HOUSE OF ASSEMBLY

Wednesday 4 August 1993

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

BENEFICIAL FINANCE

The Hon. LYNN ARNOLD (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. LYNN ARNOLD: Yesterday, the Leader of the Opposition asked me a question regarding alleged illegal activity by executives at Beneficial Finance Corporation. As is widely known, the Royal Commission and the Auditor-General were required to conduct a full and exhaustive examination of the causes of the losses incurred by the State Bank Group.

My Government has recently established a task force to pursue any possible criminal prosecutions arising out of those reports. In particular, the task force will:

- consider all reports from the Royal Commission and the Auditor-General;
- in anticipation of the final report by the Royal Commissioner, establish procedures to coordinate and allocate the recommendations within that report for investigation or prosecution;
- address questions of jurisdictional responsibility for investigation or prosecution;
- address questions of access by the ASC and the Director of Public Prosecutions to materials, documents and evidence held by the Royal Commission and the Auditor-General;
- liaise with the Royal Commissioner about the effective allocation of references for prosecution.

In short, the task force is charged with doing everything necessary to ensure that findings of the Royal Commission and the Auditor-General which may involve criminal proceedings are followed through. On the specific matter raised yesterday by the Leader of the Opposition, the Commissioner in his first report made the following comments:

> On 30 and 31 July 1990 Mr Simmons told the Treasurer that there were problems with several BFC executives, including Mr Baker. Mr Simmons told the Treasurer that the problems included what appeared to have been unauthorised loans and conduct that might attract criminal proceedings.
>
> Mr Baker subsequently left the employment of Beneficial after he had been confronted with the allegations relating to his loans.
>
> Mr Simmons gave evidence that the BFC board did not wish to prejudice possible legal proceedings, which included the possibility of Mr Baker instituting proceedings for unfair dismissal. As a result, the board decided on a form of words for public release that they believed would not prejudice those possible proceedings.
>
> The form of words was decided upon by the board and communicated to one of the Treasurer's officers. The Treasurer was aware of the board's publicly stated reason for Mr Baker's departure.
>
> In the course of his evidence it was put to the Treasurer that the board's publicly released statement did not accord with what the Treasurer knew to have been the real reason for Mr Baker's departure as it had been conveyed to him by Mr Simmons on 30 and 31 July 1990. The Treasurer's response was that it was not for him to question the form of words that the bank board had chosen for its public explanation for Mr Baker's departure. Nevertheless, he himself substantially adopted the bank's language in responding to questions about the event.

The Leader of the Opposition has now seen fit to raise in Parliament suggestions that those circumstances described by Commissioner in his report constitute a criminal conspiracy involving the former Treasurer and members of his personal staff.

If he has any evidence to substantiate this allegation, it is his moral duty to bring it forward immediately so that it can be examined by the Royal Commissioner prior to the handing down of his final report on the fourth term of reference, which includes inquiring into and reporting upon 'whether any matter should be referred to an appropriate authority with a view to further investigation or the institution of civil or criminal proceedings'.

Mr S.J. Baker interjecting:

The SPEAKER: The Deputy Leader is out of order.

WATER RATES

The Hon. J.H.C. KLUNDER (Minister of Public Infrastructure): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.H.C. KLUNDER: Yesterday in answer to a question from the member for Albert Park I referred to an article in the *Australian* on 2 July 1992 in which I quoted the Leader of the Opposition as referring to the streamlining of the water and electricity system. Mr Speaker, about half an hour ago it was brought to my attention that the article referred to the water and electricity rating system. I regret the error.

LEGISLATIVE REVIEW COMMITTEE

Mr McKEE (Gilles): I bring up the first report of 1993 of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

ECONOMIC DEVELOPMENT BOARD

The Hon. DEAN BROWN (Leader of the Opposition): My question is directed to the Minister of Business and Regional Development. Will the Minister explain why he tabled yesterday an important discussion paper on economic development without the approval of the Economic Development Board?

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: This discussion paper was tabled yesterday with the claim by the Minister that it had been prepared by the Economic Development Board. I have been informed that the Chairman and Chief Executive Officer of the board, Mr Robin Marrett, has expressed to other board members his annoyance at the tabling of the paper which has not received the approval of the board. This may explain why Mr Marrett declined to appear on ABC Radio this morning to discuss the contents of this report.

The Hon. M.D. RANN: I am delighted to answer this question because the EDB's discussion paper is currently being sent out to industry, unions and others, including the Opposition in this State, and if it had not been tabled in this House you would be bobbing up here today and saying, 'Why is there a cover up?' You would be asking your mates in the media to say that it is a leaked Government document.

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat—before the member for Murray-Mallee takes a point of order. Members will always be referred in this House by the electorate they represent or their responsibility to the House.

The Hon. M.D. RANN: The responsibility on me as Minister is to keep members of Parliament informed. If we did not, you would be running to the papers and saying, 'This is a cover up, this does not have the sanction of the Government. Why is not the Government supporting this document?' It is a discussion paper. We even want to see if you and your minnows can come up with some ideas on this paper.

The SPEAKER: Order! Once again, I refer to the Minister and indicate that if he refers to members it should be by their electorate or their responsibility to the House.

The Hon. M.D. RANN: I apologise, Mr Speaker. I have to say that I know what this is all about, because last week the advertising agency Stokes, King, DDB Needham in Fullarton Road was given some polling information about the Leader of the Opposition on economic questions. The polling showed that in research the Leader of the Opposition was seen as weak, phoney, wishy-washy and having no ideas, was not a leader, had no guts, no policies and has not got anything decent to say about South Australia—a cardboard cutout. Fortunately one of the agency's staff was in a Rundle Street restaurant recently spilling their guts about Dean Brown's image.

Members interjecting:

The SPEAKER: Order! When the House comes to order we will continue with Question Time.

The Hon. JENNIFER CASHMORE: I rise on a point of order, Mr Speaker. The Minister is clearly debating the question.

The SPEAKER: I uphold the point of order and ask the Minister to be specific and draw his response to a close as quickly as possible.

The Hon. M.D. RANN: The fact is that this key polling showed that the Leader of the Opposition had no ideas on economic direction in this State. Members of his agency staff are saying, 'Don't worry, we are not going to do a Hewson; we are not going to do a Kennett. He is going to be a moving target; there will be no details. We have to make him look tougher.' I am sure that Robin Marrett does not want to disown the paper that he has written. Let us see whether the Leader of the Opposition can come up with one simple idea.

MUTUAL RECOGNITION

Mr HOLLOWAY (Mitchell): Is the Premier aware of widespread concern in the business community about the failure of the South Australian Parliament to pass mutual recognition legislation in the last session? What expressions of concern is he aware of and what action does he propose to deal with those concerns?

The Hon. LYNN ARNOLD: I am certainly aware of widespread expressions of concern about this matter. Indeed, there was quite a degree of amazement amongst business groups in South Australia and other organisations that this State had a Liberal Opposition that was not prepared to follow the national approach of States working together in a constructive federation; the national approach that was first proposed by Nick Greiner, a Liberal Premier in New South Wales.

The Hon. Frank Blevins: And a good one.

The Hon. LYNN ARNOLD: Yes, a good Liberal Premier.

The Hon. Frank Blevins: As they go.

The Hon. LYNN ARNOLD: As they go, he was a good one; that is right. He proposed this idea during the special Premiers Conference in 1990, and then the idea went to the various States; indeed it has been picked up in a number of States. It has been picked up by a number of Liberal States, including Victoria and Tasmania, and we know it has been picked up in Queensland. We had every intention of doing the same in this State. As members know, we did have similar legislation before this Parliament, but it was thrown out by the Liberals in the Upper House.

When that became known by members of the business community of this State, they were astounded at what the Liberals had done. They wondered about the mentality of people who could do this sort of thing. It is best summed up in an article that appeared in the Australian *Financial Review* of 12 July this year, as follows:

> The South Australian Liberal Party has been heavily criticised by its traditional supporters for rejecting legislation that would have brought the State within a new Australia wide scheme to create a national market for goods and professional services.

It continues:

> The Opposition has dumbfounded a range of groups and made it more difficult for the State's professionals such as doctors, lawyers, land brokers and valuers to practice interstate.

It went on to quote Lindsay Thompson from the South Australian Chamber of Commerce and Industry. He said he would be approaching the Liberal Party soon and that he would be making it clear in no uncertain terms how wrong it was. He said at the time that the Liberal Party's opposition was setting up another barrier to business opportunity in this State.

The Hon. Frank Blevins: Shame!

The Hon. LYNN ARNOLD: It should be ashamed of that. The Chief Executive of Mayne Nickless said of the Liberal decision that it was a throw back to the 30 minute mentality which was holding this State back. That was a useful allusion to the eastern standard time debate, which the Liberals also managed to oppose. Complaints have been voiced by the Law Society, the Australian Institute of Conveyancers, the Australian Medical Association, the Real Estate Institute of Australia and many more. Of course, we know what has happened in between time. Liberal members have been contacted; their phones have been running hot. Not with calls out but calls coming in from businesses and groups wondering what is going on in the Liberal Party at the moment.

And then what happened? We saw an Olympic medal performance backflip by the Leader of the Opposition. The Leader of the Opposition then decided that he would now support this legislation. As we know, the Opposition Leader is becoming known within media circles as 'Dean—can we start that again—Brown'. His first attempt at it was a fluffer—like most of his media performances, and as Murray Nicoll had on his program last week. If anyone doubts it, they should listen to the tape of the program. It is stunningly entertaining.

On that program and in so many of his media conferences he said, 'Can we start that again?' He did this first on mutual recognition and then said, 'Can we start it again? Can you bring it back to the Parliament and we will have another look at it? This time we know we are out of step with the nation; this time we know that we will have to get it right. We are

sorry about the first time. It was one of our usual fluff-ups. We will try to do better next time.' To assist the Leader, to assist the Opposition and certainly to assist South Australia, I have given notice today, as members will have heard, for this legislation to be brought back to this Parliament to allow the Leader to do the back-flip that he knows he has to do.

BENEFICIAL FINANCE

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is to the Premier. As the evidence to the State Bank Royal Commission and the Premier's ministerial statement today do not reveal when he was first made aware of the true reason for the dismissal of two Beneficial Finance executives, Messrs Baker and Reichert, will he now tell the House when he first learnt the truth about this matter?

In answer to a question yesterday about his knowledge of this matter, the Premier suggested that evidence to the royal commission be read 'very carefully to see what was said to whom by whom and what issues were dealt with.' None of that evidence reveals when the Premier was first told that Messrs Baker and Reichert had been dismissed for involvement in illegal loans, and certainly his ministerial statement today does not clarify that issue.

The Hon. LYNN ARNOLD: My knowledge of the affairs with respect to Mr Baker and other officials of Beneficial Finance and the circumstances of their departure comes from my reading of reports of the evidence that was given and reading the royal commission reports. That is the information that I have on this matter.

MUTUAL RECOGNITION

Mrs HUTCHISON (Stuart): Can the Minister of Health, Family and Community Services outline to the House the implications for South Australian health professionals of the failure of the Australian Democrats and the Opposition to pass the Government's mutual recognition legislation?

The Hon. M.J. EVANS: Yes. In a word, the answer is 'isolation'. Not only would the movement between the States and Territories of recognised health professionals be potentially disrupted but there is a real possibility—and this is the greatest danger—that South Australia will be isolated as a State from national proceedings concerning the status of those health professionals or of any disciplinary proceedings which might be taken against them. I was very embarrassed at the last Health Ministers conference to represent one of the few States which had not picked up that mutual recognition strategy. Other States, regardless of the political persuasion of their Government, had adopted and supported mutual recognition, especially for their health professionals, because health is an area where national recognition is essential.

Members interjecting:

The SPEAKER: Order! If the Premier and the member for Bragg wish to have a conversation, they should leave the Chamber. The Minister.

The Hon. M.J. EVANS: Thank you, Mr Speaker. The movement of health professionals particularly should not be restricted by State and Territory boundaries. Mutual recognition reforms seek to create a national market for goods and for professional services. That is an area which I think is particularly important. For example, nurses form nearly half the health work force in this State and they will be severely restricted in their opportunities for interstate experience, transfer and promotion if mutual recognition is not adopted. I appeal to the Parliament to consider that professional grouping, if no other, when it debates the Bill that will soon be before this House and to support it accordingly.

BENEFICIAL FINANCE

Mr BECKER (Hanson): I direct my question to the Premier. Why has the Government allowed eight executives and senior managers of Beneficial Finance Corporation to take severance payments totalling almost $1.3 million? These severance payments are in addition to the almost $300 000 paid to Messrs Baker and Reichert, identified in the Leader's question yesterday. They have been paid since the Government indemnity was provided to cover the losses of Beneficial Finance and, therefore, they are funded by taxpayers.

I understand that the Government has been approving these severance payments for the past two years while at the same time attempting to ensure that these executives receive as much blame as possible for Beneficial's losses, and in at least three cases being aware of the possibility of criminal charges. One severance payment of more than $250 000 was paid as recently as January this year.

In another case, more than $154 000 was paid to a Mr G.L. Martin. The Auditor-General has recommended that, along with Mr Baker and Mr Reichert, Mr Martin be investigated for illegal or improper conduct arising out of a failed Victorian property development for which Beneficial executives lent themselves in total $475 000. Mr Martin's share of this investment was a loan of $100 000 from Beneficial. I understand that Mr Martin received his severance payment in August 1991. This was more than a year after the Government was advised that Mr Martin could face criminal charges arising out of this loan.

The Hon. LYNN ARNOLD: I will certainly obtain a detailed report on this matter and provide it to the House. However, I would make a couple of points at the outset. Beneficial Finance has, of course, now been absorbed into the bank and, as a result of that, there has been considerable downsizing of the operations of what was Beneficial Finance. That has simply made—

Mr S.J. Baker interjecting:

The Hon. LYNN ARNOLD: The Deputy asks, 'What has this got to do with things?' If you downsize, you have less need for people; you have less need for executives. I would have thought that, if you were to have downsizing, it has to be not only downsizing at the clerical level or at the various other financial management levels but you are going to be dealing with senior management positions as well in terms of downsizing. In fact, if there had been no downsizing in that area, there would have been criticisms for that. I sometimes feel that, with an Opposition such as this, you can never win, because members opposite will attack whatever takes place. Take the example of the report of the Economic Development Board—

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: Here we are; we have the downsizing, about which I will obtain a more detailed report, and I have given that undertaking.

An honourable member: When?

The Hon. LYNN ARNOLD: As soon as we can get the information.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: One of the other points I want to make is that there is this snide connection by imputation that all those who have accepted severance payments—if this is what, in fact, turns out to have been the case—may somehow be connected with criminality, may somehow be connected with the circumstances reported on by the Auditor-General with respect to Messrs Baker and Reichert and that therefore, just by virtue of having had a severance package, they must come under the same grey cloud of suspicion as those other two as a result of that particular report. I find that a pretty disreputable way of operating.

It may well be that there are activities or inquiries to be pursued with other officers of Beneficial; I do not know the answer to that, but it may well be. However, it is a great slight on those officers who have no record or performance to be ashamed of in that institution and who are now in other sections of the community seeking work to have this kind of cloud of innuendo cast upon them, because that is clearly what the member for Hanson is trying to do—to cast a cloud of innuendo upon them. When they are later found to be innocent, if that were the case, what would he then do? He would not worry himself any more about it, by having painted them into a corner with other people in the Auditor-General's report, because he is now trying to create an effect that the whole organisation was an organisation that had serious questions to be asked about it and every individual within it.

I will obtain the report for the honourable member, and I will bring it back to this house. The point is that he ought to watch the way he is trying to paint together these pictures of innuendo and these imputations that are being made.

Members interjecting:

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

MINERAL EXPLORATION

Mrs HUTCHISON (Stuart): I direct my question to the Minister of Mineral Resources. Does the Minister believe that the $12 million spent by the State Government on mineral exploration will be wasted because of the Federal Government's proposals relating to the Mabo case? There have been allegations by the Opposition Leader that the money will be lost because 'under the Federal Government's proposals the mining industry won't invest in South Australia whilst Mabo style claims can be made against any potential development.'

The Hon. FRANK BLEVINS: I thank the member for Stuart for her question. I also had the misfortune to hear the famous Mabo tape by the Leader of the Opposition on the Murray Nicoll program the other evening, and I can only say in one word what the quality of that contribution was, and that is 'pitiful'. I have never, in my 18 years in this place, heard a more inept performance by any member of Parliament, on the front bench or back bench, in response to some very helpful questions from a journalist. Everyone opposite has heard of the interview. I make this offer: if they actually want to hear the interview, I will supply them with a tape. Apart from the absolutely pathetic performance of the Leader of the Opposition, it was factually wrong.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: I will willingly play the tape. I will send copies to anybody who wants it. It is a classic. It will be used in schools of journalism for years to come, as an example of how not to conduct an interview.

Members interjecting:

The Hon. FRANK BLEVINS: I do not always get along with the ABC, but there is a question as to why the media in this State have protected the Leader of the Opposition in the way they have.

Members interjecting:

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

The Hon. FRANK BLEVINS: There is not one commentator or journalist who does not know just how inept and what a poor performer the Leader of the Opposition is. There is only one newspaper that spells it out, and that is the *City Messenger*. The Mabo issue is certainly not a threat to exploration or mining in this State at all. As regards our exploration initiative, which was actually $16 million and not $12 million—but leaving that to one side—it has been very—

Members interjecting:

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

The Hon. FRANK BLEVINS: —successful and, within a very short month of that geophysical flying taking place, the mining companies, both Australian and overseas, were queuing up for that material. It is a very successful initiative, and there is no question of Mabo interfering with it. The South Australian Government has been very clear on this issue. First, there will be possibly no successful Mabo style claims here in South Australia. I say 'possibly', because there is a doubt about one quite specific area.

Members interjecting:

The SPEAKER: I caution the Deputy Leader on his behaviour.

The Hon. FRANK BLEVINS: That is Lake Gairdner. A very prominent member of the Aboriginal community said to me, 'The only possible claim we may have here in South Australia is Lake Gairdner, and I do not know about you,' he said, 'but I do not want it.' It may be different in other States but, as regards South Australia, the Mabo decision has little or no effect. However, where there is any doubt, the proposed Federal legislation and the action outlined by the Premier will clear up that doubt completely for pastoralists, for lease holders and for miners.

From a mining perspective, we cannot think of any problem with the Mabo decision that will not be fixed up by the proposed Federal and State legislation. I have given a brief to Western Mining on this, and it understands our position completely. As regards Roxby Downs, the situation is little different: we do not know of any difference at a mine. If you mine now on a pastoral lease, at the end of that mining it reverts back to a pastoral lease if the owner of that lease wishes it. There is no difference if it reverts back to land where the lease is in the form of native title. And why should it be treated any differently? Why should the mining industry be treated any differently *vis-a-vis* native title as opposed to freehold or a pastoral lease? There will be no difference in the treatment that takes place.

The SPEAKER: I ask the Minister to wind up.

The Hon. FRANK BLEVINS: I am getting to my second point now, Sir. The Aboriginal community has taken one prize in 200 years. I would argue that the only trick it has taken in this country in 200 years is the Mabo decision. It is a very small prize, indeed, and I would hope that everybody in the community would see that that prize is delivered to them with fairness. That is what the Federal Government's

proposed legislation seeks to do, and I am proud to be a member of the Government that supports that.

MISSING PERSONS

The Hon. D.C. WOTTON (Heysen): My question is directed to the Minister of Health, Family and Community Services. Will the Minister explain why his department has failed to issue a promised missing person report in relation to a 13-year-old girl whose relationship with a man almost three times her age was recently the subject of widespread publicity? This girl was last seen on 7 July after the fact that she was sharing a home with a 38-year-old man, with the knowledge of Government authorities and against the wishes of her mother, was made public. Her mother was advised by the Department of Family and Community Services soon after her disappearance that the department would circulate a missing person report to suburban and country newspapers. However, to date this has not been done and this has heightened the mother's concern that insufficient regard is being given to the safety of her daughter in the handling of this case.

The Hon. M.J. EVANS: I can certainly assure the House that it is not the case that insufficient concern is held by the department in respect of this particular child. Given that this child is now in the custody of the State and that we have the first and primary responsibility for securing her welfare, that, of course, is not an easy proposition in these circumstances. The police and officers of the department are doing everything possible to find the child and to secure her in a safe place. Obviously, the House does not want me to discuss details of this personal matter on a large scale, but I will certainly—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. EVANS: —assure the House that everything possible will be done to find the child and to ensure—

The Hon. D.C. Wotton interjecting:

The SPEAKER: The member for Heysen is out of order, and I remind him that I had to caution him yesterday.

The Hon. M.J. EVANS: —that she is in a place of safety. In respect of the member's suggestion about the circulation of details, I will have that matter examined and, if it is entirely appropriate, we will proceed with that. However, in relation to that matter I will certainly be advised by the police as to what is the most appropriate course of action for securing the return of this missing child. It is important that that is done, but done in an appropriate manner.

MEMBER'S COMMENTS

The Hon. J.P. TRAINER (Walsh): I direct my question to the Minister of Business and Regional Development. Can the Minister provide any information on the effect of comments by a South Australian Liberal who was reported in a Malaysian newspaper as having said that Australia would have to set its house in order before we could join in the investment opportunities available in Malaysia, having also alleged that Australia faced a restrictive labour union situation and drawing the attention of Malaysian businessmen to alleged high labour costs of production in Australia?

The Hon. M.D. RANN This is extraordinary. In the United States, Republican and Democrat congressmen and women have a basic fundamental rule that is also supposed to apply in Australia, and that is that when they are overseas they are patriots. They put behind them and put aside petty Party politicking and go out there and act as ambassadors for their State and nation.

Members interjecting:

The Hon. M.D. RANN: There are several examples where we have seen some economic traitors in the Liberal Party. We saw the other day on Channel 7 the Leader of the Opposition saying that there was not a lot of good news around in South Australia among business organisations but this was being held back until after the election. What sort of phoniness is that? That is the sort of dishonesty that is pointed out in their own polls—the polls that he will not show to his other front bench colleagues.

Members interjecting:

The Hon. M.D. RANN: Dr Bernice Pfitzner led a delegation—it was called a four day fact finding cultural and trade mission—to Singapore, Malaysia and Vietnam, and her comments are reported in the paper as follows:

> However, Australia would first have to set its house in order, she said, after a meeting with the National Chamber of Commerce and Industry Malaysia Secretary-General, Datuk Mohd Ramli Kushairi. She said Australia faced a restrictive labour union situation and a high labour cost in production.

What sort of message is that to send overseas? That is an incredible act of traitorous behaviour by the Liberal Party in this State. But that is not all. One could forgive the Hon. Ms Pfitzner for her naivety as a new member. In fact, the former Deputy Leader of the Opposition, the member for Bragg—when there was a tourism mission to New Zealand which received massive, positive publicity for this State and our nation—was featured on the front page of the New Zealand *Herald* the next day talking our State down and condemning what we were doing. The fact is—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —whether we are Labor, Liberal, Democrat or Independent, when we are overseas we have a fundamental duty to stick up for South Australia and be proud of our country.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I have called for order three times; the next time I do so, somebody will be named. The member for Bright.

PHONECARDS

Mr MATTHEW (Bright): Will the Minister of Correctional Services explain how one inmate of a South Australian prison has been found in possession of 203 Telecom phonecards, and two other inmates each with more than 100 phonecards? During a radio interview this morning, the Minister said that access to phonecards by prisoners was very closely controlled, with inmates not permitted to have more than one card in their possession at a time. However, the police investigation that has uncovered the scam with these cards through alterations to their value has taken possession of 203 cards from one prisoner and more than 100 cards each from two other prisoners. I have been informed that some prisoners in South Australian gaols are regularly exchanging these cards for drugs.

The Hon. R.J. GREGORY: I am very pleased to receive a question from the member for Bright. Of course, he has a very selective memory.

Members interjecting:

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

The Hon. R.J. GREGORY: What he simply forgot to tell the House was that I also said on that radio program that, when prisoners are found with more than the number of phonecards they should have, the cards are confiscated. The member for Bright knows, as all of us know, that when people are confined within the prison system—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: —there is trading. The prison officers know this; they conduct their surveillance and searches and, when they find those things, they are confiscated.

Mr Matthew interjecting:

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

The Hon. R.J. GREGORY: I am quite confident that the prison officers in our prison system are diligent and that when they conduct searches they go to great lengths to uncover the hiding places that prisoners may use to secrete items and illegal drugs. That is demonstrated by the number of drug finds that prison officers are detecting. They are increasing the detection rate, and I am proud of what the prison officers are able to do in that regard. The other matter that I find very interesting about this is that the member for Bright does not want to hear the good news of how efficient the prison officers are in detecting the illegal activities of prisoners.

Mr Meier interjecting:

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

The Hon. R.J. GREGORY: They are doing it very well. The procedures we have introduced will facilitate the detection of illegal activity by prisoners, and I anticipate that such activity will decrease as a result. Since 1 July, we have seen random urine analysis testing, and that will place further inhibitions on prisoners in their illegal use of drugs, because it will be easier to detect and ensure that they do not engage in that.

We are running a humane prison system. What the member for Bright is talking about is not in accordance with international standards for the keeping of prisoners; he wants to take away people's rights. In one interview he even suggested that people ought to be contravening the Telecommunications Act by eavesdropping on people. I believe we ought to do things properly and legally; that is what our department is doing, and we are correcting those situations as we find them. I have every confidence in the prison officers, despite the allegations made by the member for Bright from time to time. I have confidence in their honesty, skill and diligence, because I know they are doing a very good job in very difficult circumstances.

JOBSKILLS

Mr HOLLOWAY (Mitchell): Will the Minister of Education, Employment and Training inform the House how many traineeships have been offered by the State Government under Jobskills and CareerStart programs, which are supported by Federal Government funding?

The Hon. S.M. LENEHAN: I thank the member for his ongoing interest in this matter, which the Government has taken very seriously. I am delighted to inform the House that, yes, we have reached our goal of 400 placements of young people in the 17 to 24 age group in traineeships within the public sector. Those traineeships range right across the State and all areas of employment in the public sector, from child-care workers through to young people working in engineering areas. The Government also made a commitment to employ at least 100 of the 24 young people who successfully completed their training under work experience through this strategy. I am delighted to say that, of the first 35 who successfully completed their training, 29 have ongoing jobs in the public sector and three of the other six have secured jobs in the private sector, so we are looking at a very high success rate from this very important on-the-job training and payment of young people for work experience and work.

It is proof that the strategy, which aims to set an example to other employers, particularly within the private sector, is working effectively and that the training schemes and subsidies (which are very generous) offered by the Federal Government should be taken up by the private sector. It is important to note that, apart from the 400 training positions created under the employment strategy, the Government has also recruited 500 young people under its Youth Conservation Core Program and another 300 are involved in work and skill-based Australian Vocational Certificate pilot projects. In all, that is about 1 200 young people in that all-important age group of 17 to 24 who now have meaningful employment, work experience and, most importantly, a work history, and they would not have had that before this initiative, which was supported by this Government.

INDUSTRIAL RELATIONS

Mr INGERSON (Bragg): My question is directed to the Minister of Labour Relations and Occupational Health and Safety. Will the South Australian Government support the proposal of the Federal Industrial Relations Minister, Mr Brereton, to allow employees who are not members of a union to participate in enterprise agreements and, if not, why not?

The Hon. R.J. GREGORY: I thank the member for Bragg for his question. Our Government has a policy. How people ought to be involved in enterprise agreements has been argued in this House from time to time. The member for Bragg ought to understand that for people to enter into a group agreement they need to be properly represented. It has been found that, where people have not been properly represented in these areas, these agreements are not very good, they take away an enormous amount of rights from workers and they are not very effective.

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: The member for Bragg keeps interjecting. When the Federal Government amends the Industrial Relations Act in future, our Government will consider it and determine what its action will be, as it has done in the past. I do not see any need to change what we have been doing, because I think it works extremely well.

OCCUPATIONAL HEALTH AND SAFETY

Mr FERGUSON (Henley Beach): Will the Minister of Labour Relations and Occupational Health and Safety inform the House whether South Australians are now more aware of

occupational health and safety since the proclamation of the Occupational Health, Safety and Welfare Act in 1986? The State-wide Omnibus Health Survey in 1992 included questions about the level of occupational health and safety activities occurring in South Australian workplaces.

The Hon. R.J. GREGORY: I thank the member for Henley Beach for his question. As you and the House know, Mr Speaker, I have a particular interest in occupational health and safety, because I believe it is one way by which we can improve the economic performance of Australia. This does not just revolve around workers, unions or employers but involves all of them. It means that, if an employer does not respond or encourage appropriate and safe working practices within the workplace, they will have an unproductive workplace.

It is unfortunate that some employers are not ensuring that their occupational health and safety records are improved incrementally over time, because by not doing so they are increasing costs and more importantly sometimes they are seriously damaging the health of workers. I am pleased that, of the 3 000 households who responded to the survey, two-thirds indicated that they had recently received information or participated in activities relating to occupational health and safety.

More than half those respondents indicated that they had received printed material on occupational health and safety. Between 30 and 40 per cent of those respondents claimed that they had received some form of training. This information bears out the reasons why in South Australia we have been able to do something that no other Australian State or States and provinces in Canada, which has a similar compensation system to that in South Australia, has been able to do.

It is not just one issue that is causing this effect: it is an amalgamation or collection of a number of activities and a coming together of policies of this Government. It is the effect of the Occupational Health, Safety and Welfare Act, the Workers Compensation Act, the effective inspection and management by Department of Labour inspectors and the training that is now going on within employee and employer organisations. Over the past four years we have seen a reduction of about 10 per cent annually in the number of accidents reported to WorkCover.

I have asked the actuary who reports to WorkCover on its projections from year to year about this. Indeed, from time to time the member for Bragg quotes him in this House when it suits him. The actuary has advised me that about half of the reduction could be attributed to the recession and that the other half is due to the superior application of occupational health and safety practices in this State, to the bonus and penalty scheme applied by WorkCover and the targeted inspections undertaken by the Department of Labour as well as the role that the Occupational Health, Safety and Welfare Act plays in requiring safety representatives and management to undertake action within their workplaces.

We could see the situation in South Australia developing in the immediate future where we hit what is known in safety circles as the 'glass floor'. When we reach it, we will know that we have reached one stage in reducing workplace accidents. We will then have to be innovative in our planning and safety procedures in order to bust through that glass floor. If we interrupt or interfere too much with any of the procedures we have at the moment, we will not even reach that glass floor. It is achievable and we can do it.

CABINET SOLIDARITY

Mr BRINDAL (Hayward): My question is directed to the Premier. Was the Minister of Primary Industries working within the rules of Cabinet solidarity when he made public statements at the weekend of strong support for fixed four-year parliamentary terms and, if not, has the Premier disciplined the Minister for breaching Cabinet solidarity?

Members interjecting:

The SPEAKER: Order! I do not think the member for Hayward has completed his explanation.

Mr BRINDAL: No, Sir. Yesterday the Premier said that the Minister 'knows the rules of Cabinet solidarity and actively works within them.' On 20 October last year the Premier told the House that the Minister had agreed to abide by the principle of Cabinet solidarity not to make public statements about issues outside his portfolio responsibilities, the only exception being the Minister's previously stated position on privacy.

In the 1993 Cabinet handbook issued under his signature, the Premier explains how Cabinet solidarity is to be practised, as follows:

> . . . it is inappropriate for Ministers to accept invitations to speak or to make comment publicly on matters outside their portfolio area without the prior approval of the Premier.

Fixed four year parliamentary terms is not current Government policy and it is an issue for which the Attorney-General is clearly responsible to the Parliament. Public statements on this matter by the Minister of Primary Industries are a clear breach of the principle of Cabinet solidarity as enunciated by the Premier unless they were made with the Premier's knowledge and approval.

The Hon. LYNN ARNOLD: In fact, this is just a repeat of yesterday's attempt by the member for Hayward. In fact, this Cabinet of which I am the Leader has not formed a view on the matter of fixed terms. There was a view expressed by a Cabinet of which I was a member under my predecessor that opposed a Bill for fixed terms, but it was widely known that the member for Hartley, my ministerial colleague, and the member for Elizabeth, my other ministerial colleague, had publicly known views on fixed terms. It would be rather odd to suddenly say, 'Now deny your own views on this matter.' They would not be expected to do that.

The other point that needs to be noted on this matter is that, since there is some pressure because a Bill providing for fixed parliamentary terms is to be introduced, both Ministers have told me that their views on fixed terms were previously known. However, they regard the present exercise as a stunt by a member in another place. I have known what their views were for years, and I have known what their views have been over recent days. However, Cabinet does not have a fixed view on this matter at this stage—we have not considered it. When the Bill is tabled in another place we will consider the view that we take on that matter and, when a Cabinet decision is made on it, it will be binding on all members of Cabinet.

CONSERVATION COUNCIL

Mr HERON (Peake): Can the Minister of Environment and Land Management outline to the House the reasons for Government support of the Conservation Council of South Australia? In this place yesterday the member for Eyre accused the Conservation Council of being untruthful, of acting contrary to the long-term interests of the people of this State and of having engaged in a disgraceful exercise.

Further, the member for Eyre has called for the defunding of the council.

The Hon. M.K. MAYES: I thank the member for Peake for his question and interest in this area. He has a focused view on it, particularly because of the needs of his electorate and his interest with such issues as greening and contaminated sites as well as a variety of other factors that have affected his electorate. It is important that we put this aspect of what I guess is an interest group in our community into proper context, because the Conservation Council represents a number of organisations in the community that have played an important part in it.

If I may say so, I have noticed no reluctance by members opposite when it suits them to attach themselves to council issues or to spokespersons or statements that have come from the council's activities in this House in the past. In fact, when it suits them they join in with the council but, when it does not, they are readily available to attack the council, and the member for Eyre exhibited that again yesterday. Indeed, the Government does sponsor and support the Conservation Council. It is important to look at the role the council plays within the community. It is important to have an independent organisation that can monitor what is happening throughout the community.

The Hon. D.C. Wotton interjecting:

The Hon. M.K. MAYES: The member for Heysen interrupts again, but it is important that we have an organisation that does not have a commercial basis to operate in this State and provide independent advice to Governments of whatever colour and to the community as well. It is a fundamental role. This Government provided $60 000 last year in the budget, of which $20 000 went to the Nature Conservation Society to carry out its work. Much of the work done by these organisations supports our national parks, and I am sure the member for Heysen will support those comments.

They work with the friends of the parks and a variety of organisations to bring in volunteers to support that important asset that we have in South Australia. In fact, the funds that we provide for their work is fundamental to support that important and valuable asset that we have. Of course, the grant is made with strings attached: it is attached on the basis of performance. A performance agreement exists with the council, and it is structured so that we can measure the contribution made to ensure that taxpayers' funds are appropriately and properly used. They cover a variety of activities. For example, in the past there have been 48 Conservation Council submissions to various Government inquiries, parliamentary committees and select committees. I think the members of those select committees—

Mr GUNN: I rise on a point of order, Mr Speaker. Question on notice No. 78 in my name and question on notice No. 40 in the name of the member for Hanson cover the area to which the Minister is now referring.

The SPEAKER: The questions on notice relate to financial assistance. I think the question that has been asked and the answer that is being given are much broader than the very restricted questions on notice, which are purely financial questions.

An honourable member interjecting:

The SPEAKER: There is another point of order. Let me rule on one at a time. I do not uphold that point of order.

Mr BECKER: On a point of order, Mr Speaker, the member for Eyre also referred to question on notice No. 40, as follows:

Which political lobby groups receive funding from the Minister or departments or agencies under the Minister's control to pursue their activities of presentation and representation to the Government; and how many political lobby groups not receiving Government funding are registered with each department or agency under the Minister's portfolio?

Members interjecting:

The SPEAKER: Order! Again, the question on notice is a financial question.

Mr Becker interjecting:

The SPEAKER: Does the member for Hanson have a problem with the point of order? The Chair is ruling that the question on notice is a very specific question related to the financing of bodies. In the opinion of the Chair, the question that has been asked of the Minister and the answer that has been given are much broader and therefore it is not the same question.

The Hon. M.K. MAYES: In fact the question covers the reasons for Government support—

Mr LEWIS: I rise on two points of order, Mr Speaker.

The SPEAKER: Let me make a ruling first. We will deal with one at a time.

Mr LEWIS: In the first instance, the Minister, at the time the member for Eyre rose, was providing to the House the explicit detail sought by question on notice No. 49 about the quantities of funds provided and the number of occasions and committees to which the Conservation Council was providing assistance—

Members interjecting:

The SPEAKER: Order!

Mr LEWIS: I therefore ask you, Sir, in view of that, to review your ruling.

An honourable member interjecting:

The SPEAKER: Order! Is the member for Murray-Mallee disputing the ruling of the Chair? Does he believe the ruling is out of order?

Mr LEWIS: No, Sir, only to the extent that you may not have been aware of the precise detail being provided in the answer.

The SPEAKER: I uphold my previous ruling that the question was much broader. Perhaps when the Minister does resume, he may take into consideration the question on notice. However, the question and the answer were much broader than the points raised in the questions on notice. Is there another point of order?

Mr LEWIS: In view of that, Sir, given that it is so general, yet the question is so explicit, I ask you to rule that the Minister is now debating the question.

The SPEAKER: This is a point I raise in this House all the time with both sides, that Ministers can only answer the question put to them if they feel like it, and when a member asks a broad question they will receive a broad answer. I believe that the Minister is answering a question that was put to him. However, I would say that he is taking a long time, and these points of order do not assist Question Time. I ask the Minister to be as brief as possible in completing his answer to the question.

The Hon. M.K. MAYES: Thank you for your ruling, Mr Speaker. In relation to the submissions, I made the comment that we have 48 representatives from the Conservation Council on Government committees and parliamentary committees. They have an information service; they have some 8 800 books in their library available to the community and they represent some 63 organisations. I think they provide a very important role as an independent organisation.

I wonder why the Opposition is so nervous about this question. I ask the Leader for his view on this. Is he going to support the member for Eyre in his comments or is he going to stand up and be counted on this issue and make it clear?

Members interjecting:

The SPEAKER: Order! It is not in order for a Minister answering a question to ask a question. I rule that part of the answer out of order.

Mr S.G. EVANS: I rise on a point of order, Sir. The Minister is really debating the question.

The SPEAKER: I uphold the point of order.

GAS RESERVES

Mr OLSEN (Kavel): My question is directed to the Premier. Will the State Government cave into Federal Government pressure to release South Australian gas reserves to other States, and how does he propose to establish the petrochemical plant promised now for 20 years should he agree to sell the reserves? Recent media reports disclose that the State Government is being pressured into selling its gas reserves, yet a report published in yesterday's *Financial Review* says that the Premier is likely to announce yet another feasibility study into a petrochemical plant in South Australia. A letter to the Premier from the special Minister of State, Mr Walker, states:

> The Commonwealth is prepared to consider any action which it has in its power under the Constitution to ensure that interstate trade in gas is not impeded.

The Hon. FRANK BLEVINS: Thank you, Mr Speaker—

Mr Olsen: Did you get the letter?

The SPEAKER: Order!

The Hon. FRANK BLEVINS: I would have thought the Minister of Mineral Resources was the appropriate person—

Mr Olsen interjecting:

The SPEAKER: The member for Kavel is out of order. The Minister will direct his remarks through the Chair.

The Hon. FRANK BLEVINS: I am surprised that the member for Kavel did not ask me this question in the first place instead of wasting the time of the House and misdirecting his question. Our position on the interstate sale of gas is very clear. We support it. In fact, this State is the only State that sells gas across State borders, and we have done that for 20 years. It may well be that by the end of the year about 30 petajoules of gas will come from Queensland. We welcome this very small step into freeing up interstate trade from Queensland. However, it is a very small swallow—very small indeed. I have no doubt whatsoever that the gas needs of this State can be secured for the future, both for hydrocarbon based industries—

The Hon. Dean Brown interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: —and for the long- term management needs of the State if Queensland and to a lesser extent Victoria and the Northern Territory choose to free up the sale of gas. At the moment none of those States or the territory send one skerrick of gas across their State borders, unlike South Australia, which has been exporting it to New South Wales for 20 years. If we are having a debate about the interstate trade in gas, I am very happy to be in that.

Mr Olsen: What about answering the question?

The Hon. FRANK BLEVINS: Well, the economic statement established a State tax free economic zone in the present hydrocarbon plant at Port Bonython. What folly it would be, having done that, to then say to New South Wales, 'Well, all the feed stock for that potential hydrocarbon based industry can now go interstate and we will have none for our own South Australian based industries.' Why would anybody do that? I was appalled to hear the member for Kavel say that we should forget employment in this State, forget employment in the Iron Triangle and send this gas overseas. That will bring into this State—

Mr Olsen interjecting:

The SPEAKER: Order! If the member for Kavel wishes to hear the remainder of the answer, I suggest he watches his behaviour.

The Hon. FRANK BLEVINS: That will bring into this State $2 million a year in royalties and less than 20 jobs at Moomba. The member for Kavel and the Liberal Party would sell out the Iron Triangle and sell out South Australia for that. This Government will not do it. We have security of gas in this State for only 10 years. The second half of that contract has only a 50 per cent confidence factor. It is insufficient. For those two reasons, irrespective of the pressure that the Federal Government may choose to put on us, we will not sell out South Australia and we will not sell out the Iron Triangle. The Liberal Party can do that, but this Government will not.

NATIONAL PARKS

Mr HAMILTON (Albert Park): Can the Minister of Environment and Land Management inform the House about progress with the review of national parks currently being coordinated by the Department of Environment and Land Management; specifically, has the review process been well supported by the public; and when does the Minister expect the review to be completed?

The Hon. M.K. MAYES: I thank the member for Albert Park for his question and ongoing interest in this area. In his own electorate, he is a member of the Fort Glanville Consultative Group and has played a part in that as well as in other conservation issues.

We saw the appointment of the new Chief Executive Officer of the Department of Environment and Land Management as an opportunity to instigate a review of our parks and reserves system and to look at conservation and heritage aspects as well as management aspects of our parks asset. That review is proceeding very well. We have had over 135 submissions from community users, park users, conservation groups, Aboriginal communities and industry groups as well. Those people have expressed a wide variety of interest in the parks system and how the asset should be managed. A number of groups have also expressed interest in the ongoing commercial aspects of the parks. Some 15 groups of interested people have discussed their view with the review group as a whole. The review group is made up of community interests, and that is a very important aspect.

With the information that we will gather from that, I am confident that we will see a successful report come forward for the community to discuss further before we, as a Government, can take steps to implement those processes. I think that we will see the report early in September. I hope then that we can proceed with further public consultation to see the implementation of management strategies for the better management of our parks. For example, in our initiatives in areas like the General Reserves Trust, which other States envy, we see moneys being channelled back into the parks rather than into the general revenue of the Government. That is a very important aspect. I expect that we shall have the report early in September, and I look forward to being

involved in discussions with the community as well as with my colleagues in this place.

ENVIRONMENT PROTECTION BILL

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

GRIEVANCE DEBATE

The SPEAKER: The proposal before the Chair is that the House note grievances.

The Hon. DEAN BROWN (Leader of the Opposition): I wish to grieve concerning the economic report tabled in this House yesterday by the Minister of Business and Regional Development. The Minister brought into this House and laid on the table a document—

An honourable member interjecting:

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

The Hon. DEAN BROWN: —which is titled 'Confidential'. I ask all members of the House to note that the copy tabled in this House by the Minister still had the 'Confidential' stamp on it. It is quite incredible. On the very front page, it has 'Confidential'. The Minister brought this document in here and made the very specific claim that it had come from the Economic Development Board. Yet I find that yesterday the Chairman and Executive Officer of that board, Mr Robin Marrett, sent a fax to each board member explaining that the document had been tabled in the Parliament without the approval or authority of the board. On the one hand, the Minister has come into the House and tabled a document apparently with the authority of the board, according to his statement: then we know today that a fax has been sent by the Chairman and Executive Officer of the board to each member of the board pointing out that the Minister had tabled that report without the authority of the board and that the board had not even approved the report that was brought into the Parliament.

I challenge the Minister to come back into this Parliament. He tried to make light of this issue by saying that he was doing it for public debate and discussion. This is a very important matter, because the Economic Development Board was the result of a recommendation in the Arthur D. Little report. The Economic Development Board was set up and approved by this Parliament with bipartisan support to ensure that there was an independent authority to develop long-term economic development plans for South Australia, and this State badly needs some long-term economic development plans, as I am sure you, Mr Speaker, would agree. Let us look at what the Premier said when he introduced the legislation into this Parliament:

> The establishment of an Economic Development Board is a key recommendation of the Arthur D. Little report.

He went on to say:

> The Economic Development Board will oversee the development of strategies and plans for economic development and encourage and facilitate investment.

We gave bipartisan support. We believed that the report that came in yesterday was a report from that board. We had every reason, as I am sure you did, Sir, to believe that it had come from the board. But now we find that apparently it did not come from the board and did not have the approval of the board. Is it any wonder that Mr Robin Marrett refused to go on ABC Radio this morning and comment on the report? Is not that unusual in itself—the fact that the Chairman of the board refused to talk publicly about the report that had purportedly come from that board? Here is a clear case of the appropriate Minister—the Minister of Business and Regional Development—once again being the fabricator, the man who has a reputation in this House and throughout South Australia as the fabricator, the man who fabricated the uranium report.

The Hon. B.C. Eastick: With 'Confidential' across it.

The Hon. DEAN BROWN: That is right; he put 'Confidential' across that report, too, just as this report has 'Confidential' across the top. One starts to wonder about the credibility of the Minister of Business and Regional Development when he goes to those lengths to bring in a report which apparently does not have the authority of the board from which it purports to come. This is a serious enough matter to bring into question whether the Minister is a fit person to hold that office. The clear evidence is that the Minister should resign because he has again misled the Parliament about the authority under which he brought the report into this Parliament.

Members interjecting:

The SPEAKER: Order! The Chair is not certain; I ask the Leader whether he used the term 'mislead this Parliament'.

The Hon. DEAN BROWN: Yes, I did.

The SPEAKER: Yesterday I warned the Leader about his actions. I am taking the opportunity now to tell him that it will not be allowed again. It has happened twice in two days. Does the Leader recognise that it is out of order?

The Hon. DEAN BROWN: Yes, I acknowledge that, and I withdraw the word 'mislead'.

The SPEAKER: That is all that is required. The Leader will resume his seat. I caution all members to watch their words.

Mr MEIER: On a point of order, I seek clarification of your ruling, Mr Speaker.

The SPEAKER: A point of clarification can be taken personally: members do not need to stop the proceedings of Parliament to seek clarification. What is it?

Mr MEIER: Mr Speaker, regarding your ruling with respect to members not using the word 'mislead', when in fact it would appear that that is the correct word to use, why are we prohibited from using it—when it is the truth?

The SPEAKER: There is no problem with using the word 'misleading', but members cannot allege that a member misled.

Mr D.S. Baker interjecting:

The SPEAKER: The member for Victoria will watch his behaviour as well. Members cannot allege that a member misled except by way of a substantive motion. If members read their Standing Orders, they will see that, and I have made that point time and time again. If there is an allegation that a member has misled this Parliament, a substantive motion is the way to do it. Members cannot stand up and allege it.

Mr QUIRKE (Playford): In the early hours of this morning, I received a telephone call to tell me of the passing of Cathy Watkins, who was a great friend to members on this side of the House. I want to take some time today to pass the condolences of members on this side to her husband Jack and

other members of her family. I had been made aware for some time that Cathy had a very serious illness. Cathy's illness, in fact, was of such a magnitude that some 12 months ago she was given a less than 10 per cent chance of being here until today. It was a very serious and voracious cancer that took Cathy from us in the early hours of today.

