HOUSE OF ASSEMBLY

Tuesday 10 May 1994

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Real Property (Miscellaneous) Amendment,

Retirement Villages (Miscellaneous) Amendment.

MURRAY RIVER

A petition signed by 20 residents of South Australia requesting that the House urge the Government to ensure that water to consumers drawn from the River Murray is filtered was presented by Mr Lewis.

Petition received.

Members interjecting:

The SPEAKER: Order! I warn the member for Giles for continuing to interject whilst the Clerk was reading petitions. We have had complaints from members before that they cannot hear the petitions, and the conduct of the member for Giles does not help in that matter.

QUESTIONS

The SPEAKER: I direct that the written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 2, 12, 38, 40, 42, 71, 131, 141, 142, 158 and 160.

PAPERS TABLED

The following papers were laid on the table:

By the Deputy Premier (Hon. S.J. Baker)—

Residential Tenancies Act—Regulations—Landlord Exemptions.

By the Minister for Recreation, Sport and Racing (Hon. J.K.G. Oswald)—

Racing Act 1976—Bookmakers Licensing Board Rules—Betting.

AUSTRALIS MEDIA LTD

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: I would like to add some further comments to yesterday's announcement that Australis Media will establish its national customer service centre at Technology Park, Adelaide. The value to the State in direct and indirect job creation alone to build and operate the customer services centre totals some $150 million to $200 million worth of investment. This is the largest new investment deal that has come to our State for many years. However, it is only the first phase in a host of other opportunities that winning Australis presents to South Australia.

Australis Media has a firm commitment to developing a local manufacturing plan, which plan offers South Australian firms many opportunities. Antennae and satellite dishes that will be required by pay television subscribers could be manufactured here under licence. Some $600 million of infrastructure will be required to service the pay TV industry in Australia. A unit has been established within the Economic Development Authority to source such suppliers.

South Australia is well placed to win these manufacturing contracts. The coders (or pay TV black boxes) and the associated computer chips and electronic circuits can all be produced here in South Australia. Australis Media brings to South Australia the opportunity to pitch for a whole range of back office processing functions. Australis is forecasting very early in its operations some one million subscribers, with a target of 6.25 million eventually. Overseas experience of pay TV shows that it has spawned other multi-million dollar industries. Other opportunities, apart from manufacturing, include home shopping (with an associated distribution centre) as well as a pay TV publishing industry (in the United States pay television has created a new publishing industry on its own). There is no reason why South Australian writers, photographers, designers and printers cannot seize these opportunities that now present themselves.

Rebuilding South Australia is this Government's priority. The Australis and Motorola moves to Adelaide did not just happen. As Mr Rodney Price (Chairman of Australis Media) said yesterday, it was not just the incentives: it was the State's commitment to telecommunications and information technology development combined with an ability to provide a competent labour force and our outstanding facilities. We treated Australis like a customer and set about identifying its greatest needs. As it turned out, the training package for the planned 700 staff was one of the big issues that we were able to address to the satisfaction of Australis. I would like to acknowledge the work of officers of the Economic Development Authority, who deserve credit for assisting in attracting Australis to Adelaide (in particular, the Chief Executive Officer, Mr Barry Orr).

We have been delighted today with the response and to hear of the interest that has been shown by South Australians in the job opportunities being created by Australis. Both media outlets and my office have received numerous phone calls from people seeking information as to where they can apply. Australis will start recruiting next week. The contact number for job inquiries is that of Mr Peter McDonald at KPMG Peat Marwick, 236 3377. Any inquiries for job opportunities should be directed in the first instance to that number. We are living in a period of great change and challenge in South Australia. We have moved quickly to begin the process of positioning this State as the friendly State for business, creating a climate that fosters growth and attracts investment. Australis and Motorola are the first. Currently, we are negotiating with some 30 other companies, many of which, I am sure, will follow.

QUESTION TIME

AMBULANCE SERVICE

The Hon. LYNN ARNOLD (Leader of the Opposition): My question is directed to the Minister for Emergency Services. Why has he gagged the CEO and Deputy Chairman of the Ambulance Board from further public comment on the

future of the Ambulance Service, and when will he inform the board and ambulance officers of his plans—

Mr BRINDAL: On a point of order, Mr Speaker, I believe that—

Members interjecting:

The SPEAKER: Order!

Mr BRINDAL: —questions are not allowed to contain comment, and when he is asking why someone was gagged, I believe that is comment.

The SPEAKER: Order! The Chair—

Members interjecting:

The SPEAKER: Order! Interjections are not helpful. It has been traditional that the Leader of the Opposition in asking questions has always been given a lot more latitude than other members. Therefore, I cannot uphold the point of order. But I am sure that the Leader is aware of the Standing Orders.

The Hon. LYNN ARNOLD: I am, Mr Speaker. The Opposition has been informed that the Minister has gagged the Deputy Chairman of the Ambulance Board, Mr David Nicolle, and the Ambulance Service CEO from further public comment. The Deputy Chairman was reported in this morning's *Advertiser* as follows:

> We want to try to get a clear direction as to where the Government is heading. We are in a vacuum and it's difficult for morale.

That sounds like some group we know.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: The Deputy Chairman issued a press release which revealed that the reason ambulance transport fees appear cheaper interstate is directly related to the amount of funding provided by the Government for the service. He further states:

> In the board's view, the important statistic is that South Australia has the second lowest operating expense per patient in this country.

The Hon. W.A. MATTHEW: I am pleased to reveal to this House details of a conversation I had last night with Mr David Nicolle, the Deputy Chair of the Ambulance Board of South Australia. On coming into Government and becoming Minister for Emergency Services I was greatly concerned about a number of aspects of the operation of the Ambulance Board and of the St John Ambulance Service of South Australia. Not the least of these concerns was a severance payment to the former Chief Executive Officer of the Ambulance Service. The former Chief Executive Officer, Mr Paterson, was given a $650 000 redundancy payment funded from the long service leave reserve of the St John Council. The reserves were to be restored over a 10-year period by monthly payments of principal plus interest calculated monthly on the amount outstanding at the average interest rate received from other investments held by the organisation. At the moment Crown Law is assessing the legality of that transaction. Whether or not Crown Law determines that that transaction was legal or otherwise, the situation remains that $650 000 was given as a severance payment to one officer. But it does not end there.

An honourable member: There's more?

The Hon. W.A. MATTHEW: There certainly is more. Prior to the last election the Ambulance Board recommended to the Labor Government that ambulance subscription fees must rise and rise urgently.

An honourable member interjecting:

The Hon. W.A. MATTHEW: Just prior to the last election.

An honourable member: Did it do that?

The Hon. W.A. MATTHEW: No, it did not raise the fees: it took another course of action. The Ambulance Service at that time was the responsibility of the former Labor Minister of Health. What occurred was that $2 million was ripped out of Treasury to prop up the Ambulance Service so that fees would not have to go up before the last election. On becoming Minister—

The Hon. Dean Brown: Who took away the volunteers?

The Hon. W.A. MATTHEW: The Labor Party took away the volunteers from operating in the metropolitan area of this State. As a consequence of that, we have the highest ambulance call-out fee in Australia. I ask the Leader of the Opposition: what did he expect me to do as Minister on being confronted with a $650 000 severance payment, a $2 million prop-up and the highest call-out fee in Australia? What had to happen was a review of the Ambulance Service. Two separate reviews have been conducted: one was undertaken by the Ambulance Service itself and the other was a special review undertaken by the Commission of Audit. Those two reviews are now being looked at by the department.

Last night, the Deputy Chair of the Ambulance Board issued a public statement. He issued that statement without having seen the recommendations of the Commission of Audit, and without being aware of discussions that I had undertaken with the CEO of the department and the chair of the board, who is presently absent overseas. I advised the Deputy Chair that it was most unwise of him to have issued that statement in light of the fact that he did not have the details before him. That is entirely appropriate. I advised him that he would be embarrassed by those statements, as some of the statements he made were clearly wrong. He indicated after that conversation that it was unwise to have issued the statement. That aside, those issues need to be addressed, and as Minister I will ensure they are addressed appropriately. If any Labor member in this House had any part in that $650 000 pay-out, I can understand that they may be uncomfortable with the action I am taking.

AUSTRALIS MEDIA LTD

Mrs HALL (Coles): Can the Premier explain how the Government's success in attracting Australis Media Ltd to choose Adelaide as the host city for its national customer service centre fits with the Government's plan for a new focus for the MFP project?

The Hon. DEAN BROWN: With the announcement of Australis Media Ltd deciding to set up its consumer centre in Adelaide we take yet another very significant step forward with our refocussed MFP in South Australia. I am sure members recall how over the previous four years the MFP absolutely wallowed in the swamp at Gillman with no commitment from anyone or any company to spend any money on the MFP whatsoever. With $17 million being poured into the MFP we had nothing to show for it except reports and reports and reports and, of course, a significantly growing number of press reports stating that considerable concern was being brought upon the whole direction of the MFP, particularly from overseas countries. Last year I gave a commitment that the Liberal Government would refocus the MFP, give it specific commercial objectives and for the first time it would start to attract real jobs, real investment and

new technology to South Australia out of the MFP. It is interesting to see—

The Hon. FRANK BLEVINS: I rise on a point of order, Mr Speaker. I do not wish to disrupt the flow of the Premier, but he is not addressing the Chair and he ought to.

The SPEAKER: Order! I uphold the point of order.

The Hon. DEAN BROWN: As I said, we will give real investment, real jobs and real industry under the refocussed MFP. It is interesting because in about October last year I said that South Australia was missing out on a significant number of new investment opportunities, particularly in the high technology area.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: It is interesting because it was the Labor Party which was so sceptical about the fact that these opportunities even existed within Australia. I ask members to think back and ask themselves: what sort of new industrial commitment did the former Government ever bring to South Australia in recent years? We know of a few that slipped by. We know of a few companies that were interested in coming to South Australia, but I am afraid with an incompetent Government that did not understand what it was about, let alone how to attract new industry to this State, those companies left just as fast as they came—even though some of them had been attempting to speak to the then Premier, the now Leader of the Opposition, about a number of these initiatives for quite some time.

It is interesting because, with the attraction of Motorola and Australis Media Ltd, we have now developed the nucleus for a very substantial high technology communications industry at Technology Park. I still recall the press conference, I think in October last year—

The Hon. M.D. Rann: Was that the IBM press conference?

The SPEAKER: Order!

The Hon. DEAN BROWN: —where I said that I believed within 12 months a Liberal Government would be able to attract hundreds of millions of dollars of new investment in a refocussed MFP in the high technology area and create hundreds of jobs. What have we done: in just five months we have been able to attract—

Mr Clarke interjecting:

The SPEAKER: Order! I warn the member for Ross Smith. I point out to the Premier that we now have had only two questions in 11 minutes.

The Hon. DEAN BROWN: I point out to the House that we have been able to attract, within that space of time, Motorola with an investment of over $100 million and the creation of 400 high technology jobs, and now Australis Media Ltd, which will invest $200 million and create, by the end of the century, something like 1 000 new high technology jobs in South Australia—a very significant start to a refocussed MFP, to the benefit of all South Australians.

AMBULANCE SERVICE

Mr ATKINSON (Spence): When did the Minister for Emergency Services request the Audit Commission to undertake the special job on the Ambulance Service, when will he receive the final report from the commission, will he table the draft report of the commission and why did he claim that the Ambulance Service was outside the original terms of reference of the Audit Commission?

The Hon. W.A. MATTHEW: I thank the honourable member for his question.

Mr Atkinson: Four questions.

The Hon. W.A. MATTHEW: Yes, four questions, as the honourable member interjects. No, I will not table the draft report of the Audit Commission, because it is just that—a draft report. When the final report is given to me, I will be happy to ensure that the honourable member has a copy—very happy. The honourable member may not like its content, but I will be very happy to ensure that that occurs. As to the exact date that I requested the Audit Commission to undertake that work, I do not have that in front of me, but it was very early after the Commission of Audit commenced its work.

I asked the Audit Commission whether or not the scope if its inquiry would cover in detail the aspects of the Ambulance Service operations I wanted it to look at. The commission advised that that was not the case, so I put a special request in writing. That having occurred, I now have a report before me. I will remind the honourable member, if he is interested to hear some of those details again, of the situation that faces our Ambulance Service for, as I said in the House last week, from the extract I quoted, the Audit Commission prepared a summary of efficiency and compared 1989 with 1993.

It found that the number of persons employed by the service has increased by 42 per cent. The volume of patients transported has decreased by 17 per cent. Operating expenses have increased by 67 per cent. The gross cost per emergency elective patient transported has increased by 76 per cent, funding from Government has increased by 9.5 per cent and debtors at the close of the financial year had risen by 71 per cent. That indicates a troubled organisation. For that very reason, the review of the SA Ambulance Service is under way. As Minister I have a responsibility for ensuring that the service operates efficiently and is able to provide an emergency health service that is the best South Australians can have but not by paying more than any other State in Australia.

SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

Members interjecting:

Mr CUMMINS (Norwood): The Duncan Left has taken over Torrens. They will be soon taking over you lot. Those two guys over there will not be around for long. I address my question to the Treasurer. Is it true that the previous Labor Government—

Mr Clarke interjecting:

The SPEAKER: Order!

Members interjecting:

Mr CUMMINS: It is all right, Mr Speaker: I can outstay them.

The SPEAKER: Order! Certain members have taken it upon themselves to take no notice of the rulings of the Chair. It appears that two members on the middle benches will continue to disrupt proceedings. I have warned one; I might have warned the wrong one. I now warn the member for Hart. The Chair will insist upon courtesy and common sense applying during Question Time, or I will start naming people. That is not an idle threat. The member for Norwood.

Mr CUMMINS: I will start again. My question is directed to the Treasurer. Is it true that the previous Labor Government allowed agencies to borrow from the South Australian Financing Authority when the loans should have

been appropriated from the Consolidated account, and why was this done?

The Hon. S.J. BAKER: Certainly the former Government has nothing to be proud of in terms of its financial management and I would not have thought that the result on Saturday was anything to be proud of, either. They are now facing—

Members interjecting:

The SPEAKER: Order! The Treasurer has the floor.

The Hon. S.J. BAKER: —the prospect of being taken over by the loony Left, and I would have thought that that was a prospect that none of them would relish, certainly not the Leader or the Deputy Leader, because Peter Duncan hates their guts.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: The issue is finance, and it is a very important one. When the Audit Commission came down with the report that there was a $10 billion black hole, that we were spending $350 million more than we were earning, it made a very strong point.

I want to turn to the last budget, because everyone in this House understands that the last budget of the previous Government was crook. It was crook to the extent that there was a suggested surplus of $120 million after taking $300 million out of the State Bank. However, a further check of the records shows that the previous Government also made some other interesting accounting changes. In the budget papers we found that the Treasurer financed what would normally be Consolidated Account expenditures through borrowings from SAFA. That makes the hole even bigger and blacker. I bring to the attention of the House an amount of $108 million that should have been put through the Consolidated Account—something which the former Treasurer was well aware of. He knows how he cooked the books, or I think he does; I am not sure that he really understands, but I think he knew what he was doing. The former Treasurer cooked the books to the tune of a further $108 million.

By way of example, there was $49 million worth of voluntary separation packages—not TSPs, which were funded through the State Bank bail-out—which was taken off budget and borrowed from SAFA (that is outrageous accounting and indicative of the way in which the former Government ran the books at the time); a further $7 million through the Education Department for the teacher rejuvenation program—again taken off budget; and very large borrowings from SACON and the Department of Tourism. The books have been cooked well and truly, and it is our job to sort them out.

TORRENS RIVER

Mr QUIRKE (Playford): My question is directed to the Minister for the Environment and Natural Resources and it concerns the clean-up of the Torrens River. Is the Government still committed to cleaning up the River Torrens; how many trash racks will be built; where will they be located; and when will the work commence? On 27 April, just one week before the Torrens by-election, the Premier announced that the Government would provide a lead by helping to pay for the installation of trash racks to stop litter and debris ending up in waterways such as the Torrens.

The Hon. S.J. Baker: Where have you been for the past 10 years?

