of long-term tenure or, indeed, ultimate freeholding. In fact, the report says that there is little hope at all of category A and B holdings ever being made permanent.

The people who compiled the report also invoked the once in 100 years flood principle to the South-East coast and the Glenelg River. I thought that was very unusual, because the criteria placed upon the shack holders throughout South Australia by the Government and by the PPK reporters were so stringent that, were they applied to Venice, Venice itself would have to be demolished, not in the longer term but in the shorter term, because of health, structural and other criteria. Probably more importantly to South Australia, the multifunction polis, were it to be constructed under those criteria, would have no hope of rising above the ground. That gives some idea of the stringency of measures that are being applied to shack holders in South Australia.

The south-eastern shack holders at Donovans asked the Minister not to accept the PPK report but to consider their shacks for life tenure and beyond. The criterion which the Government has imposed on all non-acceptable shacks in South Australia is self-fulfilling in that none of those non-acceptable shacks can be repaired in a major way or structurally, even after major floods. Only minor repairs can be carried out. In other words, those shacks will have to become increasingly dilapidated and will increasingly be candidates for demolition. The policy is self fulfilling. Therefore, the Donovans shack holders were in great distress.

The Liberal Party policy, which I was able to promote, incorporates cooperation to freehold as a general principle, a 30 to 40 year lease for those shacks on the Donovans River abutting or overhanging the river—both shacks and boatsheds—provision for repairs to be carried out subject to stringent hygiene and health requirements applied by local government in relation to the criterion of structural soundness, and provision for insurance and flood risk (that is, third party and other risk) to be borne by the shack holders. Donovans has very special attributes, which I would ask the Minister to bear in mind. It has not been subject to flooding since Rocklands reservoir was built after the 1946 high record flood. Victoria has allowed some redevelopment at Nelson. No complaints have been received from the public. Cliff access did not exist previously.

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

Mr HAMILTON (Albert Park): Today in Question Time I asked a question about the future of the Seaton Primary School. I asked that question because a number of my constituents made allegations on talk-back programs today that I have refused to assist parents who want to keep that school open. To say that I have not attempted to assist those parents and, indeed, students at that school is an absolute nonsense. Any member in this Parliament would know that I have been most active in this area. The Minister in Question Time acknowledged my constant harassment of him and his officers.

As the Minister indicated in Question Time today, a continuing decline in enrolments of students at that school has occurred over many years. At the outset, I had discussions with Mr Kevin Doolotte from the Adelaide area in relation to the October 1990 review of primary schools in the western suburbs. I emphasised—indeed, one could say I demanded—that school principals should be involved on those discussion panels, because originally it was not proposed that principals of those schools would be involved: only the parents were to be involved. The Education Department, to its credit, accepted my proposition. I have had discussions at the Seaton Primary School itself. I attended a meeting at that school of parents and interested people. When I was asked a question, I told those people openly and frankly that I thought they would have great difficulty in keeping that school open because of declining enrolments. I will not mislead this House, nor will I mislead my constituents. Having said that, I have never declined to assist my constituents.

Mr Deputy Speaker, the Speaker himself would know that I have attended meetings not only in my electorate but also in his electorate to address these problems; I supported the member for Semaphore's demand that schools in his area be kept open. Ultimately, the decision will rest with the Minister and the Education Department: there is no question about that. As I indicated, I have attended meetings with other school representatives and principals in that area, and not only in relation to primary schools: I have spoken to the Seaton High School principal as a representative on that school council about the future of that school. It is no good people standing up and saying one thing and meaning another. I do not operate that way, and I think every member in this Parliament knows that. I have never denied anyone the opportunity to talk to me about that matter. As a matter of fact, on Monday last, I arrived home from interstate at 5 o'clock; at 6 o'clock I discussed this important issue with a parent and two of her children on the lawns of my home. I would like to place on record that my three children attended that school, and I am reluctant to see it closed.

The reality is that, as Chairman of the Parliamentary Public Accounts Committee, I have demanded efficiency and effectiveness of the Education Department and other Government departments. I am walking a very thin line. I must ensure that the comments I make to my constituents, and indeed to this Parliament, are open and frank. Whilst I delayed for some seven years the closure of the West Lakes High School, inevitably I failed because of declining enrolments. I have been through this process; it hurts people, and many people are upset about it. I hope that the Minister will consider all the comments made by my constituents and I understand he is to meet with them on Thursday next to discuss this sensitive issue and, I hope, to protect those students and ensure their welfare.

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

MOTOR VEHICLES (HISTORIC VEHICLES AND DISABLED PERSONS' PARKING) AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Transport) obtained leave and introduced a Bill for an Act to amend

the Motor Vehicles Act 1959 and to make a related amendment to the Stamp Duties Act 1923. Read a first time.

The Hon. FRANK BLEVINS: 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 deals with two separate matters. They are:

(i) disabled persons' parking permits;

and

(ii) registration of historic vehicles.

Disabled persons' parking permits

The Bill proposes that the term of a disabled person's parking permit be increased from one year to five years.

An increase in the term of the permit benefits the holder in only having to seek renewal once in every five years, rather than annually as is presently the case.

Although the Bill prescribes a term of five years, it empowers the Registrar of Motor Vehicles to issue a permit for a lesser period. This will allow the Registrar to vary the renewal term of existing permits from between one and five years, so that an even spread of permits falling due over the next five years can be achieved.

A fee of $16.00 for five years is proposed under the regulations. The fee will recover the costs associated with the processing, issuing and recording of the permits.

Registration of historic vehicles

With respect to historic vehicles, the Bill deals with five distinct aspects of the historic vehicles registration scheme—

- registration of the vehicle;
- physical requirements of the vehicle;
- conditions of use of the vehicle;
- ownership requirements;

and

- the duties and responsibilities of the vintage car clubs.

Registration of the vehicle. Currently owners of historic vehicles have two options available. They may register the vehicle for periods of six or twelve months at full registration fee and compulsory third party insurance premium rates or acquire a permit to operate an unregistered vehicle.

Registration at full rates may be inequitable if the vehicle is used infrequently. The cost of unregistered vehicle permits limits the cost effectiveness of obtaining individual permits. The Bill provides for registration at a reduced amount prescribed by regulation: a fee of $25 for twelve months is proposed. This fee takes into account the limited road usage of historic vehicles. The alternative to acquire an unregistered vehicle permit will still be available. SGIC has agreed to an annual compulsory third party insurance premium of $40. The total fee for registration and insurance will therefore be $65.

Applications for registration must be supported by a statement by the Club Secretary of a recognised historic motor vehicle club, or nominated club official, that criteria with respect to the vehicle and the owner have been met. A 'recognised historic motor vehicle club' is one whose club executive has satisfied the Registrar of Motor Vehicles that the members of the club are engaged in genuine activities associated with historic vehicles.

Distinctive windscreen labels will be issued for identification and enforcement purposes. The labels will be the existing vehicle labels but will display the designation 'Historic Vehicle'.

Standard 'Festival State' number plates will be issued for historic vehicles. Alternatively, owners of historic vehicles may purchase rights to display any of the categories of special number plates at the current rate applicable. A distinctive 'Historic Vehicle' number plate was considered but rejected on the grounds that a distinctive windscreen label will provide sufficient identification and minimise amendments to current computer systems and procedures.

The use of a transferable plate was also considered but rejected on the grounds of insurance and enforcement difficulties and that it is not a practice followed by any other State.

Physical requirements of the vehicle. The vehicle must be a genuine historic vehicle, as certified by the vintage car club. That is to say, roadworthy and suitable for club activities. Modified 'hot rods', for example, will not be accepted for registration as historic vehicles. Vehicles must comply with the requirements of the Road Traffic Act 1961 and other Acts.

The vehicle must have been manufactured prior to 1 January 1960. This date of manufacture requirement will be reviewed from time to time.

Conditions of use of the vehicle. Use of the vehicle will be restricted to—

(i) club events in accordance with the official club yearly calendar;

and, in addition,

(ii) up to 20 other separate movements such as vehicle maintenance, road testing, displays, shows and other vehicle club related activities as authorised by a club official. The vehicle may not be used for hire and reward. The separate movement approval must be carried in the vehicle at the time of such movements.

Ownership requirements. The owner of a historic vehicle who seeks to register the vehicle must be a financial member of a historic motor vehicle club recognised by the Registrar.

The duties and responsibilities of the vintage car clubs. A basic principle of the system is that the vintage car clubs will administer the criteria and maintain records which will be available for audit as required.

A club must maintain a record of additional use approvals issued, for audit and verification.

A club procedure manual will be issued in consultation with the Federation of Vintage Car Clubs of SA Inc., which will detail the requirements of the historic vehicles registration scheme. The procedure manual will contain detail including the use of permits, roadworthiness and restrictions on using vehicles for hire and reward at weddings and similar functions.

Clause 1 is formal.

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

Clause 3 inserts new section 39 into the principal Act.

Proposed subsection (1) requires the prescribed registration fee for a motor vehicle to be reduced to the prescribed amount if the Registrar is satisfied (by such evidence as the Registrar requires) of the following matters:

- that the motor vehicle was manufactured before the prescribed date and has not been modified from its original design to any significant extent;
- that the owner of the vehicle is a financial member of a club recognised under the section as a historic motor vehicle club;

and

- that the vehicle will not, during the period for which it is sought to be registered, be driven on the road—

(iii) if the owner has ceased to be a financial member of a club recognised under the section as a historic motor vehicle club;

or

(iv) except—

(A) in events for vehicles of that kind held by that club (whether alone or jointly with another club or person) in accordance with a calendar approved by the Registrar;

or

(B) for other journeys subject to such conditions and limitations as are prescribed.

Proposed subsection (2) empowers the Minister, by notice published in the *Gazette*—

- to recognise a club as a historic motor vehicle club for the purposes of the section;
- if satisfied that there is good cause to do so, to withdraw recognition of such a club with effect from a date specified in the notice (being not less than 28 days from the date of publication of the notice).

Proposed subsection (3) provides that where a motor vehicle is registered for a reduced registration fee under the section—

- the period of registration must be 12 months and not a lesser period;
- no refund is payable by the Registrar on the cancellation of the vehicle's registration;

and

- the registration is not transferable.

Clause 4 repeals section 98s of the principal Act and substitutes a new section. Presently section 98s provides that, subject to the Act, a disabled person's parking permit remains in force for one year and may be renewed annually in a manner and form determined by the Minister and upon payment of the prescribed fee.

The only substantive difference between the present and proposed sections is that the latter provides that a disabled person's parking permit granted or renewed after the commencement of the new section will, subject to Part IIID of the Act, remain in force for a period of five years from the date of its grant or renewal, or for such lesser number of years as the Registrar may, in a particular case, determine.

Clause 5 amends the Stamp Duties Act 1923—

- by exempting from stamp duty an application under the proposed new section 39 of the Motor Vehicles Act to register a historic motor vehicle at a reduced registration fee;

and

- by exempting from stamp duty a policy of insurance where the application for registration is made by a person entitled under the proposed new section 39 to have the motor vehicle in respect of which the application is made registered at a reduced registration fee.

The Hon. D.C. WOTTON secured the adjournment of the debate.

ROAD TRAFFIC (SAFETY HELMET EXEMPTION) AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to amend the Road Traffic Act 1961, to provide for certain exemptions from the wearing of safety helmets on pedal cycles by members of the Sikh religion. Although no provision was included in the legislation to provide for exemptions, the legislation does contain a defence provision whereby a defendant is required to prove that there were in the circumstances of the case, special reasons justifying non-compliance with the legislation. However, it has become evident now that the legislation has been in operation for a short time, that a specific exemption is required. The reason why the Sikhs want an exemption is entirely based on their religious requirement that a turban must be worn at all times and must not be covered. Although in theory all members of the Sikh community are affected, in reality, it is primarily the male children of that community who would ride pedal cycles. While any exemption to this road safety strategy will dilute its total effectiveness, this has to be viewed in the broader perspective of public acceptance of the law. Providing exemptions to members of the Sikh community should be seen as government acknowledgment of the rights of religious freedom.

Clause 1 is formal.

Clause 2 amends section 162c of the principal Act. Section 162c makes it an offence for a person to ride or ride on a motor cycle or pedal cycle (or any attached vehicle) unless they are wearing a safety helmet that complies with the regulations and is properly adjusted and securely fastened. It is also an offence to carry a child on a cycle (or any attached vehicle) unless the child is wearing such a helmet. In addition a parent (or other person having custody or care of a child) must not cause or permit a child to ride or be carried on a cycle (or any attached vehicle) unless the child is wearing such a helmet. It is a defence for the defendant to prove that there were special reasons justifying non-compliance with the section. The Governor can prescribe safety helmet specifications. This clause amends section 162c to add a subsection that exempts a person of the Sikh religion who is wearing a turban from the requirements of the section in relation to the use of pedal cycles.

The Hon. D.C. WOTTON secured the adjournment of the debate.

METROPOLITAN TAXI-CAB (MISCELLANEOUS) AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Metropolitan Taxi-Cab Act 1956. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to make some technical and mechanistic amendments to the Metropolitan Taxi-Cab Act 1956, to enable all of the recommendations of the June

1990 Regulatory Review Panel to be implemented. As part of the Government's Community Transport Policy, a Regulatory Review Panel was established in April 1990 to investigate and recommend areas of reform to the regulations under the Metropolitan Taxi-Cab Act 1956. The Panel consisted of one member from each of the taxi and hire vehicle industries and the chairperson of the Metropolitan Taxi-Cab Board and was supported by staff of the Office of Transport Policy and Planning.

The Panel consulted with the taxi and hire vehicle industries with a view to recommending changes to the regulations that would bring about a more streamlined and efficient regulatory structure, and ultimately a more efficient, responsive and responsible taxi and hire vehicle industry in Metropolitan Adelaide. Each regulation was tested agalnst two principles, safety and service. Only those regulations that ensured the safety of the public and taxi operators and, or, were designed to maintain a high level of service to the public, were to remain. The report of the Regulatory Review Panel is available from my office. The draft regulations drawn up as a result of the Panel's report are also available from my office.

All of the recommendations that were possible without amendment to the Act were included in the regulatory amendments tabled in both Houses in August of this year. However, some recommendations could not be implemented without legislative amendment. Those legislative amendments of a technical and mechanistic nature form the changes proposed in this Bill.

The following outlines the draft amendments to the Act:

- Definitions and fines are brought into line with other Acts.
  - 'Metropolitan area'—the same definition is to be used as in other Acts (note that the definition excludes Mount Barker).
  - Fines for offences against the Act are to be tied to the standard Divisional fines (note that this means that they are raised substantially).
- The powers of the Metropolitan Taxi-Cab Board are modernised and to some extent limited so as to stand back from the commercial operations of the industry.
  - 'Director' is defined to allow companies to own and operate taxi-cabs.
  - The Board will not intervene in transfers and leases of licences.
- The operations of the Metropolitan Taxi-Cab Board will be streamlined and become more flexible and efficient.
  - The Board will have the power to delegate its functions to officers of the Board (for example, at present the Board meets fortnightly and approves some 40 driver's permits at each meeting).
  - It is made explicit that the Board will be able to set conditions on licences at the time of issue.
  - The draft Bill gives power for regulations to be made to allow the Board to set fees for the services it provides.
- The appeals process is to be widened in scope and made independent from the Board.
  - An independent Appeals Tribunal is to be established, effectively the current appeals subcommittee of the Board without the Board members. A magistrate or magistrates will constitute the Tribunal.
  - The issues for which appeals can be brought are to be expanded.
  - The Board is to be given the power to pro-actively inquire into the operation of licensees to effect its duties, a move now possible because the Board is no longer required to be its own appeals process.

Clause 1 is formal.

Clause 2 provides for the measure to be brought into operation by proclamation.

Clause 3 amends section 2 of the principal Act, the interpretation section, by inserting new definitions of 'constituent council', 'director' and 'metropolitan area'.

- 'Metropolitan area' is redefined as the area of Metropolitan Adelaide as defined from time to time in Part IV of the Development Plan under the Planning Act 1982 together with the areas of the City of Adelaide and the Municipality of Gawler.
- 'Constituent council' is redefined in line with the new definition of metropolitan area as being a council whose area or part of whose area is within the metropolitan area.
- 'Director' of a body corporate is given a wide meaning that corresponds to the definition under the Corporations Law.

Clause 4 repeals section 3 of the principal Act and is consequential on the new definition of metropolitan area.

Clause 5 amends section 12 of the principal Act by reducing the quorum required for meetings of the Metropolitan Taxi-Cab Board from five to four members.

Clause 6 repeals section 14 of the principal Act and substitutes a new provision. The present section empowers the Board to appoint committees of its members and to delegate to such committees any of its powers and duties under the Act.

Proposed new subsection (1) empowers the Board to delegate any of its powers, functions or duties to a member of the Board, a committee of members of the Board or an officer of the Board.

Proposed new subsection (2) empowers the Board to make such a delegation subject to conditions.

Proposed new subsection (3) provides that a delegation is revocable at will and does not prevent the Board from acting itself in any matter.

Clauses 7 and 8 amend, respectively, sections 26 and 27 of the principal Act by increasing the maximum penalties for offences against those sections—

- in the case of a flrst offence—from a $100 fine to a division 9 fine ($500)
- in the case of a subsequent offence—from a $200 fine to a division 8 fine ($1 000).

(Section 26 makes it an offence for a person to drive, own, keep or let, or employ or cause a person to drive, an unlicensed taxi-cab within the metropolitan area for the purpose of carrying passengers for hire or reward. Section 27 makes it an offence for a person who does not hold a taxi-cab driver's licence to drive a taxi-cab in the metropolitan area for the purpose of carrying passengers for hire or reward.)

Clause 9 amends section 30 of the principal Act which deals with the issuing of taxi-cab licences—

- by replacing subsection (1) (which presently empowers the Board, in accordance with the regulations, to issue a taxi-cab licence to any fit and proper person who complies with the prescribed conditions) with a subsection that empowers the Board, subject to the Act and the regulations, to issue a taxi-cab licence of a prescribed kind or grade;
- by amending subsection (2) to require a taxi-cab licence to relate to a particular taxi-cab;
- by amending subsection (3) to empower the Board to impose conditions on a taxi-cab licence;

and

- by replacing subsection (4) which presently empowers the Board, after consultation with the Minister, to

determine the maximum number of taxi-cab licences that will be issued in a given period and the licence allocation procedure to be adopted for the issue of particular taxi-cab licences.

Proposed new subsection (4) empowers the Board to determine the matters referred to above (in relation to licences of a particular kind or grade) and also to determine that no further taxi-cab licences of a particular kind or grade are to be issued for the time being. Prior consultation with the Minister is no longer required.

Clause 10 amends section 30a of the principal Act which deals with the issuing of taxi-cab driver's licences—

- by replacing subsection (1) (which presently empowers the Board to issue a taxi-cab driver's licence to any fit and proper person who complies with the prescribed conditions and pays the prescribed fee) with a new subsection that empowers the Board, subject to the Act and the regulations, to issue a taxi-cab driver's licence to a person;

and

- by amending subsection (3) to empower the Board to impose conditions on a taxi-cab driver's licence and to determine the term of such a licence.

Clause 11 repeals sections 31 to 33 of the principal Act and substitutes new provisions.

Proposed new section 31 deals with the issuing of temporary licences.

Proposed new subsection (1) empowers the Board, subject to the Act and the regulations to issue to a person who applies for a licence under the Act a temporary taxi-cab licence or a temporary taxi-cab driver's licence, or both.

Proposed new subsection (2) provides that, subject to the regulations, a temporary licence—

- remains in force for such term as is determined by the Board or until the happening of an event specified in the licence, whichever occurs first;
- is not renewable;

and

- has effect as an ordinary licence of the same kind or grade issued under the Act.

Proposed new section 32 empowers the Commissioner of Police, at the request of the Board or on his or her own initiative, to furnish the Board with information relating to the character of any person who is an applicant for a licence under the Act or any director or manager of a body corporate that is an applicant for a licence.

Proposed new section 33 makes it an offence subject to a maximum penalty of a division 9 fine ($500) for the holder of a licence to transfer, lease or otherwise deal with the licence except with the consent of the Board, such consent being subject to any prescribed conditions and any conditions determined by the Board. The Board is empowered, subject to the regulations, to consent to dealing with a licence.

Clause 12 amends section 35 of the principal Act which sets out the purposes for which the Governor is empowered, on the recommendation of the Board, to make regulations under the Act. The changes are as follows:

- the requirement that regulations be made prohibiting, controlling or regulating the transfer or leasing of licences and any other dealing with licences is removed;
- the power to make regulations prescribing fees to be paid on the examination or testing of any motor vehicle is removed and instead power is given to make regulations empowering the Board to fix fees for these matters and for the issue of taxi-cab signs, the testing of taxi-cab meters and any other matter arising under the Act;
- a power to make regulations empowering the Board to refund, reduce or remit fees or charges payable to it is included;
- a power to make regulations providing for the examination and testing of devices and equipment to be fitted to licensed taxi-cabs and vehicles sought to be licensed is included;
- a power to make regulations providing for the substitution of another vehicle, with the consent of the Board, for the taxi-cab to which a licence relates is included;
- a power to make regulations providing for the appointment by the Board of authorised officers and conferring on such officers and members of the police force specified enforcement powers and other powers or functions is included;
- the power to make regulations prohibiting, controlling or regulating the transfer or leasing of licences and any other dealing with licences is restricted to relate only to licences of a particular kind or grade;
- a power to make regulations requiring taxi-cabs to be fitted with signs, meters and other devices or equipment is included;
- a power to make regulations authorising the Board or persons appointed by the Board to conduct inquiries into matters relating to licences, the operation of licensed taxi-cabs and the conduct of licensees and conferring power for the summoning and questioning of persons for the purposes of such inquiries is included;
- a power to make regulations providing for the establishment of an appeal tribunal (constituted of a magistrate or other specified person or persons) and for appeals to the tribunal against specified decisions of the Board is included;
- the maximum penalty that may be prescribed for breach of any regulation under the Act is increased from $200 to a division 9 fine ($500);

and

- a provision is included that allows the regulations to leave a matter in respect of which regulations may be made to be determined by the Board or an authorised officer.