Cathy Watkins, apart from being the former candidate for Newland—a post that she held with the respect of both the Labor and the Liberal Parties—was a hard and tireless worker in that area. She acquitted herself of those duties very well, right up until the point at which she could not continue in any sensible capacity. Indeed, she has occupied many other positions within the Labor Party. One of the highest honours that you can have in the Labor Party is to be chosen as President of that body. Cathy was the President of the Labor Party, and she served for many years on the State Executive. Again, she acquitted herself with considerable distinction. All of us here are well aware of the fact that, when she was President of the Party, she conducted with distinction all the State councils, the convention and all the other meetings of which, as President, she was the presiding member.

Cathy was also the candidate for the Labor Party in Elizabeth in 1989. I think it is interesting to point out that, as all members know, that is not exactly the most cherished job that the Labor Party has to offer anyone at State election time, or for that matter at any other time, since we lost that seat in a by-election in 1984. Cathy worked tirelessly in 1989, door-knocking more than 5 000 houses, as I understand it, and flying the Labor flag in that area. She took on the job with a degree of enthusiasm and excitement that I think was commendable at the time. I look back on it now, and I congratulate her on performing the tasks that she performed in 1989.

Cathy Watkins has also occupied other minor positions within the Labor Party. I think it is sufficient to say here today that most of us in the Labor Party send our condolences in particular to her husband Jack. As I understand it, they had been married for nearly 40 years and until today were inseparable. I say that because, wherever Cathy was going for a function or wherever she was to be seen, she was always seen with her husband Jack. In many respects we now need to think about Jack, because there will be a terrible loss for him and for the rest of the family. Cathy brought a common-sense viewpoint on a large range of issues within the Labor Party, as well as other matters. I think it would be remiss of us here today if we did not recognise the fact that we have suffered a loss from her passing this morning.

In many ways, the only fight that Cathy, in the Labor Party, ever lost is the one that was concluded in the early hours of this morning. As I understand it, the position for some weeks had involved terrible pain, constant hospitalisation and a whole range of medical procedures which were not only painful but, indeed, only likely to stave off the inevitable for some short moments. Her surgeon, Greg Otto, who is a great friend of mine, worked with Cathy tirelessly until the end, and I close by saying that I would like to pass on our condolences.

Mr S.J. BAKER (Deputy Leader of the Opposition): In this brief five minutes I wish to comment on the performance of the Minister of Tourism and the Minister of Business and Regional Development. Again, we have had another example of the way in which the Minister treats this House with contempt. A long list of his performances leave a lot to be desired. I have never met another person such as the Minister who is incapable of telling the truth as often as he is. We see it time and time again, and today it has been revealed that he has taken a report—apart from the report by the Economic Development Board—fiddled with that report and presented it to the Parliament as though it were the report of the Economic Development Board.

Mr Lewis: And not tell us the truth.

Mr S.J. BAKER: And not tell us the truth. We should not be surprised, because it is in the nature of the beast and in the nature of the person of whom we are talking. I know that the Minister would want to be the Leader of the Labor Party, and he has great plans to be Leader of that Party after the next election. Quite frankly, I would be delighted if the Minister were the Leader of the Labor Party after the next election, because the Party would destroy itself. How could it have a person such as this as Leader of its Party? If members of the House wish to test the water, I would like to ask a number of questions. Those questions go something like this: who is the least trusted member of this House? The answer comes back resoundingly: the Minister. Who is the most ambitious member of this House? The answer comes back again: the Minister. Who will do anything whatsoever in his pursuit of power? The Minister. Who will be dudded by the member for Elizabeth, as has been suggested by the member for Light? We can say with some certainty that, unless the Labor Party has lost all its marbles, it will be the Minister.

We could ask a number of other questions to which there would be straightforward answers—provided everyone was truthful, of course—from 46 members of this House. Who recycles the most press releases? Of course, the Minister wins hands down. Who bends over backwards to obtain press coverage? The Minister. Who gets so excited when he is attacking his opponents that he actually spits at them? The Minister.

The SPEAKER: Order! The honourable member is not actually suggesting that the Minister spits at people?

Mr S.J. BAKER: He does indeed, when he gets excited, Sir.

The SPEAKER: I would ask the honourable member to clarify that. I do not believe that the Minister does that, and I see that as a reflection on the Minister.

Mr S.J. BAKER: Thank you, Sir. We have seen in the past two months an attempt by the Minister somehow to repair a very dirtied reputation. We have seen that the Minister has not been circulating those vicious, unfounded rumours and we have not had these insidious attacks that have had no foundation being launched from the Minister's office, as has been his wont in the past, and we all believed that he was turning over a new leaf. But the leopard never changes its spots.

Again we saw it today. When under attack or when being questioned, he changes the truth, or he is untruthful. We saw it today in relation to the article in the New Zealand newspaper, when my colleague the member for Bragg beat him for publicity. Of course, that would be a slight against the Minister but, more importantly, the member for Bragg deigned to criticise the fact that we had had a recycled Prime Minister of New Zealand (in the form of Mr Lange, one of his New Zealand mates) actually promoting South Australia. If we could not get someone good enough from South Australia, the Minister decided that Mr Lange was the best person to sell this State. So, the leopard does not change its spots and the Minister has again—

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

Mr S.J. BAKER: —revealed himself for what he is.

The SPEAKER: The Deputy Leader will not speak over the Chair.

Mr S.J. BAKER: Sorry, Sir.

The SPEAKER: Yesterday I had to speak to the Leader, today the Deputy Leader, and I hope that that is not required again. The honourable member for Unley.

The Hon. M.K. MAYES (Minister of Environment and Land Management): I thank the House for the opportunity to raise an issue that is of great concern to my electorate, particularly to my constituents, that is, crime in Unley and the outrageous headlines that have been run recently in both the *Courier* and the *Advertiser*. I might say that our local mayor, who has responded in the council newsletter within only the past two or three days, has expressed what quite a number of people in Unley feel about the headline in the *Courier* and also in the *Advertiser* of a week and a half ago.

That headline read, 'Fear of crime shackles Unley', with a very strange graphic in black with a white knife being pointed at the back of what appears in shadowy darkness to be a male of some sort. It is an article meant to arouse fear in the hearts of the residents of Unley. The mayor has come out quite strongly and condemned this article and the journalist involved for the way in which the article has been written, based on a study that was undertaken by some students at Flinders University. As a student exercise, it is not bad but, as a professional document on which to base a major article in the *Advertiser* and on the front page of the local Messenger *Courier*, it is a little shallow and requires quite a deal more attention. In his article in the *Town Crier*, the mayor states:

> The way in which this seriously flawed survey was reported by both newspapers was inappropriate and, in the case of the *Courier*, sensationalist in the extreme. An illustration in the *Courier* which depicted a sinister figure about to knife a man in the back was in very poor taste and entirely unnecessary. According to expert advice the council has received, the *Courier's* report could cause undue stress to many residents, particularly the elderly.

Let me say that it has caused considerable distress. Through the efforts of professional organisations, a good deal of work has been done on this, independent of any of my doing. The local inspector of police has also made some very pertinent comments in the *Courier* as a consequence of this article, which appeared the week before. Inspector Graham Lough, who is our local inspector and, I might say, an excellent police officer (and I am delighted that he is officer-in-charge of the Unley police area), has made some very relevant comments about this. Of course, this article—

Mr Lewis interjecting:

The Hon. M.K. MAYES: Go back to sleep. In my opinion, this article in the Messenger newspaper undermines the work of the police in Unley, and that is to be deplored by members of this House, by the Parliament and by the community. I believe that we have an excellent Police Force in this State, a Police Force that provides a first rate service to the community. I have no hesitation in saying that the work that is done by Inspector Lough in Unley is first rate, and I am delighted that he is in control of the situation. The article continues:

> Inspector Lough said that crime statistics indicated that people aged 60 and over had a 5 per cent chance of becoming a victim of crime whilst, according to the survey, people in Unley had only a 3.3 per cent chance of becoming a victim. These figures clearly show that Unley is safer than the South Australian average.

It is fair to say that what Inspector Lough said was that, as far as policing in Unley goes, they are working hard to maintain that position. A statewide survey conducted by the Office of Crime Statistics in October and November 1992 clearly points out that, in terms of average safety rating, Unley is better than the rest of metropolitan Adelaide and certainly fits in very well with the whole of the State. In fact, in terms of how people perceive fear in their city and in the metropolitan and country areas, when asked whether the fear of crime has changed over the past 12 months, a small proportion of Unley residents reported an increase in their level of fear. In fact, 45 per cent of Unley residents had experienced no increase.

The SPEAKER: Order! The Minister will resume his seat. The honourable member for Custance.

Mr VENNING (Custance): I wish to express to the House my deep concern about the mouse plague, which farmers are battling in several parts of this State. Farmers have not been given any significant or direct assistance by the State Government. Usually, mouse plagues are gone by now, but this plague is lingering on and becoming a great worry to many of our rural producers. Broad acre farmers especially should not be asked to bear the greater part of the cost burden of stopping this plague in our grain growing areas—Eyre Peninsula, Yorke Peninsula and the Mid North. In the first place, the mouse problem is a community problem, not just a problem for individual farmers. Ask the housewife in a rural area who is ashamed to have visitors into the house because the home is permeated by the stench of these filthy little creatures, some of which are dead under the house and others of which are still gnawing away. It is vital that the plague be eliminated to protect what is in the long run a State asset.

The SPEAKER: Order! I would just mention to the member for Custance that there is a notice of motion on the Notice Paper that this House consider the mouse plague. Although I do not wish to stop the member for Custance from making any point he wishes to make, I point out that he must comply with the Standing Order under which members cannot pre-empt debate on a notice of motion. I would ask that he be very careful about the words he uses and give consideration to motion No. 6 on page 3 of the Notice Paper.

Mr VENNING: I was not aware of that, but I will apply—

The SPEAKER: It is the honourable member's responsibility to be aware.

Mr VENNING: I will allude to a problem that we have. I was of the belief that the Minister gave an assurance to many people that there would be Government assistance in paying for the $3 per hectare cost to the farmer, apart from supplying the grain. This is a direct thing I want to put before the House: I was of the belief that the Minister was able to deliver this. I now understand that the Government has reneged, and I believe that the Minister was unable to gain Cabinet approval. One must realise that most crops should be sown in South Australia by this time, and this problem has been the major cause of our harvest being cut down immeasurably—in some areas, completely. I was concerned that the Minister was not able to convince Cabinet to come up with a few dollars to assist those farmers. As members know, to have a control of this nature requires a complete and total effort. To have some farmers complying and some not is just a complete waste of effort.

At this time of year, these problems are normally resolved, and it does concern me that this problem is ongoing, because at harvest time we will have a serious problem; if mice are still present at that time of year they will bite off the crop. We do not need any further problems. If ever the State needed to

have a good wheat crop it is this year, not only for the farmers but for the community, the State, and particularly the State Government, which wants to have an election this year or early next year. It is in their interests to make sure that the farmers have a reasonable year and that their income is somewhere near the average.

If the Government does not put out a few dollars now to assist—because some of the farmers are resowing for the second and third time—it will still have this problem and the farmers will still have the mice and horrific problems at harvest time. I remind the House that the mice are at Freeling, which is not very far from Adelaide. I ask members to consider a mouse plague of these proportions in Adelaide. We need to keep them where they are now. The Government provides funds for control of locusts and I cannot understand why it will not do so for the mouse plague.

Mr HAMILTON (Albert Park): It is not often I stray in debate away from my electorate of Albert Park. I think the member for Custance, if I understood his contribution, indicated that the Government or some members on this side were not very concerned about the plight of the rural sector. I do not think I have ever made this fact known to the House, but my mother's side of the family came from the land. As the member for Mount Gambier may be aware, my eldest brother is still on the land and was involved in farming on land just outside Mount Gambier. The member for Custance may also be aware of my considerable rapport with people in the north of the State. In fact, only last Saturday week I was in Red Hill talking to the people there and I do have a very good rapport, as the honourable member—

Mr Venning: Did you see a few mice?

Mr HAMILTON: I will come to that in a moment. I had discussions with quite a number of people including the Hayes boys, and the member for Custance would be aware of the esteem in which that family is held in that community, being one of the founding families of Red Hill. They mentioned the problem of mice, including the fact that, as I understand it, mice can bury themselves three, four and probably six metres underground. That astounded me, as I was never aware that they could bury themselves and then surface again some time in the future. I was also apprised by people at Red Hill of the problems with rats. On my journey to Red Hill on that particular evening, my wife and I were surprised to see quite a number of rats running across the road. I believe that all South Australians are genuinely concerned about these problems. Members on both sides of the House, as well as people in the community, are aware of the considerable importance of the rural sector to the State's economy. I do not think there is any thinking person inside or outside this Parliament who does not recognise the problems confronting the rural sector.

Let me come to a couple of other matters that I want to mention while the member for Hayward is here. Yesterday he mentioned traffic infringement notices and the way in which I had raised this matter, going back to when I was in Opposition. I would enjoin the member to read the *Hansard* report and press releases, and he would know that I had researched this matter when many other members of this Parliament were away during the Christmas adjournment. I had no problem with that. My greatest criticism directed to the then Tonkin Government was that it did not publicise the whole range of offences that could be subject to traffic infringement notices. No publicity whatsoever was given about that matter. That is where my strongest criticism was recorded, and an article by Tony Baker in the *News* during that year indicated his support for my diligence.

Another matter I raise here is that I do not have to come to the defence of my colleagues on this side of the House; most of the males are big enough and ugly enough to look after themselves. When they attack the Minister of Economic Development I am well aware, having been in this place for some 14-odd years, that he has hurt members opposite politically and stung them by his contributions. We all know that; if it is not effective, why stand up and talk about it? The reason why the Deputy Leader gave credence to the ability of my colleague was his capacity to expose and hurt the Opposition, both inside and outside this Parliament. Today, when he exposed the research carried out by the advertising agency King, D.D.B. Needham, he exposed the Leader of the Opposition as wishy-washy and phoney, seen by voters to have no new ideas, to be negative, to have no guts and to have no policies.

The Hon. J.P. TRAINER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

SITTINGS AND BUSINESS

The Hon. FRANK BLEVINS (Deputy Premier): I move:

That Standing Orders be so far suspended as to enable Government Bills to be introduced before the Address in Reply is adopted.

Motion carried.

SUPPLY BILL (No. 2)

The Hon. FRANK BLEVINS (Deputy Premier) obtained leave and introduced a Bill for an Act for the appropriation of money from the Consolidated Account for the financial year ending on 30 June 1994. 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.

It provides $980 million to enable the public service to carry out its normal functions until assent is received to the Appropriation Bill.

Traditionally the Government has introduced two Supply Bills each year, the first covering July and August and the second covering the period from September until the main appropriation Bill becomes law. The amount of this Bill represents a decrease of $20 million on the second Supply Bill for last year.

This decrease reflects the adjustment between the two Supply Bills which I announced when the first Bill was introduced this year.

At that time, honourable members will recall that the Government increased the amount of the first Bill for this year to cover expenditure in early September and foreshadowed a reduction in the amount sought in the second Bill. This adjustment has been necessary because, in recent years, the second Supply Bill has not received assent until early September and under deposit account arrangements several agencies draw funds from Consolidated Account at the beginning of the month.

This Bill is for $980 million, which is expected to be sufficient to cover expenditure until early November, by which time debate on the Appropriation Bill is expected to be complete and assent received.

Clause 1 is formal.

Clause 2 provides for the issue and application of up to $980 million.

Mr S.J. BAKER secured the adjournment of the debate.

ENVIRONMENT PROTECTION BILL

The Hon. M.K. MAYES (Minister of Environment and Land Management) obtained leave and introduced a Bill for an Act to provide for the protection of the environment, to establish the Environment Protection Authority and define its functions and powers, to repeal the Beverage Container Act 1985, the Clean Air Act 1984, the Environmental Protection Council Act 1972, the Marine Environment Protection Act 1990, the Noise Control Act 1977 and the Waste Management Act 1987, to amend the Water Resources Act 1990 and the Environment, Resources and Development Court Act 1993 and for other purposes. Read a first time.

The Hon. M.K. MAYES: 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.

The Environment Protection Bill is landmark legislation. It provides a framework amongst the most advanced in Australia to safeguard the essential life-supporting qualities of the South Australian environment.

The Bill sets out to promote and stimulate sustainable development and environmentally sound practices on the part of the vital wealth-generating sectors of the State, public authorities and the community as a whole. The Bill will foster a partnership between government and all sectors of the community necessary to achieve effective environmental protection and improvement. At the same time it sets out the essential backdrop of rules, policies and remedies to apply when environmental performance does not match agreed community expectations.

Environmental rules, offences, penalties and remedies are necessary but not in themselves effective in achieving the environmental goals sought. Collaborative planning and action to meet the challenges and address the shortcomings will be essential elements in reaching those goals.

The focus of the new South Australian Environment Protection Authority (EPA), established by the Bill, will be to work positively and constructively with industry and the community to achieve cost-effective pollution prevention, waste reduction and management.

In South Australia, just as nationally and globally, we recognise the importance of economic development and employment proceeding hand-in-hand with measures to protect the quality of life of the community and future generations. That quality of life is dependent on effective measures to:

- protect air quality from motor vehicle, factory and other emissions;
- protect water quality from discharges affecting rivers, catchments, marine and groundwaters;
- guard against land contamination from landfills, industrial and other activities;
- protect the community from excessive noise; and
- to conserve natural resources by minimising industrial and domestic waste and encouraging recycling and the wise use of resources.

For the first time the Environment Protection Bill brings together these essential goals within a strategic framework provided by the principles of ecologically sustainable development (ESD). Those principles, incorporated into the objects of the Bill, mean that economic and environmental considerations will be integrated in addressing these so-called 'brown' environmental issues of pollution, waste, contamination and environmental harm generally. With a community now united in wanting to see economic and environmental progress, we can, by cost-effective environmental protection, promote economically and ecologically sustainable development. This ensures that the environment protection system also supports the South Australian economic development strategy.

To borrow a description coined by the former head of the Department, Dr Ian McPhail, this means 'wealth creation and environmental protection will be in line, not head-to-head'.

The Environment Protection Bill is not an extra layer of environmental law superimposed on existing legislation. The Bill replaces more than six existing Acts and licensing and approval systems. It provides instead a single, integrated and streamlined system of environmental protection. The Bill covers, in an holistic way, previously separate controls relating to clean air and ozone protection, the marine environment, inland and underground water resource protection, noise control, solid, liquid and hazardous waste management and beverage container recycling.

This integrated legislative approach to environmental protection, taking into account affects on land, air and water simultaneously, is the best path to effective environmental outcomes. But this fresh approach also means we can simplify the law, reduce the preoccupation with permit chasing by business, and abolish a series of separate statutory authorities numbering six in all.

Those benefits are consistent with the Government's agenda of public sector reform and will assist rather than impede the business sector. The Government Adviser on Deregulation concluded in his review of small business licensing that this Bill's streamlining of the current multiple licensing requirements will be beneficial to South Australian business.

The process culminating in this Bill has involved extensive consultation with environment, industry and community organisations beginning with a Green Paper published in 1991. This was followed by a White Paper and draft Bill released in August last year, along with the package of measures to finance the programs of the EPA. The draft Bill attracted eighty four submissions which demonstrated broad support for the EPA and the proposed legislation, with some reservations from sectors of industry.

Since that time, a wide round of consultation with companies, industry sectors and industry associations has ensured that previous reservations about the Bill, and the mode of operation to be adopted by the EPA, have been clarified and addressed. That dialogue and partnership, which will be a feature of the new arrangements, has been recognised, for example, by the General Manager of the SA Chamber of Commerce and Industry, Mr Lindsay Thompson, who has praised the consultative process undertaken and the commitment of staff of the Office of the EPA in addressing legitimate views and positive suggestions advanced by the business sector.

The result of those consultations is an Environment Protection Bill which is directed at effective environmental solutions and goals, and yet provides to industry the requisite degree of certainty and time to adjust current practices, plant and technologies to meet desired environmental outcomes.

As a result of this landmark initiative, we can look forward to progressively achieving the environmental improvements sought by government, environment groups and the wider community.

The Environment Protection Bill has been developed as part of a legislative reform package with the recently enacted Development Act 1993, and the Environment, Resources and Development (ERD) Court Act 1993. The respective systems of initial development authorisation and ongoing environmental oversight are linked, resulting in streamlining of approval and licensing requirements and greater certainty for environmentally sound developments. The Environment Protection Bill, together with the Development and ERD Court Acts, completes a major Government initiative in legislative reform consolidating fourteen Acts of Parliament into these three principal Acts and two associated Acts dealing with coastal and heritage matters.

Development proposals with the potential to pollute the environment or generate significant waste will be referred to the EPA by the relevant development approval body under the Development Act. The EPA will have an input into that initial development authorisation and may impose conditions or, in certain instances, veto proposals. This means that the EPA can take a vital preventative approach to pollution and waste at the stage when development proposals are being planned, designed and assessed for approval.

Where the EPA has agreed to a development authorisation, the applicant will be assured of receiving an environmental authorisation under the Environment Protection Bill. An environmental authorisation, such as a licence, provides for ongoing environmental oversight of activities into the future. Conditions governing activities of environmental significance are adjusted periodically as scientific knowledge, environmental standards and expectations and technological advances to protect the environment change. The EPA will have an important role in seeing that environmental improvement is progressively achieved.

The Government's initiative in developing the EPA proposals has, in itself, had the welcome effect of stimulating industry and various public authorities to examine and improve their environmental performance. A range of companies and government agencies are undertaking environmental audits and waste minimisation audits, assessing their compliance with legal requirements, introducing best practice environmental management, negotiating environment

improvement programs, and factoring in to their future investment and plant upgrading plans changes needed to meet environmental goals.

For its part, the Government's Cleaner Industries Demonstration Scheme is a tangible expression of commitment, through the Office of the EPA, to assist industry to make environmental progress. The Office, the Economic Development Authority and the Commonwealth Environment Protection Agency are each contributing $200 000 to the Scheme.

Positive environmental steps on the part of industry and public authorities will be recognised, encouraged and rewarded under the new legislation.

A range of measures in the Bill recognise and reward environmental planning initiatives and good practice by industry, and provide a greater degree of certainty for environmentally sound activities. These include:

- the entitlement for a business to propose its own environment improvement program together with a matching term for which its environmental authorisation should apply;
- encouragement for businesses to undertake voluntary environmental audits which would then be afforded legal protection;
- certainty that an environmental authorisation will be granted for activities approved under the Development Act, where the EPA has had an input and supported that approval;
- third party appeals being dealt with at the stage when development authorisation is granted, avoiding a second round of such appeals;
- the option for business to seek a single environmental authorisation covering their activities at various locations;
- greater certainty that the EPA will not 'shift the goalposts' set for industry by changing conditions under which they operate unless there is specific and substantial reason to do so;
- scope for industry to adjust and make environmental improvements over practicable timeframes in line with investment in new processes, equipment and technologies; and
- capacity for the EPA to set differential fees reflecting the polluter pays principle, and to include an incentive component to reward environmental improvement.

Together, these measures mean an Environment Protection Bill at the forefront of environmental regulation in Australia, providing, in a range of ways, a comparative advantage for environmentally responsible businesses in South Australia. The Bill measures up well when assessed against the recent report of the Australian Manufacturing Council, *The Environmental Challenge: Best Practice Environmental Regulation* (June 1993), which emphasises the need to produce 'outcomes consistent with enhanced environmental performance and improved competitiveness'.

The Bill establishes the South Australian Environment Protection Authority as a statutory authority of six members.

The EPA's charter is to oversee the protection, restoration and enhancement of the quality of the environment having regard to the principles of ecologically sustainable development and the specific objects set out in the Bill.

The EPA has responsibilities independent of the Minister in relation to its reports and recommendations, its decision-making functions on environmental authorisations, such as licences and exemptions, and its enforcement responsibilities under the Bill.

The EPA will be supported in its work by the Office of the EPA, a group within the Department of Environment and Land Management formed by an amalgamation of departmental staff and former employees of the Waste Management Commission.

The specific functions of the EPA set out in the Bill include—

- preparing draft environment protection policies;
- contributing to the development and implementation of national environment protection measures;
- instituting or supervising environmental monitoring and evaluation programs;
- promoting the development of the environment management industry of the State; and
- encouraging and assisting in implementation of best practice environmental management, emergency planning, environment improvement programs and similar programs.

For the first time, this legislation requires that a South Australian State of the Environment report be prepared and published at least every five years. The EPA will be responsible for co-ordinating contributions and information from public authorities and for assessing and reporting to the Minister, the Parliament and the people of South Australia on the state of the environment. The range of matters to be reported on is specified in the Bill. The report will provide an assessment of progress towards environmental goals and significant issues and priorities that need to be addressed.

The membership of the EPA has been designed so that it has the requisite expertise, standing and credibility for such important responsibilities. It is not to be composed of members representing sectional interests or particular organisations.

A broadly-based, representative body called the Environment Protection Advisory Forum is also established to advise the EPA and the Minister on issues, proposals and policies under the Bill and to ensure that the views of a wide range of interested organisations are taken into account.

The membership of the Advisory Forum has been structured so that it includes representatives of the various sectors of industry affected by, or interested in, the measures and policies to be developed under the legislation. Its membership also includes representatives of environment and conservation organisations (including local community environment interests), the Local Government Association and the United Trades and Labour Council. State Government agencies with significant responsibilities in environmental protection, natural resources, economic development, public and environmental health and disaster prevention and planning are also represented.

Nominations for membership of the Forum must be sought from relevant organisations. As well as the Advisory Forum, there is provision for the EPA to establish specialist committees.

The framework of the Bill is provided by a series of objects which delineate the scope and purpose of the Bill. Reinforcing these objects, the Bill creates, for the first time, a general statutory environmental duty which requires us all to take reasonable and practicable measures to prevent or minimise harm to the environment from activity that pollutes the environment or produces wastes.

The Bill sets out the process for establishing environment protection policies which will include the specific requirements, standards, criteria and guidelines for activities with the potential to cause environmental harm from pollution or waste.

Initially, the State's environment protection policies will consist of the current requirements, standards and guidelines contained in various provisions of the Acts and regulations being replaced by this Bill. This will include those covering air and water quality, noise and waste management. The translation of those current requirements into environment protection policies is provided for by the transitional provisions in Schedule 2 of the Bill. Existing environmental standards are to be maintained in the initial set of environment protection policies.

Subsequent environment protection policies will be developed according to the consultative processes specified in the Bill. The policies will be considered by the Forum, the Minister and Cabinet and the Environment, Resources and Development Committee of Parliament. Once declared by the Governor, environment protection policies become disallowable statutory instruments under the Act.

The Bill also provides for policies to come into effect on an interim basis, prior to the consultative processes being undertaken, where there are good grounds for the policy to operate immediately. The processes of consultation and consideration of submissions would then follow. The process for establishing environment protection policies and interim policies is analogous to that used in the Development Act 1993 for development plans.

Special provision is made in the Bill for national environment protection measures to become South Australian environment protection policies. The Bill thereby provides the means by which South Australia will meet its obligations under Schedule 4 of the InterGovernmental Agreement on the Environment entered into on 1 May 1992 by the Commonwealth, all State and Territory governments and the Australian Local Government Association. This Agreement provides for national environment protection measures directed at achieving greater consistency in environmental standards across Australia and effective environmental protection with allowance for more stringent State policies where appropriate.

Under the Agreement, national measures for the protection of the environment may cover—

- ambient air quality;
- ambient marine, estuarine and freshwater quality;
- noise related to protecting amenity where variations in measures would have an adverse effect on national markets for goods and services;
- general guidelines for the assessment of site contamination;
- the environmental impacts associated with hazardous wastes;

- motor vehicle emissions; and
- the re-use and recycling of used materials.

An extensive prior consultative process, which parallels that required in this Bill, is required for development of all national environment protection measures, including consideration of regional environmental differences and the impact of measures.

Under the Agreement, national measures will be decided upon by a two-thirds vote of the national ministerial body and will be disallowable by the Commonwealth Parliament.

Schedule 4 of the Agreement is to be given effect by complementary legislation in each jurisdiction and it is envisaged that the South Australian complementary legislation will be prescribed as the relevant national scheme laws for the purposes of this Bill.

Once this prescription is made, a national environment protection measure that comes into operation under such prescribed laws will automatically come into operation as an environment protection policy under the South Australian Environment Protection Act.

Until the Parliament of South Australia enacts the complementary legislation being developed to give effect to Schedule 4 of the InterGovernmental Agreement on the Environment, the provisions of this Bill dealing with the application of national measures as State environment protection policy will have no effective operation. The complementary Commonwealth and State Bills to give effect to the Agreement are expected to be available for consideration late this year.

The Environment Protection Bill will also facilitate future collaboration and cooperation in various environmental endeavours on the part of local government authorities in matters such as recycling of waste and improved stormwater management.

The obligations of the South Australian Environment Protection Bill apply equally to public authorities and the private sector and the Crown is bound by its provisions. This includes the requirements—

- to comply with mandatory provisions of environment protection policies; and
- to obtain and conform with the conditions of an environmental authorisation (works approval, licence or exemption), if undertaking a prescribed activity of environmental significance listed in Schedule 1 of the Bill.

There are other significant features of the Bill to which I draw the attention of the House.

The Bill—

- establishes a single, integrated system of environmental authorisations for specified activities of environmental significance listed in Schedule 1 of the Act in place of the six licensing systems that currently apply (Clauses 36-57);
- invites industry to initiate their own environment improvement programs and undertake voluntary environmental audits (which would have legal protection) while enabling the EPA to require an audit in certain circumstances (Clauses 45, 59 and 43);
- provides that an environmental authorisation must be granted for development approved under the Development Act 1993 where the EPA has been consulted and has concurred with that approval (Clause 48);
- transfers regulatory responsibility for pollution of water to the EPA (Schedule 2, Clause 2); and provides for referral of applications within water protection areas to the Minister of Water Resources (Clauses 62-65);
- re-enacts SA's beverage container deposit and ozone protection Systems (Clauses 66-79);
- provides for a general environmental duty (Clause 25) and general offences of causing environmental nuisance (Clause 83), material environmental harm (Clause 81) and serious environmental harm (Clause 80) and appropriate defences to a charge of a contravention (Clauses 85 and 125);
- provides for environmental protection orders (Clauses 94-96), clean-up orders to deal with environmental harm (Clauses 100-104), emergency powers and dispensations (Clause 106);
- provides applicants with a right of appeal against certain EPA decisions to the Environment, Resources and Development Court (Clause 107-109);
- provides for the EPA and any person who would have standing at common law to seek injunctions and other civil remedies through the ERD Court (Clause 105);
- allows the ERD Court to use mediation and conciliation mechanisms for the resolution of disputes and to make restraining orders (in the same way as the District Court) to prevent disposal of property that may be required to satisfy a judgement of the Court (amendment of ERD Court Act in Schedule 2, Clause 3 of the Bill);
- provides criminal penalties ranging from on-the-spot fines to a maximum $1m for the most serious environmental harm in line with the maximum penalties set in the Acts being replaced (Clauses 80-85, 35);
- provides for corporate and related company liability, and, in common with numerous other SA Acts of a similar kind and comparable interstate laws, for directors to be liable in certain circumstances (Clauses 128-130, 125, 138) along with appropriate defences such as having complied with licence conditions or mandatory policies (Clause 85) or not having been negligent (Clause 125).

The Bill before the House does not deal with the matter of contaminated sites caused by previous polluting activity, or with related questions of financial liability for contaminated site remediation. These matters are currently the subject of a national discussion paper released under the auspices of the Australian and New Zealand Environment and Conservation Council. The Government will be developing policies and proposals for contaminated site matters over the next eighteen months, after which the necessary new provisions to be incorporated into the Environment Protection Act will be presented to Parliament.

As I said at the outset, this Environment Protection Bill is landmark legislation. It is forward-looking; it accommodates the anticipated development of greater consistency in environmental protection under national environment protection measures to the benefit of industry and the environment; it also takes a forward-looking approach to progressive achievement of environmental goals.

The Bill provides an effective, advanced and streamlined framework for environmental protection (in South Australia, together with an approach which will encourage a positive, constructive and collaborative partnership between government, industry and the wider community in the move towards economically and ecologically sustainable development. I commend the Bill to the House.

PART 1—PRELIMINARY

Clause 1—Short title

This clause is formal.

Clause 2—Commencement

This clause provides for the commencement of the measure on a date to be set by proclamation. Under the Acts Interpretation Act 1915 different provisions may be brought into force on different days.

Clause 3—Interpretation

This clause defines the terms used in the measure. In particular, the following terms are defined:

'amenity value' of an area refers broadly to all the qualities of an area that may be enjoyed by humans.

'environment' means land, air, water, living things, ecosystems, human made structures or areas and the amenity values of an area.

'environmental nuisance' means any adverse effect on an amenity value of an area caused by noise, dust, fumes, smoke or odour that unreasonably interferes with the enjoyment of the area by persons occupying land within, or lawfully resorting to, the area or an unsightly or offensive condition caused by waste.

'pollutant' means any solid, liquid or gas (or combination thereof) that may cause any environmental harm, and includes waste, noise, smoke, dust, fumes, odour, heat and anything declared by regulation to be a pollutant.

'pollute' means to discharge, emit, deposit or disturb pollutants or to cause or fail to prevent the discharge, emission, depositing, disturbance or escape of pollutants.

'prescribed activity of environmental significance' means an activity referred to in Schedule 1. The activities listed in that schedule are largely based on the sorts of industrial processes carried on by the persons licensed under the pollution licensing requirements of the Acts to be repealed by this measure. Schedule 1 may be amended by regulation.

Subclauses (2) and (3) define the classes of person who will be taken to be associates of another person.

Clause 4—Responsibility for pollution

Clause 4 provides that the occupier of a place or the person in charge of a vehicle will be responsible for pollution emanating from that place or vehicle. This provision does not however affect the liability of any other person in respect of that pollution.

Clause 5—Environmental harm

Clause 5 defines the concept of 'environmental harm'.

Subclause (1) states that environmental harm includes potential harm. Subclause (2) defines potential harm to include both harm that will occur in the future and harm that may occur in the future.

Subclause (3) defines 'material environmental harm' and 'serious environmental harm'.

Material environmental harm has occurred if—

- an environmental nuisance occurs that is of a high impact or on a wide scale; or
- environmental harm occurs resulting in actual or potential loss or damage to property and the value of that damage exceeds $5 000; or
- environmental harm occurs that involves actual or potential harm to the environment or to human health that is not trivial.

Serious environmental harm has occurred if—

- it involves actual or potential harm to the environment, or to human health, that is of a high impact or on a wide scale; or
- it results in actual or potential loss or property damage and the value of that damage exceeds $50 000.

Subclause (5) provides that harm may be taken to be caused by pollution despite the fact that it is the indirect result of pollution, or results from the combined effects of the pollution and other factors.

Clause 6—Act binds Crown

This measure binds the Crown in right of the State and as far as is legally possible in its other capacities, but provides that the Crown (as opposed to its agents) is not criminally liable under this measure.

Clause 7—Interaction with other Acts

Subclause (1) states that this measure does not derogate from the provisions of any other Act.

Subclause (2) states that the measure does not apply to circumstances to which the Environment Protection (Sea Dumping) Act 1984, the Pollution of Waters by Oil and Noxious Substances Act 1987 or the Radiation Protection and Control Act 1982 apply. The first two Acts are enacted as part of co-operative legislative schemes with the Commonwealth and States and for reasons of uniformity are to remain discrete from this consolidation of environmental controls. The Radiation Protection and Control Act is to continue to be administered as part of the Health portfolio.

Subclause (3) provides that this measure is subject to the provisions of the Pulp and Paper Mills Agreement Act 1958, the Pulp and Paper Mill (Hundreds of Mayurra and Hindmarsh) Act 1964 and the Roxby Downs (Indenture Ratification) Act 1982.

Subclause (4) provides that this measure does not apply in relation to—

- petroleum exploration activity under the Petroleum Act 1940 or the Petroleum (Submerged Lands) Act 1982; or
- wastes produced in the course of an activity, other than a prescribed activity of environmental significance (in relation to which an authorisation is required under this measure), authorised by a lease or licence under the Mining Act 1971, the Petroleum Act 1940 or the Roxby Downs (Indenture Ratification) Act 1982 when those wastes are produced and disposed of to land and contained within the area of the lease or licence; or
- wastes produced in the course of an activity other than a prescribed activity of environmental significance (in relation to which an authorisation is required under this measure) authorised by a lease under the Mining Act 1971 when those wastes are disposed of to land and contained within an adjacent miscellaneous purposes licence area under that Act.

Clause 8—Civil remedies not affected

Nothing in this measure affects a person's right to take civil action against another person. In particular, compliance with this measure does not necessarily indicate that a person has satisfied their common law duty of care in relation to others.

Clause 9—Territorial and extra-territorial application of Act

This measure covers the State's coastal waters and applies to acts or omissions of a person outside the State that cause pollutants to come within the State or that cause environmental harm within the State and that, if committed within the State, would constitute an offence against this measure.

PART 2—OBJECTS OF ACT

Clause 10—Objects of Act

This clause sets out the aims and philosophies of this measure.

Subclause (2) provides that the Authority, Forum and all persons and bodies involved in the administration of this measure must have regard to and seek to further the objects of this measure.

PART 3—AUTHORITY, FORUM AND FUND

DIVISION 1—ENVIRONMENT PROTECTION AUTHORITY

Clause 11—Establishment of Authority

This clause establishes the Environment Protection Authority ('the Authority') as a body corporate and an instrumentality of the Crown.

Subclause (4) provides that the Authority is subject to the direction of the Minister except where making a recommendation or report to the Minister or deciding on matters with respect to environmental or development authorisations under Part 6 or in relation to the enforcement of this measure.

Subclause (5) provides that any direction given by the Minister must be in writing.

Clause 12—Membership of Authority

This clause states that the Authority is to have six members, five of whom will be appointed by the Governor and one of whom will be a prescribed public servant (who will be the Deputy chairperson of the Authority).

The members appointed by the Governor will be persons with the environmental and industry expertise set out in subclause (2). One of these members will be appointed to chair the Authority.

Subclause (5) provides that the Governor may appoint deputies for members.

Clause 13—Functions of Authority

The Authority has the primary function of administering and enforcing the provisions of this measure to achieve environmental protection. Other functions of the Authority include the promotion of the objects of this measure amongst government bodies, the private sector and the public, the conducting of research and public education in relation to environment protection, encouragement of voluntary environmental audits and the regular review of environment protection policies.

Clause 14—Powers of Authority

The Authority has all powers that are necessary or expedient for the performance of its functions under this measure but in particular may seek expert advice and make use of the services of government employees (with the approval of the relevant Minister) or council employees (with the approval of the relevant council).

Clause 15—Terms and conditions of office

The chair of the Authority may be appointed for a term not longer than five years. Other appointed members may be appointed for a term not longer than two years. Appointed members may be removed for misconduct, neglect of duty, incapacity or failure to satisfactorily carry out duties. Remuneration of members is to be determined by the Governor.

Clause 16—Proceedings of Authority

Clause 16 provides for the procedures of meetings of the Authority and provides that the Authority must meet at least monthly.

Clause 17—Committees and subcommittees of Authority

Clause 17 provides that the regulations may prescribe that specified committees and subcommittees must be set up by the Authority. The Authority may also set up committees or subcommittees with the approval of the Minister.

Clause 18—Conflict of Interests

A member of the Authority or a member of a committee or subcommittee of the Authority who has a conflict of interests in relation to a matter must disclose that conflict and must not take any part in deliberations or decisions in relation to that matter. Failure to disclose such a conflict renders the member liable to a maximum penalty of division 6 imprisonment (1 year) or a division 6 fine ($4 000). A disclosure of interest must be recorded in the minutes of the Authority.

DIVISION 2—ENVIRONMENT PROTECTION ADVISORY FORUM

Clause 19—Establishment of Forum

This clause establishes the Environment Protection Advisory Forum ('the Forum').

Clause 20—Membership of Forum

The Forum is to consist of 18 members, 17 of whom will be appointed by the Governor and one of whom will be the deputy chair of the Authority.

Subclause (2) specifies the interests that are to be reflected in the membership of the Forum. Members will include a balance of representatives of industry, environmental, union and governmental groups.

Subclause (4) provides that the chair and deputy chair of the Forum will be chosen by the Governor.

Subclause (7) provides that members may nominate deputies.

Clause 21—Function of Forum

The function of the Forum is to advise the Authority and the Minister of the views of interested organisations and of the community in relation to the protection, restoration and enhancement of the environment within the scope of this measure.

Clause 22—Terms and conditions of office

A member of the Forum may be appointed for not more than three years and is entitled to the allowances and expenses determined by the Governor. A member may be removed for misconduct, neglect of duty, incapacity or failure to satisfactorily carry out his or her duties.

Clause 23—Proceedings of the Forum

The Forum is to meet at least once in every three months. Subject to the directions of the Authority, the Forum may determine its own procedures.

The Forum must keep minutes of its proceedings which are to be available to the public.

DIVISION 3—ENVIRONMENT PROTECTION FUND

Clause 24—Environment Protection Fund

Clause 24 establishes the Environment Protection Fund ('the Fund') which is to be comprised of the monies referred to in subclause (3) including financial assurances and a prescribed percentage of the monies paid in penalties and fees.

The Fund may be applied for purposes including the making of payments under environment performance agreements (see clause 60) and to fund investigations, research, pilot programs or education and training in relation to the environment and its protection.

PART 4—GENERAL ENVIRONMENTAL DUTY

Clause 25—General environmental duty

This clause imposes a general environmental duty on persons to take all reasonable and practicable measures to prevent or minimise environmental harm arising out of a polluting activity. Subclause (2) sets out criteria for determining what constitutes 'reasonable and practicable' measures. These criteria include environmental, financial and technical considerations.

Failing to comply with the general environmental duty does not constitute an offence in itself but may constitute grounds for the issue of a environment protection order or clean-up order or clean-up authorisation under Part 10 or for the making of an order of the Court under Part 11. Conditions of authorisations may also be framed to secure compliance with this duty.

The issue of environment protection orders or clean-up orders and conditions of authorisations are appealable to the Environment, Resources and Development Court.

Subclause (3) provides that it will be a defence in criminal proceedings or civil proceedings (proceedings for civil remedies under Part 11) where it is alleged that a person failed to comply with the general environmental duty that—

- the pollution concerned was dealt with in a mandatory provision of a policy or in an environmental authorisation and did not exceed the limits specified in the policy or authorisation; or
- a policy or authorisation stated that compliance with the policy or authorisation would constitute compliance with the duty and the person complied with the policy or authorisation.

PART 5—ENVIRONMENT PROTECTION POLICIES

DIVISION 1—GENERAL

Clause 26—Interpretation

This clause provides that the procedures set out in this Part in relation to a draft environment protection policy apply equally to a draft amendment or draft revocation of an existing environment protection policy.

Clause 27—Nature and contents of environment protection policies

Subclause (1) provides that environment protection policies may be made for any purpose directed towards securing the objects of this measure.

General provisions of environment protection policies will be more specific than the general duty established under clause 25. A policy may form the basis for decisions of the Authority and may, for example, be a factor in determining the conditions subject to which a licence will be granted. Policies may also be enforced by the issuing of an environment protection order under clause 94 directing a person to act in a specified manner consistent with the policy or face prosecution.

Under subclause (2)(c), a policy may provide that it may be enforced by the issue of an environment protection order under Part 10.

Policies may contain mandatory provisions which will largely take the place of regulations currently in place under the various Acts to be repealed under this measure. Breach of a mandatory provision of a policy constitutes an offence under clause 35.

A three tiered penalty system is created in relation to breaches of mandatory provisions of environment protection policies. Penalties are set out in clause 35. Subclause (3)(a) provides that each mandatory policy must specify the level of penalty which applies to each of its requirements.

Subclause (3)(b) provides that a policy may, on its terms, specify that a person may not be granted an authorisation exempting them from compliance with its provisions or may limit the circumstances in which such an exemption may be granted.

Subclause (4) provides that policies may incorporate standards prepared by a body as in force from time to time and may allow matters to be determined at the discretion of the Authority.

Clause 28—Normal procedure for making policies

This clause sets out the normal procedure that will be followed in making environment protection policies. The procedure is analogous to that provided in the Development Act in relation to development plans.

Subclause (3) provides that the Authority must, by newspaper advertisement, notify the public of its intention to prepare a draft environment protection policy.

Subclause (5) provides that once the draft policy and accompanying explanatory report have been prepared, these documents must be referred to the Forum and to any public authority particularly affected in the matter.

At the same time the Authority must, as provided in subclause (6), publicise the proposed making of a policy by *Gazette* and newspaper advertisement which will advise that interested persons may obtain copies of the draft and will invite written submissions from the public which will be available for public perusal. The newspaper advertisement will specify a date for a public hearing into the making of the policy (although under subclause (7) the Authority may, with the approval of the Minister, dispense with the necessity of holding a hearing if satisfied that it is not warranted in the circumstances).

Once the comments of the Forum, relevant public authorities and the public have been received, the Authority may modify the draft and will then refer the draft to the Minister who may accept, alter or reject the policy. The draft will then be referred to the Governor under subclause (12) who may declare the policy to be authorised and on gazettal the policy will come into operation on a date specified in the gazettal.

Clause 29—National environment protection measures automatically operate as policies

Clause 29 sets out the means by which South Australia will meet its obligations under Schedule 4 of the Inter Governmental Agreement on the Environment entered into on 1 May 1992 by the Commonwealth and all State and Territory governments. This agreement provides for national environment protection measures directed at achieving greater consistency in environmental standards across Australia and effective environmental protection.

Schedule 4 of the Agreement is to be given effect by complimentary legislation in each jurisdiction and it is envisaged that the South Australian complimentary legislation will be prescribed as the relevant national scheme laws for the purposes of this measure.

Once this prescription is made, a national environment protection measure that comes into operation under such prescribed laws will automatically come into operation as an environment protection policy under this Division without the authorisation of the Governor.

Subclause (2) provides that an environment protection policy that comes into operation by virtue of subclause (1) is to be treated as a policy that is to be taken into account by the Authority in determining any matters for the purposes of this measure to which the policy has relevance and may be given effect to by the issuing of environment protection orders under Part 10.

Subclause (3) provides that an environment protection policy that comes into operation by virtue of this clause cannot be varied or revoked except by a further national environment protection measure or by a more stringent environment protection policy made in the normal way under this Division.

Clause 30—Simplified procedure for making certain policies

A simplified procedure exists in the case of the adoption of a policy prepared by a body prescribed for the purposes of this clause. This procedure will cater for the adoption of standards and for the adoption of other documents where public consultation will have already occurred (such as a Standards Australia measure or an Australian Design Rule).

Such a draft policy may be referred directly to the Governor who may authorise and gazette the policy.

Clause 31—Reference of policies to Environment, Resources and Development Committee of Parliament

This clause sets out a procedure for Parliamentary consideration of environment protection policies that is analogous to that provided in the Development Act in relation to development plans.

Any policy that has been authorised by the Governor must be referred by the Minister to the Environment, Resources and Development Committee of the Parliament within 28 days. The Environment, Resources and Development Committee may either accept, object to or suggest amendments to a policy.

If an amendment is suggested by the Committee, the Minister may either recommend to the Governor that the amendment be made in which case the Governor may make the amendment, or the Minister may report to the Committee that the Minister is unwilling to make the suggested amendment in which case the Committee may either insist on the amendment or accept the policy as originally proposed.

If the Environment, Resources and Development Committee objects to a policy, copies must be laid before both Houses of Parliament and if either House resolves to disallow the policy, it ceases to have effect.

