HOUSE OF ASSEMBLY

Thursday 21 April 1994

The SPEAKER (Hon. G.M. Gunn) took the Chair at 10.30 a.m. and read prayers.

CITIZEN INITIATED REFERENDA

Mr LEWIS (Ridley): I move:

That this House restores the reference of Citizen Initiated Referenda (CIR) to the Legislative Review Committee agenda and seeks an interim report before 12 August 1994 outlining the steps taken by the committee to collect evidence and summarising the majority opinion of submissions about the proposal.

It is a very simple proposition. Members do not need to agree with the notion of Citizen Initiated Referenda to support it, nor do they need to disagree. All they need do is acknowledge that there is a large body of opinion in the wider community that seeks the establishment of a debate about the desirability of CIR. This Parliament owes it to the wider community to have that debate, and the Parliament can best facilitate a clear understanding for itself of the desires of the public about the issue by referring it to one of its standing committees: obviously, the most appropriate is the Legislative Review Committee.

This motion simply does what the previous Parliament did in referring the proposition to investigate public attitudes to CIR to the Legislative Review Committee. In the last Parliament, after the establishment of the new structure and expanded number of standing committees of the Parliament, this reference to that committee was made. It now needs to be restored. At the time that it was made, discussion between me and many other members privately resolved to deal with the matter in that fashion; to ensure that the public was able to participate in the process of determining whether or not to have Citizen Initiated Referenda as part of the framework through which we make decisions in the community in which we live.

Upon casual inquiry after the reference had been made to the committee, I was dismayed to find that the committee had not taken any evidence on the question, not sought to obtain any evidence from any quarter nor even discussed the reference put to it. I thought that was delinquent and I still think it was outrageously delinquent. In addition to that, I was very offended by the remarks made by the member for Playford when I sought to ask that committee by way of a formal proposition in the last Parliament what it had done and, if it had done nothing, why; and, if it had done something, what specifically. The member for Playford and other members of the Government as they then were—now members of the Opposition—simply replied to me that I did not know—

The SPEAKER: Order! Will the honourable member for Ridley resume his seat. I have been listening to what the honourable member has been saying, and I sincerely hope that he is not casting reflections upon the Legislative Review Committee's decision in relation to actions it may or may not have taken, because I do not believe that is either desirable or acceptable. The honourable member should do that, I believe, by way of substantive motion if he is unhappy with the conduct of the committee.

Mr LEWIS: Yes, Mr Speaker, I agree with you and, indeed, I know that you understand that it is against Standing Orders to do that where the committee involved is a committee of this Parliament. However, I understand that I can reflect on the deliberations of a committee of a Parliament in 1895, 1920, or 1934 in any way I choose so long as it is relevant to the subject matter of debate in the House at the time I do so. Accordingly, I thought that I was not in breach of Standing Orders by making reference to the work of a committee of a previous Parliament.

However, let me finally conclude by saying that in the previous Parliament it was unfortunate that nothing came of that reference and that I now believe the new Legislative Review Committee would welcome the reference and enable the public to put before it the diverse opinions that there are in the wider arena of public discussion; the reasons why the public supports CIR or opposes it and the way in which people think it ought to be formulated. It is for that reason, to give proper and effective voice to those strong feelings in the wider community, that we as a House ought to make this reference to the Legislative Review Committee. I trust that members will give the reference swift passage.

Mr ATKINSON secured the adjournment of the debate.

MOTOR VEHICLE INSPECTIONS

Mrs KOTZ (Newland): I move:

That the Environment, Resources and Development Committee investigate and report on the merits of introducing compulsory inspections in South Australia for all light motor vehicles at change of ownership, to check basic road worthiness and/or to verify vehicle identity.

In its transport policy issued prior to the December 1993 election, the Liberal Party made a commitment to ask the Environment, Resources and Development Committee to examine the issue of compulsory vehicle inspection at change of ownership. This motion addresses that commitment.

Widespread alarm has been expressed in our community about the high and increasing number of unroadworthy vehicles on our roads. In fact, the recession that we had to have has contributed to what is an increasing problem as more people have become reluctant to spend their hard-earned funds on maintaining their vehicles or have had little or no funds left after paying for basic necessities. People have been delaying the decision to trade in their old car and invest in a new vehicle, and that is confirmed by new car sales figures. The average life of Australian vehicles is now an average of 16 years—the highest average of all OECD nations. Research both here and overseas indicates that a greater number of road fatalities occur in older vehicles.

Compulsory inspection of motor vehicles for roadworthiness at change of ownership has the potential to improve vehicle standards and, as a consequence, improve road safety and reduce the unacceptable carnage on our roads. It also has the potential to help crime detection in the case of stolen vehicles or vehicle parts and to offer improved consumer protection. In New South Wales, Victoria and Queensland inspections of vehicles at change of ownership to check basic roadworthiness and to verify vehicle identifiers has already been introduced. Vehicles considered to be in vehicle theft high risk categories are already subjected to vehicle identity inspection in South Australia. Those categories include vehicles transferred from interstate, used vehicles not previously registered in South Australia, vehicles for which

identifiers have been changed from those appearing on motor registration records and vehicles that have been recorded by the Motor Registration Division as wrecked or written off.

Vehicle identity inspections are deemed necessary to verify the engine number, chassis or vehicle identification number and to detect any alterations to identifiers. The inspection entails a physical examination of the vehicle identifiers with a check made against available local and national stolen vehicle data in order to ensure that the vehicle is not recorded as stolen. These inspections for the whole of the metropolitan area are currently undertaken by police officers located at the Department of Transport inspection station at Regency Park. Inspections for country residents are undertaken at local police stations.

The most recent statistics on vehicle theft show an overall decrease in stolen vehicles for 1993. However, the number of stolen vehicles not recovered remains extremely high. The figures from the Police Department's annual reports show that 12 875 vehicles were reported stolen in 1991-92, with 11 299 being reported stolen in 1992-93. As to the recovery rate for vehicles—and unfortunately I do not have the figures for the last financial year—the last figures show that in 1991 nine per cent of stolen vehicles were not recovered, and in 1991-92 the corresponding figure was 18 per cent.

The lower recovery rate prompted the Vehicle Theft Committee established by the former Government to investigate this issue last year. The committee comprises representatives of the Department of Transport, the Police Department, the Royal Automobile Association and the Motor Traders Association. The committee has recommended that compulsory vehicle identity inspections at first registration in South Australia and at change of ownership would be of significant benefit to the Department of Transport through identifying the main vehicle identifiers and updating registration records and also to the community as an anti-theft measure. In February this year the Registrar of Motor Vehicles and the Manager of the Vehicle Operation Section, Road Transport Agency circulated for discussion a draft paper outlining a package of vehicle theft reduction strategies.

The package includes options for the operation of compulsory inspections for light vehicles. Therefore, it is important that the Environment, Resources and Development Committee should assess the merits of compulsory vehicle identity inspections and the cost benefits of such a scheme and implementation arrangements.

I understand that the RAA, although a member of the Vehicle Theft Reduction Committee, has some misgivings. Currently the Metropolitan Taxi Cab Board is responsible for conducting the compulsory six-monthly inspection of taxi cabs and compulsory 12-monthly inspections of hire cars. In January this year the board established a working party to examine existing inspection procedures for taxis and hire cars. Both the RAA and the MTA were consulted on this.

The goal is to free existing arrangements in terms of inspection facilities and provide more convenient facilities in the north and south of the metropolitan area in addition to the existing Kent Town facility owned by the MTCB. The board is to consider the recommendations of the working party in the near future. If more taxi and hire vehicle inspection facilities are available in future, it is possible that these same facilities could be used for other vehicle inspection purposes. Therefore, it is important that the ERDC should assess this matter.

The issue of compulsory motor vehicle inspections has been debated over the years, and I am aware that there are strong views for and against this initiative. For instance, the RAA believes that compulsory inspection of vehicles at change of ownership cannot be justified. It argues that such inspections on an annual basis or at change of ownership would impose a substantial cost on the community. It is acknowledged that at this stage the real benefits of compulsory inspection have still to be quantified as they are unclear. So, among the issues that the ERDC will need to examine is whether the total cost to the community of a compulsory inspection scheme outweighs any benefits that might accrue. It is important to understand that the ERDC is being asked not to examine the issue of annual inspections but to examine and report upon compulsory inspection at change of ownership.

The benefits and costs of the New South Wales annual inspection scheme have been calculated at total savings of $25 million. This was based on assumed savings of 2 per cent in accident costs compared with costs of $50 million. Another problem with the New South Wales scheme arises from the New South Wales authorised inspection stations scheme being so large that it has been found that effective administration and audit control are impossible. A recent review in New South Wales recommended that major inspection stations be set up with the necessary equipment and technical standards to enable change of ownership inspection and other more complex inspections to take place. The major inspection stations are proposed to be operated on a contract basis by suitably qualified people selected on a tender basis.

The question whether compulsory vehicle inspections should be conducted at change of ownership for roadworthy and/or vehicle identification reasons is important, but it is an extremely complex issue. The Government supports the need for this issue to be fully debated taking into account all the arguments both in its favour and against it. I reiterate that I am most confident that the members of the Environment, Resources and Development committee are well placed to hear submissions from a wide variety of experts, organisations and individuals and to assess all the competing arguments on this controversial issue. I commend the motion to members.

Mr QUIRKE (Playford): It does not take the Liberal Party long to pay its mates off. That is what this is all about. This is the thin end—and it is not all that thin—of a wedge that will see a cost impost on car owners in South Australia for no other purpose than electoral donations to the South Australian branch of the Liberal Party. This issue came up before the last election and it was denied by members opposite. Members looked a bit fishy about it but they denied it. Now we find that before the end of the first session it is on. The Government is taking the issue to a committee first and I welcome that, because the Opposition will oppose it at every stage.

Let us talk about a few of the issues: I refer first to vehicle testing. The figures from the RAA and other organisations show that unroadworthy vehicles are responsible for 1 per cent or less of accidents. Do any of the standing committees have a reference on drink driving, speeding or speed detection devices? The answer is 'No.' What we do have is the Liberal Party cracking when the MTA whip is taken out. The MTA has sent me—and I presume other members—a lovely kit on how you can have vehicles inspected. Let us discuss what that is all about. It is actually creating work for the MTA and its

members. That is what it is about. If it was really concerned about the road toll, it would make comments on a range of other issues. It is purely and simply money for its mates. It is an extremely unnecessary impost on every motorist in South Australia. The Opposition will say that if this resolution is successful; we will say it before the standing committee, in this House, in the other place and wherever and whenever the opportunity arises.

I spent a bit of time in the United Kingdom 20 years ago. In that country vehicles are checked every year. I owned a vehicle at that stage and had to have it checked prior to registration. The system in England at that time cost about £25, or $60. There is a whole mechanism to get this done. As the member for Giles has said to me, his memory, if it is the same as mine, recalls that every street had a spare set of tyres for every vehicle in that street. You would make sure that the lights, the brake lights and everything else on the car functioned, then you would borrow the spare set of tyres and take the car to the garage. I had a better experience than that. I took my vehicle to the local Esso petrol station where my cousin told me—

Mr Venning: The Volvo?

Mr QUIRKE: It was actually a Volkswagen at the time.

Mr Venning interjecting:

The SPEAKER: The member for Custance will not interject.

Mr QUIRKE: I am quite happy about that. I know he is a sorry fellow because not only did he not get a white car but he has now lost his fancy office.

Mr Venning interjecting:

Mr QUIRKE: Haven't you been told yet? Sorry, the cat's out of the bag. It's going. I understand that in England vehicles are checked every year. It costs a great deal of money. I took my Volkswagen/Combivan to the fellow whom my cousin strongly recommended. He said, 'If my father-in-law's car can get passed in this garage, anyone's car can get passed.'

I went down and saw the mechanic who was the owner of this establishment, and he had a pair of glasses that were like the bottoms of Southwark bottles. When he was talking to me, he was standing at 90 degrees and looking at me side on. He said to me, 'I can't check your car for nine weeks. I'm booked solid for nine weeks.' I found that amazing, because you could drive straight into all the other garages around the place and get the car checked without any problem at all. I suspect the reason had more to do with his line of sight than with his proficiency as a car checker. I took the vehicle in, they charged me £25, checked various things in the vehicle and everything was up to scratch. I asked the fellow, 'How many cars do you have problems with in here?' He said, 'Well, there's really none, mate. What we do is tell them to go around the corner; we fix a few things for them; if we find anything wrong, we charge them £5 an hour while we're doing it and then we sign the piece of paper and off it goes.' It is just a nonsense.

Mr VENNING: I raise a point of order regarding relevancy, Mr Speaker: this argument is a long way from the truth, and the question before the House is that this issue be put to the committee. The honourable member is going on with a whole lot of irrelevancies.

The SPEAKER: Order! I cannot uphold the point of order. In introducing this motion the member for Newland made a lengthy speech outlining a great number of areas which the committee would have to investigate. Therefore, I cannot uphold the point of order. The member for Playford.

The Hon. Frank Blevins interjecting:

Mr QUIRKE: As the member for Giles says, in England 50 quid in the logbook of the car was a very telling argument that the car was roadworthy. That is the way it was done, and I understand that in New South Wales huge corruption surrounds this issue. It should be made patently clear to all members of this House and indeed the other place that support for this motion will not be popular. A lot of people driving cars out there know where this is heading. They know that at this stage it goes to a committee; if the MTA is lucky the committee may come down with a unanimous finding (which is possible; the RAA will not be too keen on that, but that is what the MTA's wishes are); and slowly we will slide into annual checks of motor vehicles here in South Australia. I have to make it quite clear. In England, once your car is more than three years old it has to go through this process every year. We may have an aged vehicle fleet here, but certainly the majority of our vehicles are not one to three years old.

As in most other parts of Australia, most of them are an average of six, eight or nine years old, but at the end of the day they will be the target group that will have to go through the pits every year. That is where this is leading. It is expensive, it is unnecessary, in other States it is openly corrupt, it is ineffective, it is inefficient and, what is more, it is a direct impost on those people who would like to be driving around in nice new cars or Government cars or something on which they do not have to pay these sorts of penalties. I have yet to find anyone driving an old car who is happy about that. They do it because of financial necessity.

When we were in government I opposed very strongly the pollution police going out there with the right to pull over cars. There were stories in the media at the time. I believe the *City Messenger* printed a comment from some officer of the Department of the Environment that there should be the power to randomly pull over cars, check their pollution levels here in Adelaide (where arguably we have a little less problem than Chicago, New York and a few other spots) and have the right to put those cars off the road at any time if they do not have the right mix of gases coming out of the exhaust. That was a nonsense and something that would have hit my constituents. Most of them are driving those cars, not because they want to but because they are the only cars they can afford.

The effect of this measure will be to do no more or less than stick a huge impost on ordinary people in order that the Government can pay election debts to organisations like the MTA. I make it clear to the House that the Opposition will oppose this measure in whatever form it appears. If it gets to the committee we will oppose it with witnesses; we will then oppose the report if it comes down in support of introducing legislation; and we will oppose that legislation if it is introduced, because the overwhelming fact is that only 1 per cent of vehicles can be even remotely linked to accidents resulting from unroadworthiness.

Mr Atkinson interjecting:

Mr QUIRKE: As the member for Spence points out, the proposal is manna from heaven, and we will ensure that it is widely circulated out in Torrens and in any other electorate if this measure proceeds. We will make it clear that we had nothing to do with the proposal, which is unnecessary and which will almost certainly lead to the same sort of corrupt practices as are occurring interstate and overseas.

The Government will be taking money from those people least able to afford fine motor cars, those people who cannot

afford these measures, and handing it over to the MTA. At the end of the day this is the thin end of the wedge that leads to regular vehicle checks. At this stage it may relate only to matters arising at the point of sale, but we know where it is going. People wanting to sell their car this weekend—and Saturday's paper contains five or six pages of advertisements for private car sales—should be aware of what is happening in this Chamber and what the Liberal Party is attempting to do.

The Hon. FRANK BLEVINS (Giles): I want to take a couple of minutes to express my strong view that this measure, as the member for Playford has said, involves nothing more than paying off the $100 000 that the Minister for Tourism extracted from the MTA and its members. It is wrong, because legislation should not be able to be brought in that way. We have absolutely no convincing evidence that vehicle inspections play any role whatever in road safety. A trivial number of accidents are caused by mechanical failure. The Government wants to pay off its mates by imposing on every motorist in South Australia a further tax, and that is what it is, because there is absolutely no benefit to motorists through this measure. The tax that motorists will have to pay will go to MTA members who, in turn, fund the coffers of the Liberal Party. That is not a good avenue for taxation at all.

As outlined by the member for Playford, the potential for corruption in this area is absolutely enormous. In New South Wales it is scandal after scandal, inspector after inspector and garage after garage being picked up for corruption, but the people picked up are but the tip of the iceberg, because the whole system is riddled with corruption. If New South Wales had any decency at all, it would get out of the system and its road toll would not increase one iota, but at least there would be one less area of corruption in that State, although perhaps it would not matter, because there is so much corruption there as it is.

Another aspect that makes me cross is that the MTA represents people in the industry. There is nothing wrong with that. Who represents the motorists? Certainly not the MTA. Although I do have some difficulties with the RAA from time to time, the consumers—in this case the motorists—are represented by that organisation, which quite properly is bitterly opposed to these kinds of compulsory inspections. The reasons it is bitterly opposed are those I have outlined: corruption and of no benefit to road safety. There is one other reason which I think is enormously important: just because at any given inspection the vehicle is declared roadworthy does not mean the following week that vehicle will not break down and cause some very expensive repairs to the consumer.

The inspections the MTA are talking about are not inspections to give a report on the quality of the car, how much the car is worth, how much you will be up for in the future, whether the vehicle has had fair wear and tear or whether some significant mechanical problems will arise in the future. That is not the purpose of these inspections. At these inspections, they kick the tyres, say there is a bit of tread on them and very little more than that. And if you pay your money, invariably you will get the certificate. That is the way it works.

I would recommend to every motorist that, prior to buying a secondhand car, they have that car inspected, not just for roadworthiness, although that is of course important, but they should have it inspected by the RAA or an RAA authorised mechanic. If they do that, they will get some detailed information about the standard of that vehicle and an indication as to whether it is worth buying. It will list the defects, potential problems and work that has to be done. I think that costs less than $50, and that is of far greater benefit than this measure will provide. It would be of far greater benefit and far better value for the motorists' dollars than having these shonky inspections which are designed only to funnel motorists' money into the hands of members of the MTA and others who feed off the corruption.

Country people, in particular, will be disadvantaged by this. We all know the way that country people are already disadvantaged. Many vehicles in country areas are older vehicles. I would argue the average age of vehicles in country areas is much higher than that of vehicles in the metropolitan area, for a whole range of reasons. It will be country people again who are penalised by this Government and this Government's need to pay off its financial benefactors. Country people will be the ones who are disadvantaged. At times there is a great distance in the country between where the vehicle resides and an appropriate garage that may or may not—they do not have to—give these certificates of roadworthiness.

On behalf of all people in the State, but particularly country people, I indicate now that I will not support this measure and I would hope all members of Parliament representing country people in particular will also have nothing whatsoever to do with it. At the next election the South Australian public can tell the MTA to keep its money if the cost of that money is imposing this kind of legislation on the people of South Australia and, in particular, on country people.

The Hon. H. ALLISON secured the adjournment of the debate.

DAYLIGHT SAVING (PRESCRIBED PERIOD) AMENDMENT BILL

The Hon. FRANK BLEVINS (Giles) obtained leave and introduced a Bill for an Act to amend the Daylight Saving Act 1971. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

This Bill seeks to remove the present provision in the Daylight Saving Act that permits the Government to vary the period of the year when daylight saving will apply. The reasons for the Bill are obvious. This Government has used the present provision to extend daylight saving to an extent that was probably never envisaged and without consulting the public. Over the past few months we have seen the Government move from one unacceptable position to another. The Premier first floated the idea of moving South Australia to Eastern Standard Time; he later backed away from this.

The Premier then announced that he had extended the period of daylight saving from four to six months. He later backed away from this position. We now have the proposal of daylight saving being extended for four weeks every year, apparently to accommodate a two week extension for the biennial Adelaide Festival of Arts and for the annual Moomba Festival. Although I support the Festival of Arts I cannot, for the life of me, see how daylight saving can have any effect on it one way or another—certainly not enough to warrant a month's additional inconvenience every year.

As regards the Moomba Festival, I am appalled that the Premier would even consider extending daylight saving in

South Australia, when I am sure the people of Melbourne would not even know or care what the time was in South Australia. The Premier has placed the State in this mess by trying to harmonise the time zones in eastern Australia. Whilst there may be some merit in this, the fact is that the Eastern States cannot agree. At least this proposal means that our daylight saving will be the same as New South Wales. It cannot be denied that the people of South Australia have supported daylight saving by way of referendum. However, there has been no testing of public opinion for a permanent four week extension.

It is my view that the people of South Australia do not support any extension of daylight saving—this is certainly the case in my electorate. When I explain to my constituents that the reasons for the extension are to benefit the Adelaide Festival of Arts—and I think members should note that it is the 'Adelaide' and not the 'South Australian' Festival of Arts—and also the Melbourne Moomba Festival, they are understandably outraged. I refer to two letters which are examples of this concern. Both letters are from my electorate and they make interesting reading. I concede that these people are opposed to daylight saving *per se*, and in fact they—

An honourable member interjecting:

The Hon. FRANK BLEVINS: I will speak on that in a moment. Not only are they opposed to daylight saving *per se* but they are opposed to South Australia moving to Eastern Standard Time. These letters are utterly opposed to the month-long extension of daylight saving for the reasons that have been advanced by the Premier. The first letter states:

> I could not see why we had to have an extra two weeks for the Festival, particularly when it was attended by a small percentage of the population of South Australia and to be out of step time wise with the rest of Australia. I am not against the Festival as such and I am aware of the benefits to the State, although there was a cost to the taxpayer to stage it. I am quite sure it would have gone off just as well under normal central summer time.

I have a great deal of sympathy for the point of view of that person who has written to me from Kimba. I refer to another letter from Kimba in the same vein. It opposes daylight saving *per se* but is in favour of moving the meridian on which our time zone is based. The letter reads as follows:

> As for extending the daylight saving this year (and apparently for years to come as well), that is a very mean blow below the belt. What possible advantage can an extension make to the Adelaide Festival of Arts? We have heard of none to date, in spite of questions being put forward in Parliament, but we have heard numerous complaints about it from many city folk as well as country people. Remember, there are far more people affected by this extension in South Australia than those fortunate few who are able to attend the Festival.

I say to those two constituents from Kimba, 'Hear, hear!' I agree with that completely. It is interesting that this letter is from a Mrs Schaefer. I am sure it is not the same Mrs Schaefer, although I have no doubt that at some stage the Hon. Mrs Schaefer will have the opportunity to speak on the permanent four week extension, because I can assure members the issue will not go away.

This Bill will mean that if the Government wants to change the prescribed period of daylight saving it will have to bring the matter to Parliament by way of legislation and not regulation, and I can see nothing wrong with that. I commend the 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

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 2—Interpretation

This clause provides that "the prescribed period" (ie: the period during which summer time operates in this State) means the period from 2 am South Australian standard time on the last Sunday in October until 2 am South Australian standard time on the first Sunday in the following March.

Clause 4: Repeal of s. 3a

The repeal of section 3a is consequential on the change to the definition of the prescribed period.

Mr MEIER secured the adjournment of the debate.

THE STANDARD TIME (EASTERN STANDARD TIME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 April. Page 740.)

The Hon. FRANK BLEVINS (Giles): I support this Bill.

Mr Caudell: Are you doing a turn around?

The Hon. FRANK BLEVINS: I support the Bill, although I do concede that the measure is one to be supported only on balance.

Members interjecting:

The Hon. FRANK BLEVINS: You can do that. I support this measure. I concede that the measure has merit on balance. That is demonstrated by the fact that the Premier raised this issue of Eastern Standard Time and then, when he could not get it through the Party Room, backed off. Why did he raise it? The Premier did not raise the issue out of a fit of pique or because he wanted a row in his own Party—even the Premier is not that dumb. The reason he raised this issue is that many industrialists, particularly in the metropolitan area, feel that this measure has some merit.

I believe that the arguments in favour of this Bill are overstated; and I believe that the opposition to this measure is also overstated. The measure can be either supported or opposed on balance because there is merit on both sides of the argument.

Many issues which come before Parliament or with which we deal on a daily basis must be decided on balance. I was persuaded to this proposition only by the A.D. Little report. Those members who are not new to this place will have at least read that report or read something about it. The A.D. Little report was held up, particularly by members opposite, as some kind of a Bible. It was highly critical in many areas about the—

Members interjecting:

The Hon. FRANK BLEVINS: I will give you a copy; I still have my copy. The report was very critical about many areas of our economy and, in particular, about management within this State. It was also critical of the unions and the Government, but that was its role so I have no argument about that. One thing that the Chamber of Commerce and Industry picked up from the A.D. Little report and ran with very strongly was the question of Eastern Standard Time. There is no doubt that a significant section of the business community believes that we are disadvantaged by not having Eastern Standard Time, and some believe it quite passionately.

I want to restate what was said by the Opposition Leader in this debate quoting Mr Robert Gerard when he was the spokesperson for the Chamber of Commerce and Industry. We all know that at one stage Mr Gerard was President of the Liberal Party and was someone who dealt with industry in

other States on a daily basis. The Opposition Leader quoted a letter sent to the Premier by Mr Gerard, as follows:

> As you know, the chamber has always pushed for South Australia to move to Eastern Standard Time. We have taken that stance over many years because we firmly believe that this is one of the foundation building blocks necessary to encourage head offices to set up here in South Australia. As you know, some 55 to 60 per cent of the goods and services supplied in South Australia move to the eastern seaboard, and to think that we have a half-hour time difference is really quite ridiculous. With a Government such as yours that is pro-business, we believe the time could never be better than now to move to Eastern Standard Time so that we are in line with the main business community in Australia. We must be seen in South Australia as a State that means business.

They are the kinds of pressures that were on the Premier when he raised this issue. I notice that in the latest edition of the *City Messenger* a very powerful article was written about attracting Eastern States' investment and the position that Eastern Standard Time plays in that. The argument is not that Eastern Standard Time itself would suddenly attract head offices to South Australia; that is not the argument at all. The argument is that it is one of the necessary building blocks. I support that argument, but I support it only on balance.

What I have constantly objected to in these debates about daylight saving is the way the opponents of daylight saving have been denigrated. I know that the member for Custance has been denigrated in this debate. I think that that is unfortunate because daylight saving in country areas is a very real issue, and to trivialise the debate by suggesting that it is something to do with curtains fading or not being able to milk the cows or whatever is very unfortunate. Those people who trivialise the debate in that way ought to go outside the metropolitan area and discuss the issue with people who hold an opposing point of view and at least see whether some compromise can be reached. In some areas that will not be possible. In some areas some people have a blanket opposition to any move to daylight saving at all. I believe that those people are being unreasonable because a referendum in this State in the early 1970s was overwhelmingly carried with something like 70 per cent—

Mr VENNING: Mr Deputy Speaker, I rise on a point of order as to relevance. The member for Giles is talking about daylight saving and this Bill is about Eastern Standard Time.

The DEPUTY SPEAKER: The honourable member was straying from the issue before us, which is a Bill on Eastern Standard Time. I allowed him some licence on the basis of comparison, but I ask the honourable member to conclude his remarks in accordance with the Bill.

The Hon. FRANK BLEVINS: I point out that to my constituents the move to Eastern Standard Time is the equivalent of an extra half hour's daylight saving.

Members interjecting:

The Hon. FRANK BLEVINS: That's right. If we cannot discuss that, I am afraid the member for Custance shows his lack of concern for people in country areas. All I am saying—

An honourable member interjecting:

The Hon. FRANK BLEVINS: On balance, I am in favour of it.

An honourable member: You're in favour of Eastern Standard Time?

The Hon. FRANK BLEVINS: On balance, yes. The business community believes that it will help it.

An honourable member interjecting:

The Hon. FRANK BLEVINS: The business community strongly and passionately believes that the move to Eastern Standard Time will help it. I am not totally convinced that that argument is not being somewhat overstated, but I believe that we should at least give it a try. I do not think the half hour is anywhere near as disruptive to country people as an additional two months of daylight saving which was proposed and which has now been brought back to one month. That decision is creating enormous distress to people in my electorate.

I also know that this measure will fail. Because my belief is that the benefits of this measure are overstated, not only will I not lose too much sleep over its failure but I also will probably get half an hour a day more sleep. I urge the House to support the Bill.

Mr VENNING (Custance): In the past four years in this place I have listened to the member for Giles make many speeches. He has made some good speeches, but the one he made today has to be the worst effort he has ever put in because he has blatantly lost the plot. I have never heard such a hypocritical speech before. In two items of business before this House the honourable member has given opposing views, and that is hypocritical. In one instance he criticises the Government for giving us three weeks of an extra half an hour of daylight saving, and in the next instance he wants to turn the clock forward an extra half an hour every day of the year. I find that extraordinary.

I think the member for Giles has lost the plot. I enjoy getting on radio, particularly 5CK which is heard pretty loud and strong in the city of Whyalla. This is a doozey; an absolute doozey. I know the member for Giles is considering retiring, and I think he better do it shortly before he completely loses it. What a press release this will make!

I want to comment on the misleading and devious press release put out by the member for Giles exactly a week ago today. The press release is entitled 'Country and Liberal MPs polarised' and it states:

> I understand some of the country MPs have been talking among themselves about forming a break-away group and joining the Nationals.

That highlights what this Bill and the Bill that was introduced by the member for Giles are all about. They have nothing to do with time, and they have nothing to do with their electorates—it is just about causing political mischief.

To say that I would consider forming a breakaway group and joining the Nationals is blatantly ridiculous. The member for Giles well knows the battles I have had with the Nationals over many years. The reason why Playford was in government in this place for so many years was that we had all sides of anti Labor politics in South Australia tied up within the Liberal and Country League. At the moment we have a Government that is made up of country and city members. As under Playford, we have country and city members working harmoniously together. That is how it is. I find this news release totally dishonest. It is a discredit to the member for Giles to put out rubbish like this. This is the sort of stuff that the Deputy Leader of the Opposition—the fabricator—puts out. We now have another fabricator in the House.

I am opposed to this move to Eastern Standard Time. I made my position clear on this when it was first mooted by the then Labor Government, and my stance is unchanged. I know that the vast majority of people in my electorate and in the electorate of the member for Giles are against this move to Eastern Standard Time. It would be half an hour for every day of the year. Yet the member for Giles had the audacity a few minutes ago to say that he was opposed to the Liberal Government having three weeks of an extra half an hour each

day. How ridiculous! I just cannot get over it. This is a press release delight.

I am not opposed to South Australia sharing a time zone with the Eastern States. In fact, I advocate moving to the original Central Standard Time based on the meridian of 135 degrees east, but that is an issue for another day. A constituent of mine has asked me to circulate a petition for him in respect of that matter. I acknowledge that a common time zone might be more convenient for some people doing business with the Eastern States, but if we move to EST any advantages would be outweighed by disadvantages to rural South Australia.

The Leader of the Opposition wants to placate a small element of our community but it will divide the entire State. Three-quarters of South Australia will be out of kilter with the sun time. After all the hype and nonsense, let us get back to some basic facts.

An honourable member interjecting:

Mr VENNING: He has never been President of the Liberal Party. What is time? Time is a device used by human beings to divide or apportion the day between the point when the sun comes up and when it goes down. That is very simplistic, but that is what it is all about. Let us get back to basics, because that is all that the Opposition seems to understand. It is ideal to get up when the sun rises and to go to bed when it goes down. That saves energy and it is environmentally friendly. That is why we have 24 time zones around the world of one hour apart. So why are we in South Australia trying to be different? This is ridiculous and blatantly discriminatory. I get most upset, because this Bill is an attempt to reinvent certain things.

Eastern Standard Time in South Australia would mean 58 consecutive days during winter when the sun would not rise until 7.45 a.m. in Adelaide. I point out to all basic Opposition members that there will be 58 consecutive days when it will be dark at 7.45 a.m. What would it be like in Ceduna? I do not know how the member for Giles had the audacity to say what he said in his previous speech. How ridiculous—58 days! What time do students on the other side of Adelaide get up to attend a university or TAFE college? They will be up an hour before the sun comes up. Consider all the lights and wasted energy. What hypocrites we have in this place. It is absolute nonsense. Of all the stupid issues I have ever heard, this has to be the one.

There would be 159 days on which sunrise would be after 7 o'clock. School children, including those in the metropolitan area, would be going to school in the dark. Is this common sense; is this reasonable; is this 1994; is this Parliament House? I sometimes wonder whether those whom we elect to this place have any basic common sense. The basic prerequisite for being elected to this place should be that a person has a reasonable level of common sense, and we do not seem to have that.

On the west coast it would be ridiculous, with children having to get up an hour before the sun comes up and going to bed an hour before sunset. And they think that is reasonable! Members opposite say that not many people live out there. But are they not entitled to social justice and a fair go? I know that the member for Flinders will pick this up. It is blatantly discriminatory.

A change to EST would severely disrupt many rural industries. With a further half-hour time shift, our silos would be shutting an hour and a half before the sun went down, so farmers would have to maintain extra on-farm storage. I know that we are starting to win a few of these battles, but just try to deregulate silo hours. It is very difficult because of union problems. There is a similar situation in the shearing sheds.

I know that businesses in some areas would like to match up, but technology has solved many problems with fax machines, e. mail marketing, mobile phones and so on. A poll carried out in Port Pirie recently established that businesses are not opposed anyway. That is from the local Chamber of Commerce and Industry. I wonder where the member for Giles gets his facts from.

I am violently opposed to this Bill. I wish that the member for Giles and the Opposition would be more consistent and play the game a little straighter than they have on this issue. I oppose the Bill.

Mr FOLEY (Hart): I support the Bill. I always enjoy contributions by the member for Custance, because it is a good way to start the day with a bit of light relief. There are very good reasons why I support the Bill. The Liberal Party talks about being a Party of business, wanting to get this State moving, investment, and jobs. We have the President of the Chamber of Commerce and Industry, a vice president of the Liberal Party, writing to and urging the Premier to adopt Eastern Standard Time, but his views and those of the chamber are blatantly disregarded. However, on other reforms, such as workers compensation or industrial relations, they are the first to say, 'This is what the chamber wants; we are doing what the chamber wants; we are here for the employers.' But when it gets a little difficult and they have to take on their own Party rather than the trade union movement—

Mr Quirke interjecting:

Mr FOLEY: Exactly. In view of that, I can see why the Premier had trouble getting it through the Party room. It was a great back flip by the Premier, because it was the Premier who put this on the agenda. He thought that he would have his Party review the issue and he was subsequently rolled by rural members opposite. I have had quite extensive experience in private industry. For 13 years I worked for some multi-national companies in the private sector. In my jobs I had constant interaction with sister companies interstate. Anyone opposite who has worked in business—and I know that only a few have—and had dealings with interstate firms will know that, when you need to have constant communication with the eastern seaboard, there are only two times during the day when you can do it.

If you work in a sales environment, as I did for many years, you are too busy, you are out on the road and you have too much to do during the day, so to make contact with interstate counterparts to arrange transfer of stock or various other services interstate, you do it first thing in the morning or last thing at night. One of the most annoying things is when you have difficulty making contact at either end of the day. They have difficulty getting you first thing in the morning because you have not come into the office or they cannot get to you late in the day because you have gone home. There are inherent difficulties.

Mr Lewis interjecting:

Mr FOLEY: The member for Ridley has never worked in the private sector as I have, so I do not expect him to be able to make a contribution. When you work for a multinational company, the reality is that the same time zone is a real improvement in the way you do business. This State has a real chance of attracting industries in the information technology area, and the Premier and the Minister for Industry, Manufacturing, Small Business and Regional

Development have already announced Motorola's decision to come to Adelaide. It is an example that South Australia has some inherent attractions to offer these sorts of industries. It was no secret at the time that the former Government had some negotiations with National Mutual or one of the other large life insurance companies that are involved in significant information processing to try to get them to locate major operations in South Australia. That would have involved many hundreds of jobs, but we were not successful in that attempt.

The reality is that if we want to attract into South Australia the industries of the future—the new information technology and information processing industries—it would greatly assist the Government if we had the same time zones, because companies whose whole business relies on information transfer find it a significant encumbrance to be on a different time zone. It is important that we look at that. We do 80 per cent of our business with the eastern seaboard, and for the member to suggest that we go back an hour to lock into North-East Asia or back half an hour or line up with Tokyo is quite ridiculous indeed.

Members interjecting:

Mr FOLEY: Eighty per cent of our business is with the eastern seaboard, so why not link with the eastern seaboard? You do not link in with Tokyo if 80 per cent of your business is with the eastern seaboard. Why do members opposite not listen to the Chamber of Commerce, employers and the Vice President of the Liberal Party? Why are they not giving these reforms put forward by the chamber the same degree of support that they have given other reforms put forward by the Chamber of Commerce? I acknowledge that there are some difficulties if we change the time zone on the West Coast, but we should not hold back the whole future of this State for a minority population on the West Coast. We can address the concerns of the people on the West Coast very easily and very simply: they can adjust their own times to suit themselves.

An honourable member: Why can't city people do it?

Mr FOLEY: Because 85 per cent of the population of this State resides in metropolitan Adelaide; this is where business is done. That is the reality. Why can the West Coast not simply start the schools half an hour later; why can the Government offices not start half an hour later?

Mr Evans: Tell that to SAIT.

Mr FOLEY: I will tell that to SAIT: I do not have a problem with that. You can adjust the time to suit your circumstances. I think it is an absolute outrage that a handful of members opposite representing certain rural constituencies can hold the rest of this State and this State's economic future to ransom. I truly wish that the Premier—

Mr Evans interjecting:

Mr FOLEY: Excuse me: we tried and we continually got beaten. This is the third time the Labor Party has introduced this measure in this House. We continually get defeated. I understand that the Premier is to talk on this Bill. I will listen with interest when the Premier explains to us why we have been held to ransom by those members who represent rural communities on the West Coast and the member for Custance, who has led the charge.

Members interjecting:

Mr FOLEY: Not quite the West Coast—the West Coast and the Mid North. I refer to all those members opposite who have held the State to ransom. I just hope the Premier can explain to us why he was not able to deliver the reform that the Chamber of Commerce so passionately wants. It is the expert in business matters and it sees this measure as a benefit to industry, so I think we should support it on this. I go back to my experience in industry. As I said before, the bulk of our business interstate was done first thing in the morning or last thing at night. When you work in a large multi-national company and you have to arrange stocks to be transferred from interstate on a daily basis, you do that first thing in the morning or last thing at night. You pick up the telephone and you talk to your counterparts; you talk to trucking companies and do all that sort of business at the end of the business day because, when you are a commercial business person or sales person and are out travelling, you are out on the road between the hours of 9 a.m. and 4.30 p.m.

Companies such as those for which I used to work can derive enormous benefit from a change to Eastern Standard Time. I was attracted to the idea of Eastern Standard Time at a very early stage of my career in industry, so I am not a recent convert. It was when I first started working in business when I was just a very young lad. Unlike many members opposite who have never worked and who have never had to cut it in the private sector, I can understand how you do not comprehend these concepts of business and commercial reality.

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

Mrs PENFOLD (Flinders): I reject totally the need for South Australia to change to Eastern Standard Time, 150 degrees east of Greenwich, England. If the Leader of the Opposition is worried about the state of the economy becoming more dominated by the Eastern States, he has only his own Party to blame for lumbering us with a massive debt, which caused Moody's to downgrade our State from a AAA rating, due in part to 'the heavy debt burden resulting from $3.1 billion bail-out of the State Bank of South Australia'. Any domination will not be due to our being half an hour behind the Eastern States in time. Being half an hour behind the Eastern States has advantages, and not just the lower power costs. Many of the 135 000-plus small businesses in South Australia find that it has other advantages, particularly with stock coming from Eastern States. They are able to complete their stock reports last thing before closing, with orders being faxed to businesses in the Eastern States ready to be dealt with there first thing in the morning before the day gets busy.