Clause 13 amends section 37a of the principal Act which deals with the registration of taxi-cabs—

- by removing the requirement that the fee for the issue of registration plates for a vehicle licensed under the Act be prescribed by regulation and by empowering the Board to determine that fee;

and

- by removing the requirement that the person to whom a registration plate for a taxi-cab has been issued or transferred return the plate to the Board, on demand, within three days, where the registration plate ceases to be operative by reason of the cancellation, suspension or expiry of the taxi-cab licence.

Clause 14 amends section 39 of the principal Act by increasing the maximum penalty for an offence of obstructing or hindering a person in the execution of any power, duty or function conferred or imposed by or under the Act from $100 to a division 9 fine ($500).

Clause 15 repeals the schedule of the Act which sets out constituent councils. This is consequential on the redefinition of 'constituent council'.

The Hon. D.C. WOTTON secured the adjournment of the debate.

TECHNICAL AND FURTHER EDUCATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. M.D. RANN (Minister of Employment and Further Education) obtained leave and introduced a Bill for an Act to amend the Technical and Further Education Act 1956. Read a first time.

The Hon. M.D. RANN: 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 contains a number of amendments to the Technical and Further Education Act brought about by the continuation of the deregulation process related to certain private training institutions, the need to realise opportunities for increased and more effective use of the facilities of the Department of Employment and Technical and Further Education, and the need to respond to industry demands for a broader range of fee for service activities related to technical and further education beyond the provision of courses. The Bill also reflects agreed changes in employment and makes a number of technical changes.

This Bill repeals the mandatory licensing provisions relating to certain private technical and further education providers to continue the deregulation process begun earlier this year when the relevant TAFE regulations were revoked. In these times it is important that private training providers can operate with a minimum of Government regulation. It is also important to realise that the safeguards administered by the Office of Fair Trading operate to control the activities of unscrupulous operators and to provide recourse mechanisms for consumers who may feel aggrieved by their treatment at the hands of unethical private training providers.

While these mandatory licensing provisions are to be repealed, it is possible that current Commonwealth/State negotiations regarding a National Framework for Recognition of Training may lead to a voluntary registration scheme to allow competent and ethical training providers to receive proper recognition in a national training framework which may be established by legislative means.

The Bill proposes that the Minister be empowered to provide assistance to community bodies and in return obtain rights to enable colleges to share in the use of the assets of such community bodies.

It also allows better and more productive use to be made of departmental equipment, facilities or buildings without detracting from their main purpose. Provision is also made to formalise the involvement of TAFE students in realistic practical training by their participation with commercial or community bodies. The highly successful on-the-job training component of many TAFE courses, in which students spend some time with employers gaining hands-on experience in a real working environment, is an example of this. Another application is the involvement of students in conjunction with their lecturers in providing assistance to community bodies, such as the manufacture of footwear for the Australian Drill Team or involvement as hospitality guides for the Australian Grand Prix. These activities provide invaluable experience for students and allow their lecturers to assess their competence under real life conditions.

The ability is also provided for staff of the Department of Employment and Technical and Further Education to provide consultancy and other services in which they are skilled and for the wealth of intellectual property developed within the department to be applied or sold to allow appropriate use by others. This department has an enviable reputation in the development of distance learning technology and materials, for example, and appropriate use of this by others increases the benefits of these developments and contributes to State revenue.

The section which suggests that collaboration may take place with certain bodies in relation to the provision of technical and further education courses is deleted as the bodies listed no longer exist. Appropriate coordination is established through mechanisms such as the Tertiary Education Act and a number of working arrangements with a large number of State and Commonwealth bodies.

The delegation powers of the Minister and the Chief Executive Officer are extended to facilitate efficient administrative operations.

One amendment allows formally established advisory committees to undertake other functions as assigned by the Minister. While extensive use is not foreseen for this provision, it provides a convenient option for increased responsibility to be given to an advisory committee if necessary.

The role of the Chief Executive Officer of the department is redefined to more properly reflect the management role of the most senior appointment within a large and complex organisation, the primary aim of which is the provision of technical and further education.

The people required to prepare TAFE students for their vast contribution to the working fabric of our society are primarily experts in practical fields who also have the ability to pass on their knowledge and skills to students, with pedagogical training provided for staff as necessary. The appointment section is amended to more appropriately reflect this situation. This section is also amended to include the broad role performed by TAFE staff in fields such as development of learning resources, educational administration, competency assessment and training consultancies.

Recognition is also included of the long-standing practice of some appointments being made on a part-time basis, either to suit individual needs or because of a limited client group in certain areas.

More appropriate measures to provide for the termination of employment of officers appointed on a probationary basis rather than the current inappropriate disciplinary process required under the Act are included. Full appeal rights are included to ensure that a natural justice safeguard is provided.

The long service leave provisions will be amended to increase from six weeks to three months the period of any break for which continuity is granted between prescribed employment and service as an officer, as applies in the Public Service.

In addition, an anomaly with regard to the recognition of service in previous employment will be corrected.

The Act currently provides that college councils are established by the Minister, have their members appointed (apart from elected student and staff representatives) by the Minister, require ministerial consent to borrow money or deal with real property, may be abolished by the Minister if the relevant college to which they are attached has been closed and subsequently have their assets disposed of by the Minister. Councils operate as semi-government instrumentalities, and this situation is recognised by providing that they hold property on behalf of the Crown. This clarifies the ultimate ownership of council assets.

The borrowing power of college councils is amended by a requirement for Treasury approval to be given and to allow for administrative instructions relating to council borrowings to be issued by the Chief Executive Officer of the Department of Employment and Technical and Further Education.

The regulatory provisions relating to the conditions required of college councils before a guarantee can be given by the Treasurer in relation to a council loan have been varied to allow a more flexible approach depending on individual circumstances. Whereas currently a council is limited to borrowing no more than 50 per cent of a project's total cost and is required to deposit in cash a minimum of 50 per cent of the council's direct cost of the project with the Minister in order to secure a guarantee for a loan, the proposed amendments will allow a more suitable joint arrangement between a council and the Government if appropriate.

The Minister is authorised to make a loan to college councils under these amendments, rather than merely a grant as currently provided.

A new provision requires college councils to make financial reports annually to the Chief Executive Officer. This provision is already acted upon in spirit by councils, but it is prudent to establish the need for such returns within the legislation. Reports can also be sought as and when required if circumstances necessitate.

Concurrent with the proposal to formally recognise part-time employment within this Act is the inclusion of a provision to recognise the logical principle that part-time work attracts part-time pay. This principle has been recognised in an industrial agreement with the South Australian institute of teachers for some time, but it is proper that it should be contained in the legislation which provides the employment authority and basic employment conditions.

While legal advice suggests that the established practice contained in the industrial agreement removes the possibility of claims similar to those received by the Education Department prior to 1991, it is prudent to prevent the possibility of inappropriate claims by providing legislative recognition of the fundamental principle concerned.

Protection from offensive behaviour will be provided to a broader range of departmental employees and others and the range of people who may request persons to leave college premises is changed to provide greater safeguards for property and persons.

The regulation-making powers are amended by providing for the regulations dealing with fees, exemptions and refunds to allow more flexibility and to allow regulations to be made in relation to fees for services provided.

The Bill contains a number of other minor revisions and drafting reforms.

Clause 1 is formal.

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

Clause 3 amends section 4 of the principal Act, which is an interpretation provision. A definition of 'Chief Executive Officer' is substituted for the existing definition of 'the Director-General'. 'Officer' is defined as an officer appointed under section 15 of the Act, while 'employee' is defined as a person employed under section 9. 'Council' is defined as a college council established under Part IV of the Act.

Clause 4 amends section 5 of the principal Act, abbreviating a reference to colleges of technical and further education and deleting an obsolete reference to colleges of advanced education.

Clause 5 amends section 6 of the principal Act. It removes a reference to 'the teaching service' from subsection (1) and repeals subsection (2). Subsection (2) currently lists a number of bodies that the Minister may collaborate with in determining courses of technical and further education.

Clause 6 repeals section 8 of the principal Act and substitutes a new section 8. Both the old and the new sections are delegation provisions which empower the Minister to delegate his or her powers under the Act to office-holders under the Act or in the department. The new section 8 changes a number of outmoded references and makes it clear that the Minister can specify conditions in the instrument of delegation. It also now empowers the Minister to delegate to the presiding member of an advisory committee established under section 10a.

Clause 7 amends section 9 of the principal Act. It abbreviates a number of references to colleges of technical and further education in subsections (1) to (4) of section 9 and clarifies an existing reference to the assets of a college.

This clause also repeals subsections (5) and (6) of section 9 and substitutes new subsections. The existing subsections empower the Minister to make premises and equipment available for technical and further education and employ persons for the proper administration of the Act. The new subsections are to similar effect, but new subsection (5) *(b)* also empowers the Minister to provide assistance to community bodies in return for the use by colleges of land, buildings, equipment or facilities belonging to those bodies. This addition is based on a similar provision in section 102a of the Education Act 1972.

This clause also inserts new subsections (8) and (9). New subsection (8) provides that where, in the opinion of the Minister, land, buildings, equipment, facilities or services used or provided for (or incidentally to) the provision of technical and further education can also be used or provided for commercial, community or other purposes without substantially detracting from the provision of technical and further education, the Minister can authorise their use or provision for those other purposes. The Minister can enter into a lease, licence, or other arrangement for that purpose. New subsection (9) empowers the Minister to undertake a number of activities related to the provision of technical and further education. The Minister can, in order to provide students with practical training and experience, establish or carry on a commercial, community or other enterprise or activity and can provide for the participation of students in such an enterprise or activity carried on by some other person or body. The Minister can also provide consultancy or other services in areas in which persons employed in the department or under the Act have expertise developed wholly or partly in the course of (or incidentally to) the provision of technical and further education. Where any intellectual property, product or process is created or developed wholly or partly in the course of (or incidentally to) the provision of technical and further education, the Minister can undertake or provide for the development or use of that property, product or process for commercial, community or other purposes.

Clause 8 amends section 10a of the principal Act. Section 10a provides for the appointment of advisory committees by the Minister to investigate and advise on aspects of technical and further education and matters affecting the administration of the Act. This amendment empowers such a committee to perform any other function assigned to the committee by the Minister.

Clause 9 repeals section 11 of the principal Act. Section 11 is an obsolete provision that deals with the continuation of the department. Clause 9 also substitutes sections 12, 13 and 14 of the principal Act. The existing section 12 sets out the duties of the Director-General (now Chief Executive

Officer) of the department. The new section 12 is in similar terms but makes it clear that the Chief Executive Officer of the department is responsible for maintaining a proper standard of efficiency and competency among employees appointed under section 9 of the Act as well as officers appointed under section 15. It also requires the Chief Executive Officer to be responsible for the efficient and effective management of those officers and employees and for ensuring that available resources are managed so as to obtain the highest practicable standards of instruction, training, facilities and services for students enrolled in courses under the Act. These responsibilities are expressed to be in addition to those of the Chief Executive Officer in respect of the department.

Section 13 of the principal Act empowers the Director-General (now Chief Executive Officer) to delegate his or her powers or functions under the Act to officers or employees in the department or appointed under the Act. The new section 13 makes it clear that any such delegation can be made subject to written conditions and it now also empowers the Chief Executive Officer to delegate to the presiding member of an advisory committee established under section 10a.

Section 14 of the principal Act requires the Director-General (now Chief Executive Officer) to submit a report on the administration of the department each calendar year, which is to be tabled in both Houses of Parliament by the Minister as soon as practicable after its receipt. The new section 14 requires the report to be presented to the Minister on or before 31 March each year and specifies that the report is to deal with the operation of the colleges as well as of the department. It must be tabled by the Minister within six sitting days of its receipt.

Clause 10 substitutes new headings to Part III and Division I of Part III of the principal Act.

Clause 11 amends section 15 of the principal Act. Section 15 deals with the appointment of teachers under the Act. This clause removes references to 'the teaching service' and specifies that appointments under the section can be made on a part-time basis. The existing provision in section 15 (3) that the first appointment of an officer under the section may be made on probation is amended to permit any appointment under the section to be made on probation. It is made clear that the existing requirement that officers may only be 'dismissed' or 'retired' in accordance with the Act applies also to the 'retrenchment' of officers under section 16 of the Act and the 'termination of appointment' of officers on probation under new section 15a.

Clause 12 substitutes a new heading to Division II of Part III of the principal Act.

Clause 13 inserts a new section, section 15a, into the principal Act. New section 15a provides that the Minister may (by written determination) at any time terminate the appointment of an officer who is on probation.

Clause 14 amends section 16 of the principal Act (which deals with the retrenchment of officers) by removing a number of references to 'the teaching service' and by deleting subsections (3) and (4). Subsections (3) and (4) deal with appeals to the Appeal Board against retrenchment. These appeals are now provided for (in the same terms) by a general appeal provision, new section 17a (inserted by clause 16).

Clause 15 amends section 17 of the principal Act (which deals with retirement or transfer on the grounds of physical or mental incapacity) by removing references to 'the teaching service', substituting 'Chief Executive Officer' for 'the Director-General' and deleting subsections (6) and (7). Subsections (6) and (7) make provision for appeals against decisions made under section 17. Such appeals are now provided for (in the same terms) by a general appeal provision, new section 17a (inserted by clause 16).

Clause 16 inserts a new section, section 17a, into the principal Act. New section 17a consolidates sections 16 (3) and (4) and 17 (6) and (7) into one section. It provides that an officer may appeal against a decision (made under section 15a, 16 or 17) to terminate the officer's appointment (or retrench, transfer or retire the officer) within 14 days of receiving notice of that decision. The appeal is to the Teachers Appeal Board established under the Education Act 1972. The Appeal Board can revoke the decision and, where effect has already been given to the decision, can order that the officer be reinstated as if no such decision had been made.

Clause 17 amends section 20 of the principal Act by substituting 'Chief Executive Officer' for existing references to 'the Director-General'.

Clause 18 amends section 21 of the principal Act by removing a reference to 'the teaching service'.

Clause 19 repeals sections 22, 23 and 24 of the principal Act and substitutes new sections 22, 23 and 24.

Section 22 of the principal Act provides that where an officer's service is brought to an end otherwise than by resignation or dismissal for misconduct, and that officer is subsequently re-employed as an officer within two years of that interruption in service (or within a longer period if the Minister allows), that prior service is to be taken into account for the purposes of determining long service leave under the Act as if there had been no interruption. Where the prior service was interrupted by retirement on the ground of invalidity, the interruption is to be ignored regardless of the length of the interruption. However, section 22 does provide that where any long service leave (or payment in lieu) has been granted, the period of service to which that leave relates is not to be taken into account in determining entitlement to long service leave. New section 22 is to the same effect as the existing section, but it makes it clear that where long service leave has been granted (or payment made in lieu) only the amount of long service leave to which the officer is entitled is reduced, not the period to be taken into account in determining entitlement to long service leave.

Section 23 of the principal Act provides that where an officer is transferred to any other State Government employment, and that employment is continuous with his or her employment under the Act, his or her service as an officer must be taken into account in determining the long service leave to which he or she is entitled in that new employment. However, any service as an officer for which long service leave has been granted (or payment made in lieu) is not to be taken into account for that purpose. New section 24 replaces section 23 and is to similar effect, but makes it clear that where long service leave has been granted (or payment made in lieu) only the amount of leave to which the officer is entitled should be reduced, not the period to be taken into account in determining entitlement to long service leave.

Section 24 of the principal Act provides that where a person who has previously been employed in public service (or other approved) employment is appointed as an officer under the Act, and the interval between ending that public service employment and taking up service as an officer is not more than six weeks (or such longer period as the Minister permits), then that previous employment is to be treated as employment under the Act for the purpose of determining long service leave entitlement under the Act. However, any period of service for which long service leave has already been granted (or payment made in lieu) is not to be taken into account for that purpose. New section 23

replaces section 24 and is to similar effect, but it makes it clear that where long service leave has already been granted (or payment made in lieu), only the amount of leave to which the officer is entitled is reduced, not the period of service to be taken into account in determining entitlement to long service leave. New section 23 also increases the period of interruption that is automatically permissible from six weeks to three months.

Clause 20 amends section 25 of the principal Act, which deals with the retirement of officers. It deletes two subsections, (1a) and (2), that no longer have any effect.

Clause 21 amends section 26 of the principal Act by removing references to 'the teaching service' and substituting 'Chief Executive Officer' for 'the Director-General'.

Clause 22 amends section 27 of the principal Act by substituting 'Chief Executive Officer' for existing references to 'the Director-General'.

Clause 23 amends section 28 of the principal Act by abbreviating references to 'colleges'.

Clause 24 amends section 29 of the principal Act by updating the language and inserting new subsection (1) *(d)* which provides that college councils incorporated under section 29 hold their property on behalf of the Crown.

Clause 25 repeals sections 30 and 31 of the principal Act and substitutes new sections 30 and 31.

Section 30 empowers college councils to borrow money for the purposes of erecting buildings or providing facilities for the college. The money may only be borrowed from a bank carrying on business in South Australia and the approval of the Minister is required. Section 30 also empowers the Treasurer to guarantee the repayment of a loan made to a college council under this section. This power of guarantee is only available where the loan for which the guarantee is sought does not exceed half of the cost of the building or facilities and the council has raised (and deposited with the Minister) half of the amount necessary for the building or facilities. It is also subject to various other restrictions set out in subsections (3) and (6). The council is required to provide the Minister and the Treasurer with such information as to the loan and its purposes as they may request. New section 30 provides college councils with a different borrowing power. Under this new section, councils may borrow money from any person (rather than just from a bank) for the purposes of erecting buildings or providing equipment or facilities. However, any such borrowing may only be undertaken with the approval of the Treasurer (rather than the Minister) and in accordance with any administrative instructions issued by the Chief Executive Officer under this section. The Chief Executive Officer is empowered to issue, vary and revoke such instructions. Councils are required to supply the Minister, the Treasurer or the Chief Executive Officer with such information relating to a loan or its purposes as may be required. No provision is made in this section for the guarantee of loans by the Treasurer. Authority for the Treasurer to guarantee such loans could be brought into operation under the Public Finance and Audit Act 1987 sections 17 to 20.

Section 31 of the principal Act empowers the Minister to make grants to college councils. New section 31 continues that power to make grants but also empowers the Minister to make loans to college councils on such terms and conditions as he or she thinks fit.

Clause 26 amends section 32 of the principal Act by substituting 'Chief Executive Officer' for 'the Director-General' and abbreviating references to college councils.

Clause 27 inserts a new section, section 32a, into the principal Act. New section 32a requires college councils to provide the Chief Executive Officer at the beginning of each calendar year with a return relating to their financial position. The return must specify the money received or spent by the council during the preceding calendar year, the money currently held or owed by the council and such other information as the Chief Executive Officer may require. The Chief Executive Officer is empowered to request (by written notice) a further or fuller return.

Clause 28 repeals Part V of the principal Act. Part V regulates the licensing of prescribed schools or institutions to provide prescribed courses of academic, vocational or practical instruction or training.

Clause 29 repeals section 40 of the principal Act and substitutes three new sections, sections 39a, 40 and 40a.

New section 39a deals with the rate of remuneration for officers employed under the Act on a part-time basis. It provides that where an officer is employed on the basis that he or she will work in any pay period a specified percentage of the time ordinarily expected of a full-time officer, the rate of remuneration applicable to the officer (including any allowances) is that same percentage applied to the rate of remuneration applicable if he or she were employed full time. As far as salary is concerned, that is the case notwithstanding any Act, law, contract, award or industrial agreement to the contrary. But in the case of an allowance the rule gives way to any express provision in a contract of employment, award or industrial agreement for payment of the full allowance. The rule applies regardless of the number of working days (and the period worked in any one day) over which the officer performs the required amount of work in a pay period. It also applies to any past or present entitlement to remuneration, whether it arose before or arises after the commencement of this new section. However, the section does not affect the payment in full of an allowance to a part-time officer if the payment was made before the commencement of the section or is made after commencement in respect of an allowance that was being paid in full immediately prior to that commencement.

New section 40 makes it an offence for a person who is on college premises without lawful authority not to leave the premises if lawfully requested to do so. This is currently an offence under the regulations (Technical and Further Education Regulations 1976, regulation 7). A request is lawful only if made by an officer or employee appointed under the Act or employed in the department, a college council member, a person engaged by the Minister for the protection of college property or another person authorised by the Chief Executive Officer and if the offender is advised of the authority of the person making the request. The Chief Executive Officer is empowered to certify, for the purposes of legal proceedings for an offence against the Act, that a specified person was at a given time authorised to request persons to leave college premises. Such a certificate must be accepted as proof of that authority in the absence of proof to the contrary.

New section 40a replaces section 40 of the principal Act, which makes it an offence to behave in an insulting manner to an officer acting in the course of his or her duties. New section 40a expands the range of people protected by this offence. Under new section 40a it is an offence to behave in an offensive or insulting manner to an officer or employee appointed under the Act or employed in the department or to a person referred to in section 40 (for example, a college council member or security officer) who is exercising the power under that section to request persons to leave college premises.