The Hon. D.C. WOTTON: I will repeat the question that was just asked by the Deputy Premier: where has the Opposition, the former Government, been for the past decade or more? The previous Labor Government did not lift a finger to clean waterways in this State, whether it be the Torrens, the Patawalonga, the Onkaparinga or any other: it totally ignored the environment, particularly as it relates to our waterways. The honourable member who asked the question might be aware that the Torrens standing committee has been attempting to have a clean-up of the Torrens commenced for some 10 years. That standing committee, as the honourable member would know, had no teeth and only provided the opportunity for local government to be able to get together to discuss matters relating to the much needed clean-up of the Torrens.

This Government has now been able to bring together the 17 councils that make up the catchment of the River Torrens. Those 17 councils will soon establish a Torrens catchment authority. They have been asked by me to put forward a management plan so that we can determine where expenditure is to take place. A considerable amount of work is being done now to determine where trash racks should be placed, and I will be pleased to inform the House in some detail exactly where those trash racks are to be provided.

The first thing we need to do is establish the authority, and that is about to happen. I take the opportunity to commend the 17 councils for getting together to form this authority. They responded quickly to a positive approach being taken by this Government for the first time for more than a decade to clean up the State's most important waterway, other than the River Murray. That will happen, because the clean-up of the River Torrens and the Patawalonga is a very high priority for this Government. I shall be only too pleased to keep the honourable member up to date with the specifics of this matter, the responsibility for which the Government will accept.

It is a very high priority, and we are well advanced. Trash racks will be placed into the river, and a number of other measures will be taken to ensure that pollution is kept down in that important waterway. I will also be having discussions, later this week, with the City of Adelaide to determine what part it will be able to play in cleaning up the Torrens Lake, which is so important for tourism in this city and State.

BUILDING MANAGEMENT DEPARTMENT

Mr SCALZI (Hartley): My question is directed to the Minister for Industrial Affairs. Following his meeting today with union representatives to discuss the Government's plan to restructure SACON, can the Minister explain what action the Government intends to take to achieve a savings target of $72 million over the next 10 years?

The Hon. G.A. INGERSON: Today the South Australian Department of Housing and Construction (SACON) was abolished and replaced with a new department in a move designed to save in excess of $72 million for the State Government over the next 10 years. A review of the department was undertaken in February and March with the aim of providing the Government with a series of options for the future of SACON.

As a result, the department will undergo a radical transformation and will be replaced by a new department which is to be called the Department for Building Management, which will concentrate on three main areas: providing a policy and advisory service to Government on building and construction issues; managing the risk of major projects through providing a single interface with the construction industry; and general commercial activities. These will be

retained only where they can compete in an untied environment for Government work, provide a non-financial benefit to the Government or cannot be easily bought at a reasonable cost from the private sector. The name SACON will remain as the trading name.

A new organisational structure will be created to support the new directions and will be based on a mission which reflects the Government's vision and policy directions, customer requirements and industry best practice. The new department will comprise a building asset management policy function and a commercial function (as mentioned earlier) which will principally be involved in risk management and will make sure that all existing and future involvement will be at a very competitive price.

The Office of Government Employee Housing and Office Accommodation Division will be retained. The new Department for Building Management will accelerate the progress already made by SACON in making the customer its priority and will become a very competitive future Government department. These changes will save over the next 10 years $72 million for the Government.

POLICE CORPORATE SPONSORSHIP

The Hon. M.D. RANN (Deputy Leader of the Opposition): Is the Minister for Emergency Services seriously considering moves similar to those of his New South Wales and Victorian Liberal counterparts to raise revenue for the police through a new expanded corporate sponsorship scheme and, if so, what safeguards will apply? The Minister has been reported in the *Sunday Mail* as saying that he was examining the feasibility of moves in New South Wales where police will soon be sporting logos on uniforms and cars.

The New South Wales Commissioner, Jeff Jarrett, says that the time has come for police to enter the corporate world. The New South Wales police will soon advertise for sponsors. Members of the police rescue squad will have logos on their overalls; highway patrol cars will have a sponsor's badge; and water launches will be stamped with corporate names. I understand the Minister told the *Sunday Mail* that he was going to raise the matter with the Acting Commissioner last week. I also understand that in New South Wales alcohol advertising will not be permitted. Newspaper reports say that the Victorian Minister has endorsed a more limited sponsorship scheme, excluding uniforms but not vehicles. I would like to congratulate the Minister for standing up to the Premier a week ago in Cabinet.

The SPEAKER: Order! The honourable member is commenting, and he knows the consequences of that.

The Hon. W.A. MATTHEW: The easy, short answer to the honourable member's question is 'No.' However, it requires further clarification, because the statement that the honourable member read out conflicts with what is being proposed in New South Wales, and its Minister recently made a public statement reiterating that fact. It is important to clarify a number of things; for example, the police band presently receives some $16 500 sponsorship per year. The Police Department believes that the band is capable of attracting a far greater sponsorship, and it is perfectly reasonable that that avenue be pursued. There are other areas of sponsorship of the Police Force which are under way and which have been ongoing for some time.

I hope that all members are aware of the sponsorship undertaken by the Commercial Union Insurance Company of the Neighbourhood Watch program which has been ongoing for some years. We have the police advice line, which is sponsored by the South Australian Gas Company. The police crime line receives funding for installation and maintenance of a telephone service from the Lions Club. Radio 5AD provides free advertising coverage of a broad range of activities. The 'Stop auto theft' campaign is sponsored by the RAA. The Youth Driver Education program is sponsored by SGIC. The Safety Beat program is sponsored by a range of companies and organisations. The Kids, Cots and Crows program is sponsored by the South Australian Gas Company, and the Blue Light program is sponsored by, among other organisations, the Drug and Alcohol Services Council and Foundation South Australia.

So, the direction of funding for police will continue in exactly that same area, that is, crime prevention programs that have worked effectively. It is not nor has it ever been the intention of this Government to have police officers or equipment sponsored by outside organisations but simply to have programs that are working effectively. That information was given to the *Sunday Mail* before its article was published.

LAKE VICTORIA

Mr KERIN (Frome): Can the Minister for Infrastructure explain how the Engineering and—

Members interjecting:

The SPEAKER: Order! I warn the member for Ross Smith for the second time.

Mr KERIN: I will start again, Mr Speaker. Actually, I thought he was my friend. Can the Minister explain how the Engineering and Water Supply Department is dealing with reports about Aboriginal burial sites being found beneath the lowered waters levels of Lake Victoria?

The Hon. J.W. OLSEN: Archaeologists from South Australia and the New South Wales National Parks and Wildlife Service have identified a large burial site in the south-east corner of Lake Victoria, and that site includes part of the lake bed foreshore and a number of islands. Lake Victoria is particularly important for South Australia in that, if we reach a position of adopting a lower full supply level for the lake, it would result in greater irrigation supply shortfalls to New South Wales and Victoria, as well as South Australia. New South Wales and Victoria would lose irrigation water, because more water would be required upstream in storages, and they would need to be reserved for South Australia. In fact, it has been identified by the Murray-Darling Basin Commission that failure to keep Lake Victoria in operation would result in some $30 million annual estimated economic loss.

The Murray-Darling Basin Commission, through the Murray-Darling Basin Agreement, is the body that oversees Lake Victoria. However, the day-to-day operation of the lake is vested in the Engineering and Water Supply Department of South Australia. Every effort is being made to reach a reasonable compromise with the Aboriginal community affected by this find, which occurred as a result of lowering the lake for the purpose of undertaking maintenance work.

A number of measures are being proposed in the short term to address the problem so that Lake Victoria can continue at full capacity and so that the water irrigation needs of New South Wales, Victoria and South Australia can be met. Those measures include erecting a fence around the four islands in the storage area containing significant burial sites. The purpose of that fencing is to exclude stock and people,

and a temporary electric fence will be erected in the next few days, followed shortly by permanent fencing.

An archaeological survey will continue to determine the extent and locations of major burial sites, as well as a related survey of elevations at the lake. It will also identify the protection of exposed burials and examine the impact that a wave protection barrier would have on the long-term protection of those burial sites. The Engineering and Water Supply Department, together with the Murray-Darling Basin Commission, is continuing to discuss the circumstance with the Aboriginal community so affected. To date, those discussions have been productive and have been carried out with integrity and goodwill on the part of both sides. I trust and hope that, as a result of those negotiations, a common-sense practical solution will be found which will ensure the protection of not only the water supply to the three States concerned, particularly South Australia, but also the burial sites, which are of significance to the Aboriginal community.

WATER RATES

Mr FOLEY (Hart): My question is directed to the Minister for Infrastructure. Will the Government increase water rates as recommended by the Audit Commission report? The report states that country water rates should reflect the full cost of service and that there is a case for introducing a differential pricing system for metropolitan and country customers reflecting the higher cost of service provision in these areas. In 1992-93, country water was subsidised by $53 million, or $78 for every person in the country, compared with metropolitan costs.

The Hon. J.W. OLSEN: Last Thursday I was asked a question about sewerage costs: the answer to the honourable member's question is exactly the same as that I gave last Thursday.

CASEMIX FUNDING

Mrs KOTZ (Newland): Will the Minister for Health advise the House whether the Audit Commission's findings support the Minister's plans to implement casemix based budgeting in the public hospital system in South Australia?

The Hon. M.H. ARMITAGE: I thank the honourable member for her question, because this is a matter that goes right to the heart of fixing the problems in the system, which we unfortunately took over on 11 December last year. In fact, the Audit Commission fully endorses the South Australian Government's move to casemix funding. It stated:

> The introduction of casemix funding for South Australian public hospitals is an example of Government working towards more clearly defining what is purchased for the health dollar.

It goes on to say:

> Casemix funding provides the basis for matching consumption of resources with production of outputs.

If the previous Government had done even half of that, we would not have been in the appalling situation in which we found ourselves on 11 December last year. The previous Government had funded hospitals on what is called an historical basis; in other words, it just gave the money and, if the CPI was 3 per cent, it would add 3 per cent, plus or minus a little bit, and expect the hospital to do exactly the same as it did the year before, in no way rewarding efficiencies and, more importantly, not penalising inefficiencies.

Mr Atkinson interjecting:

The Hon. M.H. ARMITAGE: The member for Spence seems to disagree with that. It is a pity. When the member for Spence gets around to some of the hospitals in his current capacity, and on his bike—and it is a long way to go to Flinders or to Lyell McEwin—and speaks with the people who are implementing this system, he will find that they are delighted that they have been given the opportunity to prove how efficient they are and to be rewarded for those efficiencies. The health services are embracing casemix to a great extent. I have been quite impressed with the openness with which all areas of the health sector have said they want to be part of the new system. The reason they want to be part of the new system is quite simply that the old one was not working.

What had the previous Government done about it for a decade? Absolutely nothing. It had allowed a situation to develop where three patients were waiting to get into every bed in the public hospital system. It had over 9 000 people on waiting lists. What did it do? The usual response: let us blame the doctors. In the previous Parliament, on a number of occasions, I identified that there were doctors who were prepared to work for nothing to get the lists down, in particular those in the Ear, Nose and Throat Clinic at the Royal Adelaide Hospital. What happened? There was no money to pay anybody.

The casemix funding system, which the Audit Commission is enthusiastically asking us to embrace (as we have done), will provide a pool of funds that will allow the Government to inject those funds into hospitals that are providing the services efficiently, hence aged people who are unable to bend down because of their sore hips, who are bedridden and socially isolated, will have their operations. There are young children who have 'glue' ears and have had for a couple of years and, hence, cannot hear the teachers. A teacher was recently elected to the other side of the Chamber. I am sure she would not be happy if there were children in her school who could not hear because they had a 'glue' ear, yet if they went to the hospital for an operation that may take half a hour, there were no funds to provide the operation.

The Hon. FRANK BLEVINS: I rise on a point of order, Mr Speaker. The use of the term 'she' is clearly unparliamentary. The Minister ought to know better.

The SPEAKER: I uphold the point of order.

The Hon. M.H. ARMITAGE: I will not embarrass the member for Elizabeth by going through the argument again, because she acknowledges it. No member in the House wants to see the education of South Australia's children put at risk by having historical funding that does not answer the questions people are asking in South Australia. What they are asking is: how come my child cannot have an operation? How come it cannot hear in school? The older people in South Australia are asking: how come I am socially isolated because I cannot have an operation? The casemix funding system, absolutely clearly, allows the identification of hospitals that are producing services efficiently, and it provides a funding system that will allow us to inject those savings via the casemix funding system into those efficient hospitals.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: I am glad that I have been interjected upon, and I know I am not allowed to react, but I would like to make the point that this is not a Federal Government funding initiative—this is an initiative that the State Government is undertaking. It is the second Government in Australia to do it, the first being the Liberal Government in Victoria. The current Opposition had a

number of years in which to do it but failed. It unfortunately failed, because South Australians were suffering. The only person whom I have seen from our immediate philosophical Opposition give any credit to the casemix funding system was the former member for Bonython, who introduced the Medicare system. He said, and I am paraphrasing, 'The system is out of control; there are waiting lists everywhere. I applaud the introduction of casemix funding. I am delighted that a number of Ministers around Australia have had the courage to do it.' So, there is no question that this funding system will benefit all South Australians, and I am quite confident that all South Australians will be delighted on 1 July.

IBM

Mr FOLEY (Hart): Will the Premier ensure that all documents associated with the negotiations between the Liberal Opposition and IBM two days prior to the last election and all documents relating to the Government's moves to increase outsourcing of information technology will be made available to the Auditor-General? I again ask the Premier to table in this House all documents relating to the deal made between IBM and the Leader of the Liberal Opposition prior to the last election. The Auditor-General—

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: Hiding behind 'commercial in confidence', are we?

The SPEAKER: Order! Leave is withdrawn. The Premier.

The Hon. DEAN BROWN: I read in Saturday's *Advertiser* that the honourable member had apparently received a letter from the Auditor-General saying that the Auditor-General—and this is the honourable member's comment—was apparently going to carry out a full investigation of the, I understand, 'promise' made before the election between the Liberal Party and IBM. I found that very interesting, but I found that the Auditor-General had also notified my office of the fact that he had sent a letter to the member for Hart, and in that letter he indicated that he would not carry out a special investigation; that he would, as part of his routine investigation of all areas of Government, investigate all purchases or contracts relating to the outsourcing of IT. I think that is very sensible, and I invite the Auditor-General to do so. I can assure the honourable member opposite that I will give to the Auditor-General any document whatsoever that he requests, exactly as the member for Hart has asked—

Mr Foley interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The member for Hart asked me a question. When I answer that question and he does not like the answer, he retreats considerably. And why? The House knows that up until very recently the member for Hart has been out there criticising the Liberal Government for outsourcing IT. He has been there day after day in the media trying to get publicity criticising it. He came along to a seminar attended by about 450 members of the IT industry, and they all applauded the direction in which the new Liberal Government was going, and the fact that the new Liberal Government has made more headway in outsourcing than any other State in Australia.

Here in South Australia we have done in six months for the whole of Government what it has taken Victoria 18 months to achieve for one Government department alone. And the whole of the IT industry in Australia is now sitting up and saying 'Boy, they know how to do it in South Australia.' So, when this matter was raised, and after that seminar when the member for Hart was embarrassed because here were the 400-odd people of the industry all applauding what the Government was doing, the member for Hart suddenly retreated and was no longer opposing the outsourcing that the previous Government had failed to achieve for four years. Instead, the member for Hart suddenly said, 'I am now complaining about the process.'

He has referred the process to the Auditor-General who, quite rightly, said that he will investigate those matters as a routine investigation: no special investigation but a routine investigation. I can assure the honourable member and the House that I welcome such an investigation, and all documents that the Auditor-General—

Members interjecting:

The SPEAKER: Order! The member for Hart, for the second time.

The Hon. DEAN BROWN: —asks for will be given to him.

TOYS-R-US

Mr BASS (Florey): Can the Minister for Housing, Urban Development and Local Government Relations inform the House whether the United States based company Toys-R-Us is planning to establish in Adelaide for the first time as part of a shopping centre development in my electorate?