These small businesses employ more than 50 per cent of all private sector business employees. They are often overlooked by the Labor Party because they are not unionised and not paying into the Labor Party coffers, but they are definitely workers, often working longer hours than they would wish but finding that the difficulties, risk and expense of employing are now often too great to be worthwhile. The boomerang of Australia's economic development that the Leader of the Opposition mentions is not the key to this issue: small businesses are, and they are also the key to the economic development of the State. It is not small business or ordinary people who want Eastern Standard Time. I have received letters from the Farmers Federation with 6 500 members and the CWA with 6 000 members, along with hundreds of individual letters from all over South Australia, all opposing the move to Eastern Standard Time. Most South Australians want to be independent of the Eastern States and are satisfied with retaining the *status quo,* and we as a Party represent the majority of the people in this State. I urge all

members to oppose the Bill, as I believe it is not the wish of the people of South Australia.

Mr SCALZI (Hartley): Perhaps the Labor Party has had a philosophical implant, and I hope it is covered by Medicare. I oppose the Bill. It is unbelievable that the Opposition is serious, or should be trying to tell us it is serious, in supporting such a Bill and claiming that it is not being mischievous but is supporting business. I can best illustrate my point with a story. A young man applied for a job. After filling in his name and address he had to give his father's name and then indicate that his father was deceased. The next question was about the cause of death and, as his father had been hanged, the young man thought, 'If I admit that my father has been hanged, I will never get the job.' He went away for a while and pondered the problem and then, under 'cause of death', he wrote 'Floor collapsed while on an official platform'.

Everyone knows by looking at the numbers opposite that the floor has collapsed under members opposite, but I never thought I would see the day when the Labor Party would forgo its official platform of supporting the average person and being a social conscience. The Labor Party has abandoned its official platform. All we have been hearing is that the Labor Party is pro-business. As I have said, it has had a philosophical implant. The Leader of the Opposition and his colleagues have all talked about trying to tie us to the eastern seaboard, emphasising the importance of business, and so on. There is no doubt that we have to take into account the interests of business. On this side we have been consistent in saying that a viable business environment is important. But politics is more about the whole community than just concentrating on business.

The Liberal Party is a broad based Party and has to take into account the interests of the whole community, and we have consistently done so. The business of Government—and this is what democracy is all about—is everyone's business, including people in country areas. I am not from a country area: I am a city based member.

Mr Foley interjecting:

Mr SCALZI: I come from a family background of small business and, if I were in business, I would be in business in more ways than one. We have to look after the interests of everyone. Country people are important. What are the social implications for country people? Are we merely going to abandon them because it suits a particular group in the community? No, we have never advocated that. The Liberal Party has rational debates, it considers the view of the whole community and then makes a decision. I compliment the Premier and the Government on taking the position they have adopted. The question is not whether we are half an hour before time or half an hour after time but whether we are in time and in tune with the views of the whole community. We have to take into account the views of all South Australians, and that is what the majority of members of the Liberal Party have done. We have taken into account the views of the whole Party, which represents the whole community and State.

If democracy is to be practised, those views must be taken into account. It is not a question whether one pressure group pushes us to go one way or another, yet the Party opposite by its very nature responds to pressure groups instead of considering the interests of the whole community. I urge the House to oppose the Bill, and I urge members opposite to question their responsibility, to hold on to their philosophical implant and oppose the Bill.

Mr BASS secured the adjournment of the debate.

STIRLING SIGNS

Orders of the Day: Private Members Bills/Committees/Regulations, No.2.

Mr CUMMINS (Norwood): As this by-law has already been disallowed in the Legislative Council, I move:

That this Order of the Day be discharged.

Motion carried.

MURAT BAY SIGNS

Orders of the Day: Private Members Bills/Committees/Regulations, No. 3.

Mr CUMMINS (Norwood): As this by-law has already been disallowed in the Legislative Council, I move:

That this Order of the Day be discharged.

Motion carried.

COURTS ADMINISTRATION (DIRECTIONS BY THE GOVERNOR) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 10 March. Page 381.)

Mr BRINDAL (Unley): It is with some perplexity that as the first Government member I address the Bill, which has been brought before the House by the member for Giles. I point out that the legislation was enacted against the will of the then Opposition by the previous Government of which the member for Giles was a prominent member. He was a Minister of the Crown in that Government, which enacted this legislation, and when its consequences, of which the honourable member's Government had been clearly warned by the then Opposition, became a reality the first thing the member for Giles does is blame the current Government and seek to amend the Act.

I find that unacceptable, and I am sure that the people of South Australia, when they realise the facts, will find the position equally unacceptable: that one day you can be committed to one thing and then, because you subsequently occupy the Opposition benches, all you are committed to doing is bashing the Government. This is a matter on which not only I but other speakers and all members on the Government benches will consider carefully. When the Premier was laying down the Government's position before the election he made a clear statement that in Government we were committed towards decentralisation, which is an important concept. I am sure that in the months ahead the member for Giles will be the first to applaud the moves that this Government makes in the area of decentralisation, concerning which the point that is of paramount importance is the welfare of the people to whom services are offered.

It is a question of how to provide the best possible service in all regions of this State which must be considered in this matter. The member for Giles says he has the complete answer—

Mr Meier interjecting:

Mr BRINDAL: —but the member for Giles, as my friend and colleague the member for Goyder points out, did not have those answers when he was in Government. He has now had the benefit of three months on the Opposition benches and

has something akin to Saul's conversion on the road to Damascus.

The Hon. Frank Blevins: Paul, not Saul.

Mr Quirke: Saul was the one earlier in the piece.

Mr BRINDAL: The member for Playford might be an expert on many things, but as a biblical scholar he is lacking. For his edification, I point out that Saul was the name of Paul before he converted to the Christian faith, and Saul was converted on the road to Damascus.

Debate adjourned.

TOURISM MARKETING

Mr LEWIS (Ridley): I move:

That this House commends the Minister for Tourism for the very responsible and swift action he has taken to introduce a viable marketing plan to further develop and enhance the offerings of tourism products in South Australia and to improve the infrastructure and facilities necessary to cater for the anticipated increase of visitor numbers from interstate and overseas; and in particular, commends him for the assurance he has given the current Murraylands region that it will be able to continue with its well focused marketing plan to sell holidays interstate and overseas for people who seek to enjoy ecotourism.

I want to illustrate the point and acknowledge that the Murraylands region, as we now know it, will merge with the Riverland region to form a much larger region in the administration of tourism in South Australia and the making of marketing decisions involving, for instance, areas where the product—and the image of that product—may be sold.

That merger will nevertheless ensure for the people in the Murraylands region involved in the sale of the product to the marketplace—that is, providing recreational activity and holidays, in particular, for people from interstate and overseas in the way identified as being in the best interests of the people concerned, so long as it is not incompatible and contradictory to the interests of the Riverland. That is a great idea, and there are many things to be enjoyed in the Murraylands of South Australia, an area that is not just a river running through a dry, rain-fed agricultural landscape. Things we can enjoy when visiting the Murraylands include a visit to the open range zoo, the Monarto zoological park.

The Hon. D.C. Wotton: Which was a very good addition of the previous Liberal Government.

Mr LEWIS: It was, and it is a pity that the subsequent Labor Government sought to strangle it. If it had not been for the deliberate, concerted and continued attention which the Liberal Party gave the project when in Opposition from 1982 to 1993, it would have been simply downgraded to agistment paddocks for tired animals taken from their cages in the Adelaide Zoo. It is now an outstanding zoological park, not only because of the way it has been established as being aesthetically compatible with the landscape and local topography but also because of its very important endangered exotic animals breeding program. The rapidity with which that breeding program is being recognised around the world is quite astounding to me, and I know it will bring large numbers of ecotourists to South Australia to see what is being done there, to see the surroundings in which that breeding program has been undertaken and to enjoy the opportunity of seeing those endangered animals in an open setting. Whilst the vegetation may not be the same as it was in the areas where those animals evolved, they nonetheless look like animals in their natural surroundings and they obviously enjoy those surroundings. Other species, apart from the five endangered species already successfully bred, will be included in the expanded breeding program.

Then we have the privately run Yookamurra and Warrawong sanctuaries in the immediate vicinity. There will be the opportunity for visitors from interstate and overseas, as well as day trippers from Adelaide, to call in and see those sanctuaries and the animals therein. They are successfully engaged in breeding programs of endangered native species.

Then we have also the Moorundi Wombat Park. Moorundi, which is near Swan Reach, is not managed. But people who strongly support the work of John Wamsley (and I am one of those who do support his work)—

Mr Brokenshire interjecting:

Mr LEWIS: He succeeded where most other people have failed, and that is because he understands the necessity to pay attention to detail, and to do so on the basis of operating that undertaking around the clock, 24 hours a day. It is a pity that the bureaucracy did not pay a little more respect to the efforts Dr Wamsley is making and recognise the necessity for him to sell the service he provides to the touring public, the curious public at large, instead of frustrating what he is trying to do. Stirling council, and the previous Labor Government in particular, behaved like a bunch of idiots. They do not really understand the damage they do to something until they have lost it. Then they are inclined to say, 'It just couldn't survive; it didn't fit in.'

Moorundi Wombat Park can now develop its visitor facilities and derive income in the process to further the work that it is doing. In addition, visitors will be able to take an enjoyable day or two seeing the unique land forms and vegetation of the Coorong, as well as the wildlife which lives there in the widest possible sense—the biodiversity of birds, animals and insects in that area. There is a uniqueness, with the hooded plover on the beach just above the highwater mark, one of the very few nesting sites for that bird anywhere on Earth. There are some other nesting sites inland and around the shoreline areas of natural lagoons and lakes, and so on. However, the bulk of them being on the Younghusband peninsula foreshore above highwater mark.

Apart from the Coorong, visitors can also visit and enjoy the national parks in the region, including Mount Boothby, Ngarkat and Billiatt. I hope that the National Parks and Wildlife Service rises to the challenge and, within its management framework policy, enables private operators to obtain trecking permits to take large groups of people into the parks other than on foot. We could well use camels in those fragile environments, because we know that they do not damage the sandy soils anywhere near as much as do motorised vehicles or, for that matter, other animals such as horses, donkeys and other beasts of burden. Camels are the way to go.

Mr Brokenshire interjecting:

Mr LEWIS: I quite agree with the member for Mawson in the remarks which he makes in that regard. Clearly, too, there is room for further innovation in the area around the lakes and the Coorong to enable people to enjoy the benefits of jet boats and hovercraft—hovercraft being amphibious and, to some extent, so are jet boats. Those craft can move around the shallows in the same way as they do in New Zealand and Florida, yet the thinking in the National Parks and Wildlife Service bureaucracy here has not caught up with the present—leave alone address the role it can play in the future—whereby people of all ages and all backgrounds can be given the opportunity to see those unique features, which would allow us to develop our tourism product in the way in

which the Minister for Tourism's marketing plan suggests we should and could.

In addition, people will be able to enjoy any of the three major forms of hospitality that interstate and overseas visitors are increasingly seeking, inclusive of home hosting, host farms, the conventional hotel/motel, or on house boats. They can stay on a farm and see how things are done by an owner/operator family unit. They will be looked after while work on the farm continues. Or they can stay in a conventional hotel or motel and travel to any of the places I have mentioned by car or bus, whether hired by themselves or paid as a fare, or they can travel by other means: catching a boat, for instance, at the wharf at Mannum, Murray Bridge, Tailem Bend, Wellington, or Meningie and going for their holiday experience.

The diversity of accommodation offered is one of the attractions of our region. It enables visitors to enjoy the convenience of being on or near a location, for instance, in either Lameroo or, more particularly, the place which we now know as the heart of the parks, Tintinara—

Mr Brokenshire interjecting:

Mr LEWIS: Indeed, it is a beautiful area. Visitors could hire one of Tich Morgan's caravans for a week and travel around the edge of the Ngarkat National Park and the other smaller parks in the locality enjoying the experience of seeing the sunrise, hearing the birds warbling and staking out their territory, and observing the behaviour of the animals. In the evenings they can watch the sugar gliders and other smaller mammals out and about amongst the heath vegetation and living in the way in which they do.

They are the kinds of experiences which most people from urban settings cannot otherwise have. The other great benefit of this marketing program, now facilitated by the efforts of the Minister for Tourism in the short time (four months) since we came to office, is that we can point out to people the great advantage of staying in the facilities offered by the Murraylands and to which I have referred. It is an hour, or a bit less even, to visit the South Coast to see the whales, or to visit the Fleurieu Peninsula and stand on the ridge tops with views of the Gulf St Vincent on the one hand and the Southern Ocean on the other. They are also able to visit the Southern Vales and enjoy the scenery and the wineries located there. That is less than an hour from the lower Murray localities to which I have referred and the near mallee.

They will be able to visit the arts and cultural centre of Adelaide, do some shopping and return home in the evening in less than an hour. They will be able to visit the Barossa Valley, to the north-west of the Murraylands, in less than an hour and enjoy the features of the wine industry and the scenery, and so on, including the Whispering Wall. In the process they will derive great benefit from the very low cost of accommodation available to them in the Murraylands, when compared with the cost of accommodation they would have to pay if based in the metropolitan area, or on either the southern or northern fringe. They would enjoy a much more comfortable climate than if they stayed in the Adelaide Hills, which can be so bitterly cold, in places like Mount Barker or Harrogate.

The Hon. D.C. Wotton interjecting:

Mr LEWIS: Magnificent dawns when it is not raining but what about when you are fogged in, or is it pea soup? It is a terrible place to be. Not the sort of experience people on holiday in the middle of winter want, whereas we have sunny mornings with mist across the lagoons—

The Hon. D.C. Wotton interjecting:

Mr LEWIS: You can sit on the deck of a houseboat and, indeed, as the member for Heysen says, enjoy a bowl of oatmeal porridge with local honey and watch the birds catching their breakfast from the surrounding water. You can see the cows mooching through the mist walking into milk and, if you are a little late, you will see them mooching back out to their daily grazing after being milked. You can see the children catching the school bus.

Those are the kinds of experiences which people from interstate and overseas will thoroughly enjoy, and I commend the Minister for Tourism for the rapid way in which he has acted to introduce this very far-sighted marketing program into South Australia to expand our visitor numbers and diversify the economic base of the people living in the localities which I represent. I am very impressed by the way in which the department has adopted and developed the product to the point where it is virtually ready for market.

Mr De LAINE secured the adjournment of the debate.

SOFTBALL ASSOCIATION

Mr BECKER (Peake): I move:

That this House congratulates the South Australian Softball Association on the occasion and achievement of its Golden Jubilee year 1993-94.

It is a pleasure to move this motion. The association was formed in 1943 and the incorporation was effected in 1978. The 1993-94 season of softball in South Australia was a milestone, being the fiftieth anniversary of softball in South Australia. That has passed almost unnoticed. One of the biggest problems with sport in South Australia—and, forgive me for saying, minor sport—is that the media in this State do not seem to give due recognition or credit to sports that do not involve the majority of people, or the sons and daughters of editors, sports writers, or heads of media.

The criticism of late is that when you pick up the *Advertiser* all you read about is the Crows this, the Crows that, the Crows something else, yet whilst there is a very large following, and everybody is very proud of the achievements of the Adelaide Football Club, many other sports deserve recognition. Tens of thousands of people each weekend are involved in taking their children to some kind of sport. Tens of thousands of people act as officials in a voluntary capacity: organising, supervising, umpiring, and providing the back-up support services so necessary for our young people involved in their particular sport.

We are lucky in this country that we have the climate, the facilities and the open space necessary to ensure a very vigorous and competitive sporting population that a young nation deserves, and softball is one of those sports. From a competition point of view and from a team point of view it is a great sport and, of course, when the association was formed in 1943 it was mainly for women. The Softball Association started from very humble beginnings in the parklands and scattered throughout Adelaide, to the now well established and much admired headquarters at Barrett Reserve, West Beach.

There the association has an excellent administrative facility and a grandstand, the construction of which was made possible by a grant from the previous Government in this State, the hard work of the fund-raising committee of the association and the commitment from all the various clubs that are associated with softball in South Australia. So, the facilities for the Softball Association at West Beach are the

best in this country, and have been recognised world-wide. In 1991 the World Junior Girls Championship was hosted at West Beach and the complex—the international diamond, as it is called—was recognised by overseas participants and officials as of an exceptionally high standard.

Awarding the World Series to Adelaide was indicative of the respect held by the Australian Softball Association for our State body, and 12 countries came here for that World Championship series. South Australia has also been blessed with some outstanding women who have been the administrators and office bearers of the Softball Association. So, for anyone who wants to make the challenge that women cannot organise and participate in a sport, the proof that they can is in the Softball Association premises and facilities at West Beach.

The association currently has 6 000 financial members together with approximately 8 000 honorary members, who are mainly school participants. The South Australian Softball Association has 20 affiliated associations under its umbrella spanning all corners of South Australia and incorporating the Sunraysia area and the Broken Hill region. In addition to the membership, it has an extensive junior development program which has been made possible through the generous support of Foundation SA. Through this program accredited coaches are available to run introductory skills clinics in schools, and they are often the first contact with softball that youngsters have.

South Australia is very proud to have the services of a professional full-time coach employed through the South Australian Institute of Sport. Many years ago, when I was first elected to this Parliament, I remember moving that we establish a Ministry of Sport, Recreation and Culture—the aspect of culture was a bit too realistic for Parliament in those days—but the Dunstan Government agreed to establish a Ministry of Recreation and Sport and it accepted the principle and theory behind it—that we set up a sports institute with the idea of making it possible for all young South Australians involved in any kind of sport to be coached and assisted to reach their maximum ability.

The South Australian Sports Institute is starting to gain credibility. I say 'starting' because it takes a long time to build up a credible sports institute with world-wide achievements, but that is coming. I believe that nearly all our recent Olympic Games gold medallists came through the South Australian Sports Institute—so, its reputation is well earned. We are delighted to think that softball is part of the program within the Sports Institute. An extensive training program highlighting specific skills is currently under way through the institute's training program, and results of this year's national tournaments have already shown significant improvements. The program centres on the high performance groups of the softball fraternity, predominantly the State teams.

In the early days, softball was mainly a female sport. However, men's softball came to the fore in 1978, with a formal competition under the South Australian Softball Association's watchful eye commencing in 1986. This move was signified by the inclusion of a South Australian open men's State team being entered in the 1987 National Championships. In 1992 South Australia entered an under-19 men's team and, finally, in the fiftieth year of softball, an under-16 boys' State team competed in Perth. That shows the involvement of and commitment by young people and now men and women in softball in South Australia.

State affiliate centres come together annually on the January long weekend to play off against other regional teams in the State Championships for the all-important trophies that recognise the best affiliated teams. Teams enter from all over the State, with a total of 60 to 70 teams competing in various grades. Men's competition is included in this weekend along with senior women and junior boys and girls. Members can imagine what this does for the tourism industry within South Australia. Up to 70 teams of people from all regions of South Australia and the Sunraysia area, Broken Hill and so on converge on West Beach. They use the facilities of the West Beach Caravan Park, which is recognised as one of the best caravan parks in Australia and which has won many awards.

The local traders benefit by the visiting teams. The Softball Association itself benefits because it brings the best players in the State together to compete on an annual basis. And, again, this affords the opportunity to young country people to come under the scrutiny of the coaches from the Sports Institute and the major teams in the competition in South Australia. So, right throughout the length and breadth of the State, including the city, anybody who is interested in softball has the opportunity now to be chosen to represent their State in their age group. All this activity goes on, yet there is very little recognition of softball by the media.

A competition of high standard would not be successful unless we had officials, and South Australia is recognised both nationally and now internationally in umpiring circles as proudly boasting the best in Australia. A number of umpires based in Adelaide have been chosen to represent their country at international tournaments both in the past and in the future, and we have the highest number of accredited umpires in this country. South Australia competes at national level in the under-16 girls, under-16 boys, under-19 girls, under-19 mens and the men's and women's open championships.

That in itself means there is a huge financial commitment on behalf of the Softball Association and the participants themselves, as well as their supporters, in getting together to raise the funds to take the teams interstate. Like all sports it is very difficult at this time to raise money. There is no such thing as an amateur sport in the true sense because teams have to find sponsors and raise money so that they can compete. It is pretty tough going out there for a lot of what I call, with respect, minor sports. I do not think that softball is a minor sport; in other countries it is a major sport. We must ensure that we give our young people every opportunity in their chosen sport.

The Australian Softball Federation reached another milestone, which will ultimately affect every softball player and official in Australia in this the fiftieth year of softball in Australia, as it has been announced that softball will be recognised as a full medal sport in the 1996 Atlanta Olympic Games. Young South Australians now have the opportunity to receive the best training, to use the best facilities, and to be chosen to represent their country in the Olympic Games. What a wonderful achievement and honour that will be for any young South Australian, and it is made possible only by the hard work of those who founded and pioneered the Softball Association, in which many South Australian women have been involved, including the former past President, Rosemary Adey, who is the current Australian Softball Federation President. She was recently admitted to the International Softball Federation Board as Vice President of the South Pacific region. That is a wonderful achievement by one person who has given all in the name of softball.

There are many others, and I know that the member for Colton, a co-patron of the Softball Association, will at some

stage detail the achievements of the various clubs in South Australia over those 50 years. For what has been achieved and done in the name of softball in South Australia at both women's and men's levels and what will be done in future, I commend this motion to the House.

Mr CONDOUS secured the adjournment of the debate.

BREAST CANCER

Adjourned debate on motion of Mrs Kotz:

That this House calls upon the Prime Minister and the Federal Health Minister to increase research funds to help combat breast cancer from $1.4 million to $14 million in the 1994-95 budget and to consider initiatives through the tax system to encourage donations for breast cancer research.

(Continued from 14 April. Page 742.)

Mr LEWIS (Ridley): The member for Newland has provided the House with the kind of proposition of which we ought to see more. It clearly identifies the way in which we need to go in future if we are to get more effective use of the resources available to us as a society to deal with the real problems within society. These are problems literally of life and death. They arise in consequence of the concern about breast cancer, which seems to be increasing in incidence in the population.

Mr Atkinson: You've taken 25 words to get to that point.

Mr LEWIS: It will probably take me another 250 words to get where I am intending to go. Research funding has been grossly inadequate in the past. I do not know, and neither does anyone else, why there has been an increase in the incidence of breast cancer. The inane argument for keeping the level of research funding where it has been is, 'Of course, if we put in more money to research the disease and discover its existence in diagnosis, we will then discover that there are more people with breast cancer.' That is not logical. If we leave breast cancer undetected in its early stages, the person afflicted will die in very short order. The statistics relating to the incidence of the disease will be identical, yet the morbidity and ultimate mortality and therefore the cost in human life will be very much greater, unless we act now.

The member for Newland has properly identified that we need to increase the number of dollars currently being spent on research to help combat breast cancer. I also believe that we need to increase the number of dollars spent on providing early diagnosis of the disease. The amount of funds should be based on the medical needs of women and the necessity to meet the cost of technological development for diagnosis and treatment of the disease at a time when that treatment will result in the least dislocation of the individual's life, and that of their family if they have one, and at a time when the actual cost of treating the disease will be much lower than the attempt simply to prolong life through treatment once diagnosis is made at a later stage of development and the likelihood of total remission is very low.

The member for Newland has properly pointed out, and I strongly support her view, that funding needs to be based on those criteria and not on the dollar values of the perception of disease rates. We should not anticipate where it will occur and imagine that that is only where we need to spend the money, because that ignores scientific method. Until we have discovered why there is an increase in this disease and where it is occurring among those who are suffering from it at an earlier time in its development, we will continue to fail. I do not want to wait; I want to get on with it now, because half of the population are women. Indeed, the increase in incidence is at the point where about one in 14 is contracting the disease. The techniques are available for earlier diagnosis. However, we need further research and refinement of those techniques and we need to provide greater opportunities for earlier detection. We have to shift away from the subjectively assessed age range for the availability of diagnosis in the way in which the program is being run at present and make it more widely available to women at an earlier age when earlier detection is possible.

We will reduce the mortality rate through the availability of early detection and developing appropriate techniques in addition to those we already know about for detection purposes. Once we have done that, we can reduce the mortality rate by 30 per cent or more. That is already a reasonable statistical expectation. It is incredible that existing statistics show that one-third of all cancers detected in women are in women under 50 years of age, yet the focus of attention has traditionally been on women over 50 years of age for this disease. It has to change, and the sooner it changes the better. I do not care if we have to slash programs like Better Cities and Main Street. I think that the cosmetic appearances of our surroundings are much less important than the lives of people.

Mr Atkinson: Tell us about the other programs that you would slash.

Mr LEWIS: We ought to be devoting a little more attention to this and a little less to AIDS. After all, if you have AIDS, for some reason or other you have allowed someone to give it to you whereas, if you have breast cancer, as yet we do not know—

Mr Atkinson: What about blood transfusions for a haemophiliac?

Mr LEWIS: I said that someone gives it to you. In that case it was the person responsible for the administration of the transfusion not taking care to ensure that the blood was free of HIV. That person gave the AIDS to the haemophilia sufferer. Very few people contract AIDS through blood transfusions. The vast majority contract it through their own irresponsible behaviour. In my judgment, we ought to be spending less on people who contract disease through their own irresponsible behaviour and more on people who do not know that they are at risk and, who have innocently contracted it.

I have also said and will repeat that I do not mind if we cut the cost of Main Street or Better Cities and put the money back into medical research, where Howe pinched it from in the first place. I have said before that he may have the title 'honourable', but I question some of the actions he has taken since he has had responsibility for policy in the Federal Government. It was grossly irresponsible to plunder that money from medicine and spend it on cosmetic development for the sake of appearances in certain parts of urban Australia. The women of Australia who are fair dinkum about their health and the men who also care about it ought to stand up and condemn the man for the way in which he has behaved in that regard.

Mr ATKINSON secured the adjournment of the debate.

MOTOR REGISTRATION DIVISION

Adjourned debate on motion of Mr Lewis:

That this House congratulates the Minister for Transport for her commitment to review the procedures which must be undertaken by people living in rural areas more than 20 kms from a Motor Registration Division photo point for the purpose of obtaining a photograph for their drivers licence and urges the division to make the photo kit more readily available for use by accredited local photographers doing so, using very stringent subject identification criteria.

(Continued from 14 April. Page 744.)

Mr ATKINSON (Spence): I must say that this suggestion of the member for Ridley is praiseworthy. The Opposition will agree to or acquiesce in the motion, but I must say it is a little enthusiastic to congratulate the Minister for Transport merely for agreeing to review procedures. It seems to me that it does not take much for a Minister to review a procedure. I would prefer to be congratulating the Minister for changing policy or for obtaining an outcome on this matter for the people of rural South Australia.

Mr Quirke: But he is asking for anything he can get.

Mr ATKINSON: As the member for Playford suggests, the member for Ridley is easily pleased. However, we shall acquiesce in his pleasure.

Motion carried.

FIREFIGHTING AIRCRAFT

Adjourned debate on motion of Mr Lewis:

That this House requests the Environment, Resources and Development Committee of the Parliament to immediately examine the benefits to be derived by having access to the use of a Canadair CL 415 water-bombing, firefighting amphibious aircraft or similar large capacity high performance aircraft and examine ways of financing and effectively sharing the costs associated with the purchase of such equipment, and report to the House before the end of October 1994.

(Continued from 14 April. Page 745.)

Mr ATKINSON (Spence): Again, the Opposition is happy to acquiesce in this proposition. The item is about the Environment, Resources and Development Committee having a look at the merits of a Canadair CL 415 water-bombing, firefighting amphibious aircraft. Last year I came across an item in the paper about bushfires in Greece. This item stated that water-bombing aircraft were being used to fight the fires: one plane had come from the fires and swooped down to the seas surrounding Greece to pick up water to fight the fires but had inadvertently picked up a diver and had dropped him on the fire. His charred body was found some days later. However, I am assured that that story, which was widely reported in our newspapers, was not true: I want to put members' minds at rest on that. If the member for Ridley cares to reply to my contribution, he might tell us whether this aircraft has the capacity to scoop up a diver and transport him to a fire. There seems to me no harm in the Environment, Resources and Development Committee looking at the member for Ridley's suggestion, and the Opposition gladly acquiesces in this request.

Mr LEWIS (Ridley): I thank the Opposition for its support and assure all members, including the member for Spence, that the story is not true: it was part of a cartoon. Indeed, the Canadair scoop would be incapable of collecting an animal anywhere near the size of a human being; it would be lucky to scoop up anything the size of a full-grown salmon. The diameter of the scoops precludes any possibility of its being able to pick up people. It is quite a remarkable piece of equipment. There are other large capacity, high performance firefighting aircraft, but they are not as versatile as the Canadair, although admittedly they are less expensive. I have said my piece about this and I do not want to pre-judge the committee's investigations, but I know there is a wide body of opinion in the community supporting this course of action.

I believe that, whilst there are people with differing views about kinds of aircraft and whether or not they are cost effective who would want to put evidence before that committee, we will not resolve the matter unless we get an authorised body such as one of these committees to examine all the evidence and give us a report upon which we can then decide to act in a bipartisan way and thereby improve the services that through our actions we provide to the community. I thank the Opposition very much for the support it is offering.

Motion carried.

UNIVERSITY OF SOUTH AUSTRALIA

Adjourned debate on motion of Hon. M.D. Rann:

That this House oppose the policy of withdrawing courses from, and the eventual closure of, the University of South Australia's Salisbury campus and call on the university to maintain its legislative commitment to access and equity by maintaining bachelor and higher degree courses at the campus,

which the Minister for Employment, Training and Further Education has moved to amend by leaving out 'oppose the policy of withdrawing courses from, and the eventual closure of, the University of South Australia's Salisbury campus and' and 'at the campus' and inserting after 'University' the words 'of South Australia' and after 'courses' the words 'in the northern suburbs'.

(Continued from 14 April. Page 749.)

The Hon. M.D. RANN (Deputy Leader of the Opposition): The Opposition rejects the amendment. I reaffirm our very firm and clear opposition to the closure of the Salisbury campus and not only because of the real effects on access and equity in the northern suburbs. During the previous debate I released evidence from OTE about geographic distribution of students in the Adelaide area which shows a massive disproportion in the representation of northern suburbs students in universities. I want read to the House a letter received by the Leader of the Opposition and me from Janet Harris, representing the Elizabeth and Munno Para Regional Heads of Government Agencies Group. It states:

I write on behalf of the Regional Heads of Government Agencies, representing Commonwealth, State and local government departments (that includes State Government departments) based in the northern Adelaide region. At our most recent meeting we addressed the issue of the proposed closing of the Salisbury campus of the University of South Australia and the effect this could have on the region. While the group acknowledges the need to rationalise physical resources within the university, it has grave concerns about the planning processes, the lack of consultation with interested parties in the region and the potential reduction of educational services for the region. We therefore bring these concerns to your attention and ask that on behalf of your constituency you address these concerns with the Vice Chancellor of the University of South Australia.

The letter goes on:

The northern Adelaide region has the fastest predicted population growth in the State, with major urban development planned in the next decade for Munno Para and Salisbury, with emphasis on the development of the multifunction polis. The closing of Salisbury campus with facilities such as education and social sciences being

relocated to campuses other than the Levels does not appear to recognise these demographic changes. The multiple socioeconomic disadvantage of residents of the northern Adelaide region is well documented. It does not appear to be well recognised by the University of South Australia, even though under the Act two of the University of South Australia's functions are: to provide such tertiary education programs as the university thinks appropriate to meet the needs of Aboriginal people; [and secondly] to provide such tertiary education programs as the university thinks appropriate to meet the needs of groups within the community that the university considers have suffered disadvantages in education.

Public transport is relied upon by many students in the region. Travel to The Levels will be more difficult for students; travel to other campuses such as Magill or Underdale will be impossible for many both in cost and time. Examples include students already travelling long distances such as the Barossa Valley and students travelling with children whom they have placed in the Salisbury Campus Child-care Centre.

Salisbury campus has the highest participation of local students of any metropolitan university campus in South Australia. Despite this the northern Adelaide region still has considerably lower participation rates in post-secondary education than the State average. To remove an educational facility, and more particularly academic programs from the region, will exacerbate this low participation. Pathways between secondary schools, TAFE and the university with emphasis on Salisbury campus have been developed and successfully implemented. These pathways are likely to be cut short.

The Regional Heads of Government Agencies has raised these concerns with the Vice Chancellor and has been informed that the plans are to 'broaden the academic profile at The Levels', and that 'input from the community' will be sought. To date, no input from the community has been sought regarding the academic profile of The Levels; indeed, local information is that decisions have already been made on programs currently conducted at Salisbury campus which will be shifted entirely from the northern Adelaide region.

Our primary concern is the academic profile of the University of South Australia's campus(es) in the northern Adelaide region. This is an opportunity for the university to establish an expanded campus to serve the diverse higher education needs of the expanding northern metropolitan region. We seek your support to ensure this opportunity is realised and urge that you raise these concerns with the Vice Chancellor of the University of South Australia.

Yours sincerely, [signed] Janet Harris, Chair, Regional Heads of Government Agencies.

That includes State Government agencies. This is an iniquitous step at the very time when there should be a push to broaden access and equity and to actually use the Salisbury campus as a base to reach out to disadvantaged groups. We are seeing the closure of the campus in the most disadvantaged region of this State educationally in terms of the clear profiles that have been recognised in research studies at the same time as a brand, spanking new $70 million campus is proposed to be built in the city. We oppose the amendment.

The Committee divided on the amendment:

AYES (24)

Andrew, K. A.	Baker, D. S.
Baker, S. J.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Caudell, C. J.
Condous, S. G.	Evans, I. F.
Greig, J. M.	Hall, J. L.
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Penfold, E. M.	Scalzi, G.
Such, R. B. (teller)	Venning, I. H.
Wade, D. E.	Wotton, D. C.

NOES (8)

Arnold, L. M. F.	Atkinson, M. J.
Blevins, F. T.	De Laine, M. R.
Foley, K. O.	Quirke, J. A.
Rann, M. D. (teller)	Stevens, L.

Majority of 16 for the Ayes.

Amendment thus carried; motion as amended carried.

BUSHFIRES

Adjourned debate on motion of Mr Quirke:

That this House congratulates those members of the CFS and the MFS who recently fought bushfires in New South Wales and recognises the contribution of all other firefighters who remained in South Australia during this period minding the 'fort'.

(Continued from 14 April. Page 751.)

Mr ANDREW (Chaffey): Again, I support the motion in respect of all CFS volunteers from South Australia, particularly those volunteers who did go earlier this year to New South Wales and who gave significant and well recognised service in assisting that State in its time of need with the bushfire problems it was encountering. As was the case last week, I have limited time today to acknowledge this matter and express my support for the motion. However, I recognise the efforts of those individuals who went to New South Wales and note that their activities covered a number of categories, including physical effort with respect to firefighting directly, back-burning and evacuating victims, as well as providing moral support.

Debate adjourned.

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

NATIVE TITLE

The Hon. DEAN BROWN (Premier): I seek leave to make a ministerial statement about Mabo and native title. In view of the importance of the subject, I indicate that it will take longer than the 15 minutes allowed under Standing Orders and, in seeking leave to make the statement, I request that it cover also an extension of time.

Leave granted.

The Hon. DEAN BROWN: The Government has taken a number of important decisions to address the short and long term constitutional, legal and administrative issues arising from the High Court Mabo judgment of June 1992. I wish to announce those decisions to the House and to explain the overall strategy which underlines them, aimed at achieving a national workable outcome to Mabo. In summary, South Australia will enact State legislation to enable our State laws to be consistent with the Commonwealth's Racial Discrimination Act and, as far as is appropriate and in the event that it is valid, the Native Title Act. At the same time, we will retain the option of challenging, in whole or in part, the Native Title Act with a view to achieving amendments to that Act to make it workable and less complex.

At the outset, I emphasise that our decisions seek to maintain South Australia's reputation as a national leader in resolving issues relating to Aboriginal association with the land. The Aboriginal Lands Trust Act introduced by a former Labor Government in the 1960s, the Pitjantjatjara Land Rights Act negotiated by a former Liberal Government just over a decade ago, and the Maralinga Tjarutja Land Rights Act which received bipartisan support in 1984, are enduring testaments to the goodwill of South Australians to our Aboriginal citizens. This statement today signals my Government's intention to take a national lead once again, to seek a genuine and workable national resolution to Mabo.

It is fundamental to our approach that we recognise that we ought not seek to rectify any past injustices to Aborigines, however long ago any such injustices may have occurred, by penalising today's general community interests. We all accept, I am sure, that association with land is of great importance to Aboriginal Australians, but the Native Title Act does not address that issue for many Aboriginal Australians who no longer have an association with traditional land. At the same time, the health, education, employment and housing opportunities of all Aboriginal Australians are equally pressing issues, issues which can only be addressed adequately in a vibrant economy. Unfortunately, even now, almost two years after the High Court judgment, the community—Aboriginal and non-Aboriginal—has been unable to measure the full implications of Mabo. This state of great uncertainty is in no-one's interests.

In South Australia, 20 per cent of our land is now Aboriginal land; 23 per cent is national parks and reserves; 7 per cent is Crown land; 40 per cent is under pastoral lease; and the remaining 10 per cent is freehold land. It is essential for the future development of this State that miners, pastoralists, developers, tourist operators, Aboriginal groups and financiers are able to enter into transactions in respect of all this land in the certainty that the rights they have been granted, or that they may have acquired, are valid and enforceable. The current uncertainty is causing grave legal and administrative problems and delays in respect of grants of interests in land where it is not known whether the native title has survived. Such delays have serious economic and other implications.

In dealing with Mabo, the former South Australian Labor Government's attitude generally was to accept the approach of the Federal Labor Government. The former State Government gave little direction to officials in their meetings with other States and the Commonwealth, and provided them with only minimal resources to undertake their complex and important work. Indeed, when we came to office, I was amazed how little work had been authorised on Mabo, despite its being a major issue for the whole of 1993. Our State's low key approach also extended to initiating only very minimal investigations of antecedent land tenure, where land could be the subject of native title claims.

To illustrate this point, members should be aware that South Australia has more than 260 national parks and wildlife reserves, many of which cover more than one section and hundred. A number have had areas added to them over time. Manual records need to be searched to determine their tenure history in each case. As a result of the previous Government's inaction, my Government has inherited a legal and political minefield of complex issues to resolve. I place on record my Government's appreciation of the assistance and dedication given by State officials in helping us to come to grips with this situation since last December.

Immediately after the election, a Cabinet subcommittee was established comprising myself, the Attorney-General and the Minister for Aboriginal Affairs. This subcommittee has been meeting on a regular basis with senior officials, including the Chief Executive Officer of the Department of Premier and Cabinet, the Solicitor-General and the Crown Solicitor. The subcommittee has also consulted with groups directly affected, including the Aboriginal Land Rights Movement, the Anangu Pitjantjatjara, Maralinga Tjarutja, the Aboriginal Lands Trust and representatives of the Chamber of Mines. In mentioning this continuing consultative process, the Government recognises the desires of these groups for a fair and practical outcome to Mabo.

In relation to Aboriginal groups, it should be recognised that they have accepted the process whereby post-1975 grants of title can be validated at the extinguishment of native title. The recent historic inaugural meeting at Camp Coorong in the South-East of the Joint Council on Aboriginal Land and Mining is a further reflection of the desire of Aboriginal groups and others for practical solutions to complex and far reaching issues. It is against this background that my Government has formulated a detailed response to Mabo which I now announce.

The foundation of our response is an acceptance of the common law position established by the High Court Mabo judgment that a form of native title to land preceded European settlement. To build on this foundation, my Government firmly believes that a genuine national solution to the constitutional, legal and administrative issues arising from the High Court judgment is desirable. However, my Government is equally firm in its belief that the Native Title Act, passed by the Federal Government in the final days of 1993, is most unsatisfactory in some vital respects, bordering on, if not, unworkable. Our consultation has identified that this is a view held across a broad spectrum, among Aboriginal as well as non-Aboriginal groups.

Consistent with our desire for a national solution, we intend to seek amendments to the Commonwealth Native Title Act acceptable to the Federal Government and to other States and Territories, Aboriginal groups, pastoralists, the mining industry and others directly affected by the legislation to give more certainty and to make the legislation more workable. If we are unsuccessful in achieving agreement to amendments to the Federal legislation, South Australia will seriously consider joining a challenge to the legislation in the High Court.

We have eminent legal advice that there are good grounds for a constitutional challenge. However, we see this as a less desirable option than changes to the Commonwealth Native Title Act to make it workable, to remove unnecessary complexities, to create greater certainty, and to ensure that it does not jeopardise the economic development of our State and our nation. The Act is unduly complex. The main problems are: continuing uncertainty about the extinguishment of native title; excessive restrictions on State powers to control land management and to deal with native title; the extraordinarily complex, time consuming and therefore costly notification procedures; cumbersome and slow procedures for negotiation with holders of native title; non-finality of title; restrictions on State legislation to deal with native title; and lack of criteria for assessment of compensation.