Clause 30 repeals section 42 of the principal Act. Section 42 requires money needed for the purposes of the Act to be paid out of money provided by Parliament for that

purpose. Provisions of this kind are no longer normally included in legislation of this type and this section is now arguably inconsistent with the provisions of the later Public Finance and Audit Act 1987.

Clause 31 amends section 43 of the principal Act, a regulation-making power. It removes references to 'the teaching service', substitutes 'Chief Executive Officer' for 'the Director-General' and abbreviates references to colleges. It strikes out the current power to make fees by regulation in relation to instruction, training or materials provided to students (section 43 (2) *(da)*) and substitutes a power to prescribe fees for the instruction, training or assessment of students; the assessment and certification of qualifications (whether or not relating to instruction or training under the Act); and the use of land, buildings, equipment, facilities or services provided under the Act (clause 31 *(f)*). These fees can be differential fees (new section 43 (2a), inserted by clause 31 *(q)*) and the regulations can regulate the payment of a fee, provide for exemptions or refunds and provide for the recovery of fees. As under the present Act (section 43 (2) *(da)*), the regulations can also empower the Minister or some other person or body to fix these fees. Clause 31 also makes several consequential amendments. It removes the power to make regulations prohibiting trespass on college grounds (section 43 (2) *(i)*) since new section 40 places a trespass offence in the Act. It also strikes out that part of the regulation-making power (section 43 (2) *(m)*) that relates to Part V of the principal Act, which is repealed by clause 28.

The schedule to the principal Act makes a number of statute law revision amendments of a non-substantive nature.

Mr INGERSON secured the adjournment of the debate.

DRIED FRUITS (EXTENSION OF TERM OF OFFICE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 October. Page 1001.)

Mr MEIER (Goyder): Members would be aware that this Bill extends by one year the term of office of elected members of the Dried Fruits Board which term would otherwise have expired on 31 December 1991. As the Minister pointed out, the reason for this is that comments on the review of the dried fruits marketing regulations for South Australia are still being analysed. The Government has indicated that it hopes to introduce new legislation in the first parliamentary sitting of next year. So, rather than have an election of board members for a one year term (it is currently a three year term), it is proposed to extend the term of current board members for one year. In this respect the Opposition supports the Bill.

I take this opportunity to refer to the 62nd annual report of the Dried Fruits Board of South Australia which was tabled yesterday. Referring to the research going on in relation to dried fruits, it indicates that throughout the industry there is a continuing search for improved methods of handling dried fruits from the vine or tree to the packed product. I am pleased to see that because at this time in this State's and nation's history our economy needs every available product that it can grow for itself and, hopefully, export, and it can only be to our advantage to have improved methods of handling dried fruits.

It is obvious that those to be considered in the first instance are the growers who can assist materially by ensuring that property maintenance and cleanliness are effective, particularly during the harvesting and drying periods, thereby reducing the possibility of gathering foreign matter into the product. From what I have seen of the industry, particularly that part of it in the Riverland, I congratulate the growers on the way in which they seek to ensure the highest quality. This is obvious if one compares our dried fruits to some of the dried fruits that come from overseas countries.

In this respect I compliment the Minister of Agriculture on the action he took well over a year ago when he identified and brought to the public's attention the impurities in Turkish apricots. That matter justifiably received a lot of publicity at the time, and people became aware of imported apricots and started to read the packages that they were buying to see where the product had come from. We also had the problem of whether the package was properly labelled inasmuch as the word 'Turkey' was there somewhere as long as you were able to find it. In this respect I further compliment the Minister in his endeavour to seek changes to packaging. To a large extent, that matter has been addressed, although I believe we can go still further.

The annual report notes that an experienced inspector who had helped with inspection procedures had, during the course of his duties, been involved in a serious accident that had incapacitated him for some time, and that the board was endeavouring to overcome the resultant deficiency in this activity. During the Committee stage I will ask the Minister whether that person is back in a full-time capacity and, if not, whether contingency plans are in hand so that the board, during the coming dried fruits season, will be properly staffed.

The annual report talks about interstate collaboration and notes that a consultative committee comprising representatives of the boards of the dried fruits producing States meet at least once each year to discuss problems common to all sections of the industry. South Australia cannot isolate itself from the rest of Australia. We have to recognise that a total dried fruits package is produced. If we think we can go it alone we are kidding ourselves. Whilst acknowledging that, I would be the first to say that we must use all our available resources to ensure that our product is the best and the preferred product and that we get as much of the market as possible. However, that does not mean that we do not have to work and cooperate with the other States.

I am pleased that the cooperation of the various sections of the industry has been evidenced in the discussions about a complete review of grade standards whereby it is anticipated that common standards will apply in State and Commonwealth legislation. Some time ago at a function the Minister stated that work was continuing to be done in relation to grade standards. This House would recognise that for many years the Opposition has advocated appropriate grade standards. In fact, when the former Minister of Agriculture (now Minister of Housing and Construction) introduced amendments to do away with grade standards we were very disheartened and upset, and I believe that the housewives and consumers of this State, in many instances, have suffered as a result of that measure.

It is high time that this matter was addressed, and the annual report indicates that it will be. I have mentioned the matter of imported dried fruit, and I note that the report states:

> A major item of concern to all boards has been the continuing presence of imported dried fruit in the marketplace without having been subject to the high standards of processing and inspection applied to the Australian product in the interests of consumer protection.

I believe that is the key point. Why should Australia have to undergo all the strict standards for its dried fruits when some overseas countries can send in their dried fruits of a

lower standard? It is in that regard that I believe there is no such thing as a level playing field, when two sets of standards are operating. We must ensure that the imported product is as good as, if not better than, our own product if we want it to come into our country. If we do not ensure that, we must reassess our standards and ask whether we can have lower standards. My immediate answer to that would be 'No', but at the same time I do not want our producers to be unduly affected by unfair competition due to different rules applying.

I would like to compliment the Chairman, Mr David Harvey, the Deputy Chairman and the grower-elected members of the board for the work they have done. It has not been an easy time, due to so many factors including imports and the high dollar, which makes our exports less competitive on the overseas market. Other factors include the high interest rates that have affected this and virtually every industry in Australia, and members would be well advised to look at the annual report and see the statistics provided there. In the case of some products, including sultanas, it is disheartening to see a decrease in the tonnages produced in the years 1985 to 1990: tonnages of some 17 000 in 1985 and of only 55 500 in 1990. We see similar decreases in other areas.

But there are some positive signs: raisins have actually gone up from 2 800 tonnes to 5 300 tonnes. That is very pleasing although, of course, those tonnages are very small compared to, let us say, sultanas and other dried fruits. Nevertheless, I believe that we must have a clear intention to seek an increase in production, provided we can be assured of the markets and that Australian growers are determined to supply the best quality product. As long as we can get other factors into shape, including our whole labour system, the transport system, our ports, our interest rates and the value of our dollar, things will look much more positive in the future. Everything possible must be done to promote our regional areas. The Riverland and the Barossa Valley are two of our key areas, and if we can improve our dried fruits we will be well on the way to ensuring that South Australia gains a greater economic footing in Australia. As I said at the outset, the Opposition supports the Bill.

The Hon. P.B. ARNOLD (Chaffey): I would like to indicate my support for the remarks made by the member for Goyder. Commonsense would dictate that, because of the review being undertaken by the Government, the existing board members should be appointed for a further 12 months until such time as a decision is made on the future of the current legislation.

The Minister for Agriculture may be able to shed some light on the attitude of his Federal Government colleagues in relation to quality standards, imports and the developing status that the Federal Government continues to give to a country like Turkey, which produces five times the quantity of dried apricots that Australia produces. Turkey has been producing dried apricots for 1 000 years, and it is still a developing country. Australia has been producing dried apricots for only 100 years, and we seem to think that Turkey is a developing country as far as horticulture and dried fruit are concerned when, in many respects, it is a far greater producer than Australia. That is quite absurd, and it creates an impossible situation in which the Australian producers must try to compete.

Mr Ingerson: There should be some dumping law.

The Hon. P.B. ARNOLD: Yes, certainly, fast track anti-dumping would make a significant difference. Successive Federal Governments have given little consideration over the years to the total value of horticulture, including dried fruit production, when in reality the total value of horticulture to this nation is as great as that of either wheat or wool. Whether such scant consideration is because the horticultural industry has just not been as successful in the lobbying area as have the wheat and wool industries in years gone by, I do not know but, certainly, the value of the dried fruit industry not only to this State but to Australia is very significant indeed, particularly at times like this when that industry is buoyant compared to some of the other sectors of the fruit and agricultural industries of Australia. I think it is absolutely imperative that we look very carefully at whatever moves we make to change existing legislation and when that time comes I hope that whatever legislative changes are made will certainly be for the better.

I can only try to impress on the House the real value of horticulture in an industry such as dried fruits, because it is very labour intensive compared to the major agricultural industries of wheat and wool, which are highly mechanised, particularly wheat. The level of employment in the fruit-growing areas of Australia is many times greater than in the agricultural areas. For that reason alone, if we are looking at trying to boost employment opportunities in this country, we should do everything we can to foster the horticultural industry.

The member for Goyder said that the quality and standard of dried fruit produced in Australia is regarded as some of the best in the world, and he also indicated that the standards that apply to the Australian production just do not apply to the imported fruits coming into this country. That situation is quite absurd because, whatever our standards are, the same standards should apply. If we are ever going to be serious in talking about a level playing field, this matter should be remedied. I am more than confident that most of our industries can play on such a field but, unfortunately, we are just not being provided with level playing fields by Governments, particularly the Federal Government. I do not know what influence in this regard the Minister of Agriculture has with his Federal colleagues, but I live in hope.

The Hon. LYNN ARNOLD (Minister of Agriculture): I thank both the member for Goyder and the member for Chaffey for their contributions this afternoon and their indications of support for the legislation. I agree with many of the comments they have made about the significance of the dried fruit industry to Australia, about the issues presently before that industry and about the fact that there is a very non-level playing field and that action could be taken at Federal level to ameliorate this situation at least.

I acknowledge with appreciation the comments of the member for Goyder as to the action taken by me and by the Dried Fruits Board of South Australia in leading the charge, so to speak, last year, when we were joined by Victoria and New South Wales in seeking the concurrence—and that was as far as we could go—of major wholesalers and retailers in this country in applying voluntarily the same standards to imported dried fruit as were required by statute of domestically-produced dried fruit.

The member for Chaffey is quite correct: it is unreasonable that domestic producers should be required to meet certain standards, whereas the best we have been able to achieve for imported products is a voluntary standard. The member for Chaffey asked what success we have had with the Federal Government on this matter. I have raised the matter with the former Minister for Primary Industries and Energy, John Kerin. The response we obtained from him, which essentially was the response he obtained from AQIS,

was that, as a substantive health issue was not involved, it was not prepared to recommend the introduction of those standards at Federal level.

I would want to query that, in any event, because when I saw some of the contaminated product that we had on display last year when we made the announcement here, I was not too keen on the prospect of consuming some of it. Even if it were the case that the grit, dirt and other contaminants of those products were safe and were part of the peck of dirt it is alleged we must eat before we die, I felt that there was another problem in terms of the quality of produce being presented in the marketplace.

The very reason why our own standards are enforced on domestic producers has an international trade-related origin. We have told our own producers that they cannot deliver produce that does not meet a certain standard, because they will damage the name of Australia as a supplier of these products to overseas markets. That standard has applied here for a long time, yet, in reverse, we are not able to apply the same situation in respect of imported products.

I was asked what we have done. We have done what I have just described, and that is the answer we have received. I do not believe that it is satisfactory, and further issues can be pursued and are more likely to be successfully pursued as we establish better relations between what is going on in Victoria and New South Wales with respect to dried fruits. Hopefully, we can then reach the sort of national standards on which the member for Goyder was commenting earlier and which, I believe, would be important for us to achieve.

That is one of the other reasons why I had some serious concerns about the erosion of certain regulations in the dried fruit industry when there was talk of direct selling opportunities for dried fruit, because it seems to me that that would put at risk the very strategy we were able to do something with last year by using these areas adequately to help protect the interests of the industry in this country. That would have been very quickly undermined had there been direct selling of ungraded dried fruit or dried fruit that did not meet the standards everyone else is required to meet. That is why I opposed it. It was said that that seemed to be a different situation from that of citrus and, overall, the situation was quite different from that of the citrus industry.

With respect to some of the questions raised by the member for Goyder, in particular as to whether the officer in question is back on duty, I honestly do not know. I will obtain that information as soon as possible for the honourable member. I should like to congratulate the Chair, the members, staff and former members of the Dried Fruits Board, because I believe that they are part of the reason why the industry has been a successful export earner for Australia. It is facing challenges now from other countries. Although Australia is number two in dried apricots, it is a long way behind number one. The number one country produces some 90 per cent of the world's international trade in apricots and we, along with other producing countries, must take our share of the remaining 10 per cent. That draws me to the point raised by the member for Chaffey of developing status. I very much agree with his comments on that and have agreed with the same comments with respect to Brazil and the orange juice industry.

It is not reasonable by any standards to say that a country that successfully applies the latest in technology and growing methods, as Brazil does with citrus and Turkey does with apricots and so heavily dominates the world market (in apricots, Turkey does to the tune of 90 per cent and, in juice, Brazil does to the tune of some 40 per cent—I may be wrong in that figure but it is of that order) should be regarded as a developing country in this area. Of course, in other areas of their economy, they can legitimately be regarded as developing countries.

To date, there has been an unreasonable intransigence by the Federal Government to rationalise that situation. It believes that it is untidy to have countries recognised as developing, on the one hand, yet developed, on the other. I do not accept that. New Zealand has apparently shown the capacity to differentiate between commodities in a country, so that some can be deemed to be from a developing environment and others from a highly sophisticated and developed environment. The other possible differentiation is where one country is clearly the dominant world trader. The whole question of developing and developed should be out of the equation—it should not even be considered. That is a matter that should be further pursued and, as the opportunities arise to state that point of view, I take them and will continue to take them.

I want to make one final comment with respect to Turkey and dried apricots. I was very pleased to lead a trade mission to Turkey, and I think that there are many exciting opportunities for trade between that country and South Australia. The point from which I have never resiled and which I made to the Turkish Minister of Agriculture when he visited this country, to the Turkish Ambassador when he came to Adelaide, and in Turkey itself to various Ministers of that Government, is that we expect their producers of dried apricots to meet the same standards required of our own producers. I am not creating artificial barriers to trade: I am simply saying that there is an unfair playing field whereby we require harsher conditions in respect of our domestic produce compared with our imported produce, and there is no possible way I can defend that situation. The people I spoke to understood that argument, and I believe that they were talking with their own producers about raising the standards that apply in Turkey.

It would still be important for Australia to have the proper import conditions that require those standards, rather than having them as a result of voluntary exercise, because it is quite clear that voluntary exercise will not work in all situations. I endorse other comments made about labelling, and have spoken publicly about them before. This all means that I am of the view that the Dried Fruits Act has served this State well and, during the present process of the regulatory review, which is a legitimate process—a process required by law, anyway—I fully support the review to examine what regulations we have and whether we need to keep them all, to introduce new ones or to abandon some or all of them. We will see this process lead to new recommendations to be put before the House early next year.

I am of the view that we will see a maintenance of some regulation, albeit changed in some circumstances perhaps, as a result of the green paper process that has been under way. The reason for the delay is that, while the public consultation period closed at the end of July, some late submissions came in. I do not believe that the way to operate on issues such as that is to be arbitrary and thus, perhaps, to be accused of being bureaucratic by saying that people have missed the date and, therefore, they cannot be heard. In this matter, we are planning for the long term, so I was prepared for late submissions to be accepted.

In any event we have had to do more work and it is not possible, given that only four or five sitting weeks remain this year, to see everything through both Houses. This minor piece of legislation ensures that we do not end up with *de facto* deregulation when I am not convinced that that is what the industry or the consumer wants in South Australia.

I thank honourable members for their comments and look forward to the speedy passage of this legislation through its remaining stages.

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

CRIMINAL LAW CONSOLIDATION (ABOLITION OF YEAR-AND-A-DAY RULE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 552.)

Mr INGERSON (Bragg): This is a very long and not very contentious Bill, and the Opposition supports the change. It has been introduced to remedy a section of the law that has been upheld under common law for some 500 years, I am told. The Bill, in essence, removes the position that currently exists in the law whereby, if one person causes injury to another, he or she cannot be charged with causing their death if the victim should die more than a year and a day after the injury was incurred. The emergence of a disease called AIDS has necessitated some rethinking in respect of this whole area. Whilst AIDS has probably precipitated this action, I am aware that there have been many discussions over the years on whether or not this provision is still applicable. It is the feeling of my learned colleagues in another place and also of the Law Society, I note, after some discussion with it, that this legislative change is required. With those few comments, the Opposition has pleasure in supporting this long overdue amendment.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its support for this important measure which I understand has been mooted now for many years, having been recommended by the Mitchell committee some 15 years ago. It is appropriate at this time that we dispense with the matter speedily. It has been the subject of some close scrutiny in another place over an extended period and comes before us in a form which I am sure is acceptable to all honourable members.

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

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

A quorum having been formed:

The DEPUTY SPEAKER: Before proceeding with the business before the House, I draw the attention of all members, including the member for Bragg, to the fact that it is not possible to leave the Chamber once a quorum has been called for and the bells are being rung. I caution all members in this regard.

EVIDENCE AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 1241.)

The Hon. B.C. EASTICK (Light): I am not the lead speaker on this measure for the Opposition, but I draw attention to the fact that we are aware that there is to be some debate on the issue and there is an indication that an attempt will be made to consider matters other than those directly associated with the Bill. The material that was presented to another place recently brought in a package of legalistic Bills, this being one of them. It is noted that there is a new positioning of a number of features in respect of evidence, the Justices Act, legislation dealing with the courts and so on. In this case we find that the Attorney-General has agreed that it is more appropriately placed in the Evidence Act than in the Justices Act or the Summary Procedures Act (as it is to be called in future), and that specifically is in relation to sections 152, 153 and 154 of the existing Justices Act 1921. I am sure that others will make contributions of far more virtue than my contribution.

Mr BRINDAL (Hayward): I thank the member for Light for his opening comments in the debate. The Opposition will not contribute greatly in this matter. We have studied the Bill and note that it provides a procedure for taking evidence from a person who is dangerously ill and who, in the opinion of a medical practitioner, is unlikely to recover from the illness. I think I heard my colleague say that such evidence relates to indictable offences and must be taken before a magistrate or a justice of the peace. The statement taken is admissible in evidence in committal proceedings or at the trial of the person charged if it can be established that the person from whom the statement was taken is dead or is unable to give evidence and either the prosecutor or the defendant, as the case may be, has had reasonable notice of the proposal to take evidence and a reasonable opportunity to attend and cross-examine the person.

We note that, when a statement by a witness is filed or tendered at a committal proceeding and the witness subsequently dies or becomes so ill that he or she cannot give evidence at the trial, the record of the evidence at the preliminary hearing may be tendered at the trial as evidence by leave of the court, but that cannot be done if the court considers that such a statement would cause severe and unfair prejudice to the defendant. The Opposition supports both propositions.

Again, as my colleague the member for Light mentioned, the changes reflect the provisions already in the Justices Act, specifically sections 152, 153 and 154, and the Opposition agrees with the Government that it is appropriate to transfer them in a revamped form to the Evidence Act, which we take to be the purpose of this Bill. We note further that several possible technical amendments may need to be raised in the course of debate either here or in another place, but we do not believe that they affect the substance of the proposition put forward by the Government. Therefore, the Opposition has pleasure in supporting the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its support for this measure.

Bill read a second time.

Mr S.G. EVANS (Davenport): I move:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider new clauses relating to prohibition on publication of identity and restriction on reporting proceedings.

I know that in moving this motion I am not entitled to debate the issue, and I do not wish to do that: I just want to explain why I would like to have Standing Orders suspended so that these new clauses could be considered. They would reverse totally the suppression orders procedures in this State. I hope that the House will give me the opportunity to debate the matter further by supporting this motion. That is all I wish to say at this stage in the hope that I will be able to debate and explain the matter further in a more appropriate way.

The House divided on the motion:

Ayes (13)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Blacker, Eastick, S.G. Evans (teller), Goldsworthy and Gunn, Mrs Kotz, Messrs Lewis, Oswald and Venning.

Noes (29)—Messrs Armitage, L.M.F. Arnold, Atkinson, Bannon, Blevins, Brindal, Crafter (teller), De Laine, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Ingerson, Ms Lenehan, Messrs McKee, Matthew, Mayes, Meier, Quirke, Rann, Such, Trainer and Wotton.

Pair—Aye—Mr Chapman. No—Mr Klunder.

Majority of 16 for the Noes.

Motion thus negatived.

SELECT COMMITTEE ON THE ABALONE INDUSTRY

Mr GUNN (Eyre): I move:

That Standing Order No. 346 be so far suspended as to enable the motion 'that the report be noted' to be amended.

Motion carried.

Mrs HUTCHISON (Stuart): I move:

That the report be noted.

I would like to comment on the select committee's recommendations. Members would be aware that the House of Assembly set up a committee to look at the abalone industry in South Australia. Under its terms of reference, the committee was to examine the owner-operator policy that applies to the South Australian abalone fishery; the potential impact on biological and resource management, including enforcement requirements for the fishery; equity issues with regard to the distribution of benefits between existing current licence holders, inter-generational and community interests; application of occupational health and safety standards for employee divers; possible implications of the application of the Workers Compensation and Rehabilitation Act 1986; and any possible implications relaxation of the policy may have on the nature of investment in the fishery.