Subclause (9) provides that where a policy is disallowed by either House of Parliament, notice of this fact must forthwith be published in the *Gazette*.

Clause 32—Interim policies

The normal procedure for the making of policies set out in clause 28 is necessarily a time consuming one and it might in some cases be necessary to bring a policy into force immediately. This clause allows the Governor by notice in the *Gazette* to declare the interim operation of a policy as soon as the matter is referred to the Forum under clause 26(3)(a).

An interim policy will operate for one year unless sooner terminated by the Governor, disallowed by the Parliament or suspended by another policy coming into operation under this Division.

Clause 33—Certain amendments may be made without following normal procedure

The Minister may by notice in the *Gazette* amend a policy to correct an error, to make a change of form rather than substance or in order to make a change of a prescribed kind and such an amendment comes into operation on the day specified in the notice.

Clause 34—Availability and evidence of policies

The Authority is to keep copies of each environment protection policy and of each standard or other document referred to in an environment protection policy available for inspection and purchase by the public.

The Authority may, for evidentiary purposes, certify a copy of a policy or standard as a true copy of the policy, standard or other document.

DIVISION 2—CONTRAVENTION OF MANDATORY PROVISIONS

Clause 35—Offence to contravene mandatory provisions of policy

This clause creates offences of breaching a mandatory provision of an environment protection policy. The offences fall into two categories, the more serious of which involves proof of recklessness or intention. Penalties on breach depend on which penalty level is specified in the policy (see clause 27).

The maximum penalties are as follows:

Intentional or reckless breach:

Category A: Body corporate—$250 000.
Natural person—$120 000 or Division 5 imprisonment (2 years) or both.

Category B or C: Division 3 fine ($30 000).

Other breaches:

Category A: Body Corporate—$120 000.
Natural person—Division 1 fine ($60 000).

Category B: Division 6 fine ($4 000).

Category C: Division 9 fine ($500).

Expiation fees (for a breach that is not intentional or reckless):

Category B: Division 6 fee ($300).

Category C: Division 9 fee ($100).

Subclause (4) provides that where a person is charged under subclause (1) with reckless or intentional contravention of a mandatory provision of a policy, the court may, in the alternative, find the person guilty of a lesser offence that does not involve a mental element.

PART 6—ENVIRONMENTAL AUTHORISATIONS AND DEVELOPMENT AUTHORISATIONS

DIVISION 1—REQUIREMENT FOR WORKS APPROVAL

Clause 36—Requirement for works approval

This clause provides for a system of works approvals governing the construction and alteration of structures or plant proposed to be used for a prescribed activity of environmental significance (an activity referred to in schedule 1). The aim of the system of works approvals is to ensure that works are initially set up in a manner that will lead to better environmental performance hence avoiding the need for expensive remedial action in relation to inadequately constructed works. A person who carries out works without such a works approval is liable to a maximum penalty, in the case of a body corporate, of a fine of $120 000 and, in the case of a natural person, of a division 1 fine ($60 000).

Subclause (2) provides that a works approval will not be required in relation to an activity authorised by a licence. In such a case, construction and alteration of works will be governed by conditions contained in the licence. A works approval will also not be required for works for which a development authorisation is required under the Development Act.

DIVISION 2—REQUIREMENT FOR LICENCE

Clause 37—Requirement for licence

A person must not undertake a prescribed activity of environmental significance (an activity referred to in schedule 1) unless the person holds a licence under Part 6. The maximum penalty on breach is, in the case of a body corporate, a fine of $120 000 and, in the case of a natural person, a division 1 fine ($60 000).

DIVISION 3—EXEMPTIONS

Clause 38—Exemptions

A person may obtain an environmental authorisation (an exemption) exempting the person from the application of a specified provision of this measure in respect of a specified activity. An exemption may be conditional and may be issued for a limited term.

DIVISION 4—GRANT, RENEWAL, CONDITIONS AND TRANSFER OF ENVIRONMENTAL AUTHORISATIONS

Clause 39—Applications for environmental authorisations

This clause provides for the manner in which an environmental authorisation (a licence, works approval or exemption) is to be applied for and provides that a prescribed application fee may be charged.

Clause 40—Public notice and submissions in respect of applications for environmental authorisations

The Authority must, on receipt of an application for the grant of an environmental authorisation, publish notice of the application in a newspaper and invite interested persons to make written submissions in relation to the application. Public notice is not required in respect of an application for an exemption from the application of a provision of Division 3 of Part 8 (in relation to ozone protection) or of an application for a licence to conduct a waste transport business (category B) as described in Part A of Schedule 1.

Clause 41—Grant of environmental authorisations

The Authority must, by written notice, advise an applicant of its decision as to whether to grant or refuse an authorisation and, in the case of a refusal of a licence or works approval, must include in the notice the reasons for the refusal.

The Authority must give notice of the granting of an exemption in the *Gazette*.

Clause 42—Authorisations may be held jointly

An environmental authorisation may be held jointly by two or more persons but where so held, those persons are jointly and severally liable where any civil or criminal liability attaches to the holder of the authorisation under this measure.

Clause 43—Time limit for determination of applications

If the Authority has not determined an application for an authorisation within the prescribed time, the applicant may, after having given the Authority 14 days notice, apply to the Environment, Resources and Development Court for an order setting the time in which the Authority must make its decision.

Clause 44—Term and renewal of environmental authorisations

An authorisation remains in force according to its terms and, subject to the terms of the authorisation, must be renewed on due application.

Subclause (6) provides that the Authority may renew an authorisation of its own motion, including after the expiry of the authorisation, if it is necessary for the protection or restoration of the environment that the holder continue to be bound by its conditions. If this were not the case, a person might be released from the duty to fulfil the conditions on an authorisation by lapse of time.

Clause 45—Applicants may lodge proposed environment improvement programs

An applicant for an authorisation may, with the application for the authorisation, lodge with the Authority a proposed environment improvement program to be carried out by the applicant. A program may be lodged—

- in association with an application for an exemption from compliance with the general environmental duty or an exemption from a mandatory provision of an environment protection policy, in which case the application must consist of a program setting out action to be taken within specified periods to achieve compliance with the general environmental duty or with the mandatory provisions, as the case may be; or
- in association with an application for the grant or renewal of a licence, in which case the application may consist of a program setting out action to be taken to achieve compliance with provisions of an environment protection policy that are to come into operation on a specified future day or may consist of a program for the protection, restoration or enhancement of the environment beyond standards required by or under this measure.

Clause 46—Conditions

The Authority may grant an environmental authorisation subject to conditions contemplated in this measure or necessary or expedient for the purposes of this measure. Imposition, revocation or variation of a condition must be notified in writing.

Subclause (3) provides that a condition of an authorisation may be imposed or varied on the granting or renewal of an authorisation, at any time by consent of the holder of the authorisation or where the imposition of the condition is made necessary because of the contravention of this measure by the holder of the authorisation, the risk of serious or material environmental harm, because of the making or amendment of an environment protection policy or in any other circumstances specified in the conditions of the authorisation.

A condition of an environmental authorisation may be revoked at any time.

A person who contravenes a condition of an authorisation is guilty of an offence and is liable to a maximum penalty, in the case of a body corporate, of a fine of $120 000 or, in the case of a natural person, of a division 1 fine ($60 000).

Clause 47—Public notice and submissions in respect of proposed variations of conditions

The Authority must notify the holder of the authorisation of the reasons for the proposed variation and must invite the holder to make written submissions within a period specified in the notice.

The Authority must also place a newspaper advertisement setting out the reasons for the proposed variation and inviting interested persons to make written submissions in relation to the proposed variation.

Subclause (3) provides that notice of a proposed variation is not required to be given to the holder of the environmental authorisation if the proposed variation is made with consent of the holder or if it constitutes the revocation of a condition.

Subclause (4) provides that public notice of a proposed variation is not required if the proposed variation does not result in any relaxation of the requirements for the protection or restoration of the environment imposed on the holder of the environmental authorisation.

Subclause (5) sets out further classes of variation in relation to which notice is not required.

Clause 48—Criteria for grant and conditions of environmental authorisation

This clause sets out the criteria that the Authority is to apply in determining applications for authorisations.

In general, subclause (1) provides that the Authority must have regard to the objects of this measure, the general environmental duty, any relevant environment protection policies, the terms of any relevant environmental impact statement, assessment report and development authorisation under the Development Act, relevant environment improvement programs or performance agreements and submissions of the public and of the holder of the authorisation.

Subclause (2) provides however that a person who has been granted a works approval or, on an application referred to the Authority in accordance with the Development Act 1993, a development authorisation under that Act specifically authorising the construction or alteration of a building or structure for use for a prescribed activity of environmental significance and who has complied with the conditions of the works approval or development authorisation imposed by the Authority, must be granted a licence by the Authority authorising the person to use the building or structure for that prescribed activity of environmental significance.

Notwithstanding subclause (2), the Authority may refuse to grant a licence to an unsuitable applicant and in particular, an applicant with a record of environmental contraventions. If the applicant is a body corporate, the Authority may take into account the previous records of directors of the body corporate.

Clause 49—Annual fees and returns

Where the term of an authorisation is greater than two years and the authorisation is not of a prescribed class, the holder must pay an annual fee to the Authority in relation to the authorisation and must lodge an annual return. The aim of this clause is to maintain adequate records in relation to long term authorisations and to spread the burden of fee payment over the term of the authorisation.

Clause 50—Transfer of environmental authorisations

This clause provides that the Authority has the same power to screen, on the grounds of suitability, persons who might obtain an authorisation by transfer as it has in relation to the initial grant of an authorisation under clause 48.

Clause 51—Death of person holding environmental authorisation

This clause provides for the temporary transfer of an authorisation to a person approved by the Authority where the holder of the authorisation dies.

DIVISION 5—SPECIAL CONDITIONS

This Division sets out a number of specific conditions that may be applied to environmental authorisations.

Clause 52—Conditions requiring financial assurance to secure compliance with Act

This clause provides that an authorisation may, where the activity involves a significant degree of risk of environmental harm, where the holder of the authorisation has contravened this measure or in other prescribed circumstances, be subject to a condition that the holder lodge a bond (supported by a guarantee or insurance policy) or sum of money with the Authority to ensure that, should the holder cause environmental damage, there will be sufficient funds in hand to apply towards loss suffered as a result of the damage.

Subclause (4) provides for a bond or pecuniary sum to be paid into the Environment Protection Fund. On the expiry of the authorisation, the bond or sum will be returned to the holder with interest when it is clear that there is no residual harm to be dealt with.

Where the holder of an authorisation fails to satisfy the conditions of discharge or repayment of the bond or pecuniary sum, the Authority—

- may determine that the whole or part of the amount of the bond or pecuniary sum is forfeited to the Environment Protection Fund;
- may apply from the Fund any money so forfeited in payments for or towards the costs or loss suffered by the Authority,a public authority or other person as a result of the failure by the holder of the authorisation;
- may, in the case of a pecuniary sum, on the expiry or termination of the authorisation and when satisfied that there is no reasonable likelihood of any or further valid claims in respect of costs, expenses, loss or damage incurred or suffered as a result of the failure of the holder of the authorisation, repay any amount of the pecuniary sum that has not been repaid or forfeited to the Fund.

Clause 53—Conditions requiring tests, monitoring or audits

A condition of an authorisation may require the holder to undertake self-monitoring and to make specified reports to the Authority or to carry out an environmental audit and compliance program. The Authority may require changes to be made in management practices and technical systems on the basis of an audit and compliance program carried on by the holder of the authorisation.Subclause (3) provides that requirements that the holder of an authorisation carry out an environmental audit and compliance program may only be imposed on the holder where the holder has contravened this measure.

Clause 54—Conditions requiring preparation and publication of plan to deal with emergencies

A condition of an authorisation may require the holder to assess the risk of environmental emergencies that might arise out of the holder's activities and to prepare a plan of action to be taken in the event of such an emergency occurring. The condition may require the publication of the plan or an outline of the plan.

Clause 55—Conditions requiring environment improvement program

The holder of an authorisation may be required to prepare an environment improvement program and to comply with such a program as approved by the Authority. The aim of such a program is to ensure orderly and progressive improvements in environmental standards and to ensure that, when new standards are to be applied in the mandatory provisions of a policy, holders of authorisations will be in a position to meet those standards.

DIVISION 6—SUSPENSION, CANCELLATION AND SURRENDER OF ENVIRONMENTAL AUTHORISATIONS

Clause 56—Suspension or cancellation of environmental authorisations

The Authority may suspend or cancel an authorisation where the holder has ceased to undertake the activity authorised, has obtained the authorisation improperly, has contravened the measure or a requirement imposed under the measure or, in cases specified by regulation, has been guilty of other misconduct. The holder of an authorisation, or, if the holder is a body corporate, a director of the body corporate, may also be disqualified from holding further environmental authorisations.

Before the Authority acts under this clause, the Authority must notify the holder in writing of its reasons for the proposed suspension and allow the holder at least 14 days within which to make submissions in relation to the proposed suspension.

Clause 57—Surrender of environmental authorisations

An authorisation may only be surrendered with the approval of the Authority. On application for such a surrender, the Authority may apply further conditions necessary for the protection or restoration of the environment and, in such a case, will approve the surrender on the fulfilment of those conditions.

DIVISION 7—CRITERIA FOR DECISIONS OF AUTHORITY IN RELATION TO DEVELOPMENT APPLICATIONS

Clause 58—Criteria for decisions of Authority in relating to development applications

This clause provides that where the Authority is considering a matter referred to it under the Development Act, it must have regard to and seek to further the objects set out in this measure, and have regard to the general environmental duty and any relevant environment protection policies.

PART 7—VOLUNTARY AUDITS AND ENVIRONMENTAL PERFORMANCE AGREEMENTS

Clause 59—Protection for information produced in voluntary environmental audits

This clause provides that a person may apply to the Authority in advance for protection against the seizure or use in evidence against the person of certain documents to be produced in the process of undertaking a voluntary environmental audit.

Subclause (3) provides that the Authority may, in its discretion, issue to an applicant for such protection a determination conferring the protection of this clause in respect of a report of the results of the audit program but subject to such conditions as the Authority thinks fit, which may include—

- conditions limiting the kinds of information that may be included in the report;
- conditions requiring that the report be compiled and kept in a specified manner and form;
- conditions requiring the person to lodge with the Authority evidence (supported, if the Authority so requires, by statutory declaration) as to the time of completion of the audit program and as to the compilation and keeping of the report.

Subclause (4) provides that information that is approved as attracting the privilege is not admissible in evidence against the person in any proceedings under this measure and that it may not be seized or obtained for the purposes of the administration or enforcement of this measure.

Subclause (5) creates an offence of knowingly claiming the protection of this clause in relation to information to which the protection does not apply. A maximum penalty of a division 2 fine ($40 000) applies on breach.

Finally, the clause makes it clear that the provision for protection of voluntary audit results does not limit or derogate from a person's obligation to report the results of tests or monitoring, or the results of an environmental audit and compliance program, as required by conditions of an environmental authorisation or the obligation of a person to report an incident causing or threatening serious or material environmental harm.

Clause 60—Environment performance agreements

Clause 60 provides that the Authority may, with the prior approval of the Minister, enter into environment performance agreements with any person. An environment performance agreement is a binding contract between the Authority and another party (which may be a Minister, a council or other public authority or any other person) under which the party agrees to undertake environmental protection, restoration or enhancement programs aimed at securing the objects of this measure but which the party is not required to undertake under the terms of this measure.

Under the clause, the Authority may offer incentives in the form of financial assistance (with the agreement of the Minister) or remission of State or council rates and taxes (with the approval of the Treasurer or council respectively) encouraging parties to make such agreements. Incentives may not include relief of a party from their duties under this measure or any other Act.

Clause 61—Registration of environment performance agreements in relation to land

Where an environment performance agreement relates to land, it may, with the consent of all persons having an interest in the land (not being parties to the agreement), be registered with the Registrar-General. The agreement is then binding on succeeding owners and occupiers of the land.

PART 8—SPECIAL ENVIRONMENT PROTECTION PROVISIONS

DIVISION 1—WATER QUALITY IN WATER PROTECTION AREAS

This Division provides for the coordinated operation of this measure and the Water Resources Act.

Clause 62—Interpretation

This clause defines the term 'water protection area' to mean a water protection area for the purposes of Part V of the Water Resources Act 1990 and defines 'Water Resources Minister' to means the Minister administering that Act.

Clause 63—Authorised officers under Water Resources Act

This clause deems authorised officers under the Water Resources Act to be authorised officers for the purposes of this measure, subject to any conditions placed on their powers by the Authority with the approval of the Minister and the Water Resources Minister.

Clause 64—Water Resources Minister may exercise Authority's enforcement powers

The Water Resources Minister may exercise the enforcement powers of the Authority for the protection of water quality within a water protection area.

Clause 65—Certain matters to be referred to Water Resources Minister

Applications for environmental authorisations in respect of activities to be undertaken in a water protection area must be referred to the Water Resources Minister. Regulations may be made specifying the weight that is to be given to the Water Resources Minister's response by the Authority.

DIVISION 2—BEVERAGE CONTAINERS

This Division reproduces in simplified form the controls on beverage containers currently contained in the Beverage Container Act 1975.

Clause 66—Interpretation

This clause defines a number of terms. 'Category A' and 'category B' containers are defined as containers approved by the Authority as category A and category B containers respectively. Category A containers are to be returnable at point of sale whereas category B containers are to be returnable at collection depots.

Clause 67—Division not to apply to certain containers

As is currently the case under the Beverage Container Act, glass wine and spirit bottles will not come under the ambit of the measure, although glass bottles containing wine-based beverages, or the new analogously defined class of spirit-based beverages, will be covered.

Clause 68—Exemption of certain containers by regulation

Classes of containers may be exempted from this Division or specified provisions of this Division by regulation.

Clause 69—Approvals, markings, etc., required before sale or supply of beverages in containers

A retailer is prohibited from selling a beverage in a container unless it has been approved as a category A or B container or both and has been marked in the appropriate manner and, in the case of a category B container, unless the beverage is sold from within a collection area and the appropriate sign is displayed on the premises (if required). A maximum penalty of a division 7 fine ($2 000) a division 7 expiation fee ($200) applies on breach.

A person who supplies a retailer or consumer with containers that do not satisfy the requirements of this clause as to marking and approval as category A or category B containers will be liable to a maximum penalty of a division 6 fine ($4 000) or to a division 6 expiation fee ($300).

Subclause (4) provides for proof of the fact that premises were not within a collection district.

Clause 70—Grant, variation or revocation of approvals

This clause sets out the means by which approvals to be are applied for and granted. Under the Beverage Container Act approvals are granted by the Minister. Under the proposed new regime, approvals are to be granted by the Authority and notified in the *Gazette*.

Subclause (1) provides that applications are to be made in a form approved by the Authority and accompanied by the prescribed fee.

Subclause (3) provides that the Authority may refuse to approve a container unless it is satisfied that proper arrangements have been made to ensure that containers of that class will be returned and recycled or properly disposed of. The Authority must give reasons for refusal to approve a container.

Subclause (6) provides that conditions of an approval may be amended by notice in the *Gazette* and subclause (8) provides that an approval may be revoked if the approval has been contravened.

Clause 71—Retailers to pay refund amounts for certain empty category A containers

A retailer who sells beverages in a particular class of category A containers must accept the return of clean used containers of that class and must pay the appropriate refund. A maximum of a division 7 fine ($2 000) or a division 7 expiation fee ($200) applies on breach.

Subclause (3) makes provision as to proof of the fact that a retailer sells beverages in a container of a particular class.

Clause 72—Collection depots to pay refund amounts for certain empty category B containers

A person operating or in charge of a collection depot must accept, and pay the appropriate refund in respect of, clean used category B containers that are returned to the depot and for which the depot is approved by the Authority as a collection depot. A maximum penalty of a division 7 fine ($2 000) or a division 7 expiation fee ($200) applies on breach.

Clause 73—Certain containers prohibited

Ring pull containers are to be prohibited as is currently the case under the Beverage Container Act.

Specified glass containers may be also be prescribed as prohibited as is currently the case under the Beverage Container Act.

A retailer must not sell a beverage in a prohibited container. A maximum penalty of a division 7 fine ($2 000) a division 7 expiation fee ($200) applies on breach.

A person who supplies a retailer or consumer with a beverage in a prohibited container will be liable to a maximum penalty of a division 6 fine ($4 000) or to a division 6 expiation fee ($300).

Clause 74—Evidentiary provision

Clause 74 provides that an allegation in a complaint that a specified liquid was a beverage or that a specified container was a glass container, is, in the absence of proof to the contrary, proof of the matter so alleged.

DIVISION 3—OZONE PROTECTION

This Division replaces the ozone protection provisions of the Clean Air Act 1984 without making any changes of substance to the regime established under that Act.

Clause 75—Interpretation

This clause defines a number of terms for the purposes of the Division. 'Prescribed substance' is defined to mean a substance referred to in schedule 1 of the Commonwealth Ozone Protection Act 1989 or a substance prescribed by regulation.

Clause 76—Prohibition of manufacture, use, etc., of prescribed substances

A person must not manufacture, store, sell, use, service or dispose of or allow the escape of a prescribed substance, or a product containing a prescribed substance, unless permitted to do so under the regulations or an exemption under Part 6 of this measure, subject to a maximum penalty, in relation to a body corporate, of a division 1 fine ($60 000) or, in relation to a natural person, of a division 3 fine ($30 000).

Clause 77—Authority may prohibit sale or use of certain products

The Authority may, by notice in the *Gazette*, prohibit the sale or use in the State of products manufactured inside or outside the State using a prescribed substance. A person who fails to comply with such a notice is subject to a maximum penalty, in relation to a body corporate, of a division 1 fine ($60 000) or, in relation to a natural person, of a division 3 fine ($30 000).

Clause 78—Labelling of certain products

This clause allows the making of regulations prescribing labelling for certain products and provides that the manufacturer of such products must not sell them without that labelling. A person who fails to comply with this provision is subject to a maximum penalty, in relation to a body corporate, of a division 1 fine ($60 000) or, in relation to a natural person, of a division 3 fine ($30 000).

Clause 79—Requirement for grant of exemptions in certain cases

Where a person applies for an exemption under Part 6 from a provision of this Division, the exemption granted to the applicant by the Authority must be consistent with the terms of any licence or exemption held by that person under the Commonwealth Ozone Protection Act 1989.

PART 9—GENERAL OFFENCES

Clause 80—Offences of causing serious environmental harm

Clause 80 contains the general offences of causing serious environmental harm. These offences are the most serious under the measure and this is reflected in the maximum applicable penalty of a fine of $1 000 000.

The term 'serious environmental harm' is defined in clause 5 as meaning actual or potential harm to the environment or to the health or safety of human beings which is of a high impact or on a wide scale or which results in actual or potential loss or property damage of an amount exceeding $50 000.

In order to prove the most serious offence, the prosecution will have to prove that serious environmental harm has been caused, that the polluting act was committed intentionally or recklessly and that the perpetrator knew that this pollution would or might result in serious environmental harm. The maximum penalty for this offence is a fine of $1 000 000 in the case of a body corporate or, in the case of a natural person, a fine of $250 000 or division 4 imprisonment (4 years).

A lesser offence requires the Authority to prove serious environmental harm but does not require proof of any mental element on the part of the offender. The maximum penalty in relation to this offence is, in the case of a body corporate, a fine of $250 000 and, in the case of a natural person, a fine of $120 000.

The provisions of clause 125 (which includes a general defence of non-negligence) should be noted in relation to this and all other offences under this measure. The defence under clause 85 also applies to the offences under this Part.

Subclause (3) provides that a court may find a person guilty of the lesser offence that does not involve a mental element despite the fact that the person has been charged with the offence involving the mental element.

Clause 81—Offences of causing material environmental harm

Clause 81 creates offences of causing material environmental harm which are parallel to the offences created in clause 80. Clause 5 provides that material environmental harm has occurred if—

- an environmental nuisance occurs that is of a high impact or on a wide scale; or
- environmental harm occurs resulting in actual or potential loss or damage to property of an amount exceeding $5 000; or
- the environmental harm that occurs involves actual or potential harm to the environment or to human health that is not trivial.

While penalties for the offence of causing material environmental harm are less than those in relation to serious environmental harm, they are still significant. A body corporate that knowingly causes such harm it is liable to a maximum fine of $250 000. A natural person in the same situation will be liable to a maximum fine of $120 000 or to division 5 imprisonment (2 years). Where no mental element is proven, a body corporate will be liable to a maximum fine of $120 000 and a natural person to a maximum penalty of a division 1 fine ($60 000).

Subclause (3) provides that a court may find a person guilty of the lesser offence not involving a mental element despite the fact that the person has been charged with the offence involving the mental element.

Clause 82—Alternative finding

If a person is charged with causing serious environmental harm and the court is satisfied only that the person caused material environmental harm, the court may proceed to find the defendant guilty of the latter offence without new proceedings being brought.

Clause 83—Offence of causing environmental nuisance

Clause 83 provides that where it is proved that a person caused an environmental nuisance (note definition in clause 3) by polluting the environment intentionally or recklessly and the person knows that such pollution will or might cause an environmental nuisance, the person will be guilty of an offence punishable by a maximum penalty of a division 3 fine ($30 000).

Examples of such conduct would be the intentional dumping of waste or emission of noise or odour despite the knowledge that it is or might be upsetting residents or others in the vicinity.

It will later be seen that environmental nuisances will be dealt with largely by the issue of environment protection orders.

Clause 84—Notification of incidents causing or threatening serious or material environmental harm

Where an incident occurs arising from a person's activity and that incident causes or creates a risk of serious or material environmental harm resulting from pollution, the person must notify the Authority unless the person has a reasonable excuse for not doing so (defined in subclause (2)). Failure to so notify the Authority renders a body corporate liable to a maximum penalty of a fine of $120 000 or, in the case of a natural person, a division 1 fine ($60 000).

Subclause (2) provides that a person is not required to notify the Authority of such an incident if the person has reason to believe that the incident has already come to the notice of the Authority, but a person is required to notify the Authority of such an incident despite the fact that to do so might incriminate the person or make the person liable to a penalty.

Information given by a person under this clause is not admissible in evidence against the person in any proceedings (other than proceedings in relation to the making of a false statement under this clause).

Clause 85—Defence where alleged contravention of Part

Clause 85 provides that it will be a defence in any civil or criminal proceedings where it is alleged that a person contravened this Part that—

- the pollution concerned was dealt with in a mandatory provision of a policy or in an environmental authorisation and did not exceed the limits specified in relation to that pollution in the policy or authorisation.
- an environment protection policy or an environmental authorisation stated that compliance with the policy or authorisation would constitute compliance with the duty in relation to the pollution concerned and the person complied with that policy or authorisation.
- the pollution resulted in harm only to the person or the person's own property or to another person or the property of another person with that other person's consent.

PART 10—ENFORCEMENT

DIVISION 1—AUTHORISED OFFICERS AND THEIR POWERS

Clause 86—Appointment of authorised officers

Authorised officers have duties including the carrying out of investigatory functions under this measure and, in certain circumstances, of preventing or making good environmental harm.

Authorised officers may be appointed by the Authority. Members of the police force are *ex officio* authorised officers and councils may, in consultation with the Authority, appoint employees to be authorised officers. The powers of authorised officers may be limited by condition of their appointment and the powers of authorised officers who are appointed by councils may also be limited by regulation.

Clause 87—Identification of authorised officers

Authorised officers (other than police officers) must be issued with identity cards and all officers (other than uniformed police officers) must produce evidence of their authority on request. Where the powers of an authorised officer have been limited by the conditions of appointment of the officer, the identity card issued to the authorised officer must contain a statement of the limitation on the officer's powers.

Clause 88—Powers of authorised officers

Clause 88 sets out the powers of authorised officers. These powers include—

- power to enter and inspect places or vehicles, to stop vehicles and, in emergencies or on the obtaining of a warrant, to break into a place or vehicle;
- power to take samples for analysis;
- power to require the production of documents or information and to take copies of such documents or information;
- power to examine or test plant, equipment or vehicles to determine if this measure has been complied with;
- power to seize, or issue a seizure order in relation to, anything used in, or constituting evidence of, a contravention of this measure;
- power to require a person's name and address and proof thereof;
- power to require a person to answer questions;
- power to give directions in connection with the exercise of these powers or the administration or enforcement of this measure.

It should be noted that subclause (2) provides that the powers of entry under this clause (as opposed to entry with a warrant obtained under clause 89) may only be exercised in respect of business premises during business hours or where the authorised officer has a reasonable suspicion that a contravention of this measure has been, is being or is about to be committed or that evidence of a contravention may be found on the premises.

Subclause (3) provides that a person is entitled to be assisted by an interpreter if they are not reasonably fluent in English.

Clause 89—Issue of warrants

A justice may issue an authorised officer with a warrant authorising the authorised officer to use reasonable force to break into a place or vehicle if satisfied that there are reasonable grounds to believe that a contravention of this measure has been, is being or is about to be committed or that evidence of a contravention may be found on the premises. The grounds of an application for a warrant must be verified by affidavit.

Subclause (4) provides that an application for the issue of a warrant may be made by telephone where it is urgently required and there is insufficient time to make the application personally.

Clause 90—Provisions relating to seizure

This clause makes provisions in relation to a seizure order issued by an authorised officer pursuant to clause 88(1)(i).

Subclause (1) provides that such an order must be in writing.

Subclause (2) provides that a person must not without the permission of the Authority remove or interfere with anything that is the subject of a current seizure order. A person who does so is liable to a maximum penalty of a division 6 fine ($4 000).

Subclause (3) provides that a court may order the forfeiture of seized property where the property was seized in relation to proceedings for an offence and the defendant is found guilty of that offence. If proceedings are not instituted within 6 months, the defendant is found to be not guilty of the offence or the defendant is found guilty but the court makes no order for forfeiture, the person may recover the property, or its value, from the Authority and the seizure order is discharged.

Clause 91—Offence to hinder, etc., authorised officers

Clause 91 creates an offence of hindering, insulting or threatening an authorised officer,failing to comply with a direction of an authorised officer, failing to answer an officer's questions or of impersonating an officer. A person committing this offence is liable to a maximum penalty of a division 5 fine ($8 000) or division 5 imprisonment (2 years).

Clause 92—Self-incrimination

A person is not excused from answering a question or producing, or providing a copy of, a document or information as required under this Division on the ground that to do so might tend to incriminate the person but where such compliance would tend to incriminate the person, the answer to the question, or the fact of the production of a document by the person, is not admissible in evidence against the person.

Clause 93—Offences by authorised officers, etc.

An authorised officer is guilty of an offence if he or she addresses offensive language to a person or, without lawful authority, obstructs or uses force against a person. The authorised officer is liable on breach to a maximum penalty of a division 6 fine ($4 000).

DIVISION 2—ENVIRONMENT PROTECTION ORDERS

Clause 94—Environment protection orders

The Authority may issue environment protection orders for the purpose of securing compliance with the general environmental duty, mandatory provisions of an environment protection policy, a condition of an environmental authorisation, a condition of a beverage container approval or any other requirement imposed by or under this measure or for the purpose of giving effect to an environment protection policy.

Environment protection orders must be in writing and may require that a person—

- discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from the Authority;
- not carry on a specified activity except at specified times or subject to specified conditions;
- take specified action within a specified period.

Where serious or material environmental harm is occurring or is threatened, an authorised officer may issue an emergency environment protection order (including an oral order). An emergency order

will expire after 72 hours unless confirmed by a written order issued by the Authority.

The Authority or an authorised officer may include in an emergency or other environment protection order a requirement that a person undertake an act or omission that would otherwise constitute a contravention of this measure and, in that event, a person incurs no criminal liability under this measure for compliance with the requirement.

Where an environment protection order is issued to secure compliance with a provision of this measure in relation to which a penalty applies (for example, a mandatory provision of an environment protection policy), failure to comply with the order is punishable by that penalty (and, if the offence is expiable, breach of the order is expiable by payment of that expiation fee). If an order is issued to secure compliance with the general environmental duty or to give effect to a non-mandatory provision of an environment protection policy, the maximum penalty on non-compliance with the order is a division 9 fine ($500) or a division 9 expiation fee ($100) in relation to a domestic activity. Domestic environmental nuisances will fall into this category. In any other case, the maximum penalty is a division 6 fine ($4 000) or a division 6 expiation fee ($300).

Clause 95—Registration of environment protection orders in relation to land

This clause provides that the Authority may cause an environment protection order to be registered in relation to any land on which the activity that the order concerns is carried on or in relation to any land owned by the person to whom the order was issued. Once registered, an environment protection order issued in relation to an activity carried on on land is binding on each owner and occupier from time to time of the land.

The Authority must apply to the Registrar-General for cancellation of the registration of an environment protection order in relation to land on revocation of the order, on full compliance with the requirements of the order or, where the Authority takes action under this Division to carry out the requirements of the order, on payment to the Authority of the amount recoverable by the Authority under this Division in relation to the action so taken.

Clause 96—Action on non-compliance with environment protection order

If the requirements of an environment protection order are not complied with, the Authority may take the action itself or authorise the necessary action to be taken and the Authority may recover the reasonable costs of taking that action from the person who failed to comply with the requirements of the order.

The Authority may give notice to the person to pay an amount owed and, if the person fails to pay that amount, the person is liable to pay interest on the debt at the prescribed rate and the debt is a charge over any land owned by the person in relation to which the order is registered. That charge has priority over—

- any prior charge on the land (whether or not registered) that operates in favour of a person who is an associate (as defined) of the owner of the land; and
- any other charge on the land other than a charge registered prior to the registration of the environment protection order in relation to the land.

DIVISION 3—POWER TO REQUIRE OR OBTAIN INFORMATION

Clause 97—Information discovery orders

The Authority may by written notice require any person to provide it with information, including documents, that it requires for the enforcement of this measure and a person must comply with such a request. Failure to provide requested information will render the person liable to a maximum penalty of a division 5 fine ($8 000).

Clause 98—Obtaining of information on non-compliance with order or condition of environmental authorisation

If a person fails to give information required by an information discovery order under clause 97 or by a condition of an authorisation, the Authority may take action reasonably required to obtain the information and may charge the person for any costs incurred.

Clause 99—Admissibility in evidence of information

This clause makes provision in relation to self-incrimination in relation to a requirement to furnish information arising from an information discovery order or the conditions of a licence similar to the provisions of clause 92.

DIVISION 4—ACTION TO DEAL WITH ENVIRONMENTAL HARM

Clause 100—Clean-up orders

Where the Authority is satisfied that a person has caused environmental harm by a contravention of this measure or a repealed environmental law, the Authority may issue a clean-up order to the person requiring the person to take specified action within a specified period to make good any environmental damage resulting from the contravention.

A clean-up order may include requirements for action to be taken to prevent or mitigate further environmental harm or requirements for monitoring and reporting to the Authority the effectiveness of action taken in pursuance of the order.

An authorised officer may, if satisfied that a person has caused environmental harm by a contravention of this measure or a repealed environmental law and of the opinion that urgent action is required, issue an emergency clean-up order and may issue such an order orally. However, an emergency clean-up order will cease to have effect on the expiration of 72 hours from the time of its issuing unless confirmed by a written clean-up order issued by the Authority and served on the person.

The Authority or an authorised officer may include in an emergency or other clean-up order a requirement that a person undertake an act or omission that might otherwise constitute a contravention of this measure and, in that case, a person incurs no criminal liability under this measure for compliance with the requirement.

The maximum penalty on failure to comply with a clean-up order is, if the offender is a body corporate, a fine of $120 000 and, if the offender is a natural person, a division 1 fine ($60 000).

Clause 101—Clean-up authorisations

Instead of or in addition to ordering a person in contravention to clean up environmental damage, the Authority may issue a clean-up authorisation under which authorised officers or other persons authorised by the Authority for the purpose may take specified action to make good resulting environmental damage.

Clause 102—Registration of clean-up orders or clean-up authorisations in relation to land

The Authority may cause a clean-up order to be registered in relation to land owned by the person to whom the order was issued or, if the order was issued to a person requiring action to be taken in relation to land owned or occupied by the person, in relation to that land.

A clean-up authorisation may be registered in relation to land owned by the person whose contravention gave rise to the issue of the authorisation.

When registered, a clean-up order that was issued to a person requiring action to be taken in relation to land owned or occupied by the person is binding on each owner and occupier from time to time of the land and operates as the basis for a charge on the land securing payment to the Authority of costs and expenses incurred in the event of non-compliance with requirements of the order.

Other registered clean-up orders and clean-up authorisations operate as the basis for a charge on the land securing payment to the Authority of costs and expenses incurred in taking action in pursuance of the order or authorisation.

The Authority must apply for cancellation of the registration of orders and authorisations on their revocation, on any money outstanding in relation to the order or authorisation being paid or, in the case of an order requiring action to be taken, on compliance with its terms.

Clause 103—Action on non-compliance with clean-up order

If the requirements of a clean-up order are not complied with, the Authority may take any action required by the order through the agency of authorised officers or other persons authorised by the Authority for the purpose.

Clause 104—Recovery of costs and expenses incurred by Authority

The Authority may recover the reasonable costs and expenses incurred by the Authority in taking action on non-compliance with the requirements of a clean-up order, or in taking action in pursuance of a clean-up authorisation, as a debt from the person who failed to comply with those requirements, or from the person whose contravention gave rise to the issuing of the authorisation, as the case may be.

The Authority may give notice to the person to pay the amount owed and, if the person fails to pay that amount, he or she is liable to pay interest on the debt at the prescribed rate and the debt is a charge on land owned by the person in relation to which the clean-up order or clean-up authorisation is registered. That charge has priority over—

- any prior charge on the land (whether or not registered) that operates in favour of a person who is an associate (as defined) of the owner of the land; and

- any other charge on the land other than a charge registered prior to the registration of the clean-up order or clean-up authorisation in relation to the land.

PART 11—CIVIL REMEDIES

Clause 105—Civil remedies

Clause 105 provides that applications for orders of an injunctive nature may be made to the Environment, Resources and Development Court. The Court may also make orders for damages (including exemplary damages) or to enforce the terms of an environment performance agreement.

Subclauses (4) and (5) limit the Court's power to make awards of exemplary damages.

Subclause (7) provides that an application for orders under this clause may be made by the Authority or by any person who would, apart from this measure, have standing to pursue a similar remedy. Where action is taken by a member of the public, the Authority must be served with a copy of the application and may join as a party to the proceedings.

Subclause (9) provides that representative applications may be made for civil remedies.

Subclause (13) provides that the Court may make interim orders (including orders made *ex parte*) pending the final determination of a matter.

Subclause (14) provides that an order made by the Court requiring the respondent to take action to make good environmental damage or to prevent or mitigate further environmental harm may be dealt with under Division 4 of Part 10 (registration of orders, the taking of action by the Authority on non-compliance with an order and recovery of costs and expenses).

Subclause (16) provides that the Court may order an applicant to provide security for the payment of costs that may be awarded against the applicant if the application is subsequently dismissed or for the payment of any amount that may be awarded against the applicant under subclause (17).

Subclause (17) provides that if, on an application under this clause alleging a contravention of this measure or a repealed environmental law, the Court is satisfied that the respondent has not contravened this measure or a repealed environment law and that the respondent suffered loss or damage as a result of the actions of the applicant and the Court is satisfied that in the circumstances it is appropriate to make an order under this provision, the Court may require the applicant to pay to the respondent an amount (in addition to any award of costs), determined by the Court, to compensate the respondent for the loss or damage suffered by the respondent.

PART 12—EMERGENCY AUTHORISATIONS

Clause 106—Emergency authorisations

This clause provides that in a situation where it is necessary in order to protect life, the environment or property that a person act in a manner that would otherwise be in contravention of this measure and it is not practicable in the circumstances for the person to obtain an environmental authorisation in the normal manner, the Authority may grant the person an emergency environmental authorisation (which may be issued subject to conditions). A person incurs no criminal liability in respect of an act or omission authorised under this clause.

PART 13—APPEALS TO COURT

Clause 107—Appeals to Court

Clause 107 makes provision for appeals to the Environment, Resources and Development Court. Applicants for, or holders of, works approvals or licences have broad appeal rights conferred under subclause (1). Such an appeal must be lodged within 2 months of the making of the decision appealed against.

A person to whom an environment protection order, information discovery order or clean-up order has been issued by the Authority or an authorised officer may also appeal to the Court against the order or any variation of the order. Such an appeal must be lodged within 14 days of the issue or variation of the order.

Subclause (4) provides that the Court may extend the time limits fixed for the lodging of an appeal.

Clause 108—Operation and implementation of decisions or orders subject to appeal

Pending the determination of an appeal, a decision of the Authority that is subject to review continues to operate, but the Environment, Resources and Development Court may stay the operation of the decision, having taken into account the possible environmental consequences of such a stay and the need to secure the effectiveness of the appeal proceedings.

Clause 109—Powers of Court on determination of appeals

On hearing an appeal, the Environment, Resources and Development Court may confirm, vary or reverse a decision, may direct such action as the Court thinks fit to be taken or refrained from, and may make any consequential or ancillary order or direction, or impose any condition, that it considers necessary or expedient.

PART 14—PUBLIC REGISTER

Clause 110—Public register

The Authority must keep a register containing specified details in relation to environmental authorisations and other matters set out in subclause (3) including records of environmental incidents, environment protection and clean-up orders and of enforcement actions. The register allows members of the public access to information in relation to significant environmental activities being undertaken in the State.

PART 15—MISCELLANEOUS

Clause 111—Constitution of Environment, Resources and Development Court

This clause provides that the Court may, when exercising jurisdiction under this measure, be constituted in the manner set out in the Environment, Resources and Development Court Act or may, on the determination of the presiding member of the Court, be constituted by one Judge and one specially designated commissioner.

Clause 112—Annual reports by Authority

The Authority must on or before each 30 September deliver a report to the Minister on the administration of this measure over the previous financial year. The report must contain financial statements of the Environment Protection Fund and must specify any directions given to the Authority by the Minister. The Minister must table the report in each House of Parliament.

Clause 113—State of environment reports

This clause places the duty on the Authority to prepare at least once in every five years a report on the state of the environment which is to be tabled before both Houses of Parliament.

Clause 114—Waste depot levy

The holder of a licence to conduct a waste depot (as described in Part A of Schedule 1) must pay a prescribed levy to the Authority in respect of waste received at the depot. Differential levies may be prescribed for the purposes of subclause (1).

Where the holder of such a licence fails to pay a levy as required under this clause, the Authority may, by notice in writing, require the holder to make good the default and to pay to the Authority the amount prescribed as a penalty for default. A levy (including any penalty for default) payable by a person under this clause is recoverable by the Authority as a debt due to the Authority and is, until paid, a charge on any land owned by the person.

Clause 115—Waste facilities operated by Authority

The Authority may, with the approval of the Minister and subject to such conditions as the Minister may impose, collect, store, treat and dispose of domestic and rural waste chemicals and containers. The Authority does not require a licence or other authorisation under any other provisions of this measure in order to carry on such operations and compliance with the conditions of the Minister's approval constitutes compliance with this measure.

Clause 116—Delegations

Clause 116 provides that the Authority may, in writing, delegate any of its powers under this measure. A delegation may be conditional and is revocable at will by the Authority.

Clause 117—Waiver or refund of fees and payment by instalments

The Authority may, in cases of a kind approved by the Minister, waive the payment of, or refund, the whole or part of any fees payable to the Authority and may allow the payment of such fees by instalments.

Clause 118—Notices, orders or other documents issued by Authority or authorised officers

This clause sets out the formal requirements for the issuing or execution of documents by the Authority or authorised officers.

Clause 119—Service

Where the Authority is required or authorised to personally serve a person with a notice or other document, it may serve the person by delivering it personally to the person or their agent, by leaving it at the person's residence or place of business with a person apparently over the age of 16 or by posting it to the person or the person's agent at his or her last known place of residence or business.

Subclause (2) provides that where the holder of an authorisation has supplied an address or facsimile number to the Authority, the Authority may serve the person at that address or via that facsimile number. Companies may be served in accordance with the provisions of the Corporations Law.

Clause 120—False or misleading information

This clause creates an offence of making a false or misleading statement in furnishing information or keeping a record under this measure. The offence is punishable by a maximum penalty of a division 5 fine ($8 000).

Clause 121—Statutory declarations

Where a person is required under this measure to furnish information to the Authority, the Authority may require that the information be verified by statutory declaration and, in that event, the person will not be taken to have furnished the information as required unless it has been verified in accordance with the requirements of the Authority.

Clause 122—Confidentiality

This clause prevents any person from divulging any information gained in the administration of this measure relating to trade processes or financial matters except as authorised under this measure, by consent of the person from whom the information was obtained, for administration or enforcement purposes or for the purpose of legal proceedings arising out of the administration or enforcement of this measure. This offence is punishable with a maximum penalty of a division 5 fine ($8 000).

Clause 123—Immunity from personal liability

The liability that might otherwise be personally incurred by a member of the Authority, an authorised officer or any other person engaged in the administration of this measure in the honest exercise or purported exercise of a power, function or duty under this measure instead attaches to the Crown, or, where the person is an council officer, the council.

Clause 124—Continuing offences

This clause provides for continuing offences and allows a further penalty, for each day on which the offence continues, equal to one fifth of the maximum penalty applicable and, where a person has already been found guilty of an offence, allows for the conviction of the person for a further offence and an additional penalty equal to one fifth of the maximum applicable penalty for each further day on which the offence continues.

Clause 125—General criminal defence

Clause 125 sets out a number of important principles which are generally applicable to the offences contained in this measure.

Subclause (1) provides a general defence of 'non-negligence' in relation to charges under this measure. The defence is that the alleged offence did not result from any failure on the defendant's part to take all reasonable and practicable measures to prevent the commission of the same or similar offences.

Subclause (2) provides that the defence of non-negligence will be available to a defendant where the defendant's culpable action was committed for the purpose of protecting life, the environment or property in a situation of emergency and where the defendant was not guilty of any failure to take all reasonable and practicable measures to prevent or deal with such an emergency.

Subclause (3) deals with the situation where a body corporate or employer seeks to establish the defence of non-negligence provided in subclause (1) by showing that it had adequate systems and procedures in place to prevent the occurrence of such offences. To establish such a defence, the defendant must also prove—

- that proper systems and procedures were in place whereby any such contravention or risk of such contravention of this measure that came to the knowledge of a person at any level of the organisation was required to be promptly reported to the governing body of the body corporate or to the employer, or to a person or group with the right to report to the governing body or to the employer; and
- that the governing body of the body corporate or the employer actively and effectively promoted and enforced compliance with this measure and with all such systems and procedures within all relevant areas of the work force.

Subclause (4) provides that where a person would have been found guilty of an offence under this measure were it not for the establishment of a defence under this clause, the person is liable for civil consequences of their actions in the same manner as if they had been found guilty of such an offence under this measure.

Clause 126—Notice of defences

Clause 126 provides that where a person intends to establish the general defence under clause 125 or any other defence under this measure, the person must give notice of that intention to the Authority within the time set out in this clause.

Clause 127—Proof of intention, etc., for offences

Clause 127 provides that unless a mental element is set out in the terms of an offence established under this measure, it will be taken that the offence entails no mental element.

Clause 128—Imputation in criminal proceedings of conduct or state of mind of officer, employee, etc.

Clause 128 imputes to a body corporate or other person the state of mind of an officer, employee, or agent of a body corporate, or employee or agent of a natural person, as the case may be, when that officer, employee or agent acts within his or her actual, usual or ostensible authority.

Subclause (2) provides that where a natural person is convicted of an offence only as a result of this clause, the person is not liable to imprisonment in relation to that offence.

Clause 129—Statement of officer evidence against body corporate

This clause provides that a statement made by an officer of the body corporate is admissible as evidence against the body corporate in proceedings for an offence committed against this measure by a body corporate.