Some immediate practical problems and potential competition between Aboriginal claimants are already causing serious problems. One of the major problems results from the fact that the Commonwealth has only limited experience in land tenure matters. For example, the Commonwealth Government is of the view that a grant of a pastoral lease prior to 1975 had the effect of extinguishing native title over that land. The Commonwealth Government has given undertakings to the pastoral industry on that assumption. The State Government's advice is to the same effect, but there is still doubt about the validity of pastoral leases. The matter could have been clarified by the Commonwealth in the Native Title Act. The Commonwealth did not do so. Apparently, the Commonwealth Parliament did not understand that the administration of the pastoral and mining

laws of this State are unworkable unless there is certainty in respect of what lands could be subject to native title claims, particularly when 40 per cent of the State is involved in those pastoral lands.

The rural and mining industries are being significantly affected by this uncertainty. Many millions of dollars worth of mineral exploration is being delayed because the Native Title Act imposes the requirement for significant amendments to our State mining legislation to provide certainty in procedures, certainty of title once granted and an administrative system for the grant and administration of title which is as expeditious as possible. The momentum given to exploration by the ongoing exploration initiative in which the State invested $15 million will be seriously slowed unless these issues are dealt with. There is also uncertainty about the amount of compensation payable for validation of past acts and who will be responsible for the payment of that compensation. My Government maintains its position that the Commonwealth must accept responsibility for compensation, both before the end of this year and after the end of this year. I would have to add that so far the Prime Minister has accepted only three-quarters of the cost of compensation to the end of this year and no responsibility whatsoever after the end of this year.

Another important matter to resolve is what administrative costs South Australia will incur and what costs the Commonwealth will agree to compensate in administering the Native Title Act. To resolve these and other issues, the Government has authorised the Cabinet sub-committee and the group of senior officials that has been meeting with the Cabinet sub-committee to explore with the other States and Territories, the mining and pastoral industries, Aboriginal groups, the Federal Government and the Opposition Parties in the Federal Parliament whether national negotiations can establish a consensus position on amendments necessary to make the Native Title Act workable. A deadline of three months has been imposed on achieving this objective, recognising that a decision on a High Court challenge must be made by mid year.

In pursuing this strategy, the prospect of a successful High Court challenge to at least some important aspects of the Native Title Act will be important in negotiations. We are continuing our extensive preparation to enable us to pursue this option so that we will be ready to proceed if there is no alternative. In the meantime, the Government has authorised the introduction of a legislative package to deal with short-term issues arising from the application of the Native Title Act. This package is the product of very extensive work by the Government because the issues are as complex as they are important. As I have mentioned, there has been some consultation with parties directly affected by native title. However, the Government recognises that, because of the far reaching nature of the issues involved, there is a requirement for more time to scrutinise the measures we now propose.

Accordingly, while our legislative package is being introduced from today, with further Bills to come in during the next week of sitting, the legislation will be allowed to lie on the table during the parliamentary recess. This will allow the package to be taken up early in the budget session with a view to it being enacted by the end of September. I should say that the Government is confident that our work has adequately addressed the issues, but we wish it to be subjected to further intensive scrutiny because we are charting new constitutional, legal and administrative directions.

Today, the Minister for Mines and Energy is introducing extensive amendments to the Mining Act to allow decisions to be made about proposed exploration and mining initiatives as soon as possible. A sunset provision of two years has been included in Part 9B (which deals with native title land) to amend the Mining Act so that, if related provisions in the Native Title Act are held to be invalid by the High Court, those provisions in the Mining Act will automatically expire two years after commencement of the Act. If the related provisions in the Native Title Act are held to be valid, the Government will seek to extend the operation of that part of the Act with such amendments as experience or changes in the Commonwealth law dictate. Today, we are also introducing legislation to amend the Environment Resources and Development Court Act. This will establish a State arbitral body which will be recognised under the Native Title Act to deal with native title claims.

During the next sitting week, amendments will be introduced to the Land Acquisition Act and the Crown Lands Act to enable compulsory acquisition of native title interests including acquisition for third parties, as contemplated under the Commonwealth's Native Title Act. A range of other State legislation is also affected by Mabo and native title—more than 20 Acts in all. Amending legislation will be introduced as our work progresses to these Acts. The effect of this initial legislative package is to signal that South Australia is ready to deal with the shorter term issues arising from Mabo and native title. In particular, miners and others will be able to operate in this State in the certainty that the laws of this State are valid and that title granted under those laws is also valid.

In order to achieve this we have had to adopt some procedures and provisions of the Native Title Act which, in the view of the Government, are quite unsatisfactory and burdensome. This is the cost of uncertainty during the period when the Government attempts to achieve some amendments to the Commonwealth Native Title Act, and that Act is already subject to challenge. If the Native Title Act is valid, the laws of this State will also be valid. If the Native Title Act is invalid, the laws of the State will still be valid. The uncertainty that exists in other jurisdictions will not be a problem in this State. Of course, if the Government is successful in having certain aspects of the Native Title Act amended or any challenge is successful, the laws of this State will be varied to reflect new and improved arrangements necessary to make them more workable. The Government has committed significant resources to implementing the strategy I have just outlined.

As I have indicated, the Cabinet sub-committee and officials at the highest level are involved on a continuing basis in dealing with Mabo. A special budget allocation of $500 000 has been provided for the next three months to facilitate the work necessary to seek to negotiate a national outcome and to ensure South Australia has laws which are valid. While the procedures we have been compelled to incorporate in our legislative package are cumbersome and will cause delays, nevertheless they do remove continuing uncertainty over native title. I commend our strategy to the House, to Canberra, to the other States of Australia and the Territories, to Aboriginal groups, the mining industry, pastoralists and others directly affected, as a genuine attempt to achieve a national, fair and workable solution to Mabo. I urge the Commonwealth to enter into discussions with a determination to resolve the uncertainties and to make the Native Title Act workable. The Commonwealth must also accept with maturity the decision of any State or Territory to

challenge the whole or any part of the Act, recognising that, to ensure certainty, at some time the constitutional issues must be resolved once and for all in the national interest.

QUESTION TIME

EQUAL OPPORTUNITY COMMISSION

The Hon. LYNN ARNOLD (Leader of the Opposition): Can the Premier inform the House of the proposed terms of reference for the inquiry into matters affecting the operation of the Equal Opportunity Commission? Will the terms of reference include reducing the scope of the legislation, and can the Premier guarantee that the commission's budget will not be cut? The Opposition has been contacted by groups regarding the contents of an article published in this morning's *Advertiser*. They are concerned that the Government will bend to the wishes of some employers and reduce the scope of the equal opportunity legislation and will take action to reduce the commission's budget.

The Hon. DEAN BROWN: First, I am amazed that the Leader of the Opposition should be trying to make something out of the Government's review of the whole area of equal opportunity and the administration of the Act, particularly as this review is being undertaken by someone who is nationally recognised as a lawyer of the highest integrity and independence. To think that the Government in any way would try to influence Mr Martin in this review is a sad reflection on the Leader of the Opposition and the warped view that he takes. I do not have the specific terms of reference before me.

An honourable member interjecting:

The Hon. DEAN BROWN: I don't have them here. The Attorney-General has already talked about them publicly and outlined the scope of the inquiry. I will certainly put the Leader of the Opposition's request to the Attorney-General in another place, but I can assure the honourable member that what the Attorney-General is seeking to achieve is a much more efficient and workable operation of the equal opportunity legislation to cut out areas of duplication or conflict, if they should exist. It is up to Mr Martin QC, who I stress again has the highest integrity and independence, to make those judgments and to report to Government. I can assure you—

An honourable member interjecting:

The Hon. DEAN BROWN: There's nothing secret in terms of the scope of the investigation, as the Attorney-General has already talked about publicly.

INFORMATION TECHNOLOGY

Mr SCALZI (Hartley): Will the Premier explain the action the Government has taken since the election to reduce the cost to Government of information technology and to ensure Government spending in this area is directed towards encouraging new industrial development in South Australia?

The Hon. DEAN BROWN: It is interesting to see the extent to which the Opposition, now that it has lost Government, criticises any attempt whatsoever to bring about efficiencies in terms of information technology within Government. I bring to the attention of the House the fact that it was the Premier of the day, the now Leader of the Opposition, who said in his Economic Statement in April last year that the Government 'spends about $300 million a year on information technology applications, including telecommunications'. He went on to say:

> Better coordination of effort and better management of present activities is expected to lead to savings of millions of dollars in a full year.

I also know from submissions put to Cabinet by the former Government that it estimated that those savings could be as high as 20 per cent. It does not take much to work out that, if you are spending $300 million and you can achieve savings of up to 20 per cent, that means that you could save $60 million a year—that is very significant indeed. Yet, day after day we have the Opposition in this State criticising the Liberal Government for trying to bring about those efficiencies and gains for the taxpayers of South Australia, which the Opposition itself highlighted.

I know, and every one recognises the fact, that the Opposition failed miserably in its task. What we have, in the latest effort, is some attempt to ridicule IBM in this process because IBM and EDS—both internationally recognised leading companies in this field—have been criticised by the Opposition. We know that they signed a memorandum of understanding. I have now been able to find the legal opinion that was referred to in this House last week—which had not, incidentally, come to me—which says that the memorandum of understanding, signed by the former Government the day before the election—the caretaker Government—was not a legally binding agreement. If anyone was trying to do things in the closet—

Members interjecting:

The Hon. DEAN BROWN: If any Government was trying to do things in the closet on information technology, it was the former Government trying to sign the memorandum of understanding the day before the election. Let us look at the advice in respect of IBM given to the former Minister of Industry, Trade and Technology by the head of the Premier's Department. It is worth pointing this out. I have read out other statements to the House but here are two very pertinent quotes that were given to the former Minister, who then became the Premier, the now Leader of the Opposition, who, with his cohorts, is now criticising any efforts whatsoever to bring about some savings and some new economic activity in South Australia. This is what Mr Guerin said with respect to IBM as a preferred supplier arrangement. The Government is trying to establish a preferred supplier arrangement with one of two major companies.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: This is what Mr Guerin told the former Minister of Industry, Trade and Technology:

> IBM is a significant supplier to the South Australian Government and industry. The South Australian Government has a significant installed base of IBM equipment and systems. In any development plan for the rest of the decade it is desirable that the company play a positive role. It is not possible to envisage a strong IT industry in this State without a special IBM presence.

I wonder whether he told his colleague the member for Hart that before allowing the member for Hart to go out and make certain statements yesterday.

Members interjecting:

The Hon. DEAN BROWN: That's right. They thought so much of Mr Guerin that they provided $1 million for him to go off to a university. Then there was the letter from Dr Peter Crawford, head of the Premier's Department under the former Government. This is what Dr Crawford had to say about IBM:

> We understand the requirement for IBM to increase its share of South Australian Government business and are willing to recommend to Government ways of facilitating the achievement of that

objective on the understanding that South Australia would directly benefit in some way. We believe that future discussions need to be focused on establishing a commercial arrangement to achieve this end.

That is exactly what I have been saying in this House and publicly for the past four months: exactly that. It is quite all right for the former Government to have that sort of objective but, once it is revealed publicly that we are trying to achieve that objective, it is out there criticising us for it. I stress that this former Government, which now criticises the present Government for what it is trying to achieve in new economic development for this State, between 1990 and 1993 wasted $2 million of taxpayers' money on the debunked information utility. It then set up information utility model number two and scrapped it. Then it set up Southern Systems.

I point out that this Government, right from when the election was finally decided, set about a due diligence process to make sure that it gave all companies an opportunity to put a point of view to Government. We went through a very detailed three month due diligence process. We have narrowed the field down to two companies. The Cabinet has established a Cabinet subcommittee to deal with this matter: it includes me, the Deputy Premier and Treasurer, and the Minister for Industry. Responsibility for the direct administration of the Office of Information Technology now belongs to the Treasurer who looks after the day-to-day responsibility. I Chair the Cabinet subcommittee. The information technology task force, which we have set up to look at the other key element of this, that is, the industrial development element, reports to me as Chairman of the Cabinet subcommittee.

An honourable member interjecting:

The Hon. DEAN BROWN: In fact, the one thing that most people are saying is that we have achieved remarkable progress already. I come to the final point and that is that our objective is to achieve not only savings for Government but new economic activity by being able to establish in South Australia substantial software development companies. I point out that one of the factors which we were able to sell to Motorola to attract it to set up its software development centre is the whole policy the Government was taking in terms of out-sourcing data processing and then attracting international companies to set up as part of that computer technology centre at Technology Park. Therefore, by being able to sell that to companies like Motorola, we can attract them to this State. This State has already started to see the significant benefits that will come from this Government's policy on information technology.

COMMONWEALTH GRANTS

The Hon. M.D. RANN (Deputy Leader of the Opposition): My question is directed to the Minister for Employment, Training and Further Education. How will the Government avoid cuts to Commonwealth grants for vocational education and training in South Australia following a request from the Australian National Training Authority to provide information on the extent to which South Australia will not maintain effort in financial terms in 1994-95? Under agreements with the Australian National Training Authority, South Australia must maintain expenditure to have access to Commonwealth grants. Cuts to State expenditure mean cuts to Commonwealth grants.

This follows from 23 March when the Minister said it was Government policy to offer separation packages to staff in his department and the institutes of TAFE to cut expenditure. The Australian National Training Authority has written to the Minister's department on 12 April, and I have a copy of that letter, requesting details of revenue and expenditure, wages and salaries and superannuation to facilitate a review of the level of Commonwealth grants to South Australia.

The Hon. S.J. BAKER: I rise on a point of order, Sir. We are having another second reading speech.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Deputy Leader of the Opposition for interjecting while the Chair is answering a point of order. I believe that the Deputy Leader has adequately explained his question. I call on the Minister for Employment, Training and Further Education.

The Hon. R.B. SUCH: In relation to maintenance of effort, the rules have changed since the honourable member was a Minister and he may not have caught up with it. It is not simply financial matters: it also takes into account activity based on student contact hours and student numbers and, importantly, reflects productivity. We are moving away from a simplistic notion of dollars and looking at what we get for dollars. I would like to enlighten the honourable member that we will be there, we will get our share and we will maintain our effort, and he will be there to applaud when we do.

WINE INDUSTRY

Mr BUCKBY (Light): My question is directed to the Premier. Is the South Australian wine industry in a rapid expansion phase as shown by a significant increase in vineyard plantings? What assistance is the Government giving to the industry to meet its expansion target?

The Hon. DEAN BROWN: I thank the honourable member for his question and I appreciate the fact that the Barossa Valley is plum within his electorate and that this is a matter of great interest to him. As the honourable member knows, I was recently at Orlando—

Members interjecting:

The Hon. DEAN BROWN: I also recognise in this House the member for Custance: the fact that the electoral boundary runs down the middle of the Barossa Valley makes it difficult for the member for Custance and the member for Light to stand at the same time and ask the same question. I point out to the honourable member that, as he knows, Orlando has recently invested $10 million in new wine bottling and other facilities of world class. It was bottling 22 000 bottles an hour. The important thing is that, to meet the export potential in the wine industry where by the year 2000 South Australia will be able to account for exports of an estimated $700 million of wine, making it the biggest single export commodity out of South Australia, we need to invest between $300 million and $400 million in the next three years to establish another 15 000 hectares of vineyards in South Australia.

That is a huge task in two areas: one is how do we get the money together to achieve that and the second is how do we make sure water is available? On the first issue, I am delighted to say that a number of the wine companies are now working with investors or vineyard investment trusts. I think we will find that three or four of them will be established in South Australia over the next year. The first has already been established and will literally be able to collect $50 million to $80 million within each trust for investment in new vineyards. The other important issue concerns water, and the State Government is looking at how we can free up the availability of water and supply additional water. That is the reason for

the recycling of effluent water to the McLaren Vale area and why we are working with the industry to develop a policy to increase additional water supplies at Langhorne Creek. Throughout the State we are looking at areas which are suitable for vineyard development so that we can make more water available. The Government is working very closely with the wine industry to bring that about. I have already had several meetings with them.

IBM

Mr FOLEY (Hart): My question is directed to the Premier.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: I will give the Minister for Racing a break today.

The SPEAKER: Order! The member for Hart will ask his question or resume his seat.

Mr FOLEY: Given the Premier's earlier comments, does it mean that the exclusive deal that he signed with IBM and announced on 9 December is no longer valid and he therefore has no obligation to fulfil his pre-election commitment to IBM?

The Hon. DEAN BROWN: I am delighted that the member for Hart should raise this issue. Let me make it quite clear. There was simply an exchange of letters between the Liberal Party and IBM prior to the election.

The Hon. M.D. Rann: Simply an exchange on TV.

The Hon. DEAN BROWN: That is correct. It was an exchange of letters and that was acknowledged at the press conference. It was a statement of intent by IBM.

The Hon. M.D. Rann: Within three months.

The Hon. DEAN BROWN: It has no legal standing, except being a statement of intent by IBM. We have never claimed that it was a legal contract. I do not see why the honourable member should try to infer that it was a legal contract.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I was very interested, because the honourable member last week, when talking about legal opinions, tried to suggest that we had sought a legal opinion on that very issue. In fact, in calling up the legal opinions that have been obtained, I find that no such legal opinion was obtained on that whatsoever. The legal opinion relating to IBM related to some other aspect on a document that it tabled with the Government in February this year. Therefore, the inference that the member for Hart has been trying to float around, including floating to a certain newspaper over the weekend, is entirely without foundation. No such legal opinion exists.

Members interjecting:

The Hon. DEAN BROWN: I think it highlights how furtive the imagination of the Labor Party is on this issue, having failed the taxpayers of South Australia for four years so miserably and cost them millions of dollars through failure on information technology.

WINE INDUSTRY

Mr ANDREW (Chaffey): My question is directed to the Minister for Infrastructure. What development proposals is the Minister considering to boost wine grape production in the Riverland? The Minister and members opposite are well aware of my keen desire to promote the potential expansion of quality wine production in the Riverland, but currently there is an increasing export demand for high-class Australian wine overseas which is not being met with current wine production.

The Hon. J.W. OLSEN: Consistent with the Premier's response to the question from the member for Light and wanting to set an objective for plantings for the wine industry to make sure we pick up export market potential, I point out that 3 100 hectares of additional vineyards have been identified to be planted through to 30 June 1996. As it relates to the Riverland and to make sure that we position ourselves to meet that objective of major infrastructure investment to supply water for that major industry group—

Members interjecting:

The Hon. J.W. OLSEN: No. It is a consistent approach by the Government to achieve major industry growth for the benefit of jobs in South Australia: that is what it is about. There are a number of schemes currently under consideration within the Engineering and Water Supply Department. We are pursuing a prospect for wine grape development on private land adjacent to the Cobdogla irrigation area at Loveday on the River Murray.

The existing Government scheme is currently being rehabilitated, and the opportunity exists for additional water to be pumped through existing irrigation head works for the development of 600 hectares of land adjacent to the River Murray. I have asked the EWS to set up an independent working party to examine matters such as water allocation, soil suitability, land tenure and appropriate drainage requirements.

An honourable member interjecting:

The Hon. J.W. OLSEN: Some of our studies actually get some progress for South Australia. Some of our studies actually bring on stream industry support mechanisms, which the former Labor Administration failed dismally to do in the last 10 years.

Once these matters are resolved, I will consider inviting offers from the private sector for suitable irrigation development of that land. The water allocations will have to be purchased from the water market. However, this will be managed over a suitable time period and should not impede that development.

This is an exciting possibility and, if successful, will be a significant boost to South Australia's drive for increased international exports as well as a boost to the Riverland economy.

QUESTIONS, REPLIES

Mr QUIRKE (Playford): My question is directed to the Minister for Emergency Services. Can the Minister say when he will reply to a series of nine questions referred to him by the Hon. C.J. Sumner in another place on 10 March this year concerning the Commonwealth Telecommunications Interception Act, the South Australian Listening Devices Act and other matters? These questions deal with important constitutional and public policy issues relating to the taping of conversations of members of Parliament, and I am sure that members on both sides of the House are concerned—

Mr Lewis interjecting:

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

Mr QUIRKE: Thank you, Mr Speaker. I am sure that most members on both sides of the House are concerned that these matters should be dealt with as soon as possible.

The Hon. W.A. MATTHEW: The question to which the honourable member referred was signed by me in the form of an answer about a week ago. I am not responsible for the processes of another place. I am sure that when they are followed through the former Attorney-General, if he has not received his answer today in that Chamber, will do so shortly.

LAKE EYRE

Mr BRINDAL (Unley): My question is directed to the Minister for the Environment and Natural Resources. In view of the Government's stated policy of objection to world heritage listing of the Lake Eyre Basin, what progress has the Minister made in informing the Federal Minister, conservationists, the mining industry, pastoralists and his own department of the Government's policy on this important issue?

The Hon. D.C. WOTTON: On a number of occasions I have explained to the House where this Government stands in regard to the world heritage listing of Lake Eyre. We have a very strong opinion that this move, which has been promoted particularly by the Federal Government, should not be supported. The Government's view is that adequate protection of key areas of conservation significance can be better provided through State legislation. We have continued to say that, and much progress is being made in regard to determining which legislation should be recognised to protect these areas.

I am pleased to inform the member for Unley that in recent times I have written to all Federal Ministers for the Environment—Minister Kelly, Minister Richardson and of late Minister Faulkner—and I will be meeting Minister Faulkner in Canberra next week.

An honourable member interjecting:

The Hon. D.C. WOTTON: Well, on previous occasions when I have attempted to meet Federal Ministers for the Environment, they have disappeared before I have had the opportunity to meet them. I am looking forward to clearly spelling out this Government's position in regard to this matter to the Federal Minister. I am also taking the opportunity, while in Canberra, to meet representatives of the National Farmers Federation. I have also met the South Australian Farmers Federation, Santos and numerous pastoralists on several occasions in this State to make clear where the Liberal Government stands in regard to this matter. I will continue to make representations to ensure that the Federal Government understands the strong stance that this Government takes on this matter.

ORGAN DONATION

Mr ATKINSON (Spence): Will the Minister for Health explain why he told the *Advertiser* yesterday that the Social Development Committee of the Parliament was examining his proposal to take organs for transplants from any dead person, and how was he able to say that the committee, which is not apprised of the reference, will make a decision on this matter within six months? Under the Parliamentary Committees Act, the Social Development Committee takes its references from Parliament, not Ministers. The committee is investigating references from Parliament on prostitution, HIV infection, family leave and rural poverty.

The Hon. M.H. ARMITAGE: I am delighted to address this question which is—

Members interjecting:

The Hon. M.H. ARMITAGE:—I am indeed delighted to address this question—which is a matter of enormous importance to the people of South Australia, particularly those 108 people who are waiting for kidney transplants at this moment, particularly for the Anglican priest whose condition is highlighted on the front page of the *Advertiser* today, because those people are desperate to have their lives altered by organ donation. It is fair to say that the member for Spence possibly a couple of years ago issued a media release; I am not sure, because I cannot remember it. If he did so in the past four years, he may have realised that occasionally things are taken out of context. I have told the *Advertiser* that I was referring the matter to the Social Development Committee of the Parliament. If the member for Spence wishes me to go to the media monitoring sources for all the interviews I have had I will give him all the quotations, because they are all saying exactly the same thing: that I am referring the matter to the Social Development Committee and, given its intense workload, I would hope that it might be able to report within six months. Section 15 of the Parliamentary Committees Act 1991 provides:

> The functions of the Social Development Committee are—
> (a) to inquire into, consider and report on such of the following matters as are referred to it under this Act:
> (i) any matter concerned with the health, welfare or education of the people of this State.

If the honourable member does not believe that the matter of organ transplantation is not concerned with the health of the people of this State he is sorely misjudging the situation. The Act continues in section 16(1), as follows:

> Any matter that is relevant to the functions of a committee may be referred to the committee—
> . . . (c) of the committee's own motion.

Hence, I read into *Hansard* a copy of a letter written to the Presiding Member of the Social Development Committee, Bernice Pfitzner—

An honourable member interjecting:

The Hon. M.H. ARMITAGE: The letter was written this morning, and it states:

> I am writing in relation to the important matter of organ donation. As you know, it is a very important part of our health system and also presents a unique opportunity to assist someone else in leading a better lifestyle. I have been approached about the need to increase the number of donors. One manner in which that may be achieved, taking into account experience in other countries, is by moving to an opting out system of organ donation. Recognising that there are divergent community views on opting in *vs* opting out, I believe that the Social Development Committee with its mandate may be well placed to consider the matter. I realise that the committee has a busy program, but in view of the importance of the issue I would be pleased if the committee would consider placing it on its agenda. There would no doubt be a range of community views seeking to be heard. If the committee is prepared to undertake the task, I would be pleased to facilitate it in its work by arranging for the presentation of facts, figures, etc., which may assist. I look forward to the committee's response.

There have been a number of interjections of 'Just do it': no, this Government is not about to introduce compulsory legislation on such an emotional matter. I am absolutely certain the member for Giles would support me; his public statements support me. However, I recognise that there are members opposite who would not support me, because three years ago in Kidney Week I wrote to every single member of the House and said, 'Let us on a tripartite basis give publicity to the people who desperately need organ donations.' I wrote

to every single member, and I had a journalist from the *Advertiser* who was prepared to take a photograph of us all on the front steps of Parliament House publicising organ donation. Some Labor members wrote back to me and said, 'I am uncomfortable with the concept; thank you, but I do not wish to be part of it.' So, rather than bludgeon this through, as some of the interjections would suggest I do, I am referring the matter, which is of vital importance to the health care of South Australians, to the Social Development Committee of the Parliament, which is the appropriate forum for the matter to be investigated.

YOUTH INITIATIVES

Mr KERIN (Frome): My question is directed to the Minister for Youth Affairs. What is the Government doing about the representation of youth in decision-making across the State at local and State Government level, and how can existing youth organisations and initiatives be utilised to achieve Government and local community goals? Yesterday I hosted a visit by the Youth Party, a group of Port Pirie youth who have banded together in an attempt to have more say in the decision-making which affects their future. They are seeking ways in which they can best impact on State and local government decisions.

The Hon. R.B. SUCH: I was delighted to meet the Youth Party yesterday. Whilst it is not a Party in the strict legal sense, it is a group of young people from the Port Pirie area who are very keen to voice the view of youth from not only their area but elsewhere. They raised a lot of important issues, including youth suicide, which is a very serious problem in South Australia and one that we have to be very careful in publicising, lest we trigger off a negative response within the community. The group was very interested in what the Government is doing to give young people a voice in the affairs of their community. I am pleased to indicate that we are about to institute a Youth Parliament, in conjunction with the YMCA, which will involve young people from all over South Australia in a bipartisan approach, because it will be a training program in which young people will be able to debate issues in Parliament. I will seek members' support to sponsor a young person from their electorate as part of this training program. One of the things sadly lacking in our community is an understanding of our political system and the parliamentary process.

I am not suggesting that the Youth Parliament is the answer to all young people's wishes. We are also establishing a Youth Advisory Council that will advise young people, because often advice is given by others on behalf of young people, and this council, which will comprise young people from not only the mainstream but also those from disadvantaged groups, will give advice directly to Government. We are moving to have young people on appropriate Government boards, where those boards relate particularly to the affairs of young people and where it is appropriate to do so, and we are also encouraging local councils to give young people a voice. I am very pleased to note that councils such as Port Pirie, Prospect, Stirling, Henley and Grange, Marion, Burnside and others are now moving very strongly to give young people a voice in local government through either advisory committees or local council youth-based forums. So, many positive things are happening. This Government is strongly committed to ensuring that young people are not only recognised as being an important sector of the community but also have a voice in the affairs of their community.

TOURISM, FAMILY

Ms HURLEY (Napier): Will the Minister for Tourism direct his department to propose more tourism packages for families, particularly in recognition of this International Year of the Family? The booklet produced by the South Australian Tourism Commission *South Australian Shorts* contains a series of package holidays around South Australia. Although an excellent guide, over 30 per cent of the destinations listed are designated inappropriate for children. Indeed, in the areas closer to Adelaide the figure is much higher: 87 per cent of the Hills holidays are inappropriate for children; 59 per cent of Barossa Valley holidays are inappropriate for children; and 47 per cent of Mid-North holidays are inappropriate for children. These sorts of statistics limit the development of interstate tourism in particular.

The Hon. G.A. INGERSON: The short answer is 'Yes'. Our whole proposal for tourism is about people and families. As the Minister for the Environment and Natural Resources briefly says to me, in his bed and breakfast enterprise he caters for families. The Premier also tells me that Victor Harbor caters for families. We are seeking to make sure that all South Australians are included in the tourism promotion being conducted within and outside our State. There will shortly be a program featured in the *Sunday Mail* encouraging every South Australian to be a tourism ambassador for our State. As part of that promotional package we will be looking at all accommodation right around the State for families, single persons and anyone else who may be interested. We will be promoting South Australia with a view to attracting as many families as possible, particularly Victorians, to visit this State.

SMALL BUSINESS CORPORATION

Ms GREIG (Reynell): Can the Minister for Industry, Manufacturing, Small Business and Regional Development advise the House whether the opening hours of the Small Business Corporation have been changed?

Members interjecting:

The SPEAKER: Order!

Ms GREIG: In response to calls from small business, the Government gave a policy commitment at the last election to upgrade the role of the corporation, including the extension of its opening hours. This was to meet the needs of small business operators who, during normal trading hours, are totally committed to running their businesses and who can seek advice only out of business hours.

The Hon. J.W. OLSEN: Yes, the Small Business Corporation's hours of operation have been extended and that is in line, as the honourable member indicated to the House, with the Government's pre-election policy commitment. The Small Business Centre at South Terrace provides a valuable service, and over the next five weeks extensive publicity will draw to the attention of the 60 000 small business operators in South Australia the fact that this service is now open at a time to meet their needs and requirements in operating their small businesses. This is another clear indication of the Government's wanting to put in place programs that meet a customer service requirement for people, in this instance meeting the requirements of the small business sector for timely advice, direction and clarification of concerns that

people may have in operating small business enterprises. I hope that the extended hours will be taken up by the small business community as a service directed specifically for them.

HIV TESTING

The Hon. M.D. RANN (Deputy Leader of the Opposition): Is the Minister for Health aware of evidence given to the Social Development Committee of this Parliament that pre-operative and antenatal HIV testing, without patients' informed consent, was common in South Australia, and does the Minister support the committee's unanimous recommendations on this issue, including its recommendations about avenues of redress available to patients? The Minister is claiming that he has no knowledge of illegal pre-operative testing for HIV in this State, yet on 8 March he formally replied to a report of the Social Development Committee that made clear recommendations on this issue following evidence given to it about illegal testing in South Australia. I have seen the Minister's reply. Does he remember what he signed?

The Hon. M.H. ARMITAGE: Yes, I certainly do. I look forward to hearing from the Deputy Leader exactly where I said that there is no illegal testing.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: Let us go back to the *Sunday Age* article.

The Hon. M.D. Rann interjecting:

The Hon. M.H. ARMITAGE: The Deputy Leader seems to forget that the *Sunday Age* quotation was from Dr Westmore, who said, 'I have no idea what goes on in South Australia.' As to the third report of the Social Development Committee, the Deputy Leader in questioning over several days in a newfound interest in this matter referred to his obvious support for routine HIV testing pre-surgery. He asked me the question, so clearly he has an interest in it and would of course have read page 9 of the committee's recommendation 7. The committee was chaired by the Deputy Leader's colleague in another place, and the recommendation provides:

> The committee recommends [despite the Deputy Leader's obvious interest in it] that routine HIV testing of patients such as before surgery is not warranted.

Does the Deputy Leader agree with his colleague in another place who was the Chair of the committee? If he has such a great interest in routine pre-operative HIV testing, I suggest that he introduces a Bill, because that is what is happening in New South Wales. I quote from the gay and lesbian community's newspaper of Friday 8 April 1994:

> A New South Wales parliamentarian indicated this week that he would be introducing a Bill into the New South Wales Parliament to make HIV testing compulsory before surgery.

That member was Fred Nile. Obviously, I have been questioned by the Fred Nile of the Labor Party in South Australia.

WEST LAKES

Mr ROSSI (Lee): My question is directed to the Minister representing the Minister for Transport. Which Government department and Minister was responsible for the supervision and building of revetment steps at West Lakes, and what is being done to repair them? In 1969 the Liberal Government signed the West Lakes Indenture, and West Lakes was built under a Labor Government. Since being elected to Parliament in December 1993, I have inspected the whole perimeter of the lake shore and have been staggered at the deterioration of the concrete and railway sleepers supporting its banks. I have contacted the engineer in Marine and Harbors and have discussed the condition of the concrete. It has been put to me that the cost of repairing the retaining wall (revetment steps) where it is deteriorated will be about $13 million if the work is carried out at the one time. This is at an estimated cost of $1 000 for every household in the electorate.

The Hon. J.W. OLSEN: The honourable member advised me earlier of the question and I was able to obtain details from the Minister for Transport in response to his question. Yes, it was a matter overseen by a former Labor Administration. Repairs to a failed section of the stepped revetment were undertaken at Nareeda Way, West Lakes, during the latter part of 1991 at a cost of $380 000. Since that time minimal repairs have been undertaken in specific locations to make safe and to prevent undermining of residents' property only. Meanwhile, Marine and Harbors has undertaken a major study of all identified options for the long-term resolution of revetment deterioration and prepared an interim report 'West Lakes Bank Protection Systems, June 1992'. It has also prepared a number of subsequent reports identifying the cost regimes for a small selection of options and identifying a preferred option for the treatment of the stepped revetments.

It has submitted for ministerial approval a project to be undertaken during 1993-94, the scope comprising replacement of 800 metres of stepped revetments at Beeston Way; repairs to 50 metres of vertical wall revetments; and modifications to inlet gate machinery, at an estimated cost of $545 000. This project was approved by the Minister on 1 September 1993. The manufacture of precast concrete steps is complete. Site work is under way with completion expected by the end of May 1994.

The completion of revetments in Beeston Way and the replacement of some 40 metres in McDonald Grove is to be included in the 1994-95 budget. Preliminary budgets allow for expenditure of $1.2 million annually for work at West Lakes until control of the problem is regained. It is likely that up to $15 million will have to spent over the next 15 years to totally reconstruct the original bank protection which is progressively failing.

ADELAIDE AIRPORT

Ms STEVENS (Elizabeth): What changes to curfew arrangements at Adelaide Airport does the Minister for Industry, Manufacturing, Small Business and Regional Development support in view of his proposal that consideration be given to the sale of the airport to private enterprise? Last Thursday the Minister called on the Federal Government to consider allowing Adelaide Airport to be sold off to private enterprise so that 500 metres of extra runway could be constructed.

The Opposition has been told that an expansion in the number of flights by international airlines to Adelaide, and the airport's attraction to international investors, would require increased access times to the airport. In February last year the then Liberal Opposition criticised the decision by the then Labor Government to permit a limited number of early morning Qantas flights and supported a motion in this House by the present member for Peake which sought to refuse any extension of Adelaide Airport beyond its present boundaries and to insist that the present flying time curfew be retained and obeyed.

The Hon. J.W. OLSEN: The Government's proposal is to extend the runway, not the hours. We are pursuing—

Members interjecting:

The Hon. J.W. OLSEN: I hope members opposite read the *Financial Review* today because Federal Cabinet made a decision in relation to Adelaide International Airport. It is reviewing, in a scoping study on a range of airports in Australia, those that ought to be privatised. I hope that members opposite will lobby their Federal counterparts to ensure that Adelaide is on the list. What is more, I hope those opposite will also take it up at the national convention of the Labor Party in September to make sure there is a change of policy federally to enable Adelaide Airport to be privatised, so that we can get a runway that will enable our exporters to access international markets.

Members interjecting:

The Hon. J.W. OLSEN: I answered the question about hours in the first 10 words of my reply. I will happily refer that section of the question to the Minister for Transport. I repeat: the Government's intention is to extend the runway, not the hours.

Members interjecting:

The SPEAKER: Order! The member for Peake

STATE BANK BUILDING

Mr BECKER (Peake): It is such a surprise to get the call for a question these days. I direct my question—

The SPEAKER: Order! I hope the member is not reflecting on the Chair.

Mr BECKER: No, I am not reflecting on the Chair, Sir—it is just that we have such a wealth of numbers and talent over here. Will the Treasurer make immediate representations to the State Bank to repair the structure on the top of its head office building to prevent blinding sunglare reflecting from the building affecting motorists travelling east to the city? On two occasions in recent weeks sunglare has blinded me as I travelled east along Henley Beach Road to the city.

Members interjecting:

Mr BECKER: It's about time we did something about the groper. I have noticed that a structure on top of the State Bank building is so constructed facing north that it reflects the sun, creating a strong blinding sunglare. It causes a most dangerous situation for motorists approaching Adelaide High School and the intersection of Henley Beach Road and West Terrace. I understand that the intensity of the sunglare is so great that some motorists are temporarily blinded, and this could cause a potential accident.

The Hon. S.J. BAKER: I am more than happy to look at that matter, although I should refer it to the Minister for Transport to get the time and details so that someone can have a similar experience. Then we will know which structure is causing the problem. I know that the State Bank has been accused of many things, but it is the first time I am aware of it being accused of creating a traffic hazard. I am more than delighted to have the matter taken up.

Mr Clarke: Blame us. Go on, blame us!

The SPEAKER: Order! The Chair will more than blame the member for Ross Smith.

SALISBURY CFS

The Hon. M.D. RANN (Deputy Leader of the Opposition): Will the Minister for Emergency Services assure this House that there is no threat to the continued operations of the Salisbury CFS? The Minister will be aware of press coverage in recent times suggesting that Salisbury's 50 year old Country Fire Service unit could be disbanded following a move to hand control of the entire Salisbury council area to the MFS. The Minister will be aware of similar moves in 1988 which were rejected by the former Government. The Salisbury CFS informs me that its membership has increased 20 per cent since the New South Wales bushfires, and its callout rate has increased 50 per cent this year to 196 incidents over the summer.

The Hon. W.A. MATTHEW: I must say I am surprised to get that question from a member of the Labor Party in this Parliament, for that member is from the same Party that launched the attack on the CFS while it was in Government.

The Hon. M.D. Rann interjecting:

The Hon. W.A. MATTHEW: Now he has the audacity to interject across the Chamber that he is a member of the CFS. I hope that, when this Government introduces into this House legislation to support the separation of the CFS and the MFS, that same member stands up in this place to support that legislation. In so far as the CFS brigade at Salisbury is concerned, it is one of the longest established volunteer brigades in South Australia, and it presently manages two appliances out of its Wiltshire Street station. Current membership totals 41 firefighters and 18 auxiliary members, who provide rural and urban fire protection and initial dangerous substance response with compressed air breathing apparatus. The Salisbury brigade also has responsibility for road rescue response throughout a large proportion of the district, particularly Port Wakefield Road. During the 1991-92 financial year, the Salisbury CFS attended 191 incidents of various types and has for many years recorded in excess of 150 calls per annum.

Consultation has taken place between representatives of the MFS and the Salisbury council on the possible takeover of the entire council area by the MFS. Salisbury council has also indicated to the Salisbury CFS and the Country Fire Service Board that it wishes to remove the brigade from its present location in Wiltshire Street to enable redevelopment of that area. To date, no commitment to an alternative CFS station site has been made by the Salisbury council. Should the MFS provide fire cover to the entire council area, the Salisbury CFS could be closed and deregistered as a fire-fighting organisation unless alternative funding can be arranged. The CFS board supports the continuance of brigades such as Salisbury in the outer metropolitan areas. It provides additional resources to assist brigades in rural areas and provides support through mutual aid plans to the MFS.

I would encourage the honourable member who raised the question in this House to discuss the matter with the Salisbury council to obtain its support for the continuation of the brigade in that area. As the honourable member would rightly be aware, CFS continuation in an area is subject to council support and council funding assistance. This Government is prepared to continue the brigade in that area, provided the local community supports the continuation. Certainly the local community through its council is indicating it does not want it there. If the honourable member has anything to the contrary, I invite him to bring it to me so that I can support the continuation of the CFS in that area.

TAB BOARD

Mrs ROSENBERG (Kaurna): Will the Minister for Recreation, Sport and Racing advise the House of the

outcome of his meeting last night with the Chairmen of the TAB and 5AA?