The Hon. J.K.G. OSWALD: I am very pleased to be able to announce that once again we have a new development about to commence in South Australia. I can confirm that the international toy chain, Toys-R-Us, will be a major tenant in the new Tea Tree Plaza shopping centre expansion. I was advised that only last Thursday the Development Assessment Commission gave full approval for the development to take place following applications made by the West Point Corporation and the McKenzie Group of companies for the shopping centre. It will be particularly interesting to members on this side of the House—because I know that it is of absolutely no interest to members opposite, who do not seem to be at all excited about new developments coming to this State—to know that the expansion of the shopping centre will include not only the firm Toys-R-Us but, over some 8 250 square metres, speciality shops and two fast food restaurants.

The council chambers, where the new development is about to take place, will also be relocated to a new civic centre site which, once again, is part of the redevelopment of the whole area. The Government particularly welcomes what is happening out there. The development will do several things: it will strengthen Tea Tree Plaza as a commercial centre; it will be an added incentive to investment in the area; and in the long term it will provide additional jobs. The Government is particularly delighted with this announcement. It does not reflect well on the Opposition when it sits over there wanting to criticise a proposal that sees another new development about to start in this State.

AUDIT COMMISSION REPORT

The Hon. LYNN ARNOLD (Leader of the Opposition): I direct my question to the Premier. When will documents associated with the Audit Commission, including consultants' reports and files, become available for public reference? On

4 May the Premier told the Parliament that these documents were now with the Crown Solicitor, who was looking at the legality of certain matters, and that they would then be made public unless, for example, some particular document was considered to be libellous.

Many people in the community are interested in knowing the basis for conclusions reached by the Audit Commission, and access to those reports is essential if there is to be informed community debate on these matters. Indeed, it has been claimed that the three-week period for public consultation is little more than a gesture if organisations are not able to access the background to the commission's conclusions.

The Hon. DEAN BROWN: I have raised the matter with the Attorney-General. To my knowledge the documents are still with the Crown Solicitor. However, I will certainly track down the matter so that the Leader of the Opposition or any other member of this House, or in fact any outside interested parties, can look at them. I gave an assurance to the Leader of the Opposition that I would—

The Hon. Lynn Arnold interjecting:

The Hon. DEAN BROWN: There are three basic reports in which I think members would be interested; they are the three consultant reports. I have said that they will be available—

The Hon. Lynn Arnold interjecting:

The Hon. DEAN BROWN: I do not think that the Leader needs to be too anxious. I will ensure that they are available as quickly as possible, as I said they would be just a week ago.

CONSERVATION AND REVEGETATION

Mrs PENFOLD (Flinders): In view of the Minister for Primary Industries' strong interest in conservation, will he please explain what action his department is taking to promote conservation and revegetation projects in South Australia?

The Hon. D.S. BAKER: I thank the honourable member for her question and her interest in this matter.

The Hon. M.D. Rann interjecting:

The Hon. D.S. BAKER: I must say that I am about to explain one of the very good programs of the Department of Primary Industries in revegetating South Australia. Each year $50 000 is allocated to various groups around South Australia for tree planting programs. Those awards were announced today. There were 27 successful applicants and, in fact, when the project is completed 815 000 trees will be planted around South Australia next year. During that time there will also be about 230 kilometres of direct seeding along roadsides and, of course, around farms and towns in South Australia.

To give the House a view of the diversity of those projects, we have the Crystal Brook Revegetation Association, the Petherton Road Tree Planters and the Trees for Life organisation, of course, which is vital in growing trees in South Australia. There is also the Parndarna Agriculture Bureau, which indicates that agricultural bureaus are taking an interest in this. We also have the Upper Cygnet River Landcare Group, which is doing a very good job. Around South Australia, 27 groups will get help. I might add, 10 of those are from the electorate of the member for Flinders: three on Eyre Peninsula and 10 on Kangaroo Island. Kangaroo Island is at the forefront of this whole process. There are four groups in the Mid North, two on the Fleurieu Peninsula, four in the Adelaide Hills and seven in the Upper and Lower South-East. Some of the projects include wind breaks and shelter belts, which everyone would realise would be at the forefront. Wetlands rehabilitation also is very important, especially on Kangaroo Island. There are plantings for wildlife corridors and, of course, many of the landcare groups are using it for erosion and degradation arrest.

However, there is one special project that will demonstrate the value of growing high-value cabinet timbers which, of course, will be a value-adding process, and that will be going on in one specific area of South Australia. It really shows the benefits of the program started by the Department of Primary Industries. The money is spread across a wide area of South Australia amongst interest groups. I can assure the honourable member that her electorate will be well looked after, not only this year but in future years.

TAILINGS DAM

Mr QUIRKE (Playford): Can the Minister for Mines and Energy advise the House about what developments have taken place since the announcement by Western Mining of the tailings dam leak earlier this year? Has he been briefed by his department recently on this matter? Can he advise the House about progress to date on water levels at that site?

The Hon. D.S. BAKER: I can advise the honourable member that I have not only been briefed by my department but I have been briefed by Western Mining that the report that was due in the middle of May will be on time. I have also briefed the recent ARMCANZ meeting in Hobart. I briefed the Federal Minister for Primary Industries and Energy of the progress and, of course, he is passing that information on to the Federal Minister for the Environment, Sport and Territories. The most recent advice I have is that the report, as projected by Western Mining, will be handed to me and to departments by the middle of May.

RECYCLING

Mr ROSSI (Lee): I direct my question to the Minister for the Environment and Natural Resources—

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence will not interfere with the honourable member while he is asking a question.

Mr ROSSI: Did the Minister take up the issue of providing incentives to help markets for recyclable products during the recent ANZEC ministerial conference?

The Hon. D.C. WOTTON: I thank the member for Lee for his question because it is important. I believe that the majority of people in South Australia are keen to see recycling continue in this State and, in fact, be upgraded. I am very keen, as is this Government, to see appropriate recyclable items exempted from sales tax and import duties and other incentives provided in an effort to boost the recycling industry. I was very pleased to have the opportunity to put the proposal to ANZEC, which is the meeting of environment Ministers, both Federal and State, when we met in Canberra recently. I am also pleased to say that the proposal was well received by the meeting and, in particular, by the Federal Minister, Senator Faulkner.

The South Australian Government is committed to the ANZEC target to achieve a 50 per cent reduction in waste going to landfill by the year 2000. We are determined that that will happen, and sustained effective and market-driven recycling programs are the only way to achieve that goal. The proposal to seek taxation and other incentives will be given

close attention by the Federal Minister. He indicated to the meeting that he would give the matter close personal attention and I am awaiting a response from the Minister in regard to this important matter. I am very keen to push this matter. There are other States that are keen to see the same incentives introduced. It will be an important move for recycling and I believe it is one that will be supported by the majority of people in South Australia.

PORT AUGUSTA HOSPITAL

Mr ATKINSON (Spence): Can the Minister for Health guarantee the people of Port Augusta and the Far North that the promised $23 million redevelopment at Port Augusta Hospital will go ahead and that any new facilities will be built on the hospital site? Will he rule out the redevelopment's being conditional on private capital?

The Hon. M.H. ARMITAGE: I thank the honourable member for his question, which addresses in particular the issue of the Port Augusta Hospital but also many of the problems in the infrastructure of South Australian country hospitals about which the previous Government did absolutely nothing. That is not quite true: it sat on its hands. There are undoubtedly design improvements which can be made in country hospitals left, right and centre. I refer in particular to the local hospital in the District of Giles—which he should know well—which is one that does not promote economies of scale or better rostering techniques that allow, first, efficiencies and, secondly, savings. Of course, those savings cam be put back into the provision of health services.

The Port Augusta Hospital is a matter which had been on the table of the then Minister for Health for a long time. There has been a great deal of discussion. There is a great deal of discussion about whether this $22 million project should be phased in over a four, five or six year plan. There have been discussions between the Health Commission and the board on numerous occasions. Recently I attended a meeting of the board in Port Augusta; indeed, the member for Eyre was there. I am happy to say that the board recognised that the $22 million or $23 million staged process would lead to a lot of disruption. There would not necessarily be the best outcome and it would take a long time to achieve the best possible health services. The Government is on an imperative to make sure we provide the best services as efficiently as we can and we will investigate every option for the provision of new hospitals, including the provision of private capital.

PUBLIC SECTOR SUPERANNUATION

Mr CLARKE (Ross Smith): Can the Premier give an assurance that the Liberal Party's candidate for Torrens, Mr Stephen Ernst, a police officer who had to resign from the Police Force to contest the seat, will not unfairly be the first victim of the Government's policy to close the police officers superannuation fund on 4 May 1994 upon his rejoining the force?

The Hon. DEAN BROWN: One thing you can say about the member for Ross Smith is that he is sick when it comes to a sense of humour—well and truly sick.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The member for Ross Smith tends to reflect the sorts of problems that the Labor Party has in this House. Look at the Torrens by-election: they could not find one person within their own ranks to go out and promote during the Torrens by-election. They had to go back 15 years to a Premier and to an Attorney-General to run their campaign.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Someone said to me on Saturday night, 'Gee, we thought that the Labor Party had stopped breathing. We thought they were dead. They are not quite dead: we only thought they were dead.' I also point out to members opposite that it was interesting to hear what one of their own—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —members had to say to me late on Saturday night at the function when he was talking about the fact that the Labor Party looked like winning the seat of Torrens. He said, 'You have lost the by-election. It does not matter much to you; you have gone from 37 to 36. But it has made significant problems for the Labor Party. The Labor Party has taken a significant lurch to the Left.' Here was a member of the Labor Party's own ranks expressing grave concern about who was now the power broker within the Labor Party in South Australia. And it was none other than Peter Duncan, the Attorney-General 15 years ago.

Members interjecting:

The SPEAKER: Order! I name the member for Ross Smith for continuing to interject. The tolerance of the Chair has gone far enough. Does the honourable member wish to be heard in explanation or apology?

Mr CLARKE: I apologise, Sir, for my interjections to you and to the House.

MEMBER'S NAMING

The Hon. S.J. BAKER (Deputy Premier): I believe that the House should not accept that explanation. There is no excuse for this man's behaviour. The honourable member should be suspended from the service of the House.

The Hon. M.D. RANN (Deputy Leader of the Opposition): I move:

That the honourable member's explanation and apology be accepted.

In doing so, Sir, I point out that a number of members on the Government side have persistently and flagrantly, week after week, yelled abuse at this side of the House and have flouted your firm rulings.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I believe that the honourable member's apology should be accepted in good faith.

The SPEAKER: The question before the Chair is the motion of the Deputy Leader of the Opposition.

The House divided on the motion:

AYES (10)

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

NOES (34)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, D. S.	Baker, S. J. (teller)
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.

NOES (cont.)

Caudell, C. J.	Condous, S. G.
Evans, I. F.	Greig, J. M.
Hall, J. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

Majority of 24 for the Noes.

Motion thus negatived.

The SPEAKER: I ask the member for Ross Smith to withdraw from the Chamber in accordance with Standing Orders.

The member for Ross Smith having withdrawn from the Chamber:

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

That the member for Ross Smith be suspended from the service of the House.

Motion carried.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances. The Leader of the Opposition.

The Hon. LYNN ARNOLD (Leader of the Opposition): On Saturday last, the people of Torrens went to the ballot box. They went to vote in a local representative following the untimely death of Joe Tiernan.

Members interjecting:

The SPEAKER: Order! There are far too many interjections. The Leader of the Opposition has the call. I intend to see that he is given the opportunity.

The Hon. LYNN ARNOLD: There were times in Question Time when you could have heard a pin drop as various faces on the opposite side did not want to say a word: various faces knew the reality of the result on Saturday. They knew that the reality was that they were gone.

Members interjecting:

The Hon. M.D. RANN: On a point of order, Sir. There are consistent and persistent interjections. I wonder whether members opposite will be named if they continue.

The SPEAKER: Order! I sincerely hope that the Deputy Leader is not reflecting on the Chair.

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence was definitely out of order. The Chair will have no hesitation in dealing with any member on my right. The same Standing Orders apply. The Leader of the Opposition.

The Hon. LYNN ARNOLD: Members may recall that in the *Advertiser* not long after the Elizabeth by-election the comment was made by the *Advertiser*'s political writer that the Torrens by-election would be the first real test of the Government. The article states:

This will be the first real test for the Liberal Government. By the time the poll is held, the findings of the Audit Commission's inquiry into the State's finances will be known. The Torrens by-election will give voters the first real chance to vote, while having a truly accurate picture of what the Government intends to do over the next 3½ years. There was a punch line:

Labor will need to reduce the Government's two-Party preferred vote by at least 2 per cent before it can claim any inroads.

There are faces all the way along the back bench that are well in excess of 2 per cent—

Members interjecting:

The SPEAKER: Order! The member for Hanson will cease interjecting.

The Hon. LYNN ARNOLD: All along the back bench are well in excess of 2 per cent but well under the 9.3 per cent that occurred on Saturday night. There was no doubt that the message from the people of Torrens was that they would not put up any more with the kind of charade that Dean Brown has subjected South Australia to in the making of promises before the election—

Mr BRINDAL: On a point of order, Sir; the member for Giles constantly points out to us that members must be referred to by their title or electorate district, and I suggest that the Leader of the Opposition be asked to conform to the same rules.

The SPEAKER: Order! I uphold the point of order. The Leader is aware that he must refer to the Premier by his title.

The Hon. LYNN ARNOLD: Before the last State election, the Premier made all these promises which we said at the time were promises to be broken. After the election he has proceeded to set about doing that. The week before the by-election, the Audit Commission report came out and, if ever there was a document that will prove the words we said before the last election, it is that document. In fact, last week the Premier made comment about a black hole.

It turned out on Saturday night that a black hole does, in fact, exist—a black hole that sucked in the hapless Stephen Ernst, the would-be member for Torrens—he was sucked in by the promises made by Dean Brown—and, like all black holes, it will not stop at sucking just one person into its increased gravity; it will suck in a lot more yet.

Members interjecting:

The SPEAKER: Order! The member for Wright.

The Hon. LYNN ARNOLD: Members on the other side know full well that their future is very much at risk. What the people of Torrens and John Ferguson in the *Advertiser* were saying was that it would be a message of some sort if it was in excess of 2 per cent. Well, it was a thumping great message, which said to the Premier, 'You told us before the last election that you would increase education funding, that you would increase the health budget, that you would take a further $1 billion off the State debt, and that you would do it without imposing any new taxes or tax increases and without any further job cuts in the public sector.'

We then had the actions in the intervening months followed by the Audit Commission report and its recommendations. It is not possible now for the Premier simply to walk away and say, 'It's a good book worth a read, but that's all it is.' It is not possible now for him to suggest that they will take it into account but dispense with all the recommendations, because as Matthew O'Callaghan, a member of the Premier's own team said, 'This is a blueprint for the way the Liberal Government will operate.' That is what he said about the Audit Commission report. That is what the Premier's own people are saying. This blueprint created a real political black hole for the Government.

Mr BUCKBY (Light): I wish to raise a matter far more serious than that just raised by the Leader of the Opposition, that is, the vandalism and destruction caused in our community by people under the age of 18 years. I will preface my

comments by congratulating Housing Trust officers in Gawler on recently evicting from a property at Evanston an 18 year old who had created great problems for all those who lived around him. This problem involves single youths who receive Housing Trust accommodation, and sometimes it is not the youths themselves but the friends they attract who create the problem.

The problem in Longford Street, Evanston, has been well publicised in the newspapers. It created for neighbours problems of intrusion, theft, parties, alcoholism and drug taking—problems that went as far as young people lying drunk in the street and almost being run over by a car. Last Friday week in Gawler youths continued their graffiti campaign to the point where the residents of a house on Redbanks Road, Gawler, were too scared to leave their house because under 18 year old youths were spraying paint on the shutters outside. They could hear it as it was going on and they were too afraid to move out of their house.

There is not enough control and our laws do not discourage under 18 year olds from engaging in this kind of behaviour. The mother of an 18 year old came to my office only last Friday, her son having just been charged with assaulting a police officer. She was terribly concerned, and rightly so, because if that charge is upheld the youth will have it recorded against his name for ever. My constituent admitted that the youth had been on the streets since the age of 14 and had had problems with the police involving drugs and theft. She said her son was particularly concerned now because he had reached the age of 18. He had not been particularly concerned before because he knew that there would be very few problems for him if he was caught, that he would basically get a slap on the wrist, which would mean nothing. However, now that he is 18 and has a particular charge against him, this could mean real and significant problems for him in the future.