The submissions received by the committee were both written and oral. The committee visited Port Lincoln in the course of its deliberations and took evidence there, as well as visiting Dover Fisheries in Adelaide, which company is an exporter of canned abalone to overseas markets. The committee deliberated at length and came up with a number of recommendations which it was felt would assist industry and workers in the industry. The recommendations of the committee were as follows:

The committee recommends that the owner/operator policy be removed by amending the Scheme of Management (Abalone Fisheries) Regulations 1991 provided:

- the Fisheries Act 1982 be amended to permit abalone fishery licences to be issued to single natural persons, partnerships or in a corporate name. A specified shareholder (in the case of a partnership or corporate licence) must be nominated as responsible for meeting obligations and requirements pursuant to the licence. The licence holder(s) must nominate a single natural person who would be recorded on the licence as the nominated diver.

  Upon the renewal of a licence (if held by a company), the licence holder be required to notify the Director of Fisheries if the principals of the company have been changed, whether the principals have an interest in any other fishery licence, and whether the incoming principals have any action pending or convictions for fisheries related offences;
  - legislation be enacted to limit foreign ownership of any one abalone fishery licence to a maximum of 15 per cent;
- appropriate specific occupational health and safety standards be introduced to complement the existing general duty requirements under the Occupational Health, Safety and Welfare Act (the OHS&W Act); in particular, these standards should include:
  - new regulatory provisions (when finalised through the public consultation process prescribed by the OHS&W Act) for all occupational diving currently under consideration by the South Australian Occupational Health and Safety Commission;
  - adoption, under State legislation, of any relevant national code of practice for occupational diving recommended by the National Occupational Health and Safety Commission (in accordance with the South Australian Commission's policy for adoption of national standards and codes of practice);

  and, as an interim measure until the above legislative measures can be finalised, use by the industry of the 'Standard of Practice for Commercial Abalone Diving in South Australia' developed by the Abalone Industry Association of South Australia, as contained in Appendix C, recognising that:
  - the information in this document does not represent a complete standard of health and safety in all circumstances experienced by abalone divers—its relevance and suitability must be assessed in each situation; and
  - the document provides detailed information on only limited aspects of the general duty requirements under the OHS&W Act and does not reduce the responsibility of the industry to comply with these duties in full, or with other relevant regulations and codes of practice under the OHS&W Act;
- appropriate legislative and/or organisational arrangements be made for the training and ongoing medical assessment of abalone divers including:
  - suitable diver education with regular educational seminars;
  - the training of divers to advanced diver status through recognised educational bodies, and additional training by the Hyperbaric Medicine Unit;
  - regular dive medicals conducted by medical practitioners with training in hyperbaric medicine; and
  - recognition of disbaric illness caused by underwater pressure, as a reportable disease in the same sense as other occupational diseases;
- an abalone task force based on the Victorian model be established. Such a task force would require additional funding to avoid reducing enforcement of abalone poaching and licence holder compliance conducted under present arrangements;
- appropriate standards for personal accident and sickness insurance cover be provided by the licence holder for any employee diver. Necessary amendments to legislation to ensure compliance to be introduced by the Department of Labour;
- an increase in fines and the introduction of gaol terms for taking, dealing in, and/or processing illegally taken abalone.

Those recommendations were thought through very carefully. In making those recommendations, with regard to the relaxation of the owner/operator policy, the committee believed, given the evidence presented, that there was no valid reason for our not relaxing that policy. The Department of Fisheries was not averse to that being relaxed, and the industry itself was requesting that we do so, for a number of good reasons. Looking at all the evidence before us, the committee considered that we could relax that policy quite responsibly, hence the first recommendation.

However, in terms of the relaxation of that policy, the committee was rather concerned that foreign ownership of those licences was a possibility. Because of the export income that is derived from the abalone industry in South Australia, there was a great deal of concern that that should not occur, because it could influence, quite markedly, any income which could come back to the State Government and to the taxpayers of South Australia. We had to look at that area closely and make sure that we could limit as far as possible any foreign ownership of abalone licences in South Australia. That is the reason why we made that second recommendation.

There was a lot of discussion by the committee with regard to the occupational health and safety of divers in the abalone industry. From the evidence of divers in Port Lincoln, it was also obvious that it was a very risky occupation, although well paid. The committee was quite careful to make sure that any recommendation with regard to occupational health and safety would apply to both the self-employed diver and any employee of those self-employed divers. We had quite a few discussions with people in the area of medicine, and submissions were received from individuals as well as the hyperbaric unit at the Royal Adelaide Hospital.

As a result, it was discovered that there was no statistical information to let us know what sort of accidents had occurred in the diving industry. So, it was felt quite important that the committee address that issue and make sure there was some way in which statistical evidence could be accumulated. That was the reason why we recommended disbaric illness be a reportable disease. In that way, we can get some sort of information as to what actually occurs in the abalone industry in terms of the occupational health and safety of those involved. There was a need for us to have discussions with the Occupational Health and Safety Commission as well, because negotiations were going on at both the national and State level with regard to safety mechanisms to be put into legislative form to assist people in the diving industry.

Unfortunately, because of some of the discussions at the national level, a delay in implementing the State recommendations would be experienced. The industry had put forward a recommended standard code of practice for divers. We felt that it would be a good interim measure for us to adopt that code of practice so that at least we had some mechanism whereby we could make this industry safer for those involved in it. That was the reason for our deciding to add that into the evidence and also to use it as a temporary or interim mechanism to ensure safety in the abalone industry.

The other thing that was apparent from taking evidence was that at the moment there is no suitable diver education program in operation. The hyperbaric unit was concerned about that and also about the fact that there were no regular dive medicals for divers involved in the industry. So, reference to this was included in the recommendation on appropriate legislative and organisational arrangements to be made for training and ongoing medical assessment of abalone divers.

There was also concern about poaching in the industry. The abalone industry is a multi-million dollar industry for South Australia, and a very large percentage of abalone is not available for abalone fishermen to catch because of poaching. That matter caused the committee a great deal of concern. We heard evidence about a Victorian task force that was having very good results, and the committee recommended that we set up a task force based on that model. It is envisaged that the task force will, a little further down the track, become self-funding—that it will not be a cost to Government and will be able to fund its own operation. It is extremely worrying to think that so much poaching occurs in the abalone industry, and we hope that the task force will go some way towards limiting the amount of poaching that occurs in South Australia.

In line with that, the committee recommended that fines be increased and gaol terms introduced for the taking, dealing in and/or processing of illegally taken abalone. This recommendation was to work in conjunction with the recommendation to set up a task force, in fact, to give the task force more power to be able to deal with illegal poaching in the abalone industry in this State. I do not believe that poaching occurs only in the abalone industry, but it is very worrying in this industry because of the very big international markets for this commodity and its value to the community of South Australia.

I pay tribute to the members of the select committee—Mr Atkinson, the member for Spence; Mr Blacker, the member for Flinders; Mr De Laine, the member for Price; Mr Ferguson, the member for Henley Beach; Mr Gunn, the member for Eyre; and, Mr Meier, the member for Goyder—who were all extremely constructive and had very strong views to put. I think that was very helpful in our deliberations and in coming to what we felt was a very good report for the benefit of workers in the abalone industry and for the State of South Australia generally. I personally thank all those members for the time and effort they put into the committee's discussions.

I pay tribute to the work that was done by our research officer, Miss Merrilyn Nobes, and the committee secretary, Mr Gordon Thomson. This committee involved a lot of work because, with three country members, it was necessary to do some pretty good scheduling so that all members could be available for the select committee's meetings. I extend the gratitude of members of the committee to Miss Nobes for the very hard work and research she undertook on her very first select committee, whose recommendations I believe will be of benefit to the industry.

Mr MEIER (Goyder): I, too, am pleased to note the report of the select committee, and I endorse the remarks of the Chairperson of the select committee, Mrs Hutchison, the member for Stuart. This committee had to absorb a lot of information, hear a lot of evidence and seek to make findings that set a new course for one of South Australia's very important fishing industries. I compliment Mrs Hutchison on the way in which she handled her job as Chairperson of the committee and on the way in which she ensured that the various points of view were taken into account.

Mr Deputy Speaker, you heard that we travelled to various places, including Port Lincoln, which is perhaps the heart of abalone country in the sense that many abalone divers live in that area. It was also most interesting to look at Dover Fisheries, an abalone processing factory right here in Adelaide. The members for Spence, Flinders, Price, Henley Beach and Eyre all took an active interest in this select committee. I think I speak on behalf of all members in saying that we learnt a lot. Whilst we would not profess to be experts on the abalone industry, we would know a lot more now than we knew when the committee was first set up.

When setting up this committee the Minister identified the fact that already there was some delegation of diving to other persons and also that there were cases where more than one person owned a licence, and he said he felt that that was one of the key reasons why changes needed to be made. All members of the select committee would acknowledge that. I know that the abalone industry has been waiting some years for changes to take place, and I hope that it will be satisfied with what the committee has recommended. To all abalone divers I say: do not think that it has been easy to make the recommendations we made; we had to give them a lot of consideration. Members of the committee recognise that the recommendations will not please everyone, but we believe—and I think I speak for all members of the committee—that we have made recommendations that are in the best interests of the abalone industry and fishing generally in this State. In that sense, I think we can do no more. It is now up to the Government as to whether or not it accepts in entirety the recommendations we put forward.

Our most significant recommendation was that abalone fishery licences will now be able to be issued to single natural persons, partnerships or in a corporate name. To my way of thinking, it is only sensible that we go down that track because abalone licences have become so expensive—they are already over $1 million—that few individuals could afford to purchase one.

By allowing licences to be in a corporate name, more than one person can be officially and legally involved in the licence. Certainly, as I indicated earlier, the Minister

referred to the fact that unofficial partnerships have been occurring for some time, but the problem has been what legal standing they have if someone decides that they do not want the other person to be involved, if someone dies, or if for some other reason a variation occurs. There will now be much greater security of tenure, and the person involved in the licence will be appropriately recorded by the Department of Fisheries.

It is a significant departure from the owner/operator policy that we have seen operating in this State for a long time. I am not saying that this can apply in all fisheries, although I suppose that, as fisheries become larger and as the licences become more expensive, it is something that must be considered. It is all very well for us to recommend corporate ownership or partnerships, but we are acutely aware that overseas interests could come in and take out of South Australian hands a very important local ownership. The committee had to examine the matter in great detail to ascertain to what extent we can limit foreign ownership, because we are well aware that in some areas of Australia foreign ownership has reached such proportions that Australians are becoming not just worried but aggrieved by it. We also recognise that many overseas countries prohibit foreign ownership, and that if we as Australians wanted to buy into a fishing licence or a property we would not be allowed to do so.

I suppose that Australia is slightly different in some respects, because we are a developing nation in the sense that our population is very small compared to the United States of America and certain other countries. Therefore, there is scope for many people to come here. As our capital resources are nowhere near as large as those of the United States, often when Australians want capital we do not have sufficient, but that does not mean to say that we can simply hand over our industries—in this case our abalone industry—to foreign interests. If we want overseas money and people want to come in and invest, they must become an Australian citizen. Recognising that foreign ownership could reach a maximum of 15 per cent, we are reliably informed that appropriate legislation can be enacted at the State legislature level, and that it will not be counteracted by Commonwealth legislation, so I hope that the Government will recognise that it is important to keep such a valuable industry as abalone in South Australian hands.

The other area that concerned me greatly was the whole issue of illegal abalone operations. It is tragic to hear that millions of dollars leave this State, as we believe happens, on the black market; that those people are not entitled to the abalone catches that they are taking; and that it is making the industry less viable in the long term for the legal abalone operators. Therefore, in that respect members will note that we have recommended an abalone task force based on the Victorian model be established. We are not saying that that will necessarily solve all problems. In fact, just as we have speeding laws in this State, people still exceed those laws, and some people get away with it for long periods of time. But by establishing this task force we will take more than one step forward in seeking to minimise illegal abalone fishing.

It was disturbing to hear that a row of Chinese restaurants in Melbourne were all selling abalone but, when the inspectors checked where those restaurants had obtained that abalone, not one was getting it from a legal source. In fact, apparently the answer given was that they did not procure abalone. So there is no doubt that an enormous amount of illegal abalone trading occurs, and the problem is that most of it occurs out of this State. Even though it has been caught here, it has been transferred interstate and undoubtedly overseas as well.

When we visited the cannery we were told that we have very strict regulations concerning canned food, in this case, abalone. The Australian identification is clearly marked on the cans so that when abalone goes to Hong Kong, Japan or China, it is immediately recognised as being canned in Australia. The worrying thing is that, apparently, on occasions our Australian labels are taken off and a local label is put on by the people in Hong Kong or wherever. Even more worrying, though, is the fact that on many occasions, according to the evidence we heard, the abalone is taken out of the can and recanned in Hong Kong or wherever with a new label. One can imagine the chances of health problems arising when the abalone is taken out of the can and possibly not sterilised properly again before it is recanned. I am sure that we are all able to think of the worst scenario. I suppose that there is little that Australia can do about it other than work through international organisations to try to stop such activities.

Seeing that so much of our manufacturing seems to be going offshore or interstate, it was pleasing to note that one of our canneries in South Australia is canning a lot of abalone from New Zealand. Therefore, at least we are in a situation where we can compete appropriately on the world market by importing abalone from outside this country, canning it and selling it, albeit as a product of New Zealand but packed in Australia and therefore providing more revenue for this State. Certainly, many such items of interest were raised in the evidence, and I suppose that persons who are really interested can now take the opportunity to wade through the extensive amount of evidence if they want to follow up one particular area.

The last area upon which I would like to comment relates to our proposal to increase fines and to introduce gaol terms for taking, dealing in and/or processing illegally taken abalone. It simply exemplifies our whole concern about illegal abalone operations in this State. It is high time that these thieves were dealt with appropriately and adequately. If they are going to laugh at the law as it currently exists; if they are going to shrug off fines as they currently exist, because they make such enormous amounts of money from illegal operations, this State and the Government will be forced to introduce gaol terms and to increase fines substantially.

I would hope that the abalone poachers take note of the recommendations; that they realise that their time is coming to end; and that if they want to persist with these operations they must get out of this State, because we do not want them in South Australia. We have an abalone industry which is being well managed at present, concerning which there is great opportunity for the future and which, all being well, can expand, particularly through aquaculture activities. Evidence was presented to us that there are certainly problems, and that more research must be undertaken.

I believe that some years down the track we will see an expansion in the acquaculture side of abalone fishing. As long as the abalone industry continues to manage itself as it basically has, our current stocks will be sufficient for the future and will continue to ensure an appropriate livelihood for those persons engaged in the industry. We heard many comments from the Chairman and, I am sure, will hear more comments from other members of the committee. It was a pleasure for me to serve on the committee. I thank my colleagues for their service and express particular thanks to the research officer, Ms Merrilyn Nobes, for the work she did during the committee's deliberations.

Mr GUNN (Eyre): I am very pleased to participate in this debate, as the select committee was a most useful exercise. It has been my experience that, whenever matters are referred to a select committee, it normally reaches a sensible conclusion, which is important. A select committee allows a matter to be removed from the political arena to be examined by people who can sit down in a responsible way and look at the problems and difficulties and come forward with an agreed position. Our abalone industry is quite unique, as this is one of the few places in the world where the fishery has not been completely ruined. There is a general view in the community that a number of new licences should be issued. However, the committee came to the conclusion that we must manage this industry very carefully or we will not have it. That is why it took some time to examine the need for more policing and other surveillance of people who engage in illegally taking abalone.

Neither the committee nor the community has anything against amateurs taking a few abalone, but we wanted to ensure that this industry is protected on a long-term basis for the general benefit of all South Australians. That is why it was necessary to take some time to examine the decision to allow partnerships and corporate identities to own licences, and to allow people to employ relief divers. I do not believe that anyone on the committee wanted to deny those people the ability to spread ownership or bring members of their family into it or to employ relief divers. The concern was that we could lose control of the industry to overseas interests. I have nothing against overseas investment, but we need to know who is participating. We need to have Australian equity at some stage, so that we do not lose control. As one of those who had some concerns, I believe that the committee's recommendation will be of great benefit to the industry.

The industry has an interesting history. I recall first seeing people involved in the industry in the early 1960s. There were many of them at Elliston when I, as a relatively young person, was carting wheat to the silo. One of the first people who came to see me as a member of Parliament was someone who wished to become involved in the abalone industry. From my earliest beginnings in parliamentary life, I had an understanding of and interest in this industry. Abalone permits have become a very valuable commodity, and people who have held a permit for a long time are in receipt of a very valuable capital asset. I am all in favour of people building up their capital assets: it is in the interests of the community in general. However, I am concerned to ensure that the industry is protected on a long-term basis, and believe that we must learn from the experience of the past and from overseas.

I enjoyed my involvement in this select committee. It was a most useful exercise, which allowed the industry the opportunity to state its case clearly. We were far enough away from the Fisheries Department to make objective judgments, which is always important. There are occasions—and I say this without criticism—when people become too deeply involved in things. They cannot always separate the wheat from the chaff. If the Parliament can sit down and sensibly examine a matter, as we did on this occasion, people normally reach a sensible conclusion.

We have a number of select committees on a vast range of industry-related problems and, hopefully, we will solve them and put in place recommendations, Acts of Parliament and policies that will be of long-term benefit to all citizens. That, really, is what we are all here for. It is important that this exercise continue. I am of the view that it is necessary to increase greatly the penalties for illegal activities, as there are some most devious people involved in illegally taking abalone. Those of us who have had any experience with this know who these people are and what is going on and, therefore, I hope that the law can be amended fairly quickly. I strongly support—and always have—the ability to transfer licences. As someone who was involved in making the most strenuous representations prior to 1979 and then ensuring that they were implemented after 1979, I was pleased to see flexibility put into the ownership of licences.

I support the recommendation on standards, as I believe that it is absolutely necessary that people are not only aware of the likely damage they can do to their health but also ought to be made, hopefully by counselling, to undertake reasonable courses to ensure that they protect their health and that of the people they employ. That appears to be a fairly commonsense arrangement. I should like to join with the Chairman in thanking all the people who assisted us, particularly the research assistant. I am sure that she now realises that members of Parliament are reasonable people and do not have two heads. I thank Gordon Thomson, our Secretary. I was also pleased that a number of people came forward as witnesses, as it is very important, if a select committee is to do its job properly, to have a wide range of witnesses, whether they agree or disagree. That is very important. I was also pleased to have the opportunity, which I enjoyed, to look at some of the facilities.

I have been involved with this place for a considerable time and have had brought to my attention many difficult cases. One thing I learned early in my career was that, if you believe an injustice has taken place, you should take action on every occasion possible to try to remedy this injustice, to ensure that people who have been affected by direct Government action or by decisions of the bureaucracy have the injustice remedied at the first opportunity, to ensure that people are given compensation and that action is taken to redress the wrongs. In view of this, today I wish to attempt to redress a wrong that was perpetrated against the wife of the late Terry Manuel who, unfortunately, was killed by a shark in Streaky Bay while he was engaged in abalone diving. During the next few minutes, on behalf of Mrs Denise Manuel, I intend to pursue her right to be fully compensated for the unfortunate and intransigent attitude at the time of an insensitive, uncaring and arrogant bureaucracy, which treated her in such an uncaring manner.

People who in retirement are in receipt of massive superannuation and other benefits sat in judgment on someone who did not have the ability to make the representations that would combat the sort of evidence that was placed before them. Accordingly, I move:

After 'noted,' insert:

but this House is of the opinion that compensation should be paid to Mrs Terry Manuel to compensate her for the failure of the State Government and the Fisheries Department to allow her to transfer her late husband's abalone permit and A class fishing licence.

The DEPUTY SPEAKER: Is the honourable member reading from the circulated amendment to be moved to the motion that the report be noted?

Mr GUNN: Yes, Sir.

The DEPUTY SPEAKER: Is the amendment seconded.

An honourable member: Yes, Sir.

Mr GUNN: In moving that amendment, I support it by referring to some of the correspondence that transpired during that period. The first letter that I wish to quote was written by Mrs Manuel on 28 January 1974 from Streaky Bay to the Director of Fisheries as follows:

Dear Sir, My husband was the holder of abalone permit No. 68. Due to his recent accidental death, it will be necessary for me to sell his boats and equipment. I wish to be able to transfer the abalone permit to an interested buyer to enable me to get reason-

able value for the boat and diving gear, etc. Would you please let me know if this is possible in my case.
Yours faithfully, Mrs. D.A. Manuel.

Mrs Manuel then approached me as the local member for the Streaky Bay area, and on 6 March 1974 I wrote to the Hon. G.R. Broomhill, the then Minister of Fisheries, as follows:

Dear Mr Minister,

I have been approached by Mrs Terry Manuel (wife of the abalone diver killed by sharks in the Streaky Bay area a few weeks ago) about whether you will give consideration to allow her to sell her husband's abalone permit with his boat and equipment. You would be aware that this would increase the value considerably. It appears to be an injustice if an employee who is killed whilst engaged by an employer can receive $25 000, by way of Workmen's compensation and a self-employed person's only provisions for his wife and family are his licence and equipment to provide for his dependants on his death if these dependants cannot realise on his assets. I hope that you will give consideration to amending the Act if this is necessary.

The matter went on at great length and, on 17 January 1974, the Abalone Divers Association of South Australia wrote to Mr Broomhill as follows:

As some time has elapsed since our meeting with you when our submissions were made pertaining to the abalone industry, the association is anxious to know if you have decided on any change of policy. We do this, being fully aware of the work load placed upon your department, and it is with deep regret that I draw your attention to the unfortunate position that the widow of the late Terry Manuel has been placed in.