The Hon. J.K.G. OSWALD: I can confirm that yesterday afternoon I met with the Chairmen of the TAB and 5AA. I was accompanied by my legal adviser from the Crown Solicitor's Office and my chief of staff, and the two board members were accompanied by their legal officer. The meeting was cordial and I can report that, as a result of that meeting, pursuant to section 52 of the Racing Act, I have directed the South Australian TAB to request a general meeting of Festival City Broadcasters at which a resolution will be made that will enable the Government to obtain the information required. The Government regrets that it has reached this stage. The strong legal advice that we were getting from the Crown Solicitor's Office and also the advice I was getting informally from other solicitors was that it was ludicrous to reach this point. Nevertheless, I have taken that action and made that direction. I hope that this will resolve the matter and that information will come forward.

It is interesting to note that, whilst perhaps not under this Chairman of the TAB but under former Chairmen, the relationship was such that a freer flow of financial information was available to the Government. The Government of the day, the now Opposition, was able to make an assessment based on that knowledge and, if that arrangement had been maintained to date, we would not be in this position. I hope that this will resolve the matter. A general meeting can now be held, and that will allow the Government to make an assessment on behalf of the taxpayers of this State.

AIDS FUNDING

Mr ATKINSON (Spence): Does the Minister for Health agree with the member for Ridley that funding for AIDS should be cut? In the House this morning the member for Ridley said:

> After all, if you have AIDS for some reason or another, you have allowed someone to give it to you. The vast majority contract it through their own irresponsible behaviour.

The Hon. M.H. ARMITAGE: The whole question of funding for AIDS is very difficult, and I am quite prepared to say publicly that the Government believes that it has a public health role in stopping the prevention of AIDS. It also has a role in helping people who have AIDS and the consequent diseases such as Kaposi's sarcoma about which I am confident the shadow Minister would know. We have a role to protect them. A lot of work has been going on in the AIDS field, all of which has been good. The work done in South Australia has been excellent. Advisory councils are reporting to me, and the Government is committed to all of those things continuing.

TEACHERS

Mr EVANS (Davenport): Will the Minister representing the Minister for Education and Children's Services in another place advise on the progress of implementation of the Government's policy on the 10 year tenure practice within the Education Department? If the practice is to continue for teacher placements in 1995, will it continue for teacher placements in 1996? A large number of constituents who are teachers have broached this issue with me as a result of an article in the *South Australian Institute of Teachers Journal* of Wednesday 13 April 1994, volume 26, No.4. It states:

> On 10 year limited placement there can be no doubt that we will see at least a further round of teacher placements for 1995.

The Hon. R.B. SUCH: I thank the member for Davenport for what is a very important question. I will obtain a considered response from my colleague the Minister for Education and Children's Services in another place and forward it to him.

PARLIAMENTARY SECRETARY

The Hon. DEAN BROWN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: I advise the House that, in Executive Council this morning, Her Excellency the Governor approved the appointment of the Hon. Julian Stefani as Parliamentary Secretary to the Minister for Multicultural and Ethnic Affairs—

Members interjecting:

The Hon. DEAN BROWN: Just listen for once.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I suggest that the honourable member listens before he makes a fool of himself.

Members interjecting:

The SPEAKER: Order! There are too many interjections. The Premier has the call.

The Hon. DEAN BROWN: Mr Stefani will continue to assist me specifically on matters of multicultural and ethnic affairs and trade. No pecuniary or other advantage will attach to this position, and the Hon Mr. Stefani will receive no direct or indirect financial benefit by virtue of the appointment. The appointment recognises the very valuable work Mr Stefani undertakes for the Government in ethnic communities. His work has the wider dimension of assisting the Government in initiatives to develop trade links with countries that have provided South Australia with many new settlers.

Immediately after the election I invited Mr Stefani to work closely with me as Parliamentary Secretary in these areas because of the contacts and expertise he has developed over a long period. This caused members of the Labor Party to question in Parliament the grounds for such an appointment, suggesting—

An honourable member interjecting:

The Hon. DEAN BROWN: Just listen for once.

The SPEAKER: Order! I call the Deputy Leader to order for the second time today.

The Hon. DEAN BROWN: —it had not been a proper one because it was not made under section 68 of the Constitution Act. Crown law advice is that the appointment has been a proper one and that it did not require the approval of Executive Council because it is not a public office. At the same time, the Crown Solicitor advised that the Government had the option of recommending an appointment of this type to Her Excellency the Governor. I am not prepared to have the very hard work which Mr Stefani undertakes continually undermined by members of the Opposition raising groundless questions about the form of his appointment. Accordingly, the Government has recommended the appointment be made by Her Excellency to remove any questions and doubt about the

status to which Mr Stefani is entitled in the work he undertakes on behalf of the Government.

GRIEVANCE DEBATE

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

The Hon. LYNN ARNOLD (Leader of the Opposition): In the past few days we have seen an amazing backflip by the Government on the timing of the Economic Statement. The Economic Statement was first to be in April, then May and we now hear it is to be in June. All this indecision and procrastination comes from a Government which boasted when in Opposition, 'We are ready to govern. We will hit the ground running.' Members may remember advertisements saying that it will be fixed at 8 o'clock in the morning. All we have seen to date is procrastination and delays as the Government avoids making hard decisions. We have had over 50 inquiries to date to help it decide what to do. The Treasurer claimed yesterday in his press release that the Economic Statement has been delayed until June because, 'The Keating Government will not release details of the special purpose grants until the Federal budget.' That should come as no surprise to the Treasurer. If he had any idea about Commonwealth/State relations, he would realise that the Federal Government has only ever released details of special purpose grants with the budget rather than at the Premiers Conference.

The Treasurer would have known that when he announced the April Economic Statement in December last year. The excuse of having to wait for the special purpose payment details is simply a furphy. It did not stop Premier Kennett making an economic statement one month after taking office in Victoria and did not stop my Government making the major economic statement Meeting the Challenge in April last year.

State Treasury has always been able to fairly accurately estimate the level of special purpose payments. Regardless of this, most of these grants are for Commonwealth not State programs and therefore have minimal impact upon the State budget. The excuse about having to wait for the Federal budget is even more hollow when we look at the comments made by the Treasurer on 30 December. At that time he said he would deliver the Economic Statement in April following the Premiers Conference and said:

> We want to see how the negotiations proceed with the Premiers Conference and how they translate for the State budget.

He went on to say:

> The statement will give an indication of goals and directions with the full financial details to be laid down later.

The same information was conveyed by Treasury, which had been busy working on an April statement, to the ratings agencies. A report released by Moody's Investor Services earlier this week stated:

> In its first weeks in office the Administration has deferred any detailed policy statement until April.

Yet, when questioned on the matter two days ago, the Premier said he did not think there would be an Economic Statement but he hoped there would be a statement early in the financial year. The problem was that the Premier, when he made the statement, had not discussed the matter with his own Deputy, the Treasurer. Treasury at that stage had already informed Moody's that 'the Economic Statement would now be in May, either before or concurrent with the Audit Commission report'. I emphasise that. Of course, as we know, yesterday the Treasurer had to change his position yet again to make sure that both he and the Premier were mouthing the same lines. He made this point quite clearly in the press release he put out yesterday which stated:

> The timetable for the June statement is consistent with comments made by Premier Dean Brown on the subject yesterday.

They may be consistent now, but they certainly were not consistent a few days ago. Why is it that a Government that has claimed it will hit the ground running is delaying making any of the tough financial decisions until seven months after coming into office? The Government has continually hidden behind the Audit Commission report and said it would not be able to make any decisions until the Audit Commission report. That did not stop Jeff Kennett, who had released two major economic statements before the release of the Victorian Audit Commission report. One of those statements was just a month before the release of that particular report.

The Treasurer's statements in April indicated that the Economic Statement would lay down the principles and directions of the State budget and deal with issues such as debt reduction, job creation and measures to stimulate the economy. These are important matters which deserve a detailed response by the new Government. The Economic Statement need not be, nor was it, contingent upon the release of the Audit Commission report. It begs the question: why the delay? And the answer is obvious: the Torrens by-election. I have said all along that the Government will not be able to honour all the election promises it made. They simply do not tally.

It simply will not be able to reduce debt by a further $1 billion without either increasing taxes or cutting public sector expenditure and services. The Government hid its real agenda before the December election and now it is hiding it from the people of Torrens. It is time for the Government to start making some of the tough decisions that result from its own pre-election commitments—election commitments that we warned at the time would not tally and are now proving that they do not tally. It is time for the Government to own up to the public.

Mr LEGGETT (Hanson): Last week I warned this House about a new strain of cannabis called 'skunk', which is now being grown on the east coast of Australia and which, in many cases, is being grown by the hydroponic method of cultivation. This was reported in the *Advertiser* of last Saturday 16 April. This drug is 30 per cent stronger than the normal cannabis in THC. It is not yet found in South Australia but could soon become a problem here. Many of the cannabis crops in South Australia are hydroponically grown, that is, without soil. That is very dangerous because it makes it easier to grow. It can be grown without being easily detected in a house or a shed, and it can grow much faster, hence more crops can be produced in one year. The Queensland Police Service explained hydroponic growing in a recently published research paper, as follows:

> For plants to grow their basic requirements are a supply of oxygen, water and food to their root system. Hydroponic growing provides these without using soil or conventional gardening techniques. Plants grown hydroponically grow in a medium other than soil. The growing medium must be able to retain moisture, but also allow drainage of the plant root system. It should also be clean and sterile and have a loose, open structure to allow the circulation of air and water. Nutrients are supplied through a gully system in

which the plant roots are placed. Because the plant is not grown in soil the risk of decease is reduced.

Of course, many plants are grown in rooms in houses, garages and sheds in Adelaide. There is a belief in the community, and it is a misguided interpretation, that a person can grow up to 10 cannabis plants, that is 100 grams dried, quite legally. This is quite wrong, and I would like to point that out to the House today. The law states clearly that it is illegal to grow cannabis or any other drug. The former Labor Government, which introduced this law, tragically did not fully explain it to the public and it was very poorly marketed. If a person claims that the nine plants, some of which could grow to two metres high, are for their own use—and that is quite ridiculous—there would be so much that they could probably somersault to the moon and back without a spaceship. It is laughable that a fine of $150 can be imposed because they claim that it is for their own use.

I am totally opposed to the interpretation of the law as it stands, and I call for a tightening of the legislation. I believe stricter penalties should be enforced for the growing of potent drugs, such as cannabis. Irrespective of whether it is claimed to be for private use or not, there should be a penalty. Officers from a local police station in my electorate of Plympton—and I know there are other police stations in South Australia who do this—collect cannabis every three weeks, and it is taken in bins to Cavan for destruction.

I have been asked, in my capacity as a justice of the peace and local member, to authorise the destruction of this rubbish at the Plympton police station on Friday 22 April (tomorrow) at 11.30 a.m., and the media will be invited. The public also can play their part as detectives by assisting police in the discovery of cannabis crops. They can alert the police to houses which have the following characteristics: unusually large pieces of shade cloth; elaborate and newly installed sprinkling systems; a room or a shed in which blinds are drawn regularly; lights constantly on; or extensive internal renovations.

Mr Quirke interjecting:

Mr LEGGETT: Yes, it sounds like your place.

Mr Quirke interjecting:

Mr LEGGETT: True, they leave them on. Let us all work to clean up South Australia and give our young people the protection that they deserve. We often ask them to be responsible for their actions and I believe it is time that we took responsibility for our actions.

Mr FOLEY (Hart): I refer briefly to the issue involving IBM which the Premier raised today and which I have raised in this House on a number of occasions. I hope that the Premier, if he is not listening to my words, will have the opportunity to read this contribution. My complaint is not against IBM, it is not against EDS, it is not against any IT company that may wish to be bidding for Government work. My concern relates to the process by which the Government is selecting the appropriate supplier of IT services to the Government.

What concerned me and what still concerns me is what was a politically motivated stunt two days before the last State election, what I believe to be an irresponsible stunt by the then Leader of the Opposition, the now Premier, to sign an agreement with IBM to enter into contractual obligations when and if the Liberal Party was elected to government. We have been pressing the Premier to clarify the nature of that agreement. He told the House today that it was simply a statement of intent, nothing more or less, and that there was no contractual obligation.

That is certainly not the impression he gave at his press conference two days before the State election, when he made it patently obvious to anyone watching that the then Opposition had been miraculously able to sign this huge deal with IBM, involving a $150 million investment. If we can do this before the election, what can we do after the election? That was an absolutely false impression. It was an incorrect impression, and the Premier should be condemned for that action two days out from an election. It is very interesting to note that the then Manager of IBM, who was a party to that signing with the Premier, left the company in questionable circumstances some three or four weeks after the State election.

I refer back to the point that what I want to see is due process occur. The appropriate tendering arrangements should take place and the Government should select the appropriate supplier of its out-sourcing requirements. If in the end that is IBM, EDS or a combination or a consortium of local businesses, that is fine provided due process is followed and local industry is taken into consideration. The Premier has been very loose in his comments when he has tried to placate industry concerns by simply saying that whoever gets the major contract will bring local industry along with it. I do not think that is good enough. Local industry does not think that is good enough. It wants some greater assurances.

At the end of the day, I will respect the decision of Government which is taken through due process, which is taken with the appropriate consideration for the needs of local industry and which takes into account the existing contractual obligations already in place with major IT suppliers to Government and its agencies.

What has concerned me greatly since 9 December was this blatant political stunt to give the impression of a deal with IBM, then simply not to follow suit. The Premier was quite explicit. He said on 9 December that within three months of coming to office the Government will have signed a deal with IBM to create a huge infrastructure project in South Australia. Ever since that time, the Premier has been dancing around in circles on the IBM issue and not coming to the nub of it. I think—and I give the Premier credit—he got close to that today. I think what the Premier was able to do today was to admit, 'Yes, it was somewhat of a stunt. The impression that I might have given that it was a deal in the bag was not quite right. All bets are off. EDS, IBM and whoever else are having a fair and open crack at obtaining Government work.'

If that is the case, I respect the Premier's position. What I hope is that there has not been any impression or commitment given to IBM that it will obtain work from the State Government through any process other than due process—through a proper due diligence process and through the normal standards of Government tendering. That is why I have asked the Auditor-General to advise me on this issue. I will accept his advice on the matter. If his advice supports the Premier's position, I will accept that. What I say is that it was a political stunt two days out from an election. IBM should not have been party to it. I suspect that it may well have had something to do with later events.

Ms GREIG (Reynell): I refer to a campaign of national significance that is designed to encourage discussion within families and schools about the issue of driving while affected by alcohol. The 'home safely' campaign is designed to tackle one of the most emotional, controversial and concerning areas

of alcohol abuse—young drivers and alcohol. The strategy encourages families to discuss the subject and take steps to prevent alcohol related driving occurring. Young people are usually more affected by alcohol than adults because of their lower body weight and lack of tolerance, so young people have a high percentage of alcohol related accidents, particularly car accidents.

I think we are all aware that one of the most worrying issues affecting the Australian family today is that of teenagers driving or being driven by someone affected by alcohol. It is well documented that road accidents involving young people affected by alcohol are a major factor in the road toll. This is a subject that many families find hard to talk about and even harder to take positive action against. Home safely goes a step further than discussion by seeking young people and their parents or another responsible adult to take positive action to ensure that a tragedy of a motor accident caused by alcohol will not affect them. Young people are given the choice of signing the contract for life with a parent or an appropriate adult. It is also suggested that the issue be discussed within the family unit and amongst friends and that standards of behaviour be agreed upon.

Parents should be able to discuss the issue of drinking and driving with their children in a straight forward and objective manner. Acceptable standards of behaviour in relation to consuming alcohol should be agreed upon. Parents should ensure that young people understand that their safety is of utmost concern and no matter where they are or what time it is they can always call home for a lift. We have all at some time seen or heard of the consequences of combining alcohol and driving. I think we can also relate to the problems associated with peer group pressure and the influence of friends. By signing the home safely contract for life, young people and their families are making a conscious effort to discuss the issues at stake and understand the risks involved in driving while affected by alcohol. The contract itself is only a device. The essential objective is that young people discuss the problems of alcohol affected driving and adopt methods to deal with it.

By signing the home safely contract for life, young people and their families are showing a commitment to be part of a major initiative tackling the issues faced by young people, drink driving and the effects on the community. The home safely information kit is available to our schools and the wider community, and I believe it is a campaign worthy of endorsement through this House. To lose a family member is a sad loss, but it is a loss that time can eventually heal. To lose a family member through drink driving is a tragedy and, even though it is a loss, it is a loss we can never accept and the guilt lives on forever. I commend this campaign and the involvement of all parties for their commitment to the responsibilities of a contract for life.

Mr ATKINSON (Spence): My remarks today concern public statements by the members for Colton and Coles. As a western suburbs MP, I am an attentive reader of the *Weekly Times Messenger*. This newspaper is read in suburbs in my electorate such as Hindmarsh, Croydon, Woodville and Findon. The paper also records happenings in Henley Beach, which is represented by the member for Colton. In the *Weekly Times* of 16 March, the member for Colton called for massive police raids on cheap-rental housing in beachside suburbs. These massive police raids were necessary, he said, because those cheap-rental dwellings had attracted drug users and traffickers.

The member for Colton told the Messenger Press, 'There needs to be massive raids to give the clear message that, if you are into that sort of thing, this is not the place to do it.' It seems to me that the plain meaning of the member for Colton's words are that, although Henley Beach is not the place to be into that sort of thing, there is some other place where it would be suitable to be into that sort of thing. I hope it was not his intention to say that. The member for Colton said drug taking and trafficking was concentrated around Henley Beach Road and the Esplanade. The paper illustrated the member for Colton's allegation by publishing photographs of the front and rear of a home on the Esplanade. If the information available to the member for Colton was available to me, I would have given it to the Henley Beach police in writing, not over the phone to a journalist.

Some *Weekly Times* readers later wrote to the editor to complain that the member for Colton's allegation put under suspicion of criminality all tenants in the area specified. In the second paragraph of the story, the member for Colton promised his constituents that he would raise the matter in Parliament next week—members should note that—and that, when he so raised the matter, he would call for Drug Task Force intervention. I repeat: the story was on 16 March. Since the member for Colton made his pledge to his constituents to raise the matter in Parliament, there have been 11 days when Parliament has sat and at least 33 opportunities for Government backbenchers, such as the member for Colton, to bring the matter to the attention of the House and the Government via a grievance speech. I do hope that the member for Colton fulfils his promise to his constituents: better late than never.

In my celebrated review of 11 maiden speeches of new Government backbenchers, I was unable to review that of the much-heralded member for Coles, because she spoke last in the Address in Reply, thus after my contribution. The member for Coles told the House, 'Coles is a people electorate.' As I understand it, each of the 47 House of Assembly districts has about 22 000 voters and three or four thousand people who do not vote. My electorate is, I suppose, a people electorate, but I have never felt the urge to distinguish it from others by that term. It is not clear from the member for Coles' speech what makes her electorate more a people electorate than any other. The expression is unctuous and devoid of meaning.

In the same speech the member for Coles said, 'I believe that since State parliamentary salaries have been raised to the national standard, committee [that is, parliamentary committee] members should not expect any additional salary.' The honourable member went on to say, 'I would like to see the general question of those payments at some time seriously examined.'

There is much to be said for this proposal. The member for Coles then went on ABC radio to broadcast this populist proposal. The time came quickly for the member for Coles to examine this proposal seriously. She spoke on 23 February and the Parliamentary Committees (Miscellaneous) Amendment Bill was debated in the House on 12 April. This Bill presented her with an opportunity to put her words into action. *Hansard* records that the member for Coles made no contribution to the long debate on that Bill. She was not even present in the Chamber for most of the debate. Indeed, the member for Coles has not spoken in any debate in the House since 23 February, and as of today, Thursday 21 April 1994, her maiden speech is her only speech in this entire session. That is not value for money for her constituents in Coles.

Mr BRINDAL (Unley): Before I start on the topic that I want to address today, I should like to answer a few of the points made by the Leader of the Opposition. The Leader reached new levels in parliamentary debate in this Chamber, as did his junior but more talented colleague the member for Hart, when they pointed out everything that they think is wrong with this Government, barely more than 100 days after achieving office.

Mr Foley interjecting:

Mr BRINDAL: I remind the member for Hart, who interjects, that he is the direct lineal successor to a very famous Premier who went to South Australia on the promise that within 100 days they would build Chowilla dam. That was a clear promise which got him elected. I am still waiting to see a start to that famous project. It is more the mirage in the wilderness than Roxby Downs could ever have been.

The Leader of the Opposition asked why we waited seven months for the Audit Commission report. That came from a man who was a member of a Government which finally admitted to the State Bank collapse in February 1991, months after the rest of South Australia knew, but was not able to produce any report on that collapse until November 1992. That was one important aspect of this State, but it took them over a year to report on it. This Government gets in and promises a complete review of the assets and liabilities of the entire public sector, which the previous Government had been promising for years but could not even manage to get together an assets register. It tried over successive years, and there is still no assets register of Government. The member for Hart, who is a member of the Economic and Finance Committee, as indeed you are, Sir, is also aware that the Opposition is not entirely sure or is only just getting to be sure how many motor vehicles the previous Government had, let alone anything else.

They had 10 years to get those things together and they achieved nothing. Yet, a bare few months after we get into Government, after we hit the ground running as we promised to do and the Premier has an Audit Commission report all but prepared, we still have to put up with hypocrisy and cant from members opposite who had a decade to perform, who failed to perform and who now think they have *carte blanche* to criticise us for what we have done thus far. There is one simple answer to them and that is to look at the numbers. There are 37 of us and there are 10 of them. At the last election the people of South Australia delivered a judgment, and that judgment was to give Premier Brown and his Ministers and those who sit on this side the right to govern for four years.

Mr ATKINSON: I rise on a point of order, Mr Acting Speaker. Surely it is a breach of Standing Orders to refer to the Opposition as 'them'.

The ACTING SPEAKER (Mr Bass): Yes.

Mr BRINDAL: I apologise for calling the Opposition 'them'. I should have thought of something worse. Those who inhabit the nether regions of this Parliament are here to provide constructive opposition and to assist in the good government of this State. They were found by the people to be unworthy to govern this State. Let them, therefore, come in here and act as a constructive Opposition. The former Premier, in an absolute show of incorrectness, said, 'We know why they are keeping the Audit Commission report secret. It is because of the Torrens by-election.'

Mr Foley: Absolutely.

Mr BRINDAL: I heard the Premier promise to release the Audit Commission report before the Torrens by-election. It will be released before the Torrens by-election and people can make their decision based on what it says.

Mr MEIER (Goyder): Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

SITTINGS AND BUSINESS

The Hon. S.J. BAKER (Deputy Premier): I move:

That the motion for limitation of debate adopted on Tuesday 19 April be rescinded.

Motion carried.

The Hon. S.J. BAKER: I further move:

That the allotted time for completion of the Industrial and Employee Relations Bill be until 6 p.m. today.

Motion carried.

The Hon. S.J. BAKER: I move:

That the House at its rising adjourn until Tuesday 3 May.

Motion carried.

STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

Received from the Legislative Council and read a first time.

RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT (NATIVE TITLE) AMENDMENT BILL

The Hon. S.J. BAKER (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Environment, Resources and Development Court Act 1993. Read a first time.

The Hon. S.J. BAKER: 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 context in which this Bill is brought before Parliament has already been outlined by the Premier in his Ministerial Statement earlier today. This Bill reflects the policy position of the government that native title questions should be resolved by State Tribunals.

The Bill amends the jurisdiction of the Environment, Resources and Development Court ("the ERD Court") to enable it to determine native title questions and, in the government's view, will be valid State law whether or not the Commonwealth Native Title Act ("NTA") is valid.

A "native title question" means a question about:

- the existence of native title to land; or
- the nature of the rights conferred by native title in a particular instance; or
- compensation payable for extinguishment or impairment of native title; or
- whether an interest may be granted after the "right to negotiate" procedure has failed to achieve an agreed result under the Mining or Land Acquisition Acts; or
- any other matter related to native title.

If a native title question arises in any proceedings before another State court, that court may refer the question to the ERD Court for hearing and determination. This ensures that decisions about native title in this State will be made by a court that has expertise in these matters.

Where a native title question arises in the Warden's Court, the Warden's Court is required to refer the proceedings to the ERD Court for hearing and determination. In these circumstances, the ERD Court can proceed to hear and determine all other questions involved in the proceedings, thereby disposing of the matter without it having to go back to the Warden's Court.

The Bill provides for the appointment of one or more commissioners as "native title commissioners", being persons with expertise in Aboriginal law, traditions and customs. The presence of such commissioners on the court will ensure that the court has relevant expertise available to it when deciding these matters.

If contested proceedings involve a native title question, the proceedings must be referred to a conference under section 16 of the existing Act. In recognition of the fact that native title holders and other parties may reside in remote areas of the State, provision has been made for persons to participate in conferences by telephone, closed circuit television or other means of communication.

In appropriate cases, the ERD Court can, of its own initiative or at the request of a party, refer matters to the Supreme Court for hearing. Alternatively, the Supreme Court may decide of its own initiative (or at the request of a party) to take proceedings from the ERD Court. Where native title questions are heard in the Supreme Court, the Court is required to use the expert assistance of native title commissioners. It has the same powers as the ERD Court and must comply with the same procedural rules.

These provisions ensure that the Supreme Court, as the superior court of record in this State, can hear the more complex native title cases. However, it will allow the ERD Court to be the principal trial court for native title cases generally.

In view of its additional jurisdiction and existing accommodation constraints in the Sir Samuel Way Building, the government recognises that the ERD Court may have to be housed in different premises. Accordingly, clause 8 amends section 18 and enables the ERD Court to have a registry that is separate from the District Court registry.

A new Part 7A is inserted in the Act.

Division 1 of Part 7A provides for the establishment of the State Native Title Register. The Register will contain a record of all decisions by the courts of this State regarding the existence of native title and the nature of native title rights in a particular instance. Any decisions regarding such matters by competent Commonwealth authorities will also be recorded in the Register.

In addition, all claims to native title that are accepted under clause 32B will be recorded in the Register.

Clause 32B allows a person claiming native title in land or a representative Aboriginal body to apply to the Registrar for registration of the claim. The Registrar must be satisfied that the land claimed is land over which native title may exist. Where the Registrar considers that the application is frivolous or vexatious or that the claim lacks substance, the Registrar must refer the claim to a Master. If the Master agrees, the Registrar must reject the application. An applicant can ask the Court to review any decision to reject an application for registration. These provisions ensure that applications are "screened" and that only those that have some substance are proceeded with.

Division 2 of Part 7A prescribes the notice to be given when a native title question is to be heard. The Registrar of the Court is to give notice to any registered holder or claimant of native title in the relevant land; the relevant Commonwealth Minister; the relevant State Minister; the relevant "representative Aboriginal body" for the area in which the land is situated (this term is now defined in section 3(1) of the Act) and any person who has a registered interest in the land. Public notice will also be given in the manner to be prescribed by regulation. This will ensure that all relevant persons have notice of any proceedings. It will also comply with Commonwealth requirements.

Notice of a decision in relation to a native title question must be given in the same manner.

Division 3 of Part 7A provides for the amalgamation of any proceedings for declarations that land is or is not subject to native title. This will ensure that valuable Court time is not taken up hearing separate applications in relation to the same land. It is also a sensible attempt to deal with the problems caused by the Commonwealth provisions.

Division 4 of Part 7A deals with the holding of native title by bodies corporate.

Clause 32E allows the common law holders of native title to nominate a body corporate to hold the native title on trust for them. The Court can then make an order vesting the native title in the body corporate. Clause 32F provides protection for native title interests from debt recovery processes. These clauses are similar in effect to Division 6 of Part 2 of the NTA. Their presence is one of the criteria for Commonwealth recognition of a State Court to determine native title cases.

Sections 27 and 251 of the NTA contemplate that States and Territories may nominate their own court, office, tribunal or body to be a "recognised State/Territory body" (and therefore an "arbitral body") for the purposes of the NTA. The Commonwealth Minister (namely the Attorney-General) may determine whether to recognise any nominated body, on being satisfied that the criteria set out in sub-section (2) of section 251 are met. It is possible that more than one body can be a recognised body in a State. This "executive" exercise of Commonwealth power in respect of a State body is most undesirable in our view.

The criteria for recognition are:

- procedural consistency and efficiency;
- informality, accessibility and expeditiousness;
- availability of mediation;
- adequate resources;
- consultation with the Commonwealth on non-judicial appointments;
- provisions to allow bodies corporate to hold native title on trust;
- provisions to require that the Native Title Registrar receives notification of decisions.

The amendments contained in this Bill have been made with a view to having the ERD Court and the Supreme Court recognised under the NTA (if it is valid). The ERD Court will meet the criteria. The Supreme Court will have the same powers and comply with the same procedural rules as the ERD Court when hearing native title claims and so forth. Thus, it will also meet the criteria.

One of the many unsatisfactory features of the Commonwealth legislation is that the recognition of a State body does not affect the jurisdiction of the National Native Title Tribunal ("NNTT")/Federal Court. It simply means that there will be two forums in which native title claims and so forth can be determined and applicants will (to some extent) be able to choose between the two.

The government considers that the situation where there will be two forums for determining native title questions to be most undesirable and unsatisfactory. The questions at issue clearly impact squarely on the State's responsibility for land management issues and the development of land in ways essential to the economic well-being of the State. This government considers that the Commonwealth has intruded too far into matters that are the State's responsibility.

However, in the absence of a recognised State body to determine native title claims, "right to negotiate" applications and related matters, the NNTT would have exclusive jurisdiction. This is not acceptable. Accordingly, in the interests of retaining as much control as possible of its land administration procedures, this government considers that it is essential to establish our own body for determining native title and compensation claims and "right to negotiate" matters.

The structural similarities between the ERD Court and the NNTT are obvious. This, combined with the flexibility and adaptability of the ERD Court and its experience in land management cases make it the logical choice of body to determine native title issues in this State. The facility to add members, adapt procedures, use specialist expertise and the informal, accessible and expeditious procedures enhance its suitability. The ability to redirect cases to the Supreme Court ensures that the Supreme Court will be involved wherever appropriate.

As the ERD Court is an existing body, the additional jurisdiction in relation to native title will not require a duplication of resources. If additional members are appointed, the question of accommodation for the Court may come sharply into focus because of existing space constraints. Up to 50% of such costs can be recovered from the Commonwealth for the first 5 years.

The government believes that the ERD Court/Supreme Court system will operate to the benefit of native title claimants and others who wish to seek declarations on native title questions in this State.

I commend this measure to Honourable Members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 3—Interpretation

The Bill gives jurisdiction to the ERD Court to hear and determine native title questions.

A native title question is defined as a question about—

- the existence of native title to land;
- the nature of the rights conferred by native title in a particular instance;
- compensation payable for extinguishment or impairment of native title;
- acquisition of native title to land, or entry to and occupation, use or exploitation of, native title land under powers conferred by an Act of the Parliament;
- any other matter related to native title.

If the Court when hearing and determining a native title question is to consist of or include a commissioner or 2 or more commissioners, the commissioner or at least one-half the number of commissioners must be native title commissioners.

A native title commissioner is defined as a commissioner with expertise in Aboriginal law, traditions and customs.

For the purposes of entitlement to make an application and notification requirements the expression representative Aboriginal body is defined. The relevant bodies are Anangu Pitjantjatjara, Maralinga Tjarutja, the Aboriginal Legal Rights Movement Inc and any other prescribed body.

Clause 4: Insertion of s. 7A—Jurisdiction in native title questions

The jurisdiction to hear and determine a native title question referred to above is conferred on the Court by new section 7A.

The Warden's Court is required to refer native title questions to the ERD Court and other courts of the State may do so.

Where the Warden's Court refers a native title question, the ERD Court is given jurisdiction to finally determine all questions involved in the proceedings (whether or not relating to native title).

Clause 5: Amendment of s. 10—Commissioners

Section 10 enables the Governor to appoint Commissioners and sets out knowledge and experience required for appointment. The amendment sets out the requirements for appointment as a native title commissioner, namely, expertise in Aboriginal law, traditions and customs.

The amendment requires the Minister to consult the relevant Commonwealth Minister about proposed appointments of native title commissioners.

Clause 6: Amendment of s. 15—Constitution of Court

The amendment sets out the requirement referred to above that, if the Court when hearing and determining a native title question is to consist of or include a commissioner or 2 or more commissioners, the commissioner or at least one-half the number of commissioners must be native title commissioners.

Clause 7: Amendment of s. 16—Conferences

The amendment requires contested native title questions to be referred to a conference, that is, a mediation process.

The member of the Court presiding at a conference is empowered to allow participation in the conference by telephone, closed-circuit TV or other means of communication.

Clause 8: Amendment of s. 18—Time and place of sittings

The amendment deletes the requirement that ERD Court Registries be at District Court Registries and simply requires ERD Court Registries to be at places determined by the Governor.

Clause 9: Insertion of s. 20A—Transfer of cases between the Court and the Supreme Court

New section 20A allows the ERD Court to refer proceedings involving a native title question, a question related to mining or exploration for minerals or petroleum, compulsory acquisition of land or any other proceedings of a prescribed class to the Supreme Court.

Similarly, the Supreme Court is given power to remove such proceedings from the ERD Court to itself.

In proceedings referred or removed to the Supreme Court, the Supreme Court has the same powers and must comply with the same procedures as the ERD Court. The Supreme Court is to make use of native title commissioners in deciding native title questions.

Clause 10: Insertion of Part 7A—NATIVE TITLE

DIVISION 1—STATE NATIVE TITLE REGISTER

32A. Native title register

The Court Registrar is required to keep a register of all decisions of State courts or competent Commonwealth authorities as to the existence of, or nature of, native title in this State and of all claims to native title over land accepted under this Division.

32B. Registration of claims to native title

A claim of entitlement to native title over land in respect of which native title might exist is to be registered unless the Registrar, with the agreement of the Master, believes the application to be frivolous or vexatious or the basis of the claim to be tenuous or implausible.

A refusal to register may be reviewed by the Court.

DIVISION 2—NOTIFICATION OF HEARINGS AND DECISIONS ABOUT NATIVE TITLE

32C. Notice of hearing and determination of native title questions

The Court Registrar is required to give public notice of a hearing of a native title question and of the determination of the question as required by regulation and to give individual notice to—

- registered native title holders or claimants;
- the relevant Commonwealth Minister;
- the relevant State Minister;
- the relevant representative Aboriginal body;
- any person who has a registered interest in the land.

DIVISION 3—MERGER OF PROCEEDINGS

32D. Merger of proceedings relating to native title

Proceedings relating to native title claims over the same land are required to be merged.

DIVISION 4—CONSTRUCTION OF TRUSTS

32E. Constitution of trust for native title holders

If the Court proposes to declare that native title exists it must seek a nomination of a body corporate to hold the land in trust for the native title holders. The terms of the trust will be set out in the regulations.

32F. Protection of native title from encumbrance and execution

If native title is held in trust by a body corporate under this Division, the native title is protected from the imposition of encumbrances or being taken in execution proceedings (unless authorised by regulation).

Mr FOLEY secured the adjournment of the debate.

IRRIGATION BILL

The Hon. J.W. OLSEN (Minister for Infrastructure) obtained leave and introduced a Bill for an Act to provide for the irrigation of land in Government and private irrigation districts; to repeal the Irrigation on Private Property Act 1939, the Lower River Broughton Irrigation Trust Act 1938, the Kingsland Irrigation Company Act 1922, the Pyap Irrigation Trust Act 1923, and the Ramco Heights Irrigation Act 1963; to amend the Crown Lands Act 1929, the Crown Rates and Taxes Recovery Act 1945, the Irrigation Act 1930 and the Local Government Act 1943; and for other purposes. Read a first time.

The Hon. J.W. OLSEN: 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 is the result of the on-going review of water-related legislation. It concerns the distribution of water for irrigation, and the drainage of irrigation water and has been prepared after extensive public consultation, particularly with the Riverland irrigation community.

Statutory powers for irrigation may be found in eight separate Acts of Parliament. There is no good reason for several Acts to address the same issue. Considering the similarity of purpose of the various irrigation Acts, it is logical and practical to have standard provisions which would enable all areas to be managed in similar ways. This encompasses both Government and private irrigation bodies.

The responses to the "Green Paper" on the proposals for legislation were generally supportive of consolidated and updated legislation.

The Renmark Irrigation Trust will continue to operate under its existing statute, the *Renmark Irrigation Trust Act 1936*. It can however, elect at any time to have its Act repealed and operate under this legislation.

The need for land tenure and irrigation management to be dealt with in the *Irrigation Act 1930* no longer exists. In fact this was

recognised in 1978 when the administration of irrigation activities in government irrigation areas was delegated by the Minister of Lands to the then Minister of Works. This Bill enshrines that arrangement.

The pertinent aspects of the Bill are:

- the establishment and management of Government and private 'Irrigation Districts'
- the separation of the land tenure provisions from water management
- the land tenure concept of 'Irrigation Areas' is not relevant to water management. The water management function will now revolve around 'Irrigation Districts' which are simply those properties to which the irrigation and drainage facilities are available
- it considerably simplifies the conversion from Government irrigation district to a private irrigation district, at the same time protecting the rights of individuals and taking into consideration Government's obligations
- in addition to the normal regulation-making powers, there is also provision for private trusts to make their own regulations to cover local requirements, subject to Ministerial approval
- there is a right of appeal to the Environment, Resources and Development Court
- there is a power to grant financial assistance under certain conditions to an owner or occupier in a Government irrigation district or a private irrigation Trust
- there is a power for a Trust to borrow money from any institution it deems appropriate
- the legislation provides for a simple but effective means of setting and recovering charges, but more importantly provides the flexibility to suit the needs of individual districts.

To this extent, this Bill is similar to the Bill that was introduced in this place in 1993.

Since the drafting of that Bill, the major restructuring issues surrounding the rehabilitation of the irrigation systems have become clear. The blueprint for the restructuring of the irrigation industry that must accompany this major undertaking has been developed in conjunction with the irrigators. This Bill reflects those requirements by providing the means by which the industry can ensure greater efficiency in the use of water.

The new Bill sets out the parameters for restructuring by—

- providing the power to exclude land from a district where—
  - the land is not used to carry on the business of primary production;
  - the land is not suitable for carrying on the business of primary production efficiently; or
  - it is not economically viable to extend the rehabilitated system to that land;
- providing for compensation, and the principles for such compensation, where land is to be excluded;
- providing a right of appeal to the Environment, Resources and Development Court—against the decision to exclude land and the level of compensation.

It is a necessary consequence of these parameters that only those properties that are used to carry on the business of primary production will comprise an irrigation district. A property that is not used for that purpose when the Bill comes into operation will continue to be supplied with water as though it were included in the district.

This arrangement will last until 5 years after the authority for the district serves notice on the owner of the land ending it. The owner may end it earlier if he or she wishes to do so. An authority's purpose in ending such an arrangement would normally be to provide water to the land on a different basis. Clause 5 of the second schedule of the Bill sets out these transitional arrangements.

Another consequence is that there must be power to abolish a private irrigation district and dissolve its trust if the trust is not carrying out its functions properly because its members cannot co-operate, or it cannot pay its debts or it is in breach of the Act or conditions imposed under the Act. Clause 14 gives the Minister power to abolish a district in these circumstances after serving notice of his or her intention to do so. The trust has three months to rectify the problem which will extend to six months if it appeals to the Environment, Resources and Development Court.

This Bill also includes additional provisions enabling two or more private irrigation districts, or parts of districts, to merge and form a new district. The procedures for merger are set out in Part 3, Division 2 of the Bill.

The Bill changes the emphasis from the mere provision of water for irrigation to the provision of water for the business of primary production. Whilst the Bill specifically addresses irrigated horticulture, the Minister or a trust may supply water for other forms of primary production—such as aquaculture—which may benefit the economy of the State.

I am confident that this legislation will go a long way in improving the way Irrigation Districts are managed in the future. It will enable the important primary industries which rely on irrigation waters to manage their affairs in a business-like manner, be they Government or private.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Repeal

This clause repeals the Acts listed in schedule 1. The Bill supersedes these Acts.

Clause 4: Interpretation

This clause defines terms used in the Bill.

Clause 5: Existing government irrigation districts

This clause provides for the continuation of irrigation areas established under the *Irrigation Act 1930*. They are called government irrigation districts under the Bill and will be made up of land used to carry on the business of primary production connected to the irrigation systems in operation under the Act of 1930. See clause 4(2) for the concept of connection of land to an irrigation or drainage system.