Clause 130—Criminal liability of officers of body corporate

This clause provides that, subject to the general defence, where a body corporate is convicted of an offence under this measure, an officer of the body corporate is guilty of an offence and is liable to the penalty (other than a sentence of imprisonment) that could have been imposed on a natural person in relation to the offence committed by the body corporate.

Under subclause (3), an officer of a body corporate who knowingly promoted or acquiesced in the commission of an offence by the body corporate is guilty of, and may be imprisoned in relation to, that offence.

Clause 131—Reports in respect of alleged contraventions

Where a person reports to the Authority an alleged contravention of this measure, the Authority must, at the request of the person, advise the person as soon as practicable of the action (if any) taken or proposed to be taken by the Authority in respect of the allegation.

Clause 132—Commencement of proceedings for summary offences

Subclause (1) provides that summary proceedings under this measure may be commenced only by an authorised officer.

Proceedings in relation to a summary offence must be commenced within three years of the date of the alleged commission of the offence but may, with the consent of the Attorney-General, be commenced at any later time within 10 years of the date of the alleged commission of the offence.

Where the authorised officer commencing proceedings is a council officer, any penalty imposed in relation to the offence is payable to the council.

Clause 133—Offences and Environment, Resources and Development Court

This clause provides that the Environment, Resources and Development Court may, in its criminal jurisdiction, hear criminal proceedings in relation to offences constituted by this measure.

Clause 134—Orders by court against offenders

A court may, incidental to criminal proceedings under this measure, order a person who has caused harm to the environment by a contravention of this measure to take action to make good that harm and any further resulting harm, to carry out any other project to enhance the environment, to publicise their contravention of this measure and its consequences, to reimburse a public authority for costs incurred by it in mitigating environmental harm or to pay a person damages for loss or expenses incurred by the person as a result of that harm.

Clause 135—Appointment of analysts

The Authority may, with the approval of the Minister, appoint analysts for the purposes of this measure.

Clause 136—Recovery of technical costs associated with prosecutions

Where the Authority successfully prosecutes a person, a court must, on application by the Authority, order the person to pay the reasonable costs incurred by the Authority in relation to technical procedures undertaken for the purposes of the prosecution.

Clause 137—Assessment of reasonable costs and expenses

Where it is necessary to calculate the reasonable costs or expenses incurred by the Authority or a public authority, those costs and expenses are to be assessed by reference to the reasonable costs and expenses that would have been incurred in having the action taken by independent contractors engaged for that purpose.

Clause 138—Recovery from related bodies corporate

Where an amount is payable by a body corporate for the purposes of this measure and, at the time of the contravention giving rise to that liability, that body corporate and another body corporate were related (as defined in the Corporations Law), the related bodies corporate are jointly and severally liable to make that payment.

Clause 139—Enforcement of charge on land

This clause provides for enforcement of a charge on land in the same way as a mortgage may be enforced under the Real Property Act 1886.

Clause 140—Evidentiary provisions

This clause sets out a number of evidentiary provisions in relation to matters required to be proved by the Authority in proceedings under this measure.

Clause 141—Regulations

This clause provides for the making of regulations for the purposes of this measure. In particular, regulations may provide for forms, fees, publication of information and may prescribe a fine not exceeding a division 6 fine ($4 000) for contravention of a regulation. The schedule of prescribed activities of environmental significance (Schedule 1) may be varied by regulation.

Regulations may prescribe differential fees in relation to the pollution caused by persons liable to pay such fees. Regulations may also make provisions of a transitional nature and any such provision may be expressed to take effect on a date which is after the date of assent of this measure, but prior to the date on which the regulations containing the provision are published, provided that the provision does not prejudice the position of a person which existed prior to the date of publication.

Subclause (8) provides that where a regulation would otherwise have been referred for review to the Legislative Review Committee of the Parliament under the Subordinate Legislation Act, that regulation will be referred to the Environment, Resources and Development Committee of the Parliament.

Schedule 1—Prescribed Activities of Environmental Significance

Part A of the schedule sets out prescribed activities of environmental significance. A person must hold an authorisation under the measure to undertake a prescribed activity of environmental significance.

Part B of the Schedule sets out listed wastes. Clause 3(4) of Part A of schedule 1 ('Waste Treatment and Disposal') specifies that any activities that produce listed wastes (other than the activities set out in clause 3(4)(a) to (x)) are prescribed activities of environmental significance.

Schedule 2—Repeals, Amendments and Transitional Provisions

Clause 1 sets out the Acts to be repealed by this measure.

Clause 2 sets out a number of consequential amendments to the Water Resources Act 1990.

Clause 3 amends the Environment, Resources and Development Court Act 1993 by inserting three new provisions.

- Proposed clause 28a provides that the Court may make restraining orders preventing or restricting a respondent or defendant in proceedings before the Court from dealing with his or her property if the proceedings appear to be brought on reasonable grounds, the property may be required to satisfy an order of the Court and there is a substantial risk that the respondent or defendant will dispose of the property before the order is made or before it can be enforced.
- Proposed clause 28b provides that the Court may, with the consent of the parties to a proceeding, appoint a mediator to endeavour to achieve a negotiated settlement of a matter or may itself endeavour to seek such a settlement. Evidence of anything said during the mediation process is inadmissible in proceedings before the Court except with the consent of the parties to the proceedings. The Court may make orders necessary to give effect to a settlement. A member of the Court who has mediated in relation to a matter is not disqualified from determining the matter.
- Proposed clause 28c provides that the Court may make any form of order that it considers appropriate in a proceedings despite the fact that an applicant has sought a different order.

Clause 4 makes a number of transitional arrangements.

Subclause (1) provides that, notwithstanding the provisions of Part 6, the Authority must grant works approvals and licences (to have effect from the commencement of this measure) as required to enable persons to carry on activities lawfully carried on by those persons immediately before the commencement of this measure.

Subclause (2) provides that, where a person would (despite being the holder of the appropriate works approval or licence, if any) be prohibited from carrying on an activity on the commencement of this measure that the person was lawfully carrying on immediately before that commencement, the person must, despite the provisions of Part 6, be granted an exemption from that prohibition to have effect from the commencement of this measure.

Subclause (3) provides that the Authority may, in cases of a kind approved by the Minister, grant works approvals, licences or exemptions without requiring a person to apply for, or pay fees in relation to the works approval, licence or exemption.

Subclause (4) provides that a works approval, licence or exemption granted pursuant to this clause has effect for a term determined by the Authority and subject to this measure and any conditions of the approval, licence or exemption imposed by the Authority under Part 6.

Subclause (5) provides that public notice need not be given under Part 6 in respect of an application for the grant of a works approval, licence or exemption pursuant to this clause.

Subclause (6) allows the Minister to refer a draft environment protection policy directly to the Governor without undertaking public consultation where the Minister is satisfied that the draft preserves as nearly as practicable the effect of provisions made by or under repealed environmental laws. The Governor may declare such a draft policy to be an environment protection policy and may fix its date of commencement as the date of commencement of this measure.

Subclause (8) provides for the continuation of current beverage container approvals.

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

SOUTHERN POWER AND WATER BILL

The Hon. J.H.C. KLUNDER (Minister of Public Infrastructure) obtained leave and introduced a Bill for an Act to provide for the delivery of electricity, water and sewerage services and for associated resource management, to establish the corporation Southern Power and Water and for other purposes. Read a first time.

The Hon. J.H.C. KLUNDER: 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.

The SPEAKER: Is leave granted?

Mr S.J. BAKER: No.

The SPEAKER: Leave is not granted. The Minister.

The Hon. J.H.C. KLUNDER: Thank you, Mr Speaker. This Bill, in establishing the corporation to be called Southern Power and Water, provides the statutory foundation for the merger of the Engineering and Water Supply Department and the Electricity Trust of South Australia. Members will recall that this merger was announced by the Premier in his Economic Statement to this Parliament on 22 April 1993. This legislation also sets out the functions of the corporation, the appointment of its Board of Directors, the employment of staff and makes provisions relating to superannuation.

I draw attention to the Statutes Amendment and Repeal (Power and Water) Bill 1993 which among other things makes amendments to a number of Acts dealing with water, sewerage and electricity matters. These two Bills complement each other and should be considered together.

The merger is a major plank in the Government's program for restructuring the economy and increasing the contribution of the public sector to the international competitiveness of the State economy. It is vital therefore that this initiative should proceed as quickly as possible both at the legislative and practical levels. The sooner the merger can be finalised the sooner the benefits can be realised.

The potential for synergy and economy in a merger of two commercial enterprises comes from shared suppliers, shared technology, shared activities, shared support and shared customers. The merger enables economies in direct and

support activities and purchasing leverage. It enables increases in productivity through technology, service delivery, administration efficiencies and improved utilisation of resources and assets.

The logic for the merger is clear. Both ETSA and E&WS have an essentially common customer base of more than 600 000 customers covering the same geographical area. Both are substantially retail utilities distributing to the same households and businesses.The two organisations have key success factors in common—

- strong customer focus
- short response times
- wise asset management
- continued improvement to drive down costs

Both organisations undertake a large number of activities in common. The areas in which common activities occur can be grouped into four categories—Corporate Support, Operating and Logistic Support, Distribution and Retail support for customer service.

Common activities in Corporate Support include strategic planning, finance and accounting, human resources, communications, audit, health and safety, legal services, risk and insurance.

Common activities in Operating Support include procurement, project management, training, property management, information technology, workshops and manufacturing, warehousing and supply, transport and fleet services, facilities and asset maintenance and technical services.

Common activities in Distribution include construction and maintenance, road restoration, metropolitan and country facilities such as service centres and depots, local warehousing and distribution, local workshops and fleets and inspection of works.

Common activities in Retail include administration and office management, marketing analysis and survey, customer field services, customer accounting, meter reading, billing, receipt of income, remissions, investigations, credit management, correspondence, telephone inquiries, counter inquiries, applications for service, service delivery tracking, conveyancing services and connection and disconnection. In addition both E&WS and ETSA have 28 service centres each throughout the State. E&WS has 41 depots while ETSA has 50. It is expected that facilities in 40 of these locations will be rationalised.

The savings potential from rationalising many of these activities is very substantial.

The merger will enable the creation of a greenfields organisation from a ‘zero base’ with organisation structure, operating systems and processes and consumption of resources designed to capture the greatest possible improvements in both customer service and savings potential.

The new organisation will eliminate those unnecessary duplications in activities which add substantially to the cost of delivering essential water and electricity services to the community.

Developing ‘best practice’ in all these areas as a single entity makes good sense. In fact in a State like South Australia, with its relatively small population, it would not be sensible that two authorities with so much in common should remain separate entities.

We would all agree that the management of public utilities providing essential services such as water and electricity should be carried out efficiently. We should be constantly striving to find ways for these utilities to lower the costs of those services to the community while making a positive contribution to the economic well-being of the State generally. As indicated above the current proposal gives effect to these objectives.

Since the announcement of the merger, members opposite are reported in the press as not supporting it. I can only conclude that the significant benefits to the State are not fully understood. I am therefore placing on record the value of this initiative in the hope that it can be debated on its merits without political point scoring.

An assessment of the savings potential of the merger has been carried out having regard to both the activities and functions common to both organisations and the resources consumed by these functions and activities.

The potential savings have been assessed by identifying the reductions in resource consumption enabled by the synergy of bringing like functions together. The estimate of savings has been prepared in the format of a range from the conservative or pessimistic estimate of synergy to a higher or more optimistic value. Our ability to capture savings towards the high end of the range will only be confirmed as the detailed design of the new organisation and related processes and resource consumption nears completion.

I refer below only to the conservative estimates of savings:

Operating Support	$30 million p.a.
Corporate Support	$10 million p.a.
Retail	$ 2 million p.a.
Distribution	$12 million p.a.
Total	$54 million p.a.

Against these annual savings there will be once off initial costs associated with the bridging of information technology, new name, rationalising property, and separation packages for employees in positions which are surplus to the requirement of the greenfields structure in the new organisation. These costs are estimated at $6.8 million in 1993-94 and $24 million in 1994-95.

I refer to a table that sets out the estimates of the net result and shows estimated net savings rising to in excess of $50 million p.a. in 1995-96. Mr Speaker, I seek leave to have a table of a purely statistical nature inserted in *Hansard* without my reading it.

Leave granted.

ESTIMATED NET SAVINGS RANGE $M

	1993-94	1994-95	1995-96
Retail	0 to 1	2 to 5	Continuous improvement
Distribution	5 to 10	12 to 25	Conservative estimate.
Operation support	5 to 20	30 to 60	
Corporate support	2 to 5	10 to 15	
Total gross savings	12 to 36	54 to 105	64 to 120
Merger cost	6.8	24 to 45	0
Latest planning savings in common areas	0	2	9
ETSA/E&WS Net savings Net of cost & planned Improvements	5.2 to 29.2	28 to 58	55 to 111

The Hon. J.H.C. KLUNDER: These substantial gains can be applied to attraction of investment, pricing benefits, investment in key infrastructure to help job creation in the State, which is so vital to the recovery of the South Australian economy. This is an opportunity for all members to work together for the good of the State.

One argument put forward against the merger is that these savings could be achieved even if the agencies remained separate. This is patently not so. It would stretch credibility to suggest that without a merger the benefits outlined in this

report are achievable particularly the opportunity to use a zero based approach in developing a new organisation to achieve best practice in capturing the economies of synergy.

I have directed that there should be a participative approach taken to ensure that all internal and external stakeholders can take part. This will ensure that all views are fully canvassed in the transition process. To that end I have established a widely representative committee to conduct the merger. The committee is chaired by the Chief Executive and has representatives from my office, the Economic Development Authority, the Treasury, the Department of Labour, seven unions with major work force coverage, ETSA and E&WS executives.

In conclusion, this merger provides widespread benefits to all stakeholders. There is not an alternative which would perform better either in terms of the level of benefits to be derived or in the time frame within which the benefits can be delivered.

The merger will achieve improved service to customers, more advantageous prices and improved returns to the community through the Government.

I commend this Bill to the House. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause is formal.

Clause 3: Object

This clause provides that the object of this measure is to establish a statutory corporation with the principal responsibilities of providing electricity, water and sewerage services and undertaking associated resource management for the benefit of the people and economy of the State.

Clause 4: Interpretation

This clause contains definitions of words used in the measure.

Clause 5: Establishment of Southern Power and Water

This clause establishes the corporation Southern Power and Water with perpetual succession and a common seal and the capacity to sue and be sued in its corporate name and with the functions and powers assigned or conferred by or under this measure or any other Act.

Clause 6: Application of Public Corporations Act 1993

This clause provides that Southern Power and Water is a statutory corporation to which the Public Corporations Act 1993 applies.

Clause 7: Establishment of board

This clause establishes a board of directors as the governing body of the corporation.

Clause 8: Composition of board

This clause provides that the board of directors is to consist of not more than 9 members appointed by the Governor. The chief executive officer of the corporation is eligible for appointment to the board. The Governor may appoint a director to be the deputy of the director appointed to chair the board. On a vacancy in the office of a director, a person may be appointed in accordance with this proposed section to the vacant office.

Clause 9: Conditions of membership

This clause provides that the term for a director is up to 3 years with the director being eligible for re-appointment at the end of the term. The Governor may remove a director from office—

- for misconduct (including non-compliance with a duty imposed under the Public Corporations Act 1993);
- for failure or incapacity to carry out the duties of his or her office satisfactorily;
- if serious irregularities have occurred in the conduct of the corporation's affairs or the board has failed to carry out its functions satisfactorily and the board's membership should (in the Governor's opinion) therefore be reconstituted.

The office of a director becomes vacant if the director dies, is not reappointed at the end of a term, resigns by written notice to the Minister, becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors, is convicted of an indictable offence or is removed from office under this proposed section.

Clause 10: Vacancies or defects in appointment of directors

This clause provides that an act of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a director.

Clause 11: Remuneration

This clause provides that a director is entitled to be paid from the funds of the corporation such remuneration, allowances and expenses as may be determined by the Governor.

Clause 12: Proceedings

This clause provides for the proceedings of the board including the quorum of the board. The director appointed to chair the board will preside at meetings of the board at which he or she is present. A decision of the majority of the directors at a meeting is a decision of the board with each director present at the meeting having one vote on any question arising for decision. In the event of equal votes, the director presiding at the meeting has a casting vote. A meeting of the board may occur as a telephone or video conference between directors if notice of the conference is given to all directors in the proper manner and each participating director is capable of communicating with every other participating director during the conference.

This clause further provides that a proposed resolution of the board becomes a valid decision of the board despite the fact that it is not voted on at a meeting of the board if notice of the proposed resolution is given to all directors in accordance with procedures determined by the board and a majority of the directors express their concurrence in the proposed resolution by written communication setting out the terms of the resolution. The board must have accurate minutes kept of its proceedings.

Other than following the procedures set out in this clause, the board may determine its own procedures.

Clause 13: Functions of the corporation

This clause sets out the functions of the corporation in relation to electricity, water supply and sewage treatment. In relation to electricity, the corporation's functions are to—

- generate, transmit, supply and purchase electricity within and beyond the State;
- carry out research and works to develop, secure and utilise energy sources suitable for the generation of electricity;
- define and administer standards for the generation, transmission, distribution and supply of electricity to enable the safe and efficient use of electricity and interchange and interconnection between the corporation, electricity authorities in other States and private generators of electricity;
- advise and assist consumers of electricity in energy conservation and in the efficient and effective use of electricity.

In relation to water and sewage, the corporation's functions are to—

- manage the State's water resources ensuring the efficient use of the resources at a sustainable level;
- investigate and research the quality and quantity of the State's water resources;
- monitor the availability, well-being and use of the State's water resources;
- supply water to land by means of a reticulated service;
- remove sewage from land by means of a sewerage system;
- advise and assist users of water in the efficient and effective use of water;
- define and administer plumbing standards to promote public health;
- carry out research and works to improve water quality and sewage disposal and treatment methods.

The corporation may also provide consultancy and other services and may carry out any other functions conferred on the corporation by this measure or any other Act, or by the Minister, or delegated by the Minister to the corporation. The corporation must ensure that its plans and initiatives are consistent with, and give effect to, the Government's economic development, social, employment and environmental objectives.

Clause 14: Powers of the corporation

This clause provides that the corporation has all the powers of a natural person together with the powers specifically conferred on it by this measure or any other Act.

Clause 15: Common seal and execution of documents

This clause provides that the common seal of the corporation must only be affixed to a document pursuant to a decision of the board, attested by the signatures of two directors. The corporation

may (by instrument under its common seal) authorise a director, an employee or another person to execute documents on behalf of the corporation subject to conditions and limitations (if any) specified in the instrument of authority. A document is duly executed by the corporation if the common seal of the corporation is affixed to the document in accordance with this proposed section or the document is signed on behalf of the corporation by a person or persons in accordance with an authority conferred under this proposed section.

Clause 16: The corporation not liable to pay amounts equivalent to certain rates

This clause provides that the corporation is not liable to pay to the Treasurer amounts that would be equivalent to rates for any of the corporation's infrastructure property despite section 29(2)(b) of the Public Corporations Act 1993. Infrastructure property does not include property predominantly used by the corporation for administrative purposes or property that is subject to a lease granted by the corporation.

Clause 17: Staff of the corporation

This clause provides that the corporation may appoint employees on terms and conditions fixed by the corporation. The clause further provides that a person who was, immediately before the commencement of this proposed section, an officer or employee of the Electricity Trust of South Australia becomes an employee of the corporation without affecting the person's existing or accruing rights of employment including rights in respect of recreation leave, sick leave or long service leave. (This does not affect any process commenced for variation of a person's rights in respect of employment.)

Employees of the corporation are not subject to Part III of the Government Management and Employment Act 1985 but the corporation may (with the approval of the responsible Minister) make use of the services of any employee of the Engineering and Water Supply Department ('E&WS') or other Crown employee, or use any facilities or equipment, of the Crown.

This clause further provides that the Minister may, after consultation with the corporation and any relevant industrial organisation, transfer specified E&WS employees or E&WS employees of a specified class to the employment of the corporation on terms and conditions approved by the Minister.

Clause 18: Delegation to corporation

This clause provides that the Minister may delegate any of the Minister's powers or functions under any Act to the corporation and that a power or function delegated under this proposed section may, if the instrument of delegations so provides, be further delegated by the corporation. A delegation under this proposed section—

- must be by instrument in writing;
- may be absolute or conditional;
- does not derogate from the power of the Minister to act in any matter;
- is revocable at will by the Minister.

Clause 19: Regulations

This clause provides that the Governor may make such regulations as are necessary or expedient for the purposes of this Act.

SCHEDULE 1

Superannuation

Schedule 1 deals with superannuation matters and, in particular, the transition of the Electricity Trust of South Australia superannuation schemes to superannuation schemes of Southern Power and Water. This schedule is, except for changes made that are of a transitional nature, a re-enactment of Part IVB ('SUPERANNUATION') of the Electricity Trust of South Australia Act 1946 (as amended by the Electricity Trust of South Australia (Superannuation) Amendment Act 1993 which was assented to on 6 May 1993).

SCHEDULE 2

General Transitional Provisions

Schedule 2 contains matters of a transitional nature (other than those dealing with superannuation).

Clause 1: Interpretation

This clause provides that a reference to 'the Trust' means a reference to the Electricity Trust of South Australia and that, subject to proposed subclause (3), a reference in an Act or instrument to the Trust is (where the context admits) a reference to the corporation. Proposed subclause (3) provides that the Governor may, by proclamation, declare that a reference in an Act or instrument to the Trust is not to be taken to be a reference to the corporation and the proclamation has effect in accordance with its terms.

Proposed subclause (4) provides that the Governor may, by proclamation, declare that a reference in an Act or instrument to a Minister is a reference to the corporation and the proclamation has effect in accordance with its terms.

Clause 2: Vesting of property, rights, etc. in the corporation

This clause provides that the corporation—

- succeeds to all the property, rights, powers, liabilities and obligations of the Trust; and
- succeeds to all the property, rights, powers, liabilities and obligations of the Minister arising from the operation of the Sewerage Act 1929 and the Waterworks Act 1932 as in force before the commencement of the proposed Statutes Amendment and Repeal (Power and Water) Act 1993.

Proposed subclause (2) provides that, despite section 29(1) of the Public Corporations Act 1993, where property vests by virtue of this proposed clause in the corporation, the vesting of the property, and any instrument evidencing or giving effect to that vesting, are exempt from stamp duty.

Clause 3: Application of Real Property Act

This clause provides that the Registrar-General must, on the application of the corporation, register the corporation as the proprietor of land (being land under the Real Property Act 1886) that has vested in the corporation under this schedule. The clause further provides that an instrument relating to land (being land under the Real Property Act 1886) that has vested in the corporation under this schedule must, if the instrument is executed by the corporation and is otherwise in registrable form, be registered by the Registrar-General despite the fact that the corporation has not been registered as the proprietor of the land under proposed subclause (1).

Clause 4: Appointment of first chief executive officer

This clause provides that the first appointment to the position of chief executive officer of the corporation is to be made by the Governor on the nomination of the Minister (but, on such an appointment having been made, the person so appointed will be taken to be an employee of the corporation). Any subsequent appointment to the position of chief executive officer of the corporation is to be made by the board of the corporation in accordance with the Public Corporations Act 1993.

Clause 5: Annual reports

This clause provides that the corporation's report to the Minister on its operations during a financial year—

- must, in the case of the first such report after the commencement of this Act, include a report on the operations of the Trust for the portion of the financial year up until the commencement of this Act; and
- may incorporate the report required to be made to the Minister under the Government Management and Employment Act 1985 on the operations of the Engineering and Water Supply Department during that financial year.

Mr S.J. BAKER secured the adjournment of the debate.

STATUTES AMENDMENT AND REPEAL (POWER AND WATER) BILL

The Hon. J.H.C. KLUNDER (Minister of Public Infrastructure) obtained leave and introduced a Bill for an Act to amend the Builders Licensing Act 1986, the Electricity Trust of South Australia Act 1946, the Gas Act 1988, the Sewerage Act 1929, the Water Resources Act 1990 and the Waterworks Act 1932 and to repeal The Adelaide Electric Supply Company Act 1944, The Adelaide Electric Supply Company's Acts 1897 to 1931, the Electrical Workers and Contractors Licensing Act 1966, the Electricity Act 1943, the Electricity (Country Areas) Subsidy Act 1962, the Electricity Supply (Industries) Act 1963, The Electricity Trust of South Australia (Penola Undertaking) Act 1967 and the Local Electricity Undertakings (Securities for Loans) Act 1950. Read a first time.

The Hon. J.H.C. KLUNDER: 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.

This Bill amends and in some cases repeals a number of Acts relating to electricity, water and sewerage and is complementary to

the Southern Power and Water Bill 1993 which proposes to establish the corporation Southern Power and Water. It is important for this report to be read in conjunction with the report for that Bill.

In relation to legislation dealing with electricity issues, the Bill makes amendments which are necessitated by the provisions of the Southern Power and Water Bill. Additionally, the opportunity is taken to consolidate and update the legislation relating to electricity supply.

The Waterworks Act 1932 and the Sewerage Act 1929 are both amended in the main to transfer the majority of the functions and powers to the corporation. It is appropriate in view of the Public Corporations Act 1993 that the corporation should be directly responsible and accountable for these functions.

The Water Resources Act 1990 is amended only to allow the corporation to take water from available water sources to discharge its obligations of providing water services to the community.

These are interim arrangements to allow the merger to proceed as quickly as possible. The Government has determined that a full review should be undertaken on a priority basis to better integrate and rationalise the legislative framework governing the activities of the corporation. I commend the Bill to the House.

PART 1
PRELIMINARY

Clause 1: Short title
This clause is formal.

Clause 2: Commencement
This clause is formal.

Clause 3: Interpretation
This clause provides that a reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2
AMENDMENT OF BUILDERS LICENSING ACT 1986

Clause 4: insertion of Schedule 2
This clause inserts (after the schedule of the principal Act) proposed Schedule 2 containing transitional provisions for the licensing of certain building work consequent on the repeal of—

- the Electrical Workers and Contractors Licensing Act 1966;
- section 17b of the Sewerage Act 1929; and
- section 28 of the Gas Act 1988.

The transitional provisions will enable persons licensed, registered or authorised under one of the above Acts to be treated as if they were licensed under the Builders Licensing Act 1986. Future licences for persons carrying on electrical or plumbing trades will be granted under the Builders Licensing Act 1986.

PART 3
AMENDMENT OF ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT 1946

Clause 5: Substitution of long title
This clause repeals the long title and substitutes a long title that provides that this Act makes provision for the supply of electricity to the State and for incidental purposes.

Clause 6: Repeal of heading to Part I
In view of the miscellaneous nature of the provisions left in the principal Act by these amendments and consequent on the passage of the Bill for the Southern Power and Water Act 1993, the division of the principal Act is unnecessary. All Part and Divisional headings have thus been repealed. This clause repeals the heading to Part I.

Clause 7: Substitution of s. 1—Short title
This clause substitutes a new short title that provides that the principal Act may be cited as the Electricity Supply (Miscellaneous Provisions) Act 1946.

Clause 8: Amendment of s. 3—Interpretation
This clause provides for definitions of terms and phrases used in the principal Act. In particular, a definition of the corporation to be established under the proposed Southern Power and Water Act 1993 is inserted and the definition of the Trust (ie: the Electricity Trust of South Australia) is deleted.

Clause 9: Repeal of Part II
This clause provides for the repeal of Part II ('THE ELECTRICITY TRUST OF SOUTH AUSTRALIA') of the principal Act. Many of the matters dealt with in this Part are contained in the proposed Bill for the Southern Power and Water Act 1993 which proposes to establish the corporation Southern Power and Water that will be taking over the functions and powers of the Electricity Trust of South Australia ('the Trust'). Some of the other repealed sections have been rewritten in the Schedule of Transitional Provisions inserted into the principal Act by clause 24 of the Bill, for example, clause 3 of that Schedule replaces the repealed section 20a of the principal Act relating to debentures previously issued by the Trust.

Clause 10: Repeal of heading to Part IV
This clause provides for the heading to Part IV to be repealed.

Clause 11: Repeal of heading to Division I of Part IV
This clause provides for the heading to Division I of Part IV to be repealed.

Clause 12: Substitution of ss. 36 to 38 (inclusive)
This clause provides that sections 36 to 38 (containing the general powers of the Trust and the Trust's duties with regard to electricity supply) of the principal Act are repealed and certain other sections are substituted.

The functions of the corporation to be established under the proposed Southern Power and Water Act 1993 are set out in clause 13 of that proposed Act.

Proposed section 36 combines those powers set out in the repealed section 38 together with powers which the Trust formerly derived from the old Adelaide Electric Supply Acts (proposed to be repealed in Part 8 of this Bill). The proposed new section provides the proposed corporation with powers additional to those of a natural person (see clause 14 of the proposed Southern Power and Water Act 1993) including the power to—

- acquire land in accordance with the Land Acquisition Act 1969;
- lay or install any part of the distribution system over or under any public place;
- excavate a public place for the purpose of laying or installing any part of the distribution system or inspecting, repairing or replacing any part of the distribution system;
- lay, install, provide or set up on or against the exterior of a building or structure any cable, equipment or structure necessary for securing to that or any other building or structure a proper and complete supply of electricity and for measuring the extent of the supply.

Except in an emergency or in circumstances of imminent danger to life or property, the proposed corporation must give 7 days notice before exercising powers conferred by this proposed section in relation to a public place.

Proposed section 37 provides that the proposed corporation may, with the approval of the Minister, provide a loan or subsidy to another supplier of electricity in the State. This power formerly came from the repealed section 22 of the principal Act.

Proposed section 38 (which is a combination of the repealed sections 37 and 38) provides for the proposed corporation's duties in relation to the supply of electricity, including—

- ensuring that the distribution system is constructed and maintained in accordance with international and Australian standards and practices;
- maintaining the electricity supply through the distribution system;
- providing a supply of electricity.

Proposed section 38A sets out clearly the sorts of conditions under which the proposed corporation Southern Power and Water may supply electricity to a consumer. The Trust has, in the past, gazetted Conditions under which Electric Energy is Supplied and this proposed section formally provides for such conditions and their legal effect. Proposed section 38A provides that the proposed corporation may, with the approval of the Minister, by notice in the *Gazette*, publish a list of conditions (which may be varied or revoked by further notice) under which the proposed corporation supplies electricity to a consumer. Gazetted conditions are binding on consumers (subject to a written agreement entered into under this proposed section). The conditions may include conditions in relation to—

- the procedures to be observed before a supply of electricity is provided;
- the placing of any part of the distribution system and of connections to a consumer's electrical installation;
- the inspection and testing of a consumer's electrical installation;
- the safety standards to be maintained by a consumer in relation to his or her electrical installation;
- the nature and voltage of the electricity supply in a particular area;
- the proposed corporation's access to its equipment and other works;
- the tariffs and rates for electricity and other charges that the proposed corporation may impose including penalties, interest or fines for non-payment or late payment);

- the liability of consumers for payment of the proposed corporation's charges for electricity;
- the limiting of the number and type of appliances and equipment to be used by a consumer;
- the cutting off of the supply of electricity to any land or premises;
- rationing of the electricity supply;
- any other matter that the proposed corporation thinks fit.

The proposed corporation may enter into a written agreement with individual consumers fixing other terms and conditions on which electricity is supplied to that consumer. Except pursuant to such a written agreement, no contractual relationship exists between the proposed corporation and a consumer in relation to the supply of electricity by the proposed corporation.

This proposed section further provides that if the proposed corporation suffers loss or damage as a result of contravention of or non-compliance with a condition of supply by a consumer, the corporation may recover compensation for the loss or damage from the consumer by action in a court of competent jurisdiction.

Proposed section 38B provides that the proposed corporation may authorise an employee or other person to exercise certain powers, including examining or testing the distribution system or electrical installations, inspections or repair work, taking any action necessary to avert danger from a fault in the distribution system or from abnormal conditions affecting it or entry into land or premises for the purpose of exercising any such power. An authorised person may only enter residential premises under this section after reasonable notice to the occupier (except in an emergency or circumstances of imminent danger to life or property). An authorised person who has entered, or proposes to enter, land or premises under this proposed section must, at the request of the owner or occupier of the land or premises, produce a certificate of authority issued by the proposed corporation.

Proposed section 38B further provides that a person who hinders or obstructs an authorised person in the exercise of powers conferred by this section is guilty of an offence and liable to a division 7 fine ($2 000).

Clause 13: Repeal of heading to Division II of Part IV

This clause repeals the heading to Division II of Part IV.

Clause 14: Amendment of s. 39—Vegetation clearance

This clause amends section 39 by substituting any reference to the Trust with a reference to the proposed corporation Southern Power and Water.

Clause 15: Repeal of heading to Division III of Part IV

This clause repeals the heading to Division III of Part IV.

Clause 16: Repeal of ss. 40 and 41

This clause repeals sections 40 and 41 of the principal Act. These sections have been substituted by clause 4 of the Schedule of Transitional Provisions.

Clause 17: Repeal of heading to Division IV of Part IV

This clause repeals the heading to Division IV of Part IV.

Clause 18: Amendment of s. 42—Immunity from liability in consequence of cutting off or failure of electricity supply

This clause amends section 42 by striking out the reference to the Trust and substituting a reference to the proposed corporation Southern Power and Water.

Clause 19: Repeal of heading to Division V of Part IV

This clause repeals the heading to Division V of Part IV.

Clause 20: Amendment of s. 42A—Payments by the corporation

This clause amends section 42A by striking out the reference to the Trust and substituting a reference to the proposed corporation Southern Power and Water.

Clause 21: Repeal of Part IVA

This clause repeals Part IVA. These functions of the Trust are now to be contained in the clause setting out the functions of the proposed corporation in relation to electricity in the Bill for the Southern Power and Water Act 1993.

Clause 22: Repeal of Part IVB

This clause repeals Part IVB. These sections are now to be found in the Schedule of Superannuation Provisions of the Bill for the Southern Power and Water Act 1993.

Clause 23: Repeal of Part V

This clause repeals Part V and substitutes several sections.

Proposed section 44 provides that it is an offence for a person, without the approval of the proposed corporation, to 'steal' electricity, to supply to another person (for valuable consideration) electricity supplied by the proposed corporation, to contribute electricity to the distribution system or to damage or otherwise interfere with the distribution system. The penalty for such an offence is a division 5 fine ($8 000). Proposed subsection (3) provides for evidentiary matters and proposed subsection (4) provides that the court before which a person is convicted of an offence against this proposed section may order the convicted person to pay to the proposed corporation such compensation as it thinks fit for any loss or damage resulting from the commission of the offence.

Proposed section 45 provides that a notice or other document required or authorised to be given or served by the proposed corporation may be served by post.

Proposed section 46 provides that an offence against this Act is a summary offence but that proceedings for an offence against this Act may be commenced at any time within 3 years of the day on which the offence is alleged to have been committed.

Proposed section 47 provides for the regulation making power of the Governor.

Clause 24: Substitution of schedule

Clause 24 repeals the schedule of the principal Act and substitutes a schedule containing transitional provisions.

Proposed clause 1 of the Schedule contains a definition of the Electricity Trust of South Australia.

Proposed clause 2 of the Schedule provides that a delegation by the Trust in force immediately before the commencement of this measure continues in force as a delegation by the proposed corporation Southern Power and Water under the provisions of the Public Corporations Act 1993 subject to any variation or revocation of the delegation under those provisions.

Proposed clause 3 deals with inscribed debenture stock issued by the Trust prior to the commencement of this measure. This clause is a substitution for the repealed section 20a of the principal Act. It further provides that the proposed corporation Southern Power and Water succeeds to all the rights and liabilities of the Trust in respect of debentures or inscribed debenture stock issued before the commencement of this measure.

Proposed clause 4 provides that section 38A (relating to conditions of supply) as proposed to be inserted into the principal Act by clause 12 of this measure applies in relation to every consumer of electricity supplied by the proposed corporation Southern Power and Water including a consumer receiving a supply of electricity from the proposed corporation made before the commencement of this measure. However, this clause will not operate to negate the terms of a specific written agreement (the terms of which are other than those consisting of the Conditions of Supply under which Electric Energy is Supplied together with an application for a supply of electricity) that existed before this proposed schedule came into operation.

Proposed clause 5 provides for statutory easements in a similar way as did section 41 of the principal Act (repealed by clause 16 of this Bill) except that it is the proposed corporation Southern Power and Water that has the benefit of the easement and not the Trust.

PART 4

AMENDMENT OF GAS ACT 1988

Clause 25: Repeal of s. 28

This clause provides for the repeal of section 28 of the principal Act. This section is being repealed because it is proposed that the registration of gas fitters will, in future, be done under the licensing provisions of the Builders Licensing Act 1986.

PART 5

AMENDMENT OF SEWERAGE ACT 1929

Clause 26: Amendments contained in schedule

This clause provides that the principal Act is amended as set out in the schedule of this Act. These amendments are consequent on the establishment of the proposed corporation Southern Power and Water under the proposed Southern Power and Water Act 1993 and, for the most part, strike out a reference to the Minister and substitute a reference to the corporation.

PART 6

AMENDMENT OF WATER RESOURCES ACT 1990

Clause 27: Amendment of s. 4—Interpretation

This clause inserts into the interpretation provision of the principal Act the definition of the proposed corporation Southern Power and Water.

Clause 28: Amendment of s. 31—Right of Minister and corporation to take water

This clause amends section 31 by giving Southern Power and Water the same rights and duties as the Minister in respect of the taking of water under the principal Act.

Clause 29: Amendment of s. 32—Riparian rights

This clause amends section 32 by striking out paragraph (a) of that section and substituting a new paragraph which reflects the changes made to section 31 of the principal Act.

PART 7

AMENDMENT OF WATERWORKS ACT 1932

Clause 30: Amendments contained in schedule

This clause provides that the principal Act is amended as set out in the schedule of this Act. These amendments are consequent on the establishment of the proposed corporation Southern Power and Water under the proposed Southern Power and Water Act 1993 and, mainly, strike out a reference to the Minister and substitute a reference to the corporation.

PART 8

REPEAL OF CERTAIN ACTS

Clause 31: Acts repealed

This clause repeals the following Acts:

The Adelaide Electric Supply Company Act 1944;
The Adelaide Electric Supply Company's Acts 1897 to 1931;
Electrical Workers and Contractors Licensing Act 1966;
Electricity Act 1943;
Electricity (Country Areas) Subsidy Act 1962;
Electricity Supplies (Country Areas) Act 1950;
Electricity Supply (Industries) Act 1963;
The Electricity Trust of South Australia (Penola Undertaking) Act 1967;
Local Electricity Undertakings (Securities for Loans) Act 1950.

These Acts are either obsolete or deal with matters now to be dealt with by the amendments proposed by Part 3 of this measure.

SCHEDULE

Consequential Amendments

The schedule to the Act contains amendments to the Sewerage Act 1929 and the Waterworks Act 1932 consequent on the operation of the proposed Southern Power and Water Act 1993. In the main, these amendments substitute references to the Minister with references to the proposed corporation Southern Power and Water.

Mr S.J. BAKER secured the adjournment of the debate.

ENVIRONMENT PROTECTION BILL

The Hon. M.K. MAYES (Minister of Environment and Land Management): I table extracts from a document entitled 'Intergovernmental Agreement on the Environment'. I apologise to the House. This document should have been tabled when the Environment Protection Bill was introduced.

ADDRESS IN REPLY

The Hon. D.J. HOPGOOD (Baudin): I move:

That the following Address in Reply to Her Excellency's opening speech be adopted:

May it please Your Excellency—

1. We, the members of the House of Assembly, express our thanks for the speech with which Your Excellency was pleased to open Parliament.

2. We assure Your Excellency that we will give our best attention to all matters placed before us.

3. We earnestly join in Your Excellency's prayer for the Divine blessing on the proceedings of the session.

In moving this motion, I commend to members the contents of the speech which was delivered to the joint sitting by Her Excellency. I also join in the condolences that have been expressed on the passing from the Australian scene and indeed from this life of Sir Condor Laucke and the Hon. Hugh Hudson. I spoke yesterday in brief debate about Hugh Hudson and the influence that he had particularly on my early political career. Indeed, one could be forgiven for thinking that my advancement in the parliamentary Labor Party and indeed therefore in the broader area of the Parliament was very much related to my inability to say 'No' to Hugh Hudson.

It was Hugh Hudson who came to me one day in 1969 when we were door knocking for Richie Gun's successful campaign to win the Federal seat of Kingston and suggested that I should throw my hat into the ring for one of the new electorates that had just been set up for the forthcoming State election. It was Hugh Hudson who immediately after that State election, when I had been returned to this place, suggested to me that, since the parliamentary Labor Party had seen fit to create the position of Assistant Whip, I should put my name forward for election to that position. It was Hugh Hudson who suggested to me that, when a tenth ministry was set up, I should enter the list for election to that position, and so it goes on.

On each of these occasions my head told me to say 'No' but ultimately I said 'Yes'. When I look back on it now it is rather extraordinary that someone who has so little personal ambition should have finished up occupying so long a time in the position of Deputy Premier of this State. My purpose today is not to give any sort of resume of my 23 years in this place; I just place on record my appreciation for what my colleagues have done in giving me the opportunity to move this motion.

When one determines that one will voluntarily retire from this place, one is afforded a luxury which is not afforded to dozens and dozens of others who come and go in this place. So from the time that I told the member for Ross Smith, way back in 1989, that what was then the forthcoming election would be my last I have known that eventually it would come to this point. This clearly will be my last address in reply debate—I guess 23 is quite enough anyway.

The Hon. B.C. Eastick interjecting:

The Hon. D.J. HOPGOOD: Indeed, it may have been more than that because the member for Light, who is somewhat of a historian, tells me by way of interjection that it was 25 because of the vagaries associated with the calling of Parliament, early elections and that sort of thing. I was fortunate to be elected to this place at the tender age of 31, to enter a Cabinet only three years later and to be on the front bench for more than 19 years, only three of which have been in Opposition.

I have seen a lot of Government and I do not intend today to give a resume, but I do want to say a few things about the current scene as it is illuminated by my experience. During the recent recess I spent several weeks overseas. My main study overseas will be the subject of a report to be submitted, but in the process one picks up all sorts of issues. What comes across from newspapers, talk-back on radio, television and all the rest is how similar our problems are to those of the rest of the developed world. The editorials in the United States and Canadian newspapers could be transferred almost word for word to the *Advertiser* or the *Australian*.

The developed societies are not in crisis. If they were, there would not be so many from the developing world seeking to go to them to live, but they have substantial problems and the similarities are striking. In the US, Canada and in western Europe the economists tell us that the recession is over, that they are back into growth, but they note that employment lags. They note that profits are not sufficiently being ploughed back into employment. Does that sound familiar? It certainly does to me.

Overseas there is the concern with crime, of attacks on persons and property. Much effort has been spent analysing these trends, which partly relate to a breakdown in family structures, to the development of a drug culture and dependence on illegal—and hence high cost—substances. Another

similarity is the prevailing cynicism about parliamentary institutions—a cynicism reinforced by the fact that most people get their information, I am afraid, courtesy of that most cynical of professions journalism.

I could say more about the positive things which are around: the recovery in full-time employment, which is occurring in this State; the record numbers of containers, for example, which passed through the port of Adelaide in 1992-1993; the reduction in certain crime indices; and the respect which is accorded this place and the people in it by many thinking people, even today. All of that is true, but my main observation is and must be that problems persist in society at a level most people of goodwill and intelligence would see as undesirable.

The good news is that we are no different from comparable societies around the world in the social and economic problems that we face. The bad news is that we are no different from comparable societies around the world in the social and economic problems that we face. What I mean by the latter is that, were there a simple solution or set of solutions to these problems, they would have already been applied in some of these countries. That the problems persist is an indication that there are no easy answers or, if there are, those answers are not being identified. So, let no one, politician, journalist, administrator or pundit, tell us that he or she has the answer. He or she who so claims is a dissembler and/or a fool.

There are, of course, approaches which are more likely to be helpful and those that are less likely to be helpful. The continuing debate on matters economic seems to me to have removed a good deal of compassion from the public rhetoric. I deplore that. Compassion must return. Without wanting to sound anything like a plaster saint, I must say that I got myself elected to this place to help people. I hope I have done that. I hope that in the third career on which I will shortly embark—one not involving paid employment I hasten to add—I will still be able to help people. The public process itself should be one which enriches people's lives, and for the most part it does.

I invite all members to consider what sort of society we would have without the organs of Government; a society without the apparatus of community security, police, courts, prisons; a society where basic services such as education and health were available only to those wealthy enough to purchase them, as one would purchase a tube of toothpaste or, perhaps more to the point, an expensive motor vehicle; and a society in which basic infrastructure, roads, water, sewerage and electricity, got there, if at all, only in a purely haphazard sort of way.

The fact that we do not have that sort of society is a result of having Government and the organs of representative democracy which act as some sort of watchdog on Government. But the press, for the most part, portrays the process as destructive of social values. Any Government is seen as the enemy rather than the relatively benign friend of the people that it mostly is. Public servants are portrayed as time servers, and the politicians to whom they are responsible as venal. After a while, some people begin to believe it all. This is all very curious, given the fact that these same so-called organs of information profess support for parliamentary democracy. I can only assume that newspaper and media proprietors, coming as they largely do from that sector of society which yearns for minimalist government, are using the organs as part of an agenda. They are creating ambit. If we advocate throwing out the baby, maybe we will at least unload some of the bath water. Then there are those journalists who simply see it as smart, or 'hip' if you like, to be negative. They do not look at the repercussions of this destructive attitude. That is a pity. Indeed, it is tragic.

I am speaking not in purely Party political terms here. Of course, there is Party bias, particularly in the print media, but that is not what I am on about. I am concerned about the ongoing denigration of representative and governmental institutions, particularly in the print media, be it as blatant as that boring, tedious, repetitive and totally unfunny daily cartoon strip on the second to back page of the *Advertiser* or some of the subtle, and not so subtle, negative headlining, absorption with trivia and general obsession with accentuating the negative. I invite members opposite, languishing in the relative comfort of Opposition, to talk about these things to their colleagues in the States where they are in office to see whether they do not agree with me. The problem is that negative prophecies are too often self-fulfilling.

I have been privileged to know dozens, I guess hundreds, of parliamentarians from four political Parties in my 23 years here. In the vast majority of cases, I have been impressed by their dedication to the task of serving the community. I have valued their friendship beyond the theatre of this Chamber, and often within it. Therefore, it distresses me that these people and their roles are denigrated.

I hope I have the support of all members in what I am saying. I cannot believe that any of us desires to see this institution reviled or the broader role of government devalued. Of course, members opposite have traditionally sought a less active role for the machinery of government than do we, or so the pundits claim. Yet I believe that their natural constituency relies on an active public sector more than does the city. Therefore, I have often regarded members of the parliamentary Liberal Party as fig-leaf socialists. Indeed, when the Tonkin Government bought into SAGASCO, I recall a journalist ringing the office of the member for Ross Smith, who was then Leader of the Opposition, and asking, 'What is it like to be in opposition to a socialist Government?'

Taxes, like death, are inevitable, because government is inevitable. As Oliver Wendell Holmes once said, 'With my taxes I buy civilisation.' Therefore, I want to talk about taxes at work and I want to give a couple of examples of a desirable mix of Government-inspired incentives, direct services and private initiative, which I think is typical of the sort of multi-faceted challenges that sometimes face us these days. I think it is important that we see that it is that sort of mix. We are no longer in an era where we often get a purely private or public approach to a set of problems: rather, there is that mix where Government can give a lead or can follow a lead that is given by the community generally, by private enterprise, or whatever it may be. The Government can provide incentives for private enterprise in certain areas where in other areas it is inevitable that the Government must largely take the responsibility.