This case again highlights the insecure situation that professional abalone divers in this State must endure. If the abalone divers were brought in line with the other managed fisheries, namely prawns and crayfish, where they have transferable permits and authorities, Terry Manuel's widow would at least be able to receive a realistic price for his boats and equipment worth thousands of dollars. This specialised equipment must now be sold for virtually scrap value. We again reiterate the desperate need for amendment to the present regulations relating to abalone fisheries, and request you to give it your attention as soon as possible.

Further, on 17 August 1976 Mr Vince Murphy, the Secretary of the association, wrote to the President of AFIC, Mr Puglisie as follows:

Consequently at the termination of the licencing period, in August 1974, Mrs Manuel had to sell her husband's gear for what she could, and try to subsist on a widow's pension of $50 per week. She cannot work as she has a young son to look after and is not in a position I would envy, or for that matter like to see my wife in. Although she corresponded with the Department of Fisheries for a protracted period to have the licence transferred for her to manage, they chose not to consider the moral aspects of this situation and would not bend. She has in her posession a letter from Mr A. M. Olsen stating that unless she agreed to do the diving the department would not consider her for re-allocation of Terry's permit.

The foregoing points up a sad situation that is a direct result of the discriminatory form that abalone licencing takes. As the Minister of Agriculture and Fisheries, on advice from the Department of Fisheries, has seen fit to allocate a further 8 permits on the western zone of the abalone fishery, we feel strongly that this would be an opportune time to right the considerable wrongs done to Mrs Manuel.

That was in 1976. I wish to quote from a minute sent to the Minister from the then Secretary of the Department of Agriculture, a Mr Walkenden. The concluding paragraph states:

I believe he has also been in touch with the Deputy Director of Agriculture and Fisheries (Mr. H.P.C. Trumble), who is of the opinion that Mrs Manuel's case is worthy of careful examination and special consideration on compasionate grounds; and in due course he will make a submission on the matter.

A senior public servant outlined that this was a special case where a grace and favour arrangement should have been entered into for Mrs Manuel as was done in other cases in fisheries. However, because of this intransigent attitude and because certain people in the Fisheries Department (some of whom are probably still there) had a terrible dislike of anyone who was successful in this industry because they could not participate in it themselves, arrogant representation was made to this poor defenceless person and she was denied the ability to realise on her husband's licence. It left her and her family in a difficult situation, whilst other people in the industry at the same time were able to realise; and, in fact, the department then issued eight more licences. If that person had belonged to a trade union they would have brought the industry to a halt in protest at this sort of disgraceful discrimination. I have other pieces of correspondence in relation to this matter, which I think ought to be drawn to the attention of the House briefly.

Mr McColl, the then Director of Fisheries, wrote a lengthy letter to Mrs Manuel on 7 September, and it contained an interesting footnote which the department ought to examine. I suggest that any fair-minded person, on careful examination of this file of correspondence, will find that without a doubt it clearly demonstrates the urgent need for this Parliament and this Government to rectify a wrong that was perpetrated against someone in a most difficult situation—someone who has had to live with that difficulty since 1973. Yet, this is the same Government that has since paid the legal expenses of a trade union secretary found guilty of contempt by the court. The Government paid Jim Dunford's legal expenses because he was placed in a difficult situation. Mrs Manuel, this poor innocent person, was only wanting what other people in the fishing industry got, namely, the right to transfer a permit.

We are talking not only of an abalone permit, which today is worth in excess of $1 million, but also of an A class fishing licence worth about $35 000 today. If Mrs Manuel could get compensation to allow her to have a freehold house, that would be the very minimum in my view. But, no, this Government has sat idly by and continued to accept the advice of insensitive bureaucrats who have watched hundreds of millions of taxpayers' dollars go down the drain. I appeal to the good judgment and sense of fair play of members in this place today to support my amendment so that this unfortunate course of action can be rectified. Having been robbed of her life's companion, Mrs Manuel's income, and that of her family, was taken away. This Government has denied them their inheritance. In the past Parliament has properly acted to rectify wrongs and injustices, which is why we are here. People can say that this happened a long time ago, but I would be failing in my responsibility as an elected member of this place if I did not bring the matter before the Parliament. It is wrong that this person was discriminated against in such an uncaring and arrogant way.

What annoyed me was the attitude of the officers at that time, which was so arrogant and insensitive when other industries within the fisheries in general were committed to transfer and grace and favour arrangements were entered into by other people. This is not opening Pandora's box: it is correcting a wrong. Therefore, I say to the House and all those involved: go back and examine all the files. If you do not accept what I have to say, ask the Ombudsman or anyone who is impartial, free and responsible to examine the matter to see whether they believe that Mrs Manuel was treated in an improper, harsh, unreasonable and insensitive way.

This Parliament is the highest court in the land and it has the responsibility to rectify the situation because, fortunately, the bureacracy must answer to this Parliament. We need more parliamentary representation and involvement to deal with these sorts of off-handed decisions, because the people involved operate behind closed doors and out of

the public glare. If members of Parliament do not bring up these matters, injustices will continue.

Mr FERGUSON (Henley Beach): I thank the House for appointing me to this committee on which I found it an absolute pleasure to serve. The contact that I made with the abalone industry through serving on this committee has opened my eyes to the way in which an industry can be efficiently and well run. I have heard and had contact with most of the abalone fishermen in South Australia, and I can only say that I have a deep admiration for the way in which they run their businesses and their association.

The abalone fishery is one of the few fisheries that have not run into difficulties. This industry is so organised that it continues to produce the produce for us in this country and overseas, and I pay tribute to the fishermen. They have not been overly greedy and they have not tried to exploit the fisheries in the way in which other fisheries have been exploited, and they have reaped the benefits. These fishermen are reasonably well off and well paid, and they deserve to be: I have no criticism of them. I hope that the industry goes on to bigger and better things. They are looking at export markets in a way in which other export industries are not. They are looking at ways to add value to their products and to export them in an endeavour to bring even more money to this State. I extend my congratulations to them for the way in which they have organised their industry.

The conduct of this committee was a credit to the Chairperson (the member for Stuart), and I extend my congratulations to her. It was a great pleasure to work with the other members of the committee, namely, Mr M.J. Atkinson, Mr P.D. Blacker, Mr M.R. De Laine, Mr G.M. Gunn and Mr E.J. Meier. I believe that the way in which discussions were conducted and witnesses were examined is a model for all select committees. I would also like to extend my congratulations to Merrilyn Nobes, our research officer, for the way she assisted the committee. She went from strength to strength at each meeting. The quality of this report is a tribute to the way she worked and a tribute to her.

I believe that the committee's recommendations represent the best results that could have been achieved. The committee was faced with, in a sense, a *de facto* set of companies in the abalone industry. Indeed, we heard evidence of a dispute in the courts about someone who had partly financed a licence. The recommendation that is now before the Parliament with respect to the extension of fishery licences to include partnerships or corporate licences is a means of coming to grips with reality. What we are doing is merely recognising something that is already happening in the industry, and I think that is a very sensible proposition.

This industry is important to South Australia. The amount of money which has been generated and which is being reinvested in South Australia made it imperative for the committee to recommend that the industry should not fall into the hands of foreign ownership. I therefore feel that it is absolutely sensible that the committee should recommend that a maximum of 15 per cent of any one abalone fishery licence should go to foreign investors. This very sensible proposition will ensure that we will keep this industry truly South Australian and return the profits to the State.

The committee sought advice from the Crown Law Office on whether this proposition could come under the jurisdiction of the South Australian Parliament. We were advised that this was a possibility, because at the moment abalone licences are valued at about $1.2 million, and that would give us the legislative power to be able to make this recommendation to the Parliament. This is why this proposition is before the Parliament today.

One of the issues that took a long time to consider was the occupational health and safety standards. The committee was faced with a bit of a problem—and it still is—regarding the regulations because new provisions for occupational health and safety for professional divers have not been finalised on a national basis. These negotiations could take up to another five years. We heard evidence that negotiations were being held but that we could expect it to be a rather long time before they were finalised. So, the committee recommends that, until such time as these regulations are agreed to on a national basis, the standard of practice for commercial abalone diving in South Australia, a code that has been developed by the abalone divers themselves, should be used.

When we were hearing evidence, it did not take us long—and most members were unaware of conditions in the industry—to realise what a dangerous occupation abalone diving is. Therefore, we suggested that, as a person with an abalone licence will be able to employ or have a contractual arrangement with another diver, it will be necessary for that diver to gain educational status. That is why a regulation has been recommended to provide that a trainer or diver should gain advanced diving status through recognised educational bodies and additional training through the hyperbaric medical unit. The cost of the illegal taking of abalone in South Australia has been estimated; we heard evidence that it could be up to as much as $2.5 million in every season. I agree with the recommendation that a special task force cover the situation.

We cannot agree with the amendment proposed by the member for Eyre. I would like to express to the member for Eyre my admiration for his looking after a former constituent of his. The fact that he has taken up the matter in Parliament indicates the extent which he is prepared to look after his own constituents. I will cite a letter which I have received on this matter and which clearly states the reasons why we cannot support this proposition. The letter states:

> Mr Terrence Michael Manuel was the holder of a South Australian abalone fishery permit from 1 March 1968 until 9 January 1974, the day he was taken by a shark at Streaky Bay. The abalone permit was issued pursuant to the (repealed) Fisheries Act 1971, which did not provide for the transfer of licences, permits etc. Furthermore, the Act did not provide for a licence to be vested in the name of the personal representative of a deceased licence-holder. In 1982 and 1983, the Crown Solicitor advised that where a licence holder died, the licence ceased to exist.
>
> Formal licence transfer provisions were not implemented by the Government until August 1980, and it was not until the 1982 Act was promulgated in 1984 that transfer provisions were made in relation to a deceased licence holder.
>
> Following the death of Mr Manuel, Mrs Manuel sought to have the permit formerly held by her husband vested in her name. The department advised Mrs Manuel that it was not possible to transfer the permit to another person. However, the Minister of Fisheries approved the issue of a special permit (pursuant to section 42 of the Act) to Mrs Manuel, authorising her to employ a person to dive on her behalf. The special permit was issued on the condition that it would not be renewed beyond 31 August 1974, the expiry date of her husband's permit.
>
> Mrs Manuel sought to extend the special permit, but this was not approved. She also applied for the issue of a licence on the proviso that she could employ a diver to take abalone. Representations were made on her behalf by the Australian Fishing Industry Council (SA branch), the Abalone Divers Association and Mr Graham Gunn. However, the Minister of Fisheries refused because to accede would be contrary to the policy that 'those who bear the risk take the profit'—that is 'owner operator'.
>
> If Mrs Manuel is seeking to further pursue the matter on the basis that property rights were attached to her husband's permit, she would have to do so through proper legal means. I would point out that such issues are currently the subject of action by

former licence holders against the State of South Australia and former Directors of Fisheries.

I attach copies of:

- the documentation in Terrence Manuel's file;
- correspondence relating to Mrs Manuel;
- advice from the Crown Solicitor regarding the non-transferability of licences under the 1971 Act;
- section 42 of the 1971 Act, dealing with the issue of special permits;
- section 38 of the 1982 Act, dealing with the transfer of licences.

The letter is signed 'Mr R.K. Lewis, Director of Fisheries'. As much as we would like to show some compassion to Mrs Manuel in this regard, this is not the place where these matters should be sorted out. In a very short debate, members are not equipped to sort out the rights and wrongs of a situation such as the one that has occurred. I commend the member for Eyre for putting up this proposition, and it is only right that he should do so. However, at the same time I hope that he can see that members on this side of the House, in the short time provided and given the information available, could not possibly make a decision on this matter. The matter should be pursued through the courts. You, Mr Deputy Speaker, may not be aware that about 37 actions are pending in the courts in relation to abalone licences. I feel it would be wrong for this institution to jump over the legal action already taking place.

Further, the Liberal Party had an opportunity to do something about this matter between 1979 and 1982, but it chose to do nothing about it. The other question that ought to be taken into consideration is: why has it taken such an extraordinarily long time to bring this matter before the House? Over the years plenty of opportunity has been available for this matter to be aired in private members' time. I feel it is inappropriate that this matter should be brought before the House at this time. It has been done in an unusual way, that is, by the moving of an amendment to the motion that the report be noted. The Chairman of the committee had to rule this matter out of order because it did not comply with the terms of reference of the committee. Therefore, the manner in which this matter has come to be debated is very strange. Nonetheless, whether or not it is strange, we are debating it, and I do not deny the member for Eyre his right to do so. We on this side of the House cannot support the amendment. I feel that you, Mr Deputy Speaker, will be able to recognise the reasons why.

In all my time in this House, this was one of the smoothest select committees with which I have been associated. That has something to do with the membership. All the members on that committee should be congratulated for the way in which they conducted themselves. I believe that select committees certainly are the way to go. I understand that you, Mr Deputy Speaker, are one who would champion the use of more select committees. It has been my experience that, whenever we have found ourselves in a problem in the Parliament and have had to refer various matters to select committees, those committees and the Parliament have been able to come up with an answer. Given the recommendations before the House, certain legislative action is needed by several Ministers. I hope that we can take some fairly swift action on this legislation with regard to these recommendations. The abalone industry sought this, we complied with its request, and I hope that we can get legislation through this House fairly quickly so that everyone will be satisfied.

Mr BLACKER (Flinders): I, too, support the motion to note the report of the select committee and indicate my great satisfaction at being one of its members. I endorse what other members have said about the conduct of the committee, and I put a lot of that down to its Chairperson, the member for Stuart. I, too, believe that members approached this select committee with a great deal of cooperation, wishing to do the right thing by the industry and participate in its deliberations in the way Parliament intended under the committee's terms of reference.

Appropriate arrangements were made in relation to advertising and the taking of evidence. As all members of this House would note from the report, a considerable number of people took the opportunity to give evidence to the committee. Much of that evidence was detailed and technical; it was certainly practical in the way in which the divers and their representatives presented their case to the committee.

Departmental officers were well briefed on the industry as they saw it and, in turn, had valuable input for the committee. However, not all departmental officers whose task was directly related to abalone diving were as well briefed. I trust that someone will pick up the veiled meaning of what I have just said and hope that that will not occur in future on any other select committee.

I have a very keen interest in the abalone industry inasmuch as 23 of the 35 divers are constituents of mine and fish in the area. The abalone industry is a very significant industry for Eyre Peninsula. It has a flow-on effect not only for the divers, shuckers and crewmen who directly benefit from it but also in relation to the export it derives, and those export earnings flow back to South Australia and have spin-off effects in fostering many other industries on Eyre Peninsula. The deer, elk, almond and a number of other industries have been brought to Eyre Peninsula and South Australia as a direct result of abalone divers who see that their involvement in the industry is limited and, while they are still fit and able, have taken the opportunity to diversify into new industries. That fact in itself needs to be recognised, and I note that the member for Henley Beach did just that. I commend him for his comments on the select committee's findings in respect of the industry.

The abalone industry started almost by accident as a result of the A and B class licences that were issued by the Department of Fisheries. Quite often applicants for licences were asked, 'What else do you want?' and were told that they could have abalone, trawling for scallops, or this and that. Often a tick was put alongside trawling for scallops, abalone and a number of other fish. When it was realised that the abalone industry had potential the department started to use all the methods available to it to limit the number of licences. Some of the evidence given to the committee indicated that at one stage there were 200 abalone licences, many of those licences being issued almost by default and not at the request of the applicant. One by one those licences were withdrawn, principally because they were not operated on. I make this point because it does have some bearing on longer term management, and on the matter raised by the member for Eyre, whose comments I totally support.

This industry began in the early 1970s, and in the 1980s licences were made transferable. I think that that is the point we are debating and was the prime reason the committee was set up. In 1985 the three zones were promulgated as a result of quotas. I believe that this committee would not have been set up if the management regime of quotas were not in place. If licence holders had been able to take an unlimited quantity of abalone, this committee would not have been established. To me the two matters are contingent one upon the other: unless we have quotas we cannot broaden the structure of licence holders. It was made patently clear, in questioning witnesses, that quotas were a necessary and

essential part of abalone management and, therefore, we could proceed to look at, if you like, a relaxing of the legal status of licence holders. It is imperative that that situation remain.

Another issue raised was the importance of divers being able to monitor their health so that if they had an attack of the flu or other illness they could employ a diver—probably an employee at the time anyway, the shucker or shore-based manager—and not be forced to take unnecessary risks by diving when they were not in the best of health. Evidence was presented to us that the system forced divers to undertake diving at times when their health was not satisfactory and, by doing so, were compounding their illness. Evidence was given by one witness that that pressure put him in the position where he is now rather unwell.

Another issue raised was the number of days that could be dived in a year, and I think that that evidence was generally accepted. It was also accepted that some divers take better advantage of the weather than other divers and dive on every suitable occasion. Whilst there is financial pressure on licence holders, more paticularly in relation to the value of the licences (they are estimated at present to be worth $1.2 million), there will always be pressure on the work unit to ensure that its quota is achieved in any financial year.

Those sorts of pressures have led to the present situation and, as mentioned by the member for Henley Beach, that in itself leads us into the occupational health and safety aspect of diving. This issue took up a lot of the committee's time, and everyone recognised that there was a need for an industry code of conduct. I think the industry is to be commended, because the people concerned were well down the track of working towards that end and have, in fact, come up with their own code of practice for diving. Although that code of practice does not have the necessary legal status and cannot be enforced by law, nevertheless, it is a voluntary standard under which the divers operate and, as such, they are obviously looking after their own health.

However, evidence was also given that a Commonwealth and State occupational health set of standards are presently being set for all forms of diving and, in due course, those standards will no doubt be implemented. It was hinted to the committee that that could be as long as five years away, and none of us believed that we could hold up the changing of the structure of the licences for that period of time; hence the recommendation that we should adopt the industry's code of practice as an interim measure until such time as the new certificates or standards are implemented.

I note that there was a very close working relationship between the industry and the hyperbaric unit at the Royal Adelaide Hospital, and I think that, in itself, clearly indicates the sincerity with which the divers and their responsible organisations undertake their particular work. One issue that has not been mentioned so far is the exploitation of the roei abalone, a smaller species found in various areas of shallow water which are not currently fished or dived. Expressions of interest were made by a number of people about the development of a new industry based on the roei abalone. The committee believed that it could not consider that matter, because it did not come within the terms of reference. I suppose that that matter could be debated, because the terms of reference clearly indicated that we should look at the South Australian abalone fishery. That fishery was perhaps not in existence previously, but we all know about it and certainly about its potential. The committee recommended that the matter be further examined by the Department of Fisheries, and I believe that the Minister has already taken this on board and had some discussion papers circulated in order to examine the viability of the roei industry.

The Hon. Lynn Arnold interjecting:

Mr BLACKER: I note the Minister's comment that a report is being drafted. I am pleased that the department is seriously looking at this matter, because many of my constituents believe that there is an independent industry there, and yet I know that the existing abalone industry believes that roei is a part and parcel of their industry and that any exploitation of that particular species should be part and parcel of the overall abalone industry. No doubt there will be some arguments and debate about that issue in future but, nevertheless, the matter is being addressed.

The member for Eyre raised the issue by way of an amendment to this report, which I am happy to second, in relation to the tragic death of Mr Terry Manuel. I am aware of the very long history of this case. At that time, Streaky Bay was in the member for Eyre's electorate and, needless to say, he has had the closest contact with this matter. Mrs Denise Manuel lives in Port Lincoln, just 100 yards or so away from my home and, as such, I have a pretty fair understanding of the circumstances existing at the time. There is no doubt in my mind that, regardless of the laws applying at the time, Denise Manuel was entitled to some form of compensation because of that tragic loss. I think it was also tragic when the abalone divers offered to do a beneficial day's diving for Denise but were denied the ability to do so. That was regrettable, because I understand that all the divers offered to do a day's diving as a benefit for Denise, but that was denied. Those are the sorts of things that perhaps become a little hard to accept but, be that as it may, I suppose that this report is trying to ensure that such a circumstance never arises again.

As late as it may be, I believe that the member for Eyre was right in raising the issue. The member for Henley Beach indicated that it was a strange time to raise it, but I would certainly challenge that statement, because the member for Eyre and I have certainly raised the matter previously. I have raised it by way of questions and in various debates. The member for Eyre has raised it on many occasions and, as he indicated in his preliminary comments, this was effectively the only way in which he could substantively raise the matter. I would support the suggestion that some form of compensation, as belated as it is, still be made available on a one-off basis as compensation towards what I believe was a grossly unfair and even unwarranted experience at that time.

One of the controversial issues that the committee discussed related to foreign ownership. We were all of the opinion that we wanted some restrictions on foreign ownership, but it was also brought to our attention that the foreign investment board only handles moneys of the order of some $5 million, which would preclude this particular industry, involving as it does a lesser sum. Legal advice was indicated to the committee that there was a way that some limitation on the foreign ownership of any form of a licence could be included within our State statutes. Although we have not seen legislation that we could further debate in this regard, we accept the assurance of the parliamentary counsel that this provision can be achieved. On that basis, therefore, the committee was prepared to accept the suggestion and recommended a maximum limit of 15 per cent foreign ownership of any one abalone fishery licence.

It may seem strange to write into a report this type of restriction, but the industry is one in which a licence can involve one or two individuals: it does not involve a crew of 15, 20 or 100 people. It is purely a one diver industry with an on-board crewman and perhaps a shore-based man-

ager, so we are really talking about a unit of three people within a licensed fishery. As such, I do not believe that our recommendations are unreasonable, and we have been advised that they can be achieved.

The other thing that was strongly recommended was that there be appropriate legislative and organisational arrangements for the training and ongoing medical assessment of abalone divers. In the past 20 years. I know abalone divers who, with the best intent, were diving but, we now find, to the detriment of their health. Many of them are looking for some form of ongoing diving training and at least being made aware of the difficulties when undertaking diving at depth and, in particular, the decompression requirements.