Clause 6: Establishment or extension of irrigation districts

This clause provides for the establishment of new government irrigation districts and the extension of existing districts by establishing or extending irrigation systems and connecting land to the new or extended systems.

Clause 7: Inclusion in or exclusion from a district

This clause provides for individual properties to be included in or excluded from an irrigation district. The application must be made by the owner and any long term occupier of the property. A long term occupier is a registered lessee with at least five years of the term of the lease left to run. See the definition in clause 4(1).

Clause 8: Change of name and abolition of district

This clause enables the Minister to change the name or abolish a government irrigation district by notice in the *Gazette*.

Clause 9: Existing private irrigation areas

This clause provides for the continuation of existing private irrigation areas as private irrigation districts under the Bill.

Clause 10: Establishment of private irrigation district

This clause provides for the establishment of private irrigation districts. All land owners must apply and long term occupiers are given an opportunity to object. If a long term occupier does object the property that he or she occupies must be excluded from the district.

Clause 11: Conversion from government to private irrigation district

This clause refers to conversion from a government irrigation district to a private irrigation district pursuant to Part 4.

Clause 12: Inclusion in or exclusion from a district

This clause provides for inclusion of a property in or exclusion of a property from a private irrigation district.

Clause 13: Abolition of private irrigation district on landowner's application

This provision enables the owners of land in a private irrigation district to apply to the Minister for abolition of the district. All owners must apply and any long term occupier may veto the proposal. Abolition under this provision could be used to convert a private irrigation district to a government irrigation district with the agreement of the Minister.

Clause 14: Abolition of private irrigation district without landowner's application

This clause enables the Minister to abolish a private irrigation district and dissolve the trust if the trust is not performing its functions properly, cannot pay its debts or has failed to comply with the Act or a term or condition on which an application for merger or conversion from a government irrigation district was granted. The Minister must give the trust 3 months notice in which it can remedy the problem and the trust or a member of the trust may appeal to the Environment, Resources and Development Court.

Clause 15: Interpretation

This clause is an interpretative provision.

Clause 16: Application for merger

This clause enables owners of properties in two or more private irrigation districts to apply for merger of the districts or parts of the districts.

Clause 17: Grant of application

This clause enables the Minister to merge the two districts by publishing a notice granting the application in a local newspaper. The terms of the notice must have been agreed to by two thirds or more of the irrigated properties in the districts concerned.

Clause 18: Constitution of trust

This clause provides that the owners of land constituting a private irrigation district are the members of a trust which is a body corporate.

Clause 19: Presiding officers of trust

This clause makes provision for the presiding officer and deputy presiding officer of a trust.

Clause 20: Calling of meeting

This clause provides for the calling of meetings of a trust.

Clause 21: Procedure at meetings of trust

This clause provides for procedures at meetings.

Clause 22: Voting

This clause provides for voting at meetings. One vote may be cast in respect of each property comprising the district. The values of the votes are determined in accordance with subclauses (6), (7), (8) and (9).

Clause 23: Accounting records to be kept

Clause 24: Preparation of financial statements

Clause 25: Accounts, etc., to be laid before annual general meeting

These clauses provide for accounts, financial statements and reports.

Clause 26: Interpretation

This clause is an interpretative provision.

Clause 27: Application for conversion

This clause enables landowners in a government irrigation district to apply for conversion of the district to a private district.

Clause 28: Proposal for conversion by the Minister

This clause enables the Minister to initiate procedures for the conversion of a government irrigation district to a private irrigation district. The consent of a majority of the landowners is required for the Minister's proposal to succeed.

Clause 29: Conversion to private irrigation district

This clause provides for the notice granting an application under clause 27.

Clause 30: Functions

This clause sets out the functions of irrigation authorities.

Clause 31: Powers

This clause sets out the powers of irrigation authorities.

Clause 32: Further powers of authorities

This clause enables an irrigation authority to do "contract work" for property owners and enables a trust to buy in bulk on behalf of its members.

Clause 33: Water allocation

This clause provides for the fixing of water allocations on a fair and equitable basis.

Clause 34: Transfer of water allocation

This clause provides for the transfer of water allocation. They can be transferred between properties with the consent of the authority or may be transferred to the authority itself. The authority may resell the allocation to another landowner.

Clause 35: Supply of water for other purposes

This clause enables an irrigation authority to supply water for other purposes.

Clause 36: Power to restrict supply or reduce water allocation

This clause enables an irrigation authority to restrict or stop the supply of irrigation water for the reasons set out in the clause. Action under this clause (except under subclause (1)*(d)*) must be on a fair and equitable basis.

Clause 37: Supply of water and drainage outside district

This clause provides for irrigation and drainage outside a district under agreement with the owner or occupier of land.

Clause 38: Drainage of other water

This clause provides for the drainage of water other than irrigation water.

Clause 39: Establishment of boards

This clause enables the Minister to establish advisory boards which may also exercise powers delegated by the Minister.

Clause 40: Delegation

This clause is the Minister's power of delegation.

Clause 41: Direction of trust by Minister

This clause enables the Minister to take action against a trust to prevent irrigation water draining onto or into land outside the trust's district.

Clause 42: Boards of management and committees

This clause enables a trust to establish a board of management to carry out its day-to-day operation. A trust can also establish committees for specific purposes.

Clause 43: Delegation

This clause enables a trust to delegate its functions and powers.

Clause 44: Change of name of district

This clause enables a trust to change the name of its district.

Clause 45: Regulations by a trust

This clause provides for the making of regulations by a trust. The regulations can only be made with the approval of the Minister.

Clause 46: Notice of resolution

This clause provides that the establishment of a board of management or the delegation of functions or powers must be by resolution of which 21 days notice has been given.

Clause 47: Exclusion of land from an irrigation district

This clause allows an authority to exclude land from its district for the reasons set out in subclause (1). The authority must give the owner and the long term occupier of the land at least three months (but not more than 12 months) notice. The owner or long term occupier may appeal against the authority's decision (see clause 65(1)*(b)*).

Clause 48: Exclusion of land on basis of cost

This provision enables an authority to exclude land that is too expensive to connect to a new system being installed by the authority. The reason for installing a new system must be to improve the efficiency with which water is supplied or drained. The landowner is entitled to pay the cost himself or herself (subclause (4)).

Clause 49: Compensation

This clause provides compensation for a landowner and long term occupier whose land is excluded from a district under clause 47.

Clause 50: Appointment of authorised officers

Clause 51: Powers of authorised officers

These clauses provide for the appointment and powers of authorised officers.

Clause 52: Hindering, etc., persons engaged in the administration of this Act

This clause makes it an offence to hinder or obstruct a person referred to in subclause (2) in the administration of the Act.

Clause 53: Right to water

This clause provides for a landowner's right to water.

Clause 54: Restrictions on and obligations of landowners

This clause sets out the obligations of landowners under the Bill.

Clause 55: Charges

This clause gives irrigation authorities the right to impose water supply and drainage charges.

Clause 56: Declaration of water supply charges

This clause sets out the factors on which a water supply charge may be based.

Clause 57: Minimum amount

This clause provides for the payment of a minimum amount in respect of a water supply charge.

Clause 58: Drainage charge

This clause provides for declaration of a drainage charge and the basis of such a charge. A landowner may be exempted if water does not drain from his or her land into the authority's drainage system.

Clause 59: Determination of area for charging purposes

This clause provides the degree of accuracy required when determining the area of land for charging purposes.

Clause 60: Notice of resolution for charges

This clause requires 21 days notice of the resolution fixing the basis for water supply and drainage charges by a trust.

Clause 61: Minister's approval required

This clause requires a trust that is indebted to the Crown to obtain the Minister's approval for the declaration of charges and the fixing of interest.

Clause 62: Liability for charges and interest on charges

This clause sets out the basis for liability for charges and interest on charges.

Clause 63: Sale of land for non-payment of charges

This clause provides for the sale of land to recover unpaid charges or interest on charges. The wording of this provision follows the wording of the corresponding provision in the *Local Government Act 1934*.

Clause 64: Authority may remit interest and discount charges

This clause enables an authority to remit interest in case of hardship and discount charges to encourage early payment.

Clause 65: Appeals

This clause provides for appeals to the Environment, Resources and Development Court.

Clause 66: Decision may be suspended pending appeal

This clause enables a decision appealed against to be suspended pending the determination of the appeal.

Clause 67: Appeal against proposal to abolish district

This clause enables a trust or a member of a trust to appeal against a proposal by the Minister to abolish a private irrigation district.

Clause 68: Constitution of Environment, Resources and Development Court

This clause provides for the constitution of the Court when exercising the jurisdiction bestowed on it by the Bill.

Clause 69: Financial assistance to land owners in government irrigation districts

This clause enables the Minister to give financial assistance to an owner or occupier of land in a government irrigation area.

Clause 70: Trust's power to borrow, etc.

This clause sets out detailed borrowing powers of trusts.

Clause 71: Financial assistance to trust

This clause enables the Minister to grant financial assistance to a trust.

Clause 72: Unauthorised use of water

This clause makes the unauthorised taking of water from an irrigation or drainage system an offence.

Clause 73: Division of land

This clause sets out provisions relating to the division of an irrigated property. This provision does not prohibit the division of a property but provides for certain consequences if a property is divided without the authority's consent. A person dividing a property would have to comply with any relevant planning legislation.

Clause 74: False or misleading information

This clause makes it an offence to provide any false or misleading information to an irrigation authority.

Clause 75: Protection of irrigation system, etc.

This clause makes it an offence to interfere with an irrigation or drainage system without lawful authority.

Clause 76: Protection from liability

This clause provides for immunity from liability in certain circumstances.

Clause 77: Offences by bodies corporate

This clause is a standard provision making the persons who run a company or other body corporate guilty of an offence if the body corporate commits an offence.

Clause 78: General defence

This clause is the standard defence provision.

Clause 79: Proceedings for offences

This clause provides for proceedings for offences against the Act.

Clause 80: Evidentiary provisions

This clause provides for evidentiary matters.

Clause 81: Service, etc., of notices

This clause provides for service of notices.

Clause 82: Regulations by the Governor

This clause provides for the making of regulations.

Schedule 1: Repeal of Acts

This schedule repeals the Act listed in the schedule.

Schedule 2: Transitional Provisions

This schedule sets out transitional provisions. Clause 1 provides for the transfer of property, rights and liabilities from the boards and other authorities managing irrigation areas and districts under the repealed legislation to the trusts established under the Bill. Clause 2 allows an authority to fix a water allocation in relation to land where that land did not have an allocation under repealed legislation. Clause 3 provides transitional arrangements for the payment of rates under the repealed legislation and the payment of charges under the new Act on its commencement. Clause 4 ensures that a person who was entitled to vote at meetings of a board of management before this Act comes into force will be able to vote at a meeting of the corresponding trust. Clause 5 is required because land comprising a district under the new Act will (with some exceptions) be land used to carry on the business of primary production (an irrigated property). Clause 5 provides that land not falling within this category when the Act comes into force will continue to be provided with water for at least 5 years as though the land were an irrigated property. An agreement will be taken to subsist under section 37 and can be terminated by the owner at any time and by the authority after 5 years notice or in circumstances referred to in section 47(1)*(c), (d)* or *(e)*. Clause 6 is a special provision relating to the exclusion of land from the Cobdogla irrigation district which is a variation of clause 48 of the Bill.

Schedule 3: Consequential Amendment of Other Acts

This schedule amends certain Acts. The title of the *Irrigation Act 1930* is changed to the *Irrigation (Land Tenure) Act 1930*. The parts of the Act dealing with irrigation are struck out leaving the land tenure provisions as the principal provisions of the Act.

Mr FOLEY secured the adjournment of the debate.

MINING (NATIVE TITLE) AMENDMENT BILL

The Hon. D.S. BAKER (Minister for Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Mining Act 1971. Read a first time.

The Hon. D.S. BAKER: 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 mining industry in this State has been facing considerable uncertainty following the High Court's decision in *Mabo* and the passage of the Commonwealth's extraordinarily complex *Native Title Act 1993*. This uncertainty cannot continue without a loss of investor confidence in the mining industry, loss of jobs and the move of investment off-shore.

This Government accepts the common law position in respect of native title established by the High Court *Mabo* judgment and also recognises the need for the Commonwealth Government to legislate to deal with native title issues.

However, we believe that the *Native Title Act* has unfairly penalised the mining industry by:

- the establishment of onerous and time-consuming procedures in respect of the "right to negotiate" regime;
- the application of the right to negotiate to each stage of mining activity: for example, the NTA requires that the negotiation and arbitration procedures be observed at the exploration stage, at the mineral claim stage and the stage when a mining lease is sought. This could add years to the process of obtaining a mining lease;
- the failure of the Act to state unequivocally that pre-1975 pastoral leases have extinguished native title: this has been a major area of uncertainty for the mining industry in respect of applications for new tenements or renewals of existing tenements.

The Commonwealth and this State agree that pastoral leases granted under South Australian legislation before the enactment of the Racial Discrimination Act in 1975 extinguished native title. The Bill contains a declaratory provision to this effect.

In South Australia it has not been possible to renew or grant exploration licences this year due to the uncertainty created by the *Native Title Act*. Many millions of dollars worth of mineral exploration is being delayed.

The *Native Title Act* imposes the requirement for significant amendments to our State mining legislation to provide certainty in procedures, certainty of title once granted and an administrative system for the grant and administration of title which is as expeditious as possible.

A failure to act to resolve at least some of the uncertainties will only exacerbate the problems for the mining industry in this State. These uncertainties cause problems for the whole South Australian community including the Aboriginal community. Uncertainties and cumbersome procedures do not help any section of the community. The amendments contained in the Bill are the minimum necessary to ensure valid interests can be granted in compliance with the *Native Title Act* (if it is valid), the *Racial Discrimination Act* and the *Mabo* High Court judgment and to ensure that the Mining Act remains balanced and workable. Nonetheless they are significant amendments.

This Bill is to lie on the table until the next session to enable consultation and feed back from all interested parties. The passage of the legislation will put South Australia in the forefront of all the other States and Territories in providing a workable solution to the problems currently faced by the mining industry throughout Australia.

The effect of this legislation once passed will be to provide a legal framework so that miners can operate in this State in the certainty that the laws of this State are valid and that titles granted under the Act are also valid. In order to achieve this we have had to adopt some procedures and provisions of the *Native Title Act* which, in the view of the Government, are unsatisfactory.

This is the cost of certainty during the period when the Government attempts to achieve some amendments to the *Native Title Act*, as foreshadowed by the Premier in his Ministerial Statement today on *Mabo*.

These amendments to the *Mining Act* are part of a legislative package to be introduced this session dealing with the effects of *Mabo* and which include amendments to the *Environment Resources and Development Court Act*, the *Land Acquisition Act* and the *Crown Lands Act*.

In general terms the *Mining (Native Title) Amendment Bill 1994:*

- leaves the existing Wardens Court jurisdiction to deal with non-native title mining matters intact (the amendments to the Environment Resources and Development Court (ERD Court) Act provide that if a native title question arises in proceedings before the Warden's Court that court must refer the proceedings to the ERD Court for hearing and determination);
- transfers the role of the Land and Valuation Court under the Act to the ERD Court;
- provides for the ERD Court to be the arbitral body for the purposes of determining whether the grant of a right to prospect, explore or mine for minerals can be made where the "right to negotiate" procedure fails to achieve an agreed result. The ERD Court is also to have jurisdiction to determine claims of native title and assess compensation payable to native title claimants.

  (The ERD Court Act amendments contain provisions under which the ERD Court may refer cases to the Supreme Court, or the Supreme Court may remove cases commenced before the ERD Court into the Supreme Court. This will ensure that in the first few years if there are any cases of major State significance, for example, involving complex constitutional issues or dealing with the issue of whether pastoral leases pre-1975 have extinguished native title, the capacity is provided for those cases to be dealt with in the Supreme Court);
- the definition of "native title" used in the Commonwealth legislation has been adopted but to avoid doubt, this Bill declares that the grant of a freehold interest in land or the grant of a lease (including a pastoral lease) or the grant, assumption or exercise by the Crown of a right to exclusive possession of land made at any time before 31 October 1975 extinguished native title;
- to be non-discriminatory, provides for the definition of "owner" to be amended to include "a person who holds native title to the land";
- for the purposes of notification to owners who hold native title and for other purposes the expression "representative Aboriginal body" is defined to include Anangu Pitjantjatjara, Maralinga Tjarutja, the Aboriginal Legal Rights Movement and any other prescribed body;
- makes provision for the Mining Register to include a part identifying mineral land in respect of which native title has been established, or is claimed;
- to avoid any doubt, confirms Crown ownership of minerals.

A new Part 9B inserted by the Bill provides that a prospecting authority or mining tenement confers no right to prospect or mine on native title land unless it is extended to cover native title land under that Part.

A prospecting authority or mining tenement that would, if land were not native title land, confer a right to prospect or mine on the land, may be extended to cover the land either:

(i) by declaration by the ERD Court or under another law of the State or a law of the Commonwealth to the effect that the land is not subject to native title, or

(ii) by registration of an agreement or determination following the negotiation procedures provided in the Bill.

While not conferring rights to prospect or mine on native title land, a mining tenement nevertheless prevents the issue of any competing mining tenement. The mining tenement holder's priority is preserved.

The salient features of the "right to negotiate" procedure from the *Native Title Act* is replicated in this Bill, with some improvement on the NTA procedures, inasmuch as it provides for notice of entry to be dealt with in the course of negotiations by the tenement holder.

An expedited procedure where the impact of operations is minimal is provided along the lines of the procedure established in the NTA.

Provision is made that where there has been a negotiated agreement between a native title party and a grantee party the agreement and conditions are binding on successive grantee parties and native title holders.

Any agreement reached between a native title holder and grantee and government parties as a result of the "right to negotiate" will be entered in the Mining Register.

Provision is made whereby if the Minister considers it to be in the interests of the State to overrule a determination of the ERD Court following negotiation proceedings, the Minister may, by notice in writing given to the ERD Court and the parties to the proceedings before the Court, overrule the determination and substitute another determination that might have been made by the Court. However, the Minister cannot overrule a determination if more than two months have elapsed from the date of the determination.

A provision has been included in the Bill to exclude the possibility of double compensation.

Nothing in the Bill relating to native title land affects the operation of the *Pitjantjatjara Land Rights Act 1981* or the *Maralinga Tjarutja Land Rights Act 1984.*

A sunset provision of two years is provided in Part 9B. If related provisions of the Native Title Act are held to be invalid by the High Court the provisions will be allowed to expire. If the relevant provisions of the Native Title Act are held to be valid, then the Government will call for a resolution of both Houses of Parliament to extend the operation of Part 9B.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 6—Interpretation

Definitions relating to native title are included in the interpretation provision and in new section 6A inserted by clause 4.

Native title means the communal, group or individual rights and interests of Aboriginal peoples in relation to land or waters (including hunting, gathering or fishing rights and interests) where—

- the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples; and
- the Aboriginal peoples, by those laws and customs, have a connection with the land or waters; and
- the rights and interests are recognised by the common law; and
- the rights and interests have not been extinguished.

Native title also includes statutory rights and interests of Aboriginal peoples (except those created by a reservation or condition in pastoral leases granted before 1.1.94 or related legislation) if native title rights and interests are, or have been at any time in the past, compulsorily converted into, or replaced by, statutory rights and interests in relation to the same land or waters that are held by or on behalf of Aboriginal peoples.

A statement is included that native title was extinguished by the grant of a freehold interest in land, the grant of a lease (including a pastoral lease), or the grant, assumption or exercise by the Crown of a right to exclusive possession of land, at any time before 31 October 1975.

Native title land means land in respect of which native title exists or might exist excluding land declared by a court or other competent authority not to be subject to native title.

A native title holder encompasses persons recognised at common law as holding native title and bodies corporate registered as holding native title on trust (registration occurs after a court determines that native title exists and should be held in trust).

The definition of owner is amended to encompass native title holders. Consequently, rights and duties of owners under the Act extend to native title holders.

For the purposes of notification to owners who hold native title and for other purposes the expression representative Aboriginal body is defined. The relevant bodies are Anangu Pitjantjatjara, Maralinga Tjarutja, the Aboriginal Legal Rights Movement Inc and any other prescribed body.

The expression native title party is used in relation to the negotiation procedures set out in new Part 9B.

A definition of the Environment Resources and Development Court (ERD Court) is included and the definition of the Land and Valuation Court is removed. This reflects the transfer of the role of the Land and Valuation Court under the Act to the ERD Court.

The definition of appropriate court is substituted. The new definition recognises the role of the ERD Court and the Supreme Court (through the transfer or referral of ERD Court matters) in the determination of claims for compensation under the Act. The reference to the Land and Valuation Court is removed.

The definition of declared equipment is amended to include the declarations previously included in regulations. The scope of the term will appear on the face of the Act.

A definition of prospecting authority is inserted for ease of reference to a miner's right together with a precious stones prospecting right.

Clause 4: Insertion of s. 6A—Native title

The new section sets out the meaning of native title as explained above.

Clause 5: Amendment of s. 9—Exempt land

Section 9(1)(d) currently imposes a general rule that mining is not allowed within 400 metres of dwellinghouses or within 150 metres of industrial or other buildings.

The provision is recast in modern language and the reference to dwellinghouse removed in favour of a reference to a place of residence.

Clause 6: Amendment of s. 15—Powers of Director

Subsection (2) is recast to recognise the types of rights and interests comprised in native title. The power to enter and investigate or survey is required to be exercised in a manner that does not unnecessarily impede or obstruct the lawful use or enjoyment of the land by an owner (rather than just the lawful work or operations being carried on by an owner).

Clause 7: Amendment of s. 15A—Register of mining tenements, etc.

The mining register is required to incorporate a part identifying mineral land in respect of which native title has been determined, or is claimed.

Clause 8: Amendment of s. 16—Reservation of minerals

A new subsection is added confirming the Crown's ownership of minerals.

Clause 9: Amendment of s. 17—Royalty

Clause 10: Amendment of s. 19—Private mine

These amendments transfer the role of the Land and Valuation Court to the ERD Court.

Clause 11: Amendment of s. 28—Grant of exploration licence

The Minister is currently required to publish a notice in the *Gazette* before granting an exploration licence. The amendment requires the notice to also be published in a State and local newspaper.

Clause 12: Substitution of s. 30A—Term of licence, etc.

The current section 30A provides that the initial term of an exploration licence is a maximum of 2 years. Extensions up to a total maximum term of 5 years are possible. Conditions may be added, varied or revoked or the licence area reduced on renewal or, with the licensee's consent, at some other time.

The new section 30A retains the total maximum term of 5 years. If the initial term is less than 5 years, the licence may be extended up to a total maximum term of 5 years either through a right of renewal or at the discretion of the Minister. The ability to alter a licence is similar (but also expressly includes a power to alter the term of the licence).

The licence continues in operation until an application for renewal is decided, even if this is after the date on which the licence would otherwise have expired.

Clause 13: Amendment of s. 33—Cancellation, suspension, etc. of licence

The role of the Land and Valuation Court is transferred to the ERD Court.

Clause 14: Amendment of s. 35A—Representations in relation to grant of lease

The amendment removes the requirement for abutting land owners to be notified of an application for a mining lease.

Clause 15: Amendment of s. 37—Nature of lease

The amendments mean that the Registrar-General need not register a mining lease but must note the grant of the lease on the relevant CT or crown lease at the request of the Director of Mines.

Clause 16: Amendment of s. 38—Term and renewal of mining lease

The amendment provides that a mining lease continues in operation until an application for renewal is decided, even if this is after the date on which the lease would otherwise have expired.

Clause 17: Amendment of s. 40—Rental

Rental (as provided for in a mining lease and the regulations) must currently be paid to the freehold owner of the land, after deduction of 5% for the Minister.

The amendments set up a system for paying rental to native title holders entitled to exclusive possession of the land as well as to freehold owners (according to the proportion of the total area of land held). The Minister's deduction of 5% is retained. If there are no registered native title holders the Minister is to hold the rental in trust until a determination is made of who is entitled to the payment. After 5 years the money may be credited to the Consolidated Account with any further claims being made against the State.

Clause 18: Amendment of s. 41C—Nature of lease

This amendment is equivalent to that made in relation to mining leases and requires the Registrar-General to note a retention lease on the relevant CT or crown lease at the request of the Director of Mines.

Clause 19: Amendment of s. 41D—Term and renewal of retention lease

This amendment is equivalent to that made in relation to mining leases and allows an application for renewal of a retention lease to be determined after the date on which the lease would otherwise have expired.

Clause 20: Amendment of s. 41E—Rental

This amendment relates to rental under retention leases and is equivalent to that made in relation to mining leases.

Clause 21: Amendment of s. 46—Registration of claims

This amendment is similar to that made in relation to mining leases and allows an application for renewal of a precious stones claim to be determined after the date on which the claim would otherwise have expired.

Clause 22: Substitution of s. 50—Consent required for claims on freehold or native title land

Currently a precious stones claim cannot be pegged out on freehold land unless the owner of the land gives written consent.

This provision is retained and a provision added that a precious stones claim cannot be pegged out on land that is subject to native title conferring an exclusive right to possession except in accordance with an agreement negotiated with the native title holders under the Act or a determination made where agreement has not been able to be reached.

Clause 23: Amendment of s. 52—Grant of licence

This amendment relates to rental under miscellaneous purposes licences and is equivalent to that made in relation to mining leases.

Clause 24: Amendment of s. 53—Application for licence

The amendment removes the requirement for abutting land owners to be notified of an application for a miscellaneous purposes licence. This is equivalent to the alteration made in relation to mining leases.

Clause 25: Amendment of s. 54—Compensation

The role of the Land and Valuation Court in relation to compensation in respect of the grant of a miscellaneous purposes licence is transferred to the appropriate court within the meaning of the Bill (the Supreme Court, ERD Court or the Warden's Court).

Clause 26: Amendment of s. 55—Term of licence

This amendment is equivalent to that made in relation to mining leases and allows an application for renewal of a miscellaneous purposes licence to be determined after the date on which the licence would otherwise have expired.

Clause 27: Amendment of s. 58—Notice of entry

These amendments are consequential to the substitution of section 58A relating to entry on native title land. Section 58 is to apply to all land except land comprised in a precious stones field (where there is no need for notice of entry) and native title land (covered by new section 58A).

Clause 28: Substitution of s. 58A—Entry on native title land for mining purposes

New section 58A provides that entry to native title land must be in accordance with the terms of an agreement made under the Act with native title holders or the determination of the ERD Court where agreement cannot be reached. Land that might be native title land can be entered if a declaration that it is not subject to native title is obtained from the ERD Court.

Clause 29: Amendment of s. 59—Use of declared equipment

The amendment enables declared equipment to be used on land in accordance with the terms of an agreement between the owner and

the mining operator or the determination of the Warden's Court or the ERD Court.

Clause 30: Amendment of s. 60—Restoration of land

This amendment is consequential to the previous clause and extends the provision to cover restoration of land at the direction of an official after use of declared equipment on native title land.

Clause 31: Amendment of s. 63E—Term, etc., of access claim

The amendment makes it clear that there is a right to renewal of an access claim.

Clause 32: Insertion of Part 9B—NATIVE TITLE LAND

DIVISION 1—GENERAL

63F. Qualification of rights conferred by prospecting authority or mining tenement

A prospecting authority or mining tenement confers no right to prospect or mine on native title land unless—

· a declaration that the land is not subject to native title land is obtained; or

· an agreement with the native title holders is registered or, if agreement cannot be reached, a determination of the ERD Court conferring rights is registered.

A mining tenement nevertheless prevents the grant of any further competing tenement.

If a mining tenement is granted wholly or substantially in respect of native title land, the Minister may revoke the tenement if the holder is not acting with reasonable diligence in seeking a declaration or negotiating an agreement.

63G. How may a right to prospect or mine on native title land be acquired?

The holder of a prospecting authority or mining tenement in respect of land that might be native title land is directed to proceed by applying for a declaration or commencing negotiation.

DIVISION 2—APPLICATION FOR DECLARATION

63H. Application for declaration

This section governs the making of an application to the ERD Court for a declaration that land is not subject to native title. Among other things it requires the application to contain all information reasonably ascertainable by the applicant about the title to, and tenure of, the land and its history, including information about present and former association by Aboriginal peoples with the land.

63I. Notice of application to be given

The Registrar of the Court is required to give notice to all persons whose interests may be affected by the declaration. This is satisfied if individual notice is given to registered native title claimants, the relevant Commonwealth Minister, the State Minister, the relevant representative Aboriginal body and holders of registered interests in the land and public notice is given in accordance with the regulations.

63J. Declaration by ERD Court

Provision for the Minister and other interested persons to appear and make submissions to the Court is included. In addition to being able to make the declaration sought that native title does not exist, the Court is given power, on the application of a party claiming native title to the land, to declare that native title exists and to define the nature of the native title rights and to identify the holders of the native title.

DIVISION 3—NEGOTIATING PROCEDURE

63K. Negotiation of right to prospect or mine on native title land

Negotiation may take place with registered claimants of native title, including claimants who register within 2 months of notice given under the Division.

63L. Notification of parties affected

Notice of an intention to negotiate must be given to the native title parties, the relevant representative Aboriginal body, the ERD Court, the Minister and in accordance with the regulations.

63M. What happens where there are no registered native title parties with whom to negotiate

If no native title claimants come forward, an ex parte application may be made to the ERD Court for a summary determination of the conditions on which the land may be entered and mining operations carried out.

63N. Expedited procedure where impact of operations is minimal

If the mining operations are of an insignificant nature (as defined in the section) and no written objections are forthcoming after notice of intention to negotiate is given, an ex parte application may be made to the ERD Court for a summary determination of the conditions on which the land may be entered and mining operations carried out.

63O. Negotiating procedure

Negotiations are to proceed in good faith and the Court is given the power to mediate. The Minister is given power to intervene in the process.

63P. Agreement

An agreement may provide for payment to the native title parties based on profits or income derived from mining operations on the land or the quantity of minerals produced.

An agreement must set out conditions of entry to the land.

An agreement is to be registered by a mining registrar although the Minister may prohibit registration if of the opinion that it has not been negotiated in good faith. The Minister's prohibition is subject to an appeal to the ERD Court.

Once registered the agreement is binding on successors in title.

63Q. Application for determination

If agreement is not reached within 4 months for prospecting rights or 6 months for mining rights, application may be made to the ERD Court for a determination that mining operations may be carried out and the conditions on which they may be carried out.

A determination must deal with the conditions of entry to land.

The Court is required to make a determination within 4 months in respect of prospecting rights and 6 months in respect of mining rights.

63R. Criteria for making determination

This clause lists factors to be taken into account by the Court in making a determination.

63S. Effect of determination

A determination takes effect on registration by a mining registrar and binds successors in title. It has effect as a contract.

DIVISION 4—MISCELLANEOUS

63T. Overruling of determinations

The Minister may, within 2 months, overrule a determination of the Court following a failed negotiation procedure if of the opinion that it is in the interests of the State to do so.

63U. Constitution of ERD Court

The ERD Court must include a legal practitioner of at least 5 years' standing when sitting for the purposes of this Part.

63V. Notice to native title holders

This clause sets out how notice may be given to native title holders. The notice must be given to registered native title holders, the relevant representative Aboriginal body and as required by the regulations.

63W. Non-application of this Part to Pitjantjatjara and Maralinga lands

The *Pitjantjatjara Land Rights Act 1981* and the *Maralinga Tjarutja Land Rights Act 1984* are not affected by this Part. The independent procedures set out under those Acts must be followed.

63X. Saving of pre-1994 mining tenements

Claims registered before 1.1.94 and leases and licences granted before 1.1.94 are not affected by this Part.

63Y. Expiry of this Part

The Part expires after 2 years.

Clause 33: Amendment of s. 65—Powers etc. of Warden's Court

The role of the Land and Valuation Court as the court of a appeal from the Warden's Court is transferred to the ERD Court.

Clause 34: Amendment of s. 66A—Removal of cases to ERD Court

The role of the Land and Valuation Court as the court to which cases of unusual difficulty or importance may be removed from the Warden's Court is transferred to the ERD Court. Note that the amendment to the ERD Court Act provides for matters to be referred or removed from the ERD Court to the Supreme Court.

Clause 35: Amendment of s. 72—Research and investigation

The amendment empowers the Minister to conduct research and investigation into the existence of native title on mineral land.

Clause 36: Amendment of s. 75—Provision relating to certain minerals

Currently claims or leases in respect of extractive minerals may only be granted to freehold owners of the land.

The amendment provides that claims or leases in respect of extractive minerals may only be granted in relation to freehold land

or land in respect of which native title conferring a right to exclusive possession exists with the owner's consent.

Clause 37: Insertion of s. 75A—Avoidance of double compensation

The new section 75A requires a court assessing compensation under the Act to take into account compensation payable from any other source.

Clause 38: Amendment of s. 79—Minister may grant exemption from certain obligations

The amendment prohibits the Minister from granting exemptions so as to discriminate against the holders of native title in land.

Clause 39: Insertion of s. 89A—Immunity from liability

The new section provides immunity from liability for acts in good faith by an officer or employee of the Crown or a person holding a delegation under the Act.

Mr QUIRKE secured the adjournment of the debate.

FORESTRY (ABOLITION OF BOARD) AMENDMENT BILL

The Hon. D.S. BAKER (Minister for Primary Industries) obtained leave and introduced a Bill for an Act to amend the Forestry Act 1950. Read a first time.

The Hon. D.S. BAKER: 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 *Forestry Act 1950* is the Act under which the activities of the former Woods and Forests Department were administered.

Prior to October 1992 the Woods and Forests Department was responsible for the establishment and management of the State's forestry resource and the operation of three sawmills in the south-east of South Australia.

In July 1992, the Government of the day announced a proposal whereby the sawmilling activities of the former Woods and Forests Department would be amalgamated with those of the South Australian Timber Corporation to form a single, commercially oriented, business operation.

This decision was implemented on the 1st October 1992. A proclamation was made purporting to dissolve the Minister of Forests as a body corporate and vesting its assets and liabilities in the Minister of Primary Industries. A further proclamation committed the administration of the *Forestry Act* to the Minister of Primary Industries.

Concerns were raised as to the validity of the proclamation to dissolve the body corporate and subsequent advice from the Crown Solicitor indicated that the proclamation of the 1st October 1992 was ineffective, as abolition of the body corporate can only be effected by an Act of Parliament.

The advice from the Crown Solicitor at that time also recommended that, in the interests of more efficient administration, several other amendments to the Act were desirable.

The proposal now before the House seeks to address these and other matters; major amendments being:

- Section 3(3) currently allows the Governor to vary or revoke a proclamation declaring Crown lands to be forest reserve. Such a proclamation is subject to disallowance by Parliament if it has the effect of removing land from a forest reserve, and cannot come into operation until the period for disallowance elapses—sometimes a considerable period of time.

  To enable more appropriate and efficient management of the forest reserves, it is proposed that variation or revocation of previous proclamations of land used for "commercial" plantation forests be effective upon proclamation.

  However, to protect the environmental heritage of the State, it is intended that any proposal to revoke or vary proclamations declaring land to be Native Forest Reserve will remain subject to disallowance by either House of Parliament.

  Officers of the Forestry Group of Primary Industries are currently preparing management plans for a number of areas which are to be declared as Native Forest Reserves.
- The provision creating the Minister of Forests as a body corporate will be repealed.
- It is proposed that the Forestry Board be abolished. In recent years the Board's role in forestry activities has been minimal as the strategies, policies, practices and procedures for the management of forests are well established.

  The Board has not met during the last 12 months and, at its last meeting, supported its abolition subject to appropriate consultative mechanisms being put in place when it is considered necessary to seek additional advice.
- The Act does not empower the Minister to enter into joint ventures, or hold shares in companies, involved in the sale of trees and forest produce.

  Indeed, the shares in Forwood Products Pty. Ltd., the company established to operate the sawmilling operations of the South Australian Timber Corporation and the former Woods and Forests Department, are held by the South Australian Timber Corporation due to this lack of legal capacity.

  It is proposed that the Act be amended to give this power to the Minister.

The other proposed amendments are cosmetic and are intended to remove archaic terminology and unnecessary requirements. I commend this Bill to the Honourable Members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 2—Interpretation

Clause 3 makes a number of amendments to the definitions contained in subsection 2(1) of the principal Act to reflect the abolition of the Woods and Forests Department and the Forestry Board. The definition of "the board" is struck out and a definition of "Chief Executive Officer", which refers to the person for the time being holding or acting in the office of Chief Executive Officer of the administrative unit responsible for the administration of the Act, is substituted. The definition of "the Director", which refers to the Director of the Woods and Forests Department, is struck out.

A new definition of "forest warden" is substituted to include all members of the police force as well as persons appointed as forest wardens under the principal Act.

The definition of "the Minister", which refers to the Minister of Forests, is struck out.

Subsection 2(2) of the principal Act is consequentially amended to remove the reference to the Director and substitute a reference to the Chief Executive Officer.

Clause 4: Amendment of s. 3—Forest reserves and native forest reserves

Clause 4 substitutes a new subsection (4) in section 3 of the principal Act. New subsection (4) provides that whenever, by proclamation, land which constitutes the whole or part of a native forest reserve would cease to be such a reserve or within such a reserve a copy of the proclamation and a statement of the reasons for the proclamation must be laid before both Houses of Parliament.

Clause 5: Repeal of ss. 4, 5, 6 and 7

Clause 5 repeals sections 4, 5, 6 and 7 of the principal Act. Sections 4, 5 and 7, which deal, respectively, with administration of the Act by the Minister, incorporation of the Minister and the appointment of officers for the administration of the Act, are either obsolete or unnecessary. Section 6 is repealed to effect the abolition of the Forestry Board.

Clause 6: Substitution of s. 8

Clause 6 substitutes a new section 8 in the principal Act which provides for the delegation of powers by the Minister and the Chief Executive Officer.

Clause 7: Amendment of s. 8a—Forest wardens

Clause 7 amends section 8a of the principal Act, by striking out subsection (5), to avoid repetition of the matters included in the new definition of "forest warden".

Clause 8: Substitution of s. 8b

Clause 8 substitutes a new section 8b in the principal Act, providing for the issue of identity cards to persons appointed by the Minister to be forest wardens under the Act.

Clause 9: Amendment of s. 8c—Powers of forest warden

Clause 9 substitutes divisional penalty provisions in those subsections of section 8c which create the offences of failing to comply with requirements of, hindering, abusing, threatening or insulting and assaulting a forest warden. The new penalty provisions impose a division 7 fine in respect of all offences except the offence of assaulting a forest warden which would incur a division 5 fine or division 5 imprisonment.

Clause 10: Amendment of s. 8e—False representation

Clause 10 amends the penalty provision of section 8e of the principal Act to provide for a division 7 fine or division 7 imprisonment.

Clause 11: Insertion of s. 8f

Clause 11 inserts a new section 8f into the principal Act. Subsection (1) of new section 8f provides for immunity from liability for forest wardens, and persons assisting forest wardens, for acts or omissions in good faith and in the exercise or discharge, or purported exercise or discharge, of powers or functions under the Act. Subsection (2) provides that a liability that would, but for subsection (1), lie against a forest warden lies instead against the Crown.

Clause 12: Amendment of s. 10—Leases of forest reserves

Clause 12 amends section 10 of the principal Act by striking out the passage in subsection (1) which refers to the need for a recommendation of the board for the Minister to grant a lease, and conferring power on the Minister to grant a lease on such terms and conditions as the Minister thinks fit. Subsection (2) is struck out.

Clause 13: Substitution of s. 11

Clause 13 substitutes a new section 11 in the principal Act. New section 11 gives the Minister power to grant licences and other interests in relation to forest reserves, on such terms and conditions as the Minister thinks fit.

Clause 14: Amendment of s. 12—Planting and milling of timber

Clause 14 amends section 12 of the principal Act by striking out the passage in paragraph *(c)* which refers to the need for a recommendation of the board for the Minister to establish, maintain and operate mills.

Clause 15: Substitution of s. 13

Clause 15 substitutes a new section 13 in the principal Act, dealing with the sale of timber from forests. New section 13 provides, in subsection (1), that the Minister may sell or otherwise dispose of trees or timber produced in forests under the Minister's control, or any mill products from the treatment of those trees or timber. Subsection (2), however, provides that this power may not be exercised except on recommendation of the Chief Executive Officer. Subsection (3) then provides that before making any such recommendation the Chief Executive Officer must consult with a person who is a corporate member, or who is eligible to be a corporate member, of the Institute of Foresters of Australia Incorporated and who has, in the Chief Executive Officer's opinion, appropriate expertise, on the question of whether trees or timber from the forest can, or should, be made available for sale.