This attitude is taken within the community by the under 18s who consider that they can get away with just about anything and that the courts will hand out a lenient sentence. LEAP program organisers tell me that one program that is working particularly well involves youths who are taken to camps in the outback. They improve their skills and learn survival techniques while they are away and return as very different people. This program gives them some responsibility, they undertake leadership training and, as I said, they come back with new ideas different from those with which they left.

We must be getting to the stage of saying, 'We won't accept any further vandalism.' Members on both sides of the House must put their heads together to bring about some sort of control and to discourage those people under 18, to whom I am referring, from continuing with such actions. Whether it be in the form of youth camps or some other method, I think we have reached the stage now where we must look seriously at the matter. As I said, I congratulate the Housing Trust staff in Gawler on their prompt action and their consideration of residents in the area once the problem had reached such a serious stage. We are continuing dialogue with the Housing Trust regarding its policy.

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

Mr QUIRKE (Playford): Well, the honeymoon is over.

Members interjecting:

The SPEAKER: Order!

Mr QUIRKE: Six months—it was a nice honeymoon while it lasted, but it's over now. I do not mind the interjections; I can handle them, but I think it is good to see—

Members interjecting:

The SPEAKER: Order!

Mr QUIRKE:—a little bit of life in some of the members today because there was not too much during Question Time. Walking around the building today, we have seen some very dejected faces. We did not understand that there was internecine warfare going on between the member for Unley, the member for Wright and, I understand, the member for Custance over the chairing of a very important committee. Might I add my congratulations to the member for Wright, because I understand that he has crushed the other two, as indeed we crushed the Liberal Party in Torrens on Saturday.

Mr BRINDAL: I rise on a point of order, Mr Speaker. I believe that it is incorrect to impute improper motives to another member and that the member for Playford has just done so. I ask him to withdraw.

The SPEAKER: I have sought advice. The Chair has some difficulty with the point of order, because I do not believe the comments were unparliamentary. Therefore, I cannot ask the honourable member to withdraw his comments. The Chair is aware that this is a day for very vigorous debate. Therefore, I cannot uphold the point of order.

Mr BRINDAL: I rise on a further point of order, Mr Speaker. With great deference, I did not ask that the remarks be struck because they were unparliamentary. I said that I take personal offence to any accusation that I am engaged in an internecine war with one of my colleagues. It offends me personally. I ask the honourable member to withdraw the remarks.

The SPEAKER: Order! The Chair can request the member for Playford to withdraw the comments. On this occasion, the Chair cannot make a direction to that effect, but I can request that they be withdrawn.

Mr QUIRKE: Anyone who knows of the events I was talking about would say that that is a mild version of them. I have no intention at all of withdrawing my remarks. In fact, the honourable member is lucky that I did not use much harsher words. I understand that he and others are miserable about the events of the past day or so. I am speaking here today to clarify the position among the Labor members. It is not all because of the loss on Saturday, although as I said at the beginning of my remarks the honeymoon is well and truly over. In fact, I have seen few by-elections showing a result of well over 9 per cent. I was a scrutineer in one of the booths on Saturday and had the honour of being the first one to telephone the results in. Indeed, on 11 December—

Members interjecting:

The SPEAKER: Order!

Mr QUIRKE: —primaries were some 10 per cent less than they were last Saturday. When I rang through the results the two Liberal scrutineers said to me that they thought they would be in trouble, and I suggested that that would definitely be the case. In fact, I rang through to our campaign headquarters and told them to put the champagne on ice. The answer that came back was, 'Is it a good size swing?' I said, 'It's more than that; it's a win.' I suggested that, on the following Tuesday, I would have to have a look at a pendulum, because what I see with that sort of swing is 10 more seats that are vulnerable.

The Opposition can make all the points it wishes on this issue: last week was an unmitigated disaster for the Government. If it wants to follow that Thatcherite box of spells

called the Audit Commission, so be it: we will have not only those 10 seats between Torrens and Napier but a lot more. The public is not interested in all these concoctions about black holes: what it wants is services from Government. The public understands that if you sacked every cop and teacher you would not have to collect taxes at all.

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

Mr CAUDELL (Mitchell): I use this opportunity to wish good luck to the member for Taylor, who I understand is leaving the House during the winter recess. It is my understanding—and I may be the first to announce it in this Parliament—that the member for Taylor will resign his seat prior to the August session and that he will be calling on you, Mr Speaker, to let you know that there will need to be a by-election for the seat of Taylor. I have also been advised on good authority that the Federal member for Makin has already gone to visit the Prime Minister, Mr Keating, to advise him that he will be resigning his Federal seat and contesting the seat of Taylor prior to the start of the August session. According to my sources—and they are most reliable—he has told the Prime Minister that he will be contesting the position of Leader of the Opposition. The member for Makin—

Members interjecting:

The SPEAKER: Order! There are too many interjections. The honourable member for Mitchell.

Mr CAUDELL: Thank you, Mr Speaker. I think this information that I am passing on is extremely important. It is extremely reliable information.

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart.

Mr CAUDELL: I can understand the member for Hart's being upset about this information, because he has ambitions for the position held by the member for Taylor. I also know that the member for Spence is ecstatic. He was last seen oiling his bike. We know what the member for Spence thinks about the Federal member for Makin, because he has been quoted in this House as saying that if the member for Makin had been the Premier of this State our State debt would have been worse than it was under the former member for Ross Smith.

Mr Ashenden: Would that be possible?

The SPEAKER: I call the member for Wright to order.

Mr CAUDELL: I understand that the member for Ramsay is also thinking of leaving his position and going back to sheep farming because, once the member for Makin comes back into the House, all the ambitions of the member for Ramsay are gone. One can understand why such a move is on by the member for Taylor and the Federal member for Makin. If one looks at the members of the Opposition and those who have the opportunity to become the Leader of the Opposition, we have the member for Playford who has just advised us that his honeymoon of four years is now over; that overseas trip that he took one day after being elected is now over and he his back in the House ready to start work. His honeymoon has only just finished, so he has not put any runs on the board.

The member for Price is quite happy where he is as the Opposition Whip. The member for Giles is dreaming of going on a houseboat somewhere out of Whyalla. Then we have the member for Hart, who is the closest member who could make it, but he his obviously too new, as is the member for Napier and the member for Elizabeth. Then there is the member for Torrens, who got here on the strength of a number of accusations that could be considered to be extremely dubious. We can understand why the member for Taylor—

Members interjecting:

The SPEAKER: Order!

Mr CAUDELL: —will resign during the parliamentary recess and the Federal member for Makin, who was swelled by the recent result, will resign his seat in Federal Parliament and become the new member for Taylor. The member for Makin is not dissimilar to the member for Ramsay. They are basically a pigeon pair: we have the fabricator and the guy who actually fires the shots. The member for Makin is no different in his stance and statements from the person who is well known as the fabricator. We only have to look at some of the issues that were raised in the electorate before the Torrens by-election. The public must now be wondering what is happening in politics in this country when we are ruled by such misleading statements.

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

Ms HURLEY (Napier): The people of South Australia must be wondering what is happening to politics in this country when the member for Mitchell takes up his five minutes grievance time talking such rubbish.

Mr Caudell: Nothing but fact.

The SPEAKER: Order! The member for Mitchell has had the call. The member for Napier.

Ms HURLEY: There have been some attempts over the weekend and today to dismiss the result in Torrens as a by-election hiccup. The member for Light said that we should move on to more serious issues, but I think that members of the Government must be a bit rattled by this result if they consider such tripe as something reasonable to be raised in the Parliament. Indeed, the electorate of Torrens has taken it much more seriously than is indicated by the members of the Government. I think that this is an area in which the Government went wrong, because it underestimated the intelligence of the electorate and the will of the electorate to make sure that things are put right. Basically what this Brown Government is doing is stopping the fragile economic recovery in its tracks.

Economic recovery depends on increasing the number of jobs and increasing the confidence of the people of South Australia. The only decisions the Brown Government is making, judging by the Audit Commission, will increase the level of unemployment dramatically among public servants and reduce the confidence of people in this State. The Government has been talking constantly in this House about how business confidence is rising, and it has seized upon a couple of developments that have been occurring in South Australia which I suggest are partly a result of the national recovery.

This goes back to the discredited economic theories of Thatcher and Reagan, that if business is okay and making profits then all the rest follows: the notorious trickle-down effect. I suggest that the people of Torrens have shown this Government that that theory is well and truly discredited. They are not prepared to put up with this because they know that it is a failed economic theory. Yet this Government, because it lacks the creativity or talent to implement, does not indulge in lateral thinking and try to boost this State by other means but just follows the theories which were voted out at the last Federal election and which have been voted out in both the United States and the United Kingdom.

They talk continually of bringing back this State to the way it was under the Playford Government, but what they want is a low wage State, where workers do not have the sorts of conditions that have been gradually built up over the past few decades. The electorate does not want to be treated with contempt in this way: it wants to be fully informed and consulted in respect of what has happened. The members of the Brown Government have constantly stonewalled on the Audit Commission report; they have refused to answer questions in this House, they have walked their way around them; and they have refused to put to the electorate their plans for the future. This treating of the electorate with contempt has been answered by the electorate with its contempt for the Brown Government. It has been a massive swing.

Members interjecting:

Ms HURLEY: Well, the member for Mitchell may be feeling a bit safe, because he is over the 9 per cent, but I suggest he watch the individual swings that may be on in the next election.

Members interjecting:

Ms HURLEY: Getting bigger all the time

The SPEAKER: Order! The member for Napier.

Ms HURLEY: The result in Torrens was a signal that draconian measures will not be accepted by the people of South Australia. They are not prepared to abandon the less advantaged people of this State to market forces. They are not prepared to abandon the people of this State to the Brown Government's machinations. This is before the Government has even started, mind you; it is before it has even made any decent decisions. It keeps deferring and referring and tiptoeing around decisions—

Members interjecting:

The SPEAKER: Order! The honourable member's time has expired. I have to point out to the member for Hart that he has been warned a number of times today. I do not want him to continue in this belligerent fashion, or he will be the next one to be named.

Mr ASHENDEN (Wright): The way the Opposition has been carrying on today reminds me of the behaviour of a football team in the South-East town of Lucindale. For 2½ years it went without a win and, finally, it had one, and you would have thought that it had won the grand final. I point out to members opposite that, if they think they have won a grand final, they really need to learn to count and look at the state of the House. I also make the point that many people have commented on the campaign. Despite the fact that they won, members opposite will still be some 3 per cent worse off than they were before the December 1993 election, which means that those 3 per cent still feel that the Labor Opposition is not what they want and have, in fact, turned towards the Government.

I would also like to make the point that the campaign that was run was undoubtedly a Duncan campaign. In the past, Duncan has not been backward in coming forward in taking some quotes out of Parliament to use in his pamphlets. I will give him a few quotes, and I can guarantee that I will not see them in his pamphlets. First, let us look at the campaign and see why it was a Duncan campaign. It was a Duncan campaign for three reasons: it contained lying, cheating and stealing. It contained lying in that, when I was handing out how-to-vote cards at the Dernancourt Primary School, there on the booths was the statement that the school would be closed. As you went around to all the booths, there were similar statements. It did not matter where the booth was, there was the statement that the school would be closed. So there is the lying.

The cheating came in the way in which they put forward so-called Independents. They were not Independents—they were members of the Labor Party sent in as a smokescreen in an attempt to drag the second preferences to the Labor Party. In the booth at which I was standing, they did not even try to hide it. They all talked together as though they were the greatest of mates. Where did the stealing come in? The stealing came in at 9.30 in the morning when two cars went around to all the booths, removing our signs.

Mr Lewis: Which signs were they?

Mr ASHENDEN: They were the signs that were pro-Liberal and anti-Labor. There it was: lying, cheating and stealing, so it was a Duncan campaign. When I bumped into Mr Duncan on Saturday afternoon, at a function to which we had both been formally invited, the first thing he said to me was, 'Well, I hope you've watched the campaign today, because this is what we'll be doing to you in three years.' I said, 'Thank you for that, Peter; I'll make sure I bolt my signs very firmly to the poles.' I can assure members that that sort of thing just does not scare me at all.

I am assuming that, when the new member for Torrens comes into this House, she will sit on the cross-benches, because absolutely nothing in the campaign indicated that she was a member of the Labor Party. Her posters did not have anything about the Labor Party. The posters on the booths did not say 'Vote Labor'; they said 'Put Liberal last.' So I can only assume that we have an independent member. And this is the ripper: when we were handing out the how-to-vote cards, the person handing out what we thought were the Labor how-to-vote cards said, when handing the card to one person, 'This is a vote for the Independent Labor candidate.' Even they thought that she was an Independent. So, I hope that she will sit on the cross-benches, because nobody knew that she was a member of the Labor Party or that she ran as a Labor Party candidate.

I turn now to the new Liberal members on the back benches who today were described so many times as 'oncers'. I know that each and every one of them is working his or her butt off. When I was first elected in 1979 I was told that I was going to be a oncer; then, when we lost Norwood in the by-election in 1980, just like today members opposite really got stuck in and said, 'You are a oncer.' I would like to point out to those people that, in 1982, it was with great joy that I was re-elected to this House. All I say to the new Liberal members is, 'You have only got to work hard in your electorates.' This Government is working to rectify the mess in which the previous Government left the State. When we run in 3½ years we will be in excellent shape. I have no doubt at all that those of us whom the Labor Party is presently calling oncers will be well and truly returned.

I just want to make one more comment. Had Joe Tiernan not been so unfortunately taken from us, the Labor Party would never have won Torrens back. He would have held that seat for as long as he wanted, and members opposite should never overlook that fact. So, if they think they had a great day, they didn't.

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

MEMBER'S REMARKS

Mr BRINDAL (Unley): I seek leave to make a personal explanation.

Leave granted.

Mr BRINDAL: During the Grievance Debate today the member for Playford accused me of internecine warfare with one of my colleagues. I took offence and, quite rightly, Mr Speaker, you asked him to withdraw and he declined. I point out to the House that the processes of the Liberal Party, which is in Government by 36 votes to 10, are not the business of members opposite. My feelings towards the member for Wright are entirely my own business, and I do not need the member for Playford or any other member to speak of my feelings. The member for Wright won a position today in a clear ballot, and he is quite entitled to his win. He was given my immediate congratulations upon his win. I suggest that the member for Playford would serve this House and his electorate better if he confined himself to representing his electorate and not misrepresenting me.

Mr ATKINSON: I rise on a point of order, Mr Speaker. The honourable member has been given leave to make a personal explanation and not to debate the matter.

The SPEAKER: I uphold the point of order.

PASSENGER TRANSPORT BILL

At 3.54 p.m. the following recommendations of the conference were reported to the House:

As to Amendment Nos 1, 2 and 3—That the House of Assembly do not further insist on its amendments.

As to Amendment No. 4—That the House of Assembly do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 7, page 6, lines 21 to 31, page 7, lines 1 and 2—Leave out subclauses (5) and (6) and substitute—

(5) If the Minister gives a direction under this section, the Board must cause a statement of the fact that the direction was given to be published in its next annual report.

and that the Legislative Council agree thereto.

As to Amendment No. 5—That the House of Assembly do not further insist on its amendment.

As to Amendment Nos 6 and 7—That the House of Assembly do not further insist on its amendments.

As to Amendment Nos 8 to 11—That the House of Assembly do not further insist on its amendments.

As to Amendment Nos 12 and 13—That the House of Assembly do not further insist on its amendments but makes the following amendment in lieu thereof:

Clause 21, page 15, lines 15 to 24—Leave out subclause (2).

and that the Legislative Council agree thereto.

As to Amendment No. 14—That the House of Assembly do not further insist on its amendment but makes the following amendments in lieu thereof:

Clause 22, page 17, line 10—After 'service contract' insert 'on a regular basis'.