There should be regular educational seminars and various instruction levels, including advanced diver training, in conjunction with the Hyperbaric Medicine Unit at the Royal Adelaide Hospital. We were pleased to note the very close cooperation between the Hyperbaric Medicine Unit and the abalone industry. Had that cooperation not existed, I am sure that this report would be vastly different from what it is today. In bringing down the report, the committee has accepted the sincerity and honesty of the industry in endeavouring to approach the dangers of diving in a most responsible way. Had that not been evidenced by the information given to the committee, I am sure that all members would have been much stronger, tougher and more demanding in the report that was brought down.

The results, and the approach that has been taken, hopefully will be to the benefit of the industry but, at the same time, we are flagging to the industry that we have accepted that it has taken a responsible approach thus far and we expect that approach to continue into the future. I support the noting of the report, but make one last comment in relation to the abalone task force. Victoria has a task force, and it was of concern to us all to note that a significant amount of poaching goes on. We are all totally opposed to that. We trust that a task force or some other form of policing can be implemented to see that that poaching is stopped.

Mr De LAINE (Price): I am very pleased to have been a member of the select committee and should like to take the opportunity to thank and congratulate the member for Stuart on the excellent way in which she chaired the meetings and the way in which she conducted the meetings when we took evidence from a wide range of people. I should also like to thank the other members of the select committee for their assistance, not only to the committee itself but to me on a personal level, and for their bipartisan approach to the whole issue of the investigation into the abalone fishery.

Much evidence was received, and mostly of very good quality, especially in the technical areas of diving. The select committee was very useful and worthwhile and examined all aspects of the industry, including diving, equipment, processing, marketing, licensing arrangements, occupational health and safety aspects and the implications of the Workers Compensation and Rehabilitation Act. The committee also looked at poaching and at the penalties for poaching, and recommended strengthened penalties when it was realised by members of the committee how lucrative the poaching industry had become, and the need to cut down drastically on that activity.

Concern was expressed about the ownership of the licences, and the report recommended that a 15 per cent limit be placed on the ownership of licences. I must stipulate that that is not an overall figure of 15 per cent on the number of licences but 15 per cent maximum on each individual licence. The report recommends the tidying up and some regulating of the industry for the benefit of all concerned: the divers themselves, the licence holders, the processors, the department, the fishery itself—which was an important aspect of our deliberations—the marketing, the law enforcement and, of course, the consumers at the ultimate end of the industry.

As I say, it was a very worthwhile exercise and I personally learned much from it. Some of the people gave excellent evidence, especially in the technical areas. The member for Fisher mentioned the Hyperbaric Medicine Unit and the very valuable part that plays in the industry. Certainly, that is very important, and the evidence in respect of it was very well received by the committee. I should like to thank the clerk and the Fisheries Department people for the support given to the committee.

All in all, it was a very good exercise. The visit we made to Port Lincoln was very worthwhile, because we were able to talk to the people at the coal face, the people who actually dive for the abalone, and to hear about the risks that they take. I sympathise with them. It was very educational to see the equipment that they use and to see some of their shark protection, minimal though it was. It was a very good effort, and I thank those people for all their support. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

PARLIAMENT (JOINT SERVICES) ACT AMENDMENT BILL

Mr M.J. EVANS (Elizabeth) obtained leave and introduced a Bill for an Act to amend the Parliament (Joint Services) Act 1985. Read a first time.

Mr M.J. EVANS: I move:

That this Bill be now read a second time.

It gives me great pleasure to introduce the first Bill under the new Sessional Orders for the Parliament, and it is perhaps appropriate that it should be a Bill that deals with the internal functioning of the Parliament. While that is literally the case, the Bill simply writes into the statute law the present status quo with respect to the consumption of tobacco on the premises of Parliament House insofar as that area is controlled by the Joint Services Committee. This measure goes beyond that because it also serves to set an example in the area of occupational health and safety and also in public health in general to the wider community.

While the Bill has a specific legal limitation in that it applies only to those areas of the building under the control of the Joint Services Committee, it does have an important role in demonstrating the leadership of this Parliament in the community in respect of issues of public health and occupational health and safety. The full range of reasons for this measure were originally canvassed when I first moved a resolution some months ago, which was formally adopted by this House and which sought to prohibit smoking within the Chamber and within the precincts of the House. That motion was also adopted by the Legislative Council.

Mr S.J. Baker interjecting:

Mr M.J. EVANS: If the Deputy Leader would like to wait, I will get to that in due course. The purpose of prohibiting smoking is quite clear. The members of this House who are in the overwhelming majority of members of the community who do not smoke, find it both a risk to their health—whether they be staff members of this place,

members of this House or of the Legislative Council—and also a very offensive practice, and there is often no respite if you are in the same room as a smoker.

Therefore, the resolution of the Joint Services Committee, which does not have any legal effect in this place above being a resolution of the committee, needs some substantive backing in legislation. The Bill before the House today will provide the appropriate legislative sanction always required in such matters. It does not apply to the area of the Parliament under the direct control of the House of Assembly or the Legislative Council and the Speaker or President respectively. The Bill has no effect in respect of those areas as they are quite properly the province of each individual House, and the Bill does not seek to make reference to those areas at all. However, it is appropriate that the Bill should define the conditions under which all members and staff use the joint services area and, whilst clause 1 of the Bill is formal, clause 2 prohibits smoking within the area of the building under the control of the Joint Services Committee, except in areas set aside by the committee for the purpose.

Other members have inquired about the level of penalty to be proposed, and they will note from the Bill that there is no penalty provision at all. I believe that that is entirely appropriate because, given the nature of this place, members of Parliament have the utmost respect for the law of South Australia and I doubt that any member would contemplate a deliberate breach of the Act.

Dr Armitage interjecting:

Mr M.J. EVANS: The member for Adelaide is quite right: Parliament could always seek to amend it to provide whatever level of penalty it thought appropriate. I do not see the necessity for that at this stage, because I have every confidence that members of this place will, in their usual manner of respect for the law of South Australia, uphold the provisions and the spirit of this Act without the necessity for any penalty. Naturally, of course, it also ensures that the staff of this place, who are sometimes put in an invidious position with respect to this unfortunate practice, are given the appropriate legislative authority, of which members will, of course, be well aware. It also will be applicable to any visitors to this place who may need to be reminded of the internal rules.

I do not think it is necessary on this occasion to canvass the many reasons why this is not a healthy or appropriate practice to follow: those matters have been canvassed in this place in relation to similar motions moved but a few months ago. It remains for me to commend this provision to the House. I believe that by giving legislative sanction to the existing practices and procedures, it will promote a safe and healthy working environment for all members of the staff of this place. Accordingly, I commend the measure to the House.

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

WATERWORKS (RATING) AMENDMENT ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 29 August. Page 614.)

The Hon. JENNIFER CASHMORE (Coles): I support this Bill, which was introduced by my colleague the member for Heysen, who holds the shadow portfolio of water resources. It is worth refreshing the memory of the House about the substantial content of this Bill, the purpose of which is to repeal the Waterworks (Rating) Amendment Act that was introduced and passed earlier this year.

The substantive clause of the Bill requires that money paid to the Minister, for the time being administering the Waterworks Act 1932 in respect of rates for the 1991-92 financial year which became due under that Act before the date of the Governor's assent to this Act or which were expected to become due under that Act at some later date, will be taken to have been paid on account of rates fixed by the Minister under that Act in respect of that financial year on or after the date of the Governor's assent to this Act and any amount paid in excess of the amount of those last mentioned rates is a debt due by the Minister to the person who made the payment. In plain language, that means that we revert to the situation that applied before—

Mr S.G. Evans: The rip off.

The Hon. JENNIFER CASHMORE: Yes, the rip off. The member for Davenport, who happens to be my local member and who is well aware of the problems in the area he represents, just as I am in the area I represent, has put the issue in a nutshell: it is a rip off. The mechanism of the Waterworks (Rating) Amendment Act Bill requires consumers to pay a minimum access charge of $116 simply to be connected to the water system. There is no debate about the necessity for a minimum access charge. However, there is a great deal of debate about the next component of the cost of water in this State, that is, an iniquitous wealth tax based on every thousand dollars by which a ratepayer's property exceeds the value of $117 000.

Mr Brindal: Taxing an unrealised asset.

The Hon. JENNIFER CASHMORE: As my colleague the member for Hayward says, 'Taxing an unrealised asset.' On top of that, there is an excess water charge of 85c per kilolitre for every kilolitre above 136 kilolitres used. I happen to represent an area in which virtually all the residential properties—at least, a substantial proportion of them and, in some suburbs, 100 per cent of them—exceed $117 000 in value. That does not mean that my constituents are wealthy people. In fact, a significant number of them, particularly those living in the Burnside local council area of the electorate of Coles, as distinct from the Campbelltown council area of my electorate, are on fixed incomes—and I mean fixed.

They are superannuants: they are not pensioners whose incomes have been indexed but people who, by and large, have saved to ensure security for themselves and their dependants in their retirement. They have no additional resources upon which they can call. They value their homes dearly and their homes have been improved over a lifetime of work and mainly personal effort, and that is what has brought them into the valuation bracket exceeding $117 000. It simply means that a number of my constituents face the inevitability of being forced out of their homes—

Mr Brindal: Taxed out.

The Hon. JENNIFER CASHMORE: —taxed out of their homes at some time, if not this year, at least in the reasonably near future.

I can do no better than allow my constituents to speak for themselves on this matter through the voluminous correspondence that I have received. One letter states:

> I do believe that the user should pay but to reduce an allowance from 601 to 136 is neither fair nor equitable, especially when we live amongst massive gum trees—

trees which the Minister claims she is seeking to maintain and protect—

> that suck water out of the garden as quickly as it is put on. I would welcome a visit from you [the Minister] and would be most interested to see how you, also as Minister for the Environment and Planning, would re-landscape the property in question,

change our bathing habits, alter the number of clothes we wash and push the button, to come in under or near 136 kilolitres.

This letter was addressed to the Minister, but a copy was sent to me. Another constituent wrote to the Minister, stating:

This backdating and reassessment of additional charges under the new system—which we were told was to commence from July—is just not acceptable.

The constituent goes on to say that the E&WS Department installed a new meter in November last year just in time, he notes, for the new backdated January reading and suddenly, and unaccountably, the reading was double that previously recorded. My constituent states:

We can now confidently look forward to the double hit effect of both the 'new system' and a spurious usage rate measured on our new meter.

The Minister replied to that letter as follows:

The access rate is made up of a fixed charge plus, for properties above $117 000 in value... a component related to property value. This is because in districts with higher property values, the fixed costs related to average lengths of main per property, peak consumption, elevation and fire fighting capacity are generally higher.

I simply do not believe that. If that were the case, a large number of properties from West Lakes around the coast, up to Unley and east of Fullarton Road into the base of the foothills would all be subject to additional charges because of the alleged additional costs of servicing those properties. I do not believe that is the case. Later in the letter, the Minister goes on to say:

Every element of the new system is related to the cost of service provision.

She also says:

The term 'tax' refers to a system of revenue collection to support general Government expenditure, and a 'wealth tax' is such a system related to taxpayer wealth. The new system is more appropriately described as a charge, that is, a system of raising funds in return for a specific service, to defray the cost of the service, and set at a level related to the cost of service provision.

If that is the case, what has that got to do with the value of a home and the fact that, if a home is worth more than $117 000, the ratepayer will pay more for water? The Minister contradicts herself in her own letter and cannot be taken as having any credibility when she defends a system that we, in the Liberal Party, believe is indefensible. I quote from another constituent who says:

The new water rating system is a lost opportunity to have a fair and equitable user pays system. The only benefits are to the Government in additional tax raised from the properties valued over $117 000 and to owners of properties which are below the above amount and who are being subsidised by others for water usage.

The reasons given, that it costs more to supply water to higher property values, is an insult to my intelligence, what absolute rubbish. Whilst this may be the case in isolated instances, it sounds like another excuse to justify the property tax component. First it was social justice, now this.

The Liberal Party simply cannot countenance this totally inequitable and unjustifiable system of a wealth tax, a property tax, a tax on an asset, and a tax on a debt if you have a mortgage. We seek the support of the House to revert to the original system of water rating and, having done that, we seek access to a far more equitable system which will not cause the hardship that this wretched system of water rates is causing in the electorate of Coles and other electorates.

Mr S.J. BAKER (Deputy Leader of the Opposition): As my colleague the member for Coles so adequately pointed out, this new water rating system stinks and we should revert to the previous system, and that is encapsulated in the Bill before this House on this historic private members' debate on a Wednesday evening. I wholeheartedly support my colleague the member for Heysen, the shadow Minister for Water Rresources, in his endeavour to get some sanity back into the system. There is no doubt that this issue has inflamed constituents across the length and breadth of Adelaide.

Mr Holloway interjecting:

Mr S.J. BAKER: If the member for Mitchell—despite the fact of his very solid majority which he will presumably retain at the next election—continues to support this rotten system he may well find himself without a seat after the next election, and I cannot think of a greater benefit that could be bestowed on any member on the other side of the House.

An honourable member interjecting:

Mr S.J. BAKER: Members opposite have done dirty deals with the Housing Trust, indeed. The renters of Housing Trust properties will not be charged the full excess water rate; it will be divided by two. I suspect that it will probably be divided by four before the system is finally rationalised because the Government cannot afford every one of those people becoming debtors to the Engineering and Water Supply Department as they surely would because only 136 kilolitres of water are allowed to be used on those properties.

I have doorknocked a fair bit of the member for Mitchell's electorate, so I know the territory we are talking about. I know that many of his constituents take a great deal of pride in their properties. Some have very humble properties in the scheme of things, but I know that many spend a lot of time gardening and planting small crops—tomatoes and the like—and that requires water. Under the previous system they were not charged for excess water, but under this system they will be.

I would imagine that the member for Mitchell should have a deep and abiding interest in the changes that have taken place with the water rating system introduced by his colleague. I can only assume that the members on the other side of the House have been reading that literature from the Henry George league. I have been a member of Parliament for almost nine years, and I have received material from Henry George for all that time. That league continues to extol the virtues of placing all taxation on property rather than on the individual. It is a great proponent—

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: On property, yes, indeed, on dirt, on land—because it believes that no-one should actually own the land: the land should be taxed for its usage. That is the Henry George league. Indeed, we have found some proponents of that in this House. I never thought I would see the day, but it has come now with the new water rating scheme.

Let me assure the House that everybody in my electorate understands the ramifications of this scheme. They know that this State has a Government that cannot be trusted; they know that the State's Government cannot manage its affairs; they know that this State's Government will look for more revenue to prop up its rotten programs and to pay off the extraordinary debts associated with the State Bank disaster. Every person in my electorate understands that—even the strong ALP supporters.

The Hon. H. Allison: Are there some left?

Mr S.J. BAKER: There are some left, and they come to see their local member, and say, 'Mr Baker, we might not support your Party, but we want you to defeat this legislation.' As everybody knows, in this House I represent all points of view, and I am more than happy to represent the views of those who do not support me just as strongly as those who do support me.

I know the district of Mitcham very well and, although I could speak about other areas, it would be more germane for me to talk about my own electorate. Members would understand that a large component of my electorate is of retirement age, people who are either on pension or superannuation. Invariably, they have properties.

Members interjecting:

The SPEAKER: Order! If the member for Hayward and the member for Stuart wish to continue their debate, I ask them to leave the House or wait until they get the call.

Mr S.J. BAKER: I thank you for your protection, Sir. The pensioners and superannuants, who make up a reasonably strong proportion of the people in my electorate, are faced with some enormous problems. They must make up their mind whether they allow their garden to die or whether they maintain the water and ensure that the greening process continues. The greening process has been put forward by the Labor Government. On the one hand, the Minister for Environment and Planning says, 'We must ensure that Adelaide remains green; we must plant more trees.' We have heard that in this House. On the other hand, the Minister says, 'You will be taxed if you maintain your gardens and your trees.'

That is exactly what we have here. What we have from the Minister for Environment and Planning and the Minister of Water Resources is a conflict. I maintain that it has nothing to do with water conservation but it is all about increasing taxation. The ultimate outcome is that people with largish properties—and they are not necessarily the richest people in Adelaide; they are quite often poorer people—will have to pay large, increased bills, because this Government is bereft of any sort of talent to reduce its expenditures in line with the economic circumstances but wants to increase its revenue base by whatever means it has at its disposal.

I received a phone call from a person this week who previously had a water excess bill of about $100. His house has a frontage of 136 feet and, according to the estimates from the Engineering and Water Supply Department, taking the six months and extrapolating it, his bill will now be $600 per year. That person, who is on a pension, asks, 'What should I do? Should I allow the area just to die? Should I allow my suburb to deteriorate because the Minister of Water Resources has succumbed to the Treasurer's demand for more money? What is happening to our environment as a result of this policy?' This serious problem needs to be addressed. What about people and pensioners buying their houses? How can they afford increased costs? They are taxed on their properties valued over $117 000 and they are taxed on their water use because no-one can live within the regime of 136 kilolitres.

Having seen the charts provided by the Minister of Water Resources I challenge any member here to be on the right side of the ledger of the new taxation system imposed by the Minister. It is a disgusting initiative introduced by the Government; not only is it a cowardly way of collecting taxation, that is, through the back door and based on property without any regard to the capacity of people to pay, but it also makes people realise that they cannot afford any more to maintain their properties to the level and extent that they have in the past. They can no longer afford the pride that they have taken in those properties.

I am proud of the people of my electorate who attempt to keep their properties in good order, even keeping the land outside their boundaries in good order. Many people keep up the lawned areas outside their properties. There are many anomalies, but I do not have time to go through them because of the 10 minutes allowed in such a debate. However, it is absolutely essential for the reasons which have been outlined, and which will continue to be outlined by the Liberal Opposition, that the new water rating system be defeated, and that can be done only by supporting the Bill introduced by my colleague.

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

Mr BRINDAL (Hayward): I commend my colleagues for their erudite contribution to the debate. I acknowledge that, when the Government introduced its supposedly new water rating system, which has become known as the Hudson scheme, it claimed that it represented a new and fairer way of providing a fee for service. Many of my colleagues and I do not accept the specious arguments which are so wide of the mark as to incomprehensible. The Government's arguments on this matter are irrelevant and puerile. The question of fee for service is an important one.

Mr Holloway interjecting:

Mr BRINDAL: I am very much. The member for Mitchell occasionally contributes, and he now asks whether I am in favour of user pays: I categorically state that I am. The point with water is that there are two components: the component of water, which is actually used by every property and there is the necessity, because of fire and safety provision, for an adequate service connection.

The Government tells us continually that, if we go to a strictly user pays system, every householder in South Australia will be severely disadvantaged in having to pay an inordinately high price for water, whereas commercial properties, which now pay a fair proportion of the total water and sewerage bills for the city, will be advantaged under a user pays system.

I do not accept that. If we take into account that all commercial buildings have to be fitted with an adequate provision of water to allow the South Australian Fire Brigade, in the case of a fire, to fight that fire, we are requiring a level of service connection for which a charge can be levied. If a water charging system was fixed to take into account the water actually used and the level of service which must be connected to the property to allow for safety and fire fighting purposes, it would be possible to arrive at a system which is truly user pays, because it would be user pays in terms of water consumed and service provided, reflecting the type of charging that has been traditional in this State. As I said, the Government's arguments in this regard do not hold water.

I should like to take up the points so very well made by my colleague the member for Coles, by the Deputy Leader and by the member for Heysen in his previous contribution and highlight particularly the $117 000 unrealised asset tax which is the level of imposition at which the property value begins to count. I challenge members of the Government to show me how many houses in the metropolitan area between Grand Junction Road to the north and Seacombe Road to the south are valued at much less than $117 000. My reading of the real estate pages suggests that in most electorates the average value of what would be considered to be the median standard home would generally be more than $117 000.

Mrs Kotz interjecting:

Mr BRINDAL: The member for Newland comments that, if they are under that value, she has every confidence that within a couple of years the Government will have ensured that the Valuer-General values them upwards so that they are no longer under that figure. In my electorate very few privately-owned houses are valued under $117 000. As I have told the House before, and as the member for

Coles pointed out tonight, most of the people who live in my electorate and own those homes are not wealthy property owners. They moved into those homes many years ago, they have struggled to pay off the mortgage, they have improved their homes and they now find themselves in retirement often on fixed levels of income.

By this action the Government is taxing those people out of their homes. I have said that before and I will say it again. I believe that that criticism that I level directly at the Government in connection with my electorate is equally applicable to the electorates of the members for Mitchell, Walsh, Bright and Morphett. I believe they should all be standing up in this place and condemning the Government for what it is doing to our senior citizens.

This new water rating system—and let the House get it quite clear—hits two groups particularly: the young and the elderly. It hits the young who are seeking to buy a home for the first time, who might have a house of high value but who are paying an expensive mortgage on it. As the member for Davenport interjected recently, in that case it is a tax on the debt. It also hits the elderly who, on fixed incomes, do not have the capacity to pay. An elderly elector recently visited my office. She has been taking the bath water outside by the bucketload to water her trees because she is so frightened that she will exceed the 136 kilolitres. While I commend anybody who preserves water, she is not baling out the bath to water her garden as a conservation measure; she is doing it out of fear. I do not believe that elderly people should be intimidated in their own homes, especially by a Government which claims to care for them.

The Hon. H. Allison: This Bill could be a watershed at the next election.