I want to refer to two areas: one is the better use of urban space for residential or whatever use, and the other is the ongoing management of the Murray-Darling Basin. I turn to the second of these first, though I have spoken at length on the problems of the basin before. While salination and eutrophication are not yet at disastrous levels in the rivers of the system, while not all the water in the system is used in a normal year so there is still environmental flow—and we can perhaps contrast that with the Colorado in the United States—and while the area is still enormously productive, there are

important challenges to be faced, and faced urgently. I feel some ownership of the machinery which is now in place at Commonwealth level and in the basin States to redress these problems. I think that the setting up of the Murray-Darling Ministerial Council and Commission was a landmark in public administration in this country.

Yet I now want to suggest that the ongoing task, 10 years down the track as it were, is rather more for the community than for the Government. The initiative came from the Government. In saying that, I am not setting aside the pioneering work of groups such as the old Murray Valley League, but there has been an enormous sensitising of public opinion, particularly along the river, in the past five years. There is an enormous amount of good will and support for ameliorative measures, many of them quite radical. That support almost certainly did not exist five or 10 years ago to the extent that it now does. So it is those people living in the area who are giving the lead; it is to those people that we have to listen; and it is those people who will almost certainly ensure that the attacking of these problems, in often radical ways, will remain very much on the political agenda.

I commend to members the report 'The Murray', edited by Norman McKay and David Eastburn, and published by the Murray-Darling Commission in 1990. I guess that at $35 it is not the cheapest read in the Commonwealth bookshop, but I believe it should be required reading for all parliamentary candidates in the river States, including Queensland, and candidates for the Commonwealth Parliament, from wherever they come. In it one can read, for example, how the recovery of the Barmah-Millewa red gum forest since the mid-1970s has been a matter as much of good luck as good management, but that, as a result of the studies more recently undertaken, there is reason for optimism about the future of the forest. We can read in the pages of this very valuable report about how we are slowly beginning to understand how nutrients contribute to eutrophication in the rivers and what we must do to prevent the Darling running green one year in two. We can read of the task ahead of us in restoring highly salinised areas, particularly in the old irrigation areas of Victoria, back to productivity or, better still, back to their natural condition.

I believe that we will succeed in these things not only because we now understand the mechanisms and the consequences of our actions but because people are now determined that we shall succeed. It is a paradigm shift, so to speak. No-one has ever been apathetic about the Murray, but we are now enthusiastic for different things. People once saw it as a juicy orange to be squeezed until the pips squeaked. We now see it as something to be tended; something to be nurtured. The political process must not be allowed to lag behind informed public opinion. So far, on the Murray it has not, but it could. The Murray must be kept on the political agenda. If it drops off, despite the work of the past decade, it will be a national tragedy. But out there, I believe, in the Valley itself, the battle is being won. These people are serving on the consultative committees; they are in the growers organisations; and they are union members in the packing sheds, and surely they will not let continuing and future members of this place forget the challenge that the Murray will be in the next two decades.

In some ways, it is a little like the Adelaide Parklands. If one likes to look at the statute book, one finds little that guarantees that the parklands will remain in something like their present condition. The guarantee is out there in the hearts and minds of ordinary South Australians and, of course, it filters into here through their elected representatives. I think that the same is now happening with the Murray. There might have been conflict about the future of the Murray and what needed to be done 15 years ago: there is little conflict any more. Producers, environmentalists, administrators, politicians, the man and the woman in the street all agree as to the way we have to go and the urgency with which we must tread that path.

The Hon. B.C. Eastick: And the second generation parklands.

The Hon. D.J. HOPGOOD: And the second generation parklands. I thank the member for Light in relation to that matter. It is one of the mild disappointments I have in relation to this matter. What emerged from my idea for a second generation parkland—the Metropolitan Open Space System (MOSS)—is a very comprehensive one. I think it is not quite as hard-edged as I would have preferred it to be, but maybe that was no longer possible: maybe there were areas that were needed for a real second generation parkland which had already been alienated from nature.

The Hon. B.C. Eastick: It is very much better than not at all.

The Hon. D.J. HOPGOOD: Indeed. A second of the subthemes of political administration that has echoed down this building in the last 20 years or so, and one to which I want to give a little bit of time, is town planning—our attempts to grapple with urban and regional problems. How do these problems arise? Modern capitalism demands demographic concentration. Too often it produces huge aggregations of individuals yoked together solely by the processes of production, distribution and exchange. What it fails to produce is communities, that is, places where people identify with each other, recognising a collective past, present and future.

The challenge must therefore be to build cities not only which are aesthetically pleasing, efficient and compassionate in their workings but also which foster a sense of community, because without community the conditions are rife for crime. If people have no sense of community, they have no appreciation of the rights of others, and that is a theme to which I will return before I sit down. Adelaide has always claimed a strong heritage of town planning, from right through Charles Reade to people such as Stuart Hart and Hugh Stretton. Monarto could have been in that tradition, but the Borrie report showed that it was way before its time.

The search for acceptable urban forms, muted somewhat, I would suggest, in the late 1970s as DURD and the Cities Commission went out of business, became strident again in the 1980s as we sought to redevelop the older suburbs while avoiding the pitfalls of gentrification. Of course, some of those older suburbs were already heavily gentrified, but they are the ones we largely ignored, concentrating more on where the real problems were.

My inspiration, of course, was the Port Adelaide redevelopment and what Hugh Davies and others had achieved down there after the Government of the day, through Hugh Hudson, had provided them with some carrots to wave around. Bowden-Brompton, which became the theme of the mid-1980s, is not Port Adelaide. It has a character all its own, yet the measures adopted after 1982 have clearly worked. I direct members' attention to the recently published ABS Social Atlas of Adelaide. This shows the area bounded by South Road, Torrens Road, the parklands and Port Road coloured red, that is, with positive growth rates above 10 per cent in some census collection districts. I can recall looking at similar figures in the early 1980s and visualising the local

government area of Hindmarsh, which includes all those areas, disappearing off the map as a residential option. Certainly, we have been able to turn around that demographic erosion, and Bowden-Brompton is now very much an area of growth, as that map indicates.

More important than numbers is lifestyle, infrastructure and community. To the sceptics, I say, 'Go down there and look around. Talk to people and see how much the area has revived; how much the social fabric, as well as the physical fabric, has been renewed in that area by that program.' However, the same map shows that there is a challenge south of Port Road through Thebarton and Mile End where depopulation continues. No red colours there—some blue and some very deep blue on that same map. I note that there are plans for the area and that those plans are being developed in consultation with the local people and with local government. I also note that a good deal of this is being taken up under the aegis of the Commonwealth Government's Better Cities program, and the Mile End development is one that I find particularly exciting. In future years, on the lesser occasions when I come into town, I will almost certainly be driving up Burbridge Road to have a look at the continuing development on that site.

Of course, I represent an outer suburban area, so my interest in the inner suburbs is perhaps seen by some as quixotic, but the better use of inner urban space must help the outer suburbs, taking off some of the pressure as it were—buying time. Of course, an enormous amount of effort, human and material, has been put into the fringe, be it in the north at Golden Grove and Munno Para or in the south at Woodcroft and Seaford Rise. Long gone are the days where new subdivisions meant merely the building of houses in muddy paddocks. Yet, they could return. As on the Murray, we know what to do. We have the structures in place, but the political will must, of course, be maintained.

A flight from government, an erosion of the responsibilities of the public sector, would be one of those ways in which we could return to the bad old days where a subdivision meant some wooden stakes in the ground and you went off and flogged those blocks. That would also be another one of these tragedies. I do not believe it will happen; I do not believe people in here will want it to happen; and I do not believe people outside will allow them to let it happen. But I just sound this warning: it would be one of the consequences of a drastic flight from government responsibility, a return to a largely private enterprise economy.

As we progress through a parliamentary career, I contend, we are not being selfish if we add to our stock of spiritual and intellectual resources. It makes us more capable people, more interesting people, more compassionate people, people who are better equipped to serve the community and better parliamentarians. If we are purely political animals, I believe that, in a sense, that is all we are—merely political animals, and poor parliamentarians at that.

If I have learned nothing in all these years, I guess I am a pretty dull fellow, and this is not the time to spell out all the lessons of six years in education, seven in environment and planning, more than three in health, and various periods at lands, community welfare, development and mines, housing, water resources, emergency services, Chief Secretary and even immigration, for a short time. There probably never will be a time. Much of it would be of only marginal interest to most people and, if I fear anything, I fear being a bore.

But I cannot conclude without sharing with members that which I have taken away with me from my years in the health and family and community services portfolios. The debate on health continues, of course, to be dominated by arguments about health insurance, and that is unfortunate, because there should be a national consensus to the effect that no-one should be pauperised by ill health. But there are those who would want to move us toward the American system, which does just that. The problem with the debate, of course, is that it diverts us from more important things. It brings an acrimonious element to an area which is, above all, I believe, characterised by something that is important above all else, something to which I referred earlier in my speech.

I refer to compassion. That is what I learned from more than three years in those portfolios: people still do care. Despite my criticism earlier of the apparent hard-edged, often seemingly soulless economic debates that the press characterises as all that actually happens in the political field, out there people do care and they do not just talk, they act. They care for aged and often demented relatives; for children with physical and/or intellectual disabilities. They serve on hospital auxiliaries or work hard to raise funds for research into cardiovascular disease, cancer or multiple sclerosis and a host of other auto-immune disorders.

They give blood. They are nurses, surgeons and physicians in our public hospitals. In the allied field of family and community services they are people who foster, often seeking to love children who on the outside seem very unlovely. They work in various shelters. They seek to help victims on the street, in Adelaide's squares, down at the Port or out in Elizabeth. Out in the bush, they help people on the farms come to terms with debt, drought and flood. That, I believe, is a precious resource in our community, one to which we are so close that often we ignore it.

Yet, far more than does economics, it is this sort of thing that marks our society off from many other sorts of societies. In the next few years I guess I will play some small part in that approach, but it will be left to those in this place to ensure that the climate remains conducive to the continuation of a compassionate society rather than one where, in all things, we dance to the tune of the cash register. There are many countries around the world where blood is obtained for surgical uses in the community by purchase; where the lifeguard is paid a salary to do his or her job; where so many of the things that happen in our community, because of the compassion displayed by ordinary men and women, must be bought and sold.

Of course, I take no issue with the whole question of salaried and wage labour. Indeed, I wish there were more of it but, at the same time, it is important that we see the enormous amount of goodwill that is in our community as issued through the voluntary sector and the work that is done. I invite members to consider the cost to the community if the Country Fire Service became a fully paid service. There are people in the community who have been so foolish and, indeed, may I say dishonest, as to suggest that there is some sort of secret agenda on the part of the Labor Party to fully professionalise groups such as the CFS. We would not be so foolish, for the reasons I have indicated, not only because of the financial cost to the whole community but also the human cost in losing the opportunity for that area of the expression of compassion.

Of course, in some ways I am arguing in too hard-edged a sort of way, because within the whole area of salaried and wage labour there is also the opportunity for people, as it is so often expressed, to go the second mile; to do more than is purely required of them in their job description. This is

something else that I believe is a precious resource, one to which we have to hold. I guess one of the reasons why I was fairly strident earlier in my remarks about the criticisms of the Public Service is that I know from my many years as a Minister the amount of additional unpaid work that is often undertaken, particularly by our senior public servants, in the interests of good Government and of the people of this State. It hurts me that, despite all that, they can be so often categorised and stigmatised in the way they are.

I want to turn to one more theme before I close. Our society, of course, has a considerable way to go in addressing the various economic and social problems we see around us. As I said earlier, I know from direct observation of similar societies overseas that we are no different from those societies in that respect. The old ideals of liberty, equality and fraternity are still worth fighting for, and I believe there are areas where we need to look at the further expansion of human liberty; where we need to ensure that there is sufficient equality between people, that real community can exist; and where there are fraternal relations between people, irrespective of their background.

We do have a relatively harmonious society. Somebody once said that one of the things that categorised Australians has been their extreme reluctance to shoot each other. That, of course, is true. We have been fortunate to avoid civil war and, for the most part, what used to be called, in rather old fashioned terms, civil tumult. The one or two so-called rebellions that have occurred on our soil over the years have really, when you look at them, been a bit of a joke compared with what countries overseas have had to put up with. That has probably meant that in some ways we have been a country without a past; that we have to entertain our youngsters in schools with stories about the early explorers because it is difficult to find other sorts of heroic figures, because, in the conventional sense of history, heroic figures are thrown up by rebellion, tumult, war and that sort of thing.

To the extent that we may be a nation and a country without a past, that is a good thing, because it is an index of just how peace loving we have been, and how much we have been able to get on with each other. Since the war, of course, we have seen this enormous social experiment of the mixing of people from all sorts of backgrounds: initially from northern Europe, then from the Mediterranean countries, particularly from the British Isles and, more recently, from all over the world, particularly from South-East Asia, the refugees from political persecution in South America, from the Pacific nations and other such places.

Compared with any other country that has been a melting pot, we have probably got it more correct or less wrong than most of those other nations. We have been fortunate in being able to avoid ethnic and multicultural violence despite the very great multicultural mix that our society now represents. We have come some considerable way in that respect but, as I say, with the other developed nations we still have a way to go. We have not yet learned how we can run an economy where we have minimal unemployment and minimal inflation at the same time. Nobody has.

It is one of the great weaknesses of the modern capitalist system, ameliorated as it has been in most civilised countries by considerable Government intervention in that economy. What I want to contend is this: even if we had got it right; even if we had a society in which all were equal before the law in practice as well as in theory; if all were comfortably well off; if crime rates were very low and all people had a very well developed social conscience; would we have really gained very much if all we do with this Utopia is to tune in to *Roseanne* and *Hard Copy*?

For goodness sake, I am not an intellectual or a cultural snob, my preferred music having impeccably proletarian origins, but it seems we have a long way to go if we are to generate a community where all people can discourse sensibly and knowledgeably about Beethoven, Descartes, Marx, Bougainville, Augustine or indeed the *Second Law of Thermodynamics*. Our learning must indeed be broadened and deepened. I want to quote Scripture, which is not often done in here, and I think members may see why I want to do it in just a moment: in II *Timothy* we are warned—and I use the marvellous language of the King James version, if only to keep the member for Ross Smith happy—against 'profane and vain babblings'. Is that not just the sort of thing that perhaps should be on the entrance to this place, not only the outside but the entrance to this Chamber and another place? Save us from profane and vain babblings!

Of course, as is the way with Scripture, the writer suggests how we might avoid these profane and vain babblings. In the previous verse he says 'Study to show thyself approved', and here, of course, I pause, because the question is: approved to whom or what? Scripture, of course, has its answer with which in a secular society not everyone will agree. If people do not want it to go on and say, 'To God', I am quite happy for them, from their own spiritual or secular standpoint, to say, 'To your fellow men and women; to your fellow creatures'. Then, to go on, 'a worker' (I use inclusive language there which Scripture does not) that needeth not be ashamed rightly dividing the word of truth'.

It seems to me that that is something that parliamentarians should take on board—that we do need to study; we need to be workers who are not ashamed, rightly dividing the word of truth, because of the study that we have undertaken so that we will not be involved in 'profane and vain babblings'. Elsewhere in Scripture someone, of course, asked the question 'What is truth?' and I believe too many people have stopped asking that question. I think if this place in future years is prepared to assist the search for an answer, or a series of answers—be it in seminaries, laboratories, libraries, in halls of learning or in the field—it would have gone a long way towards justifying its existence.

I picked up an article in the *Age* over the weekend—and, again, while talking about cultural snobbery, let me say I in fact bought that copy of the *Age* in order to get the full footy stats from the AFL—and the *Age* always has some very interesting articles in it. I will not give the overall context of the article I read, because it would somewhat distort what I am trying to put across. It was written by one Paul Ormonde, who talks about his disenchantment with the sort of institutional religion from which he came, and to that extent, of course, I cannot make common cause with him. This is what he said, and I think it is interesting:

> Today I play no active part in the institutional church. Among some of my relatives and closest friends are many who do. . . In re-evaluating my position, belief ceased to be a useful word.

He then goes on to say something which I find very interesting, indeed, because he says:

> I carry a deep sense of meaningful mystery: that life cannot be (to paraphrase Macbeth) an idiot tale, that our creative intelligence, our sense of beauty and ugliness, of good and evil, our capacity to act far beyond self-interest—these characteristics amount to more than just an interesting aspect of psychobiology. I ponder with an awareness of mystery beyond intellectual reach but sometimes knowable in moments of joy, crisis or intuitive enlightenment. It is, I suspect, what Manning Clark called his 'moments of grace'.

Why do I conclude by raising this perhaps obscure part of a newspaper article? It is because some of the problems to which I referred earlier relate to the abandonment of absolutes on the part of our society and societies very much like it. If indeed, in the words of Macbeth, our lives are a tale told by an idiot, signifying nothing—if we are purely cosmic accidents—it seems to me that moral relativity is something that goes without saying. If there are no absolutes in that which is fundamental, it is very difficult to argue for absolutes in relation to moral and ethical values, except that which is necessary purely for the survival of a society. That becomes a lowest common denominator. It becomes, 'Okay, we will accept the general rules but we will get away with whatever we can.' So, there can be a spiralling downwards.

I speak from no ultra-conservative moral position in this matter—indeed, through my vote in this place over the past years I have been associated largely with many of the reforms of legislation with which many conservatives in the wider community take issue—nevertheless I would contend that part of the problem that we have is that in many respects in spiritual and ethical terms we now have a rootless society; one where people see no basis for values. If many people can no longer share my—heterodox though they be—beliefs in that which is ultimate, it seems to me that maybe they can at least go as far as Mr Ormonde in relation to his belief that there is meaning, there is meaningful mystery in the universe, life is not an idiot tale, that life has meaning and we can indeed perceive this meaning which exists in the universe.

The importance of holding at least to that minimal position is that it allows for absolutes again to flow; it allows for there to be 'oughts' in our prescriptions in the way in which people should behave. That which we do in here, of course, can never do more than generally reflect that which is seen as reasonable in the community. So, if the 'oughts' are removed from community values, there is a sense in which, except in the purely brutal police and courts sense, the 'oughts' can be removed from the legislation which exists in here. To the extent that I can attempt to come to any analysis of the problems that face our sort of society, that is as I see it, and I commend to members not simply an absorption with the trivial, day-to-day matters of legislation which passes this way and the pressures within the electoral office, clear though they may be, but an opportunity from time to time to step back, to look at a broader picture and to apply the lessons of that broader picture to the way in which they continue to carry out their parliamentary duties. I conclude by wishing all members well in the continuation of that quest.

The Hon. J.C. BANNON (Ross Smith): I am very happy to second the motion of Address in Reply that has been moved by my very good colleague and friend, the member for Baudin. It is most appropriate that that member has spoken in moving this motion, and I will refer to him in a moment. I might say incidentally that participating in this way in this debate from the Government's side is something in which I am well out of practice. In fact, I moved the Address in Reply on 3 November 1977. I spoke to the Address in Reply on 2 August 1978, 15 years ago last Monday, and that is the last time I have been in this position in relation to this debate. So, the House could well forgive me for perhaps being a little rusty in terms of the procedures and precedents of the debate.

However, I welcome it because there are a number of topics with which I wish to deal; some more deep-seated and longer term—the sorts of issues that my colleague has raised—and others that are immediately contemporary, such as the outrageous allegations made by the Leader of the Opposition yesterday, and I will come to that shortly. First, though, let me advert to the Address in Reply itself and particularly in reference to the two former members whom we honoured yesterday because they are no longer with us. I was able on that occasion to pay tribute to and indicate my very high regard and respect for Sir Condor Laucke. I did not participate in the encomiums to the Hon. Hugh Hudson, but would like to refer briefly to that gentleman now.

Obviously, I would strongly endorse all that was said yesterday. The Hon. Hugh Hudson was an inspiring figure. I took a very active part in his successful election campaign in 1965 for the seat of Glenelg, in which his victory there, together with that of Mrs Molly Byrne—who, incidentally, defeated Sir Condor Laucke, an interesting historical link—enabled the Walsh Government to come to office and, perhaps with some degree of surprise and trepidation, find themselves on the Government benches for the first time in 33 years. Hugh was inspirational during that campaign; he addressed the issues—the most notable of which was the way in which the boundaries had been so disgracefully rorted—with gusto and with great credibility, based on his academic qualifications and his good touch with ordinary people and his interest in the pursuits of the flesh in the form of gambling and things of this nature with which he could relate to people while using his intellect on those broader and higher issues of Government.

Hugh Hudson on that occasion defeated Sir Baden Pattinson, the long-term Education Minister in the Playford Government. It was a shock defeat, and ironic that Sir Baden (who had presided over a system that was under incredible strain and totally under-resourced and regarded as perhaps the most disadvantaged in Australia) was defeated by a man who, a few years later, became one of the most active and visionary Education Ministers in Australia and whose whole career up to his death was involved in those great issues of education.

I recall speaking at one stage in the 1970s, following Hugh Hudson's occupancy of the Education Ministry, on a national committee of which I was a member, to the then Director-General of Education in Queensland, and I was (perhaps a little unwisely) drawing certain invidious comparisons between our education system—the reforms in progress and the resources—and that of Queensland. This gentleman listened to me for a little while and then said, 'That might be right; you might be talking about the past two or three years, but don't you remember?' Then he reeled off the names of some of the administrators and Ministers, particularly Sir Baden, who had been operating in this situation of scarcity of resources and total immobility of policy through that period.

Hugh Hudson did some great things for this State, and he did some important things in Canberra following his defeat in 1979. He could well have been Premier of this State; indeed, it was touch and go, as was recounted at one stage. It would have been interesting to see what would have happened if different decisions had been made at the time, but fairly pointless, and not the sort of exercise in which Hugh himself would have wished to indulge. He got on with the rest of his life very productively indeed, and I would like to record my commiserations, as I have done personally and directly to Ainslie and his family.

In a quite different vein, and certainly unconnected to my remarks about Hugh Hudson, let me refer to the member for Baudin. I say 'in a quite different vein', because I do not want it to sound like I am addressing some sort of political funeral,

but I do think it is appropriate, as the member for Baudin moved this motion and having spoken with his usual lucidity and depth, to make some reference to the honourable member who will be retiring at the next election.

Of course, it was appropriate that his speech did not just concern nuts and bolts and contemporary issues, of which he has a strong grasp, but also moved into a more spiritual and philosophical vein, a quality which I think we would all have to agree is much lacking in politics and in the community, too. I was intrigued by his reference to 'oughts'. I presume he meant 'oughts' rather than 'orts', which is the word used for leftovers or scraps. Indeed, when he began I thought that is what he did mean and I wondered what had happened to his analysis, but his context quickly reassured me. The member for Baudin is the longest serving member on this side of the House. He is the last here on this side of the school of 1970, that vigorous band of new members who occupied the Government benches through most of that decade, and a number of whom carried on into the decade after.

On the other side, of course, there was also a phalanx of new members who occupied mostly the Opposition benches with some distinction from that year, and somewhat more of them are still here with us today than we have on our side. The member for Baudin has a reputation as a fine local member who immerses himself in his community. He forsook his old territory of Prospect, although not his football team in so doing. It is interesting to speculate that he could well have been the member representing the Prospect area; indeed, he could have occupied the seat I hold based on his geographical, family and other connections, if the timing had been slightly different.

At the time he was ready, willing and able to tackle a parliamentary challenge my seat was held quite firmly by Jack Jennings, and it looked as if Jack was going to be there for a good long time to come. The opportunity arose for Don to be the representative of the new burgeoning southern area, and he took to that with gusto and he, Rae and their family have been part of that community and have seen it through its development phases. In fact, they are a representative demographic group, which is very appropriate for the local member: as the electorate has got older, very gracefully indeed the honourable member has got older, but you would not know it looking at him and looking at his earlier pictures. His family attended the local schools and have grown up and moved on in their lives.

This has been reflected by the whole cohort of people who have shared with the honourable member the building of that community. They were fortunate to have him. It was fortunate for him, too, that he was in Government for the majority of the period that he was in Parliament. For a Labor member up until that time it would have been most unusual and, in any other span of time, perhaps a brief three years of ministerial office would be about all that the honourable member could have hoped to expect in a 20 year career. In fact, it was only a period of some three years that he was not a member of Government, and it was only the first three years when he sat on the back benches.

So, the member for Baudin has had an extraordinarily distinguished career, being one of the longest serving Ministers in a State sense; certainly the longest serving Minister who has been a member of the Labor Party. The ministries he occupied indicate his versatility, his intellectual grasp of the range of issues that Government has to deal with and his capabilities as an administrator. The biggest and toughest departments and challenges have been thrown to him. He began warming up with mines and development under the aegis of Don Dunstan, and then he had the daunting task of picking up from Hugh Hudson and making his own mark on education in a changing climate with a former Minister, it has to be said, who probably wanted to make sure that things did not change too much while he was trying to concentrate on other things. In that area Hugh was not totally successful because as Minister of Education Don Hopgood certainly made his mark.

He then went through a shadow ministry period and back into Government where environment and planning initiatives undertaken in this State were leaders in that area. While we seem to be immersed and immobilised at the moment in any retrospective sense in the financial problems and the State Bank issue, as perspective returns we will see standing out a number of key areas of major achievement, and there is no question that environment and development was one of those under Don Hopgood. Emergency services and other portfolios were undertaken by him as well.

It was fitting that he concluded his ministerial term in health and family and community services, where his particular style of humanity, of personal touch and experience could be brought to bear in a system that had been under tremendous stress and had certainly been subject to radical changes of all kinds by a Minister in the form of John Cornwall who was a progressive and who shook it up and initiated a number of things. It probably needed a period of consolidation and calm, particularly in a difficult financial environment. Don Hopgood was the perfect person to steer it through that period and, while health is an easy sitting duck for criticism, because people find it hard to be objective about the health system and they certainly do not extrapolate their experience to what the situation is in other parts of Australia or even the world, Don left that portfolio in good shape indeed and his successor is continuing in that fine tradition.

I found it a privilege to serve with Don Hopgood. For the period that he was my deputy he did all those things that one asks of a deputy. One of the most crucial being that, when things get pretty tough and you just need to not necessarily take advice but have someone to talk to, he was available and his counsel and calmness—unique in a politician—was always available. Some people call it being laid back. Laid back implies that you let things drift and you do not care. That has never been the way Don Hopgood has behaved. What he has done has been to remain calm in the face of excitement and try to address problems in a rational and sequential way, and he will certainly be missed from the Parliament and Government of this State. As I say, it is a privilege to have known and worked with him.

I would like to turn to the disgraceful attack that was launched yesterday under the guise of question and then followed up by a grievance by the Leader of the Opposition. Why disgraceful? The issue that he raised is perfectly appropriate and legitimate and we have heard a lot of it, but it was the reckless way in which he put together a series of circumstances and, I would suggest, distorted documentation to provide the opportunity for him to make an allegation, the drama of which he knew full well would get him a big media headline and prominence in the electronics, as indeed it did. But it was reckless and irresponsible because he was taking this whole debate about the bank and responsibility for the problems in this area beyond what I think has been the proper and reasonable parameters that we have had to date.

The allegation of conspiracies, and criminal conspiracies at that, is probably one of the gravest allegations that can be

made. Today the Premier challenged the Leader of the Opposition to explain just in what way he could justify that. If it is a reference to the reports that have been published and the evidence that has come forward, there is no way that that can be done and I suspect that the Leader of the Opposition knows that, but that did not deter him, and the pity of him taking that position I will come to in just a moment. In my view it was a situation where—indeed, it is what they say in criminal parlance—one is framed or fitted. In other words, the evidence is put together in such a way as to create a circumstantial presumption of guilt and consequence which is then used against an individual unfairly, recklessly and falsely, and that was the situation yesterday.

Why would I say that? The reason is that, if we look at the way the Leader has approached this issue, we see that, first, he takes the Auditor-General's recommendations. Incidentally, that is a report that has been out now for a month or so and it is interesting that this issue was not raised until the first day of Parliament; it was not mentioned, not hinted at and not talked about. If this was so important, so grave and so fundamental, one would have thought we would have heard about it before we were able to hear about it with the drama of the cameras and the opening day and all the other paraphernalia.

So he takes that report which, incidentally, does not in any kind of complete way say, 'These allegations will be sustained through the criminal proceeding.' In other words, the Auditor-General's recommendation of further investigation is treated by the honourable member as a conviction. It is certainly true that in relation to that particular matter of the Victorian property deal—the Jolen Court Project, as it is termed—at page 27.80 of Volume 13 of his report the Auditor-General does say that there was a potential for conflict of interest. At page 27.82 he found that the executives indeed acted in a manner that would lead him to report, on the basis of the evidence, that the involvement of these executives amounted to a conflict of interest or breach of fiduciary duty and therefore illegal or improper conduct. He states:

> I recommend the matter should be further investigated.

He does not there convict them. The Auditor-General is very careful to explain what he means when he makes his various recommendations. There is a further stage to be gone through, but that is irrelevant to the Leader of the Opposition. The conviction has taken place as far as he is concerned, and he attempts to use the Auditor-General's conclusion and recommendation as the final word. So, that is the start of the fit-up, of the framing.

Secondly, it is interesting that only one matter is referred to there. The Leader of the Opposition implies or suggests in the way in which he phrases his question and his speech that the Auditor-General found broadly in this area. I refer to page 27.78 where, in relation to the matter of loans to executives, the Auditor-General states:

> I have concluded that, although there were some irregularities in the administration of the provision of loans to executives of Beneficial Finance, the matter does not attract any adverse findings.

It was in that broad area that the suggestions were being made back in 1990 that the Leader of the Opposition treats as definitive information to the Government and definitive information of misdemeanour and criminal activity. So the Auditor-General is careful in what he says; he is careful in his qualifications; he is judicious in his approach; and he suggests that further investigation is necessary before proceedings can be taken, and that is the process that is under way at the moment. All those steps are ignored by the Leader of the Opposition.

Thirdly, he ignores the fact that the Auditor-General has spent two years in coming to those conclusions and has had an enormous amount of resources—all sorts of expertise, access to documents and material—that were simply not in the public purview or not understood at the time that the honourable member claims I was involved in some sort of criminal conspiracy. It is an outrageous suggestion. Indeed, I would say that, the more we hear these reports—the second report of the royal commission, the first round of reports of the Auditor-General and the second set of reports of the Auditor-General—the more surely it can be understood that the Government, and the Treasurer in particular, was in an almost impossible position in terms of understanding what was going on and whether and in what way the problems had emerged. So, rather than prove, as the Leader of the Opposition seeks to do, that this implies some kind of before the event conspiracy, I would have thought totally the opposite was established by those reports, but that is ignored and that is swept aside.

Fourthly, he interprets the situation of July 1990 in terms of that information. It is as if all that information was somehow available and understood at that time. Of course it was not, otherwise there would have been no need for the Auditor-General to spend so long and to use such large expert resources to make the findings that he has made.

Next, he treats the statements, which the Chairman made and which are referred to by the Royal Commissioner, about possibility and what would appear to be—and they are words that were used—as if they were facts, as if they were facts beyond doubt. That is nonsense. Certainly, the Chairman referred to the possibility that there could be criminal or other matters involved and my response, as my evidence to the royal commission shows, was instantly to say, 'If that is so, deal with it. Get these matters into the purview of the courts and make sure that justice is done.' Of course, that did not happen, because the conclusion of the Chairman and the board at the time of the separation of Baker and Reichert, when they left Beneficial Finance (and whether they were dismissed, retired or resigned), is somewhat murky and debatable in technical terms.

The fact is that at that point they had not concluded that there were these criminal activities. Indeed, they told me that they did not think there was substance in it and there was no way that it could be pursued. However, there was always the possibility that it might be further down the track, and it would have been totally irresponsible for me or anybody in that circumstance to put those matters into the public domain in the way in which the Leader of the Opposition suggests.

That is nothing to do with conspiracy to cover up. On the contrary, it is to try to ensure that, when and if matters can be established and people are to be brought to justice, they can be so brought without the prejudice that might have occurred if these things had been put into the public domain. That is a heavy responsibility on all of us as members of Parliament. When we come into possession of information, we have to have regard to that.

But the Leader of the Opposition disregards that totally. He suggests a finding by the Commissioner that in fact is not there. The Commissioner's words have already been put on the record. It is significant that they were not put on the record by the honourable member and do not make a finding in relation to the information that I was provided with at all.

The Commissioner does refer to the fact that the words I used in this House were the words that the board used in explaining the circumstances of Baker and Reichert's severance with Beneficial Finance.

Then there was the question I was asked. He ignores that question. The question was,'What explanations has he received?' That was the explanation I received; that was the current state of play; and that was what was put before the House. It was accurate and it was honest, and to say otherwise is a complete calumny.

I think I have traced through sufficiently the causal chain that the Leader has used, distorting it sometimes subtly, sometimes blatantly at each point to try to lead to the allegation that he wishes to make. It ignores the evidence, which he should be well aware of, because there was a QC from the Opposition there probing, pushing and trying to put the worst possible representation on anything I, in particular, said or did. So I do not see any—

Mr Quirke interjecting:

The Hon. J.C. BANNON: Yes, where has he gone? I gather he has now been nominated as a leading member of the team for the Legislative Council. Be that as it may, that representation was there and none of that was adduced at the time, but he has access to it and he ought to look at it again before he makes this reckless application.

Where does that make me finish up? I think that a number of people would have been quite shocked by yesterday's performance, most of them being those who have sponsored or supported the Leader of the Opposition into his current position, those who, to head off the member for Kavel as he came galloping back from Canberra, cobbled together a deal that put the Leader of the Opposition back into the State Parliament of South Australia after his enforced seven-year absence. I think they would be very worried indeed about his behaviour and the way in which he is using tactics such as this.

The question yesterday was not about the future; it was not about the great issues that confront us; it was not grappling with policies and with what the Government is seeking to do and what the Opposition's alternative might be; it was not because there is not such an alternative and there are not such great issues: it was media driven in the sense that the Leader wanted to make a splash and to accuse a member of Parliament, particularly a former Premier, of being some sort of criminal, because it was bound to get publicity. That is what it was about. It is totally unworthy of somebody who would pretend to be the Premier-in-waiting of this State, and his supporters must be very worried indeed.

It was interestingly noted in the colour piece this morning by the journalist, Tony Baker, that one of the big issues of the day, the South Australian Brewing situation, was not even brought up until late in Question Time. That issue was left hanging. Indeed, it was not even brought up by an Opposition member: it was brought up by my colleague the member for Peake. He was the one who raised the matter and asked about it. That is an indication of the priority that is placed on events in this State by the Opposition.

The Leader of the Opposition is dwelling on the past. He is hoping that he can keep raising the past, keep looking back, keep talking about things that have happened, not what is being done about them, and that somehow that will distract attention from the outrageous proposals that he, in secret, has in store for this State if he ever gets the chance to do so. It might be comfortable for him to do that, it might help him to duck and weave, but it will not be acceptable to the electorate of South Australia.

The Leader of the Opposition is focusing on me as a former Premier. It is extraordinary. If he wants to do that, well and good. I will debate with him anywhere. I will go on television with him. Indeed, I will invite him out to some afternoon teas and meetings in the electorate of Ross Smith. He can come to the senior citizens' clubs, and so on, and join me door knocking, if he likes, and we will pick up some opinions on the doorstep. I shall be delighted because, the more time he spends there, the more irrelevant he will become in terms of the job that he is meant to be doing, and he will allow the Premier of South Australia to get on with the real job of rebuilding this State—implementing his policies and presenting them to the people of South Australia. That is what the Leader of the Opposition is implying; that is what he looks for as he concentrates on this area instead of telling us what he will do and where he will do it. It was a disgraceful performance, unworthy of any Leader of the Opposition who aspires to be Premier of this State.

I hope that the Leader of the Opposition has exposed himself suitably. When the excitement dies down, when the concentration goes on a lot more and we see the real contrast, it will unequivocally show that he is no emperor, not even in title—he certainly has no clothes—and he has nothing to offer the people of South Australia. Meanwhile, the Premier, the true leader of this State, will be able to present those policies that will restore and revive South Australia. They are on the way. There are good indicators and they will be talked about. They might not be widely reported, but they are there and people in the community are understanding them, yet the Leader of the Opposition distracts from the issue in this outrageous way.

The ACTING SPEAKER (Mr Blacker): Order! The honourable member's time has expired. The member for Newland.

Mrs KOTZ (Newland): First, I should like to extend my condolences to Lady Laucke and family members of the late Sir Condor Laucke, an outstanding South Australian who served this State and its people well during his long and distinguished career.

I should also like to record the recent death of a South Australian woman whom I greatly admired. I admired her for her fighting spirit and her tenacity in the face of all and any adversity. I refer to Jessie Taylor, aged 73, who died in recent weeks. Jessie Taylor believed in justice and a fair go for all. She would not hesitate to take on any issue of injustice and speak out on behalf of her beloved community. She battled for both the elderly and the young. It is with considerable sadness that I record her passing and extend my sympathy to her family and friends. It is also with respect that I offer my sympathy to the family of Mrs Cathy Watkins, whose untimely death was notified to this House today.

The Address in Reply debate gives a member of Parliament the opportunity to address a range of concerns or matters which one may not ordinarily address. Therefore, I choose to address a matter that has a specific impact upon the needs of a majority in my electorate and, if time permits, I wish to address a further area which I consider to be of extreme concern to all South Australians.

The Government has allocated $12.21 million to a back-to-school grants scheme to assist schools with essential maintenance and minor works problems. Some $12.2 million has already been allocated, with almost $9.9 million having

been allocated to Labor or Independent Labor held electorates. Only $2.3 million has gone into non-Labor held seats. There would appear to be a considerable disparity in the distribution of the available maintenance dollars into school systems across the State. In fact, the total funding distributed into the 12 non-government held electorates is equivalent to the amount that was allocated to one Government held seat, Napier, which received $2.3 million of that total allocation.

The sum of $2.3 million was spread across 11 Liberal seats and the one National Party seat held by you, Sir. Napier, with its $2.3 million windfall, is currently held by the retiring member for Napier who, according to newspaper reports over recent months, would appear to believe that he holds that Labor stronghold in trust for the duly pre-selected Labor candidate, not for any Independent Labor pretender to the seat, such as the present member for Hartley, which received only $40 000 from the grants scheme. However, I do not want to dwell on and be distracted by Labor Party factional infighting other than to predict that, if $2.3 million was found for allocation into this seat prior to the election, it will be most interesting to see what further taxpayer dollars are nominated to be fed into the seat during the election campaign.

Equity and social justice have been the catchcry of Labor policy for as long as I can remember. I am sure that we all agree with the principles of equity and social justice, and I therefore have no hesitation in supporting the Government in those aims. However, I do ask where is the equity and social justice in the area of allocation to State schools of a much needed maintenance and repair grant. The Education Minister has been most considerate towards her Labor Government colleagues in the distribution of these grants. In fact, one could say that the Minister of Education has been most generous. Starting with the Minister's own electorate and her new intended electorate of Reynell, the Minister's allocation totalled $470 000 into that seat from the maintenance grant.

Mr Matthew: To herself.

Mrs KOTZ: To her electorates: the new intended electorate and the electorate currently held were the recipients of $470 000 from that scheme.

Mr Matthew: That is outrageous.

Mrs KOTZ: That is not where it ends. The Minister was also very generous to the former Premier, the member for Ross Smith, whom we have just heard address this House and who received almost $500 000 into the electorate of Ross Smith.

Mr Matthew interjecting:

Mrs KOTZ: I presume it is quite a boost for a member of Parliament whose popularity has been waning and whose abilities have been seriously questioned through the royal commission's report and the Auditor-General's report. I ask the Minister: where does equity and social justice reside in that half million allocation of taxpayers' dollars? No doubt we will hear further justifications from the Minister for what I believe is a totally inequitable placement of funds into schools that are predominantly in Government Ministers' electorates and Labor held electorates.

I also point out that three Labor Government Ministers, whose electorate boundaries almost entirely surround the adjacent boundaries of my electorate of Newland, received grants totalling $930 000. However, the 10 schools within Newland, and the one additional school within the new boundary of Newland, did not receive one cent of assistance from that particular grant or from this Government. Now, where is the integrity of Government representation to the taxpayers of this State, and how does that allocation of funds relate to equity and social justice?

The majority of my schools have, on average, 30 per cent of students who are receiving Government assistance through the school card scheme. One of those schools has as high as 66 per cent of students receiving assistance. All of those schools have doubled the number of students receiving Government assistance in the past year. If this Government and its Ministers were at all genuine in their support for equity and social justice, the allocation of those much needed school maintenance funds would not be determined by the voting intentions of electors in Labor held electorates specifically to shore up a failing Government's pathetic attempts to hold on to the reins of government.

I consider this a deplorable exercise which, again, is at the expense of not only the taxpayers of this State but the children of those taxpayers, who are the students in the schools that are being denied access to a fund of money designated to provide maintenance for the safety, the well-being, and the needs of the children of this State—denied because the Labor Government is again playing the games which it initiated pre-election 1989 and which it has attempted to resurrect pre-election 1993 (or possibly 1994)—playing the games that saw this Government in 1989, to quote the Royal Commissioner, 'surreptitiously' use $2 million of taxpayers money to falsely hold down State Bank interest rates, purely to gain political advantage in their puerile bid to win the votes necessary to stay in Government.

Of the 10 schools in my electorate not one has ever heard of the grant scheme, nor received information on how to apply. A further school which will come under the responsibility of the electorate of Newland at the next election has the same story to tell as the other 10. Interestingly, that school is currently the responsibility of Minister Klunder, the member for Todd, whose electorate was the recipient of $100 000, but not one cent of that $100 000 was allocated to that particular school which will no longer be his responsibility at the next election.

Mr Matthew interjecting:

Mrs KOTZ: Would that indeed be the fact: that there are, of course, no votes to be had for the Minister out of that area at the next election. Would that have anything to do with the fact of the Minister's lack of interest for that particular school and its students? It was only a fortnight ago, when the parliamentary research service managed to obtain a break down of the scheme's allocated funds, that we finally discovered why the office of the Minister of Education had been so reluctant in providing the details of this particular scheme.

I would like to refer to the table of amounts provided by the research that was done with information received from the Education Department. This table gives a break down of the amounts of money actually received into the electorates that I have spoken about. Eleven of the 22 Liberal held seats have not received one cent of any grant money from this particular fund. The Premier received into his electorate $720 000 of that fund. Minister Blevins, the Deputy Premier, received $480 000 into his electorate. The Minister of Health, the member for Elizabeth, received $330 000 into his electorate. One of the Labor backbenchers, the member for Spence, received the remarkable amount of $1 000 050 of this particular grant money.

It is also interesting to pick out the amount received by the member for Gilles, who has been redistributed out of a seat come the next election—$460 000. If we also consider that

the redistribution of the seat will now mean that the Minister, the member for Florey, will actually stand in part of that seat, the member for Gilles received $460 000 added to the amount received by the member for Florey of $100 000, making a total of $560 000 that will go into that Labor held electorate. The list is substantial, amounting to $9.88 million. All the electorates surrounding my own—and I would point out that the electorate of Newland is the only Liberal held metropolitan seat north of the Torrens; all other seats adjacent to mine are Labor held—received $930 000 of that grant without one cent coming into the 10 or 11 schools that make up the Newland area.

It would appear that the Minister's interpretation of social justice relates to Labor electorates only. The Minister's criterion to receive grants was based on social justice, including school card numbers and percentages. I advise the Minister of Education that the schools in my area have this year—and I believe I have previously stated this but I put it on the record again—doubled the number of students receiving assistance through the school card system, averaging 31 per cent across the board, with one school tripling the issue of school cards to 66 per cent of students.

Playing the games for pre-election political advantages at the expense of the social justice needs of the children of this State must surely be held, in the eyes of those who still believe in responsible, accountable, representative Government, as totally contemptible. This contemptible attitude, which permeates Government and which has been identified so clearly by the royal commission and by the Auditor-General, has not abated. It is clearly a matter of the Labor Party first and the people of this State a very poor last.

We have only to turn to the statement of proposals presented by Government at the opening of this session of Parliament. If this were meant to be the document for change to bring prosperity and optimism back to the State, quite obviously it falls short of being anything less than recycled rhetoric, the hallmark of this Government, which is long on rhetoric and very short on substance. The greatest priority for this Government and the next must be the issue of unemployment, yet this statement does not address that imperative issue.

I believe that unemployment gets a mention three or four times, but only in terms of passive or paternalistic comment of Government's alleged concerns over unemployment; it does not specifically address initiatives which actively decrease our unacceptable unemployment levels. On page 5 there is one positive statement on which I do compliment the Government, and it is as follows:

> Another training goal, to place 400 young people in traineeships in the public sector, has been reached. My Government also has made a commitment to employ at least 100 of those who successfully completed the program.

On that initiative I do commend the Government, but why has it stopped there? There is no mention of further traineeships or apprenticeship assisted schemes for the coming year. Was this the Government's only strategy to combat unemployment and does the Government now believe that this minimal contribution having been made is actually sufficient? A recent national study looked at the hidden face of unemployment and, although the study addresses national figures, the overview is relevant to South Australia. The article in the *National Business Bulletin* states:

> Despite positive economic indicators, there is virtually no movement in the story of total unemployment. It is possible, moreover, that the situation will remain unchanged for quite some time.

The article has provided a chart, to which it refers in the next sentence, talking about underemployed and unemployed. It states:

> The term 'underemployed' represents those part-time workers who would prefer to work more hours. That represents approximately one-third of part-time workers, or 635 000 persons at December 1992. There is, in addition, a further 10 per cent of those considered employed (7 750 000 persons) who also are not fully utilised. Total part-time workers have increased from 1.46 million in 1988 to 1.81 million in 1992, with females outnumbering males in the ratio of approximately three to one. There's yet another aspect of unemployment for the future. Whilst those attending schools have increased between 1988 and 1992 from 683 000 to 705 000 pupils, those undertaking tertiary education full time have increased over the same period from 267 000 to 405 000. These are now—at least for a period—in the age group around 21 years, and could represent a well-educated and sizeable group who may yet enter the ranks of unemployment.

The statement finishes by saying:

> Unemployment is a new form of education for the well-educated.

The most debilitating aspect of unemployment, which cuts at the very heart and soul of the unemployed person and rips away the very vestiges of optimism, is the forced queuing at CES offices to fill out the interminable pieces of paper that entitle the individual to another fortnight of financial assistance. To lose your job through no fault of your own; to face reduced financial circumstances; to explain to your children that they may have to miss out on certain sports because the memberships are now a drain on the household budget; to explain to family and friends that entertainment of even meagre proportions is now a luxury; and then to present yourself fortnightly to acquire the financial assistance to see yourself and your family through another fortnight on bare essentials is a demeaning exercise that eats away at the very self esteem of even the most hardened pragmatist.

I ask the Premier, if he cannot improve the work force employment rates for today's adults, at least to explain to those adults where he will create jobs for our youth who are our future adults. Young people 15 to 19 years old continue to bear the full impact of the harsh economic conditions in South Australia as the unemployment rate for this group continues to grow. Forty per cent of young people in this State in this age range are now unemployed. South Australia has the highest level of youth unemployment of any State or territory in Australia. It is much higher than the Australian average of 31 per cent.

It is not only South Australia's business and industry that has closed down and crossed the borders into other States because of Government inactivity, but a further loss to South Australia occurs when many of our talented and skilled young people are forced to leave their families and the State if they want to continue to work. This is another tragic loss for South Australia, as families are divided and the opportunity for the State to recover is seriously impaired by the loss of those talents and those skills. I ask the Premier: why is job creation and the issue of unemployment not a priority of utmost importance to you and your Government?