Clause 22, page 17, after line 19—Insert—

(8) Subsection (7) is subject to the following qualifications:

(a) the 28 day period referred to in that subsection may be shortened in a particular case by agreement between the Board and the relevant authority; and

(b) the Board is not required to comply with that subsection in a case of emergency, or in any other case where the Board considers that it is reasonable to act without giving notice under that subsection, but, in such a case, the Board must provide a report on the matter to the relevant authority within a reasonable time.

and that the Legislative Council agree thereto.

As to Amendment No. 15—That the House of Assembly do not further insist on its amendments but makes the following amendments in lieu thereof:

Clause 25, page 18, lines 17 to 26—Leave out subclause (1) and substitute—

(1) The Board must establish—

(a) a Passenger Transport Industry Committee; and

(b) a Passenger Transport User Committee; and

(c) such other committees (including advisory committees or subcommittees) as the Minister may require.

Clause 25, page 18 lines 29 to 31, page 19, lines 1 to 21—Leave out subclauses (3), (4), (5) and (6) and substitute—

(3) The functions of a committee established under this section will include—

(a) in the case of the Passenger Transport Industry Committee—to provide an industry forum to assist the Board as appropriate in the performance of its functions;

(b) in the case of the Passenger Transport User Committee—to provide advice to the Board on matters of general relevance or importance to the users of passenger transport services;

(c) in the case of a committee established under subsection (1)(c)—to perform functions determined by the Minister,

and may include such other functions as the Board thinks fit.

(4) Subject to any direction of the Minister, the membership of a committee will be determined by the Board and may, but need not, consist of, or include, members of the Board.

and that the Legislative Council agree thereto.

As to Amendment Nos 16, 17 and 18—That the House of Assembly do not further insist on its amendments but makes the following amendments in lieu thereof:

Clause 39, page 33, lines 16 to 22—Leave out subparagraph (ii) and substitute—

(ii) that, until 1 March 1997, TransAdelaide should be given a reasonable opportunity to provide, or to control the provision of (for example, by subcontracting), a level of services within Metropolitan Adelaide that, when considered on the basis of passenger journeys per annum, does not fall below 50 per cent of the total number of passenger journeys undertaken within Metropolitan Adelaide on regular passenger services provided by TransAdelaide in 1993 (and for the purposes of this subparagraph a calculation of passenger journeys may be undertaken in accordance with principles prescribed by the regulations); and

Schedule 4, clause 6, page 65, after line 10—Insert—

(1a) TransAdelaide may, until 1 March 1995, continue to operate a regular passenger service without the authority of a service contract under this Act and, until that date, tenders cannot be called for a contract to operate a regular passenger service provided by the State Transport Authority immediately before the commencement of this Act (unless the State Transport Authority (before the commencement of schedule 2) or TransAdelaide (after the commencement of schedule 2) relinquishes or discontinues the service between the commencement of this Act and that date).

Schedule 4, clause 6, page 65, line 11—After "TransAdelaide may" insert ", from 1 March 1995,".

and that the Legislative Council agree thereto.

As to Amendment No. 19—That the House of Assembly do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 40, page 35, lines 6 to 8—Leave out subclause (8) and insert—

(8) If the Minister gives an approval under subsection (7), the Board must include a report on the matter in its next annual report.

and that the Legislative Council agree thereto.

As to Amendment No. 20—That the House of Assembly do not further insist on its amendment but makes the following amendments in lieu thereof:

Clause 47, page 39, line 22—Leave out paragraph (d).

Clause 47, page 39, lines 23 and 24—Leave out subclause (9).

and that the Legislative Council agree thereto.

As to Amendment No. 21—That the House of Assembly do not further insist on its amendment.

As to Amendment No. 22—That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 23—That the House of Assembly do not further insist on its amendment but makes the following amendment in lieu thereof:

Schedule 2, clause 1, page 56, lines 12 to 23—Leave out subclauses (8) and (9) and substitute—

(8) If the Minister gives a direction under this clause, TransAdelaide must cause a statement of the fact that the direction was given to be published in its next annual report.

and that the Legislative Council agree thereto.

As to Amendment No. 24—That the House of Assembly do not further insist on its amendment but makes the following amendments in lieu thereof:

Schedule 3, clause 1, page 60, line 3—Leave out "Any" and substitute "If it is proposed to sell to a private sector body any".

Schedule 3, clause 1, page 60, lines 7 to 10—Leave out all words in these lines and substitute—

"then—

(c) the Minister must, at least two months before the proposed sale, give notice of the proposal in the *Gazette*, and in a newspaper circulating generally throughout the State; and

(d) if the sale proceeds it will be taken to be subject to the condition that the private sector body grant to the Minister an option to repurchase the property in the event of a proposed sale or other disposal of the property by the private sector body (being an option that prevails over any other option that may exist in relation to the property)."

Schedule 3, page 60, after line 10—Insert new clauses as follows:

1A. An option under clause 1 must provide as follows:

(a) if the private sector body proposes to sell or otherwise dispose of the property, the body will first give the Minister at least three months notice, in writing, of its proposal;

(b) the Minister will then have that three month period to decide whether or not to exercise the option;

(c) if the Minister decides to exercise the option, the value of the property will be taken to be the market value of the property assuming that the property will be used for passenger transport purposes;

(d) if the Minister decides not to exercise the option, the body may proceed to sell or otherwise dispose of the property on the open market,

(and an option may include such other matters as the parties think fit).

1B. However, clause 1 does not apply if the Minister has, by notice in the *Gazette*, declared that, in the Minister's opinion, the property is no longer reasonably required for passenger transport purposes (whether within the public sector or the private sector).

Schedule 3, clause 2, page 60, line 15—Leave out "works and facilities used, associated or connected with" and substitute "similar forms of works and facilities that are essential and integral to".

Schedule 3, clause 2, page 60, lines 18 and 19—Leave out "works and facilities used, associated or connected with" and substitute "similar forms of works and facilities that are essential and integral to".

Schedule 3, clause 2, page 60, lines 22 and 23—Leave out "works and facilities used, associated or connected with" and substitute "similar forms of works and facilities that are essential and integral to".

Schedule 3, clause 2, page 60, line 24—Leave out paragraph *(e)* and substitute—

(e) the *Operations Control Centre* situated on the northern side of North Terrace, Adelaide.

and that the Legislative Council agree thereto.

As to Amendment Nos. 25 and 26—That the Legislative Council do not further insist on its disagreement thereto.

Consideration in Committee of the recommendations of the conference.

The Hon. J.W. OLSEN: I move:

That the recommendations of the conference be agreed to.

The conference of managers of both Houses met on a number of occasions to deliberate on the respective amendments from the Legislative Council and the House of Assembly, and a compromise has been reached between the managers of the Houses as reported to the Chamber in the list of amendments circulated. I will comment on two or three of the recommendations. It has been agreed that the board shall constitute some five persons in lieu of three, which was the preferred position of the House of Assembly. Greater flexibility has been agreed to by the conference of managers in relation to notice of changes required by the board and the Minister, so that there is a degree of flexibility in the management of transport in the metropolitan area. It has been agreed that there be a passenger transport industry committee and a passenger transport user committee, and such other committees (including advisory committees) as the Minister may require from time to time.

In addition to that, one of the key issues of debate was the extent to which the opening up for competition of transport routes ought to be incorporated in the legislation, which was subject to different points of view from both Houses. It has been agreed that over two years, from 1 March 1995 to 1 March 1997, there should be a reasonable opportunity for metropolitan Adelaide passenger journeys not to fall below 50 per cent; that is, up to 50 per cent of those transport routes can be opened up to competition. After 1 March 1997 the matter is determined by the Minister in terms of policy direction for the future. The 1 March 1995 date was determined simply because it was considered that a period would be required for the appropriate arrangements to be put in place for the opening up of competition.

That means that any new routes and any routes that TransAdelaide no longer wishes to operate can be opened up to competition, but it cannot go further than that. Previously I have referred to a number of other aspects, in terms of greater flexibility by the Minister, in reference to the alteration of routes and the 28 day notice that was required in that regard, and also in relation to disposal of any assets, a requirement of notice in the *Gazette* of any such disposal; in addition to that, the position of notice of gazettal if any property is sold and the purchaser wishes then to resell, the first option of repurchase must be given to the Minister and the Government. That option is there for the Minister and the Government to pick up, if that is their wish.

They are in general terms the major changes and amendments agreed to at the conference of managers. It is a position that has been reached as a result of a series of meetings, and I ask the House to accept the recommendations of the conference and that they be agreed to.

Mr ATKINSON: It is a good thing for people to dwell in unity. The Opposition supports the compromise.

Motion carried.

STATUTES AMENDMENT (WATERWORKS AND SEWERAGE) BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 1007.)

Mr FOLEY (Hart): I do not intend to speak for very long on this. The Opposition is supportive of this Bill, which simply corrects a possible loophole that exists in the current legislation. The Government has to act swiftly to plug that

hole, and we in the Opposition concur in that. It is simply a Bill that allows the Government to recoup the cost of the provision of water and sewerage to development sites. It is an eminently appropriate situation that the Government should be able to recoup the full costs of that and, as I understand it, this Bill simply tightens up a loophole which perhaps exists and which could mean that a developer would be able to challenge the validity of the Government's charging it for these services. The Opposition supports the Bill.

Mr LEWIS (Ridley): I support the Bill. Quite simply, it places the burden of responsibility for the extension of infrastructure (that is, mains of one kind or another) necessary for waterworks and sewerage to a subdivision fairly and squarely on the shoulders of the applicant. At present there is a very unfair situation in which the land-holders adjacent to any land that may be on the way, as it were, to the proposed site of a subdivision have to meet the cost apportioned to them for the capital works involved in the extension. To my mind, that is wrong. In fact, I have a couple of land-holders in the Meningie area who will be paying the lion's share under the present law for the extension of the water main, whereas the person subdividing is not paying anything like a significant part of the total cost.

I have no grouch with the person subdividing: it is an appropriate land use in the opinion of the district plan and subdivision should be permissible. However, it should not be at the expense of other citizens who will find themselves in the predicament of having to sell their land even though they have not changed the way in which they use it at all. They simply cannot afford to meet the enormous cost that will otherwise be levied upon them. Indeed, they have already been billed and I have told them not to pay. It is not fair that they should have to sell up their asset just to enable someone else to subdivide and have water extended to the subdivision area for the sake of making a profit. I do not mind if that person makes the profit; that is not the point at issue. Quite simply, the point at issue is that the Minister will have the power, as of 1 July 1987, provided for in this Bill, to collect the entire cost of the extensions from the person who applies for the extensions to be made to the existing infrastructure. That is the gist of it. That applies to both water and sewerage, and that is fair enough.

It should not ever be a law in circumstances where the costs will be borne unfairly by someone else. It may be that the people holding that land, not wishing to contribute to the cost of the extensions for the benefit of the other party who has applied to have the extensions made, when ultimately they sell it or their beneficiaries sell it, is levied a charge at that time. I do not quite understand whether or not that is likely.

The other aspect of this legislation that I like is that there is an opportunity for the applicant to have the work done under supervision by a contractor other than the Government agency involved, whatever that may be from time to time. It ensures that the Government agency does not have a monopoly on the work that is to be undertaken; nor should it.

I have another matter that I wish to draw to the attention of the House: if we continue to allow extensions of water services, we will very quickly find ourselves in queer street in South Australia. During the past 12 months I have come to understand that irrigation diversions made in the upper reaches of the tributaries of the Darling River, and in the Darling River itself as far down stream as the Menindee Lakes, are taking up and using all the sleeping licences. For instance, if we look at the consumptive uses of water from the Menindee Lakes, which have an annual volumetric allocation to which entitlement applies, we find that there is a town water supply of 10.21 gigalitres; irrigation excluding Lake Tandou, 28.9 gigalitres; irrigation for the Lake Tandou site, 10 gigalitres; and the Anna-branch replenishment, up to 50 gigalitres. That includes entitlement for Tandou Ltd to divert 4.51 gigalitres for the two licences that have just been issued to it for areas adjacent to the Darling River.

When storage levels are greater than 480 gigalitres, water may be diverted to supply us in South Australia. That is our entitlement of 1 850 gigalitres a year. The amount that is to be diverted from the Menindee Lakes varies upon the conditions and the supply from the Murray River. When the Murray is in flood there is not much demand from the Darling for South Australia. Our average water supply is about 720 gigalitres a year. That is not all for consumptive use, because evaporative losses from the lakes, and the river itself, take by far the greatest amount of water on an annual basis. We need to recognise that, when the lakes are full, from that free-water surface we will lose, in an average year, about 750-odd gigalitres. The Menindee/Cawndilla Lakes, on being emptied, require less than half that; in fact, they require 330 gigalitres a year.

To cut a long story short, we now face a crisis, because the irrigation diversion licences that were there were not used. They are now being bought up by course grain producers and, more particularly, cotton farmers, and are being used. That means that the water supply from that part of the Murray-Darling Basin will not be available to South Australia. If the dry conditions that we are experiencing at present persist across western New South Wales and the better part of the rest of the Murray Basin and the tributaries to the Darling River, we will find that we will be in great trouble next year. We are already down on storages in the catchments and will not be able to source the water necessary to supply South Australia.

Therefore, if we continue to allow extensions of existing consumption in South Australia without getting a strategy in hand to ensure that we can supply the needs of those consumers in a drought year, we will be very much in queer street to a far worse degree than was the case in 1982 and to an even far worse degree than was the case in Melbourne in 1982. We did not have to have compulsory rationing in the last drought, but I do not see us being able to get away without compulsory rationing during the next drought unless we are able to find alternative sources of water very quickly.

Alternatively, of course, we could simply price water available to South Australian consumers such that the demand for it will just equal the supply. That will have serious implications for people who live here, because it will affect their lifestyle. It will have even more serious implications for their jobs, because it will affect the water available to do a number of things in the circumstances in which people work. If the businesses that are needing large quantities of water have to pay substantially more for that water in South Australia than elsewhere, they will have to consider, and indeed will seriously consider, shifting the base of their operations out of South Australia.

In my judgment there are two ways of addressing this problem: the one that has been spoken about at length already is to encourage recharge of the local Adelaide aquifer from wetlands artificially created in the area immediately adjacent to or part of the metropolitan area of Adelaide and allow the

water to find its way from our streets and so on to those wetlands in which initial sedimentation takes away the vast majority of any heavy metals and other nasties that might be in it and then, after some opportunity for nutrient stripping by both plants and animals living in the wetlands, to channel it away into runaway holes or pump it forcefully into the aquafer until it is needed. That will not solve all the problems.

The other strategy we might need to adopt is to encourage irrigators away from the river into the Mallee, where very high quality water is available in abundance. The estimated annual recharge rate of the Murray Basin underlying the Mallee is 45 megalitres a year. By relocating the irrigation industries that use not a majority but a significant quantity of water from the Murray itself, we will be able to make available the necessary water from the Murray to continue supplying the needs in Adelaide and the metropolitan area as well as those outlying parts of the State as far away as Woomera.

Few members would realise that Yorke Peninsula, the Mid North, the Upper North, the towns north of Spencer Gulf (Whyalla, Port Augusta and Port Pirie) and, on a spur line, the town of Woomera—and not only the river towns which presently do not have filtered water—are supplied by the Murray. Towns along the Dukes Highway from Tailem Bend to Keith also rely on Murray water pumped from Tailem Bend. Whilst not strictly a part of this legislation, nonetheless there are some remaining anomalies which could have been addressed by this legislation and which will need to be otherwise addressed any way as a matter of policy in fairly short order. The most significant of those policies is to provide a filtered water service to the towns in the Murray Valley right next to the river.

We have spent money from taxpayers' revenue sources for capital works providing filtered water to everybody who does not live on or immediately adjacent to the river itself. That includes all water used in the steelworks at Whyalla as well as water used for watering stock throughout a large part of the Yorke Peninsula, the Mid and Upper North and, in some part, the Lower North. Our water resource is so filtered, regardless of whether it is used in domestic or manufacturing circumstances or otherwise—on parks and gardens—and that is crazy, because it is a high cost to filter it and it is of no benefit to have filtered water supplied to parks and gardens. We would be much better off reducing the cost of wasting filtered water on parks and gardens and supplying the needs of parks and gardens principally and immediately from some of the more readily accessible surface aquifer sources underlying the metropolitan area now. That is done in some places but it could be done in many more places and leave a lot more water available.