Mr BRINDAL: I believe it might be. It is good that we are debating the Bill this week because, as the Government has told us, this is Seniors Week. If there is one time in this House, in particular, when we should be concentrating on seniors and their needs it is perhaps no more applicable than this week. I repeat: what the Government has introduced as a measure for charging for water in this State is inequitous and hits particularly—

The SPEAKER: Order! The members for Kavel, Bright and Davenport are being particularly discourteous to their colleague. The member for Hayward.

Mr BRINDAL: I would never say they were—

The SPEAKER: It is not your choice to make.

Mr BRINDAL: No, Sir, it is yours.

The Hon. H. Allison: We are so water conscious we put bricks in the shower to keep the level down.

Mr BRINDAL: That is one way of doing it. As I said, this water charging method hits the disadvantaged in our community more than it hits any others. It is iniquitous and unfair. We have on the Government benches members who always speak about social justice and about helping those in our society who most need help. I again challenge this Government to have the courage of its convictions. Let the Government introduce some measures into this place that will really help the disadvantaged of our society. Instead of hollow rhetoric and instead of words, let the Government come in here with some measures that actually give social justice to some of the citizens of South Australia. Then I am sure that every member on this side, rather than criticising, will applaud the Government for the measures that it introduces.

The Hon. J.P. Trainer: Ha!

Mr BRINDAL: Well might the member for Walsh laugh, but the time is coming, and it is not far from now, when there will be a change of Government and when the member for Walsh may have the privilege, if he is lucky enough, to sit on these benches and see how a Government that really cares about the people works in South Australia.

Mr HOLLOWAY (Mitchell): I was not going to enter this debate but, after some of the rubbish we have heard from the Opposition tonight, I thought I would have to refute some of their utter hypocrisy. What the Opposition really wants is a user-pays system. It wants to operate on the reverse Robin Hood principle: it wants the richest people in our community to pay less for water and it wants the poor people in the community to pay more. That is what the Opposition is on about. Were the Oppsotion fair dinkum, it would bring in a Bill about user pays.

The member for Hayward said earlier tonight that he was in favour of user pays. Well, let the Liberal Party put up or shut up; let it bring into this place a Bill about user pays; let it say what it will do. However, it will not, because members opposite know what will happen is that the very wealthiest people in our community—those with homes above the $500 000 mark—would be paying a lot less for water and all of the very poorest people in our community would be paying a lot more. The Opposition does not have the guts to come forward with a Bill that puts into practice what its claims.

Instead, they cop out and say, 'Look, to meet our political needs we will put forward a Bill that goes back to the old system.' It is quite oblivious to the fact that the old system of water rates had a property component in it and that has been there since the last century. For over a hundred years the water rating system has been based on property. What has happened is that the owners of the highest value properties have always paid more for water based on their property value. It is just that under the old system it was done through their water allocation, not through their water use. Tonight we have had very spurious arguments from members opposite, trying to justify their position. As I said, a property component has been part of the water rating system for over 100 years and there are very good reasons why it should be. For a start, the higher the value of a property, the more reason there is for a fire-fighting capacity.

An honourable member interjecting:

Mr HOLLOWAY: There are very few properties in my electorate that will be paying the property component; I can assure the honourable member of that. What I can say is that if the honourable member's proposal were brought in, if we had a Liberal Party proposal based on user pays, just about everyone in my electorate would be paying a lot more to subsidise the people in Burnside, Springfield and in all the other areas who would get a reduction. That is what the Liberal Party is really on about, but it does not have the guts to come out and say it.

An honourable member: They never have been.

Mr HOLLOWAY: They never have. There are good reasons why higher value properties should pay more for water. For a start, they generally have larger frontages. The suburbs that members opposite represent have a far higher capital component for the supply of water than the less well off suburbs. For every house in the Burnside area, there would be a much greater investment in the pipes to supply that area than to supply the poorer suburbs. That is the justification for a capital component. Members opposite might not like that, but it is, nevertheless, the case.

Let us take the Hills area of the member for Heysen, for example. If ever there is a pampered area it is that one. Almost every service is subsidised, whether it be the postal service, Telecom, electrical or sewerage. The cost per kilometre of services in that area is far higher than in other

suburbs. Let us take the STA. A booklet has been published called 'STA Service Development Plan', which shows the cost of the Belair train, for example. The cost per passenger is $5.97—far more than for any other public transport system in this State, and it is all because of the terrain. The cost of providing water, sewerage, electricity and everything else is also much higher. It is fair enough that the people in those areas should be able to—

The Hon. D.C. Wotton interjecting:

Mr HOLLOWAY: If the honourable member is going to talk about rainwater, it is the people in his electorate who are polluting the water catchment area, and that is part of the problem. One of the reasons why the price of water has been rising is the cost of cleaning up the catchment areas in which the water rises—the honourable member's area. But that is another issue. The honourable member is complaining about having a component based on property values. Many of these higher value properties are, effectively, being subsidised in their basic services by people living in the western suburbs. It is only fair that in some services there should be—

Mr Brindal interjecting:

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

Mr HOLLOWAY: I do not want to be diverted by the nonsense of members opposite. What they really stand for is a reduction in the rates paid by the wealthiest people in our community, and the only way that can be done is by making the poor pay more. That is the bottom line, but members opposite are not prepared to say it. The other point I should make is that one of the features of the new system is that residents have the opportunity of reducing their water consumption and, thereby, their water rates. They do not have that under the old system.

Under the old system, to which the member for Heysen wants us to revert, the higher the value of the property, the more water allowance there is. Many people in those higher value properties are using water far in excess of their needs because the incentive to reduce consumption is not there. Under the new system, they have the opportunity to reduce consumption and, thereby, their water rates. It has been pointed out that the vast majority of people in the metropolitan area will be able to reduce their water rates under the new system, if they reduce their water consumption to an average level. That is the fundamental point that has been missed.

The old system, which members opposite are trying to support, had no incentive at all for conservation. If we do not take measures now to promote the conservation of water, water consumption will continue to increase in this State. We will need new reservoirs and new sources of water, and that will involve a growing cost to the community. It is important at this stage that we should have a system that contains an incentive for reducing water consumption. The new system put forward by the Government strikes a balance between putting in the incentive to reduce water consumption and, at the same time, ensuring that those people with higher value properties meet their fair share of the capital costs that are involved in the new system.

I reject this Bill. It is a cynical ploy by members opposite who do not have the courage to come forward with the user pays system. If, by some misfortune, members opposite were to get into government, one of the first things they would do would be to attack the poorest people in the community by making them pay more for water. Of course they do not have the courage to do it in advance or to reveal to the people of this State what they are on about in respect of water resources. They do not have the guts because they know that it would be utterly rejected by the people of this State.

The present system is fair and is the right compromise because it ensures that those who pay can afford to do so. At the same time it has the incentive for conservation. That is absolutely important for the future of this State. The member for Hayward was talking about senior's week and how the system is an attack on the elderly. He should contemplate the growing age profile of the population in this country. The proportion of the population over 65 years will grow rapidly in the years to come. The number of people available to support those out of the work force will reduce. It will be a problem for all Governments, whatever their political complexion, and they will have to face it in the near future. It will be a problem for every Government to provide the basic services because fewer people in the work force will be available to pay for those on benefits.

It is most important that in areas such as water resources we should be doing our homework now to ensure that our system is sustainable in the long term. This Government has the courage to make important decisions. All we have had from members opposite is pure political expediency, and they have given themselves away in this Bill. It is a shoddy exercise. They are simply saying that we should go back to the old system because they do not have the courage to stand up and say what they are on about. The old system will penalise the poorest people in the community. I reject this Opposition Bill.

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

RURAL COMMUNITY

Mr GUNN (Eyre): I seek leave to slightly amend my motion, as follows:

Leave out the words 'in the opinion of the House'.

Leave granted; proposed motion amended.

Mr GUNN: I move:

That a select committee be established—

(a) to inquire into the reasons why many farmers and small businesses in rural South Australia are having difficulty in raising adequate finance to maintain their operations;

(b) to examine the operations of and funds available to the Rural Industries Assistance Branch of the Department of Agriculture to see if they are being directed toward those who have the best possibility of long-term viability;

(c) to examine the need for the Government to give protection to those facing foreclosure; and

(d) to give those people who believe they have been harshly treated by the financial institutions the ability to advise the select committee of the difficulties they are facing.

The purpose of this motion is to clearly give the House the opportunity to inquire into and report on the many difficult cases of which members from both sides of the House will be fully aware. Members would be aware that the rural sector in this State and nation is going through one of the most difficult times with low commodity prices, excessively high interest rates, high taxes and charges, bureaucracy and red tape and the failure to properly understand the contribution that the rural sector makes to the economy and employment base in South Australia and in the nation as a whole. Unless something is done very quickly, we run the grave risk of destroying a generation of young farmers.

We are already well down the road to destroying a generation of young Australians who will not know what it is like to work. Unless we take some firm, positive and responsible action very quickly, those people who have laid the foundations and built this State and nation will not have

the opportunity or the ability to continue to maintain a reasonable standard of living for the community at large.

Over a long period we have taken for granted the fact that primary industry will continue to provide the very basis of our economic stability in this State and nation; yet we have stood idly by and seen the creation of a set of circumstances beyond the control of the farming and agricultural sector foisted on those people who have been placed in a situation where their very ability to produce has been placed in jeopardy. For example, three years ago the return to a farmer on a bale of wool was about $1 000; today the return is about $400 to $450. That is a dramatic downturn, but the costs are still going up. With interest rates still at about 15 to 16 per cent, people who traditionally have had to borrow to maintain their operations are being put in a situation where they will not be able to replace their plant and equipment to maintain the high standards which agriculture has reached in this country.

We are all aware that many people believe that they have been harshly treated by financial institutions. Therefore, there is a role for this Parliament to adopt and that is to give those people the opportunity under the privileges of this Parliament to come forward without fear or favour to tell the Parliament so that its legislators will be in a position to make some informed judgments.

In the last depression, the Minister of the day had the power in exceptional circumstances to issue protection certificates to prevent action being taken. When I first became a member of this place, the Minister of Lands had that authority under one of the rural adjustment schemes operating at that time. It was difficult to get the Minister to exercise that particular option, but it should be exercised in certain cases today because many people have been placed in this most difficult situation through no fault of their own. Many of them are people who, in normal circumstances, would be the most successful farmers in the community. However, we are not only talking about people who are directly involved but about small businesses, such as the machinery agents; the people who repair and maintain machinery; the shopkeepers; the people who maintain, erect and repair windmills; shearing contractors; and a very large number of people who depend upon the rural community.

As we examine who has been affected, we look at the effects on Government services, at attempts to do away with kindergartens, schools and school buses, and now the hospital system is under attack and the employment base has been destroyed. This motion is put forward not to embarrass the Government in any way but to give the Parliament the opportunity to properly inform itself and take corrective action. I recognise that the real economic policy decision in this country is in the hands of the Commonwealth Government and that the time has long since passed when we should have changed that policy. Nonsense has been flowing from Canberra from people who have read too many economic theory books and not taken enough notice of commonsense.

I do not believe there is any point in exporting jobs from this country. It is a nonsense to close down manufacturing and processing plants, whether it be canning tomatoes, building motor cars or employing people in other sections of industry. It is an economic nonsense to continue to lift barriers, tariffs and protection of our industry while we allow other countries to flood our markets. It does not make any sense. We ought to be saying to the world, 'We are prepared to let your goods into this country if you treat our exporters on an equal basis. Until you do so we will not go down that road.'

Not only have rural producers had to face those difficulties caused by the foolishness of the policies of the EC and the subsidies of the American farm support program and the support that is given to farmers in Canada and other parts of the world but the Government has been using a high interest rate regime to absolutely cripple the future of agriculture and small business in this country.

People can no longer afford to engage in many of the productive enterprises in which they were previously involved, because of this ridiculous policy and, unless we are prepared to take some firm action and make it very clear to the financial institutions that the Parliament as a whole is examining very carefully what they are doing, I believe we are not acting in the best short or long-term interest. It is Governments that make these decisions and it is Parliaments that have the ability to judge Governments, review them and take action. Unless the Parliaments around this nation are prepared to exercise their authority, the community at large, and particularly the rural industry, the mining industry, the small employers and the manufacturing industry, will continue to be decimated.

My real concern is that we are now in a situation where people have not been able to replace their stock, plant and machinery because of the costs involved and the lack of income. Unless something is done very quickly, the competitive advantage that this country's rural industries have had—they have been most efficient and effective and have kept abreast of technology and the most advanced machinery—we will lose that edge and fall even further behind and become even less competitive. Therefore, it is essential that Governments take the appropriate action.

I have moved this motion and I have been in contact with the Minister in order to make it clear that I am not attempting to upstage or embarrass him but, in doing so, I remind the House that farm indebtedness to financial institutions in this country, having been approximately $8 000 million in 1986, has now gone to nearly $12 000 million in 1990. That is $4 000 million in four years, so there is a need for the Parliament to take protective and responsible action to protect those people against this current situation. We are long past the time when we can sit idly by and hope the situation will correct itself. It is in urgent need of direct Government action to implement some sensible taxation concessions to give incentives for people to purchase and invest in machinery, stock and plant. There is a need to reduce Government charges such as WorkCover and all those other sorts of imposts in relation to which small businesses are really bookkeepers and collectors for the Government. The time has come to review all those activities.

Parliament must take some sensible, responsible and positive action to prevent the continued decline in rural Australia, or we will continue to run down. There will be fewer and fewer people out there and when things turn around we will not have the capacity to allow primary industry to make those tremendous contributions to the welfare of every citizen in this State, unless we take some positive action. I believe that a select committee will give a range of members (and I hope that there would be more than the normal five members) an opportunity to become personally involved so that they will clearly understand the difficulty that many average Australian farmers are experiencing. These people are not looking for charity; all they are looking for is the ability to continue with their enterprises. The best farmers are those who were born on the farm and who understand. They do not mind the isolation and the lack of facilities; they have a desire to work hard, as I believe most of the nation would, if given the opportunity.

The current economic situation is destroying the fabric of society. It is a disgrace to have 10 per cent—nearly 11 per cent—of our young people out of work and, on a daily basis, we are driving people from rural Australia into the cities, which can ill afford to house and look after them, let alone provide them with enough jobs. Most of the farms in Australia are in such a condition that a great deal of money could be spent on them productively. I want to see the creation of a situation where farming enterprises and the people running them have access to funds and income to enable them to continue to develop their enterprises and to employ people, produce export income and maintain a reasonable standard of living for all Australian citizens. I urge the House to support this motion because it is commonsense. It is designed not to make life difficult for the Government but to help people in primary industry achieve their objectives.

Debate adjourned.

At 8.30 p.m., the bells having been rung:

The DEPUTY SPEAKER: Order! Call on the business of the day.

STRATA TITLES (RESOLUTION OF DISPUTES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

SHERIFF'S ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

SELECT COMMITTEE ON THE ABALONE INDUSTRY

Adjourned debate on motion (resumed on motion).

(Continued from page 1370.)

Mr De LAINE (Price): Prior to the dinner adjournment I had virtually completed my remarks on this select committee. I am pleased to support the motion for the noting of its report.

Mr LEWIS (Murray-Mallee): I commend the committee for the work that it has done and thank it for its report. Nonetheless, I believe that the House should have its attention drawn to some of the matters covered by the committee and others not covered in what I regard as adequate detail. It is not my purpose to be disparaging of the committee without acknowledging the positive contribution that it makes to the better understanding we now have of this particular fishery (if it is to be called that).

I do not want to waste the time of the House repeating the things that have been said by others. We are looking at the Haliotis laevigata and ruber species. The other species that was addressed by the committee, unfortunately in no more than a cursory fashion, was roei. These animals are molluscs; they are of the same family as snails, and that is easy to see. They live on similar types of life forms and vegetation and produce similar flesh, albeit in a much changed environment. However, when one analyses how they live one sees that it is not so different to snails. They are fascinating creatures and a means by which we can obtain from otherwise unproductive domains in our eco system at large not just substantial quantities of protein but substantial quantities of prized protein on world markets. The prices paid for it are the reasons why there are problems with poachers. It has more recently acquired the status of a delicacy in our culture because it was previously a delicacy in Oriental cultures.

The animals live on species of plants in the sea which are otherwise not eaten and which are inedible to humans. However, most members will know that the Japanese are able to and do eat quite tasty meals. Seaweed is a component of their diet. However, the seaweed the Japanese can and do eat does not contain the range of plants which these abalone and large marine gastropods in the family of molluscs are able to eat.

I make all these points because of the importance they have to the work of the select committee and the regrettable decision which the select committee made, as reported on page 9 of the report, not to further examine the commercial exploitation of roei, because that species could be exploited effectively, successfully and profitably. It will increase in numbers, as it has. I have been a scuba diver for 25 years since it was not possible to obtain the kind of regulators and the cleanliness of compressed air that it is possible to obtain nowadays. In the time I have been diving up until recent years, I have noticed that the numbers of roei have increased because they are not being taken from the wild whereas the two other species, laevigata and ruber, have been—that is greenlip and blacklip, greenlip being the sought after species.

I hope that the House, acting on information and advice, finally provided to it through the Minister, will agree to allow, indeed encourage, the harvesting of roei and, more particularly, the aquaculture of that species. It is a good species with a rapid growth rate to the point where, if they could be taken at a smaller size, it would be sensible to take the other two species. Aquaculture is the way to go with any of these species. That does not mean that the commercial fisheries ought to be abandoned.

In relation to the fishery *per se*, it is important for members to recognise that commercial operation is to aquaculture, that is, fishing for this or any other species, what hunting is to agriculture. To call fishermen farmers of the sea is, strictly speaking, a nonsense. Fishermen *per se* do not take care of particular animals: they simply harvest the animals they come across with the technology available to them relevant to the commercial activity in obtaining that species efficiently for the greatest possible profit. They use techniques, that is, technology, that enable them to minimise costs for the yield of weight of fish they get.

We can do much better than that by farming them, and I am sure that we will do so in due course. At present, it is not possible to either harvest from the wild or farm roei. We have let this industry grow like topsy. The animals that were available in the wild were the animals first taken and sold. No detrimental consequence accrued to the ecosystem from which they were harvested, so the numbers taken and sold increased. It became necessary to those people who then followed the lead and got into the industry to regulate the amount of catch taken and those people who could engage in taking it. The Government stepped in and began to manage the wild fish stock of the species that were apparently appropriate for harvest and sale. That is commendable. I want members to think again about the technology that is used in this operation and the method by which we provide access to the fishery and management of it.

At present we ought not to be simply issuing licences as the means by which we ration the effort in the fishery. In my judgment there ought to be much less emphasis placed on the licensing of the fisher involved and more emphasis placed on the quantity taken and the place from which they are taken. I want to explain this by inviting members to contemplate for a moment the way in which the modern supermarket operates. People collect their goods off the shelf and bar labelling is used as a means by which the machine at the check-out registers the items and the prices so that there is a stock control and immediate reassessment of the inventory in the store as well as a print-out for the customer of all the items so taken.

We can use exactly the same technology to identify the animals we harvest from our wild populations, such as a fishery, and identify not only the location but also the species. I am saying that the best way to manage the effort in any fishery is to sell individual tags, which would be relevant to a particular location and period of time, give or take two months about a central point in the time for which the tags were printed and sold by the managers of the fishery, that is the community, the Government in the public interest, and then those tags can be taken by the person who bought them to that location. They can catch the fish and immediately apply the tag to it. If a person is caught with a fish without a tag on it, that person is subject immediately to a fine. Once the fish have been taken and the tags used, it is legally possible to sell the fish. It does not matter who has a fish without a tag: unless the person can prove that in some way or other they were not responsible for the tag disappearing or not having been put on in the first place, depending on whether it is the fisherman, shopkeeper or whoever else may own the fish in the process of getting it from where it was harvested to where it is consumed, the person in possession of the fish is guilty of an offence.

We use that technique already by providing tags to people harvesting kangaroos, and it is used in many other places around the world for the control of the rate of harvest of wild animals by given populations where, in the public interest, we wish to manage that population. I am saying that that is a more effective way for us to monitor and control from where we get the fish, in terms of the location in coastal waters, the months over which the fish can be taken and, finally, the owner because, once someone buys the tag, if a person is licensed (and that need not be an expensive thing), that person has the means by which they can add their piece of magnetic nomenclature to the bar chart in the little tag is the owner who, as the fisherman, took that animal from the wild. It protects the fisher as well so that, if a catch is stolen, no-one else can sell it: the fisher alone can sell it. There are advantages for everyone, every which way.

Having made that general statement about the way in which we could do that for many species taken from the wild, particularly fish (it need not be restricted to fish), I would now look closely at abalone. In the time available to me I wish to say something about foreign ownership and the right to fish. So far as I am concerned, unless one is a permanent resident of Australia or a citizen of this country, one should not be allowed to exploit the coastal waters of Australia. I do not care whether it is 1 per cent or any other figure. As to being a foreigner, there are plenty of Australians who want the opportunity, and I believe that such people can go home and do it or, alternatively, apply to migrate and become part of our community. We do not need foreign ownership in this or any other fishery. We meet the cost of managing it and we should not put up with people coming from those agencies who are not willing to make a commitment to our Government, our constitution and our law.

If they are not prepared to accept citizenship or to give a commitment ultimately to do so, as people who have applied for and obtained permanent residency, as far as I am concerned there should be no licence—not 10, not 15, not 20 per cent. However, if a majority of members disagree with me and/or the Government decides to pursue a policy in which foreign ownership is mentioned, the committee ought to have said how it wanted its statement on page 8 to be interpreted:

> The committee believed that access rights (that is, licences/units of quota) to the abalone fishery should remain under the control of Australian interests.

I heartily concur with that and have said so. The report continues:

> It was suggested the maximum level of foreign control—

I do not know whether that is an unfortunate use of the word 'control' and whether the committee meant ownership instead—

> should not exceed 15 per cent.