After 10 years of Labor Government South Australia has record State debt and Government liabilities: liabilities that are a massive financial burden equivalent to about $9 000 for every man, woman and child in South Australia. After 10 years of Labor Government South Australia has record rises in State taxes and charges which have added a further burden to the financial hardships experienced by South Australians.

Those taxes have been increased on petrol, electricity, water, business, bus, train and tram fares and other essentials.

After 10 years of Labor Government in South Australia we have record unemployment, with a monthly average of more than 60 000 people out of work for the past 10 years under Labor. As I mentioned, at 40 per cent we have the highest youth unemployment of any State or Territory. I refer to the past three elections that saw the Labor Government given the reins of power in South Australia, because it is interesting to look at the election slogans that were used during each of those three elections. In 1982 the Government went to an election with the slogan, 'We want South Australia to win.' I can only suggest that it did not want that badly enough. In 1985 the election policy speech stated:

> South Australia is up and running with the people behind us. Our recovery is a reality. It is all coming together.

I am afraid I can only suggest that the reality was that it was all coming apart. For the last election in 1989 the policy speech was somewhat longer because we were seeing an increase in the rhetoric that was spoken about so much, and again without conscience. The rhetoric of that policy speech stated:

> Now is the time to move forward. We have the experience, the conviction, and we have the opportunity to make South Australia the most exciting State in our nation in the 1990s.

We all agree that South Australia should be the most exciting State in our nation in the 1990s, but I doubt that many of us would agree that we have seen anything that resembles experience or success from the Labor Government. We have seen the experiences of disaster, but that does not help promote positive strategies to continue to take the State forward. We also know that the Government has not moved forward. It certainly has not taken the State forward. In fact, we appear to have moved backwards to a standstill.

The people of this State have suffered through natural disasters with devastating effects over the past 10 years. However, none have had such devastating effects as the unnatural disasters which have been inflicted upon the people of our State by the most incompetent, the most irresponsible, and the most arrogant Labor Government that this State has ever seen. This Government has set one high in the form of its procrastination. This Government's inactivity in setting any clear, positive administrative and economic goals for this State has engendered a similar inactivity across South Australia into business and industry, financial investment, and into all areas of public service. The potential of election and a change of Government has left this Government defeated before an election has even been called.

An honourable member: Do you want some money on it?

Mrs KOTZ: I am quite prepared to take on any of the Labor members who wish to put their money—not the taxpayers' money—where their mouths are. The potential of election and a change of Government has indeed left this Government defeated before an election has even been called, and I do not believe that calling on this Government to resign will have any effect on those who govern with arrogance and govern for purely self gratification.

I listened to the enlightening speech of the member for Baudin earlier in the day. He was quite prolific in his quotes from the Scriptures, and I recall his great appreciation of the line, 'Save us from profane and vain babblers.' In fact, the member for Baudin was so taken with that phrase that he repeated it several times. He also suggested that perhaps those words would be appropriate above the entrance to this place. On reflection, I can understand why the honourable member would make those remarks about that quote from the Scriptures, but I would suggest to the honourable member that, until we see ourselves as others see us, any benefit from that profound offering will be lost.

Mr BRINDAL (Hayward): In supporting the Address in Reply it would be remiss of me as one of the first speakers for Her Majesty's Opposition in this place if I did not express my continuing loyalty and that of my Party to Her Majesty Queen Elizabeth II and her heirs and successors according to law. Accordingly I do so. Indeed, it is worth noting that we all serve in this place only because we have taken an oath or have affirmed that 'we will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II.' I further note that the people of South Australia, in concert with other Australian States, have bound themselves together, in the words of the Constitution, 'under one Constitution and under the Crown'.

I join all members in expressing my condolences to the families of the late Sir Condor Laucke and the Hon. Hugh Hudson.

This is the fifth occasion on which I have had the privilege to listen to a speech by South Australia's Governor at the opening of a session of Parliament. As such openings are solemn and dignified occasions, we have no right to expect scintillating wit and repartee, but we have the right to expect such speeches to be a major statement of the Government's intent for the forthcoming session. It is a speech which signifies the Government's thrust and intentions for the people of South Australia. At that level I did listen intently and, not believing my ears, read and re-read the speech. Its pages, as my friend and colleague the member for Newland has said, contain rhetoric but no substance, no plan and no direction. It is clearly an apologia for a Government paralysed and in decay.

Frankly, I had expected better of a new Premier—a Premier who tells us that he is prepared to shoulder the burden and clean up the mess. I had expected better of a Premier and a Government who have so badly managed South Australia over the past decade that they should be using this session as a type of summing up for the defence before submitting themselves to the judgment of the people of South Australia. But then, as with the electorate of South Australia at large, I have too often judged those opposite rather more kindly than they deserve.

Like the curate's egg, the contribution of the member for Baudin was excellent in parts. His intellect, generosity of spirit and thoughtful contributions throughout the years will be missed by all members of this House. Those aspects of his speech which reflected that glittered among the dross, which was exemplified by such comments as, 'Our problems are similar to those being experienced by the rest of the world.' In how many places have people been governed by a group that has literally shredded $3 150 million? I think few, and that type of comment did not do the member for Baudin much justice at all.

After the last election, every member of this House and indeed every South Australian would clearly recall the then Premier of South Australia, the member for Ross Smith, stating on television that he had received a very clear message, and he promised two well-known things—flair and light. On Sunday 3 December, Randall Ashbourne, writing in the Opinion section of the *Sunday Mail*, stated:

Mr Bannon seemed to have received the message. The 90s, he promised, would be different. He had, he said, made a deliberate decision in the early 80s to redirect the political agenda away from social issues to concentrate almost purely on the economy.

Mr Bannon's defence at the last election at receiving their message was this: that he and his Government were good financial managers. Randall Ashbourne goes on to say:

Last Sunday, John Bannon promised to change, indicating that he was going to get back to the good old days—and then some. The first test of whether the Premier is serious will come this week or next, when the new Labor Caucus meets to go through the ritual of selecting bodies to fill Cabinet positions and other vacancies.

We were promised flair and light, a change, a shift away from good, solid economic management of the 1980s towards something better in the 1990s. The editorial of the *Advertiser* of Tuesday 12 December talked for the first time about opportunities already missed by a then new Government. It started off by stating:

Premier John Bannon can feel pleased that he effected the election to the Ministry. . . of his mate Mike Rann. . . .

It then went on to say that there had been a choice between the Hon. Mr Rann and Terry Groom and that only one had been chosen. It went on to state:

The pity is that his is the only new face. All the other 12 Cabinet Ministers have been there before. Caucus, by re-electing this tired band, showed no regard for the dynamism this State needs or any respect for the voters who so nearly tipped the Government out last month.

It also states:

There were no brilliant performances by members of the previous Bannon Cabinet. Time after time the Premier had to step in when Ministers found themselves in hot water.

The editorial made some specific comments. It referred to Bob Gregory, Anne Levy, Kym Mayes and Barbara Wiese as lesser lights. It also commented on other Ministers, among them the Hon. Lynn Arnold, as follows:

Lynn Arnold has not picked up the Development portfolio and put it on the map. . .

In other words, unless I misread it, Lynn Arnold was not a very good Minister. It concludes by saying, in respect of the then Premier:

He is hampered by the choices made yesterday. The State needed a fresher team of Ministers. Some of those who lost their seats in the election had potential. There are a few others within the Parliament worth trying, but Caucus and the factions failed to deliver them. The Premier must now mould what he has into a Government—as promised—of flair and light.

That sets the scene for this Parliament. We have a Premier and a Government who barely scraped back into office, whose excuse upon re-election was the good financial management of the 1980s and a promise of better things to come in the 1990s. That was the foundation of this Government. That was the flair and light to which we could all look forward. In fact, along with the member for Bright, the member for Light and all members of the Opposition I have been waiting for that. Here we have an Address in Reply—the last Address in Reply before this Government goes to the people—and there is no flair and light. We did indeed have some movement, some very dramatic incidents which marked this Government, but they were basically to expose the hypocrisy of the claim of good, sound financial management in the past decade.

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

Mr BRINDAL: Before the dinner adjournment I was sharing with the House my impressions of the speech supplied by the Government and delivered by Her Excellency. I drew the attention of members to the fact that the Government had started in office in this Parliament claiming that it was going to change from its record: it was going to have flair and light and was going to change from the record that it had established over a decade, and it was a record of solid, reliable financial management which had been bought at the expense of social development in South Australia.

I quoted paper articles and I went on to quote an editorial which suggested that even early in those days of government the then Premier, the member for Ross Smith, was hampered because in the machinations of the Caucus only one new member was elected to the Ministry when many more were needed. That is the scenario against which this Government was going to measure its performance.

Since that time we have seen five speeches delivered by the Governor at the opening of sessions and in not one of them have we seen much flair and light. We have seen mundane and pedestrian regurgitation of tired diatribe and little else.

This Government stands condemned not by anything that I might say but by its own actions. The Minister at the table might interject and say, 'Can't you say anything original?' I do not think anything original needs to be said. There is only one judge of all of us in here and it is the people of our electorates. Shortly they will be given the chance to judge not only me but also the member for Spence—

Mr Atkinson interjecting:

The SPEAKER: For the member for Spence there is only one judge in this Chamber and that is the Chair. If he carries on like that he will be deeming a bit of judgment on him. I call the member for Spence to order. His actions are disruptive and will not be tolerated. The member for Hayward.

Mr BRINDAL: Thank you, Sir. The record of economic management of this Government needs no commentary, and the people of South Australia are quite capable of judging what they were told was sound economic management but what we soon began to discover was anything but that. In that context I would like to quote from volume 14 of the report of the Auditor-General which was released during the recess. In connection with Beneficial Finance the Auditor-General had this to say:

In my opinion, the essential failing of Beneficial Finance was that it became involved in the East End Market joint venture without first undertaking any adequate analysis or evaluation of the project. Beneficial Finance simply accepted at face value the conclusion suggested to it by Ayers Finniss. A reasonable and considered evaluation of the proposal should have made clear the real risks associated with the participation of the venture.

Seeing that this is such a voluminous set of documents and as I know that your time as mine is limited, Mr Speaker, I would particularly commend to you the section on the East End Market development because it really does sum up all that has been wrong with the financial management of this State in the past decade. It makes most interesting reading. On page 31.25 the Auditor-General states:

. . . the circumstances of the approval of the venture by the board of directors was in my opinion highly unsatisfactory.

He goes on to say:

Although three directors attended the meeting, one was Mr Simmons, who because of a declared conflict of interest could not, and did not, vote. Indeed, according to Mr Simmons, no formal vote was taken.

The appropriateness of the means by which the approval of the board of directors was sought and granted hardly needs any elaboration by me. The directors had to consider the submission individually, and only those directors who attended the meeting had any real say. In effect, the only directors who approved the debenture were Mr Baker, and an employee alternate director.

Further on in the same chapter he says:

Second, the only reasonable basis for approval of the submission—that the value of the site 'could be expected to be in the vicinity of' $42 million once development approval was granted—should not have been accepted by the directors.

The logical difficulties are outlined elsewhere in the chapter. It continues:

More importantly, however, the estimate that the site would increase in value to $42 million was completely unsupported by any valuation or evidence.

The Auditor-General makes this comment:

. . . I cannot accept that the directors were entitled to rely, without question, on a purported $42 million valuation.

But the Auditor-General, in the measured tones of his reports, quite clearly damned the board of directors and saves the best for later. He says:

In my opinion, in accepting the credit submission in the circumstances in which it was prepared and presented to them, the directors of Beneficial Finance failed to adequately and properly supervise, direct and control the operations, affairs and transactions of Beneficial Finance.

He devotes some time to conflict of interest. I ask members to remember that at the meeting in question only three directors were present, and one of them was Mr Simmons. He says of Mr Simmons:

As a shareholder in the East End Market Company, Mr Simmons stood to gain personally from the proposal, which involved the purchase of that company's shares for a price equivalent of $4.25 per share. The most recent price at which the shares were traded was only $3.20. He therefore had a personal and material interest in the matter being considered.

It is true—and I would not like to misrepresent the position—that 'the minutes. . . record that Mr Simmons declared his interest, they do not record that he refrained from voting.' The following is most interesting:

However, the handwritten record of the directors' responses—

apparently only a handwritten record exists—

presented to the meeting recorded Mr Simmons' 'OK' of the proposal. No vote was taken at the meeting, with the decision being made on a consensus basis. Having regard to his material and personal interest in the proposal, Mr Simmons' participation in the meeting was imprudent.

I consider that to be most serious because, while he did not vote, one wonders how to define 'OK' written by somebody's name, other than some form of affirmation. When no vote is taken but a consensus decision is arrived at, one wonders how it can then be argued that there was no participation. I hope that this is among the matters that will be canvassed, as the Premier promised, by an appropriate authority with a view to taking some conclusive action. Indeed, in his conclusions and findings, the Auditor-General says:

Management of Beneficial Finance, particularly Mr Baker, Mr Reichert and Mr Martin, failed to make proper, reasonable and necessary inquiries into the contents of the proposal received from Ayers Finniss, in that they did not subject to scrutiny the statements, assumptions and analyses of the proposal document. Management adopted without inquiry, and recommended to the board, the proposal received from Ayers Finniss. The proposal had been prepared by Ayers Finniss to advance the interests of its client, the Emmett Group of companies. The proposal document minimised the difficulties of the project, and risks attaching to the project were ignored or minimised. The consequence was that the credit submission presented to the directors failed to point out the risks inherent in the proposal.

No effort was made by Beneficial Finance management to determine whether the price at which the shares were offered was the lowest price at which the existing shareholders would sell. Inadequate consideration was given to the various risks associated with the project that, in the event, imposed lengthy delay on the development. No adequate consideration was given to cyclical reduction in property values, or to Beneficial Finance's total property exposure.

The directors of Beneficial Finance (with the exception of Mr Baker) had a difficult decision forced upon them with little more than 24 hours notice. The timing of the submission to the board, linked to the threat of competitive bids from other unidentified interested parties, forced the board to deal with the proposal urgently. The board meeting at which the decision to participate in the joint venture for the takeover was approved, was attended by only three directors; the Managing Director, the Chairman who did not participate in the decision, and an alternate director. Eight other directors expressed opinions about the proposal; two warned of the risks associated with planning requirements and opposition from heritage groups; seven were prepared to endorse the proposal.

The directors failed adequately to assess the submission from management. In terms of appointment A(h), the Auditor-General says:

I am of the opinion, for the reasons stated in this chapter, that Mr Baker, Mr Reichert and Mr Martin failed to exercise proper care and diligence in the performance of their duties as officers of Beneficial Finance in that they failed to subject the proposal to any adequate independent assessment or review before recommending that it was approved by the directors of the company.

The member for Spence asked what my point is, and my point quite clearly is this: this encapsulates the story of this Government in the 1980s and its irresponsibility towards the financial management of South Australia on behalf of all South Australians, for while this was Beneficial Finance, Beneficial Finance was a wholly owned subsidiary of the State Bank and it carried on in a cavalier fashion—which I hope we will never again in this State see the like of—and it did it under the auspices of a State Bank Board. And whether or not the Treasurer of the time knew is a less important question than whether in fact the Treasurer of the time ought to have known, because this State and the people of this State guarantee that bank.

The member for Spence can make light and carry on as he likes but, if he thinks the debt into which we have sunk this State is a funny matter, he is indeed a strange character. It might not have been a direct responsibility of mine, nor of my colleagues, nor of many members on the Government benches, but it happens to be a serious matter, and the sooner the member for Spence realises it, the better off this House will be.

I believe that, if the honourable member concerned cannot grow up a little bit and accept his legitimate responsibility as an elected representative in this place of responsible people, he had best not be in this place and he had best let somebody come into this place who is prepared to exercise the proper responsibility.

Mr Quirke: How are the numbers going for Olsen? You are his numbers man.

The SPEAKER: Order!

Mr BRINDAL: Yesterday a very important document, whether or not it was marked confidential, was released by the Minister. I passed over it yesterday, because I thought it was part of the Liberal policy. It read so like much of what we put out that I thought the Minister had actually pinched it from us. The document states:

Until the middle of this century South Australia enjoyed a high standard of living relative both to Australia and the rest of the world. Based on that standard of living the State has built an enviable

lifestyle around a just and vibrant society. We developed equitable approaches to income distribution which saw all levels of society share the wealth that the State created. Concurrently we often led the State in support of the arts, of minorities and in developing a rich and individualistic society.

The cornerstone of the society we developed was the wealth we created. The wealth was made possible by favourable terms of trade for primary exports and growth of import replacement activities under high tariff protection. This enabled us to produce levels of income that were often as high as any in the world.

Under the heading 'Does it matter?' it states:

The consequences of not producing enough wealth are that we are unable to employ enough of our people and finance the social support appropriate for a just society. While general levels of unemployment are of serious concern, the levels in particular categories such as young people, the long-term unemployed, and in particular regions, are the most pressing problems we face.

Indeed, such levels of unemployment threaten our entire social fabric. They inexorably lead to falling living standards, widening gaps between social groups and geographic regions, increasing social unrest and further cost burdens for society to bear.

Under the heading 'The Challenge', it states:

South Australia needs to become again a society which offers a sustainable high standard of living and quality of life for all its citizens; a society which embodies the concepts of justice and social diversity and where every citizen is free to determine his or her own future.

To achieve such a vision we need to produce more wealth. The only way to do that is to find the means to expand our economic input; to make our economy grow.

They are some very serious and sensible propositions. But I find it offensive that they are being put forward by a Government that has had almost two decades of uninterrupted time in which to generate such a program; that they are now in the twilight of their days bringing in the sort of blueprint that Sir Thomas Playford followed for 27 years and telling us that they have now suddenly discovered the light on the hill, suddenly discovered the way to go, is indeed offensive and in essence somewhat macabre. I do not think this Government has any credibility at all. But virtually to parody this State by mucking it up and then coming in and telling us they know how to do it is bad.

The Commonwealth Government recently did a very good report on ships of shame. The only ship that was not in it was South Australia's ship of State. If there is a ship that should have been in it it is the ship of shame that this State has become under four years of Labor Government.

There are parts of the Governor's speech which deserve some commendation. The section on women, though it is tired, though it has been trundled out in every speech for the past four or five years, does deserve some comment and is something that should be supported. In that connection I came across a poem by A.D. Hope, which reads as follows:

A.U.C. 334: about this date

For a sexual misdemeanour, which she denied,
The vestal virgin Postumia was tried.
Livy records it among affairs of state.

They let her off: it seems she was perfectly pure;
The charge arose because some thought her talk
Too witty for a young girl, her eyes, her walk
Too lively, her clothes too smart to be demure.

The Pontifex Maximus, summing up the case,
Warned her in future to abstain from jokes,
To wear less modish and more pious frocks.
She left the court reprieved, but in disgrace. . .

How many the black maw has swallowed in its time!
Spirited girls who would not know their place;
Talented girls who found that the disgrace
Of being a woman made genius a crime. . .

Historians spend their lives and lavish ink
Explaining how great commonwealths collapse
From great defects of policy—perhaps
The cause is sometimes simpler than they think.

It may not seem so grave an act to break
Postumia's spirit as Galileo's, to gag
Hypatia as crush Socrates, or drag
Joan as Giordano Bruno to the stake.

Can we be sure? Have more states perished, then,
For having shackled the inquiring mind,
Than those who, in their folly not less blind,
Trusted the servile womb to breed free men?

Mr Quirke interjecting:

Mr BRINDAL: I should have thought that the member for Playford would know better and take this matter seriously. Apparently he is on so comfortable a majority that he can ignore the women of South Australia.

Little remains to be said, save that, as we appear to be in the mood for biblical quotations and the member for Baudin quoted II Timothy, I should like to quote the part of the New Testament in which it was said, 'Well done, thou good and faithful servant.' Of one thing I am sure: when it comes to the day of the election in South Australia, very few South Australians will put any mark on a ballot paper which reflects, 'Well done, thou good and faithful servant.'

The SPEAKER: Order! The member talks over the Chair. I keep warning members about that. The member for Chaffey.

The Hon. P.B. ARNOLD (Chaffey): I support the motion for the adoption of the Address in Reply. In so doing, I add my deep regrets at the passing of Sir Condor Laucke and of Hugh Hudson. Sir Condor was a great friend to all people, whoever met him, and certainly to the members of the Liberal Party serving in this Parliament. I would also say the same in relation to Hugh Hudson. I always had an excellent working relationship with him. Even in latter years, when on rare occasions he would visit this House, we would always find time to stop and talk over issues and things that occurred in which we had a mutual interest over the years, particularly during the time when he was a Minister. I very much regret their passing and would like my sentiments to be recorded in *Hansard* so that they may be passed on to their wives and members of their families.

This document, which Her Excellency presented at the opening of Parliament on Tuesday, did little to inspire any great excitement as members listened to the speech which was prepared for and delivered by Her Excellency in another place. The one little episode in the opening address that caught my ear as it was being delivered was on page 2, as follows:

A Bill this session will amend the Petroleum Act 1940 so that a natural gas pipeline extension can be made to Murray Bridge and the Riverland. The pipeline will be constructed and operated by the Pipelines Authority of South Australia, and funded by the South Australian Gas Company.

That is vital to the Riverland. I believe that if any economic recovery is to occur in this State, or even in the nation, it will be led by a rural recovery. If there is no recovery in the rural agricultural and horticultural areas of Australia, I cannot see an economic recovery coming for a very long time.

The extension of natural gas into an area like the Riverland has enormous potential for economic development. We

have the water, the land and the capacity to produce many products in that area. Unfortunately, at the moment we do not have natural gas as the most efficient means of processing the primary products that we are able to produce and, according to the in word these days, value-add to those products. I have long believed that the concept of dehydrated products, particularly vegetables such as potatoes, onions, and so forth, has enormous potential for the export industries. For example, 90 per cent of a product of that nature is water.

If you can remove that 90 per cent, from a freight point of view as regards exporting, you are exporting only 10 percent of the original produce which can be then reconstituted back in the country to which it has been sent. Of course, dehydrated vegetables have enormous potential in Asian cooking, and to the north of us there is a market of hundreds of millions of people. If I remember correctly, Indonesia alone has approximately 180 million people. So, there is a vast population not very far to the north of Australia, where products of this type in the form of dehydrated fruit and vegetables can be sent with, I believe, great success.

As I have said, the problem has been that there has not been the access to natural gas in an area like the Riverland that has the potential to produce this product. If you try to carry out that process in the metropolitan area, once again you are up against the freight costs of moving a massive quantity of water from the production side, whether it be the Riverland or anywhere else. Of course, this will have a great benefit not only to the Riverland but to the economic future of South Australia.

Further to that statement in the opening address, I would suggest to the Government that, whilst it has acknowledged the need for the extension of the natural gas pipeline to the Riverland, that legislation be presented to the Parliament as quickly as possible so that the Pipelines Authority can get on with the job of getting that pipe in place as quickly as possible. I can assure you, Mr Speaker, that many growers in the Riverland are very eager to produce the products that will naturally fall into line with the facilities. A number of companies in the Riverland will readily take up the opportunity of converting to natural gas, and I believe it does give other potential industries the opportunity to establish in that area where the product, the raw material, is actually produced.

To enable that raw material to be produced, we also need the completion of the rehabilitation of the Government irrigation areas to enable effective, efficient irrigation practices to be put in place so that the products required for this processing and value-adding can be actually produced on a large scale and in an economic manner. Almost all of the private irrigation areas of South Australia have been completely rehabilitated over the years. A total of about 40 per cent of the Government irrigation area is the only area of irrigation undertaken that has not been completed.

Not only do old inefficient irrigation distribution systems affect the production of horticultural crops in the main, but they also have a significant effect on the pollution of the River Murray in South Australia, the same as inefficient irrigation has in Queensland, New South Wales and Victoria. Without efficient, improved irrigation practices, the induced salinity in particular in the River Murray will continue. It is interesting to note that it is not the private sector irrigation areas that are at fault or continuing to contribute to this pollution of the River Murray in South Australia: it is the Government irrigation areas, because all the private irrigation areas have been rehabilitated.

Of course, it is the Government itself that is dragging its feet and is therefore responsible for the pollution still occurring largely from irrigation undertakings. One of the factors relating to rehabilitation in the Riverland that has generated a great deal of hostility among the irrigators is the fact that the Government, in the rehabilitation of the remaining Government irrigation areas, contributes 40 per cent of the cost together with the contribution of 40 per cent by the Federal Government, but the growers themselves are contributing 20 per cent to that rehabilitation. Even though the Government will still totally own the system at the end of it, the growers have agreed to contribute 20 per cent of the total rehabilitation cost. The growers are prepared to do that to try to get a system that will enable them efficiently to compete with other irrigation areas in South Australia and the rest of Australia.

I draw the House's attention to the fact that, at the moment, irrigators in the Government irrigation areas are paying a water rate of 4.35¢ per kilolitre, a contribution to rehabilitation of .78¢ a kilolitre, with a real rate of return of .23¢ for a total cost of 5.36¢ per kilolitre. The Renmark Irrigation Trust area, the oldest irrigation undertaking in Australia, being a privately owned and operated irrigation system that has been totally rehabilitated, has an all up cost of 4.2¢ per kilolitre for irrigation water as against the Government's cost of 5.36¢. So, Government irrigators are confronted with an enormous financial disadvantage right from the word 'go'.

The irrigators in the Government irrigation areas are quite prepared to contribute their .78¢ per kilolitre, amounting to 20 per cent of the cost of rehabilitation, but they are extremely annoyed that the Government wants .23¢ a kilolitre as a real rate of return on the money that they are putting in, and that puts the Government irrigators at an enormous financial disadvantage in trying to compete with other irrigation undertakings throughout Australia. If there is going to be an economic recovery in this country I strongly believe that it will come from the agricultural/horticultural areas, yet the Government is demanding something like a 5 per cent real rate of return on the money being contributed to the rehabilitation, when the average irrigator in the Riverland is living on about 30 per cent less income than the average income in the metropolitan area.

I would think that, if that philosophy is to be applied to the irrigators out there in the Government irrigation areas who are generating export earnings for the State and the nation, perhaps the same philosophy should be applied to the STA, which runs at about a $150 million loss annually to which all taxpayers in South Australia contribute, including all of those people out in the country areas who never see a bus from one year to the next and for whom there is no public transport system.

I think that it is about time the Government really had a close look at itself and asked itself whether it was serious about looking for an economic recovery or whether it has lost its way to such an extent that it just does not register any more. We have a number of problems in the irrigated areas, particularly with the great financial disadvantage that irrigators in the Government irrigation areas have at this moment. The only part they are really complaining about is that real rate of return.

Of course, in the existing irrigation areas we have irrigation undertakings on land, which are what we call non-rated areas. The permanent plantings such as citrus, vines and stone fruits are all on irrigation land, which is classified as

rated land. We also have the vegetable growing areas which, in the main, are what we call unrated land. As such, there is no annual rate on that land; the irrigators pay for whatever water they use from time to time to grow their various crops.

During the rehabilitation discussions the Government decided that the rehabilitation of some of these areas will not be extended into the unrated areas. Of course, that debate has been going on with the E&WS Department for a considerable time. We are having great difficulty getting a clear position from the department and from the Government, because these people have been supplied with irrigation water for some 70 years. There is an expectation that they will continue to receive that water and, of course, the value of their properties has been based on the fact that water is available. This has been established over a period of some 70 years, and it has always been taken into account.

For example, a small vegetable growing property with a house, with water available to that land, might have a market value of $100 000, but if you take away the irrigation supply, the house and land as dry land might have a market value of $65 000 or $70 000. Suddenly, the decision not to provide water to certain vegetable growing areas in the Riverland takes away some 30 per cent of the actual value of that property. This has to be sorted out, and numerous discussions have been held with the department. In many instances there has been quite a lot of agreement, but we never seem to get to the point where it has been put on paper in black and white and these people know what their future is going to be.

What I have suggested is that the Government in consultation with unrated irrigators determine any area that is not to be rehabilitated. That having been decided, any irrigators affected by the system not being rehabilitated will have to be compensated in one or a number of the following ways: first, being able to transfer the water entitlement. The unrated land must have a water allocation determined for it, based on the area, the number of hectares, at a recognised rate of application. So they have, say, three options: being able to transfer the water entitlement to other approved land; to sell that entitlement privately; or for the department to purchase that entitlement at commercial rates and establish a water bank from which irrigators or potential irrigators can purchase additional water.

In other words, it would be a bank that enabled transactions to come and go. If the going rate for water is 40¢ a kilolitre the department could offer to buy that allocation of water back at 35¢ and resell it at 40¢ thereby covering the overhead costs. That would be similar to it being handled through a private land agent but with the owner of the property having the option to sell it either to the department or privately. I believe that there would be a lot of benefits in the Government establishing a water bank so that if a grower wanted an additional 25 or 50 hectares of irrigation entitlement he or she could go to the department, write out a cheque and pay for the quantity of water required, so long as the water that was going to be utilised was going into an area which would not harm the Murray or other irrigators. There would be criteria for it but that would provide a very worthwhile management tool for the Government in upgrading the irrigation areas and increasing the productivity.

The Hon. D.J. Hopgood interjecting:

The Hon. P.B. ARNOLD: Unlike the member for Baudin, this is the last opportunity I will have to speak in the Address in Reply and I hope that there is some substance in the contribution that I make. I also hope that the Government will give it some consideration because at this stage of life one is not endeavouring to score political points: one is endeavouring to try and make a contribution which will be to the overall benefit of the State as well as to the electorate that one represents and to the long-term benefit of the nation. Leading on from there, if we look at the wine industry, it needs to expand at an enormous rate—

An honourable member interjecting:

The Hon. P.B. ARNOLD: Not so much the actual wine industry because that will be totally governed by the ability of grapegrowers and winemakers to actually produce the premium wine grapes that will be required for the world market. Of course any restrictions such as the one I am talking about—the problems with the rehabilitation—will naturally retard the progress of South Australia being able to produce the necessary wine grapes. Expansion will need to be at an enormous rate. If we do not do it in this State you can rest assured that Victoria and New South Wales will. I have no doubt that the Victorian and New South Wales Governments will be doing everything they can to encourage rapid plantings of premium wine grapes.

They would dearly love to take over the lion's share of the wine industry from South Australia and any restrictions and lack of support that the Government puts in the way of this happening, whether it is in the form of the rehabilitation of the irrigation areas, in the form of surcharges or real rates of return on the infrastructure, will have a detrimental effect on the ability of growers to produce the necessary raw material for winemakers to meet the demand that has been created on the world market by the high quality of the product that we are capable of producing here in South Australia. Flowing on from that, we find the actions of some of our departmental people also have an adverse effect on an industry like the wine grape industry.

I received a letter dated 9 July 1993, only a few weeks ago, from a Director of the Consolidated Cooperative Wineries in the Riverland, and it refers to an incident which occurred during the grape harvest. A detachment of Road Traffic Branch officers visited the Riverland with a piece of equipment they call 'the shaker', which is used for testing the condition of trucks. It is probably a useful piece of equipment which makes sure that road hauling interstate vehicles are up to scratch. However, in the Riverland we are talking about growers' trucks that do approximately 1 000 to 2 000 kilometres a year. They are used for about six weeks of the year. In order to meet the rigorous standards set down by the Road Traffic Branch, the type of vehicle they would have to have would make the average wine grape growing property in the Riverland grossly over capitalised.

I have no argument with the fact that vehicles on the road should be safe, but these vehicles travel a very short distance from the vineyard to the winery. There is no history or record of these vehicles having been involved in or causing an accident. In fact, they have had an incredibly good record, because most of them do not exceed 45 to 50 km/h as they have only a very short distance to travel. During the grape harvest many of these vehicles were defected and put off the road. This meant significant additional costs to the wine grape grower.

As I have said, they do not have the resources at this stage to upgrade to the quality and standard of vehicle about which the Road Traffic Branch is talking. If they did, they would be totally over capitalised. What is more, they would not have the resources. Many of them do not have the resources at this stage to upgrade their plantings to meet the demand of the wine industry and the export market. So, once again we have

a situation where the Government is blindly going ahead putting many of these vehicles off the road and reducing the ability of the grape grower to upgrade the plantings that are required to meet the demand.

I hope that the Government will show a little bit of wisdom and draw a sensible conclusion in a situation where these vehicles have no record or history of causing an accident. If they did I would be the first person to see that they were put off the road but, when you have a situation where vehicles of this nature are not causing a problem but are serving an economic purpose for one of the industries that will become more and more important to South Australia, I think it is about time that the Government had a look at what it is doing and did something about trying to come to a commonsense conclusion if we are really serious about trying to get this State up and going again. With my time having almost expired, it is with pleasure that I support the motion for the adoption of the Address in Reply as this is the last opportunity I will have to do so.

The Hon. H. ALLISON (Mount Gambier): I have pleasure in supporting the reply to the Governor's speech. Before doing so, I acknowledge the death of four of our parliamentary colleagues, two of whom I had considerable personal regard and respect for. That is not to say that that is not the case in respect of the other two, but I was more closely acquainted with Sir Condor Laucke and Hugh Hudson. Sir Condor was a gentleman in every respect. He was highly respected, as his colleagues stated in their brief eulogies in the House the other day. He was a fair-minded man and I regarded him as a kind and gentle friend, who served his country and his State well. Both my wife and I have fond memories of him, and we send our condolences to Lady Rose.

Hugh Hudson was a different type of person completely. He was a man of considerable intellect. I always found him, as a Minister and as a parliamentarian, good to deal with. I know he was a respected politician, and one thing that was not mentioned within my hearing during the eulogies yesterday was the fact that it was Hugh who created school music. He gave it a tremendous impetus with the result that now, across South Australia in our State schools and beyond, we have a great number of talented musicians, a proliferation of professional, rock, classic and popular musicians. I think that Hugh can take quite a considerable amount of credit for initiating the special music schools such as Brighton, Fremont, Marryatville and so on. They have, of course, extended much farther across the State now.

By way of anecdote, Hugh did play some part in my entering Parliament in 1975. I had just been preselected when Hugh, via his Director-General, gave me permission to travel overseas for a few weeks. The Education Department stated that it would pay my salary provided I paid my way to the United Kingdom and back. I took my family with me as it was the first time I had visited the United Kingdom since I migrated to Australia 20 years earlier. Just prior to my departure and very soon after my preselection Hugh visited Mount Gambier High School. We had a fairly jocular encounter, and before parting he said, 'What would you do Harold if we called an election while you were away?' I sort of laughed with him because he was laughing, and I said I would probably write a couple of letters and that would suffice. We both laughed again and parted.

I was due to fly out in about 36 hours when I thought 'Goodness me, what if he was not joking?'. I took the precaution of preparing some election material and calling a very hasty meeting with my campaign committee. I was out on the wilds of North Yorkshire when I received a phone call saying that Don Dunstan had called an election from the steps of Parliament House, Canberra and asking whether I could return quickly. I said I was sorry but I could not, and I finally got back with about 12 days to spare.

The Hon. D.J. Hopgood: I was in Rome.

The Hon. H. ALLISON: You did not have a 15 per cent swing to win. You were fairly safe. I do not know whether Hugh's jocular comment before I left made any difference at all. We did not put out any campaign material, but it was just one of those things. You should never make idle remarks even if they are a joke, because you never know what your Leader is going to do. I send condolences to Hugh's wife and family. He will obviously be missed.

In response to the Governor's speech, I have to admit that I found it to be the emptiest document of its kind that I have read in 18 years as a member of Parliament. I think I have inspected every line of the Address in Reply several times and I have made written comments alongside each line. On close inspection, it seems to offer the least promise and the least development of any Governor's address that I have read. It is almost as if the Government is punch drunk. It has no plans for South Australia, no obvious policy and no direction for State recovery.

It largely seems to be the 1992 Governor's speech recycled. I am sure that Government backbenchers must share my alarm at the seeming lack of leadership from Cabinet that seems to have been in a state of inertia since 1988-89 when the Beneficial Finance, SGIC, State Bank, Pegasus and all the other disclosures were made. If South Australia were a private business, I am quite sure that it would be in receivers' hands now.

I was discomfited today and yesterday during Question Time when I realised that Ministers had no intention of answering questions which were put to them, and our suspicions that the Government's policy for the next election would be a scare campaign were confirmed when Minister Blevins attacked the Leader of the Opposition on the basis not of what was asked but more that 'Someone called Kennett was the Premier in Victoria, so watch out South Australians!' If that is all the Government is able to come up with and we have an industrial policy which is, 'You get what you see', and the hidden agenda is all in the minds of the trade unions and the Government, I am afraid they will not have very much to go on. But the public of South Australia does not need me to tell them that.

The claims of recovery that are made within the Governor's speech seem to me to be very hard to substantiate. One hears the statement, 'Unemployment has gradually declined in South Australia.' However, more youngsters are having to stay at school, filling the leaving and matriculation classes. Many of them are captive students because there are no jobs for them.

Youth unemployment itself is at a most alarming rate in South Australia. It really is depressing. The Federal Government is playing its own part in this by making unemployment benefits, and indeed all Government benefits, much harder to get. It is policing every application and making things very difficult for people—even the genuine ones.

Many unemployed are being transferred by the Federal Government to job training schemes which have no jobs at the end of them, in much the same way that the South Australian Government, to its credit, gave 400 apprentice

traineeships during the past 12 months, but with only a quarter of those, 100, being offered some sort of employment at the end of it, the other three quarters being rejected back where they were, on the unemployment heap, after training.

Anyone working just an hour or so a week (and that is not work, that is just filling in time) is automatically taken off the unemployment list. A tremendous number would do that and a terrific number would also be on part-time or part-time casual, and they, too, are not on the unemployment list. However, they certainly form part of a massive group who would like to be fully employed or more employed than they are. When one considers those factors, one realises that the stated unemployment figures for South Australia and the rest of the country must surely be grossly understated. I do not think there is any question about that when you look at the state of the economy with less and less being spent in the shops other than in the vital areas of food—the very essentials of which we heard in the newspaper today—whereas the less essential things, such as electrical goods and motor cars, are not being purchased anywhere near the same rate at which they used to be. The tradespeople are struggling.

I have to be gravely concerned from the point of view of my electorate at the continuing high unemployment throughout the South-East and at the Government's apparent lack of initiative, which has long continued, for rural South Australia. We heard a few months ago that two special zones were being created: one the MFP site at Gillman in Adelaide and the other one at Whyalla, and those two sites have been augmented by the addition of Murray Bridge to some extent. However, they are special development centres which carry special incentives from the State Government to try to encourage people to settle on one or other of those three sites and develop industry and commerce.

That really is not good enough. We have not progressed at all since the 1970s. I think it was 1978 when Don Dunstan, the then Premier of the State, announced the Green Triangle project for the South-East and the Iron Triangle project for Whyalla. Whyalla has obviously gone backwards at the rate of knots. I saw its electoral roll figures the other day, and they are down to 15 900. At its peak, Whyalla had about 35 000 to 36 000 people, the majority of whom would have been on the electoral roll. So, there have been great reductions in the Iron Triangle.

The South-East has probably been much slower to develop. It has been growing at a predictable rate with almost a straight line graph, but even so the pace has been a little too slow over the past few years. Government and private enterprise have been standing people down as rationalisations have taken place and as automation has set in. That has taken place since 1970; it is nothing new.

The sad thing about all this automation is that Australia is exporting the raw materials. Look at what we export: gas; coal; petroleum liquids; bauxite; iron ore; and raw log from the South-East recently caused some problems with the industry. We export the raw materials, the overseas countries convert them into the goods we require; and we then have to buy them back with the very substantial value-added to be paid when we repurchase them. We should be processing far more in Australia and exporting value-added from our own country. That is an obvious statement; we simply have not been doing it for the past 20 to 25 years as much as we should have been.

The Government will have to consider giving incentives to any part of South Australia where development is to take place, and the South-East is ripe for such treatment. It has plenty of level land with no construction difficulties; it is firm, with part limestone foundations; it has the Electricity Trust supplying power with a link from Victoria, on the interstate grid; we have gas which has been discovered and which is now reticulated through the Lower South-East; we have a wonderful supply of clear water; we have transport, with some of Australia's biggest road transport operators located in Mount Gambier; and there is already a stability and diversity of industry.

I have frequently said that the people of the South-East—the adults and children—are among the most intelligent population you would find anywhere in Australia. They are just waiting for their talents to be utilised by anyone coming to set up there.

Another point I have to make is the Government's neglect of the passenger and freight rail system from Adelaide to Mount Gambier. There is something imponderable about the Government's attitude. We have the chance of an integrated road-rail system from the Lower South-East—the extreme tip of South Australia—extending from Adelaide up to Darwin and from there as a springboard into Asia, across the whole of the Pacific rim, saving shipping time from the southern ports—Melbourne, Adelaide and Portland—and getting goods onto the Asian markets more quickly and, I would think, more cheaply and efficiently.

The long-term benefits should be obvious to all members of the House. They should be obvious to the Government and, after all, it is about the long-term development of South Australia because, once that line was established from Mount Gambier through Adelaide to Darwin, it would obviously draw materials from the borderlands from Western Australia, the Northern Territory, Queensland, New South Wales and Victoria and provide a ready route straight through to Darwin for export to Asia. As the Prime Minister of Australia keeps telling us, Asia is the future market of Australia. Surely the Federal Government should be supportive of that principle. No, it is deciding to slice off the Bordertown to Mount Gambier rail connection for no really good long-term reason.

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

A quorum having been formed:

The Hon. H. ALLISON: In 1975 when the South Australian rail transfer agreement was negotiated between the State and Federal Governments, clause 9 of the Federal legislation included arbitration conditions. In the event of rail services being reduced in quality, or any suggestion of termination, the State Government had the right to demand that they be maintained at the level at which they were operating when the rail transfer agreement took place. In the event of any decline, the final result could be arbitration with, I assume, the decision of the arbitrator to be final.

The Government decided that it would close down the passenger rail service to Mount Gambier, and the matter did go before arbitration. I, for one, put in a submission of well over 100 pages to arbitrator Newton. I made my entire rail file available to the State Government and spent several hours in the Attorney-General's Department assisting his staff, who did a wonderful job representing the State before the arbitrator. Ultimately, we won the case. South Australia won, I think much to many people's surprise, but we won. Not only did we win but the Commissioner handed down 14 decisions, all of them against AN.

In his statement he said that there were two submissions worthy of note. One of them was from AN, the defendant, and one from the member for Mount Gambier. Having won,

I anticipated that the State Government would take the matter immediately to appeal with the High Court of Australia if the Federal Government did not carry out the arbitrator's request. That did not happen. Instead, the passenger rail service has been terminated and there is every chance that the freight rail service will be terminated in the not too distant future. Certainly, noises are being made by the Commonwealth Government and AN to that effect.

Another disappointment lies in the fact that Senator Chris Schacht was very supportive of retention of the rail service from Bordertown-Wolseley to Mount Gambier before he became a Minister but, since he has become a Federal Government Minister, there has been absolute silence from him on the matter. I do not know whether he still gives it his support as he used to.

The Hon. T.H. Hemmings interjecting:

The Hon. H. ALLISON: The member for Napier says, 'Oh, Harold!' I am not sure of the import of that interjection.

The Hon. T.H. Hemmings: You have been unkind to the man.

The Hon. H. ALLISON: If someone changes his mind because he becomes a Minister, it simply points to inconsistency. The Federal Government, of course, offered the Melbourne to Adelaide rail standardisation in lieu—about $127 million. I believe that the State Government will be struggling for quite a while to get that. It has accepted a small carrot to the detriment of rural South Australia. I think that we should fight the decision—take it to the courts and see what we can get—since that was the agreement that was arrived at in 1975, and it was also the subject of my maiden speech in this House.

The Mount Gambier Hospital renovation, reconstruction or replacement has been the subject of promises from this Government since the mid-1970s. We have had an estimate by Ernst and Whinney, the Melbourne consultants, who made representations to the Government for about $20 million to be spent on refurbishing and restyling the existing hospital. The member for Baudin, who made what he said was his final recognition of the Governor's speech earlier today, is one of those with whom I held discussions as to whether to replace that hospital or reconstruct it on its present site.

I agree with his recommendation and that of the hospital board that a new greenfield site would be the better alternative—not necessarily the most popular agreement that I have made as far as the electorate is concerned, but I believe it was the correct decision to make. It would involve a new hospital to provide services for the South-East and the whole of the region into the twentieth century. It would be much cheaper to operate and could be constructed at approximately the same price that refurbishment of the existing hospital would have cost. So I do not have any problems with the Minister's decision.

The only problem that I do have is that, despite the decision to purchase the land to construct a new hospital, there have been delays from 1990, 1992, 1993, 1994 to 1995. I urge the Government to consider that the millions of dollars which have been spent during this time of inactivity on maintenance of the old hospital and which will continue to be spent (because, after all, it is a major regional hospital) will go down the drain. I urge prompt commencement of the construction of the new hospital in the South-East. The region deserves a properly equipped hospital of a high standard. It is a regional centre. The staff deserve it.

We also find that we are having trouble getting qualified medical specialists, whereas there were as many medical specialists as general practitioners when I first arrived in the South-East some 40 years ago. The situation has changed dramatically over the past decade. I believe that, with the construction of a new hospital, doctors would once again be attracted—that is, doctors of all qualifications, GP through to specialist—to the South-East. Not only that but some pressure would be taken away from the metropolitan hospitals, because there is no doubt that people from throughout the South-East look both ways and very often come to Adelaide rather than travelling to Mount Gambier. We need a modern regional base hospital, and it has been promised for approximately 20 years. It is long overdue. The hospital staff in the South-East are loyal, efficient and dedicated: they deserve better.

I know that there is a strong possibility that the Premier, or one of his Ministers—maybe the Minister of Health, Family and Community Services—will stand up and say that members, including the member for Mount Gambier, have their hands out and they know how difficult it is. I simply say, as I have said year after year in this place, that it is my job to point out to the Government the deficiencies, to point out promises made and promises broken, and to point out the needs of the electorate, and it is the Government's job to establish priorities and to see that its promises are kept. So I leave that matter in the capable hands of the Premier and his Ministers.

Mr Acting Speaker, having read the Governor's speech I can see that the only initiative that is pursued with any vigour at all—and it has about $250 million spent on it—is the initiative to retrench people. The Government is vigorously pursuing the retrenchment of 3 000 Public Service staff. The hundreds of millions of dollars that have been offered to South Australia by the Federal Government on the off chance that the State Bank is sold within the next 12 months—and that chance is not a very strong one—are being spent in retrenchments; in putting people out of work rather than in developing the State and putting people into work so that they can pay taxes and help to support the less fortunate. It seems to me to be one more negative policy rather than one of those positive, optimistic policies which the people of South Australia are hoping for. I think the 3 000 people who are being stood down will be followed by many more.

The Government backbenchers also have watched their Cabinet, for the past five years at least, ignoring constant warnings from the Opposition regarding the State Bank, Beneficial Finance, SGIC—that is the 333 Collins Street put option, which is now worth about half of what it was when SGIC paid for it—the REMM Adelaide project and the REMM Brisbane project, which is not mentioned very often but which also involved three State Government financial arms. Those warnings were obviously very soundly based despite the ridicule which was heaped on the Opposition by the Government at the time that we were bringing the matters up in the House because the royal commission report and the Auditor-General's report have come out as proof positive that we were absolutely correct. The only problem was that we understated the problem; it is far more serious. The present State ills are directly attributable to Government mismanagement and ineptitude.

As I said, this Government, its backbenchers, must be very concerned themselves at their lack of ability to bring South Australia out of its current economic decline. The people of South Australia are certainly vitally interested. We have the rapidly increasing proportion of elderly who are pensioners in their own right. It is most unfortunate that that side of the

pendulum is balanced by a very large proportion of young people who are out of work and who are therefore on Government benefits in their own right, too. It leaves a very slender number of people in South Australia who are left with work to support the rest of the population.