I am saying that, as a matter of fairness, honesty and public policy, the people whom I and the member for Chaffey represent are entitled to have provided to them in their towns as a matter of urgency a supply of filtered water which they have been denied up to now and which, whilst it was on the public works program, was removed from that program by the Labor Party when it was in office. I think it was a despicable act for a Government in its dying days to borrow money the way it did from SAFA to supply Government agencies in a $350 million slush fund and still ignore its social justice obligations to the people who lived along the river. To my mind that was the height of hypocrisy and injustice.

I turn again to those matters to which I referred earlier wherein I was attempting to draw attention to the shortages in supply of water coming from the Murray-Darling from now on. I do that because I believe that the Minister and the Premier should take up with the Premiers of Queensland and New South Wales the irresponsible way in which they have allowed their regional officers or offices, or both, to allocate that irrigation water without concern or regard for the consequences of downstream users, that is, us. That is in two contexts. It is particularly a problem in New South Wales. The Minister is quite right in that regard. What I have discovered and what disturbs me immensely, especially in a year as dry as this, is that their drawings will be greater in consequence of not having any rain and will leave us less than we have ever had before from those sources.

The two concerns I have about that shortage is that it will be neither sufficient in quantity nor acceptable in quality. They simply do not care. People in positions of responsibility to whom I have spoken, and the people from the Murray-Darling Basin Association who were recently involved, from South Australian regions of the association, in a tour through the Darling and its tributaries, discovered not just the indifference there is to downstream users but more particularly the contempt. They have no regard or concern for us whatsoever, yet we are part of the Federation. International courts have ruled in favour of downstream users and States.

I refer to the case in Mexico at present where the United States is not permitted to continue simply using all the available water in the rivers which end up supplying domestic, irrigation and such other needs as may be dependent on that river wherever it may be. The Rio Grande cannot be starved of water by the States in the United States. They have been told that quite plainly. We find ourselves in the same predicament but we do not have recourse to international law. We have to sort that out within the Federation. It would not matter whether we had a Federation of States or not: the fact remains that downstream users do have rights, and the international statement of those rights should enable us, within this one nation that we hear so much about, to be given our rights. I urge the Minister to pursue that matter not only because of what it means for the people whom I represent but also because of the implications for further extending the existing consumption facilities and the infrastructure that makes that possible here in our State, as this Bill allows.

The Hon. J.W. OLSEN (Minister for Infrastructure): In response to the contributions in the second reading stage, I make one or two brief remarks. The member for Ridley refers, first, to constituents having difficulty picking up the cost of development infrastructure. I understand his concern about fairness and equity in that matter. As the member for Ridley would know, whilst this Bill does not specifically address the question that I and my officers through the Engineering and Water Supply Department are looking at closely as it relates to the specific case that the honourable member has referred to me, it has been the subject of discussion between the Chief Executive officer and me on one occasion. Further information is being sought and will be subject to further discussion to see whether we can resolve the matter for the honourable member's constituents.

The member for Ridley is quite right. There is a finite resource in relation to water availability in South Australia. There are intense pressures being applied to that finite resource. For example, in opening up export market potential for our wine industry, the plantings and projected plantings of 3 100 hectares of vineyards between now and 30 June 1996 require, as part of the infrastructure and support

facilities, water availability, as do a range of other communities that are seeking from the Engineering and Water Supply Department access to water in either greater quantities or simply access to water for those who hitherto did not have such access. The difficulty we have is managing a resource fairly and ensuring we protect that resource base for South Australia. The River Murray is our lifeline. It is a resource, as the honourable member quite rightly points out, and it has to be protected.

We have many competing interests. The question is: how do we balance those competing interests to get economic development, the creation of jobs, the re-establishment of a good, positive economic path for South Australia whilst at the same time protecting in the long term that finite resource, the River Murray? That will require a whole range of programs, not the least of which will be some capital works programs and infrastructure programs upstream to ensure that we make maximum use of the resource. As the honourable member has intimated to me on a number of occasions, we could be maximising the water we take out of the River Murray in a number of ways, one of which accords with the honourable member's view, namely, that irrigators could get dual incomes by, for example, that river water going into a fish farming operation and then into the irrigation of the broader acres on that farmland.

That is an eminently suitable policy direction, but one that will require, first, an example being established and, from that example, an education program and encouragement for those who currently have irrigation licences to take this course, so that they will then have a dual income from their farming operations. It is not something concerning which you can say that as of tomorrow this will happen, but rather a matter of example, education, encouragement and facilitation into the industry, which will take time. It is a policy direction.

The honourable member has been putting that matter in this House, and certainly to me, ever since he became a member of Parliament, and his perseverance and resilience in that policy direction I have no doubt in due course will bear fruit. The Government and the Engineering and Water Supply Department are doing a considerable amount of work on the matter of recharging the aquifers. The multifunction polis, of course, has a program of looking at the 50 million megalitres of water that we discharge through the Bolivar sewage treatment plant into St Vincent Gulf, which not only impacts on our fish breeding grounds and die-back of seagrass which, in turn, impacts on our export markets but, through research and development and technology improvements, that water could be recycled through the pipeline to the Northern Adelaide Plains to establish horticulture, viticulture, floriculture and other industries with export market potential.

It is an expensive exercise but one that the former Government initiated through the multifunction polis, which we are pursuing because it is an important project for the future. Out of that technology that has developed we would be able to project manage it on a range of different scales into the Asia Pacific regions. We can think of the possibilities in Bangkok and a number of other countries through South-East Asia involving the recycling of water and picking up stormwater discharge.

If we look at the project being run by the District Council of Munno Para now with great results, we see that it is an outstanding scheme in environmental management of stormwater which ensures that the water that eventually goes into the waterways is clean pure water. It is that sort of project that the Government is intent on pursuing to ensure that our standing internationally on water quality and management, which we have established through the Engineering and Water Supply Department, will be enhanced and advanced by research in these other areas. In other words, South Australia can be a world leader. It is at the cutting edge and forefront and has been for many years, because of necessity and our reliance on the River Murray. We can advance that in the future and it is the Government's intention to do so.

The other point the honourable member raised related to the water allocation through the Murray-Darling Basin Commission. As he rightly points out, the New South Wales Government over a considerable period issued water licences exceeding the availability of water. The simple fact is that those licences are in existence and have been allocated to irrigators in New South Wales. Thankfully, not all have drawn down their water allocation, but should they do so they would find that there is not sufficient water to meet the allocation of licences given. It means that the New South Wales Government has to address that question. It is a politically difficult question, I acknowledge, but the simple fact is that they created the circumstances and they need to be addressed in due course.

Mr Foley: After the next election.

The Hon. J.W. OLSEN: I doubt that they will do it before the next election. I assure the member for Ridley that, as far as the Murray-Darling Basin Commission is concerned, the subject is raised on every occasion. I raised it at the recent MDBC meeting as we did also at the ARMCANZ meeting in Hobart two or three weeks ago. The question will be pursued.

The Queensland Government wanted to put a series of dams and reservoirs on a range of tributaries and other waterways leading into the Murray-Darling Basin. They had a proposal to put in place, but the Murray-Darling Basin Commission has argued strenuously that Queensland ought not to be entitled to construct those dams and reservoirs because it could simply compound the problem downstream and South Australia is at the end of the line of actions of Governments interstate.

The discussions of the Murray-Darling Basin Commission were such that it gives me some hope that at last there is recognition that this lifeline throughout Australia—our waterways—needs protection. I am pleased that the Premier took up the matter with the Prime Minister at the COAG meeting in Hobart on, I think, 25 February this year and secured the Prime Minister's agreement on the need for a policy to protect the waterways of Australia from not only an environmental and conservation viewpoint but, importantly, from an economic viewpoint as being absolutely essential, and the Prime Minister and the Federal Government will take this on board as a key initiative.

I hope to see the action match the rhetoric. Certainly, the Federal Government has now belatedly committed funds to support the German Government, which gave a commitment of some $5 million all up, I think, as the pool of funds for the purpose of undertaking further research and development into the containment of blue/green algae. The next step is management and then, hopefully, one day elimination. That would depend on flows, and that is why the question of Lake Victoria and the level at which we can keep water in that lake is critical to this whole question.

I hope the honourable member can see that the Government recognises a range of points he has raised and

will be vigorously pursuing solutions and putting in place policies that will bring about long-term security and guarantee to the finite resource of water in South Australia.

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

JURIES (JURORS IN REMOTE AREAS) AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

PETROLEUM (SUBMERGED LANDS) (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council with amendments.

SOUTH AUSTRALIAN PORTS CORPORATION BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 23, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council but which is deemed necessary to the Bill. Read a first time.

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.

As a key element of its transport policy commitments, the Government has announced it will establish a ports corporation to operate South Australia's public commercial ports as a business enterprise and to facilitate the development of commercially viable trade through its ports. This is a critical step in improving access to international markets for South Australian importers and exporters.

The Bill seeks to establish a South Australian Ports Corporation and to provide a clear separation of responsibility for the management of South Australia's public commercial ports from the responsibilities for maritime regulation and also the provision of various other community service obligations (CSOs). These CSOs include responsibility for the *"Island Seaway"* ferry service to Kangaroo Island, services to the fishing industry and recreational boating, recreational jetties and West Lakes waterways which are presently the responsibility of the Marine and Harbors Agency of the Department of Transport.

The Department of Transport will continue to undertake the present maritime regulatory functions and community service obligations (CSOs) of the Marine and Harbors Agency.

The draft Bill has been widely canvassed with importers and exporters, peak industry bodies, port users, other port service providers and unions. Their constructive comments were appreciated. It is particularly pleasing to note that the consultative process has not discovered any major concerns and the general support shown is indicative of the need for further port authority reforms as proposed in the Bill.

The Bill will establish the Ports Corporation and its Board, set out the Corporation's principal functions and responsibilities and provide appropriate powers relating to the management of the corporation. The Bill contains only the core elements necessary to establish the Corporation and its Board as the Corporation is to comply with all provisions of the *Public Corporations Act 1993* (with two minor exceptions relating to Council rate equivalents and stamp duty).

The Bill also mirrors sections in the *Harbors and Navigation Act 1993* such as clearance of wrecks, restrictions on the use of waters within Corporation ports and control of vessels in ports which are directly relevant to the Corporation's operational activities and which should lie with the Corporation rather than the Minister in respect to Corporation ports.

The main function of the Corporation is to operate the State's public ports on a sound commercial basis as a business enterprise. However this does not mean the Corporation is only to take a narrow financial view of the role of ports in the State's economic development. The Corporation will also be required to take an active role in the marketing and development of South Australian ports and port services, including the facilitation of trade, and shipping and other port-related transport services for the economic benefit of the State, provided these activities are consistent with the operation of the Corporation as a viable business enterprise.

Where the Government considers that broader economic and other trade-related policy initiatives should be pursued through the Corporation's activities but which are not of direct financial benefit to the Corporation, then these activities can be undertaken by the Corporation where external Government funding is provided.

Apart from the Corporation's active marketing and development role, the Bill is otherwise consistent with many of the reforms proposed by the Hilmer report on National Competition Policy and various recent national port inquiries, including the recent Industry Commission report on Port Authority Services and Activities.

The Bill provides for flexibility in operational and commercial matters but retains overall strategic control with the Minister. It does not provide for full exposure to the same incentives, rules and regulatory environment as private sector corporations. This approach does not preclude full corporatisation as a public company at a later stage, such as is now being considered for some port authorities interstate and overseas.

In particular, the Bill provides exemption from the provisions of the *Government Management and Employment Act 1985* and the *State Supply Act 1985*. The Government is also reviewing the basic management principles that are to apply to all Government enterprises, agencies and statutory authorities. South Australia is now the only State where its public ports still operate under a Departmental structure.

Autonomy in the day-to-day operational and commercial management of the State's commercial ports will be essential to exploit the benefits of greater exposure to commercial disciplines and the expertise of a commercial board. It will also clearly separate responsibility for the day-to-day commercial and operational activities of the Corporation from the Minister who presently has these responsibilities as a body corporate under the present legislation.

The Government will retain strategic control over the Corporation through the *Public Corporations Act 1993*, the *Public Finance and Audit Act 1987* and through the Ministerial control and direction of the Corporation, and in particular controls on fixed scale charges, disposal of land and appointment of Board members as proposed by the Bill.

Only one corporation and board is to be responsible for the State's commercial public ports. This arrangement will exploit economies of scale in use of resources and ensure consistent commercial arrangements with the many customers who use more than one port.

To ensure a balanced commercially oriented board, it is crucial the five members recommended by the Minister for appointment by the Governor be drawn from people with skills and expertise appropriate to the Corporation's activities.

The Corporation will be able to develop work force and workplace arrangements appropriate to the ports and waterfront industries without being tied to public sector conditions and practices. The Bill enables the Corporation to establish its own employment terms and conditions for new employees. The Bill also provides for the transfer of staff from the Department of Transport to the Corporation if that is appropriate. Any such transfer would be without loss of accrued rights in respect of employment. The Corporation will also be able to utilise public sector employees on mutually agreed terms with the responsible Minister if required, for example on a hire or secondment basis.

The Corporation will be able to negotiate variations in prices and charges for its services directly with its customers and will allow the corporation to respond immediately to commercial initiatives. This is of particular importance as immediate responses to commercial proposals are essential and in addition, negotiations relating to the marketing and development of shipping and port services are increasingly occurring interstate and overseas. The Minister will however retain control of the overall levels of prices and charges through publication of a scale of basic charges.

The Bill does not specify the assets and indeed the ports for which the Corporation is to be responsible; it only establishes a mechanism for the vesting of appropriate assets, including land, in the Corporation.

A Task Force, chaired by John Pendrigh AM is (amongst other things) presently reviewing Marine and Harbors assets and will make recommendations to Government on the disposition of Marine and Harbors assets and other resources between the Corporation and the Department of Transport. Only land and assets directly associated with the operation of commercial ports, such as the channels, certain navigation aids, berths and wharves presently used for commercial activities and certain cargo handling facilities such as the bulk loading plants (unless otherwise sold) are to be vested in the Corporation.

The *Harbors and Navigation Act 1993*, which has been assented to but not yet proclaimed, is to be the State's marine safety legislation covering all South Australian harbors and navigable waters, including Corporation ports. This Act will be administered by the Department of Transport on behalf of the Minister. The *Harbors and Navigation Act 1993*, as amended by a Bill which I am about to introduce, will be proclaimed at the same time as this Act and will repeal the existing *Harbors Act*, *Marine Act* and *Boating Act*.

In summary, the Bill will provide a framework for the South Australian Ports Corporation that provides for operational and commercial autonomy in its day-to-day activities but retains strategic control with the Government. It will establish a corporation with a clear commercial focus and culture, which will lead to more cost-effective use of port assets and further improvements in service delivery and reliability of South Australian ports.

I commend this Bill to the House.

Explanation of Clauses

The clauses of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the Act to come into operation by proclamation.

Clause 3: Object

This clause sets out the object of the Act, which is to set up a statutory corporation with the principal responsibilities of managing the ports vested in the corporation as a business enterprise and promoting the development of commercially viable trade through the use of those ports.

Clause 4: Interpretation

This clause provides some necessary definitions. The definitions of "owner" and "vessel" are compatible with the definitions in the *Harbors and Navigation Act*.

Clause 5: Establishment of the Corporation

This clause establishes the South Australian Ports Corporation.

Clause 6: Application of Public Corporations Act

This clause provides that all the provisions of the *Public Corporations Act* apply to the Corporation.

Clause 7: Non-application of GME Act and State Supply Act

This clause provides that certain Acts do not apply to the Corporation, namely, the *Government Management and Employment Act* and the *State Supply Act*.

Clause 8: Ministerial Control

This clause merely reiterates part of section 6 of the *Public Corporations Act* which provides that the Corporation is subject to control and direction by the Minister.