Clause 16: Repeal of s. 15

Clause 16 repeals section 15 of the principal Act, which deals with the sale of electricity generated at mills operated under the Act.

Clause 17: Amendment of s. 16—Ancillary powers of Minister

Clause 17 amends section 16(1) of the principal Act which specifies the ancillary powers of the Minister. The current paragraph *(c)* is struck out and new paragraphs *(c)*, *(d)* and *(e)* are substituted. New paragraph *(c)* provides that the Minister may form bodies corporate, or acquire, hold, deal with and dispose of shares or other interests in, or securities issued by, a body corporate. New paragraph *(d)* gives the Minister power to enter into partnerships and joint ventures. New paragraph *(e)* is a general power to enter into such other arrangements as are necessary or expedient.

Clause 18: Amendment of s. 18—Injury to forest reserves

Clause 18 amends section 18 of the principal Act to remove the reference to the board contained in subsection (1) and to provide a division 7 fine or division 7 imprisonment for the offence created by this subsection.

Clause 19: Amendment of s. 19—Technical advice and assistance

Clause 19 amends section 19 of the principal Act to remove the reference to the board and to the Director.

Clause 20: Repeal of s. 20

Clause 20 repeals section 20 of the principal Act, which provides that proceedings for all offences are to be disposed of summarily.

Clause 21: Amendment of s. 21—Regulations

Clause 21 amends section 21 of the principal Act by striking out paragraph *(c)* and substituting a new paragraph *(c)* which expresses the maximum fine which may be prescribed by the regulations as a division 9 fine.

Clause 22: Transitional provision

This clause declares that the assets and liabilities of the Minister of Forests are vested in the Minister.

Schedule

This is a statute law revision schedule to amend various provisions of the Act. None of the amendments are substantive; they merely serve to bring the language of the Act into line with modern drafting style.

Mr CLARKE secured the adjournment of the debate.

POLICE (SURRENDER OF PROPERTY ON SUSPENSION) AMENDMENT BILL

The Hon. W.A. MATTHEW (Minister for Emergency Services) obtained leave and introduced a Bill for an Act to amend the Police Act 1952. Read a first time.

The Hon. W.A. MATTHEW: 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 seeks to complement existing legislation within the *Police Act* which relates to a person who ceases to be a member of the police force. On termination of service, such a person is required to return to the Commissioner of Police any issued property belonging to the Crown. While the current legislation relates to a person who ceases to be a member of the police force due to either retirement, resignation or dismissal, it does not apply to a person who is suspended from duty.

Consequently, a police officer who is suspended (and this is usually for reasons of discipline or on being charged with some offence) is not legally bound to return issued government property. As such property can include police identification, search warrant authorities and weapons, it is important that legislation be enacted to provide legal sanction against unauthorised possession.

Explanation of Clauses

Clause 1: Short title

Clause 1 is formal.

Clause 2: Amendment of s. 20—Duty of former or suspended member of police force or police cadet to deliver up equipment, etc.

Clause 2 amends section 20 of the principal Act. Section 20 requires a person who for any reason ceases to be a member of the police force or a police cadet to immediately deliver up to the Police Commissioner (or a person appointed by the Commissioner) all property that belongs to the Crown and was supplied to the person for official purposes. This amendment extends that requirement to members of the police force and police cadets who are suspended from office pursuant to the principal Act or the regulations under that Act.

Clause 3: Amendment of s. 34—Duty of former or suspended special constable to deliver up equipment, etc.

Clause 3 amends section 34 of the principal Act. Section 34 requires a person who for any reason ceases to be a special constable to immediately deliver up to the Commissioner (or a person nominated by the Commissioner) all property that belongs to the Crown and was supplied to the special constable for official purposes. This amendment extends that requirement to special constables who are suspended from office pursuant to the principal Act or the regulations under that Act.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (TRUTH IN SENTENCING) BILL

The Hon. W.A. MATTHEW (Minister for Correctional Services) obtained leave and introduced a Bill for an Act to amend the Correctional Services Act 1982, the Criminal Law (Sentencing) Act 1988 and the Young Offenders Act 1993. Read a first time.

The Hon. W.A. MATTHEW: 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 provisions of this Bill implement a significant aspect of the Government's pre-election Prisons Policy. It will bring to an end the flawed sentencing and parole laws which have been in place in this State since 1983.

In 1983 the Bannon Government was responsible for legislation which made dramatic changes to the parole scheme. Under the

scheme put in place by the Liberal Government in 1981 the courts were required to set a non-parole period before which prisoners could not apply for parole—it was, in effect, a minimum period which the courts were required to set before a prisoner could apply for parole. Even when application was made after the expiration of the non-parole period, the Parole Board had a discretion as to whether or not the prisoner should be released. The minimum sentence which a prisoner was required to serve was clear.

This all changed when the 1983 legislation was enacted. Instead of retaining a minimum sentence the courts were now required to fix a non-parole period, at the end of which a prisoner would be automatically released but the non-parole period did not represent the period the prisoner would be required to serve. Remissions of up to a third of that non-parole period could be granted administratively for good behaviour. The remissions were granted off the non-parole period and introduced great uncertainty as to the time a prisoner would spend in prison.

Since 1983 sentences pronounced by the courts bear no relation to the time a prisoner spends in prison. The public is rightly concerned about what it sees as the disparity in sentences imposed and the time spent in prison.

The 1986 provisions providing for release on home detention when a prisoner had served only one third of his or her non-parole period created even greater disparity in the sentence of imprisonment imposed by the court and the sentence served by the prisoner in prison. A prisoner sentenced to five years imprisonment can serve as little as eight months before being released on home detention. This brings into disrepute the whole system of justice, and the community loses confidence in the judicial process.

The Liberal Government believes that the sentence imposed by the courts should be the sentence the prisoner serves, that it should be clear to everyone—the judiciary, the prisoner and the public—exactly what sentence is being imposed by the court and what sentence will be served by the prisoner.

This Bill will restore truth in sentencing.

Remissions are abolished and the non-parole period fixed by the court will be the minimum period which must be served before the prisoner is released on parole. All prisoners will no longer be automatically released by the Parole Board at the end of their non-parole period. Prisoners serving a sentence of less than five years will continue to be automatically released by the Parole Board at the end of their non-parole period but prisoners serving a sentence of 5 years or more will have to apply to the Parole Board for release at the expiration of their non-parole period.

Prisoners applying for parole will be required to demonstrate good behaviour, including abstention from drugs and alcohol, and productive participation in work, trade training, education and, where appropriate, anti-violence programs.

Further, the police will be able to make submissions to the Parole Board on a prisoner's application for parole, and victims of crimes of violence will also be given the opportunity to make submissions to the Parole Board.

Remissions cannot simply be abolished—the consequences of their abolition need to be dealt with.

Under Section 12 of the *Criminal Law (Sentencing) Act 1988* Courts are required to take account of remissions when fixing a sentence or a non-parole period. The Courts will now need to adjust both non-parole periods and head sentences to take account of the abolition of remissions. Accordingly, the *Criminal Law (Sentencing) Act* is amended to direct the court's attention to the effect of the abolition of remissions on both the non-parole period and the head sentence.

The abolition of remissions will remove a management tool used by prison management to punish offenders for breaches of discipline. New provisions are put in place to provide immediate penalties for minor breaches of prison regulations.

Where a Manager of a correctional institution is satisfied that a prisoner has committed a breach of a designated regulation the breach can, if the prisoner agrees, be dealt with by the Manager without any inquiry into the allegations being conducted.

The Manager can forfeit specified amenities for a specified period, not exceeding seven days, or exclude the prisoner from any work that is performed in association with other prisoners for a similar period.

A prisoner can still require that the breach be dealt with by the Manager conducting an inquiry into the allegation under the provisions of Section 43 of the Act.

One of the penalties that both the Manager and the Visiting Tribunal could impose was the forfeiture of a specified number of days of remissions. This penalty will, of course, no longer be available and a monetary penalty is substituted.

The abolition of remissions also requires an amendment to the home detention provisions. Section 37A(2)(a) provides that a prisoner may be released on home detention when the prisoner has served at least one-third of the non-parole period. This is amended to one-half which equates with the one-third when remissions are taken into account. Section 37A is also amended to allow the setting by regulation of classes of prisoner who will not be eligible for home detention.

The Bill also makes amendments to the *Young Offenders Act 1993*, removing reference to remissions in relation to youths sentenced as adults. Sentences of such youths will be reduced in the same way as those of adults.

It will be noted that the amendments abolish remissions as from the day the amendments come into operation. However, provision is made to ensure that prisoners who were sentenced on the basis that they are eligible for remissions are not penalised. The transitional provisions provide that the abolition of remissions does not affect any days of remission already credited to the prisoner and all prisoners who are eligible for remissions will be taken to have their term of imprisonment and non-parole period (if any) reduced by the maximum number of days of remission they could have earned had remissions not been abolished.

The Government believes that it would be undesirable for there to be two groups of prisoners, pre-amendment prisoners who continue to be eligible for remissions and post-amendment prisoners not being eligible for remissions. Such a situation would be confusing for both prisoners and prison officers. Prisoners eligible for remissions could be penalised by the loss of remissions, whereas other prisoners would have to be dealt with under the new provisions. Prison Officers, when dealing with an incident would have to determine under which system a prisoner should be dealt with.

The retention of the two systems would be particularly confusing if a prisoner was serving a sentence under both the old system and the new system.

There would be administrative costs involved in maintaining a dual system, not only in the costs of setting up and maintaining two systems but also in added prison staff workloads in clarifying prisoners' concerns and Parole Board staff workloads in clarifying the status of prisoners.

A dual system would have to be maintained until the prisoner with the longest remaining non-parole period is discharged on parole. This will be twenty-one years.

Explanation of Clauses

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 day to be set by proclamation.

Clause 3: Interpretation

This clause is formal.

PART 2

AMENDMENT OF CORRECTIONAL SERVICES ACT 1982

Clause 4: Amendment of s. 4—Interpretation

Clause 4 provides a definition of "victim" and strikes out subsection (2) as a consequence of the abolition of remissions.

Clause 5: Amendment of s. 37A—Chief Executive Officer may release certain prisoners on home detention

This clause amends section 37A so that it refers to the making of regulations prescribing classes of prisoner that are not to be given home detention. The clause makes two further amendments that are consequential on the abolition of remissions.

Clause 6: Insertion of s. 42A

42A. Minor breaches of prison regulations

This clause provides a summary procedure by which prison managers can impose limited penalties on prisoners in relation to prescribed breaches of the regulations without conducting a hearing. A prisoner may opt for the holding of a formal hearing.

Clause 7: Amendment of s. 43-Manager may deal with breaches of prison regulations

Clause 7 allows a prison manager, on formally hearing a charge of breaching the regulations, to impose on a prisoner a fine not exceeding a prescribed limit.

Clause 8: Amendment of s. 44—Manager may refer to a Visiting Tribunal

This clause allows a Visiting Tribunal to impose a fine not exceeding a prescribed limit on a prisoner who breaches the regulations, removes a reference to remissions and provides that prisoner may be required to pay a prescribed amount in relation to damage of property.

Clause 9: Insertion of s. 48A

48A. Manager may delegate power to deal with breaches of prison regulations

This clause inserts new section 49 which provides for the delegation of a prison manager's disciplinary powers with the approval of the Chief Executive Officer.

Clause 10: Amendment of s. 56—Term of office of members

This clause provides that the presiding member of the Parole Board may be appointed for a period of time not exceeding five years rather than for a set five year term.

Clause 11: Substitution of ss. 66 to 68

66. Release on parole—prisoners imprisoned for a period of less than five years

Proposed section 66 provides that a prisoner for whom a non-parole period has been set and who is imprisoned for less than five years will be automatically released from prison on the expiry of the prisoner's non-parole period. This maintains the status quo in relation to this class of prisoners. The section also provides that where a court backdates the expiry of a non-parole period, the Department may release the prisoner within 30 days of the fixing of the period rather than within 30 days of the end of the non-parole period.

67. Release on parole—prisoners imprisoned for a period of five years or more

This section provides for the parole of prisoners in respect of whom a non-parole period has been set and who are serving a sentence of life imprisonment or who are liable to serve a total period of imprisonment of five years or more.

In such cases the prisoner, the Chief Executive Officer, or any employee of the Department authorised by the Chief Executive Officer, may apply to the Board not more than six months before the expiration of the prisoner's non-parole period for the prisoner's release on parole.

Proposed subsection (4) sets out the matters that the Board must have regard to in determining the application.

The Board may order that an applicant be released from prison on parole on a day specified in the order except in the case of a life prisoner, where the Governor may order the release of the prisoner on the recommendation of the Board. A life prisoner must remain on parole for a period of not less than three years and not more than ten years determined by the Governor on the recommendation of the Board.

Subsection (8) requires that the Board, not more than 30 days after refusing an application by a prisoner for release on parole, notify the prisoner in writing of its refusal, the reasons for the refusal and the earliest date at which the prisoner may reapply for parole. However the Board may accept a further application by a prisoner for release on parole before that date where special circumstances exist.

68. Conditions of release on parole

This section provides conditions that must be placed on a prisoner's parole and also that the Board may place any other condition on the parole. Subsection (2) sets out the matters that the Board must consider in setting parole conditions. The Board may designate conditions as conditions the breach of which will lead to the automatic cancellation of the parole.

Clause 12: Amendment of s. 70—Duration of parole for life prisoners

This section provides for the setting by the Governor, on the recommendation of the Board, of a parole expiry date for life prisoners released on parole prior to the commencement of the *Prisons Amendment Act 1981*. The parole of these prisoners currently extends for life whereas other life prisoners released on parole more recently are now placed on parole for between three and ten years.

Clause 13: Amendment of s. 77—Proceedings before the Board

This clause provides for the notification of the prisoner, the Chief Executive Officer of the Department for Correctional Services and the Police Commissioner on an application being made for parole.

Where the offence for which the applicant for parole was imprisoned is an offence against the person under Part III of the *Criminal Law Consolidation Act 1935* or any other offence involving violence, a victim of the offence may be notified also. A victim may make submissions to the Board in writing in relation to these classes of offences.

Clause 14: Repeal of Part VII

This clause provides for the repeal of Part VII of the Act which provided for remissions.

Clause 15: Amendment of s. 89—Regulations

This clause provides for the making of regulations prescribing classes of prisoner that are not to be given home detention.

Clause 16: Statute revision amendments

This clause provides for statutes revision amendments to be made in the schedule.

PART 3
AMENDMENT OF CRIMINAL LAW (SENTENCING) ACT 1988

Clause 17: Amendment of s. 9—Court to inform defendant of reasons, etc. for sentence

This clause makes an amendment consequential on the abolition of remissions.

Clause 18: Repeal of s. 12

This clause repeals section 12 consequential on the abolition of remissions.

PART 4
AMENDMENT OF YOUNG OFFENDERS ACT 1993

Clause 19: Amendment of s. 36—Detention of youth sentenced as adult

This clause strikes out subsection (4) of section 36 of the *Young Offenders Act 1993*. Subsection (4) applies the remission system to youths who have been sentenced as adults and is removed consequentially on the repeal of Part VII of the *Correctional Services Act 1982*.

PART 5
TRANSITIONAL PROVISIONS

Clause 20: Reduction of sentences and non-parole periods

This clause provides that sentences of imprisonment (including suspended sentences), and non-parole periods, imposed before the commencement of this measure, are, on that commencement, reduced by the number of days remission that the prisoner (or youth) has already accrued and the maximum possible number of days that the prisoner (or youth) could earn in remissions over the remainder of the prisoner's sentence.

Clause 21: Sentences imposed after commencement of this Act

This clause provides that Courts, when fixing a term of imprisonment or in fixing or extending a non-parole period must, when looking to precedent sentences imposed during the operation of the remission system, take into account the fact that the remission system has been abolished. Reduced sentences are to apply whether the offence in relation to which they are fixed occurred before and after the commencement of this Act.

Mr ATKINSON secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (SEXUAL INTERCOURSE) AMENDMENT BILL

Second reading.

The Hon. S.J. BAKER (Deputy Premier): 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 crime of rape and some other sexual offences depend on the act of sexual intercourse. While this used to mean the more conventional kinds of contact, the definition has been widened over the years.

The current definition is contained in s. 5 of the *Criminal Law Consolidation Act*. It says:

> "'sexual intercourse' includes any activity (whether of heterosexual or homosexual nature) consisting of or involving—
>
> (a) penetration of the vagina or anus of a person by any part of the body of another person or by any object;
>
> (b) fellatio;
>
> or
>
> (c) cunnilingus.".

This is an inclusive definition, which was placed in the Act in 1985. Prior to that, the definition was an inclusive one inserted in 1976. It made no mention of the vagina, but was primarily concerned with including oral and anal penetration as "sexual intercourse", for that was not the case at common law. Section 73(1) of the Act says

that "For the purposes of this Act, sexual intercourse is sufficiently proved by proof of penetration.". This provision was inserted by the 1976 legislation, but it replaced a provision containing similar words dating from 1876. It was untouched by the Act of 1985—presumably because it was thought to be consistent with the new definition.

It follows that the common law definition of "sexual intercourse" survives. At common law, any degree of penetration at all sufficed for "sexual intercourse"—authority goes back to 1777—but it is confined to penile penetration by male of female genitalia. The significance of this limitation will appear shortly.

The problem with the statutory definition—indeed, until recently, the statutory definitions in most Australian jurisdictions—is that it is physiologically ignorant. It is clear beyond any doubt that the legislature used the word "vagina" as a surrogate for the entire female genitalia, but, of course, the vagina is but a part of that and, importantly, not the most accessible part.

This matter was the subject of litigation in *Randall* (1991) 55 SASR 447. The accused was charged with unlawful sexual intercourse with a girl of four years of age. The allegation was of cunnilingus. The question on appeal was whether cunnilingus required proof of penetration. It was held that it did not. In so doing, the Court of Criminal Appeal expressed the opinion that the word "vagina" should be given the meaning plainly intended by Parliament and not the technical physiological meaning. In particular, Cox and Matheson JJ thought that the word meant penetration of the labia.

That dictum has now been overruled by the High Court. In *Holland* (1993) 67 ALJR 946, the court held that "vagina" means" vagina" and that the prosecution must prove that the accused penetrated the vaginal canal.

Since the current South Australian definition is inclusive, it follows that the High Court ruling will not affect the situation where there is an allegation of penile penetration, but will do so in all other cases not being covered by the description of fellatio and cunnilingus. That is to say, the effect of the High Court ruling is that in cases where an element of the charge is unlawful sexual intercourse and the case is based on penetration by an object, or digital penetration, the Crown will be forced to prove penetration of the vaginal canal.

This requirement is absurd in all cases and particularly difficult in cases involving small children, in which digital penetration is prevalent. The DPP has reported that he has already lost a charge of rape on this ground. The difficulty of proving not only penetration but also the extent of the penetration beyond a reasonable doubt is obvious.

It might be argued that although the actual words of s. 73(1) do not appear to take the matter further, their legislative history reveals that they are intended to enact the common law position—that is, that mere penetration will suffice. Whether or not that is so—and it is arguable—the position should be made clear beyond a shadow of a doubt.

The effect of the High Court ruling is that proof of penetration of the vagina has been required since 1985. It is undoubtedly true that no-one had thought so and cases have been conducted on the basis that mere penetration of the genitalia was all that had to be shown. That has been especially so since the Court of Criminal Appeal indicated that to be their view in 1991.

That view was also taken in other jurisdictions. The statutory definition using "vagina" as a surrogate for female genitalia was introduced into the relevant legislation in, for example, New South Wales, Victoria, the ACT and Western Australia in the 1980s.

Western Australia legislated to make the intended position clear in 1992. It did so in the belief that "vagina" meant female genitalia, because it had a Court of Criminal Appeal decision which said so [*Pinder* (1992) 8 WAR 438], and so its legislation was not retrospective. The motive for legislating was to put the original intention on the face of the legislation.

New South Wales also legislated to make the position clear in 1992. The Act purported to make the new definition apply retrospectively to 1981 (when the "vagina" definition was first enacted). It was not necessary for the High Court in *Holland* to apply the retrospectivity to that case, for the court dismissed the appeal.

A lack of retrospectivity may well complicate future prosecutions, because the law that will be explained to the jury will be different according to whether the allegations concern behaviour between 1985 and 1994 or after 1994. The onus on the prosecution to prove "sexual intercourse" will turn on the date of the alleged offence, and that may not be knowable.

In addition, no-one was in any doubt about the intentions of Parliament, and people can hardly be said to have ordered their conduct to conform with their understanding of the law.

There can be no doubt that, if the change in definition is not made retrospective, there will be problems.

In any case after the definition is changed, there will be endless argument about whether the abuse took place before or after the date of proclamation. The onus on the prosecution to prove what is difficult to prove will turn on the date of alleged offence, and that may not be knowable.

In cases involving allegations in relation to the sexual abuse of young children, it is often impossible to specify exactly when each instance of abuse is alleged to have occurred. Criminal charges in such cases will be further complicated by the need to charge carefully in relation to the date of operation of the changed definition.

No-one was in any doubt about the intentions of Parliament, and people can hardly be said to have ordered their conduct to conform with their understanding of the law. Indeed, the victim in *Holland* in her evidence used "vagina" in the colloquial sense.

The arguments against retrospectivity are, however, strong.

There is a general principle that the criminal law should not make criminal that which was not criminal when it was done. This general principle is a powerful centrepiece of the idea of criminal justice and can be traced back to Roman times. The principle was firmly embedded in English common law and, with few exceptions, the sole instances of retrospective legislation in English legal history were intended to relieve an individual or group from unjust hardship. That general principle is that it is unjust that what was legal when done should subsequently be held criminal, that what was punishable by a certain sanction when committed should later be punished more severely, that procedural changes seriously disadvantageous to an accused should be applied retrospectively.

The present Government has maintained a strong public adherence to that general principle, most notably when the then Government sought retrospectivity in relation to legislation to overturn the decision of the High Court in *Dube and Knowles* in relation to taking into consideration remissions on sentence. The then Opposition stood firm despite arguments that there would be great costs to the criminal justice system, a large number of prisoners would have to be re-sentenced, and everyone thought that the legislation had said what the High Court said that it did not say.

The Government has seriously considered the balance between the weighty general principle of justice and the degree to which that principle, if applied, will result in individual injustice to the alleged victims of sexual abuse. It has consulted on the question with senior lawyers in Government and in the private profession. In general terms, it can be said that the decision may affect a small number of cases already decided between 1985 and 1994, but that number of cases, much smaller than the sentencing question already referred to, is not enough to outweigh general principle. It can also be said that the decision may affect the outcome of an unknowable number of future cases—cases which may be conducted many years from now—in which the allegations include allegations of sexual abuse between 1985 and 1994.

After anxious consideration, the Government has taken the view that the general principle must prevail over the theoretical possibility that an unknowable number of cases may be harder to try in the future. Further, it is not as if the change will mean that an offender will go free. It does mean that the offender will likely be convicted of a less serious offence than would otherwise be the case. Hence, an offender may be convicted of attempted rape or indecent assault instead of rape or unlawful sexual intercourse. In real terms, the difference in penalty actually imposed is likely to be negligible.

In these circumstances, the Bill is not framed so as to be retrospective.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s.5—Interpretation

This clause amends paragraph *(a)* of the definition of "sexual intercourse" to include penetration of the labia majora or anus of a person by a part of another person or by an object.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

Second reading.

The Hon. S.J. BAKER (Deputy Premier): 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 deals with two matters concerning the qualifications of Members of Parliament, and amends the Members of Parliament (Register of Interests) Act, 1983.

Following the 1992 High Court decision in the case of *Sykes-v-Cleary and Others* concerns have been expressed regarding the interpretation of sections 17 and 31 of the Constitution Act, 1934, particularly as to how they impact on Members who have acquired or used a foreign passport or travel document.

Section 17 of the Constitution Act, 1934 provides

"If any Member of the Legislative Council. . . .

(b) takes any oath or makes any declaration or act of acknowledgment or allegiance to any foreign prince or power; or

(c) does, concurs in or adopts any act whereby he may become a subject or citizen of any foreign State or power. . .

his seat in the Council shall thereby become vacant."

Section 31 similarly provides for vacation of House of Assembly seats but there is an additional proviso namely:

"(d) becomes entitled to the rights, privileges or immunities of a subject or citizen of any foreign State or power."

In *Sykes—v- Cleary & Others* the High Court was asked to determine if two candidates, both naturalised Australian citizens, were capable of being elected as Members of the House of Representatives while, by operation of the law of Switzerland and Greece, they remained citizens of Switzerland and Greece respectively.

Section 44 of the Commonwealth Constitution provides:

"Any person who:-

(i) is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power. . .

shall be incapable of being chosen or of sitting as a Senator or a Member of the House of Representatives."

The High Court interpreted this provision as requiring a candidate who is an Australian citizen and also a citizen of a foreign country by operation of the law of the foreign country to take reasonable steps to renounce that foreign nationality.

The South Australian provisions are not in identical terms to Section 44(i). However, the decision in *Cleary* has resulted in an examination of the effect of Sections 17 and 31 of the Constitution Act.

The South Australian provisions do not apply to candidates but rather to persons who are already Members of the Legislative Council or House of Assembly. A Member's seat becomes vacant only if the person *while a Member* pledges allegiance to a foreign power or does, or concurs in or adopts any act whereby he may become a subject or citizen of any foreign State or power, or, in the case of a Member of the House of Assembly, becomes entitled to the rights, privileges or immunities of a citizen of a foreign state. Thus sections 17 and 31 of the Constitution Act, 1934 do not prevent a person who holds dual citizenship from becoming a Member of Parliament but once elected a Member must not become a citizen of another country.

It *may* be that a Member who sought a foreign passport or who travelled on a foreign passport is in breach of these provisions. The sections can, however, be read down and one would expect that they would be read down so that these actions did not fall within them. It may be argued that the mere obtaining of a passport (which is only a request by a State to permit persons to travel freely) does not constitute a relevant act. Nevertheless the point is, at least, arguable and the Government believes the issue should be clarified.

This Bill accordingly amends sections 17 and 31 to make it clear that a Member's seat is not vacated because the Member acquires or uses a foreign passport or travel document.

Sections 17 and 31 are also amended to provide that a seat is vacated if a Member is not or ceases to be an Australian citizen.

By virtue of section 52 of the Electoral Act all persons on the electoral roll are eligible to be Members of Parliament. Prior to 1984 persons who were British subjects were entitled to enrol as electors in South Australia and when the law was changed to provide that the qualification for enrolment was Australian citizenships those British subjects already on the roll were entitled to remain there, even though they were not Australian citizens. So we have the situation where persons who are not Australian citizens are entitled to be Members of Parliament.

The amendments to section 17 and 31 will correct this anomaly. All existing Members and all future Members will be required to be Australian citizens.

Section 31 is further amended by deleting paragraph (d). The Government does not believe that a Member should be at risk because of the operation of a foreign law. It is a different matter if the Member takes some positive action to become a citizen of another country and paragraphs (b) and (c) will continue to cover this.

The second aspect of Members' qualifications dealt with in this Bill is the disqualification of Members entering into contracts and agreements with the Government. Sections 49 to 54 of the Constitution Act, 1934 are repealed.

Section 49 of the Constitution Act at present provides, *inter alia*, that any person who directly or indirectly, for his use of benefit or on his account, undertakes, executes, holds or enjoys in the whole or in part any contract, agreement, or commission made or entered into with or from any person for or on account of the Government shall be incapable or being elected, or of sitting or voting, as a Member of Parliament during the time he executes, holds or enjoys any such contract, agreement or commission or any part or share thereof, or any benefit or employment arising from the same.

Section 50 of the Act renders void the seat of any Member of Parliament who so enters into, accepts, undertakes or executes any such contract, agreement or commission and section 53 provides that any person can take proceedings in the Supreme Court or any other court of competent jurisdiction to recover the sum of $1 00 plus costs to be forfeited by the Member. Section 51 contains a list of exemptions from the application of sections 49 and 50. Because of the provisions of sections 49 and 50, there are a number of contracts, agreements and commissions which Members of the public can enter into with or accept from the Government, but if entered into or accepted by a Member of Parliament, he or she could lose his or her seat in Parliament.

The exemptions in section 51 were last amended in 1971 to ensure that Members of Parliament were not prevented from doing business with SGIC when it commenced operations in January 1972. The amendments also extended the exemptions to, *inter alia*, the TAB, the Lotteries Commission, the State Bank, mining royalties and the Housing Trust. During the debate on these amendments some Members mentioned difficulties these provisions of the Constitution Act had caused them, including not being able to purchase a clock that had been replaced by a more modern one in Parliament House and not being able to enter into contracts with the then Highways Department for acquisition of land for road widening.

The scope of the provisions are unclear. The uncertainty is a cause for concern, especially as disqualification is automatic. Further, Members may, on occasion, be unaware or forgetful of the effects of section 50. The provisions prevent Members from entering into transactions which are totally innocent and the Crown Solicitor is frequently called upon to advise SACON in the provision of office equipment and facilities to Members of Parliament. Attendance at state sponsored refresher courses and participation in rural assistance schemes are other areas in which the Crown Solicitor has provided advice recently.

The provisions have their origins in the House of Commons (Disqualification) Act, 1782, the purpose being to exclude those who contracted to supply goods to government departments and who might therefor be under the influence of the government. The UK provisions were repealed by the 1957 House of Commons Disqualification Act. A House of Commons Select Committee had found that there was no evidence of corruption in the previous 100 years. The Select Committee pointed out the extreme difficulty of drafting satisfactory provisions to cover all the possible contractual arrangements in which a Member may theoretically become subject to the influence of the Government. The Select Committee pointed out that the House has inherent power to regulate the behaviour of its Members, and any Member who abused his or her position could be dealt with by the House itself by way of contempt proceedings.

The Western Australian Parliament is the only Australian Parliament to have followed the lead of the House of Commons. It did so following reports of the WA Law Reform Committee and a Joint Select Committee. In accepting the idea that contracts with the Crown should not longer be disqualifying the Select Committee recommended the formation of a Standing Privileges Committee of the Parliament which would be authorised to investigate and report on any allegations of transgressions.

The provision in the Commonwealth Constitution disqualifying Members who have a direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a Member and in common with the other Members of an incorporated company consisting of more than 25 persons has been considered for reform on several occasions. The Joint Parliamentary Committee on Pecuniary Interests of Members of Parliament in its 1975 report observed that the apparent prevention of conflict of interest situations derived from this provision may prove to be illusory. It did not recommend changes to the Constitution, but recommended the establishment of a register of pecuniary interests of Members of Parliament.

A Committee of Inquiry, chaired by the Hon Sir Nigel Bowen, in its 1979 report *Public Duty and Private Interest* concluded that the constitutional provisions are inadequate to cope with the many conflict of interest situations which arise in the Federal Government. The Committee recommended that the relevant sections of the Constitution be reviewed.

The Senate Standing Committee on Constitutional and Legal Affairs in its 1981 report *The Constitutional Qualifications of Members of Parliament* recommended that the Constitution should be amended to allow the Parliament to legislate without restriction over the whole area of conflict of interest. This would ensure that the standards set would remain relevant to prevailing social and economic conditions. This recommendation was supported by the Australian Constitutional Convention. More recently the Constitutional Commission recommended that, subject to any law on conflict of interest, the existing constitutional disqualification provisions should apply to any person who has any direct or indirect pecuniary interest in any agreement with the public service of the Commonwealth otherwise than as a Member in common with the other Members of an incorporated company consisting of more than 25 persons.

As mentioned earlier, the House of Commons Select Committee pointed out the extreme difficulty of drafting satisfactory provisions to cover all the possible contractual arrangements in which a Member may theoretically become subject to the influence of the Government. The Government has come to the same conclusion as the House of Commons Select Committee. The Government has also considered whether some provision should be included in the Members of Parliament (Register of Interests) Act, 1983 specifically requiring the disclosure of contracts with the Crown. Once again devising a provision that satisfactorily covers the contractual arrangements that should be disclosed has not proved possible and the Government believes that such a provision is, in any event, unnecessary in light of section 4 of the Members of Parliament (Register of Interests) Act, 1983. The section sets out specific information which must be disclosed by Members and then provides in subsection 3(g) that Members of Parliament must include in their returns under the Act the following information:

> "any other substantial interest whether of a pecuniary nature or not of the Member or of a member of his family of which the member is aware and which he considers might appear to raise a material conflict between his private interest and the public duty that he has or may subsequently have as a Member."

The inclusion of this information in the register will enable Members to determine whether any action need be taken in relation to the Member, and if so, what action should be taken.

The repeal of sections 49 to 54 will remove a great deal of uncertainty in Members' dealings with the Government and will eliminate the possibility that a Member could become disqualified from sitting in Parliament by mere inadvertence or where no real conflict of interest in involved.

A new provision has been inserted in the Members of Parliament (Register of Interests) Act 1983. A Member will be required to disclose, in his or her return filed under the Act, particulars of any contract entered into by the Member or a person related to the Member during the return period with the Crown or an agency of the Crown where any monetary consideration payable by a party to the contract equals or exceeds $5 000.

The Government does not agree with this provision. It considers it perpetuates the uncertainties contained in the Constitution provisions. The consequences of a failure to observe the provision, although not as serious as a failure to observe the Constitution provisions, are still serious. A Member will be required to disclosure many transactions which are presently exempt under section 51.

This bill leaves untouched section 45 of the Constitution Act which provides that a person cannot be chosen or sit as a Member if he or she holds any office of profit or pension from the Crown, during pleasure. The UK and Western Australian Parliaments both changed their office of profit provisions when they dealt with contracts with the Crown. They did this by listing all the offices that Members of Parliament could not hold. This is a substantial exercise and in view of the fact that section 45 has not caused the trouble that sections 49 and 50 have caused is not an exercise that needs to be undertaken at this time.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title is formal.

Clause 2: Commencement is the usual commencement provision.

Clause 3: Interpretation is formal.

PART 2

AMENDMENT OF CONSTITUTION ACT 1934

Clause 4: Amendment of s. 17—Vacation of seat in Council

Section 17 of the *Constitution Act 1934* currently provides at paragraphs *(b)* and *(c)* that the seat of a member of the Legislative Council becomes vacant if the member "takes any oath or makes any declaration or act of acknowledgment or allegiance to any foreign prince or power; or does, concurs in, or adopts any act whereby he may become a subject or citizen of any foreign state or power". The clause adds a new paragraph providing that the seat of a member will become vacant if the member is not or ceases to be an Australian citizen. The clause also adds a new subsection declaring that a seat of a member is not vacated because the member acquires or uses a foreign passport or travel document.

Clause 5: Amendment of s. 31—Vacation of seat in Assembly

Section 31 is the counterpart of section 17 for the House of Assembly. It contains provisions corresponding to paragraphs *(b)* and *(c)* of section 17 but has a further provision (paragraph *(d)*) providing for vacation of the seat of an Assembly member who "becomes entitled to the rights, privileges, or immunities of a subject or citizen of any foreign state or power".

The clause deletes this paragraph. The clause adds a new paragraph providing that the seat of a member will become vacant if the member is not or ceases to be an Australian citizen. The clause also adds a new subsection declaring that a seat of a member is not vacated because the member acquires or uses a foreign passport or travel document.

Clause 6: Repeal of ss. 49 to 54

This clause provides for the repeal of the following sections of the *Constitution Act 1934*:

Section 49—Disqualification of persons holding certain contracts

Section 50—Avoidance of seat of members accepting or holding certain contracts

Section 51—Exemptions

Section 52—Condition to be inserted in all public contracts

Section 53—Sitting in Parliament whilst disqualified (that is, under section 49 or 50)

Section 54—Limitation of actions.

PART 3

AMENDMENT OF MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) ACT 1983

Clause 7: Amendment of s. 4—Contents of returns

Section 4(2) of the *Members of Parliament (Register of Interests) Act 1983* is the provision specifying the matters required to be included by members in the ordinary annual returns under the Act. The clause adds a further paragraph requiring that such a return include particulars of any contract entered into by the member or a person related to the member (that is a family member, a family company or the trustee of a family trust of the member) during the return period with the Crown or an agency of the Crown where any monetary consideration under the contract equals or exceeds $5 000.

Mr ATKINSON secured the adjournment of the debate.

PASSENGER TRANSPORT BILL

In Committee.

(Continued from 20 April. Page 880.)

Clause 2 passed.

Clause 3—'Objects.'

Mr ATKINSON: What does the Government mean when it says 'to benefit the public of South Australia through the creation of a passenger transport network that . . . promotes social justice'? Will the Minister define 'social justice'?

The Hon. J.W. OLSEN: The Government's intention is to provide a transport system for South Australians that is efficient and affordable and is able to access areas that hitherto have not been provided with public transport. In recent times we have seen some contraction of transport services. The Government wants to provide a reliable, efficient transport service that meets the needs of South Australians and provides that service in the most efficient way. The Bill gives the Government the flexibility to fulfil that commitment.

Mr ATKINSON: I find the explanation unhelpful, because it does not answer the question. Can the Minister advise the Committee what the adjective 'social' adds to the noun 'justice' in this clause?

The Hon. J.W. OLSEN: Community service obligations and social justice involve providing public transport to those people who do not have vehicular transport. The member for Spence understands that; it gives people access to public transport at a time suitable to them and also at a cost affordable to the taxpayers of South Australia.

Clause passed.

Clause 4—'Interpretation.'

The Hon. J.W. OLSEN: I move:

Page 3, lines 25 to 27—Leave out the definitions of 'relative' and 'relevant interest'.

Page 4—

Lines 1 and 2—Leave out the definition of 'spouse'.

Lines 20 to 33—Leave out subclause (3).

This deals with the first of a series of amendments made in another place and taken from the Public Corporations Act. Those amendments will be opposed by the Government. The Public Corporations Act was principally designed for trading enterprises, yet the Opposition appears to think it should apply to all statutory authorities. The proposed Passenger Transport Board will not be a trading enterprise and, therefore, ought not to be subject to the Public Corporations Act.

Essentially, the board will regulate and coordinate the provision of public transport. The Public Corporations Act is an inappropriate model in these circumstances. I would have thought that the Opposition, and particularly the member for Spence, would understand that point. The question of boards and statutory authorities will be reviewed in the near future, and it would not be appropriate to prejudice the outcome of that review. The Government is satisfied that the existing control and accountability of measures provided in the original Bill give adequate balance between the need for efficient, flexible and responsible administration on the one hand and responsibility and accountability on the other hand.

Mr ATKINSON: I refer to the amendment to leave out subclause (3). The Minister for Transport has made it clear that she is not opposed to this part of the clause, so why is it being deleted?

The Hon. J.W. OLSEN: Clearly, the Minister for Transport wants to leave out the definition of 'spouse'. It is consequential on the Public Corporations Act amendment. That is the position of the Minister for Transport in this matter: she does not want that definition to remain, so the Government is proposing to leave out the definition of 'spouse'.

Amendments carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7—'Ministerial control.'

The Hon. J.W. OLSEN: I move:

Page 6, lines 20 to 31, page 7, lines 1 and 2—Leave out subclauses (4), (5) and (6).

This clause imposes overly strict controls on the relationship between the Minister and the Passenger Transport Board and is opposed by the Government. It requires that any directions be tabled in both Houses of Parliament and that they be published in the annual report. The original Bill already had strong controls over the directions of the Minister. For example, the Minister could not direct the Passenger Transport Board over contracts; and the Minister could not suppress information. To go further, this clause would hamstring the Government by binding it in red tape. Just imagine the way Government and Parliament would be clogged if this were to become a precedent. Once again, the Public Transport Board is not a trading body. That is a simple and fundamental fact that the Opposition cannot seem to grasp. It would be a regulator, a core function of government. Therefore, the sorts of prescriptions envisaged under this clause are simply inappropriate.

Mr ATKINSON: The Liberal Government was elected on a platform of accountability. The clause that the Minister seeks to strike out ensures that there will be accountability. It requires that, if the Minister gives the board a direction, the direction must be in writing. I would have thought that a clause that attempts to stop a Minister's giving oral directions, directions he or she can later deny, provides accountability. Moreover, the Minister is supposed to give the Passenger Transport Board a great deal of independence. The Bill does not anticipate that the Minister will intervene often with the board, so why is the Government opposed to the Minister's being required to put those rare directions to the board in writing.