Unless the Government redresses that gross imbalance of unemployment at both ends of the age spectrum then obviously the State will be in even worse decline. It can be done but this Government does not seem to be capable of it and if anyone needs any proof positive all they have to do is read the speech delivered by Her Excellency, Dame Roma Mitchell. It is a speech I have pleasure in supporting but absolutely no pleasure in reading. It offers nothing to the people of South Australia and I think the sooner this Government recognises that, comes out of its inertia and starts to do something positive then the better we will all be pleased.

I saw one glimmer of hope in the Submarine Corporation, and even that was dashed a few days ago when I saw that the United Kingdom was offering modern submarines not for $2 billion each, which we are hoping orders will come in for, but for $80 million each.

The ACTING SPEAKER (Hon. P.B. Arnold): Order! The honourable member's time has expired.

Mr FERGUSON (Henley Beach): I support the proposition before us. I give the same qualified support this year as I gave last year. I believe that it is time we severed all connections with the British Crown. I will campaign in the coming referendum between now and the year 2000 to try to convince the Australian public that we should no longer have a monarchy. I have been surprised by the way some members of this House have felt it necessary to bow and scrape before the proposition that we should do homage to a foreign monarch who is having fewer and fewer connections with Australia as time goes by. I have no wish to reflect in any way on our Governor, Dame Roma, who I believe is doing a splendid job. While our laws remain the same, it is my intention to give qualified support to that office.

I offer my condolences to the families of those members of Parliament who have passed away since we last had an Address in Reply: Sir Condor Laucke, Richard Alexander Geddes, Berthold Herbert Teusner and Hugh Richard Hudson. Of those people I knew Sir Condor Laucke and Hugh Hudson the best. Sir Condor was the patron of the Charles Sturt Memorial Trust and as a result of that he visited my electorate on many occasions. He took the long journey down from the Barossa Valley in order to support that very worthy organisation. He was prepared to come there every time the invitation was extended to him and he was a member of the fund raising committee. He assisted that particular organisation within my electorate no end and I have very fond memories of the way he treated me and other people within my electorate. I offer my sincere condolences to his widow.

I was for many years a member of the State Executive on which Hugh Hudson was also a member. In those days our debates did not last very long because we had people of the calibre of Hugh Hudson and it did not take him long to dissect any argument that was put forward, particularly those relating to financial matters. His razor sharp brain was certainly an advantage to the Australian Labor Party and it is with great sadness that I hear of his death.

During this, my last Address in Reply speech in this Chamber, I wish to express my deep concern about the recently released Liberal Party policy on industrial relations. It is my view that this policy has all the ingredients for industrial disputation and I believe that the excellent record that this State has had in industrial relations in recent years will definitely be jeopardised. One can only say that this policy is niggling, negative, bungling, scandalous, wasteful, reckless and intolerable.

The important thing about the Liberal Party policy is not what it says but what it does not say. In my view the most important thing about the Liberal Party's industrial relations policy is that there is no mention of WorkCover and occupational health and safety, both of which go hand in hand. I would think that in order to inspire confidence in the industrial relations area the Liberal Party would have to come out and clearly state that it is not its intention to reduce workers compensation benefits or lessen occupational health and safety laws. The Liberal Party would need to do this because of its appalling record as far as reducing workers compensation benefits is concerned.

Liberal conservative Governments in New South Wales, Victoria, Tasmania and now Western Australia have all attacked workers compensation rights and have reduced benefits to workers and I see no reason why a Liberal Administration in this State would not do the same.

It is a fact of life that every time Australia has had a Conservative Government, which included the Liberal Party, workers rights with regard to compensation have been reduced. It is a very consistent record with the Liberal Party when it comes to power. There is a reason why workers compensation has not been included in their policy. It should be obvious to everybody that their intention is to attack workers compensation rights. Between now and election time I hope they will come out with a clear policy on workers compensation or WorkCover. It seems to me that the Liberal Party's industrial relations agenda is the same as that of Premier Kennett in Victoria. It is significant that the Opposition has so far refused to give a guarantee that it will not attack workers compensation entitlements.

The Leader of the Opposition has claimed that the award system will continue to remain as a safety net for employees. However, the push to enterprise agreements must eventually undermine award conditions in the same way as award provisions in enterprise-driven industrial relations have been undermined, particularly in New Zealand where we have now had long enough to see what happens when this sort of industrial bargaining is introduced. Not only have conditions in New Zealand been severely reduced for some sections of the work force, but there has been very little, if any, improvement in award conditions since that form of industrial relations has been applied.

I understand from a document released by the Liberal Party that existing awards will apply only if agreement cannot be reached on enterprise bargaining. There is a provision that existing awards can be varied by the commission only upon the application of the parties or individual employees or employers bound by the award. The Liberal Party's proposal is to exclude unions from enterprise bargaining, and the only way that the commission can register an agreement is if employees in a particular organisation reach an agreement with the employer. It would seem that, unless there is something I cannot read, there is a deliberate attempt to exclude unions from negotiating agreements on behalf of their members. If so, it is even worse than what is happening in New Zealand.

To make matters worse, the commission will be required—it is compulsory—to have regard to the state of the economy, the efficiency and productivity of the industry, the

interests of the community and enterprise bargaining employment relations. In many instances these conditions will make it impossible for the commission to increase wage rates with enterprise bargaining agreements. For example, taking the provisions for efficiency and productivity in industry, many sections of industry have been controlled in the past by people who have refused to invest in that industry.

If we are to take the industry as a whole—and it is easy to calculate the figures because they come out on a yearly basis through the Bureau of Statistics—we see that in some industries productivity hardly increases, if there is any increase at all in productivity. However, there are sections of those industries in which the proprietor is prepared to invest in new machinery and in new management and to increase productivity within his own area, but that increase in productivity will refer to that particular industry only, not to the industry as a whole.

Under the provisions put up by the Liberals, no matter how efficient one particular proprietor becomes, the commission has to take cognisance of the whole of the industry. In those circumstances, I cannot see any way in which the Liberals can legally provide for increases in enterprise bargaining. Therefore, under the formula set down by the Liberal Party in its policy, employees in individual firms will not have enterprise-driven agreements registered for increased wages and conditions, because the efficiency and productivity of the industry itself would not have increased. Many of the terms involved are vague. I do not know what 'interest of the community' actually means.

Mr Oswald interjecting:

Mr FERGUSON: Nobody else has to write my speeches so far as industrial relations are concerned. I have been involved in industrial relations since I was 16 and know a bit about the matter. I would match my knowledge of industrial relations with yours at any time. So, I do not know what the term 'interest of the community' means. What does the Liberal Party mean when it says that the commission cannot register an agreement unless it takes into consideration the interest of the community? This is a matter that will finish up in the High Court, because nobody can determine what that actually means.

People involved in industrial relations remember the hours and hours of argument that took place in the Federal Arbitration Commission about what 'state of the economy' actually meant, and whether it was the economy which prospered or whether it is the country that could afford to pay, so far as basic wage increases were concerned. We now have a whole set of conditions putting back in place those industrial terms that went out of fashion 20 years ago. This is the sort of proposition that the Liberal Party is putting up. The whole thrust of the Liberal Party's policies is a web of conditions that will be very difficult to meet all at the same time in any period of our history.

It is my understanding that new awards need only contain minimum standards. Those minimum standards are a minimum hourly rate to be reviewed yearly by the full bench of the commission, four weeks annual leave, 10 days annual sick leave (it does not specify whether this is to be cumulative), and unpaid parent and adoption leave, and this raises a question whether it would be less than the prescription period now available. These are the only standards that need apply. There is no reference to all of the other provisions now applying in awards. This will put in danger the 38½ hour week, or even the 40 hour week. There is no minimum standard of hours mentioned: all that is mentioned is an hourly wage.

So, those people who are now under State awards, who are classified as full-time employees, must see the danger not only of having to work additional hours and not getting paid penalty rates for it but, where no work is available, of being put off, because there are no minimum standards, only an hourly rate. If there is only 20 hours work in that particular industry, they will be put off and receive only 20 hours pay.

The minimum standard is four weeks annual leave. In some awards, after many years of negotiations, in order for specific conditions, such as working at weekends or working at night or working on public holidays, there is five weeks annual leave. There is six weeks annual leave in some awards. The minimum standard proposed by the Liberal Party is four weeks, and we all know that in times of recession and when times are hard there are workers who, for job security reasons or for reasons of currying favour with the employer, are prepared to accept minimum standards in order to maintain a job. So, every State award under the Liberal Party's proposition is in danger. The new minimum standard as proposed by the Liberals will also apply to agreements—

Mr Oswald interjecting:

Mr FERGUSON: Already, Sir, the member for Morphett is suggesting that the very thing that I am putting to the Parliament is the motivation behind the proposition. He would make sure that there are no bankruptcies in South Australia provided that he pays slave labour wages and conditions for those people who are working under South Australian State awards. The conditions that are being proposed by the Liberals under this proposition are worse than what workers are getting paid for in Singapore.

Members interjecting:

Mr FERGUSON: What about bankrupting the workers? That is the question that I pose to members opposite. The new minimum standards proposed by the Liberals will apply to agreements as well as awards. They certainly do contrast with the current situation where enterprise agreements cannot undermine other award conditions. Under the Liberals' proposals, provided that enterprise agreements can be reached with the employees on the shopfloor, it does not matter what an award says. So, we are going to see in a very short time, in some industries, award conditions so eroded that the awards themselves could not last—or they become a joke. This is the situation that we are faced with.

Certainly, individuals can negotiate to better those award conditions under the present set of circumstances. At the moment there is nothing to stop an individual going up to the employer and saying, 'I am worth $20 a week more', and there is nothing to stop the employer paying him. There is nothing to stop the employer paying additional penalty rates, additional holidays or indeed any other condition. But the minimum rates of the award at the moment are protected. Under the Liberal Party's proposition the minimum rates of the awards will be undermined.

If you take a small shop where six people might be working, there would be nothing to stop the employer putting his son or daughter on the shopfloor, calling them an employee—and that happens now from time to time—and going to the Industrial Commission and saying, 'I have an enterprise bargaining situation with this employee,' making sure that the conditions so undercut the award that it would undermine the award: they have an agreement which undermines the award and which puts the award in jeopardy. That is the sort of proposition that we are looking at under the

conditions that are being set by the Liberals. Under the Liberals' proposals individuals may agree to conditions that are less than the current award provisions, provided that they do not accept less than the minimum conditions prescribed under the Liberal Party's policy. This will inevitably mean that award conditions will be eroded as people accept inferior agreements.

Mr Oswald: How do you get rid of the million unemployed? Tell us that.

Mr FERGUSON: Certainly not by paying them $3 an hour.

The ACTING SPEAKER: Order! Interjections are out of order, and the member for Henley Beach will direct his comments to the Chair.

Mr FERGUSON: I am sorry, Sir. I was happy to accept that interjection because it was so stupid. The proposition of the Liberal Party's policy of reducing unemployed by paying them $3 an hour is a nonsense. That is not going to improve the number of people who will be employed. All it will do is make sure that more families will not be able to afford to live. The current depressed conditions in industry and the large number of unemployed will inevitably mean that the employer is in a superior bargaining position. In the first instance unscrupulous employers will force inferior wages and conditions, and then all other employers as a matter of natural competition will have to follow. I put it to the House: what bargaining power would a 16-year-old girl have in a delicatessen when she is bargaining with the proprietor so far as her wages and conditions are concerned? Absolutely none!

The employer has the whip hand in every direction. He has the right to hire and fire; he has the right to increase or decrease her wages; he has the power to say what hours she will work; he has the power to say whether or not there will be shift penalties; and he has a superior condition in 100 different ways. Those are the sorts of conditions that the Liberal Party is trying to force on State awards in South Australia. There has not been much talk about this, because the Liberals want to keep it quiet. They are saying, 'I am not like Jeff Kennett,' but it is there in black and white; you have only to read their policy.

If you read their policy, what follows is the same as is happening in Victoria, in Western Australia, in Tasmania and in New South Wales so far as State awards are concerned. If I were a State Government employee, I would be taking a great deal of note of what the Liberal Party policy is so far as the State Government employees are concerned. It will not be long before we will have heads of department running around with a contract in one hand and a pen in the other saying, 'We want you on individual contracts,' because that is what is happening in the Liberal States. I know of a message that was sent to the head of TAFE in Victoria, who was told by the Premier, 'Get those people under contract within 24 hours or sack them.'

If I were a State Government employee, I would be very, very careful about voting for the Liberals or putting them in office, with the industrial relations policy they are proposing at the present time. The first people to bear the brunt of the Liberal Party's policy will be those who are currently roped into awards that come under a common rule award. I do not want to get too technical, because I know that not too many members opposite understand what a common rule award is, but what happens is that, once the State commission has been convinced that a particular class of classification of employee should receive a certain minimum wage, all the employees in that occupation can be roped in. As a matter of course they must receive that minimum wage.

Under the propositions put forward by the Liberal Party, the first people who will come under attack will be the non-unionists, people who do not have the protection of a union and who are in certain industries that are particularly suitable for female labour. I refer specifically to the clerical areas, to the retail sales area and to the hospitality industry. These are the very people who have come under attack both in New Zealand and in Victoria. Some of the worst offenders in Victoria have been members of one of the strongest unions in Australia, the AMA. The AMA has gone to its receptionist in Victoria, given her an hourly rate and said, 'That is what your contract is: sign it or else.'

Out the door go penalty rates, annual leave and everything else; they have a minimum hourly rate. That is the sort of thing that has been happening in Victoria under a Liberal administration. I put it to the House that these will be the first people to come under attack with the Liberal Party's policy. Just imagine people working in a country service station, in a country delicatessen or in a roadhouse somewhere without the protection of a union and under individual contracts. They will be the first ones to come under fire so far as this policy is concerned. Members of the public ought not to be fooled by the proposition that 'We are not going to do a Kennett', because that is exactly what was said in Western Australia. Mr Court got up in Western Australia and said that he was not a Kennett.

What do we find? The attack that has been made on industrial relations in the Western Australian State Parliament is worse than the conditions that have been applied by Kennett in Victoria. So, I think the public of South Australia should be very wary of the policy that has been put forward by the Liberal Party. Historically, workers have relied on the ability of their representatives, the union, to argue for improvements to the minimum wage on their behalf in arbitrated cases before the Industrial Commission. This award, by law, then binds all employees. How could anybody without experience, such as a young typist of 21, 22 or 23, go into the Industrial Commission and start arguing and bargaining for an industrial agreement?

The Industrial Commission is like any other court: it is a frightening experience when you first go in there. I know because I was in there for years and it took me a long time—and I am a fairly aggressive person—to get used to the Industrial Commission. Can members imagine a junior female typist going into the commission and arguing her case before the commission for an agreement with all the other conditions that must be complied with, including the community interests that must be taken into account, the economy, whether the industry is efficient, and everything else that goes with it? It is impossible and it will not be done.

We know what will happen under the Liberal Party's proposition. Somebody will approach employees with an agreement that has already been typed out, put a pencil in their hand and say, 'Here you are, sign this because if you don't you will be out the door' and they will sign it. To make matters worse, a lot of those agreements will be signed under duress. The Liberal Party's policy is to make sure that those contracts are abided by and, if they are not, the employer can take the employee before the Industrial Court and have them fined or gaoled. That is reminiscent of the old industrial relations proposition that we had in Australia before the Clarry O'Shea case.

Every industrial principle that the unions and the labour movement have fought for will be put in jeopardy by the industrial relations policy that has been put forward by the Liberals. What members opposite are saying is, 'Don't worry, everything will be all right'. However, the evidence that one can put together is that everything will not be all right.

We will see in South Australia the new New Zealand syndrome. Many examples were put to me when I visited that country of employers putting documents in front of employees and saying, 'Sign here. Take it or take your notice'. I cannot understand why this would not happen in South Australia because we would be introducing a similar set of circumstances to those that apply in New Zealand if the Liberal Party policy comes to fruition.

I have not had time to refer to the position of employee ombudsman, so I will take that up at a later stage. The employee ombudsman is a very curious proposition and poses more questions than it answers. What will happen to those people who provide advice in respect of award coverage and who make sure that award coverage is provided in South Australia? Will they be put off? Will a number of people involved in that part of the industrial relations area be put off and replaced by the ombudsman? What powers will the ombudsman have? Will the ombudsman have the power to enforce proper wages in this State?

Mr OSWALD (Morphett): I support the resolution before the House this evening and express my congratulations to the Governor for the manner in which she has conducted her duties over the past 12 months.

I would also like to record my condolences to the families of Sir Condor Laucke, the Hon. Hugh Hudson, the Hon. Dick Geddes and Mr Bert Teusner. I did not know Hugh Hudson or Bert Teusner. I would have shaken their hand at some time or other as part of my parliamentary duties but I have never sat down and had a discussion with them. From the eulogies that I have heard in the House regarding Hugh Hudson there appears to be no question that he was a brilliant administrator and well thought of.

I did not have a lot to do with Bert Teusner, but I knew him by reputation. He made a major contribution to the House. I believe that at one stage he was Speaker of this House. With Dick Geddes it was a different situation. I still know the Geddes family and I knew Dick Geddes well when he had his farm at Ipinichi out of Wirrabara. The Geddes family were very close family friends of the Oswalds. We used to visit them in my younger days, and I was saddened to learn that Dick had passed away.

Sir Condor Laucke was a gentleman of the highest order, a man who had the ability to put together magnificent pieces of the English language. He used to visit Glenelg regularly during our Commemoration Day ceremony. He was a popular figure and whenever he was asked to speak on an impromptu basis he held the imagination and attention of all those present. He could take a situation, turn it around and ensure that the people at that function understood the historical significance of where they were. He was highly regarded and will be sadly missed. He made a major contribution to the State. He was a man of humility and a great contributor right across the Commonwealth.

I was interested to listen to the remarks of the member for Henley Beach. He began his Address in Reply by referring to the fact and making sure that we all understood that he is anti-royalist and very pro-republican. While he was speaking, the occasions when the Queen has visited this State went through my mind. At civic receptions for Her Majesty Labor members and their wives have pushed and shoved to get up to the white line to be received. I have seen this happen. It is amusing to see them all running now under the republican banner. When Her Majesty has been present members of the Opposition when attending these functions have had difficulty being able to speak to Her Majesty because Labor members and their wives have been fighting to get up to the front as quickly as they could. It is an amusing scenario.

Mr Hamilton: Some.

Mr OSWALD: One member opposite says, 'Some', but there is no question about it. I have seen Labor members and their wives pushing to get up to the front, and now the Labor Party is waving the republican banner. The honourable member referred to the Liberal Party's running two objectives. He particularly chose our industrial relations policy to try to get that message across. It was interesting to sit here and reflect on their Prime Minister, Paul Keating, who had one agenda prior to the last election but who obviously now has another agenda. If ever I have seen anyone duck, weave, turn and switch agendas, it is that Labor politician in Canberra.

I do not think that any member on the Government side could wax too eloquently with insinuations about what the Liberal Party is up to when the Labor Party through the Prime Minister of this country is capable of changing course not just between one election and another but for the whole time he has held office, and indeed before he was even elevated to that high office of Prime Minister, when he was fighting Bob Hawke and trying to wrest the leadership from him. You could not trust the man and you still cannot trust him. We are now concerned about the fact that we are going to get the GST in another form. We all knew before the election that Labor had another agenda for additional taxation and additional revenue gathering.

In conclusion, I state that we just cannot trust Labor. They are now trying to do something which I know has been evolving all day. There was a set of directions, and I thought that it came through right from the beginning of Question Time until the honourable member's speech. The script is very clear. All through Question Time right up to when the election is held we will have this continuous attack on the credibility of the Leader of the Opposition. This is a very old, tired tactic. The member smiles. He knows I am right. The instructions would have gone out in the Party room beforehand that every time a Minister has to reply he must include two or three sentences attacking the Leader of the Opposition for the consumption up here of the public gallery and the press gallery. There is no question about that because they ran to script. Every Minister except the Minister who sits on the extreme left ran to script and made sure they dropped in two or three sentences that could be picked up in relation to the Leader of the Opposition.

These were absolutely scurrilous allegations without any substance or meaning whatsoever. They were all scripted, and we are going to put up with this script until the next election so that they can try to undermine the Leader. This practice is not new. It has been done before and, if they are so tired and so devoid of tactics that they have got to go back to that old practice, that is fine. Now we have the member for Henley Beach on his feet taking the other tack, which has been around for years, of running the scare tactics. That is the third one which I learnt from the member who will become the member for Napier and who interjects all the time, 'Tell us your policies.' That ought to be dropped out of this Chamber,

because it has well and truly been tried by the honourable member and I use it over this side.

An honourable member interjecting:

Mr OSWALD: The honourable member opposite decides to use it as well, and at the end of the day good public debate is passed over. You, Sir, will recall that we had a debate in this Chamber earlier this year over the establishment of the Economic Development Board. It was a Bill which the Opposition supported. You, Sir, may recall the circumstances that led up to the debate. In 1992 the Arthur D. Little report had been circulated, and it was obvious from that report that the whole term of the Bannon Government from 1982 to 1992—on which the report homed in—showed that the Labor Government had not seen the need to implement an industrial policy that fundamentally addressed economic restructuring. As a result, the South Australian economy had lagged well behind those of the other States. A wealth of statistics is available to show that.

The Government was happy to use the MFP and try to link into and build onto the MFP. It has tried to build on the Liberal Party's Technology Park initiative—an initiative of the Leader of the Opposition, the Hon. Dean Brown, who was involved in setting up Technology Park. If one goes back to the Arthur D. Little report, one sees that it highlights the fact that the Bannon Government (one may recall the code, because it has been used often by the Bannon Cabinet) shot at any bird that happened to fly past, rather than planning for the future economic wellbeing of the State. Because of that, we are now in our present position. It is interesting to note that the Minister of Industry, Trade and Technology through most of that time was the present Premier (Hon. Lynn Arnold), who was responsible for the Government's economic development policies during the whole of the Bannon era.

I supported the establishment of the Economic Development Board because I knew at the time that the Cabinet needed a board like that to advise it. It needed it because it no longer had any initiative, it no longer had any ideas or credibility, it no longer had any integrity and it no longer had any management skills. Hence, the need for an Economic Development Board at least to give it some advice. We had the spectacle today where one of the Ministers decided to trot out some of the material coming from this Economic Development Board because he knew that he needed some good news out there. Yesterday's Question Time was appalling. This Government did not gain any brownie points whatsoever. So, we received prematurely the report from the Economic Development Board.

The Arthur D. Little report did one thing: it confirmed without any shadow of a doubt what had been happening in the State over the past 10 years. We then had a change of Premier and we saw the deck chairs reshuffled. We had a lofty speech from Premier Arnold on Thursday 22 April, when he launched his 'Meeting the Challenge'. His speech contained such lofty statements as the following:

> The challenge involves rebuilding and restructuring our economy. It involves providing South Australia with a clear and positive new economic direction, redefining the State's position and role, both within Australia and internationally. The challenge is to achieve them in a way which reduces the tax burden on business and boosts employment, protects families and restores optimism and confidence among South Australians.

The gall of Premier Arnold to recycle the old throw away lines that Premier Bannon used during 10 years is quite unbelievable. The public will not be fooled a second time, nor should they. Those throw away lines are all very familiar. We have had them all before. They came out through all the policy speeches of the past 10 years, and now the new Premier is starting to trot them all out, albeit with a new speech writer, but the same policy lines for the South Australian public to swallow. In his 1982 policy speech, Mr Bannon promised:

> . . . a Government willing to work directly with the private sector to take the lead to unlock investment funds and create real jobs.

What was the result? Arthur D. Little, as I said earlier, went on record referring to the State Government's shooting at any bird that flew past, while the debt slowly grew to an equivalent of $9 738 for every South Australian. Then there was the promise in the l982 policy speech of jobs and getting people back to work in a productive way. They were similar remarks to those which I read out a few seconds ago from the new Premier's Meeting the Challenge document. Although, as I said, it was a different speech writer, the messages nevertheless are there. The performance is that since 1982 average monthly unemployment has grown from 44 000 to over 80 000, which is a record unemployment level for this State.

Premier Arnold promises to reduce the tax burden on business and to boost employment, as did the former Premier in each of his policy speeches. Why should Premier Arnold be believed in 1993, when his predecessor in 1982 was promising in his policy speech that he would not allow State taxes and charges such as transport fares, electricity and hospital charges to be used as a form of taxation and that he would set up an independent inquiry into the State's revenue collections? Of course, that promised tax inquiry never took place.

Fares, taxes and charges have soared since that time. In fact, the Cabinet, of which the Premier was a very senior member, proceeded to record the highest State taxes and charges that this State has ever known, yet in his Meeting the Challenge document he says it is a new image, scene and direction. Between 1982 and 1992 land tax rose 144 per cent, electricity tariffs went up 115 per cent and public transport by 286 per cent.

How are we to believe this new Premier if he says that there will be new directions and changes? It is unbelievable. The record is not there. All we are doing is getting this charade once again of the Government's saying that it is new and that everything is different. It is not different: it is the same people running the same ship. Why should we think Premier Arnold's manifesto in the Meeting the Challenge document is any more believable and acceptable than the previous manifesto in the various policy speeches?

Meeting the Challenge will not alter the basic direction of the Labor Party, as long as it continues to be controlled by the faction bosses in the industrial wing on South Terrace. Indeed, we had another example tonight from the member for Henley Beach, who gave us a 1920s summary and assessment of industrial relations. It was a far cry from the real world out there. He did not talk about the million unemployed, about the high rates of bankruptcy that have resulted and caused the problems or about the unit cost of labour. All they are interested in is wringing the last dollar out of business.

In times of plenty one can get up and make speeches such as that delivered by the member for Henley Beach. However, in times of recession, which have been brought about by the policies of this socialist Government opposite, one cannot get up and make those 1920s-type speeches, because businesses out there are ready to fall over. Shortly, we will be into another round of dismissals, businesses falling over and

bankruptcies and, every time a business falls over, more men and women are left out and more families are unemployed.

We have the problem of people such as the member for Henley Beach who have the mentality to get up on their feet in this House and tell us why the workers must be paid for full hours. They decry the Liberal Party's policy and refer to four weeks holiday. If one went overseas and talked about four weeks holiday, people in other countries would think that we were in Utopia.

Yet, we have 1 million unemployed, we have bankruptcies and businesses falling over, and we have this 1920s speech decrying a Party that is trying to set a direction, get businesses back on their feet and get employment going again and unemployment under control. About 40 percent of our youths are unemployed, and I would have thought that in his diatribe and attack on the Liberal Party the member for Henley Beach would have had some regard for the fact that, if we have 40 percent of our youth unemployed—brought about during the era of the Labor Party—there must be something wrong with the existing system.

If there is something wrong with the existing system, you go out and correct it, or look for what is wrong; you do not go back and read the speeches that were made in the heady days of the 1920s, when the union movement and industrial relations were beginning, and then try to trot them out here in 1993, in an entirely different scenario. If all members of the Labor Party think the way the member for Henley Beach thinks, and if we continue down those tracks, woe betide the future of this country. There has to be cooperation between employers and employers and, if we can get cooperation in the workplace and get jobs and businesses going, we have a chance of getting this country out of trouble. At the moment, things look grim and will continue to do so until there is a change of Government. I do not think there is too much doubt at the moment about there being a change of Government.

The Government is certainly wringing out the sponge regarding the passing of the new Development Act. I wish to say a few words about that, because it is a subject in which I am taking a lot of interest of late; I find it a fascinating subject, and I hope I have the opportunity to become heavily involved in this whole question of urban development and planning. It is all very well for the Government to wring out the sponge over the passing of the new Development Act, which the Opposition supported in principle, because it was an improvement on the previous system. However, I was disappointed; I put up 80-odd amendments, but the Government chose to reject most of them. I guess that is its prerogative, because of its political base, whereas I tend to be more conservative and more free market oriented. The Government chose to reject most of my amendments.

The Government claims that the new system will provide greater certainty, decision-making will become more open, and the respective roles of State and local government will be much clearer. In other words, the perception put abroad is that we have a brand new system, which will facilitate the fast track development, and that this is the incentive that has been needed to get the cranes back on our skyline. In point of fact, it will take a lot more than this to get the cranes on our skyline again, including a change of culture within the Labor Party and a change of its attitude to the private sector, wherein lies our best chance of recovery.

In relation to expectations of the planning and development industry, there is still considerable disappointment in the community in relation to certain aspects of the new Development Act. Essentially, the planning review reference document promised results, with improvements to the administrative and development controls, particularly in regard to the powers and responsibility of planning authorities, the formulation of planning policy, the approval process and appeal rights.

The review promised a revised planning system with a greater degree of predictability, one which was more prompt, efficient and responsive to industry requirements. Whilst not all these objectives have been achieved, the new system makes achievement more possible; however, this is a pretty small step from the development industry's point of view. What has happened is that the Government has changed the structure and the procedure but not the substance. It really depends on how you read the original review terms of reference, because they refer to improvements not in development controls but in the administration of development controls.

Essentially, the development controls have not changed, and the only guarantee that they will change is the political will and commitment of the Government of the day. For example, most major developments have foundered; those that have foundered have all been based on a major plan or a clear concept of where they were going, but they have still foundered because of the lack of finance, public argument over requests for free public land in return for handing over development benefits and the exacerbation of allegedly insoluble problems, involving such things as transportation of sand and coastal protection issues.

Of course, there is the perceived insensitivity about and exploitation of environmentally sensitive locations. Every one of a dozen projects that have failed or remain stalled from the past 10 years fits into these areas and, unless there is some political will to address those problems relevant to the decision making process, the new Development Act in itself will not change much.

After the release of the Arthur D. Little report, the Government found it necessary to dress up its Bannon era policies and promises of a new image. As I stated earlier, the image included Premier Arnold's reminding us at page 5 of Meeting the Challenge that the Government is now committed to generating jobs and rebuilding the State's economy, building on the strengths of the past etc., and so on it goes. We might well question what are those strengths of the past, considering that the same group of senior Ministers, with some minor exceptions, made all the incorrect decisions over the past 10 years. Certainly, for the sake of the State, I hope that they utilise the Development Act better than they utilised the Planning Act and that we get some development under way. To illustrate my point, I quote from another promise:

> Since 1982 the Labor Government has promised a series of projects to enhance the State's tourist, leisure and economic potential.

The performance has been dismal. I will just run through a few projects that Labor has failed to secure during that time. There is the Marino Rocks marina, $360 million; the Mount Lofty hotel and cable car, $55 million; Jubilee Point, $160 million; Wilpena tourist resort, $50 million; Marineland, $39 million; a paper recycling plant, $300 million; Victoria Square facelift, $200 million; O-Bahn tunnel under the parklands, $40 million; southern O-Bahn and Tonsley interchange, $170 million; Art Gallery expansion, $30 million; Woomera redevelopment, $250 million; Darlington bypass and third arterial road to the southern suburbs, $50 million; the third unit for the Northern Power Station, $450

million; and the petrochemical and local gasification plants, $1 000 million. They are just a few of the lost projects.

In the few minutes remaining I would like to refer to public housing, because I am becoming increasingly concerned about reports that I am receiving, from people who work in the public housing sector or who are close to that sector through membership of public housing lobby groups, that the South Australian Housing Trust is financially non-viable at a time when uncertainty surrounds grant moneys that are likely to come to housing authorities, such as the trust, from the Commonwealth Government.

Both the Federal and State Labor Governments have been in power for 10 years and there is no-one else to blame for this situation, which has been slowly evolving over the past four or five years. We have all known about the massive debt structure building up within the trust. We have known for two years that the Commonwealth Government has been gearing up to cut back on funding to housing authorities, but the State Government is yet to make a move. I know that the trust board is becoming extremely concerned about this. It is all well and good for the board to become concerned, but I give the Government notice in regard to the Estimates Committee that it will be on notice to give a careful and detailed account as to why the trust has become non-viable. Why has the Government allowed the massive expansion of debt within the trust's structure? Where is the trust going in the future? Will we see a massive selling off of our public housing stock as well as rent increases?

It has already been noted that there is already a sale of land from within the trust. It is already involved in damage control and this is a matter of grave concern. We certainly intend pursuing that matter. In 1982, 24 000 people were on the trust's waiting list. At that stage, the Leader of the Opposition of the Labor Party—the Labor Party was then in Opposition—and the various spokesmen and women on housing screamed their heads off, yet by June 1992, after 10 years of Labor Administration, the number on the waiting list has increased from 24 000 to 42 787 people.

I notice that the socialist screaming died, because they realised that during those 10 years all those other matters that I have referred to tonight, plus the housing, the problems we had in the welfare sector, the problems we had through small business, the unemployment, the youth unemployment, the bankruptcies—they all started to build up to a crescendo and it was reflected in the Housing Trust waiting list as people sought public housing.

In 1982, 55 per cent of Housing Trust tenants were on rental rebates. The rebates at the time totalled $19.4 million. By 1992, after 10 years of Labor, 74 per cent of Housing Trust tenants, or more than 45 000 people, were involved, and they were receiving rebates totalling $103 million—a rise from $19 million, when the Liberals went out, to $103 million after 10 years of Labor. Also in June 1992, the trust had rental arrears of $7.75 million, and we now see that it has been running at $5 million over the last four years.

In 1981-82, under a Liberal Government, $518 000 was paid in emergency housing assistance to the people experiencing a housing crisis, yet 10 years later—after 10 years of Labor—the living conditions and living standards of South Australians have dropped to such an extent that, instead of $518 000 being paid out, the figure has now risen to $8.96 million—a rise from $500 000 to $9 million over the period of the Labor administration. This sort of thing is an absolute tragedy. The Ramsay Trust was a much heralded project that was trumpeted by the Labor Party to raise finance for low cost housing. It collapsed in 1983.

The Tonkin Government was a very successful Government, despite the fact that it was decried by members of the Opposition. It is interesting to see the former Premier shake his head and the honourable member, my friend opposite, scoff at it in jest, but everything I have said tonight illustrates the disaster of 10 years of Labor Government. After the last 10 years there is no good news that Labor can hang its petard on—no good news whatever.

I look forward to an entertaining speech from the honourable member. He always gives an entertaining speech. I am not sure that the substance of it is always as entertaining as he would like, but in his contribution he might like to tell us what some of the highlights of Labor have been over the last 10 years, because I shall wait with the greatest of interest to hear what they are. Do not trot out the usual two we hear of every year, year after year, because we had some involvement in those too. We had involvement in the early days of the discussion on the Grand Prix, and the Federal Government was also involved with the submarines, so he cannot claim that. But the rest has been a tragedy for South Australia.

We know what will happen when we go to the polls: that is a foregone conclusion. I look forward to getting into Government so that we can do something about reversing where we have gone. The Liberal Tonkin Administration had successes—it had successes in the area of public housing. The lists have now blown out; the Government has yet to bring the housing lists under control; it is yet to tell us. We look forward to finding out what the Government will do about arresting the debt within the Housing Trust, which of course is now so serious.

I conclude my remarks by referring to the Governor's speech. The Governor has done a marvellous job in her duties, but I regret that the speech she presented on behalf of the Government is of great concern. It lacked direction for the State; it did not set down a program; it did not set down any hope for the future; it said nothing about what we are going to do for the 42 per cent of youth unemployed; it said nothing about what we are going to do for families. It was just another part of perception politics to make it look as though the Government was doing something, knowing that it is now devoid of ideas. But the Government is obviously just marking time, waiting for the election, and it should go and go now.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr MEIER (Goyder): I support the motion for the Address in Reply given by Her Excellency and I note with sadness the passing of several members of Parliament since the last time we came together for the official opening. In particular, I refer to the Hons Sir Condor Laucke, Dick Geddes, Bert Teusner and Hugh Hudson. I would like to extend my sympathies to the families of all those former members.

I knew Sir Condor from the late 1950s when he actually called into our house on more than one occasion. I remember he drove a Volkswagen Karmen Ghia at that stage. It was a very unusual car. I suppose I was at that age where I took particular interest in motor cars and I could not help asking him about the various intricacies of that motor vehicle. I

watched with interest Sir Condor's progress through the years and he certainly was a great man; he served his State and his country particularly well and he will be sadly missed. I particularly extend my sympathies to his wife, Lady Rose.

Likewise, I knew the Hon. Bert Teusner quite well. I was very pleased to have had a fairly lengthy chat with him about 18 months, two years ago at a function in Tanunda. He reminisced a little bit at that stage about some things related to the Parliament and about just where we were going at present. I know he had fond memories of his years here in the House of Assembly. Again, he made a great contribution to this State and likewise his family will sorely miss him.

Whilst I met the Hon. Dick Geddes I did not know him so well but I know that he also served this State in a very responsible manner and contributed significantly to it. I extend my sympathies to the members of his family.

I do not know that I ever had the opportunity to meet Hugh Hudson. He was before my time in Parliament but I certainly well remember reading about him in the newspapers and seeing him on television. I have heard many stories that members have cited, particularly in the past few days. It is obvious that Hugh Hudson was a very powerful man and he contributed greatly to this State. Likewise I extend my sympathies to the members of his family.

Mr Acting Speaker, as we know Her Excellency's speech is actually prepared by the Government. It would appear to me that an election is needed. This Government has run out of steam. As one person I spoke with shortly after hearing the speech said, 'There is nothing new in it.' I believe on closer examination that that is the truth. It is a marking time speech. It is quite obvious that the Government does not know where it is going and it is a shame that the Government has not called an election already. The people of South Australia are waiting for it and I hope that they will pass their judgment in the way judgment should be passed on a Government that has done a huge amount of harm to South Australia over so many years.

I want to direct some comments to the rural sector. It is not in good shape presently. There are many reasons for it. In much of the electorate of Goyder the rural sector has been suffering very severely from the mouse plague, a plague that farmers and members of rural communities have become accustomed to, I suppose, once every 10 years or so.

But this plague has been different. First, it has been concentrated in certain pockets. In many cases those pockets resulted from rain and weather devastation of crops in November, December and January and the mice had a massive supply of food. Of course, often the mice had spread from those pockets to other regions. However, as I tour through my electorate and speak with people I find that some areas have been virtually devastated by the mice and others have been affected in only a very minor way.

The devastation has to be seen to be believed and understood. I suppose the easiest devastation to see has been where crops that have been planted have come up either to a very limited extent or in a very patchy way because the mice have taken so much grain. In one case a farmer on the Adelaide Plains between Mallala and Balaklava has, as of a week and a half ago, replanted in excess of 1 000 acres, and that is a huge cost to any farmer.

It is not only the cost that is the problem, it is the fact that the season is now so very late. That farmer is particularly worried that because the last of his crops were going in at the end of July the chance of a good season rain-wise gets slimmer and slimmer. I have said to many farmers during the past six months or maybe even 12 months, 'In some ways you farmers would be taking less risk if you spent 12 months at the Casino rather than spending it on your farm.' I say it with tongue in cheek and I think they all recognise it that way, but farming is so very risky this year when the crops have gone in so late.

I have to pay tribute to all farmers, because they refuse to accept defeat and are determined to do everything they can to make this season a success. I simply hope that the law of averages will help them, that the small amount of rain we have had in so many areas will be offset by the average rainfall and that they have a good harvest. I know many farmers have said that they remember planting in August in past years and on occasions they have reaped 10 or 14 bad crops. Let us hope that is the case again this year.

Other devastation caused by the mice, apart from their effect on grain, has been on stubbles and hay. I was speaking with a horse breeder who said that for the first time since he started in the horse business—and I think that dates back to the early 1950s—he has had to buy in hay for horses simply because the mice have ruined all his hay.

Often the devastation goes beyond the field into the home. Farmers' wives have told me that it gets pretty upsetting when you are woken in the morning by a mouse biting on your ear. It is pretty upsetting to see mice crawling up the curtains and to see those curtains literally being ruined over a period. Other people not on farms but living in rural areas are also being hard hit. I cite the case of one person whose ceiling has been completely ruined by mice eating holes through it. The mice droppings and urine have come through the ceiling and ruined his carpet.

He said that he puts out eight baits of poison daily and they still keep increasing. One can well understand his desperation to get strychnine. He has been in contact with me several times and I have been in contact with the Minister's office to try to get strychnine for him and for others. He owns an acre property on which he breeds dogs. As he is not a primary producer or broad acre farmer, the department has said, 'He is not eligible to receive strychnine and we will not issue it to him.' Therefore, he and his family continue to suffer, as do many others like him. To add to his hardship, he is unable to claim for the damage to his ceiling, carpet or furniture on insurance. Such damage is not covered, so it is a total loss for that person and for many others in a similar situation.

I compliment the Minister on taking the courageous stand of bringing strychnine into South Australia. Unfortunately, it should have been done two months earlier, because the millions of dollars' worth of damage that has been caused to the State's rural sector cannot be recouped. The strychnine has had a significant impact in many areas. It is still essential for the Minister to make strychnine freely available; in other words, at no cost. Farmers who have decided not to buy it, perhaps because they cannot afford it—it is costing farmers many thousands of dollars to buy it—or for whatever reason, should have access to it. It is all very well for one farmer to seek to eradicate mice, but it takes only minutes, hours or days before the mice can inundate his farm from an adjoining property.

Action should have been taken much earlier. I hope that the mice will be virtually wiped out by the time the warmer period comes. If not, then we have not yet seen any damage of consequence. As one farmer said to me, 'If the mice are still here when harvest comes, the Government is going to lose tens of millions of dollars because they will simply nip

the stalk with the grain on it and then eat the grain. Not only will we have another mouse plague, but we will not have any grain to harvest.' I truly hope that we shall not have that situation in South Australia.

I have dwelt on the mouse plague as one of the big things that is operating at present, but many factors have affected the rural sector. Climatic conditions have had an enormous impact. What promised to be a golden harvest at the end of last year turned into a mud harvest for so many people. It was tragic to see some of the best looking crops that I have ever seen in my life literally turned into mud by the end of the year, but it was even more tragic to see the faces of the farmers who lost those tens, if not hundreds, of thousands of dollars of potential income.

Of course, we have had the droughts, but we have also had many other factors over which the Government could have had some influence. I refer particularly to the massive cost increases. What has hurt farmers as much as anything has been the cost increases. Very little heavy machinery is made in Australia today. Why? Because it has been priced out of the market by increasingly extravagant union demands. We can always understand people asking for more—that is part of human nature—but when unions cannot see that they are ruining jobs for fellow unionists it is tragic. That is exactly what has happened in the agricultural machinery business. Many firms which used to make harvesters, tractors and other agricultural implements here have disappeared.

To add insult to injury, now that our dollar has dropped to around the 68¢ mark, the cost of all those items has increased enormously. Unfortunately, more and more farmers cannot afford to buy new machinery and are having to buy secondhand machinery. As you, Mr Deputy Speaker, and other members would know, that can only last so long. Secondhand machinery finally wears to a stage where it is not profitable to keep using it. That has to be addressed in the future, and incentives have to be provided to the farming community to encourage them to purchase, but more importantly, to try to get manufacturing back into this State.

They have the cost of fertilisers continually increasing; chemicals likewise. Whether we like it or not, because of the nature of our high tech farms these days, chemicals play such an important part, and farmers rely on them, even though we as a country use chemicals to a very limited extent. The small businesses associated with the farming sector, such as the machinery dealers, have felt the effect of increasing costs, often as a result of Government imposts. I think of licence fees. Business after business continues to say to me: why do we have to pay the various licence fees to Government? I think of the fuel licence fee that they have to pay; a separate dangerous substances licence fee; a licence fee to be able to service air-conditioning equipment, and so it goes on, with fee after fee.

I refer not only to State Government fees but also to Federal Government fees. The wholesale sales tax is such that it is now being applied at a higher rate than it had been previously, because the Government is not allowing the wholesale sales tax to be put on the cost price. Rather, they are making the wholesale sales tax go onto the selling price, so the Government is getting an extra per cent or two of wholesale sales tax; a very cunning move, again hurting rural businesses as much as anyone, and I can think of other Federal imposts.

I was only talking with a gentleman this evening, a pig farmer, who asked me whether I was aware that he had to pay a levy on any grain that he used on that farm. I said, 'If you do not buy your grain, surely you do not have to pay a levy on the grain that you grow.' He said, 'That is what I always thought, John, until an inspector came to see me the other week and asked where were the levies that I was supposed to have paid on the grain in my silos.' He explained to the inspector that he grew the grain himself. The inspector said, 'That is irrelevant. If you are using the grain in a commercial sense, you must pay the levy.' The levy varies from about $1.50 up to about $4 per tonne. He uses about 1 000 tonnes of grain per year, so you can look at a figure of about $2 000 to $3 000 extra a year that he will be charged. That could be applied to so many other commercial enterprises. In fact, that is another cunning way that the Government gets at small businesses such as the pig farmer.

It is interesting if we look back to 1982 to see what the then Labor Opposition said about farmers. In the election speech, it was stated:

> We will work with farmers and growers to reduce costs and expand markets.

What has actually happened? Farmers and their farms have declined in profitability, and numbers in the past 10 years have been squeezed by low commodity prices, high costs and increasing Government charges.

It is reflected in the continuing population drift from country to city. Since 1981-82 the population of the metropolitan area has grown at a rate almost four times that outside Adelaide. Despite growing economic pressures country areas have lost government services, as more have been centralised in Adelaide on major regional centres. Hospitals, schools and welfare centres have closed or had many of their operations drastically reduced. The cost of living in the country has gone up while quality of rural life has deteriorated.

Statistical evidence of the decline in farming since 1981-82 shows that farmers have been suffering a decrease in profitability throughout most of that period. Since 1987 there are 977 fewer farms in South Australia, and hundreds of fewer people are now employed on farms. The viability of many of those who remain is precarious. Government charges, WorkCover levies, bureaucratic and industrial regulations and exorbitant interest rates have crippled hundreds of farmers to the point of extinction.

This is best demonstrated by the fact that the gross value of rural production in the State has deteriorated by 35 per cent in the past 10 years in real terms. The effect of this collapse in rural incomes on country towns and rural services is obvious to see. Putting it another way, net farm income in South Australia has in real terms gone down by $924 million since 1980-81. Many elderly farm owners are stranded on their properties, unable to transfer farms to their children because of State Government stamp duty. They receive no income from the farm, but cannot qualify for the pension because their properties have a book value above the threshold. It is an indictment on this Government that they have not looked after the farmers.

I was very pleased to be in attendance at a rural conference organised by Liberal Leader Dean Brown, the Leader of the Opposition, on 28 May, and it was great to see so many representatives come from around this State to that rural conference. Speaker after speaker highlighted the problems that he or she was experiencing in their particular area of expertise in the rural sector. We had people from all walks of life and from the many organisations that are in the rural communities today.

I would like to mention briefly one document that was referred to during the conference, a copy of which was given to me afterwards. It is entitled 'Target 2 000—Here for the Marathon, not for the Short Sprint' and was put out by the Tumby Bay District Community Support and Action Group. This document highlights some of the real problems that have beset that area of rural South Australia. It says under the heading of 'The Decline' the following:

> In 1986 there were some 2 600 farmers on Eyre Peninsula. By 1991 there were 1 800. Eight hundred farmers slowly slid out of the industry, in some cases hardly noticed, in particular from Government circles. Of the 1 800 left, 400 are now in severe financial difficulty and are facing the dilemma of having to exit the industry. A further 600 are under severe threat of survival with figures of some 70 per cent of farmers in financial difficulty.

There is a lot of information along that line indicating what it was that broke the backs of so many of these farmers, and still the Government sits back and does so very little. I will say again, what did the ALP say in 1982? They said 'We will work with farmers and growers to reduce costs and expand markets.' What a broken promise.