Clause 9: Functions of the Corporation

This clause sets out the functions of the Corporation. The primary function of the Corporation is to manage the Corporation's ports and other facilities on a sound commercial basis as a business enterprise. In doing so, the Corporation must endeavour to ensure that the best possible service is provided to port users. The Corporation must also encourage outside investment (whether private or public sector) in the provision of port services and facilities and endeavour to undertake any other activity that will facilitate the development of trade or commerce through the use of the Corporation's ports. Subclause (2) recognises that the Corporation may have other functions assigned to it by Act of Parliament.

Clause 10: Powers of the Corporation

This clause provides that the Corporation has all the powers of a natural person. It emphasises that the Corporation may provide consultancy services to any person (including the Government). Subclauses (3) and (4) require the Corporation to obtain Ministerial approval for disposing of any of its land, except where it leases out land for a term of less than 21 years.

Clause 11: Power to acquire land compulsorily

This clause empowers the Corporation to acquire land in accordance with the *Land Acquisition Act*.

Clause 12: Common seal and execution of documents

This clause makes provision for the execution of documents by or on behalf of the Corporation. A single person may execute documents on behalf of the Corporation if the Corporation so authorises.

Clause 13: Establishment of the board

This clause establishes a board of directors as the governing body of the Corporation. The board will be appointed by the Governor on the nomination of the Minister and will have a maximum of five members. The Governor will appoint one director as the chair and may appoint another director as the deputy chair.

Clause 14: Conditions of membership

This clause sets out the usual conditions of membership. Three years is the maximum term of appointment, but a director can be re-appointed. The Governor may remove a director from office for misconduct, failure or incapacity to carry out official duties satisfactorily or if the Governor believes that the Board should be reconstituted because of irregularities or failure on the part of the Board.

Clause 15: Vacancies or defects in appointment of directors

This clause is the usual provision validating acts of the Board despite there being a vacancy in membership or a defective appointment of a director.

Clause 16: Remuneration

This clause entitles a director to be paid (from the Corporation's funds) remuneration, allowances and expenses as fixed by the Governor.

Clause 17: Proceedings of the board

This clause makes provision for the Board's procedures. The director chairing a meeting has a deliberative vote and a casting vote. Provision is made for telephone or other electronic meetings, and for resolutions to be made by fax or other documentary means. Apart from these provisions, the Board will determine its own procedures.

Clause 18: Staff of the Corporation

This clause gives the Corporation the power to appoint its own staff, on terms and conditions fixed by the Corporation. The Minister and the Corporation may arrange for the compulsory transfer of Department of Transport employees to the employment of the Corporation. Such a transfer will be effected without any reduction in the employee's salary and does not affect any other existing or accruing employment rights.

Clause 19: Appointment of authorised persons

This clause grants the Corporation the power to appoint authorised persons for the purposes of the enforcement provisions of the Act. The Corporation may appoint its own employees, or authorised persons under the *Harbors and Navigation Act* or any other suitable person to this office. Appointments may be subject to conditions. Police officers are automatically authorised persons (see the definition of "authorised person").

Clause 20: Production of identity card

This clause requires an authorised person to produce on request his or her identity card (or warrant card in the case of the police).

Clause 21: Powers of an authorised person

This clause sets out the powers of an authorised person. These powers are virtually the same as those exercisable by an authorised person under the *Harbors and Navigation Act*, except, of course, that they are only exercisable in relation to this Act, and the power to board a vessel is restricted to vessels that are within a Corporation port. Immunity from self-incrimination is given to persons required to answer questions or produce documents.

Clause 22: Vesting of land in the Corporation

This clause empowers the Governor to vest in the Corporation any harbor, or part of a harbor, or any other land that belongs to the Minister under the *Harbors and Navigation Act*. Any navigational aid (whether within or outside a harbor) may be vested in the Corporation. Any land or facilities so vested in the Corporation will constitute a Corporation port under a name to be assigned by the proclamation. Other matters of a transitional nature may also be dealt with in the same or a subsequent proclamation. The Governor also has power to resume any land dedicated for public purposes and vest such land in the Corporation. The vesting of any real or personal property in the Corporation under this clause is exempt from stamp duty.

Clause 23: Liability for council rates

This clause sets out the Corporation's liability to pay council rates. The Corporation's land will not be rateable, except to the extent that some other person (other than the Crown) is the occupier of the land. The Corporation will not have to pay to the Treasurer (under the Public Corporations Act) amounts equivalent to council rates on land that is not being used by the Corporation or that is being used predominantly for administrative purposes.

Clause 24: Liability for damage
This clause provides the same liability to the Corporation for owners of vessels that damage Corporation property as is provided in the *Harbors and Navigation Act* in relation to Crown property.

Clause 25: Establishment and maintenance of navigational aids
This clause empowers the Corporation to establish navigational aids. The Corporation is under an obligation to maintain all its navigational aids in good working order. The Corporation is given the same power as the Minister under the *Harbors and Navigation Act* to direct certain port users to establish, maintain and operate a specified navigational aid. It is an offence for such a person to fail to do so.

Clause 26: Interference with navigational aids
This clause makes it an offence to interfere with any of the Corporation's navigational aids. The Corporation has the power to direct the person in charge of a device that emits a light or signal that might be confused with one of the Corporation's navigational aids to take steps to prevent the confusion. It is an offence for the person to fail to do so, and the Corporation may in that case carry out the remedial work itself and recover the cost from the person in default. This provision is the same as the provision in the *Harbors and Navigation Act* dealing with the same subject.

Clause 27: Clearance of wrecks, etc.
This clause gives the Corporation the same powers in relation to the clearance of wrecks from its ports or the removal of other obstructing or polluting matter as the Minister has under the *Harbors and Navigation Act*.

Clause 28: Licences for aquatic activities
This clause gives the power to license aquatic activities within Corporation ports to the Corporation. The Minister's powers to license such activities will therefore not extend to Corporation ports. Licences for aquatic activities grant exclusive rights to use certain waters to the holder of the licence and it is an offence for a person to enter those waters during the relevant times with the consent of the licensee or the Corporation.

Clause 29: Restricted areas
This clause enables the Governor to make regulations regulating or prohibiting the entry of vessels, water skiers, etc., into specified areas of the waters within a Corporation port. The Corporation has the obligation to inform the public of any such prohibition or restriction. Again, this provision is similar to the one in the *Harbors and Navigation Act* dealing with restricted areas.

Clause 30: Port charges
This clause provides that the charges for the use of the Corporation's ports and other services and facilities will be fixed either on an individually negotiated basis (e.g., contracts are likely to be entered into with the major port users) or in accordance with a scale approved by the Minister and published in the *Gazette*. If charges are fixed in accordance with such a scale, then provision is made in subclause (2) for the imposition of default charges, waiver or reduction of charges, recovery of charges, etc. These latter provisions are identical to the fee recovery provisions in the *Harbors and Navigation Act*.

Clause 31: Conduct of vessels in ports
This clause requires any person in charge of a vessel in a Corporation port to comply with the directions of an authorised person relating to the mooring, manoeuvring and unloading of vessels. The authorised person may board a vessel for those purposes if there does not appear to be a person on board to whom directions can be given. The cost of doing so is recoverable by the Corporation from the owner of the vessel.

Clause 32: Offences by authorised persons
This clause makes it an offence for an authorised person to hinder, obstruct, abuse or use force against another person.

Clause 33: Evidentiary provision
This clause provides certain evidentiary aids for the purposes of legal proceedings. These are self-explanatory.

Clause 34: Time limit for prosecutions
This clause enables prosecutions for offences against the Act to be brought within 12 months (instead of the usual six months) of the alleged commission of the offence.

Clause 35: Immunity from liability
This clause gives the same immunity from civil liability to the Crown, the Corporation and its directors and employees as the Minister has under the *Harbors and Navigation Act* in respect of the issuing of licences or authorities or the establishment, positioning or operation of navigational aids. The usual immunity is given to an authorised person with respect to the exercise, or purported exercise, of powers under the Act. This liability devolves on the Corporation.

Clause 36: Regulations
This clause is the regulation-making power.

Mr ATKINSON secured the adjournment of the debate.

HARBORS AND NAVIGATION (PORTS CORPORATION AND MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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 *Harbors and Navigation (Ports Corporation and Miscellaneous) Amendment Bill 1994* complements the *South Australian Ports Corporation Bill*. It continues the provision of a uniform marine safety environment throughout the State but transfers specific responsibilities which relate to port operations such as control of navigation aids, licences for aquatic activities and restricted areas within Corporation ports, to the Ports Corporation for its ports. It also includes a number of minor amendments unrelated to the establishment of the Ports Corporation which are to improve maritime regulation in South Australia. These latter amendments arose from the drafting of Regulations for the *Harbors and Navigation Act 1993*.

The Bill also provides for the appointment of Corporation employees as "authorised persons" under the *Harbors and Navigation Act 1993*. This will allow Corporation employees to administer this Act (on an agreed basis with the Minister) where duplication of resources is inefficient such as in the regional ports.

This Bill was submitted to the consultation process in conjunction with the *South Australian Ports Corporation Bill* and has received general support.

I commend this Bill to the House.

Explanation of Clauses

PART 1
PRELIMINARY

Clause 1: Short title
This clause is formal.

PART 2
AMENDMENTS CONSEQUENTIAL ON THE ESTABLISHMENT OF THE SOUTH AUSTRALIAN PORTS CORPORATION

Clause 2: Amendment of s. 4—Interpretation
This clause inserts two new definitions in the Act, one dealing with references to the South Australian Ports Corporation, the other with references to the Corporation's ports.

Clause 3: Amendment of s. 12—Appointment of authorised persons
This clause empowers the CEO to appoint an authorised person under the *South Australian Ports Corporation Act* to be an authorised person for the purposes of the *Harbors and Navigation Act*. Such an appointment can only be made with the concurrence of the Corporation.

Clause 4: Amendment of s. 15—Property of Crown
This clause makes it clear that property subsequently vested in the Corporation no longer falls within the Minister's jurisdiction under the *Harbors and Navigation Act*.

Clause 5: Amendment of s. 21—Liability for damage
This clause excludes Corporation property from the provision that deals with liability for damage to harbors and related property.

Clause 6: Amendment of s. 22—Control of navigational aids
This clause excludes the navigational aids vested in the Corporation from the control of the Minister.

Clause 7: Amendment of s. 26—Licences for aquatic activities
This clause makes it clear that licences for aquatic activities within Corporation ports will be issued by the Corporation and not the Minister.

Clause 8: Amendment of s. 27—Restricted areas
This clause similarly makes it clear that regulations cannot be made under this section for establishing restricted areas, etc., in respect of Corporation ports.

Clause 9: Amendment of s. 28—Control and management of harbors and harbor facilities

This clause provides that the Minister's control and management of harbors and harbor facilities do not extend to a port or ports facilities vested in the Corporation.

Clause 10: Amendment of s. 83—Regattas, etc.

This clause provides that exemptions for the purposes of regulation, etc., within Corporation ports will still be granted under this section, but such an exemption can only be granted if the Corporation concurs.

PART 3

MISCELLANEOUS AMENDMENTS

Clause 11: Amendment of s. 4—Interpretation

The definition of "fishing vessel" is amended to include all vessels used in connection with a fish farm.

Clause 12: Amendment of s. 15—Property of Crown

Section 15 is amended so that all land currently held by the Minister subject to trusts or reservations under the *Crown Lands Act* or the *Harbors Act* is vested in the Minister in fee simple free of those trusts or reservations.

Clause 13: Insertion of s. 18A—By-laws

Section 195 of the *Harbors Act* currently provides for councils to make, subject to the approval of the Minister, by-laws that operate in a harbor. Such by-laws may be varied or revoked by the Governor at any time.

New section 18A allows councils to make by-laws that operate in relation to a harbor or other adjacent or subjacent land vested in the Minister, subject to the approval of the Minister. The Governor is given power to revoke such by-laws after the Minister has consulted with the council concerned.

A transitional provision is inserted by clause 26 relating to the continuation of existing by-laws.

Clause 14: Amendment of s. 25—Clearance of wrecks, etc.

Section 25 is amended to bring the wording of the provision into line with that used in the Ports Corporation legislation. The section gives the Minister powers with respect to the removal of "materials" from waters that may cause navigational obstruction or pollution. The reference to "materials" is altered to "substance or thing" to ensure that the Minister's powers may be exercised no matter the nature of the matter involved.

Clause 15: Amendment of s. 33—Licensing of pilots

The amendment enables the period of a pilot's licence to be specified by regulation. It also clearly enables the CEO to cancel a pilot's licence in appropriate circumstances.

Clause 16: Amendment of s. 34—Pilotage exemption certificate

The amendment enables the period of a pilotage exemption certificate to be specified by regulation. It also makes it clear that an exemption lapses if it is not used as often as is specified by regulation.

Clause 17: Amendment of s. 35—Compulsory pilotage

The amendment gives the CEO power to exempt a vessel from the requirements of compulsory pilotage.

Clause 18: Amendment of s. 46—Vessels to which this Part applies

The amendment means that all powered recreational vessels are subject to the requirements relating to certificates of competency.

Clause 19: Amendment of s. 47—Requirement for certificate of competency

The amendment enables the regulations to allow the CEO to recognise interstate or overseas qualifications as equivalent to certificates of competency for the purposes of the legislation in accordance with the regulations.

Clause 20: Amendment of s. 50—Cancellation of certificate of competency by Minister

The amendment enables the Minister to cancel a certificate of competency if the holder suffers mental or physical incapacity rendering the holder unable to perform the relevant duties.

Clause 21: Insertion of s. 52A—Duration and granting of licence

The new section enables the period of a licence to hire out vessels to be specified by regulation. It also enables the regulations to set out the circumstances in which the CEO may grant or refuse to grant such licences.

Clause 22: Amendment of s. 54—Application of Division

The amendment means that all powered recreational vessels are required to be registered and marked in accordance with the regulations.

Clause 23: Amendment of s. 57—Appointment of surveyors

The amendment enables the CEO to cancel a surveyor's licence for incompetence, breach of duty or breach of a condition of the licence.

Clause 24: Substitution of s. 81—Application of Commonwealth Act

Section 81 requires the regulations to specify the provisions of the Commonwealth Act that are not to apply in South Australian waters. The substituted section reverses this approach. The regulations must specify the provisions of the Commonwealth Act that are to apply and may set out relevant modifications.

Clause 25: Amendment of sched. 1—Harbors

The names of certain harbors are corrected and Rapid Bay is added as a harbor.

Clause 26: Amendment of sched. 2—Repeal and Transitional Provisions

Transitional provisions are added to ensure that loadline certificates, special permits, licences to hire out vessels and registration of vessels continue to have effect and that council by-laws made under the *Harbors Act* continue to have effect.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (COURTS) BILL

Received from the Legislative Council and read a first time.

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 contains minor amendments to the legislation which was enacted in 1991 to restructure the courts system and improve efficiencies in the courts. As is to be expected with major legislative change experience will show that fine tuning of the legislation is required. The opportunity has been taken to include some other amendments which do not arise directly out of the operation of the 1991 legislation.

The bill also amends the *Courts Administration Act 1993* to provide that the Governor may give directions to the State Courts Administration Council to, for example, require that members of the judiciary of a particular court be resident in specified parts of the State.

The Government will be opposing these provisions.

A minor amendment is made to the *Criminal Law Consolidation Act 1935*.

Appeals in criminal matters from the District Court are provided for in Part XI of the *Criminal Law Consolidation Act 1935*. Appeals from the District Court are to the Full Court of the Supreme Court. Orders made on appeal are enforceable by the Supreme Court. Provision is made to give the District Court the authority to enforce any conviction or order made on appeal as if it had been made by the District Court.

Three amendments are made to the *District Court Act 1991*.

The first inserts a new section 14A providing for granting a Judge leave without remuneration.

A Judge of the District Court who wishes to take leave without remuneration should, provided it is convenient for the court, be able to do so. The legislation as it is now prevents this. The *District Court Act* provides in section 14 that a Judge of the Court is entitled to leave on the same basis as a Judge of the Supreme Court. The *Supreme Court Act 1935* is silent in relation to leave other than pre-retirement leave. The two Acts are silent in relation to leave generally. The effect is that a Judge is entitled to be remunerated whether he or she is working or not. In fact judicial leave is governed by administrative arrangements rather than by legal rules deriving from Acts or other legislative instruments.