The Hon. J.W. OLSEN: One of the principal purposes for putting the Public Transport Bill before the Parliament is to achieve efficiency in operation, to provide a transport system that is responsive to the needs of South Australians, and to apply flexibility in the operations of the Public Transport Board. As such, the board has a range of responsibilities that it will put in place. It is not the Government's wish that we tie the system down with rigidity to the point that flexibility, responsiveness and efficiency are lost.

Amendment carried; clause as amended passed.

Clause 8—'Composition of the board.'

The Hon. J.W. OLSEN: I move:

Page 7, line 5—Leave out 'five' and substitute 'three'.

The original Bill provided a three person board, and this amendment reinstates that position. A small board has a number of advantages. It signals smaller streamlined government. A board membership of three imposes a sense of responsibility that has shown to be lacking on Government boards in the past. Larger boards encourage domination by the CEO and are also not as efficient as a three person board. The members of this board will be expected to make a considerable sacrifice in terms of the time they devote to their duties. You cannot expect that in the case of large boards. Indeed, it would be a recipe for the confusion of roles on the part of board members and senior staff.

If you look back over the past 10 years in South Australia and the operation of some of those large boards, the inefficiency, lack of productivity and faulty decision making that occurred with a number of those boards was clearly demonstrated. That occurred because, in many instances, they were too big and unwieldy and not responsive; and therefore they did not take on board clearly and concisely the advice from Government. A three person board has a greater capacity to be responsive and to understand clearly the needs of the organisation which they represent and for which they make important decisions.

Mr ATKINSON: I am prepared to accept the Minister's argument on a three person board instead of a five person board. Subclause (3) provides that at least one member of the board must be a woman and at least one member must be a man. Affirmative action requirements on a board of three are rather more rigid and draconian than on a board of five. Why is the Minister persisting with affirmative action in the Bill?

The Hon. J.W. OLSEN: I would have thought that was self-evident to the member for Spence. It is the wish of both the Government and the Minister that the board be representative with members coming from both genders. The purpose of subclause (3) is clear and specific. I would have thought that even the member for Spence would understand the reason why that was included.

Mr ATKINSON: I have to say that the Liberal Party's enthusiasm for this subclause seems to have grown as the Bill progressed from one House to the other. However, once a principle—in this case affirmative action—becomes part of the established order, it is incumbent on the Tories opposite to be enthusiastic for that principle, even if they were not enthusiastic before.

The Hon. J.W. OLSEN: The Minister for Transport has always proposed gender balance in these matters, and that is reflected in this Bill.

Amendment carried; clause as amended passed.

Clauses 9 and 10 passed.

Clause 11—'Disclosure of interest.'

The Hon. J.W. OLSEN: I move:

Page 9, lines 1 to 3—Leave out subclause (7).

This amendment is consequential on the public corporations amendment that I referred to under clause 4. There is no need for further explanation.

Mr ATKINSON: Again, this is an attempt by the Liberal Government to reduce the accountability of the Passenger Transport Board to the Parliament and to the public.

Amendment carried; clause as amended passed.

Clause 12 passed.

Clause 13—'Transactions with member or associates of member.'

The Hon. J.W. OLSEN: The Government opposes this clause, which is consequential. It refers to transactions of a member or associates of a member. It is the public corporations component. I do not believe there is a need to further explain, given the explanation in respect of clause 4.

Mr ATKINSON: The deletion of the clause simply reduces the public duty on members of the proposed board. The Opposition opposes the Government's stance on this clause because it diminishes accountability.

Clause negatived.

Clause 14 passed.

Clause 15—'Proceedings.'

The Hon. J.W. OLSEN: I move:

Page 11, lines 5 and 6—Leave out subclause (2) and substitute:

(2) No business may be transacted at a meeting of the board unless all members are present (subject to the qualification that this requirement does not apply if a member has been required to withdraw because of a personal or pecuniary interest in a matter under consideration by the board).

This amendment is consequential on the size of the board. It reinstates the original position.

Amendment carried.

The Hon. J.W. OLSEN: I move:

Page 11, line 7—Leave out 'carried by a majority of votes cast by' and substitute 'supported by at least two'.

The amendment is consequential on the size of the board and reinstates the original position.

Amendment carried.

The Hon. J.W. OLSEN: I move:

Page 11, lines 10 and 11—Leave out all words in these lines after 'decision' in line 10.

This refers to the requirement for a casting vote. Consequential on the size of the board, this amendment reinstates the original position.

Amendment carried.

The Hon. J.W. OLSEN: I move:

Page 11, line 13—Leave out 'three' and substitute 'two'.

Again, this is consequential on the size of the board. The amendment reinstates the original position.

Amendment carried; clause as amended passed.

Clauses 16 to 18 passed.

Clause 19—'Annual report.'

The Hon. J.W. OLSEN: I move:

Page 12, line 33 and page 13, line 1—Leave out paragraph *(b)*.

The addition of the board's charter is opposed. The Bill is remarkable for the proscriptions imposed on executive authority. The Government has promised that the PTB will be subject to a code of practice. In addition, the board will be subject to its functions as outlined, and a special set of objects has also been added. In those circumstances, the Government wishes to leave out paragraph *(b)*.

Mr ATKINSON: It is an attractive feature of the British Conservative Party, presently the Government, that in recent years it has sought to inaugurate charters to cover areas of public service. Those charters have made promises to the public that services provided by the British Government would be up to a certain standard. The charter allows citizens in Britain to enforce its provisions to ensure that they obtain a standard of service. I am curious why a Liberal Government in South Australia is opposed to charters for public authorities.

The Hon. J.W. OLSEN: The Minister has indicated that a code of practice will be established for the operation of the board. That will be a clear set of guidelines in the operations and functions of the board. There is no point in establishing the charter to which the honourable member refers. I am rather surprised that, given all his criticism of policy decisions of the Conservative Party in the UK, he is now suggesting that it is the benchmark on which this Liberal Government in South Australia should be operating and legislating. For those reasons, the Government has taken the proposed course.

Mr ATKINSON: Will citizens of South Australia who feel that the Passenger Transport Board is not providing the promised standard of service be able to take action under the proposed code of conduct, and what legal force will the code of conduct have?

The Hon. J.W. OLSEN: The code of conduct will be in the regulations. Therefore, it has some legal force. I have no doubt that, in the provision of an efficient, reliable, affordable public transport system, if any section happens to be not complying for the constituents of South Australia, a public profile will be taken up and a political issue will be raised. Certainly that will not be the case, given the PTB that will be put in place. The administration of this portfolio by the Minister for Transport will ensure that there will be an efficient, reliable and affordable public transport system, meeting community obligations and the social justice needs of South Australians. That will be clearly demonstrated.

Mr Atkinson interjecting:

The Hon. J.W. OLSEN: If the legislation is just and fair to all citizens in South Australia, clearly this Government has met a commitment to South Australians, whatever occupational base and whatever socioeconomic group they come from.

Mr ATKINSON: I am surprised to hear the Minister giving a class analysis of the effect of this Bill on South Australia. Perhaps he has been reading too much Karl Marx lately. It seems that it is far more desirable to have the standard of service required of the Passenger Transport Board incorporated into a Bill which can be debated by the Parliament here and now than to have it incorporated as a code in regulations that will merely be tabled in the Parliament and may or may not be debated. In explanation of an earlier exchange between the Minister and me, I have never had occasion in the House to criticise the British Conservative Party, so his recollection is false. In so far as the Minister's personal doctrine resembles that of the Tories, I find it far more pleasant than that of some of his Liberal colleagues.

The Hon. J.W. OLSEN: Briefly in response, if one looks at the board's charter as proposed and incorporated currently in the Bill, it is no more than a corporate planning exercise and does not meet the objectives to which the honourable member has referred in this Committee at all. It is simply a corporate planning exercise.

Mr Atkinson interjecting:

The Hon. J.W. OLSEN: That being the case, the Government is firm in its view and direction.

Amendment carried; clause as amended passed.

The CHAIRMAN: The next amendment, which proposes to leave out the words 'and charter', can be treated as a clerical amendment provided clause 21, which the Minister proposes to oppose, is won by the Minister.

Clause 20 passed.

Clause 21—'The board's charter.'

The Hon. J.W. OLSEN: This clause is opposed. It is consequential in relation to the Passenger Transport Board charter. I have given the reasons why the Government does not support this move. It is of no value to repeat the reasons why the Government is opposed to this clause.

Mr ATKINSON: I do not quite understand why the charter so vexes the Minister. It seems that the charter is much the same as the code of practice, because the Minister says the code of practice will be promulgated under regulations. If we read this clause, we find that the board prepares a charter, after consulting with the Minister and some committees that will be established under the Act, and then the board may, with the approval of the Minister, amend the charter at any time. Once the charter comes into force, the Minister, within 12 sitting days, has to lay copies of the charter before both Houses of Parliament. Will the Minister tell me how that process differs from a code of practice under regulations?

The Hon. J.W. OLSEN: The code of practice is about clearly fulfilling a promise to the people to provide a level of service and about how we will deal with passenger transport services in South Australia. If you want me to reiterate the objectives of our Passenger Transport Bill and what we want to provide for South Australians, I will do it again, and again, but I would have thought it was starting to sink in to the honourable member by now. Our code of practice and our regulations will therefore fulfil this role.

Mr Atkinson: What is the difference?

The Hon. J.W. OLSEN: I mentioned a moment ago that, if you read the board's charter, clause 21 as inserted is no more than a corporate planning exercise. What we want is a code of practice, which by regulation will be put in place for the operation of the Passenger Transport Board. It can be made no clearer than that for the member for Spence.

Mr ATKINSON: I beg to differ. I think it can be made clearer for the member for Spence and for the few people who follow this debate. What will be in the code of practice that would not be in a charter? If one catches the train from Kilkenny to Adelaide of a morning and from Adelaide to Kilkenny in the evening, what will be the difference for that traveller between the charter as proposed by the Labor Party and the code of practice as proposed by the Liberal Party? It seems to me the two are virtually identical and that the only reason the Minister seeks to strike this clause from the Bill is that we thought of it first.

The Hon. J.W. OLSEN: None are so willing as those who do not want to hear, and the member for Spence simply does not want to hear or understand. The code of practice will deal with aspects such as how the Passenger Transport Board should deal with confidential information, the delivery of service, contracts, and complaint systems and how they ought to be handled. I said before that it is the Government's intention by regulation to establish the code of practice. That code of practice by regulation will come before the Parliament in due course. The Parliament therefore has the capacity to give consideration to those regulations, as the honourable member full well knows. Therefore, the Government's determination in this matter is clear.

Clause negatived.

Clause 22—'Powers of the board.'

The Hon. J.W. OLSEN: I move:

Page 17, lines 8 to 19—Leave out subclause (7).

This clause imposes a 28 day notice to and consultation with effective authorities if the PTB wishes to change a route or stopping place. While the Government accepts the need for such consultation wherever possible, this clause is simply too rigid. The original provisions of the Bill to consult with councils have been amended in another place and ostensibly would strengthen consultation procedures but in reality would create a host of potential problems that have probably not occurred to the Opposition.

For example, under this clause the Hallett Cove transit taxi would be impossible. Although it is a regular passenger service, we cannot tell the local council exactly what route it will take. Emergency changes in routes due to temporary road closures would not be possible under this clause, nor would the eminently sensible proposal of the STA that buses at night stop anywhere along the route to enable passengers to be dropped off closer to home. What would happen if a local council agreed to the PTB proposal? Would it still have to

wait 28 days? The board will necessarily and sensibly consult with local authorities about routes for regular passenger services. The amendment is therefore quite restrictive and unnecessary.

Mr ATKINSON: The Minister, I do not think, has ever had the benefit of representing a constituency in which there have been State Transport Authority bus stops.

The Hon. J.W. Olsen: Yes.

Mr ATKINSON: Kavel?

The Hon. J.W. Olsen: Yes.

Mr ATKINSON: It does have some STA bus stops?

The Hon. J.W. Olsen: Yes.

Mr ATKINSON: Good. Perhaps the Minister, at this late stage of his career, will be familiar with the controversy that the location and changing of bus stops causes in the metropolitan area. Nobody, least of all the local council, will prohibit the Hallett Cove taxi shuttle from operating in the way it does, but this subclause is useful when there is controversy in a metropolitan district about the location of a bus stop, and bus stops can be tremendously controversial. I am sure the State Transport Authority will testify to that.

Recently I received representations from a number of residents and small businessmen about the location of a bus stop on Port Road at Beverley. None of the small businessmen wanted the bus stop outside their premises. Correspondence went back and forth between the City of Hindmarsh and Woodville and the State Transport Authority about the location of the bus stop and the bus shelter. Eventually, the matter was resolved to the satisfaction of all concerned. It seems to me that what the Minister is saying is that the Passenger Transport Board or TransAdelaide can now put bus stops wherever it feels like it, even though it might offend householders or small businessmen, or inconvenience passengers. I oppose the Minister's attempt to delete the subclause.

The Hon. J.W. OLSEN: These matters can be resolved sensibly without the stringency and the lack of flexibility proposed in the Opposition's clause that was inserted into the Bill. How often is it that what sounds great in theory is often difficult to implement in practice? What the Opposition is proposing now might sound fine in theory but when you try to implement it and meet the respective local council meeting schedule in time with the rearrangement of bus schedules, and when circumstances have been created for the rerouting of a bus, how do you take account of those circumstances when you have been locked into an inflexible, unrealistic set of procedures which the Opposition is currently proposing?

I would have thought the honourable member would well understand that part of the problem being experienced over the past 10 years, when we have strangled this State to a standstill, has simply been over-regulation, overplanning and applying hurdles and impediments to people getting on with and doing a job. What we do not want to do is remove flexibility from the operation of a public transport system that we are putting in place to meet the needs of the community.

A number of electorates I have represented in this State have not had the benefit of a State Transport Service. They do not even get a bus running occasionally or even daily to some of those areas. If the honourable member wants to talk about social justice he had better be a little more careful than he has selectively been prepared to be before the House today.

Mr ATKINSON: If the Minister had done me the courtesy of reading my second reading speech he would have seen that I adverted to the point that some areas of South Australia are not served by public transport at all. I freely concede the point. The argument I am trying to put here is that, although this clause is unlikely to be the subject of a court action, nevertheless, it is a useful courtesy for the authority in charge of public transport to have to notify local government of where it proposes to put its bus stops and when it proposes to change them. I do not believe that any council has ever taken the State Transport Authority to court about this matter, although I stand to be corrected. The subclause is just a courtesy.

We are embarking upon a privatisation of bus services under this Bill. It seems of the utmost importance that these new private operators ought to be reminded that the location of their bus stops is important, not just for their service but to nearby householders, small businessmen and sometimes from the safety point of view. It seems to me just a courtesy that a bus operator ought to inform local government and the persons affected by the proposed location of the bus stops.

Mr Brindal interjecting:

Mr ATKINSON: So important is this matter to some metropolitan members of Parliament that the highly successful Labor member of the New South Wales and Federal Parliaments, Mr Michael Maher, was known as the member for bus stops. I ask the Minister again, in his frenzy of deregulation and privatisation—I realise he is in a state of high doctrinal excitement with this Bill—to take into account the practicalities of informing people affected by the location of bus stops of the places they are going to go and the places they will go if they are changed. It is just a courtesy and I appeal to him to retain this tiny little subclause just as an act of generosity towards the much diminished Labor Opposition.

The Hon. J.W. OLSEN: This is a rather new and novel approach from the member for Spence. I can assure him that we are not, as a responsible Government, about to embark upon putting 'useful courtesies' in legislation. That is something that I have not heard used before, Mr Chairman, and I can assure you that we are not about to proceed down that course. If you applied 'useful courtesies' to all sorts of legislation that we propose to introduce over the next four years, rather than reduce the number of statutes and regulations in this State we would significantly multiply the number. Therefore, we will not participate in assisting the member for Spence to compound the problem here this afternoon.

Amendment carried; clause as amended passed.

Clauses 23 and 24 passed.

Clause 25—'Committees.'

The Hon. J.W. OLSEN: I move:

Page 18, lines 17 to 31, lines 1 to 21—Leave out subclauses (1) to (6) and substitute—

(1) The Board—

(a) must establish the committees the Minister may require; and

(b) may establish other committees the Board considers appropriate,

to advise the Board of any aspect of its functions, or to assist the Board in the performance of its functions or in the exercise of its powers.

(2) A committee may, but need not, consist of, or include, members of the Board.

The original Bill provided for advisory committees to be established by both the Minister and the board. This clause inserted in the Upper House is far more prescriptive, specifying five committees. While the industry committees specified in the clause are those used in consultation on the Bill, the Government believes that it is wrong to set such measures in legislative force, that is, in concrete. What may

be an appropriate structure at this stage may change in the future.

To give an example of the problems this could impose, from the experience of the consultation so far, we have learnt that it was not particularly appropriate to lump together hire car operators and charter bus operators for the purpose of developing codes of practice. Yet this rigid, inappropriate structure would be imposed on us forever under this clause. The proposed amendment would reinstate the original clause. Furthermore, the existing clause has a UTLC nominee. There is no justification to have any organisation given exclusive rights in this regard.

Mr BRINDAL: The Minister's amendment sounds eminently sensible. Can the Minister explain why we need to amend this? It strikes me that the clause as it now stands is quite nonsensical in terms of the Minister's explanation of the amendment.

The Hon. J.W. OLSEN: In another place where the Government does not have the numbers, the small Opposition in this House has combined with its counterparts in the other place, the Democrats, and decided to insert—

Mr Evans interjecting:

The Hon. J.W. OLSEN: It is hard to tell the difference occasionally. In the other place they inserted this clause in the Bill for the reasons that I have already outlined. The Government considers it to be totally inappropriate and therefore wants to reinstate the original position.

Mr ATKINSON: I have to say that I think Lady Thatcher would describe the Minister's amendment as a bit wet. I say that because—

Mr Wade interjecting:

Mr ATKINSON: No, no, the subjunctive 'would'. Lady Thatcher would say it was wet if she were here; she is not.

The CHAIRMAN: Order! The Chair is having difficulty in appreciating who is putting the question to whom.

Mr ATKINSON: It is true that the amendment from another place includes every subgroup one could think of on the committee. There is a committee for every subgroup and it is all quite rigid. I understand why the Minister is opposed to it but, being opposed to this Democrat amendment, he then proposes this new clause which says that the board may establish committees that it requires or considers appropriate. As there is no prohibition on the Passenger Transport Board to establish committees—it can do so whenever it wishes—why not be bold and delete the clause altogether?

The Hon. J.W. OLSEN: First, for the information of the honourable member, it was the Labor Party's amendment, not the Democrats' amendment, that was successful. He has got it totally wrong. It is the Labor Party's amendment with which we are dealing.

In relation to Lady Thatcher, I am impressed by the member for Spence and the way in which he is now lauding the Conservative Party in the United Kingdom and the comments of Lady Thatcher. It will be interesting to see whether he continues his obvious admiration for Lady Thatcher and her policy direction implemented in the last decade or so in the United Kingdom.

We do not believe that any group ought to have an automatic right to be nominated to be part of a board, as is the case with this amendment which was agreed to in the other place. For that reason, I reiterate the points already put forward.

Mr ATKINSON: I am referring to the British Conservative Party and its predilections for privatisation, deregulation and charters and to Lady Thatcher for the purpose of testing the Minister and his Party with the rhetoric of a related Party.

Mr Brindal interjecting:

Mr ATKINSON: Yes, something like that in this Committee. She is helpful in explicating the issues before us. I am not an admirer or follower of Margaret Thatcher. I was scandalised that a non-conformist such as she should be able to appoint the Archbishop of Canterbury, for instance.

Mr Brindal interjecting:

Mr ATKINSON: I do not follow the member for Unley's references and I do not understand their relevance to the clause.

The CHAIRMAN: Before the Minister speaks, I remind the honourable member that he is removing from his own cause and from that of the possible succeeding questioner, the member who is dealing with a later Bill, the right to question. The frivolity was irrelevant. The Minister.

The Hon. J.W. OLSEN: In response to the member for Spence and the reference to the United Kingdom Conservative Party and its policy direction and thrust on specific questions, I am still waiting for that penetrating question from the honourable member on this matter.

Amendment carried; clause as amended passed.

Clauses 26 to 38 passed.

Clause 39—'Service contracts.'

The Hon. J.W. OLSEN: I move:

Page 33, line 1—Leave out 'principles' and substitute 'principle.'

I mentioned at the start of clause 2 a reference to the honourable member's remarks last night about his recent late mail. He said:

> . . . far from there being competition in this tendering process for STA bus routes, there will be only one tenderer. The Liberal Party, I think, is already aware of the identity of that company. It provides services in New South Wales and Victoria, so there will not be the competition that the Minister holds out to the public.

In response to the honourable member's remarks yesterday, I say that is absolute nonsense. The Minister for Transport has asked that this statement be refuted absolutely, and I am pleased to do so. The member for Spence is clearly referring to the Victorian experience where the Government virtually let the whole of its available system to one private company from New South Wales, thus creating, as the Minister has continually repeated publicly, a private instead of a public monopoly.

It is not this Government's intention to swap one monopoly for another, private to public or *vice versa*. Furthermore, the Minister for Transport has continually reiterated that this will not occur in Adelaide and that in the foreseeable future TransAdelaide will continue to run the majority of services in metropolitan South Australia. Absolutely no deals have been done with any potential tenderer. As can be seen in clause 7(2)(a) the Minister is expressly prohibited from giving any directions in relation to tenders. I hope and trust that that will put to rest this furphy that the honourable member has attempted to establish in relation to this Bill. The Minister for Transport's public comments have been consistent, clear and concise. The commitments that I give today are equally clear, specific and concise as to the procedures that will be put in place in South Australia.

Clause 39 would guarantee TransAdelaide 70 per cent of passenger journeys that it had in 1993. This is opposed by the Government. We have promised new and better services. In order to provide these services, we need to make savings on existing services to fund them. We would have had our hands tied by the clause proposed.

The Opposition spokesperson on transport, in her second reading speech in another place, noted that pressure is necessary to bring about change. The Secretary of the PTU, Mr Crossing, also indicated in the *Sunday Mail* of 20 June last year that he recognised that drastic long-term changes were needed. Yet this clause is designed to give a comfort zone to TransAdelaide cushioning the need for change.

Again, the amendment introduced in another place is far too prescriptive. The Passenger Transport Board needs flexibility to arrive at the best mix of public and private contractors. The Government is confident that TransAdelaide will be very competitive in the tendering process, which makes the limitations imposed by this clause even more unrealistic when, in all likelihood, TransAdelaide will win its fair share of contracts competitively.

Mr ATKINSON: I do not see how one can tell from reading legislation what the outcome of tenders will be. The Minister's assurance that there will not be a dominant private tenderer, as there is in Victoria and New South Wales, is a prediction, just like mine. I stand by my late mail that that tenderer from Victoria will do very well indeed. If I am wrong, I am quite happy to concede it. My late mail is just that, late mail—a tip.

The Hon. J.W. OLSEN: I will make one further point. The Bill contains a clause that provides that no tender will have more than 100 vehicles. There are about 850 vehicles in the transport system in Adelaide. Therefore, on the basis of the Bill currently, the simple fact is that what I have said will be put into practice. The commitments publicly and consistently made by the Minister for Transport will be adhered to and implemented.

Mr ATKINSON: The Minister assures us that only a fraction of the STA's current routes will go to private tender, and I accept that. My tip is that that fraction, which may require only 100 buses to serve it, may well go to one dominant tenderer. I do not see how the Minister and I can do anything other than make predictions: all we can do is wait for the outcome.

The Hon. J.W. OLSEN: It will still be a fraction of the total passenger transport system in the metropolitan area of Adelaide.

Amendment carried.

The Hon. J.W. OLSEN: I move:

Page 33—
Line 11—After 'Part' insert '. namely'.
Lines 16 to 22—Leave our subparagraph (ii)

These amendments are consequential to the amendment we have just passed.

Amendments carried; clause as amended passed.

Clause 40—'Nature of contracts.'

The Hon. J.W. OLSEN: I move:

Page 35, lines 6 to 8—Leave out subclause 8.

This clause would require a report to Parliament every time a contract was issued for more than five years. This is another quite outlandish and unreasonable provision, which commits the Government to spend all its time reporting instead of getting on with the job of governing. Contracts are a commercial matter and are not up to the Minister in any event. The Bill is clear on that point. The Minister has a role to play to ensure that contracts are not excessively long, but the Government does not think it appropriate or necessary that individual contracts be reported to Parliament in this regard. The Bill contains adequate safeguards to see that the contracts are handled in accordance with the Parliament's wishes.

Mr ATKINSON: This amendment is just another retreat from accountability.

The Hon. J.W. OLSEN: I cannot let these throw-away lines about accountability go any longer. I would think that any member of the Labor Party who sat in Government over the past five years would need a hide as thick as a rhinoceros to be able to get up here and talk about accountability when, as a Government, members opposite showed no accountability to this Parliament, the Auditor-General, the people of South Australia, the media or members of the then Opposition who were asking probing questions of Government on its role in the fiasco that brought $3.15 billion in debt onto the shoulders of South Australians. They talk about accountability but they never practised it in 10 years, and that is why they brought this State to its knees, and that is why we see the members opposite sitting on the few seats on the other side of the Chamber. It will be a long time before they ever get a chance to practise accountability themselves.

Mr ATKINSON: I have to remind the Minister that I have not been in the House for 10 years. This is the first Parliament in which I have held executive office for my Party. This is a new Labor Party, which values accountability highly.

Amendment carried; clause as amended passed.

Clauses 41 to 46 passed.

Clause 47—'Issue and term of licences.'

The Hon. J.W. OLSEN: I move:

Page 39, lines 23 to 30—Leave out subclauses (9),(10) and (11).

These subclauses place a variety of constraints on the issuing of taxi licences. While the Government accepts the principle of limiting the number of new general taxi licences that can be issued in any one year, it finds unacceptable the qualifications imposed regarding those not classified as general. The application of clause 8 would be messy. In reality it could well be quicker for the Parliament to amend the legislation than to abide by the procedure that is currently laid down in the amendments. The idea of frequent reviews in respect of the issuing of taxi licences is a recipe for instability and uncertainty, as the honourable member would be aware, as he is familiar with the taxi industry.

Mr ATKINSON: The Minister seeks to delete these subclauses because he wants to keep open the power to issue more and more taxi licences and to devalue those plates already issued. The Opposition believes that the subclauses will lead to more open Government and require the Passenger Transport Board to explain its actions. They are an adjunct to open Government, so I am disappointed that the Government seeks to delete the subclauses.

The Hon. J.W. OLSEN: The honourable member draws this red herring over the trail on the basis that this is just a recipe for the wholesale issuing of taxi licences. He has no evidence at all to suggest that that is the case. What the honourable member wants to do is to go out and frighten the taxi industry and score a cheap political point. The simple fact is that there is no substance in this amendment that gives credence to his claim.

Amendment carried; clause as amended passed.

Clauses 48 to 64 passed.

Clause 65—'Review of Act.'

The Hon. J.W. OLSEN: The Government opposes this clause, which would require a review of the Act by an independent person as soon as practicable after 1998. The time frame imposed by the clause could well be inappropriate, given the phasing in of reforms. It would be better to leave the appropriate time for review with more flexibility.

Mr ATKINSON: If, as the Government claims, the Passenger Transport Act will be such a success, why is it so afraid to have the Act reviewed by an independent person in 1998?

The Hon. J.W. OLSEN: The Opposition has been complaining about committees of inquiry and reviews, yet here it is proposing that we ought to formalise a review of the Public Transport Bill within four years. You guys had better make up your mind about your policy thrust and direction. You cannot have a bob each way, and you cannot please yourself every other day as to which political expedient you wish to follow. It would be far better for Parliament to be the reviewing body, as it will be and should be, on the performance of the passenger transport system in South Australia at any time. That is the appropriate place for a review. It is somewhat hypocritical for the honourable member. I heard him interject in Question Time today about a review related to opening up 600 hectares in the Riverland for export market vineyards. He was complaining about that, yet he is proposing that we ought to formalise a review within four years. It is not on.

Mr ATKINSON: The Minister will prevail in this matter and great will be my disappointment as the new Minister on that date not to receive that report.

The Hon. J.W. OLSEN: I advise the honourable member not to hold his breath waiting for that to occur.

Clause negatived.

Schedule 1 passed.

Schedule 2.

Clause 1—'Establishment of TransAdelaide.'

The Hon. J.W. OLSEN: I move:

Page 56, lines 8 to 10—Leave out subclauses (5) and (6).

These subclauses would impose the same controls on direction by the Minister to TransAdelaide as the earlier clause controlling ministerial relations with the Passenger Transport Board. They are opposed for the same reasons and, because of the time, I will not restate the position. We have already provided that the Minister should stay away from purely commercial matters concerning contracts—and that is the way it ought be—but, having said that, Ministers should be allowed to get on with the job they have been given the responsibility to undertake. These provisions added by the Opposition are simply unrealistic and unreasonable.

Amendment carried.

The Hon. J.W. OLSEN: I move:

Page 56, lines 11 to 23—Leave out subclauses (7), (8) and (9).

These subclauses would place a variety of limits on action taken by a Minister. They would prohibit the Minister from directing TransAdelaide to dispose of a passenger transport vehicle. We need to recognise that the Westminster system places responsibility on Ministers to Government. The Parliament should grant Ministers the ability to make decisions and then hold them accountable through the Westminster system. The Minister for Transport has assured the Opposition in another place by indicating that TransAdelaide will be able to compete without the enormous debt burden created by some past policies. Of course, this will mean that assets will need to be transferred away from TransAdelaide.

First, these provisions will only frustrate fair competition in the tendering process. Secondly, they would prohibit the Minister from directing TransAdelaide to cease to provide a regular passenger service. This is opposed for a similar reason to that applying to the previous clause. To impose rigidity in this way would simply undermine the spirit and thrust of the legislation, especially as we cannot foresee all future circumstances, as indeed the honourable member referred to in some earlier comments in this debate.

Mr ATKINSON: The subclauses merely seek to make the Minister accountable for public property. If the Government seeks not to be accountable for that, so be it—it has the majority.

Amendment carried; schedule as amended passed.

Schedule 3—'Public transport infrastructure.'

The Hon. J.W. OLSEN: I oppose this schedule, which prohibits the sale of fixed infrastructure and associated assets unless the Government gazettes the fact that it is no longer required for public transport, that is, it prohibits the sale of fixed infrastructure to the private sector. I must say that it is interesting to compare this approach with that of the Federal Labor Minister for Transport, who has recently been preaching the sale of transport infrastructure to the private sector. I happened to note today support coming from the Opposition benches for the sale of some infrastructure, like Adelaide International Airport, so that it can be privatised. That is no different from what we are seeking to do in other transport areas.

Once again, this clause is an onerous imposition, ignoring all sorts of possibilities. What if the Government wished to take advantage of a sale or leaseback financing, as was the practice of the previous Government? What if we wanted to pursue that policy line? Particularly obnoxious is the phrase 'and other works and facilities used, associated or connected with'. For those reasons we oppose the schedule.

Mr ATKINSON: Will the Minister confirm that he is leaving open the possibility of selling interchanges, railways and the Glenelg tram to private operators?

The Hon. J.W. OLSEN: That is not the Government's intention. There has been no discussion by Government on those matters at all.

Mr ATKINSON: By his amendment, is the Minister leaving the possibility open?

The Hon. J.W. OLSEN: The legislation as ultimately passed by Parliament may well leave that option open. However, the simple fact is that this Government has not put that on the agenda.

Schedule negatived.

Schedule 4.

Clause 3—'Transitional provisions—State Transport Authority.'

The Hon. J.W. OLSEN: I move:

Page 63, line 6—Leave out 'Subject to this clause, the' and substitute 'The'.

This amendment is consequential on the following amendment. The clause to which this is consequential would deny the Governor from making a proclamation transferring a vehicle that is the property of the STA. It is rejected for the same reasons as we have rejected the previous clause designed to limit the flexibility available to the Government regarding the use of assets.

Amendment carried.

The Hon. J.W. OLSEN: I move:

Page 64, lines 1 to 3—Leave out subclause (8).

This amendment is consequential on the previous determinations of the Committee.

Mr ATKINSON: Again, the Minister leaves open the possibility of the sale of STA buses to private tenderers. He is happy to sell the buses, but what does he intend to do with the drivers made redundant by the sale of the buses?

The Hon. J.W. OLSEN: The Minister for Transport has given a commitment that there will not be redundancies of bus drivers in the STA with the passing of the legislation. It may be that, if a private operator takes over a route, it will seek to take a number of STA drivers onto that route. Therefore, they have continuity of work and are simply employed by the private sector rather than by the public sector.

Mr ATKINSON: Do I understand correctly that the Minister says that no bus driver will be made redundant?

The Hon. J.W. OLSEN: There will be no forced redundancies by this measure.

Mr ATKINSON: There will be no forced redundancies, but what happens if there is a great number of routes tendered to the private sector? If the private sector proposes to have its own bus drivers, TransAdelaide could be left with hundreds of drivers that it does not need because it no longer has the buses and the lines. The Government has promised not to force redundancies, but how will it deploy redundant drivers within the much diminished TransAdelaide? Moreover, can the Minister guarantee that he will not affect drivers' superannuation entitlements?

Amendment carried; schedule as amended passed.

Title passed.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I move:

That this Bill be now read a third time.

I will make one or two comments at the invitation of the member for Spence. During this debate, a number of issues have been raised clearly for the purposes of creating political fear amongst, first, the taxi industry, secondly, forced redundancy employees, and right at the end we had superannuation thrown in for good measure. Because of the lateness of the hour and the fact that I did not respond to it specifically, it was suggested that the lack of response indicated some degree of ambivalence on my part regarding that policy. Let me reassure the honourable member that, as there are no forced redundancies, and if people want to remain in the STA, there is guarantee of continuation of superannuation.

The question does not arise. Does the honourable member understand? No forced redundancies: they are staying in the STA, therefore there is no variation to the superannuation provisions. The question simply does not arise. The inference of the honourable member as to the taxi industry was that this is wholesale taxi licensing, just to stir up the taxi industry and to get people worried that hundreds of licences will be issued, impacting on the valuation of the asset of existing taxi licences.

As to the matter of redundancies, it was the same thing: there was an attempt to develop a bit of scare and fear in the transport community in South Australia as a result of this Bill. Well, it simply will not work, because of the policy thrust that the Minister has put in place. She has taken the opportunity to speak to a number of workers at several STA bus depots and people associated with the industry. They are looking for substantial change, as John Crossing said. I referred to that in my remarks earlier. He said last year that change was needed, and substantial change at that. That is exactly what the Government is doing.

The Opposition, when in government, had 10 years to fine tune, 10 years to get a good policy direction, 10 years to make some fundamental changes but, like many things, it squibbed it. It was not prepared to make the right policy decisions for the long-term benefit of public transport and, more importantly, for the long-term benefit of South Australians. The fact that it did not has given us a clear mandate to do so, and we will.

Mr ATKINSON (Spence): The Bill emerges—

Members interjecting:

The SPEAKER: Order! The member for Spence.

Mr ATKINSON: The Bill emerges from Committee in a considerably worse state than that in which it went in.

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: One thing that I will defend the previous Labor Government over is its loyalty to public transport in providing buses, trains and trams to South Australians. It is a service I use. I am the only member of Parliament to use it every working day, and I am familiar with it. It is a great sadness to me that this Bill has gone through. Members opposite will, I suppose, enjoy some mirth when I say I know we are in opposition now when Bills such as this go through. This is an ideological Bill; it is a doctrinal Bill; it is a Bill determined to dismantle public transport in South Australia. I am very sad that it is passing, but there is not much doubt that this Government has a mandate for the Bill because during the State election campaign it did not disguise its intentions to dismantle public transport.

I find that there is nowhere in metropolitan Adelaide that I cannot go within a reasonable time if I plan my journeys on public transport via the timetables that are available from the STA office on the corner of King William Street and Currie Street. Indeed, I keep all the public transport timetables in a folder on my desk in my office. However, I will not be able to move about Adelaide as easily as I do now when this Bill is fully implemented, and I say that with some sadness. Time will tell just what a blow to public transport this Bill will be. The Bill is not some bold experiment in improving public transport. It is a cost cutting measure and the odium of carrying these cost cutting measures will fall on the Hon. Diana Laidlaw, to her political detriment.

Bill read a third time and passed.

STATE BANK (CORPORATISATION) BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 11, lines 3 to 13 (clause 19)—Leave out the clause and insert new clause as follows:—

Transfer of staff

19. (1) The Treasurer may, by order in writing, transfer an employee of SBSA or an SBSA subsidiary to a position or another position in the employment of BSAL or SBSA.

(2) An order under this section must be made before, or within the period of six months beginning on, the appointed day (but this period may be reduced by proclamation under this section).

(3) If an order is made under this section on or before the appointed day, it takes effect (subject to any contrary provision in the order) on the appointed day.

(4) An order under this section may be varied or revoked by the Treasurer by further order in writing made before the order takes effect.

(5) A transfer under this section does not—

(a) affect the employee's remuneration; or

(b) interrupt continuity of service; or

(c) constitute a retrenchment or redundancy.

(6) A transfer under this section must not involve—

(a) any reduction in the employee's status; or

(b) any change in the employee's duties that would be unreasonable having regard to the employee's skills, ability and experience; or

(c) any change in the employee's place of employment unless the new place of employment is within reasonable commuting distance from the employee's former place of employment.

(7) For the purposes of subsection (6), responsibility for the same or similar business operations that are smaller in scope as a result of a reduction of the business operations, or responsibility for a lesser number of staff, does not of itself, constitute a reduction in status.

(8) A person who is transferred from one body corporate to another under this section is taken to have accrued as an employee of the body to which the person is transferred an entitlement to annual leave, sick leave and long service leave that is equivalent to the entitlements that the person had accrued, immediately before the transfer took effect, as an employee of the body from which he or she was transferred.

(9) A transfer under this section does not give rise to a right to any remedy or entitlement arising from cessation or change of employment.

(10) For the purposes of construing a contract applicable to a transferred employee, a reference to the body from which the person is transferred is to be construed as a reference to the body to which the person is transferred.

(11) The Treasurer may, by order in writing, re-transfer employees from the employment of BSAL to SBSA or any SBSA subsidiary.

(12) An order under subsection (11) must be made within the period referred to in subsection (2).

(13) The provisions of this Act relating to transferred employees (including the provisions relating to superannuation) apply in a reciprocal way in relation to employees re-transferred under subsection (11) with such modifications and exclusions as are necessary in the context and such further modifications and exclusions as are prescribed by regulation.

(14) The Governor may, by proclamation, reduce the period within which an order under this section must be made.

(15) In this section "employee" includes officer.

No. 2. After page 17—Insert new schedule as follows:

SCHEDULE 1A

Superannuation

Definitions

1. In this schedule—

"age of retirement" has the same meaning in relation to a State Scheme contributor as in the *Superannuation Act 1988*;

"BFC Fund" means the Beneficial Finance Corporation Limited Staff Superannuation Fund No. 2 constituted by the trust deed dated 30 July 1971 made between Beneficial Finance Corporation Limited and the then trustee of the Fund, as amended from time to time and in particular by the trust deed dated 29 May 1989 made by Beneficial Finance Corporation Limited;

"BSAL Fund" means the SBSA Fund as renamed by this schedule the "Bank of South Australia Superannuation Fund";

"complying superannuation fund" means a complying superannuation fund within the meaning of Part IX of the *Income Tax Assessment Act 1936* of the Commonwealth, as amended from time to time, other than the Fund under the *Superannuation Act 1988*;

"date of retrenchment", in relation to an employee, means the date on which the employee's employment ceases on account of retrenchment;

"employee" includes officer;

"fixed establishment officer" has the same meaning as in the Second Schedule of the *State Bank of South Australia Act 1983*;

"interim period" means the period beginning on the appointed day and ending on 30 June 1999;

"packaged officer" means an officer of SBSA or BSAL (as the case may be) who has agreed as part of the terms and conditions of his or her employment to be remunerated by reference to a total remuneration package reflecting the cost to the employer of cash salary, nominated benefits and associated fringe benefits tax;

"SAAMC Fund" means the BFC Fund as renamed by this schedule the "South Australian Asset Management Corporation Superannuation Fund";

"salary" of a contributor or employee means—

(a) in the case of a State Scheme contributor (except a contributor whose accrued superannuation benefits are preserved)—the contributor's salary for the purpose of calculating contributions under the *Superannuation Act 1988* (expressed as an annual amount); or

(b) in any other case—the employee's salary for the purposes of the trust deed governing the BSAL Fund or the SAAMC Fund, whichever of those Funds is the Fund of which the employee is a member (expressed as an annual amount);

"SBSA Fund" means the State Bank Superannuation Fund constituted by the trust deed dated 15 December 1987 made by SBSA;

"State Scheme" means the Scheme within the meaning of the *Superannuation Act 1988*;

"State Scheme contributor" means a contributor within the meaning of the *Superannuation Act 1988*;

"Superannuation Board" means the South Australian Superannuation Board;

"transferred" means transferred under Part 5 or a corresponding law.