I mentioned a little about small businesses and how they are also affected by high costs. It is relevant for us to remember the situation as it applies to small business and the bankruptcy of small businesses. It is interesting to remember that since 1986-87, the time when bankruptcies for small business in South Australia were first collated, bankruptcies have increased by 46.4 per cent. In fact, that was the figure to June 1992, and I do not have the figures for the past year. A 46 per cent increase in bankruptcies is a tragic situation. I guess when we look back over the past decade so many things have gone wrong that you can easily call it a decade of disasters, because it is one disaster after another. I remember that in the 1982 election speech it was said:

> Today we lag behind. Record unemployment threatens more and more people in our community. At the same time the number of jobs available is shrinking, even though work is being created throughout the rest of the nation, regardless of hard times.

That was the former Premier (Hon. John Bannon) who was then Opposition Leader. The reality is that since 1982 South Australia's labour job creation has been lower than that of every mainland State except Victoria. Our share of national employment has declined. If South Australia had maintained its 1982 share another 27 000 South Australians would be in work today. What an indictment on this Government. Another 1982 statement by the former Premier is as follows:

> In Government our major goal will be to get South Australians back to work in a productive way. As a first step we will establish the South Australian Enterprise Fund to assist the expansion of industry.

Many of us remember that the Enterprise Fund did not work. In fact, over the past 120 months of Labor Government in South Australia, the State's unemployment rate has been lower than the national average in only two months. Under Labor, average monthly unemployment in South Australia has been 60 843. This compares with 44 495 monthly unemployment under the last Liberal Government, and our youth unemployment rate has been above 30 per cent since November 1991. What is more, over the past two years, when the now Premier (Hon. Lynn Arnold) was Minister of Industry, Trade and Technology, South Australia lost 38 300 jobs.

It is obvious that South Australia has a longstanding jobs crisis because Labor policies fail to encourage the investment to sustain real long-term jobs. I think my comments a little earlier about the rural sector, the mainstay of this State's economy, simply reinforce what has gone wrong from the strong part of our State, the large part, right through to the people who no longer have jobs, who are suffering in a way that they have never suffered before. In conclusion, I refer to the Public Service Association and what it emphasised back in 1982. It emphasised that South Australia had 50 000 out of work; that one in three young people could not get work; that 24 000 people were on the Housing Trust waiting list; that the Liberal Government had devoted insufficient funds to education and health; and it advocated that it was time to vote Labor.

What is the situation today? Today, after Labor, South Australia has more than 80 000 people out of work; almost one in two young people cannot get work; the Housing Trust waiting list has blown out to more than 42 000; in education hundreds of teaching positions have been cut; and in health there are record waiting lists for treatment at our public hospitals. It is time for an election. It is time the Labor Party went.

Mr HAMILTON (Albert Park): I, too, support the Address in Reply to the Governor's speech and like you, Mr Deputy Speaker, express my condolences to the family of Sir Condor Laucke who, as has been said by previous speakers, served the State and the nation with great distinction. Equally, Richard Geddes was a member of the Legislative Council from 1965 to 1979 and is remembered particularly for his work as a shadow Minister of Mines and Energy. Bert Teusner was a member of the House of Assembly from 1944 to 1970 and, as has been said by many other speakers, he served in many positions in the Parliament. Last but not least is Hugh Hudson who served in this House between 1965 and 1979.

Hugh Hudson made a lasting impression on me. I can recall when I stood for pre-selection in the Labor Party in June 1979. I stood before some 250 delegates, and my contribution dealt with equality of opportunity for all in education. I quoted from a book given to me in 1972 at the ANU by a Minister of the Victorian Government. I believe that equality of opportunity, irrespective of one's background or financial position, should be the right of every person in the community. Hugh Hudson came up to me afterwards and congratulated me on my contribution. This was from a man I had put on a pedestal, and I continued to respect him up until his untimely death. He was a man that I believe, and as has been said by many in this House, was respected by all who came in contact with him. I believe his death is a sad loss not only to South Australia but to this nation.

As you indicated earlier today, Mr Deputy Speaker, this is likely to be your last term in the Parliament. I would hope that is not the case.

The Hon. B.C. Eastick: In this House.

Mr HAMILTON: Yes, in this House. I stand corrected. I hope that you have the opportunity to serve the Parliament in the other place. I think your contribution in this House in the time that I have known you has been one of commitment and dedication and you certainly have not forgotten your background. You certainly have not forgotten the trade union movement, and you certainly have not forgotten from whence you came, unlike some other people

I turn now to the Hon. Don Hopgood, a man that I have held in high esteem and still hold in high esteem. He is a quietly spoken man. Rarely have I seen him express words in anger. In fact, only on one occasion and, frankly, I was

somewhat shocked to hear him issue an expletive, because that is certainly not like the Hon. Don Hopgood.

The Hon. B.C. Eastick interjecting:

Mr HAMILTON: Well, something a little bit stronger than that. I knew his father-in-law, and the Hon. Don Hopgood knows who I am talking about. His father-in-law was a man I held in very high esteem, as I do the Hon. Don Hopgood himself. I have listened with a great deal of attention to some of the contributions made by members opposite, and I think other people reading my contribution and that of others would think that all the ills of the farming community, the economy, the unemployment, the bankruptcies, and so on can all be foisted on this Government.

That is irrational and it is nonsense. I have a long memory, and I can remember some members opposite speaking about unemployment in the most derogatory of terms. 'Dole bludger' was a term used, Sir, not by members on this side of the House or by members of our political persuasion but by many members opposite. Irrespective of the reasons for their unemployment, these people were characterised, pigeon holed and slotted in; because they were unemployed they were dole bludgers. On top of that they were also called couch potatoes.

I come from the country, and I know of many people in the country who, despite their best efforts to gain employment, could not for one reason or another get a job. They are still branded by people in the community who call them dole bludgers and couch potatoes. I have not heard one member opposite in this House today talk about the world-wide recession. That is not to say that Governments in this country cannot be criticised for some of the problems of the unemployed. We all know when we talk to those who have been overseas or when we read the newspapers of the sorts of problems in Europe with 35 million unemployed or the UK with 3 million unemployed and the situation in the United States. Yet, one would think that Australia, and South Australia in particular, can be isolated from the dreaded situation of unemployment.

I recall many years ago when Sir Mark Oliphant addressed a conference of the Australian Railways Union in South Australia. I was Vice President of that union at the time. We were talking about the problems of the unemployed and of new technology. Sir Mark Oliphant said, 'If you stand in the way of technological change, you will get run over,' or words to that effect. Irrespective of which Government is in power—

The Hon. B.C. Eastick: He was a realist.

Mr HAMILTON: That may well be the case. That is an interesting admission from the member for Light, and I thank him for it. I believe that all Governments, irrespective of their political persuasion, do not want to see our youth in particular or any people in the community without a job. I do not believe that this or any other Government wants to see that. However, policies play an important role, and I will come to that later.

I have listened with a great deal of attention to those people who talk about bankruptcies. Members may recall that on a number of occasions I have addressed this problem. If I thought that this Government was responsible for all the bankruptcies in South Australia or for the overwhelming majority or even 50 per cent of them, I would question vigorously what this Government was doing.

I recall some years ago talking to the then manager of West Lakes Mall, which is in my electorate. His Christian name was Bill. I said to him, 'What is your view on bankruptcies?' He said, 'Kevin, it is interesting that you ask that question, because only this week I had a chap come in to see me who had received a superannuation pay-out.' This chap said to Bill, 'I want to start up a business.' Bill said, 'What sort of a business?' He said, 'I don't know, I just want a business.' Bill then said, 'What sort of business acumen do you have?' In reply, he was told, 'Not a great deal.' He then asked, 'What knowledge do you have of industry; what do you know about turnover, slow stock, cash flows, etc.?' The manager informed me that this person had very little knowledge and very little business acumen.

This State Government set up the Small Business Corporation to assist those people, and I have referred to it many people who have come into my electoral office, as I suspect many other members on this side of the House have done, to try to assist them.

If you look at the figures you will see that many of the bankruptcies in South Australia involve people in the transport industry, particularly in the trucking areas. That is one area about which we have heard nothing from members opposite. There is a large number of those people, whom I admire and who have invested money in large rigs, albeit sometimes foolishly and sometimes with their life savings. They have done so because they believe they can compete out there on the roads. They believe that they can compete against the large monopolies in this country and make a quid.

Disaster after disaster has befallen many of those truckies despite the long hours and the pill popping by many of them. I was brought up in the South-East of South Australia where lads with whom I went to school were involved in these very habits. Why? To make a quid, and to try to get in an extra trip so that they could have a few more dollars in their pockets. Many of them were killed as a consequence of their actions in trying to get a few more bob in their pocket. Indeed, some of them chose to go without sleep by popping pills.

I do not believe that all the ills can be directed at this Government, as one would believe if one listened to the contributions by members opposite. I think it is sad that we have to listen to that, and I understand people's strong views at this particular time in the term of the Parliament when we are leading up to a State election. I think it is very sad that they walked down those paths.

I listened to the honourable member for Mount Gambier today when he was talking about the purchasing of submarines from overseas. As I recall, he said that we would have been better off—and I apologise if I do the member for Mount Gambier ill by saying this—purchasing submarines from overseas. If what I heard was correct, I think that is a very sad statement because we all know not only that that has brought a great deal of work to South Australia and has contributed to the local economy, particularly in the western suburbs, where we know we need it but also that it has introduced new technology which will benefit all of us not only now but in the future. It may well be that the member for Mount Gambier and members opposite regret having made that statement. I think it is very sad indeed that the honourable member chose to make that contribution.

I turn now to those matters which are very dear to my heart and for which I make no apology. Like you, Sir, I come from working stock and I was employed in an industry where it was very tough. When I first joined, the conditions were poor. We had to work all hours of the day and night and in all sorts of weather conditions. Like many others, I put in over 20 years in that industry. During that time, both under conservative and Labor Governments, we as workers had to

fight like hell to get better conditions such as increased annual leave, long service leave, sick leave and all those other conditions that were won. They were not given to the workers: they were won and we fought hard for them.

Many of us had to go out to the picket lines, yet we on this side of the House see Liberal members, particularly in Victoria, supporting the right of scabs to walk through picket lines, as I saw when I went to Burnie in Tasmania. I was one of the few mainland members of the Parliament who went down there, who talked to the workers and who saw the struggles they had because of the monopoly situation in that mill. The Liberal Party had five of the six seats in that area, yet the workers ended up saying to union officials and to me, 'We now know what you are talking about', and they came back to the fold in their droves.

Why do I raise these issues? The reason why I raise this issue is that we are leading up to a State election, and State elections should bring out the policies of every political Party. They should be laid on the table, opened and available for scrutiny. What we have heard from members opposite in relation to their industrial policies is rather revealing. All Liberal Premiers, namely those of New South Wales, Victoria, Tasmania and now Western Australia—despite vehement denials during election campaigns—denied that they would set up an industrial relations system to cut wages and conditions and attack workers' rights. However, all but one are now doing it.

We know the policy of members opposite—particularly that of the Leader of the Opposition—is a softly, softly approach, but it does not fool me, and I do not believe it fools any member on this side of the House. We have seen people, such as the member for Bragg, the Opposition spokesman on industrial relations, come out and support the H.R. Nicholls Society's thrust. I will come back to that later. In the *Advertiser* of 25 August last year, under the heading 'SA Libs support work plan', the member for Bragg said:

> The State Opposition has pledged—

I emphasise 'pledged'—

> a 'Victorian-style' overhaul of South Australia's industrial relations system. The Deputy Opposition Leader [at the time] and industrial spokesman, Mr Graham Ingerson, was responding to a pre-election policy statement by the Victorian Opposition Leader, Mr Jeff Kennett, who has promised to rewrite the employment conditions for 600 000 Victorians working under State awards. Mr Ingerson said yesterday the Opposition supported the proposals 'in principle' and would release its own radical pre-election statements on industry and WorkCover before Christmas.

Another quote from this article worth incorporating in *Hansard* is as follows:

> The Metal and Energy Workers Union State secretary, Mr Mike Tumbers, said the proposal was a recipe for industrial chaos and disputation.

I could not agree more. Let us consider some of the nice, cosy words contained in the policies of members opposite. I will not rehash a lot of what you have said, Sir, but I would like to quote some of the cliches that have been used by members opposite. They do not give details of their policies. It is a public relations exercise to gloss over things, with words such as genuine freedom, individual choice, real productivity—generalities that really mean nothing; it is the old snow job that we on this side of the House are fully aware of and have become used to. They are vague and do not really say a great deal to the workers. For example, they will 'ensure there is a greater flexibility and greater fairness to all parties involved'—already a key feature of award restructuring and fairness under Labor's new enterprise bargaining legislation—and 'focus attention at the enterprise level'. They are policies full of PR exercises.

I refer to what the H.R. Nicholls Society stated in an advertisement in the *Sunday Mail* of 5 July 1992, supported by the Opposition spokesman on industrial relations, the member for Bragg. He supported it. I quote:

> Unemployment was not a mysterious disease that went around indiscriminately striking innocent victims without cause or explanation but was the direct result of powerful vested interest groups refusing to give up their positions of privilege and power, according to the latest report by influential industrial relations organisation, the H.R. Nicholls Society. . . [the report] had laid the blame for unemployment fairly and squarely at the feet of the trade union movement and the industrial relations tribunals.

It is unbelievable, but one could say, 'Well, Kevin, you are biased.' I respond to that by quoting the words of Sir Richard Kirby who, during the last Federal election, condemned the Coalition's proposed industrial relations reforms and was highly critical of the potential for employers to exploit the Coalition's proposed system of individual contracts. Sir Richard Kirby (and I listened with a great deal of interest to him on the ABC program that morning) said that the Coalition's changes would not only be disruptive but also create the potential for violence in the community. What a damning indictment by one of the most respected persons in the industrial scene in this country. I remember the interjection by the member for Bragg at the time, who referred to 'one of your lackeys'. How ignorant and how stupid he was when he made that statement, because he had no knowledge or little understanding of how and when he was appointed.

Time is starting to run out, but I come back to another issue that will haunt members opposite in the industrial relations area, and I cite an article in the *News* of 12 November 1980, entitled 'Major review of industrial laws'. It states:

> South Australia's law is to undergo a major review. Industrial Affairs Minister, Mr Brown, said. . . there had been no review of State legislation in this area since 1972.

The report says that Mr Frank Cawthorn, a magistrate in the Industrial Court, was to complete this review. The report goes on to state:

> 'Mr Cawthorn would take leave of absence from the court to conduct the review. Mr Cawthorn will closely study the present Act and invite submissions from all interested parties before reporting confidentially to me on appropriate amendments', Mr Brown said.

Then comes the guts of the article:

> He will have the responsibility of determining how Liberal Party policy on industrial relations as stated at the last election should be implemented.

I emphasise that. When the Cawthorn report was given to the then Minister of Industrial Relations, what did he do? He shunted it away and would not give it to anyone, despite the fact that it was paid for by the taxpayers of this State. Magistrate Cawthorn revealed that what the Liberal Party was on about, kicking the hell out of the workers and the trade unionist movement, was wrong. Anyone who wants to read the *Advertiser* of 24 February 1982 will see what he said. The report states:

> Mr Cawthorn rejects some of the major industrial reforms proposed by the Liberal Party in the policy on which the Tonkin Government was elected in 1979.

That is most interesting. The report continues:

> The proposals he rejects include compulsory pre-strike secret ballots, 'cooling-off' periods and the use of sanctions generally in industrial disputes. The Cawthorn report rejects other sanctions proposed by the Liberal Party, including legislative codes of conduct,

a requirement for unions to pay a monetary bond as a precondition to granting additional wages or benefits, and heavy fines for unionists who strike during the life of their award. . .

He says there is no need for an industrial ombudsman to protect individual rights. And he recommends that an existing limitation on the Industrial Commission's powers to award full preference to unionists be removed from the Industrial Conciliation and Arbitration Act and the tribunal be permitted to grant preference at the point of engagement and on termination of employment. He also criticises partly successful attempts by the Government last year to amend the Act. He says the amendments would 'fetter' the discretion of the Industrial Commission in making awards on wages and working conditions.

We have the Minister of Industrial Relations in a former Liberal Government who is now the Leader of the Opposition and the same policies are there. A good leopard never changes his or her spots and we know that every time the Leader of the Opposition is challenged from this side of the House he wimps out. He cannot sit there and take it because he well knows that we are on to him, and the trade union movement knows that only too well.

Today when the Minister of Business and Regional Development was asked a question concerning employment, what was his reply? It was most interesting, and I will read it into *Hansard* so that those people who read my contribution will know what he said. The Minister said:

Advertising agency Stokes, King, DDB Needham was given polling for the Liberal Party. The Liberal Party polling shows that swinging voters find the Leader of the Opposition as wishy-washy and phoney, seen by voters to have no new ideas, seen to be negative, and he is seen to be having no guts and policies with nothing positive to say about South Australia. He has been described as being a cardboard cut-out who is not a leader and is seen to preside over a divided Party.

I would say that if he ever became Premier the Leader of the Opposition would decimate the working conditions of people in this State in a way similar to what has applied in Victoria, New South Wales, Tasmania and New Zealand. That is what workers in this State will confront.

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

The Hon. B.C. EASTICK (Light): I rise with some pride to speak in this my last contribution to the Address in Reply debate. As with the remarks of the member for Baudin, to whom I will refer later, obviously the contribution does have an element of nostalgia. I respect the activities of Her Excellency the Governor in and on behalf of the people of South Australia. The good lady has set a pace far beyond that which could be sustained by a person many years younger and she still comes up fighting with positive and very pertinent comments to the particular circumstance.

Earlier today I was in her presence, as was the member for Elizabeth (the Minister of Health, Family and Community Services), the member for Hartley (the Minister of Primary Industries) and the member for Fisher, Bob Such, at the opening of a special careers organisation at Elizabeth. The Governor did not say a lot, but what she said was very pertinent to the activities of that organisation and showed very clearly that Her Excellency had the feel of what it was she was opening and was not just expressing platitudes. That has been a feature of her contribution to this State, and I wish her well for the extended period in which she fulfils her responsibilities.

I take this opportunity to draw attention to the loss of former colleagues, having referred earlier to two of my constituents, both of whom were former Presiding Officers—the late Sir Condor Laucke, for whom there will be a memorial service tomorrow and subsequently a private cremation, and the honourable Bert Teusner, who was a member of this House for some 26 years, during part of which time he was Speaker. I have many fond memories of time spent with the Hon. Dick Geddes, the former member for Northern and then for the extended area represented by members of the Legislative Council. I spent time with Dick Geddes at Wirrabara, which was his home, and in connection with many organisations, not only those directly associated with Party politics but with the community at large. I had the privilege of having appointed him on the first occasion that he was a shadow Minister and I was more than satisfied with the endeavour that he gave right from the word 'go'.

But I want to spend a little more time in relation to the late Hon. Hugh Hudson. It was not possible, with the time constraints of yesterday, to say a great deal, but I did feel for the comments that were made from the various quarters because I believe they exemplified quite a number of features of a person who was truly remarkable—truly remarkable in the sense of the meticulous detail that he could go into in fully explaining a point. Sometimes it was beyond the call of duty when it came to Question Time and he was really batting out time for another purpose, but I remember many an occasion in this House during Committee stages in particular when he would give a very full reasoning behind the attitude that was being expressed by the Government in its legislation, by voicing his acceptance or non-acceptance of amendments which were put forward by the other side.

Where there was obviously a difference of opinion—a philosophical difference—and he could not accommodate the amendment, subsequently, outside the Chamber, he would go through chapter and verse the reasons why the proposition put forward by one of his colleagues in the House was not acceptable and why, in his opinion, it would not work. I fully appreciate that on many an occasion the expression of concern and the information which he subsequently gave was to impart to that other member of this place the sincerity, the purpose and in most cases the reasonableness of the position which he took.

Yet he was also a man who was very decisive. I recall that in the early years when I was here and he was the Minister for Education there were a number of small country schools being decommissioned. I remember coming to the House one day and saying to him, 'I was at a school meeting last night and they are after your blood.' He asked, 'Why is that?' I said, 'Well, you are going to close down this school. I have to tell you that at the meeting last night there were 37 out of 38 possible parents. The thirty-eighth parent was only unavailable to attend because she had a 10 day old baby that she was nursing. They very clearly indicated that they did not want the school to be closed and they gave these reasons:' And I related them. Quick as a flash, he turned around and said, 'Ring them up now and tell them that their school will not close. Any school that has the support of 37 out of 38, or really 38 out of 38 of its parents, coming out on a cold winter's night to express that support deserves to remain open.' I conveyed that to them on that particular afternoon.

That school is still open today; the numbers have increased although they have never risen above 100, but they have always provided a goodly number of young people. It has been a school with a tremendous background of teaching benefit, in a broad sense, to the people that have been through its doors and that is a tribute to the late Hugh Hudson. I give credit to somebody who could be so decisive regardless of the advice which he had previously been given by staff and

which obviously did not reflect the real requirements of the community.

I add my thoughts also to the fact that both he and his wife gave a tremendous amount of support to what was known as Silver Strings, a magnificent group of young people who played the cello, violin and viola under Mrs Larsens. In fact two of the Hon. Hugh Hudson's children were members of Silver Strings. That group did great credit to itself, not only in South Australia but elsewhere in Australia and also overseas, particularly in Germany. The assistance that was given by both Hugh and his wife Ainslie to that group is worthy of remark at this time.

I did indicate that I would probably have some nostalgic comment to make in relation to my period of time in this House. I follow the member for Baudin, the former Deputy Premier, in drawing attention to the many changes that we have seen in that period of time. The class of 1970, so-called: 19 new members on the occasion that the House increased from 39 members to 47. There are still four of those members here today: the former Deputy Premier, the Hon. Don Hopgood; my colleague, the member for Eyre, Graham Gunn; and my other colleague, the member for Hanson, Heini Becker.

We have seen 15 other colleagues of that class of 1970 depart the scene, some of them, unfortunately, having lost their lives in the interim period of time and no longer able to participate in the remembrance that is held from time to time for those who were here.

They were days when the budget came in and it was a matter of how many schools were going to be built; how many new hospitals there would be; how much employment was available; how small was the unemployment rate; what was a great future for South Australia; how we were benefiting from the exports of our agricultural products—well over 50 per cent of the total coming from our agricultural based exports.

We had a situation where young people did not have to wonder whether they were going to apply for one job or 10 jobs and get none of them. They were deciding which of 10 jobs they would have, and very few people did not have that opportunity. What have we seen and why have there been changes in between? It is inevitable over 23 years that there will be changes, but some of them have been forced upon us, with calamitous results.

The first of those results was the advent of the Federal Whitlam Government. I appreciate that in one sense a tremendous amount of good came from a change of Government in Canberra, but in another sense it was an absolute disaster. I am not saying that politically but pointing to the fact that on that occasion—within a period of less than 28 months—the income of the individual went up by 100 per cent. Members can go back and have a look at the records; it was just leapfrogging, with more and more money going out as income. That was highly desirable for those who were receiving it, but what did it lead to? It led to the first examples of Australia (and I include South Australia as well) exporting jobs overseas.

I have previously drawn to the attention of this House the fact that the Production Manager of General Motors-Holden's in 1974-75 indicated that, yes, GMH had been sending a lot of motor vehicles overseas to Malaysia, South Africa and New Zealand and was even starting at that stage to investigate sending them to Japan and Korea. It was not very long before the orders were coming back stating, 'Send us the car but don't put the engine in it, because we can build it more easily ourselves.' I think that related to Singapore at that stage, but it might have been Taiwan or Korea—it was one of those places.

It was not very long before we were receiving orders stating, 'Send us the car, but not only do we want you to leave out the engine, we don't want you to send the door panels, because we can do them more cheaply up here.' Of course, soon after that we found ourselves with a collapsed market and close to no sales. That is just one example. We had the position here in Australia of money being thrown around as if there were no tomorrow, and even today we are paying off the debts resulting from the largess that flowed from that event.

What have we had more recently? Unfortunately, we have had the situation of a succession of Governments in Canberra which have again allowed inflation to roll. In addition, there have been forced cost increases through interest, sending many small and large businesses to the wall because they were being asked to pay 25 per cent and up to 28 and 29 per cent in interest. We had the situation that our agricultural industry was actually sent to the wall by figures of that magnitude. Then, of course, in South Australia we have had the debacle in more recent years of a State Bank that was permitted to get out of control by the hands-off attitude of a Premier and a Government—a Cabinet—that would not take heed of what was being said.

Every member of this House knows that members of the Opposition were talking about these problems. But forget about members of the Opposition. Go out and talk to people in the street, business people, the man on the corner, the woman in the supermarket, who were talking about the problems which were so apparent with the State Bank, Beneficial Finance and other activities that were taking place outside that needed attention. Yet all the time the Premier sat on his hands and did absolutely nothing about it.

This is not me alone talking. Read the documents that have been made available to us from the Royal Commissioner and the documents that have been made available to us more recently from the Auditor-General. They all spell out in word and verse the fact that there has been this debacle, this tremendous loss, because somebody's pride would not let him say, 'I must investigate why the dogs are barking.' Just because the Opposition was doing quite a lot of the barking did not mean that it was wrong. They were not baying for the Government's blood so much at that stage; they were baying for the blood of those who were visibly and obviously letting this State down. It is all very well for the former Premier, the member for Ross Smith, to say, 'I was let down.' The person who let down the former Premier was the former Premier himself, because he refused to take the advice which was freely and sincerely given to him not only by his political adversaries, but by people in business and interstate who could see and knew what was happening, and he was poorly served by those who were closest to him in his office.

What happens now? The people of South Australia will have to pay for years and years to come. My children, grandchildren and great grandchildren will still be struggling under the debt that has beset this State as a result of the activities of successive Bannon Governments. I make the point deliberately and clearly that whilst the former Premier is the one to take the blame, everybody who sat around the Cabinet table with him must accept a measure of the problem. They were listening, hearing and being told. We have only to look again at the reports from the Royal Commissioner and the Auditor-General, the information under oath and the

documentation that came out of the bottom drawers and fortified the statements that were being made relative to the advice that the former Premier was denying existed or refusing to read, refusing to understand and most certainly refusing to take action upon.

Is it any wonder that in the *Advertiser* of 1 July this year, in the editorial under the heading 'Why Arnold Government must pay the price', the editorialist said:

> Government Auditors-General are given to firm but by no means exaggerated language. This makes all the more startling and damning the six volumes of the second Auditor-General's report into Beneficial Finance and its State Bank parent.
>
> Anyone who took comfort in the view that, while the losses were a calamity, at least South Australia was spared the excesses of the '80s is in for a shock.
>
> Here, in plain English, is a world of rorts; it is a credit card and shadow salary world, one where company executives relax in apartments with a grand piano or have access to an $850 000 boat, where remuneration packages include not one but two cars.
>
> Even in a private company, such profligacy would not go unremarked. In one which was doing business on the basis of government, and therefore taxpayer, underwriting, it was brazen folly.

And there is more to be read in that particular editorial, which gets away from sensationalising the misfortune of this State, but comes to grips hard and fast with the difficulties which have been revealed for all to see and are now on the permanent record. We, our children, our grandchildren and our great grandchildren, will pay for that. We are paying for it at the present moment in relation to the deterioration of health care. We are paying for it at the present moment in the massive under employment and unemployment, and they are two different factors. We are suffering from the fact that there are a number of very important development projects which have not got off the ground because there is no faith in working or doing business by a large number of people in South Australia.

I recall being at a meeting out at Walkerville some three years ago, at which the former Lord Mayor of Adelaide, Mr Steve Condous, having returned from a conference of Lord Mayors which had been held in Brisbane, told the people assembled, who represented local government and a cross-section of developers and others, that he said to somebody who had previously built in South Australia, 'Please come back, we need you to assist in our development program.' The quick and, I suggest, very dramatic response that he got from that person was, 'I do not mind coming down to bolt a couple of fences, but I am blessed if I will come down to have to pole vault.'

That is the perception which was there and which is still there in a number of quarters. To have to get on with a development program in South Australia in the manner in which the Government has fooled around with projects, giving it support today and withdrawing support tomorrow, making sure that the financial climate looked good and then disappeared and dissipated, all needed the pole vault rather than just the odd hop over the fence, and we are suffering as a direct result.

I did indicate that it had been a great privilege, and I look upon it as a great privilege, to have served in this House for more than 23 years. It is a great comfort to go out on one's own volition, rather than having been defeated or otherwise dispossessed by one's own Party, and I can feel for the honourable member for Hartley who has been dispossessed; the honourable member for Gilles, who has been dispossessed, and in some part the honourable member for Henley Beach, who has been dispossessed. Even one of his own colleagues earlier this evening, the member for Albert Park, wanted to dispossess him and write him off. I had to draw to his attention the fact that he was at least going forward in a contest in another place. Whether he will come back is another matter, and I think he fully appreciates that, but he was dispossessed.

When I first came into this House, it was on the occasion as I indicated earlier when there had been quite a large number of changes to the electoral system. There were a number of new electorates, and in the addresses which were given to the House on that occasion, the new members referred in some measure to the names which had been attributed to those electorates.

The person who immediately followed me on that occasion was the late Don Simmons, and he had quite a lot to say about the name Peake, which was his new seat. He said that the town of Peake had nothing to do with him, because it was in the electorate of the then member for Mallee, Bill Nankivell. The member for Bragg, the member for Coles and other members also made reference to their electorates.

I was able to indicate to the House that the seat of Light, which I represent, had been in existence from the very first time that Parliament came to South Australia, with the exception of a period when collective electorates existed during the 1910s to about 1938, when Light was swallowed up in what was known as the electorate of Wooroora. The member who had been the member for Light previous to the change, and the member who was the member for Wooroora at the time of the change back to Light, successively became the member for either Light/Wooroora or Wooroora/Light. That electorate was named after Colonel William Light who had some problems in his early years, particularly with the second Governor of the State, Governor Gawler.

Governor Gawler and Colonel William Light did not get on all that well at all. Colonel Light was accused variously of having placed Adelaide in the wrong place, and certain other remarks were made about his activities in the laying out of the town of Gawler and in a number of other places. In fact, Light himself drew attention to the fact that Governor Gawler was never more pleased than when another place was named after him. In his early journals he referred to the fact that he had a town, a river, a place and a range all named after him. When I made that address to the House I did note that Light himself seemed to have been fairly well endowed with positions and features named after him, one of them being the House of Assembly seat that I represent. As a result of the problems that he had with the hierarchy, Light made the following statement:

> My enemies have done me the good service of fixing the whole of the responsibility upon me—

that is, the responsibility for placing Adelaide where it is—

> I am perfectly willing to bear it, and I leave it to posterity, and not to them—

that is, the hierarchy—

> to decide whether I am entitled to praise or blame.

I believe that we would accept that Light did the right thing, because Adelaide is a delightful city. Adelaide is the centre of a very fortunate State, albeit the down under of down under, and also the State with the least rainfall. It is a delightful place to live, blighted unfortunately by the financial blunders of the present Government that I referred to previously. On the occasion that I read that particular quotation from Light into the record, I finished my second reading address by saying:

As in the case of Colonel Light, time will be my judge.

I was referring there to whether or not I have supported the people that I represent. It may be self praise, and it may be egotistical in the minds of some, but I have no difficulty in lying straight in bed at night and sleeping, and I believe that that is because I have had the goodwill of the people whom it has been my pleasure to represent over the 23½ years that I have been here. In fact, I have represented places as far afield as Clare, Spalding, Booborowie, almost Burra, Morgan, Robertstown, Eudunda, Kapunda, Saddleworth, certainly Gawler, Roseworthy, Freeling, Wasleys, Greenock, Seppeltsfield, and on a number of occasions various parts of the Barossa Valley. In fact, I represent the whole of the Barossa Valley at the moment. I welcome the opportunity to speak on behalf of the people of Light and to express the sorrow that they have of the parlous circumstances in which we, in this State, find ourselves at the present time and, as I leave this place, I look forward to a new era.

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

Mr GUNN (Eyre): Rising to speak in this Address in Reply debate at this time of night reminds one of the early years of this Parliament when we were forced to sit exceptionally long hours, which did not do the standing of this institution or members of Parliament a great deal of good. In participating in this debate I want to congratulate Her Excellency on the manner in which she delivered the speech, and to wish her well in her endeavours. I had the pleasure of knowing Sir Condor Laucke. I well recall coming to Adelaide as a young delegate to the State council and participating in the ballot that saw Sir Condor elected to the Senate for the first time, having met him some weeks earlier when he visited Eyre Peninsula.

One could not help but be impressed by his sincerity and by the fact that he was a gentleman in the true sense of the word. No matter where you met Sir Condor, he never changed. He endeared himself to the people of this State, and South Australia has lost one of its finest citizens. I also had the pleasure of knowing Mr Dick Geddes particularly well. I currently represent Wirrabara, the farm on which he lived, and I knew him particularly well, having served in this Parliament with him and also having had the pleasure of travelling around South Australia with him on a number of occasions.

I knew Mr Teusner only by sight, really, but I am aware that he was an excellent member of Parliament and a fine legislator. After the next State election, there will be only two members of the class of 70 left in this Chamber: the member for Hanson (Heini Becker) and me. As one looks around this Chamber, one must be conscious that there was a large influx of members in 1970. I anticipate that after the next election there will be another influx of new members but, on this occasion, the majority of them will be Liberal members of Parliament. Having spent 20 of the past 23 years on the Opposition benches, I am looking forward to that experience, because I believe the people of this State not only deserve but are entitled to effective, responsible Government; something that has been sadly lacking in the past few years.

Having seen many members come into this Chamber and leave, I want to wish the member for Baudin, the former Deputy Premier, well. In my time in this place I believe that two of the most effective Ministers I have seen in operation were, first, the now Chief Justice (the former Attorney-General) and the late Hugh Hudson. Like the Deputy Leader, my brother was one of Hugh Hudson's economic students, and I well recall him on an occasion in this House when he was far from pleased with me—and he seemed on occasion to get particularly cross with me although I do not know why, because outside the Chamber I had a particularly good relationship with him—saying to me that it was a pity he had not had me in his economics class.

I do not know what benefit I was to derive from that, but he was quite emphatic that my understanding of economics would have been greatly improved if I had spent four years in his economics class. I must say that, having on one occasion travelled for a week around the north of South Australia with the Hon. Hugh Hudson, he was a person who enjoyed life. He was one who, as the member for Light indicated, could make decisions and would overrule the bureaucracy and, when one looks at the education budget now and compares it with that particular time, one has just to think back.

If you had a problem with a school, it was a matter of going along and saying 'Look, there is a problem; commonsense dictates that it ought to be fixed,' and it was fixed. Today you have just about got to be at the stage of crisis point to get anything done, and that is a sad reflection. I have not been able to get the toilets, which were in a disgraceful condition, at one of the schools in my electorate fixed because it was claimed that there was sufficient money to buy the new toilets but not to transport them on site.

During my time in this Parliament I have seen new schools built at Ceduna, Karcultaby and at Miltaburra. I have seen a school rebuilt at Quorn, and so I could go on with a list. Andamooka is another. There have been tremendous upgradings at Coober Pedy and more is required, but each year it has become more difficult. It is a sad reflection on what has happened to South Australia.

When we first came into this Parliament the State was benefiting from the results of 20 years of Menzies Government and years of sound financial administration by the Playford Government. I recall going to Andamooka school with the late Hugh Hudson at the time of the opening and, as was the custom, the local member always proposed a vote of thanks to the Minister when he opened it. He said to me on the way up there (I do not know whether he did not trust me or if he thought I had engaged in some sort of political skulduggery), 'What are you going to say when you respond?' I said, 'Well, Hugh, I thought I would thank the McMahon Government for providing the money to the South Australian Government so that you were able to build this new school.'

Mr Hudson's sense of humour avoided him on that occasion because he was going to forbid me to speak. I was only teasing him, but it clearly illustrates that sufficient funds were available to meet the reasonable expectations of those communities. It absolutely saddens me today to see a situation where facilities have been run down. Not even the reasonable expectations have been met, and people are being denied the opportunity to educate their children.

In my judgment, the challenge facing State Parliaments in this nation is that, unless they lift their performances, they will not survive, because the general view of members of Parliament and of Governments is very poor in the community. What is happening in the vast areas of South Australia is that those areas are getting squeezed; they are getting few facilities; they are having decisions forced upon them by bureaucracies and Governments which bear no relationship

to their needs, desires or the views of those people. The people are powerless to do anything about it, and the people to whom I am referring do not care.

I put it clearly to this House that, unless that attitude changes and some commonsense prevails, the movement across this country for regional forms of administrations will come first from the isolated community, because they will see that as the only way in which they can have any input in making decisions that will affect their livelihood.

I am one of those people who believes that there is an effective and proper role for State Governments. But let me say that, unless commonsense prevails, unless there are some sensible changes to the electoral system so that people have some ability to participate, State Governments and State Parliaments will bring about their own demise. It will not happen in my lifetime but the movement will commence in it. There is no doubt about that, because under the current arrangements large organisations and large pressure groups completely dominate the thinking and small communities and groups have been swept aside. Their views do not count. That must, and will, change.

I listened with interest this evening to the member for Albert Park, who went through an escapade of attacking the Leader of the Opposition and talked about the rights of working people in this State. What the honourable member did not tell this House is that every one of the 24 members on the Government side sat idly by while this Government squandered in excess of $3 000 million. Each member's share of that is $131 million: that is the amount of debt that they each carry for the State Bank.

When the honourable member talks about the welfare of working class people he ought to take a close look at himself. Why did he sit idly by and do nothing while the welfare of those people, their families and their grandchildren was squandered? Their future has been jeopardised because the members of the Government were so weak and so ineffective that they did nothing when these matters were brought to their attention. The debt that they have created amounts to $131 million per member, and they must all share the responsibility for that.

Mr McKee interjecting:

The SPEAKER: Order!

Mr GUNN: The honourable member can rise in his place and defend this Government if he wishes. Let him go out into the electorate and defend the Government. Let him tell the people what a fine job it has done, but his share is $131 million; that is what he must carry. Members on this side did not waste it. We warned, we questioned and we were publicly ridiculed for being anti-South Australia. What have they done to the working class people of this State? They have denied their children the chance to get a job.

Let us make a comparison, Mr Speaker, with when you and I and other members were growing up. What opportunities were there in this State? There was employment, houses were being built, industries were developing, and the people had a future. School numbers were rising and public works were being undertaken. Just make a comparison with when we first came into this place. How many kilometres of road were sealed in South Australia? How many millions of dollars have been spent during my time in this Parliament? I have seen the Flinders Highway, the Eyre Highway, the Stuart Highway and the road to Leigh Creek sealed, and a number of other projects completed. How many kilometres of new bitumen road have been constructed in South Australia over the past few years? I pose the question. I ask the member for Gilles to find out how many.

Mr McKee: Thousands of kilometres.

Mr GUNN: The honourable member says, 'Thousands of kilometres.' There would not have been 50 kilometres of new bitumen built in the past two years in South Australia.

An honourable member interjecting:

Mr GUNN: Not new bitumen. Tell me: how many? I will tell the honourable member. In the areas which I represent and about which I know something about three kilometres per year have been constructed on the road between Orroroo and Hawker, about three kilometres on the Pygery to Port Kenny Road and a couple of kilometres on the Roxby Downs to Andamooka road. What other rural arterial road has been sealed?

An honourable member: The Port Wakefield Road.

Mr GUNN: That is not new construction. How long is it since the honourable member has driven along the Port Wakefield Road? I am talking about completely new construction such as we saw in the early 1970s, when hundreds of kilometres of roads were constructed. However, let me go on. I do not want to be side-tracked by the honourable member, because I have a number of things that I want to talk about during this Address in Reply debate that are important to my electorate.

We must open up South Australia for business. The highest priority of an incoming Liberal Government will be to create jobs, opportunities and wealth so that the less fortunate in this community can benefit and so that we can improve the lot of the average South Australian. If anyone doubts what I am saying I suggest that they go out into the real world. During my time in public life I have never known people to be suffering so much. In the areas that I represent there is more anguish, heartbreak and anger than at any time I can remember since I have been in public life.

People are concerned about the future of their families, how they will give them an education, whether the hospital will remain open, whether the school is to be closed, whether there is to be a Government office in the town or whether the local shops are to remain open each morning, and it is because of the economic effects of Government policies. Together the Commonwealth and State Governments have squandered the future of the people of this State.

Do members have any idea why this is taking place? I am sure that the Minister of Primary Industries would have seen the figures. Over the last few years, there has been a dramatic increase in the level of rural indebtedness in this country. In 1987, the total farm debt amounted to $10 760 million: today, it is some $15 700 million. That is the problem, which has been caused by the irresponsible high interest policy. It has been caused because costs have got out of control and because people have not been able to borrow money at a reasonable rate. The other problem is that we have been competing on a corrupted overseas market, where we have to fight the Treasuries of Europe and the United States.

In this country in the past, practical people ran Government, and the great problem today is that practical people are no longer in politics, whether on this side or the other side. On the Labor side, people in the Australian Workers Union, whether in the Federal Parliament or the State Parliaments, had an understanding of reality: they were used to getting dirt, grease and dust on themselves, out in the heat, the cold or the wind. They were practical people. They understood what the real world was about. In the Federal sphere, the Ministers were practical people.

That is all gone. There are now academics, theorists and ministerial assistants who have never faced the real world. During the period of the Menzies and Fraser Governments, we had in place taxation incentives and assistance which helped to offset the corrupt markets of the United States and the EEC, but this Federal Government has taken those away. It has led to the situation where we have this massive rural indebtedness.

When I first came into this Parliament, in 1972, the Massey-Ferguson agent in Streaky Bay sold 32 Australian-made headers. The factory has gone now, the agencies have gone and thousands of people are unemployed. How many farmers can now afford to buy a new header? If they go to buy a new header—

Members interjecting:

The SPEAKER: Order!

Mr GUNN: If they were fortunate enough to be able to do so, where would it be manufactured? Would it be Australian made? There is only one manufacturer left and therefore, of course, the costs have skyrocketed. There is a high debt level. People are frustrated in dealing with bureaucracy, and there is a need for common sense, which has gone out the window because practical people who have an understanding are not involved, and that is one of the great problems facing this country and this State. There are far too few practical people coming into the Parliaments.

In 1980 the Tonkin Government introduced assistance to isolated parents in this State. This Government has not met its full responsibilities in relation to those people. Why is it that the benefits available in Queensland are nearly double those available in South Australia? Currently in South Australia some 360 parents get benefits up to about $264 000. It is anticipated that levels of approval for 1993 will involve a similar sum, and the allowances will be increased from $708 a year to $722.

In 1980, the sum was $500, so in the past 13 years it has gone up some $220, which is really insignificant when one compares the cost. Surely, when we talk about free, universal education, all citizens should have a reasonable opportunity to participate in that education scheme. I call on the State Government in this budget to drastically increase the amount of money available to isolated parents so that their children can have the benefit of the education budget in this State. It should be brought into line with that which applies in Queensland. If you go through Queensland, you will note that there are a number of fine rural education facilities from which the farming community can benefit.

However, the access of the people in small rural communities, in the regional centres, to education should be without question. These students have been denied that opportunity because, in many cases, the cost of that education is beyond the resources of their parents. How can a parent who lives in an isolated community hundreds of kilometres from Adelaide afford to pay boarding fees at schools in Adelaide? I am all in favour of assisting parents, whether they live in Cook, Marree, Wilmington or Port Augusta, who want to send their children to school; they should have that right.

Instead of spending taxpayers' money on all sorts of harebrained schemes, such as the Scrimber project, on which the Minister wasted $60 million, we could have provided fine education to thousands of South Australian students. But the Minister wasted $60 million on that project, which was doomed from day one. How many students could that sum have educated? It would have provided a basis for generations to come but, unfortunately, that is not to be.

I call on the Government to do something about this matter. It is not an outrageous or extravagant request: it is a request that will bring some form of justice and fairness into the system. The Government talks about social justice; if it wants social justice, it must give equal opportunity to all the students across the whole State.

In his statement, the Premier talked about the Mabo High Court decision. It is most unfortunate that radical elements within the community have set out to hijack this debate. Any fair-minded person who read the High Court decision and took the time to study the judgments and look at the cases of the people on the Murray Islands would come to the conclusion that those people had a strong case and that the decision in relation to them was fair and reasonable.

However, the outrageous claims made in many parts of Australia in an attempt to use this High Court decision to make large land claims are irresponsible. The lawyers who are participating in this exercise are engaging in professional negligence, because they are misleading the people whom they purport to represent. There are very few places in Australia where the same set of circumstances applies. The unfortunate situation is that very few people who have participated in this debate have taken the trouble to read the High Court judgment—some 200 pages. I just wonder how many members in this Parliament have taken the trouble to read the High Court decision. I would recommend it to all members, because it is very important.

I hope we are all fair-minded and reasonable people; if you read it, you will see that the set of conditions that apply in the Murray Islands relate to very few sets of circumstances in South Australia. But it is terribly important to clear up any grey areas and any misunderstanding to ensure that there is no impediment to investment in this country and in this State and that everything possible is done to ensure that existing investors and future investors do so with confidence and that they have security. Unless we have a strongly and soundly based economy we cannot provide benefits to any citizens, whether they be of Aboriginal or any other background. We cannot assist them unless we have a soundly based economy.

When the next Parliament assembles there will be a number of people on this side of the House, such as the member for Light, who will have retired, and I wish the member for Light and my other colleagues who will retire the very best. I am looking forward to the forty-eighth Parliament in the Assembly, because there will be a lot of new Liberal members of Parliament in this Chamber, and we will have a new Government which will have energy and vision and which will have the confidence of the people of this State.

An honourable member: The member for Napier is leaving, too.

Mr GUNN: I was not sure whether he was, because I gather from the newspapers that from time to time he has threatened to make a comeback. He threatened to make a comeback on every occasion when it looked as though the member for Hartley, the Minister of Primary Industries, was well out in front; suddenly the member for Napier bobbed up and said 'I will run again'. That is why I have not referred to the member for Napier, because I am not sure whether we will have a three-cornered Labor contest, whether there will be two Independents and one endorsed candidate or what will happen. It is interesting, but that is why I have not said anything about the member for Napier; I thought there was a chance that he would again put his hat in the ring.

Mr Ferguson: You should wish him luck, anyway.

Mr GUNN: I wish him well in his private endeavours, and I hope he enjoys whatever vocation he participates in. I wish him well, because when he visits this Parliament it will not take him long to meet and speak to his former parliamentary colleagues, because there will not be very many of them left.

The Hon. T.H. Hemmings: I'm a member of the Farmers Federation, mate.

Mr GUNN: There are many members of the Farmers Federation, and they are all suffering, but I do not know whether the honourable member is suffering the same plight as many people are in rural and regional South Australia. I sincerely hope that he is not. One of the things that disappoint me is that the honourable member has not been more supportive of those people during his period in this Chamber, that the Government has not been supportive of them. The honourable member has to bear his responsibility for carrying the $131 million worth of debt, which is his share of the State Bank losses. I wonder how he will explain that situation to the people of Napier, because it would have solved all the problems in Napier, Eyre, Flinders and all the other rural electorates where people are suffering.

Those people deserve better. They have been let down by the 20 years of Labor Government. That is about to change, and it will change as soon as the Government has the courage to go to the people. It will be interesting to see whether it will hang onto office for the sake of hanging onto office or whether it will do the right thing and give the people of this State the opportunity to make a change for the better and start to rebuild this State by allowing a new Liberal Government that will rectify the wrongs of the past and give the young people of this State a chance, so they can participate in the economy of South Australia. I look forward to the challenges, and I am looking forward to a new Government taking over. I am looking forward to participating in the election campaign, because I am sure that the people of this State are looking forward to electing Dean Brown as Premier.

Mr LEWIS secured the adjournment of the debate.

ADJOURNMENT

At 11.50 p.m. the House adjourned until Thursday 5 August at 2 p.m.