Elsewhere in the summarised recommendations, the committee indicates that legislation be enacted to limit foreign ownership of abalone fishery licences to a maximum of 15 per cent of any one licence. Does that mean that it can be 15 per cent owned by natural persons who are aliens or bodies corporate which are alien? That is not stated. If it is to be permitted to allow foreign interests to own shares in a licence, it ought not to be anything other than natural persons.

I do not think that bodies corporate should be allowed to own shares in a licence or licences. If it were a body corporate, that body corporate could own 15 per cent of several licences and thereby have an interest in each of them and control the marketing from them. By having control of the subtantial rates of supply, as would arise from owning an interest in several, they would compel each to belong to get the benefit that would not otherwise accrue to them. That would be detrimental. There is an opportunity there, which time does not allow me to explain, for organised crime to get in in the same way as has happened in our opal industry. I talked about that in August last year.

The other matters to which I wish to draw attention in the report relate to diving. I agree with everything that the committee discovered and suggested with respect to the way in which people participating in the industry must be skilled, and that the occupational health and safety provisions of equipment must be preserved. On page 21, there may be a typographical error. There is a reference to the South Pacific Underwater Society. I think that the word 'Medical' has been missed out. It is important that we know where we can get expert information and obtain the kind of assistance that will be needed if we are to allow a further expansion of the number of people legally and sensibly participating in this industry. There are now some people in their not so old age who will end up suffering from acute illnesses and skeletel deformity who should never have been allowed to engage in such practices for short run profit at the peril of their own health and the expense of the rest of the community who will now have to care for them. That distresses me. I commend the committee for the exposure of the need for that.

There are other matters in the report that I would like to have addressed had time permitted, but I am sure that in the fullness of time they will be properly addressed. I again commend the committee for its work. I also commend the work that has been done over the years by Mr Scoresby

Shepherd, more recently assisted by Mr Brandon from the Fisheries Department, in developing our understanding of these species and this fishery, among others, that he has worked on throughout his outstanding life's work in our Fisheries Department. I thank the House for its attention to my motion.

The Hon. LYNN ARNOLD (Minister of Fisheries): At the outset, I give my thanks and congratulations to the member for Stuart and the other members of the select committee for the work they have done in dealing with the agenda that the House gave to them with respect not only to the question of who can own licences and then operate the actual diving activity but also some related matters that were of equal importance. I believe that the committee has taken on the task with great skill and has dealt very well with what are very complex issues, especially if one looks at the wider ramifications. Of course, it is now my obligation, subject to this House's passing the motion of noting, to take the matter further and to pursue it with respect to drafting of the necessary regulations or legislative amendments that might be required. I will certainly be processing that and I hope to see an outcome satisfactory to this place as soon as possible.

I also note that a number of points have been made by members and I will certainly be referring them to my department to examine some of the issues and I will examine some of those issues further. With respect to the question of roei abalone, I have had some approaches on that matter. As I mentioned by way of interjection—and therefore unauthorised and I apologise—during the contribution of the member for Flinders, we are in the process of preparing a discussion paper on whether or not roei abalone can be appropriately exploited. The question is quite complex. At the one level there is the matter of whether or not, if they are to be exploited, they should be exploited by recreational fishers and/or commercial fishers. Then there is the question of the extent to which the policing of appropriate exploitation of green lip and black lip abalone will be compromised by any policy change with respect to roei abalone. Therefore, I really think it is necessary that we put out a discussion paper to pursue this matter.

I have had a number of contrary views put to me. In the end, the diversity of those contrary views gives some explanation as to why in the past we have done nothing about roei. We have simply decided that it is all too hard and left them out there without any exploitation at all. I am not sure whether or not that is the appropriate continuing response and we will see what the discussion paper brings up. However, nothing we do should compromise the proper management of the black lip and green lip abalone. I think that everyone here would agree with that.

I also appreciate the work that has been done by the Abalone Association in terms of giving submissions and contributing to the work of the select committee. In fact, it was the association's original approach to me that led me to feel that there was a need for a select committee on this precise issue. The association very cogently argued its case and I felt that it was therefore appropriate to examine the wider ramifications. Likewise, I think the Department of Fisheries has handled the issue well in terms of providing advice to the select committee.

The abalone industry is an important commercial industry; it has contributed significant value to the State in the past and it has the promise of doing so in the future because here in South Australia we have had appropriate management policies. It needs to be noted that abalone fisheries die out; they have died out in a number of places in the world. The abalone that had in fact previously been available from sources right around the Pacific rim is now much more limited and one of those more limited areas is, in fact, South Australia, because we have recognised the serious management questions that had to be answered. I also believe that it needs to be noted that, given their very high value, there is the temptation for some to encroach and poach upon that fishery and undermine the efforts of legitimate abalone fishers as they seek to use their lawful right to exploit that fishery.

We have had problems in the past, but we have seen some very effective activities involving inspectors from the Department of Fisheries and the South Australian police, and good interaction with Victorian authorities in recent years to minimise, if not to wipe out, the abalone poaching industry. Abalone poaching has an enormous threat potential in terms of wiping out the fishery in this State. I want to deal briefly with the amendment moved by the member for Eyre. At the outset, I want to acknowledge that it is a very complex case. The implicitly tragic circumstances have been noted by my predecessors on both sides of this House and by me. Had the situation occurred and the law been different, or had various other circumstances in the Department of Fisheries or the Ministry been different, perhaps some different outcome might have resulted. But that is all speculative.

The reality is that the law that existed in the 1970s did not provide for other than what happened. As my colleague the member for Henley Beach so adequately outlined, the reality was that there was not the opportunity for a transfer of a licence under the Act as it existed at the time. A special permit was granted that allowed Mrs Manuel to employ a person to dive on her behalf for the duration of the permit held by her husband but, at the end of that, that special permit expired.

The issues involved were very complex, and the tragedy of her husband's death made that so. I have checked the files closely, and note that the member for Flinders made some reference to the offer of other members of the abalone association to contribute beneficial days for diving. I have not come across that in the documentation that I have seen, but I will check the documentation again. Of course, one could argue that the same situation could still apply at this stage.

I must say that one matter puzzles me, and perhaps the member for Eyre and others are in a position to advise me better on it, because I have not been Minister of Fisheries for the duration of time we are talking about other than for the past 2½ years. I have not seen constant references to this matter over that time. Some references are contained in the documentation that I have seen, but not the extensive representation implied in the comments made this evening. I do not doubt that they have been made, but I have not seen them. It needs to be noted that Ministers of Fisheries in both Parties—in the Tonkin Government and this Government and the Dunstan-Corcoran Governments of the 1970s—have not seen their way clear to do what is sought in this amendment.

The difficulty is that the legal impediments that existed, the Crown Law advice that exists and other issues simply meant that those Governments were not able to do what this amendment seeks to have done. Of course, at various stages there has been the opportunity for legal redress to be sought, and the member for Henley Beach wisely drew attention to that. It would be enormously complicated and, in fact, wrong of this House now to accept this amendment, because the whole question of examining a retrospective situation under present day law, when another determina-

tion was required to be made under the existing law of the time, opens up a veritable Pandora's box of other similar requests for compensation right across the area of Government.

It certainly would not be appropriate for us in this amendment to make such a decision that could have enormous ramifications. Whilst not in any way wanting to underestimate the personal tragedy of the situation, I do not believe that it would be appropriate for this House to accept the amendment. In saying that, I understand and accept the point made by both the members for Eyre and Flinders. The member for Eyre has pursued the matter, as has the member for Flinders. I understand that the member for Eyre raised the matter in the committee and, upon advice, preferred to draw the matter to the attention of the House. I accept the reason for its being put in this form, but I should have thought, given the wider issues and time involved (18 years), that there would have been other opportunities over the years to pursue it in the wider context so that we could properly address all the ramifications which I am convinced would come out and other similar requests for compensation, because the law had changed, from so many other potential litigants.

To recap, the law in the 1980s with respect to this fishery was different from what it was in the 1970s. Gratefully it did not happen again, but, had circumstances like those of Terry Manuel occurred again in the 1980s, a different set of circumstances may have taken place because of the law then applying. It is difficult to go back in history, to choose a period when the law was different and to say that it should not have been that way and that what we have now put in place should have applied then. There are so many areas of government in which one could take modern-day law, transpose it back to a previous situation and say that, as a result, this or that should happen and that one should be eligible for compensation. It would make the whole act of government an untenable one.

I would certainly appreciate any further advice that the honourable member is able to give us on this matter, but on the face of it there are no grounds for accepting the amendment at this juncture. I do not take that decision lightly, as I have examined very closely all the documentation that has been made available to me. Indeed, I have looked at it from whatever angle possible to see what could be done, but it does not add up in the necessary legal way without inviting the enormous problems to which I have just drawn members' attention.

Coming back to the select committee report, I am pleased with the broad outcome of it. It has taken on board the issues that I referred to the select committee, and we look forward to processing them at the earliest opportunity. I will come back to this place with the necessary amendments, either regulatory or legislative, to facilitate it. I thank the member for Stuart and the other members of the committee.

Mrs HUTCHISON (Stuart): I thank the members for Goyder, Eyre, Henley Beach, Flinders, Price and Murray-Mallee and the Minister for their contributions. All members have made quite clear the concerns that we had, in particular on foreign ownership, which was also raised by the member for Murray-Mallee, despite his not being a member of the committee. Obviously he had concerns about the foreign ownership prospect. On the advice of Crown Law, the committee felt that it had to include the 15 per cent. I am sure that the Minister will check that matter before any legislative changes are made.

I think every member has raised concerns about illegal poaching, something upon which the Minister will act very shortly as he has indicated. I think the Minister summed up the rest of the report quite well, so I will not take up too much time of the House other than to thank the witnesses who gave both written and oral evidence. I omitted to do that initially, and I would like to thank the member for Flinders for reminding me of that matter. I respect the member for Eyre's right to move an amendment.

This matter has been of ongoing concern to him over a number of years and he obviously feels very strongly about it. However, I think the Minister has summed up the situation. I feel most sincerely for Mrs Manuel, and I have indicated my sympathy to the member for Eyre. It was unfortunate that after taking advice the committee felt that that matter did not come within its terms of reference and could not be dealt with. Once again, I thank the members of the committee and I ask the House to note the report.

The House divided on the amendment:

Ayes (19)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Blacker and Brindal, Ms Cashmore, Messrs S.G. Evans, Goldsworthy and Gunn (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes (19)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, M.J. Evans, Ferguson, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison (teller), Messrs McKee, Quirke, Rann and Trainer.

Pairs—Ayes—Messrs Becker, Chapman, Eastick and Ingerson. Noes—Messrs Gregory and Klunder, Ms Lenehan and Mr Mayes.

The SPEAKER: There being an equality of votes, I give my casting vote for the Noes.

Amendment thus negatived; motion carried.

ADJOURNMENT

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

That the House do now adjourn.

Mrs KOTZ (Newland): During Question Time yesterday I asked the Minister of Correctional Services to define what is a substantial offence free period before his department employs someone with a conviction as a correctional services officer. I asked the question to clarify the Minister's written reply to a question I asked during Estimates Committees, which in part stated:

> In each case, where a person who has a conviction seeks employment with the Department of Correctional Services, the decision as to whether that person will be employed is made by the Chief Executive Officer on the basis of a submission in which the person must give some indication of his or her feelings about the offence when it occurred. The department always requires that a substantial offence free period has occurred before employment.

The Minister replied to me at that time that I had answered my own question and should look up the word 'substantial' in the dictionary if I did not understand its meaning. I can assure the Minister that I am well versed in the meaning of the word 'substantial' and can relate instances in previous speeches in this House when I have condemned this Government for not having substance but being the masters of illusion. Having established my understanding of the word 'substantial', allow me to educate the Minister of Correctional Services directly from the *Concise Oxford Dictionary* of current English (Fourth Edition).

The word 'substantial' is defined as 'having substance; actually existing; not illusory'. I thank the *Oxford Dictionary* for verifying my correct usage of the term when applied to

this Government, as having no substance and being fully illusory. But, to continue the Minister's education, the further definitions of substantial are: 'of real importance or value; of considerable amount'. If we apply those definitions to the original question that I asked the Minister, namely, what is a substantial offence free period, the answer would be: having substance offence free period; an actually existing offence free period; not an illusory offence free period; of real importance or value offence free period; of considerable amount offence free period. We certainly have a choice. Perhaps, the closest definition would be 'considerable amount offence free period', but then, the Minister may wish to know the definition of 'considerable'.

Turning to the trusty *Oxford Dictionary* once again, the definition of 'considerable' is as follows:

Worth considering, notable, important, much, not small.

We seem to have got so far but no further. Therefore, I suggest to the Minister that the original question remains the same—unanswered—and the Minister's answer remains the same: without substance.

This poses three questions. First, why did the Minister refuse to answer what in all good faith is a reasonable, inoffensive information-seeking question? Secondly, does the Minister know the answer? Thirdly, does the Minister have something to hide? The Minister's major ability appears to be in mastering evasive techniques. The original question asked of the Minister during the Estimates Committee was:

What is the Government's policy with respect to the employment of correctional service officers in so far as they may have convictions? Does the department have officers who have convictions? If so, how many, in what areas are they employed, and what sort of convictions do they have?

The Minister's answer at that time was:

Certainly, some prison officers have had convictions for various offences. I do not have the details here.

The Minister did go on to inform me that if I wanted to get further details he would be prepared to give them to me privately, and then he qualified that by saying:

I will—if it is appropriate.

He also went on to say that he would check the privacy provisions that apply as regards the dissemination of personal information, and then said:

However, within that constraint, I will certainly give the honourable member privately as much information as I have or can find.

Mr Hamilton: That's reasonable.

Mrs KOTZ: Yes, as the honourable member opposite said, it is reasonable. He went on to say:

If, on the other hand, the member for Newland wants me to put that information in *Hansard*—

but then went on to qualify it—

again, subject to all the appropriate privacy provisions, I will do that.

I think the racing fraternity would call that hedging one's bets. The Minister has admitted that some prisoners have had convictions for various offences. Therefore, it is both reasonable and proper for this Parliament to seek clarifying information, first, on overall Government policy which determines the criteria of selection and, secondly, statistics on the current status of officers employed by a Government department responsible to the tax-paying public of the State.

At no time have I expressed any desire to seek names or information that may identify individuals. Therefore, I question the Minister's purely evasive rhetorical references to privacy provisions in a further attempt to delay the supply of these details. In answer to my question yesterday the Minister of Correctional Services intimated that I was out to get correctional services officers. First, I find that suggestion totally offensive, intellectually naive and absolutely incorrect. Secondly, it smacks of political intimidation by the suggested inference of a motive far removed from reality.

During the Estimates Committee the Minister made similar allegations in answer to my line of questioning about prison officers. I charge the Minister with an attempt to intimidate, following his actions in the budget Estimates Committee. The Minister, having established in *Hansard* his unsubstantiated allegations—and I am prepared to offer the Minister the *Concise Oxford Dictionary* to peruse the term 'unsubstantiated'—photocopied from the draft galleys the question and answer section which included those allegations and sent them to correctional services officers throughout the State. This incensed certain prison officers and, as a result, I received one phone call and one abusive letter the intent of which was to harass me and support the attempted intimidation initiated by the Minister.

I wish to quite categorically state to this Parliament and to the Minister that I will not be intimidated by those actions or by any other action devised by the Minister. I will not back off or back down from asking legitimate, reasonable and information-seeking questions on behalf of my electorate, the correctional services officers or, indeed, the people of this State at any time. I also put on record for the Minister's benefit and information that a large number of prison officers are currently within the system who have expressed their concern about the correctional services system, its anomalies and this Government's policies of directions.

As for the contacts made with me by two prison officers, whose intent was one of harassment, I have had many phone calls of support. The prison officers within the system with whom I have had contact are aware of my support for them and their families, and that I recognise the very difficult and responsible job they carry out on behalf of our community. They are also aware that I reserve the right to ask the hard questions if and when that is necessary. The questions have been asked, and they are now a matter of record in this Parliament. It is also a matter of record that the answers to those questions have not yet been forthcoming, but they will remain in the record to remind the taxpayers that the Minister of the Crown responsible for Correctional Services is withholding basic clarification of Government policy information which, in itself, suggests that the Minister does indeed have something to hide.

The Hon. T.H. HEMMINGS (Napier): Jim Crichton, one of the longest serving housing officials in Australia, passed away yesterday after battling with a serious respiratory illness for several years. As many in this House would know, Jim Crichton worked for the South Australian Housing Trust for nearly 40 years, before retiring due to ill health in 1987. During his long career Jim made an outstanding contribution to our community and had great commitment to and compassion for those less fortunate and needy among us.

Throughout his life Jim always gave more than he received—to him it was right and proper to take up the cudgels on behalf of the battlers in our society. Jim never sat in judgment of others: he saw his role as that of a helper and an advocate. As a result, literally thousands of South Australians had a second chance in life with regard to having a decent home to live in. Jim grew up in a Housing Trust home in Ferryden Park—he told me once that it was the Housing Improvement Act that had enabled his parents to get that trust house, to get a decent home to bring up their family.

He started his working career with the Trust in 1948, as a junior clerk. He served in finance, supplies and personnel before joining the General Manager's Department in 1957. He became assistant secretary in January 1973 and Secretary of the trust three months later. The following year he assumed the responsibility of estates management. He served for extended periods as Acting General Manager and just prior to his retirement as Assistant General Manager, Housing Supply as the trust restructured its housing production operation.

Jim Crichton was a driving force behind many initiatives which have broadened the services of the trust and brought public housing closer to the community in South Australia. One of the earliest of these was the priority housing scheme which Jim developed in consultation with the South Australian Council of Social Services (SACOSS). Implemented late in 1972, this scheme has given the welfare and medical sectors direct access to out-of-line housing and, through this on-going liaison between the trust and the caring agencies, thousands of South Austalian families have been assisted at the time of their most urgent need. Nearly 20 years later, the priority housing scheme is an integral component of the trust's housing services and has served as a model system which has been adapted by other State housing authorities around Australia.

Jim Crichton also played a major role in the establishment of the Emergency Housing Office, which has also assisted thousands of families in times of crisis. In the early 1980s Jim Crichton was responsible for regionalising the trust's housing services and, under his guidance, the trust moved from being a highly centralised organisation to an organisation which is closely in touch with local communities and delivers all its services from local offices. The trust's recent regional restructure has been built on the excellent foundation established by Jim's work in the early 1980s to devolve services to the local level.

At the time of his retirement, Jim Crichton was responsible for the delivery of a wide range of services to some 58 000 tenants and more than 40 000 applicants, as well as for the maintenance of all trust dwellings and the provision of special services to individuals and community groups. Jim Crichton's management style was characterised by a hands-on involvement in many initiatives and, as a consequence, he was well known throughout the community and much sought after as a sponsor and speaker. Jim was an active parishioner at Findon and was well known and respected in the Woodville community. He told me on many occasions that his faith had guided him throughout his life, and his achievements and the compassion he showed through his working life bears testimony to that philosophy.

Jim served as Chairman of the South Australian Cricket Association cricket committee; was President of the Woodville District Cricket Club; a member of the South Australian National Football League Boundaries Commission; and Vice-President of the Woodville Football Club, having been Secretary when the team first entered league football in 1964. He was also a member of the Port Adelaide Redevelopment Committee, and could always tell you stories of life in the Port Adelaide area when he was a youngster.

Jim Crichton's contribution to housing in South Australia also extended to looking after the housing needs of teachers and later all Government employees. In the mid 1970s Jim was the driving force behind the establishment of the Teacher Housing Authority. Starting out as a small unit under Jim's wing, this organisation grew to be a respected provider of quality housing throughout the State and especially in the most remote parts for teachers. Under Jim's guidance, teachers from Indulcanna to Bordertown to Kangaroo Island have all benefited by his care to ensure that teachers had a reasonable standard of accommodation.

In 1987 the Teacher Housing Authority was used as the basis for a new deal in housing for all public servants through the establishement of the Office of Government Employee Housing, and Jim was the Chair of this organisation. The work that had been done in the Teacher Housing Authority was developed with new rent structures, better standards and better maintenance under Jim's guiding eye. Today, there are 3 300 homes across the State looking after the needs of the public sector as a lasting tribute to Jim's work.

Jim's contribution to the South Australian community, particularly through his work in the Housing Trust, has been acknowledged in a number of developments which will now bear memorial to his name. At Henley Beach, a joint venture between the Housing Trust and the Western Community Hospital, providing 20 independent living units for the aged, is named Crichton Court in Jim's honour. A block of pensioner units and two streets have been named after him as further recognition of his work. Late in 1986, Jim was awarded the Telecom Advance Australia Award of Merit for his contributions to community housing and general community matters and his involvement in sporting activities.

I know one of Jim's proudest moments was on Australia Day 1988 when he was made a Member of the Order of Australia for his long and distinguished service to the public. This was indeed fitting recognition of Jim's work spanning nearly 40 years, during which time he tirelessly worked for others less fortunate than himself.

Jim became critically ill in July 1986 and, with great courage, tenacity and strong support form his family, many friends and dedicated hospital staff, fought hard to survive. Jim's passing is a sad moment for me personally as I had worked closely with him during my years as Minister of Housing and Construction, and prior to that in local government from 1969. Jim is survived by his widow, Marcella and two sons and to them I, and I hope along with other members of the House, pass on my sincere and deepest sympathies. Jim will always be remembered as a man of compassion and for his excellent service to the Housing Trust and the community in which he lived and worked.

Motion carried.

At 9.30 p.m. the House adjourned until Thursday 24 October at 10.30 a.m.