Bank of South Australia Superannuation Fund

2. (1) On and from the appointed day—

(a) the SBSA Fund is to have the name "Bank of South Australia Superannuation Fund" subject to any further change of name made by amendment of the trust deed governing the Fund; and

(b) BSAL replaces SBSA as the Employer for the purposes of the governing rules of the BSAL Fund and will perform all the obligations that would have fallen due for performance by SBSA under the governing rules on or after the appointed day; and

(c) a reference in the governing rules to SBSA is taken as a reference to BSAL.

(2) Nothing done by or under this Act constitutes an event bringing about the operation of clause 15 of the governing rules of the BSAL Fund.

South Australian Asset Management Corporation Superannuation Fund

3. (1) On and from the appointed day—

(a) the BFC Fund is to have the name "South Australian Asset Management Corporation Superannuation Fund" subject to any further change of name made by amendment of the trust deed governing the Fund; and

(b) BSAL is taken to be an Associated Employer within the meaning of the trust deed governing the SAAMC Fund and the provisions of the trust deed apply as if BSAL had been duly admitted as an Associated Employer under clause 8.01 of the trust deed.

BSAL Fund members not transferred to BSAL

4. (1) On the appointed day, an employee who—

(a) is a member of the BSAL Fund; and

(b) is not transferred to a position in the employment of BSAL,

is taken to have become a member of the SAAMC Fund if not already a member of that Fund.

(2) As soon as practicable after the appointed day, the trustee of the BSAL Fund must transfer the interest of the employee referred to in subclause (1) in the BSAL Fund (as determined by the trustee) to the SAAMC Fund for the benefit of the employee.

(3) On the transfer of the interest under subclause (2)—

(a) the trustee of the BSAL Fund is discharged from its obligations as trustee of the BSAL Fund in respect of the employee concerned; and

(b) the employee ceases to have any entitlement to a benefit from the BSAL Fund.

SAAMC Fund members transferred to BSAL

5. (1) An employee who—

(a) is a member of the SAAMC Fund; and

(b) is transferred to a position in the employment of BSAL,

is, on a day fixed by the Treasurer by order in writing, taken to have become a member of the BSAL Fund if not already a member of that Fund.

(2) As soon as practicable after the day referred to in subclause (1), the trustee of the SAAMC Fund must transfer the value of the employee's accrued benefit in the SAAMC Fund (as determined by the trustee), together with such additional amount as may be determined by SBSA, to the BSAL Fund for the benefit of the employee.

(3) On the transfer of the amount or amounts under subclause (2)—

(a) the trustee of the SAAMC Fund is discharged from its obligations as trustee of the SAAMC Fund in respect of the employee concerned; and

(b) the employee ceases to have any entitlement to a benefit from the SAAMC Fund.

Fixed establishment officers

6. (1) As soon as practicable after the appointed day, SBSA must transfer the accrued entitlement under clause 10 of the Second Schedule of the *State Bank of South Australia Act 1983* of an employee who—

(a) is a fixed establishment officer; and

(b) has not been transferred to a position in the employment of BSAL,

to the SAAMC Fund for the benefit of the employee.

(2) As soon as practicable after the transfer of an employee who is a fixed establishment officer to a position in the employment of BSAL, SBSA must transfer the accrued entitlement of the employee under clause 10 of the Second Schedule of the *State Bank of South Australia Act 1983* to the BSAL Fund for the benefit of the employee.

(3) On the transfer of the entitlement under subclause (1) or (2)—

(a) SBSA is discharged from its obligations under clause 10 of the Second Schedule of the *State Bank of South Australia Act 1983* in respect of the employee concerned; and

(b) the employee ceases to have any further entitlement under clause 10 of that Schedule.

Superannuation Act and State Scheme contributors

7. (1) An employee of BSAL who, immediately before becoming an employee of BSAL, was a State Scheme contributor, may continue as a State Scheme contributor during the interim period.

(2) The Treasurer must, by order in writing, specify arrangements under which the employees of BSAL may continue as State Scheme contributors during the interim period and the Treasurer may, at any time, with the agreement of BSAL, vary the order by further order in writing.

(3) An order under subclause (2) is taken to be an arrangement between the Superannuation Board and BSAL under section 5(1) of the *Superannuation Act 1988* and, as such, may modify the provisions of that Act as authorised by section 5(1a) of that Act.

(4) The following provisions apply in relation to any arrangement under section 5(1) of the *Superannuation Act 1988* between the Superannuation Board and SBSA or BSAL (including an order under subclause (2)):

(a) no such arrangement may have an effect that is inconsistent with the provisions of this schedule;

(b) no variation of such an arrangement may have an effect that is inconsistent with the provisions of this schedule;

(c) despite section 5(3) of the *Superannuation Act 1988*, no declaration may be made under that provision that benefits will cease accruing to State Scheme contributors in respect of employment with SBSA or BSAL.

(5) At any time during the interim period, an employee of SBSA or BSAL who is a State Scheme contributor may elect, by notice in writing to the Superannuation Board, that benefits under the *Superannuation Act 1988* cease accruing in respect of the State Scheme contributor and that either—

(a) his or her accrued superannuation benefits under the *Superannuation Act 1988* will be preserved; or

(b) his or her accrued superannuation benefits under the *Superannuation Act 1988* will be carried over to a complying superannuation fund nominated by him or her.

(6) On the making of an election under subclause (5)*(a)*, the State Scheme contributor—

(a) is taken, for the purposes of the *Superannuation Act 1988* (but for no other purpose), to have resigned from his or her employment and to have elected under section 28 or 39 of that Act (whichever may apply to the contributor) to preserve his or her accrued benefits; and

(b) if not already a member of the SAAMC Fund or BSAL Fund, is taken to have become—

(i) in the case of an employee of SBSA—a member of the SAAMC Fund; or

(ii) in the case of an employee of BSAL—a member of the BSAL Fund.

(7) On the making of an election under subclause (5)*(b)*, a payment must be made as if it were a benefit under the *Superannuation Act 1988* on behalf of the State Scheme contributor to a complying superannuation fund nominated by the contributor of an amount calculated in accordance with clause 8.

(8) On a payment being made under subclause (7), the State Scheme contributor—

(a) ceases to be a State Scheme contributor; and

(b) if not already a member of the SAAMC Fund or BSAL Fund, is taken to have become—

(i) in the case of an employee of SBSA—a member of the SAAMC Fund; or

(ii) in the case of an employee of BSAL—a member of the BSAL Fund; and

(c) ceases to have any further entitlement under the *Superannuation Act 1988*.

(9) Subject to subclause (10), at the end of the interim period, an employee referred to in subclause (5) who has not made an election under that subclause—

(a) ceases to accrue benefits under the *Superannuation Act 1988*; and

(b) is taken, for the purposes of the *Superannuation Act 1988* (but for no other purpose), to have resigned from his or her employment and to have elected under section 28 or 39 of the *Superannuation Act 1988* (whichever may apply to the contributor) to preserve his or her accrued benefits; and

(c) if not already a member of the SAAMC Fund or BSAL Fund, is taken to have become—

(i) in the case of an employee of SBSA—a member of SAAMC Fund; or

(ii) in the case of an employee of BSAL—a member of the BSAL Fund.

(10) Where at the end of the interim period an employee referred to in subclause (5) who has not made an election under that subclause is receiving a disability pension under section 30 or 36 of the *Superannuation Act 1988*, subclause (9) only applies to that employee on the day after the disability pension ceases, but does not apply at all where the disability pension ceases on or immediately before the termination of the employee's employment on the ground of invalidity.

Amount of payment on behalf of State Scheme contributor to complying superannuation fund

8. (1) The amount of the payment to be made on behalf of a State Scheme contributor under clause 7(7) as a result of an election under clause 7(5)*(b)* is to be calculated in accordance with this clause.

(2) Where the State Scheme contributor is a new scheme contributor under the *Superannuation Act 1988*, the amount is equal to the greater of the following:

(a) the amount of the payment that would have been made had the contributor resigned at the date of his or her election under clause 7(5)*(b)* and had section 28(5) of the *Superannuation Act 1988* applied;

(b) the amount calculated as the sum of—

(i) an employee component equivalent to the amount standing to the credit of the contributor's contribution account; and

(ii) the employer component calculated as follows:

ERN = (K x EC x DF)+ PSESS

Where-

ERN is the employer component

K is-

(a) where the election under clause 7(5)*(b)* is made on or before 31 December 1994—1.2;

(b) in any other case—1.0

EC is the employer component that would have been calculated in terms of section 28(4) of the *Superannuation Act 1988*—

(a) had the contributor—

(i) resigned at the date of his or her election under clause 7(5)(b); and

(ii) elected to preserve his or her superannuation benefits under section 28 of the *Superannuation Act 1988*; and

(b) had a superannuation payment been made in accordance with section 28(2)*(a)* of the *Superannuation Act 1988* at the date of the contributor's election under clause 7(5)*(b)* as if he or she had reached the age of 60 years at that date

DF is the amount of 1 discounted at the rate of 3 per cent per annum for the number of years (including any fraction of a year measured in days) in the period from—

(a) the date of the election under clause 7(5)*(b)*;

to

(b) the date of the employee's sixtieth birthday

PSESS is the amount standing to the credit of the contributor's account under section 32a(6) of the *Superannuation Act 1988*.

(3) Where the State Scheme contributor is an old scheme contributor under the *Superannuation Act 1988*, the amount is equal to the greater of the following:

(a) the amount calculated as follows:

TV = K x CF x 26.1 x P x DF

Where—

TV is the amount

K is—

(a) where the election under clause 7(5)*(b)* is made on or before 31 December 1994—1.2;

(b) in any other case—1.0

CF is—

(a) where the contributor's age of retirement is 60 years—10.5;

(b) where the contributor's age of retirement is 55 years—11.5

P is the amount of the pension (expressed as an amount per fortnight) that would have been payable—

(a) had the contributor-

(i) resigned at the date of his or her election under clause 7(5)*(b)*; and

(ii) elected to preserve his or her accrued superannuation benefits under section 39(5) of the *Superannuation Act 1988* assuming for this purpose (and for no other purpose) that the contribution period is more than 120 months; and

(b) had a retirement pension commenced being paid in accordance with section 39(5)*(a)* of the *Superannuation Act 1988* from the date of the contributor's election under clause 7(5)*(b)* as if he or she had reached his or her age of retirement at that date.

DF is the amount of 1 discounted at the rate of 3 per cent per annum for the number of years (including any fraction of a year measured in days) in the period from—

(a) the date of the election under clause 7(5)*(b)*;

to

(b) the date on which the employee would reach his or her age of retirement;

(b) the amount that would have been calculated in accordance with section 39(3) and (4) of the *Superannuation Act 1988*—

(i) had the contributor—

(A) resigned at the date of his or her election under clause 7(5)*(b)*; and

(B) elected to preserve his or her accrued superannuation benefits under section 39(2) of the *Superannuation Act 1988* assuming for this purpose (and for no other purpose) that the contribution period is less than 120 months; and

(ii) had a superannuation payment been made in accordance with section 39(2)*(a)* of the *Superannuation Act 1988* at the date of his or her election under clause 7(5)*(b)* as if he or she had reached the age of 60 years at that date.

Supplementary contribution where State Scheme contributor elects prior to 31 December 1994

9. (1) Where a State Scheme contributor who is not a packaged officer makes an election under clause 7(5)*(b)* on or before 31 December 1994—

(a) in the case of an employee of SBSA—he or she is entitled to receive an additional credit in the SAAMC Fund equal to the amount of the supplementary contribution determined in accordance with subclause (2); or

(b) in the case of an employee of BSAL—BSAL must make a supplementary contribution to the BSAL Fund for his or her benefit of an amount determined in accordance with subclause (2).

(2) The amount of the supplementary contribution will be equal to 20 per cent of the contributor's salary as at the date of the election under clause 7(5)*(b)*.

Retrenchment benefits for State Scheme contributors

10. (1) This clause applies to an employee of SBSA or BSAL—

(a) who, at any time after the commencement of this Act, is or was a State Scheme contributor; and

(b) whose employment is terminated by retrenchment on or before 30 June 1999.

(2) Neither section 29 nor 35 of the *Superannuation Act 1988* applies to an employee to whom this clause applies.

(3) Where an employee to whom this clause applies—

(a) has not made an election under clause 7(5); and

(b) is a new scheme contributor under the *Superannuation Act 1988*,

the employee may elect, by notice in writing to the Superannuation Board—

(c) to preserve his or her accrued superannuation benefits under the State Scheme in accordance with section 28 of the *Superannuation Act 1988* as if he or she had resigned from employment; or

(d) to receive—

(i) a lump sum as if it were a benefit under the *Superannuation Act 1988* equal to the amount calculated in accordance with clause 8 that would have been payable in respect of the employee had the employee made an election under clause 7(5)*(b)* at the date of retrenchment; and

(ii) where the date of the retrenchment is on or before 31 December 1994, a supplementary payment—

(A) in the case of an employee of SBSA—from SBSA; or

(B) in the case of an employee of BSAL—from BSAL,

equal to the amount that would have been payable in accordance with clause 9 had the employee made an election under clause 7(5)*(b)* at the date of retrenchment.

(4) An employee referred to in subclause (3) who fails to make an election under that subclause (3) within three months after the date of retrenchment is taken to have made an election under subclause (3)(c).

(5) Where an employee to whom this clause applies—

(a) has not made an election under clause 7(5); and

(b) is an old scheme contributor under the *Superannuation Act 1988*; and

(c) has not reached the age of 45 years at the date of retrenchment,

the employee may elect, by notice in writing to the Superannuation Board—

(d) to preserve his or her accrued superannuation benefits under the State Scheme in accordance with section 39 of the *Superannuation Act 1988* as if he or she had resigned from employment; or

(e) to receive—

(i) a lump sum as if it were a benefit under the *Superannuation Act 1988* equal to the amount calculated in accordance with clause 8 that would have been payable in respect of the employee had the employee made an election under clause 7(5)*(b)* at the date of retrenchment; and

(ii) where the date of the retrenchment is on or before 31 December 1994, a supplementary payment—

(A) in the case of an employee of SBSA—from SBSA; or

(B) in the case of an employee of BSAL—from BSAL,

equal to the amount that would have been payable in accordance with clause 9 had the employee made an election under clause 7(5)*(b)* at the date of retrenchment.

(6) An employee referred to in subclause (5) who fails to make an election under that subclause within three months after the date of retrenchment is taken to have made an election under subclause (5)*(d)*.

(7) Where an employee to whom this clause applies—

(a) has not made an election under clause 7(5); and

(b) is an old scheme contributor under the *Superannuation Act 1988*; and

(c) has reached the age of 45 years at the date of retrenchment but not the age of retirement,

the employee may elect, by notice in writing to the Superannuation Board—

(d) to receive a retrenchment pension in accordance with clause 11; or

(e) to—

(i) preserve his or her accrued superannuation benefits under the State Scheme in accordance with section 39

of the *Superannuation Act 1988* as if he or she had resigned from employment (whether or not he or she is under 55 years of age); and

(ii) receive an additional retrenchment lump sum in accordance with clause 12—

(A) in the case of an employee of SBSA—from SBSA; or

(B) in the case of an employee of BSAL—from BSAL; or

(f) to receive—

(i) a lump sum as if it were a benefit under the *Superannuation Act 1988* equal to the amount calculated in accordance with clause 8 that would have been payable on behalf of the employee had the employee made an election under clause 7(5)*(b)* at the date of retrenchment; and

(ii) where the date of the retrenchment is on or before 31 December 1994, a supplementary payment—

(A) in the case of an employee of SBSA—from SBSA; or

(B) in the case of an employee of BSAL—from BSAL,

equal to the amount that would have been payable in accordance with clause 9 had the employee made an election under clause 7(5)*(b)* at the date of retrenchment; and

(iii) an additional retrenchment lump sum in accordance with clause 12—

(A) in the case of an employee of SBSA—from SBSA; or

(B) in the case of an employee of BSAL—from BSAL.

(8) An employee referred to in subclause (7) who fails to make an election under that subclause within three months after the date of retrenchment is taken to have made an election under subclause (7)*(e)*.

(9) Where an employee to whom this clause applies—

(a) has made an election under clause 7(5)*(a)*; and

(b) is an old scheme contributor under the *Superannuation Act 1988*; and

(c) has reached the age of 45 years at the date of retrenchment but not the age of retirement,

the employee may elect, by notice in writing to the Superannuation Board—

(d) to forego his or her preserved benefits under the State Scheme and, in their place, to receive a retrenchment pension in accordance with clause 11; or

(e) to—

(i) retain his or her preserved superannuation benefits under the State Scheme; and

(ii) receive an additional retrenchment lump sum in accordance with clause 12—

(A) in the case of an employee of SBSA—from SBSA; or

(B) in the case of an employee of BSAL—from BSAL.

(10) An employee referred to in subclause (9) who fails to make an election under that subclause within three months after the date of retrenchment is taken to have made an election under subclause (9)*(e)*.

(11) Where an employee to whom this clause applies—

(a) has made an election under clause 7(5)*(b)*; and

(b) was prior to making that election an old scheme contributor under the *Superannuation Act 1988*; and

(c) has reached the age of 45 years at the date of retrenchment but not the age of retirement,

the employee is entitled to receive an additional retrenchment lump sum in accordance with clause 12—

(d) in the case of an employee of SBSA—from SBSA; or

(e) in the case of an employee of BSAL—from BSAL.

Retrenchment pension for old scheme State Scheme contributors

11. (1) This clause applies where a retrenchment pension is payable as a result of an election by a State Scheme contributor under clause 10(7)*(d)* or 10(9)*(d)*.

(2) A retrenchment pension commences on a date determined by taking the date of retrenchment and adding to that date—

(a) the number of days in the period of any entitlement to recreation leave in lieu of which a lump sum is paid on retrenchment to the contributor; and

(b) the number of days in the period of notice in lieu of which a lump sum is paid on retrenchment to the contributor; and

(c) the number of days in the period in respect of which a lump sum is paid to the contributor under a redeployment or redundancy agreement.

(3) Where, before the retrenchment pension commences, the contributor—

(a) dies; or

(b) satisfies the Superannuation Board that he or she has become totally and permanently incapacitated for work,

the benefits payable will be the benefits that would have been payable had the retrenchment pension commenced immediately before the contributor died or became totally and permanently incapacitated for work.

(4) Where a retrenchment pension is payable as a result of an election under clause 10(7)*(d)*, the amount of the retrenchment pension is the same as the amount of the pension that would have been payable—

(a) had the contributor—

(i) resigned at the date determined by taking the date of retrenchment and adding to that date the number of days in the period of any entitlement to recreation leave in lieu of which a lump sum is paid on retrenchment to the contributor; and

(ii) elected to preserve his or her accrued superannuation benefits under section 39(5) of the *Superannuation Act 1988* assuming for this purpose (and for no other purpose) that the contribution period is more than 120 months; and

(b) had a retirement pension commenced being paid in accordance with section 39(5)*(a)* of the *Superannuation Act 1988* from the date on which the retrenchment pension first became payable as if the contributor had reached his or her age of retirement at that date.

(5) Where a retrenchment pension is payable as a result of an election under clause 10(9)*(d)*, the amount of the retrenchment pension is the same as the amount of the pension that would have been payable—

(a) had the preserved benefits under the State Scheme in accordance with clause 7(6) not been foregone as part of the election under clause 10(9)*(d)*; and

(b) had those preserved benefits been provided under section 39(5) of the *Superannuation Act 1988* assuming for this purpose (and for no other purpose) that the contribution period of the contributor is more than 120 months; and

(c) had a retirement pension commenced being paid in accordance with section 39(5)*(a)* of the *Superannuation Act 1988* from the date on which the retrenchment pension first became payable as if the contributor had reached his or her age of retirement at that date.

(6) A retrenchment pension will be indexed.

(7) The *Superannuation Act 1988*, apart from section 35, applies to a retrenchment pension as if it were payable under section 35 of that Act.

Additional retrenchment lump sum for old scheme State Scheme contributors

12. (1) This clause applies where—

(a) an additional retrenchment lump sum is payable as a result of an election by an employee under clause 10(7)*(e)*, 10(7)*(f)* or 10(9)*(e)*; or

(b) an additional retrenchment lump sum is payable under clause 10(11).

(2) The additional retrenchment lump sum is calculated as follows:

ALS = 0.2 x n x FS

Where—

ALS is the additional retrenchment lump sum

n is the number of years (including any fraction of a year measured in days) in the period from—

(a) the date determined by taking the date of retrenchment and adding to that date—

(i) the number of days in the period of notice in lieu of which a lump sum is paid on retrenchment to the employee; and

(ii) the number of days in the period in respect of which a lump sum is paid to the employee under a redeployment or redundancy agreement;

to

(b) the date the employee would reach his or her age of retirement

FS is the employee's salary as at the date of retrenchment.

Extra lump sum payable on retrenchment of State Scheme contributors before 30 June 1997

13. (1) This clause applies to an employee of SBSA or BSAL—

(a) who, at any time after the commencement of this Act, is or was a State Scheme contributor; and

(b) whose employment is terminated by retrenchment on or before 30 June 1997.

(2) An employee to whom this clause applies is entitled to receive an extra retrenchment lump sum—

(a) in the case of an employee of SBSA—from SBSA; or

(b) in the case of an employee of BSAL—from BSAL,

calculated as follows:

ELS = K x FSM

Where—

ELS is the extra retrenchment lump sum

K is—

(a) where the date of retrenchment is on or before 30 June 1995—0.2;

(b) where the date of retrenchment is after 30 June 1995 but on or before 30 June 1996—0.15;

(c) where the date of retrenchment is after the 30 June 1996 but on or before 30 June 1997—0.1.

FSM is the employee's salary as at the date of retrenchment, subject to a maximum of $75 000.

Non-entitlement to receive immediate benefit

14. Neither—

(a) a transfer or re-transfer under Part 5 or a corresponding law; nor

(b) anything done under clauses 1 to 9 (inclusive) of this schedule,

gives rise to an entitlement on the part of an employee to receive an immediate payment of a benefit under the BSAL Fund, the SAAMC Fund or the State Scheme or to receive payment of an entitlement under clause 10 of the Second Schedule of the *State Bank of South Australia Act 1983*.

No. 3. Page 18, clause 6 (Schedule 2)—After line 35 insert the following:

"(2) Despite the change of name, the Bank may, with the approval of the Treasurer, carry on business under the name "State Bank of South Australia" on such terms and conditions as the Treasurer specifies."

No. 4. Page 19, line 29, clause 12 (Schedule 2)—Leave out "subsection" and insert "subsections".

No. 5. Page 19, clause 12 (Schedule 2)—After line 33 insert the following:

"(1a) For the purpose of performing its functions, the Bank may carry on the general business of banking."

No. 6. Page 20, line 20, clause 14 (Schedule 2)—Leave out "determination or requirement under this section" and insert "requirement under subsection (3)".

Consideration in Committee.

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendments be agreed to.

I will be very brief. The Opposition has been well briefed on the amendments. They are basically as a result of an agreement between the bank, the union and the employees. The first amendment deals with the transfer of staff. That was a matter of agreement subsequent to the superannuation issue. It was a later addition as a result of the union expressing concern about the rights and privileges of members being preserved. That matter was agreed to. There are a number of items under amendment No. 1. All these issues have been thrashed out and agreed upon, as the Opposition would understand.

The second amendment deals with schedule 1A, which is the superannuation agreement which has been reached and on which members of the Opposition have been well and truly briefed. It is a complex issue, one that has been given publicity in the press and been the subject of intensive briefing. Amendments Nos 3, 4, 5 and 6 are of a technical nature, simply to tidy up the Act. They have no implications and simply address deficiencies in the original drafting of the Bill.

Basically, we have to get on with the job. We are trying to get through so that we can get the process under way and meet the commitments that the Opposition, when in government, gave to the Federal Government in relation to corporatisation and presentation of the bank under the umbrella of the Reserve Bank for banking purposes and for the payment of Commonwealth taxation.

Mr QUIRKE (Playford): The Opposition does not agree to the amendments. I do not intend to take a great deal of time tonight because of the pressure of other legislation, but I make absolutely clear that our position on this matter (and it is the first time I have had the opportunity to speak on the matter since the amendments were introduced in the other place) is quite simple. If a person is a member of the State Government superannuation scheme and if that person's employment, by dint of the fact that the place of employment and type of business is corporatised, is changed, those obligations should continue to be met. We are under no illusion about the fact that the Finance Sector Union did a deal with the Deputy Premier and that that deal was a much more generous one than was proposed when we first debated these matters. At the end of the day, the effect of those amendments is to reduce the benefits for those members in the State Bank who are members of the State Government superannuation scheme—the old scheme as it is known.

I put on the record that, as each organisation is dragged to the auction block and corporatised in the process, we will oppose and continue to oppose, as we have said publicly, members being forcibly transferred into other arrangements. I will simply let this go through on the voices. I understand how the debates have gone in the interests of brevity. I put on the record that the Opposition is opposed to these amendments. We believe that what has happened with the State Bank sets the tone for what will happen in other organisations. In this instance, it is my view that the Finance Sector Union has taken the wrong choice. Be that as it may, it determined to do that, and the Opposition on this issue has clean hands.

Motion carried.

INDUSTRIAL AND EMPLOYEE RELATIONS BILL

In Committee.

(Continued from 20 April. Page 875.)

Clause 109—'Freedom of association.'

Mr CLARKE: Last night I concluded my comments on the proposed amendments to clauses 109 to 111. I urge the Committee to oppose the clauses.

Clauses 109 to 111 passed.

New clause 111A—'Employee not to cease work for certain reasons.'

Mr CLARKE: I move:

After clause 111, insert new clause as follows:

111A. (1) An employee must not cease work in the service of an employer because the employer—

(a) is entitled to the benefit of an award or industrial agreement; or

(b)—

(i) is a member, officer or delegate of an association; or

(ii) is not a member, officer or delegate of an association; or

(c)—

(i) proposes to become a member, officer or delegate of an association; or

(ii) proposes to cease to be a member, officer or delegate of an association.

Penalty: Division 8 fine.

(2) Where it is established in proceedings for an offence against subsection (1) that an employee has ceased work in the service of an employer, the onus is on the employee to establish that the employee did not act for a reason referred to in subsection (1).

New clause negatived.

Mr CLARKE: In view of the hour, and given the number of amendments we are yet to deal with, I seek guidance. I am happy to proceed without moving any further amendments in order to allow for a third reading of the Bill.

The CHAIRMAN: Is the honourable member simply saying that he does not wish to proceed with any amendments in order to facilitate the Bill through Committee?

Mr CLARKE: Yes.

Remaining clauses (112 to 232) passed.

Schedule 1—'Repeal and transitional provisions.'

The Hon. G.A. INGERSON: I move:

Clause 6(2)(b), page 92, line 1—Leave out 'enterprise' and insert 'industrial'.

Amendment carried; schedule as amended passed.

Remaining schedules (2 to 9) and title passed.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I move:

That this Bill be now read a third time.

The Government believes that this Bill will be a very important measure in terms of the economic change it will create in this State. The Government places importance on freedom of association, which gives everybody the right to be in a union or an association. We note that compulsory arbitration remains, which we think is a fundamental part of any new industrial system; and that enterprise agreements in essence will give us a new horizon in terms of industrial relations, but clearly a safety net remains through the award.

We accept and believe that a safety net is necessary. A major clause in our proposal federally some 12 months ago was that there was no safety net, and clearly that enabled opponents to at least argue with the community that the Liberals did not care. That is an issue we will not pursue. There is a new court and a new commission which we believe is important. The Opposition's view was for the reinstatement of the situation that existed in the 1970s with the unions dominating the whole system. I have pleasure in moving the third reading.

Mr CLARKE (Ross Smith): The Opposition, as Government members would all know, is vehemently opposed to this Bill. The Opposition did not proceed with its further amendments. Unfortunately, time did not permit us to adequately debate each of those amendments through to their conclusion. If it took another 22 hours then so be it. As I have pointed out on numerous occasions, and the Minister has agreed, the fact of the matter is that this is probably the single most important piece of legislation that this Government will introduce during the life of this Parliament.

The Opposition has shown, we believe, through our amendments and through the course of our arguments, that this Bill is an employer Act of Parliament: it allows for the tearing away of the award safety net; it allows for employees and employers to enter into enterprise agreements, which are below the award, so long as they provide this test of no substantial disadvantage, and that is a huge disadvantage to members of the work force. It also provides for a tainted judiciary, a tainted commission. It attacks, in a very vicious way, the independence of the Industrial Court and Commission.

The Minister and the Attorney-General of this Government have refused to table correspondence from the Chief Justice of the Supreme Court dealing with this very issue. I believe the Chief Justice feels that the legislation dealing with Industrial Court judges provides that such a power is incompatible with the independence of the judiciary from the executive Government. That has not emerged in this debate, despite requests from me as the Opposition spokesperson to the Minister for the tabling of that very relevant information for members of this Parliament to vote upon, because it is an attack on a judicial body. Industrial commissioners are part of the judiciary, particularly as, when they sit in the unfair dismissal jurisdiction, they are exercising judicial power. They are not like the Commissioner for Equal Opportunity.

I remind the House of how often during the course of the debate the Minister said, 'Don't worry about the independence of industrial commissioners or Industrial Court judges; even though I will only appoint them for a six year term, they are safe in their jobs. We would not interfere. I as Minister, or my successors as Minister, would never interfere with their independence.' Yet, we only read today a report in the *Advertiser* and an answer by the Premier to a question from the Leader of the Opposition with respect to inquiries that are taking place involving proposals to change substantially the role of the Commissioner for Equal Opportunity. So much for the independence of the Equal Opportunity Commission.

I fear very much for the independence of our Industrial Court and our Industrial Commission because of the Government's actions. I am not alone in that: the Chief Justice of the Supreme Court, I believe, shares similar concerns, as does the Law Society of South Australia. I suggest that members opposite pay very careful heed to our warnings on this matter, because this Government is the first Government that I am aware of in South Australia to tamper with the independence of our judiciary. It hangs like an albatross around Government members' necks and their actions will come back to haunt them one day.

The Government's Bill does not herald a new era in industrial relations. It produces an opportunity for employers to exploit workers. It produces an opportunity for employers to introduce below award wages. It introduces provisions which allow employers to negotiate with unequal bargaining power in favour of the employer to introduce even below award minimum rates. For all those reasons the Opposition is totally opposed to the Bill and will be dividing accordingly, because we know it is the right thing to do. We might have only 10 in number, but the Government does not have 12 on the floor of the Legislative Council and will have to go through all my amendments.

The House divided on the third reading:

AYES (28)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, D. S.	Baker, S. J.

AYES (cont.)

Bass, R. P.	Becker, H.
Brindal, M. K.	Buckby, M. R.
Condous, S. G.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Ingerson, G. A. (teller)	Kerin, R. G.
Leggett, S. R.	Matthew, W. A.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Scalzi, G.
Such, R. B.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

NOES (10)

Arnold, L. M. F.	Atkinson, M. J.
Blevins, F. T.	Clarke, R. D. (teller)
De Laine, M. R.	Foley, K. O.
Hurley, A. K.	Quirke, J. A.
Rann, M. D.	Stevens, L.

Majority of 18 for the Ayes.

Third reading thus carried.

SITTINGS AND BUSINESS

The Hon. S.J. BAKER (Deputy Premier): I move:

That the sitting of the House be extended beyond 6 p.m.

Motion carried.

The Hon. S.J. BAKER: I move:

That the clerk be empowered to deliver messages to the Legislative Council today when this House is not sitting.

Motion carried.

ADJOURNMENT

At 6.4 p.m. the House adjourned until Tuesday 3 May at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 19 April 1993

QUESTIONS ON NOTICE

GOVERNMENT VEHICLES

7. **Mr BECKER:** What is the answer to Question on Notice No. 159, asked of the former Minister of Transport Development on 21 October 1993?

The Hon. J.W. OLSEN:

1. The driver of the vehicle in question was travelling east between Mt Barker and Strathalbyn between the hours 5.30-6 p.m. on 13 October 1993 and was transporting medical specimens and blood products. The driver of the vehicle, a State Pathology Service medical courier, seriously questions the allegation that the vehicle was travelling at the speed stated.

2. No.

3. Institute of Medical and Veterinary Science.

4. Yes.

72. **Mr BECKER:**

1. What Government business was the driver of the vehicle registered VQH-304 attending to whilst travelling along Burbridge Road towards the city on Monday 21 February 1994 at approximately 7.45 pm and who were the adult female and the two child passengers?

2. To which Government department or agency is this vehicle attached?

3. Were the terms of Government Management Board Circular 90/30 being observed by the driver of this vehicle and if not, why not and what action does the Government propose to take?

The Hon. J.W. OLSEN:

1. An adult patient from a remote area of the Northern Territory and her escort were being transported from the Adelaide airport to the Royal Adelaide Hospital where the patient was to be admitted. The driver is adamant that at no time were there two children in the vehicle.

2. The vehicle is leased by the Aboriginal Health Council of SA Inc. and allocated for use by an Aboriginal Hospital Liaison Officer at the Royal Adelaide Hospital.

3. The provisions of the relevant Circular were being observed at the time in question. Transportation of remote area patients may occur at any time, including evenings and weekends.

PARKING

85. **Mr ATKINSON:** Will the Minister amend the Local Government (Parking) Regulations to allow rear-in parking in angle-parking and perpendicular-parking zones and what measures has the Government taken to inform motorists that rear-in parking is unlawful?

The Hon. J.K.G. OSWALD: In December 1991 the then Minister for Local Government Relations, Hon Anne Levy MLC, asked the then Minister for Transport, Hon Frank Blevins MP, to advise whether there was any likelihood of the Code of Practice for the installation of Traffic Control Devices in South Australia being varied to adopt a provision of Australian Standard AS 1742.11-1989 (Manual of Uniform Traffic Control Devices-Parking Controls) which provides for rear-in angle parking.

In January 1992 the then Minister for Transport replied as follows-While this section of the Standard does provide for back-in angle parking, it does not follow that it is a widespread practice. This particular provision is there mainly to "legitimise" back-in parking in the relatively restricted areas where it has traditionally been practised, principally in some New South Wales towns.

It is considered neither necessary nor desirable to introduce back-in parking in South Australia, and there is no intention to amend the Code of Practice.

However, I have now written to my colleague, the Minister for Transport, drawing her attention to this Question and asking her views. When received, I undertake to make them public.

The Motor Registration Division, Department of Transport, supplies all applicants for a driver's licence with a copy of the South Australian Road Traffic Code. Under the heading of "Parking" it states—

If angle parking is required . . . it means placing the vehicle front to kerb at an appropriate angle to the kerb. (The vehicle must be parked front to kerb, not rear to kerb).

I am informed that successive editions of the Road Traffic Code have contained these particulars and consequently I do not consider that there is any need for the Government to take any additional steps to bring this requirement to the attention of the driving public.

PETRO-CHEMICAL PLANT

90. **Mr LEWIS:**

1. What basic hydro-carbons (HC) will be used as feedstock for the petro-chemical plant which is proposed in the Upper Spencer Gulf (Whyalla) locality?

2. What annual output will be produced (to the nearest thousand tonnes) by the proposed plant?

3. What has been the annual production from the Cooper Basin complex for the past five years of each of the feedstock hydro-carbons?

4. What has been the price per tonne FOB Whyalla (nearest A$10.00) during the past three years for each of these feedstocks and what are the projected prices for the next three years?

5. What quantities (nearest thousand tonnes) of each of the feedstock hydro-carbons will be required annually by the plant to produce the estimated output?

6. From what source will these basic HC feedstocks be obtained?

7. What are the known and the estimated reserves of these feedstock HC's in the Cooper Basin complex?

8. What is the minimum viable economic life of the proposed plant and what discount rate has been assumed for the purpose of calculating it?

The Hon. D.S. BAKER:

1. The basic hydrocarbons to be used as feedstock for the proposed MTBE petrochemical plant at Port Bonython are:

(i) butane

(ii) methanol.

2. The proposed plant is designed to produce 200 000 tonnes of MTBE per year.

3. The annual production of butane from the Cooper Basin complex for the past five years has been 175 000 tonnes per year average. No methanol is produced in the Cooper Basin.

4. The answer to this question is commercial-in-confidence and cannot be given.

5. The answer to this question is commercial-in-confidence and cannot be given.

6. The basic hydrocarbon feedstock butane will be obtained from the Cooper Basin and the methanol feedstock will be imported.

7. The answer to this question is commercial-in-confidence and cannot be given.

8. The answer to this question is commercial-in-confidence and cannot be given.

FIRE EXTINGUISHERS

91. **Mr LEWIS:** What is the Government's policy in relation to Halon fire extinguishers and how many does the Government have 'in service' or installed awaiting use in its buildings and facilities?

The Hon. D.C. WOTTON: South Australian government policy on Halon 1211 (BCF) fire extinguishers is in line with the national recommendations of the ANZECC Strategy for Ozone Protection in Australia. The general sale and refilling of Halon 121 (BCF) fire extinguishers has been banned since the introduction of the Clean Air (Ozone Protection) Act amendments and Regulations in May 1990.

Sale and refilling is only permitted where the use of has been deemed essential by the Australian Halon Essential Uses Panel in accordance with guidelines set down in the ANZECC Strategy for Ozone Protection in Australia. These uses are rare.

Extinguishers which are not designated essential must be handed in for decommissioning either when they become due for hydrostatic testing, when they are discharged to extinguish a fire, or by the 31st December 1995, which ever is the earliest date. They may only be serviced by accredited persons.

The Metropolitan and Country Fire Services initially provided a BCF extinguisher collection and decommissioning service on behalf of the South Australian government until mid 1993. The Commonwealth Department of Administrative Service—Centre for

Environmental Management (DASCHEM) then set up their national Halon Bank depot in Athol Park and this facility is now used.

In 1990, it was estimated that since the early 1970's about 120 000 BCF extinguishers had been sold in South Australia initially holding a total of about 300 tonnes of Halon.

Use by the South Australian government is probably about 30 per cent of that total (or 36 000 units) over a twenty year period.

Affected SA Government Departments and Statutory bodies have been advised and reminded of the need to phase out their BCF extinguishers and are progressing towards that target.

Continuing public and industry awareness campaigns are planned for this year and 1995. So far the phase out is progressing satisfactorily.

WOOL STRAINS

93. **Mr LEWIS:**

1. Do the strain trials being done on Merino sheep from four different bloodline studs at Parafield, show that the Collinsville Stud is assessed as having the worst performance results?

2. Can information about the strain trials be made publicly available to all woolgrowers, and if not, why not?

The Hon. D.S. BAKER:

1 and 2 Information from the trial referred to, which is being conducted at Turretfield Research Centre, near Gawler, is being made publicly available. However, the relative performance of the four bloodlines involved is not available, due to a confidentiality agreement with owners of the bloodline studs involve.

LEE ELECTORAL OFFICE

121. **Mr ATKINSON:** Has the Member for Lee sought to have the Government repudiate its lease on the Lee Electorate Office at 173 Tapleys Hill Road, Seaton and if so, why and has he asked the Government to lease his 1993 campaign office in Clarke Terrace, Seaton and if so, why?

The Hon. G.A. INGERSON: The lease on Lee Electoral Office at 173 Tapleys Hill Road, Seaton expires on 14 April 1994. The Minister for Industrial Affairs holds all leases for Electoral Offices.

The Member for Lee has asked the Minister for Industrial Affairs to consider a number of issues before the lease is renewed. These issues include occupational health and safety problems and the size of the office.

If these issues cannot be resolved adequately, the Member for Lee has requested the Minister for Industrial Affairs to consider assuming the lease on a vacant premises at Clarke Terrace, Seaton. This office is larger and more accessible by public transport.

A detailed report is currently being prepared by SACON Officers presenting costs for (a) rectifying problems at the current Lee Electoral Office; and (b) commissioning the premises at Clarke Terrace. The Minister for Industrial Affairs will take all these factors into account when deciding whether to renew the current lease and for what period.