The amendment goes on to provide that any leave taken under the section will not be taken to be judicial service within the meaning of the *Judges' Pensions Act 1971*. It is necessary to provide for this as a Judge who takes unremunerated leave would continue to accrue pension entitlements as the Judge would still be taken to be in judicial service within the meaning of the *Judges' Pensions Act 1971*.

A similar amendment is made to the *Supreme Court Act 1935* by inserting a new section 13A.

The second is to section 24. Section 24 requires orders for the transfer of proceedings between the Supreme Court and District Court to be made by a judge. The Chief Judge has requested an amendment to enable such orders to be made by a master also. Most interlocutory applications in each court are heard by masters. An application for change of venue may well be made in conjunction

with some other interlocutory application and should be able to be disposed of at the same hearing.

The third amendment to the *District Court Act* is to section 43. Section 43 provides that appeals against decisions of District Court masters in interlocutory judgments go to a judge of the District Court. The Chief Judge has requested an amendment to provide that all appeals from masters are to a District Court judge. Most matters dealt with by the District Court masters are interlocutory matters, but they can give a judgment which finally disposes of an action in certain circumstances (e.g. where a party is in default or where an application is made for summary judgment because there is no merit in the defence filed). At present, an appeal in respect of such a decision has to be taken to the Full Supreme Court. That is an unnecessarily expensive way of resolving the matter. All appeals against decisions of District Court master should be to a judge of the District Court. A further right of appeal would lie to the Full Supreme Court if such an appeal were warranted.

Section 7 of the *Enforcement of Judgments Act 1991* is amended to make it clear that the Sheriff can seize money and bank notes. Section 7 of the *Enforcement of Judgments Act* deals with warrants of sale and provides for the seizure and sale of personal and real property of the judgment debtor. An argument could be mounted that the section does not authorise the Sheriff to seize money or bank notes. The matter needs to be put beyond doubt.

Two amendments are made to the *Magistrates Court Act 1991*.

Firstly Section 40 subsection (1a), which provides that there are no appeals against interlocutory judgments given in summary proceedings, was wrongly inserted in section 40 and should be in section 42.

The second amendment is also to section 42. Appeals in criminal matters from the Magistrates Court are instituted pursuant to section 42 of the *Magistrates Court Act*. Previously the appeal provisions were in Part VI of the *Justices Act* and included section 170(1) which provided that where any conviction or order was affirmed, amended or made upon any appeal, the justices from whose decision the appeal was brought, or any other justice, could enforce the conviction or order as if it had not been appealed against, or had been made in the first instance. There is no similar provision in the *Magistrates Court Act* and this has resulted in enforcement proceedings such as applications for estreatment of bonds imposed by the Supreme Court being brought in the Supreme Court for enforcement.

Several amendments are made to the *Summary Procedure Act 1921*.

Section 5 of the Act classifies offences into summary offences and indictable offences. Section 5(6) provides that where an offence may be either summary or indictable according to the circumstances surrounding the offence the circumstances will be conclusively presumed to be such as to make the offence a summary offence. Some offences are summary or indictable depending on whether the offence is a first or subsequent offence. Sometimes the previous convictions of offenders are not discovered until the offender is being sentenced. The court may them be faced with the dilemma that the offence is not a summary offence. This problem can be solved by providing that the antecedents of the offender will be conclusively proved to be such as to make the offence a summary offence in the same way as the circumstances surrounding the offence are conclusively proved to make the offence a summary offence. Section 5(7) is a similar provision in relation to minor indictable and major indictable offences and is amended in the same way.

Section 102(2) and (3) of the *Summary Procedure Act 1921* provide that summary offences can be included in an information with indictable offences and that the summary offences are to be tried in the same manner as the indictable offences. If summary matters are committed for trial along with one or more indictable offences there is the possibility that the DPP may choose not to include them on his information (for any one of several reasons), they may be severed by the court or the accused may plead guilty to the indictable offences. In any of these instances, in the absence of a plea of guilty, the only way the summary offences can be disposed of is by trial in the superior courts. There is no machinery to remit them to be tried in the Magistrates Court. An amendment is made to allow the court to transfer the offences for trial as summary offences in the Magistrates Court.

It has long been the law that it is desirable, except in exceptional circumstances, that two or more persons charged with having committed a crime jointly should be tried together. The interests of justice demand that the court should have the whole of the picture presented to it. As the law is at present, where the offence is a minor indictable offence one accused may opt for trial in the Magistrates Court and the other may opt for trial by jury in the District Court. Section 122(3) of the *Justices Act* (now repealed) gave the Magistrate the power, in appropriate circumstances, to commit a defendant to trial notwithstanding that he or she had failed to elect to take that course. The provision was commonly used where two persons were jointly charged and only one elected for trial by jury and the court considered that the interests of justice demanded a joint trial.

Finally a new section is inserted in the *Supreme Court Act 1935*.

Section 25 of the *District Court Act* and section 20 of the *Magistrates Court Act* authorise those courts to issue a warrant for the arrest of a witness who disobeys a subpoena. The Supreme Court judges have requested a similar provision be inserted in the *Supreme Court Act* and this has been done by inserting a new section 35.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Interpretation

Clause 3 is a standard clause for Statute Amendment Bills.

PART 2

AMENDMENT OF COURTS ADMINISTRATION ACT 1993

Clause 4: Insertion of Part 2A

Clause 4 inserts a new Part into the principal Act dealing with accessibility of justice. New section 14A allows the Governor to give directions, by notice in the Gazette, to ensure that participating courts are properly accessible to the people of the State.

Subsection 14A(2) provides that directions may, for example, require that a registry of a particular court, or courts, be maintained at a particular place, that members of the judiciary of a particular court, or courts, be resident in specified parts of the State or that sittings of a particular court, or courts, be held with a specified frequency in specified parts of the State.

New section 14B provides that the State Courts Administration Council and the administrative head of any participating court affected by a direction must take the steps necessary to ensure that the direction is complied with.

PART 3

AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 5: Amendment of s. 5—Interpretation

Clause 6: Amendment of s. 274—Interpretation

Clause 7: Amendment of s. 285c—Notice of certain evidence to be given

Clause 8: Amendment of s. 299a—Orders as to firearms and offensive weapons

Clause 9: Amendment of s. 348—Interpretation

Clause 10: Amendment of s. 352—Right of appeal in criminal cases

Clauses 5—10 do not effect any substantive changes to the principal Act but merely bring the terminology up to date by deleting all references to a District Criminal Court and, where necessary, substituting references to the District Court.

Clause 11: Insertion of s. 356A

Clause 11 inserts a new section 356A into the principal Act to allow the District Court to enforce convictions and orders affirmed, amended or made on appeal to the Full Court of the Supreme Court.

Clause 12: Amendment of s. 358—Judge's notes and report to be furnished on appeal

Clause 12 does not effect any substantive change to the principal Act but merely changes the obsolete reference to the District Criminal Court to a reference to the District Court.

Clause 13: Amendment of s. 368—Rules of court

Clause 13 does not effect any substantive changes to the principal Act but substitutes a new subsection (5) which refers to the District Court and uses language which is in line with modern drafting style.

PART 4

AMENDMENT OF DISTRICT COURT ACT 1991

Clause 14: Insertion of s. 14A

Clause 14 inserts a new section 14A into the principal Act allowing Judges of the District Court to apply for special leave without pay. Periods of leave under this section are to be granted by the Governor, on the recommendation of the Chief Judge. The new section also provides that any such period of unpaid leave is not "judicial service" within the meaning of the *Judges' Pensions Act 1971* and therefore will not count in the calculation of pension entitlements.

Clause 15: Amendment of s. 24—Transfer of proceedings between courts

Clause 15 amends section 24 of the principal Act by striking out the reference to a Judge of the Supreme Court and substituting a reference to the Supreme Court or a Judge or Master of the Supreme Court.

Clause 16: Amendment of s. 43—Right of appeal

Clause 16 amends section 43 of the principal Act by striking out the reference to an interlocutory judgment given by a Master and substituting a reference to a judgment given by a Master or the Court constituted of a Master.

PART 5
AMENDMENT OF ENFORCEMENT OF JUDGMENTS ACT 1991

Clause 17: Amendment of s. 7—Seizure and sale of property

Clause 17 amends section 7 of the principal Act by inserting a new subsection (7). New subsection (7) provides that where the sheriff seizes a bank note or money in pursuance of a warrant of sale the sheriff must, unless the bank note or money has a value greater than its face value, hand it over to the judgment creditor in full or partial satisfaction of the judgment.

PART 6
AMENDMENT OF MAGISTRATES COURT ACT 1991

Clause 18: Amendment of s. 40—Right of appeal

Clause 18 strikes out subsection (1a) from section 40 of the principal Act.

Clause 19: Amendment of s. 42—Appeals

Clause 19 inserts new subsections (1a) and (6) into section 42 of the principal Act. New subsection (1a) provides that an appeal does not lie to the Supreme Court against an interlocutory judgment given in summary proceedings.

New subsection (6) is an equivalent provision to proposed section 356A of the *Criminal Law Consolidation Act 1935*, providing for the Magistrates Court to enforce orders made on appeal.

PART 7
AMENDMENT OF SUMMARY PROCEDURE ACT 1921

Clause 22: Amendment of s. 5—Classification of offences

Clause 20 amends section 5 of the principal Act by substituting new subsections (6) and (7). New subsection (6) deals with offences which may be classified as either summary offences or minor indictable offences according to the circumstances surrounding the commission of the offence or to the antecedents of the defendant. New subsection (7) deals with offences which may be classified as either minor or major indictable offences according to the same considerations. Proposed new subsection (6) provides that where the complaint charging the offence designates it as a summary offence then both the circumstances and the defendant's antecedents will be conclusively presumed to be such as to make the offence a summary offence, and proposed new subsection (7) makes an equivalent provision for offences which may be either minor or major indictable offences.

Clause 21: Amendment of s. 102—Joinder and separation of charges

Clause 21 inserts a new subsection (3a) into section 102 of the principal Act and makes a consequential amendment to subsection (3) of that section. New subsection (3a) gives a superior court power to remit summary offences which have been joined in an information with indictable offences to the Magistrates Court for trial.

Clause 22: Amendment of s. 103—Procedure in the Magistrates Court

Clause 22 amends section 103 of the principal Act by inserting a new subsection (4). New subsection (4) gives a Magistrate power to commit a defendant charged with a minor indictable offence to a superior court for trial, even though that defendant has failed to elect for trial in a superior court, where a co-defendant has elected for trial in a superior court.

PART 8
AMENDMENT OF SUPREME COURT ACT 1935

Clause 23: Insertion of s. 13B

Clause 23 inserts a new section 13B into the principal Act. The proposed new section is an equivalent provision to proposed section 14A of the *District Court Act 1991*, providing for the Governor, on the recommendation of the Chief Justice, to grant special leave without pay to judges of the Supreme Court.

Clause 24: Insertion of s. 35

Clause 24 inserts a new section 35 into the principal Act giving the Supreme Court powers to compel the attendance of witnesses and the production of evidentiary material equivalent to those given to the District Court under section 25 of the *District Court Act 1991* and to the Magistrates Court under section 20 of the *Magistrates Court Act 1991*.

Mr ATKINSON secured the adjournment of the debate.

DOMESTIC VIOLENCE BILL

Received from the Legislative Council and read a first time.

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 Liberal Government believes that domestic violence is the ultimate betrayal of trust in a relationship and the most frequent threat to the safety of women in South Australia.

The Liberal Domestic Violence policy released before the election set out comprehensive measures the Liberal Government would implement to combat domestic violence and to protect the victims of domestic violence.

The policy is wide ranging and comprehensive. It is based on the fundamental premise that domestic violence is unacceptable and a crime that requires criminal justice intervention.

Traditionally, family or domestic violence was viewed as a private family matter that was of no concern to the wider community. It was also viewed as a social problem which was exempt from criminal justice intervention. Quite properly, these attitudes have changed significantly.

Domestic violence should not be treated differently from any other violence because it occurs in a home. To do so under-values the importance of the home in the life of the individual and the place of the family in our society.

Victims of domestic violence are entitled to the maximum protection from harm or abuse as provided by law; perpetrators should be subject to punishment as imposed by the courts and assisted to change their behaviour.

The policy document laid down the principles on which the Liberal Government would base its policies, as well as setting out specific policy initiatives which would be implemented. The principles on which a Liberal Government would base its policies were stated to be:

- a recognition that domestic violence is not only physical violence but includes verbal abuse, threats, intimidations and other acts to create fear
- a victim of domestic violence is entitled to be free and safe from further violence
- a victim of domestic violence is entitled to the maximum protection from abuse
- a victim of domestic violence is entitled to be treated with courtesy, compassion and respect
- a victim of domestic violence is entitled to information about legal rights and the assistance which can be obtained from community resources
- a victim of domestic violence is entitled to go to court and obtain a restraining order to stop her partner from threatening or annoying her and is entitled to expect that a breach of such order will be dealt with promptly and seriously by police and the courts.

The Liberal policy foreshadowed the introduction of a *Domestic Violence Act* and the strengthening of the law to deal adequately with "stalking" in order to protect the victims of such threatening activity.

"Stalking" legislation has already been enacted and the introduction of this Domestic Violence Bill is further evidence of the Government's commitment to protect victims of domestic violence.

This Domestic Violence Bill builds on, and develops, the existing protection afforded by the summary protection order provisions in Part VII of the *Summary Procedure Act 1921*. At schedule to the bill contains important amendments to the *Criminal Law Consolidation Act 1935*, the *Bail Act 1985* and the *Criminal Law (Sentencing) Act 1988*. The penalty for assaulting family members is increased to three years imprisonment. The *Bail Act* is amended to require that a bail authority must give primary consideration to the protection of victims of crime when making bail decisions and finally the *Criminal Law (Sentencing) Act* is amended to provide that a judge can, when

remanding a prisoner for sentence or when imposing a sentence make a domestic violence restraining order or a restraining order.

The Domestic Violence Bill provides for the making of domestic violence restraining orders against a defendant if there is reasonable apprehension that the defendant may, unless restrained, commit domestic violence and the court is satisfied that the making of the order is appropriate in the circumstances.

Clause 4(2) spells out what is domestic violence for the purposes of the Act. A defendant commits domestic violence if

- the defendant causes personal injury to a member of the defendant's family;
- if the defendant causes damage to property of a member of the defendant's family; or
- if on two or more separate occasions the defendant behaves in a way which is likely to reasonably arouse a family member's apprehension or fear.

Clause 4(2)(c) lists some of the types of conduct which is likely to reasonably arouse a family member's apprehension or fear. This list is similar to the list in the "stalking" legislation.

"Member of the defendant's family" is defined in clause 3 and means-

- a spouse or former spouse of the defendant
- a child who normally or regularly resides with a spouse or former spouse of the defendant
- a child of whom a spouse or former spouse of the defendant has custody as a parent or the guardian

"Spouse" is further defined to include a person of the opposite sex who is cohabiting with the defendant as the husband or wife de facto of the defendant.

There will obviously be differences of opinion as to who should be included within the parameters of an Act entitled the *Domestic Violence Act*. "Members of the defendant's family" is quite narrowly defined unlike in some other States and Territories where there is Domestic Violence or Family Protection legislation which affords protection to family members widely defined. In most of the States and Territories which have *Domestic Violence* or *Family Protection Acts* protection is only afforded to those in domestic or family relationships—there is no equivalent to Part VII of the *Summary Procedure Act*.

The enactment of a *Domestic Violence Act* which applies to those within a narrow definition of family is not intended to detract from the seriousness of violence in other relationships or in the community generally, rather it is intended to emphasise the seriousness of domestic violence as the ultimate betrayal of trust in a relationship which the parties have entered voluntarily and the consequences of the violence on the children who are part of that relationship.

As I said the provisions of this Bill build on and develop the provisions in Part VII of the *Summary Procedure Act*. Under section 99 of that Act, as it now is, a court can only make a summary protection order where the defendant has behaved in the proscribed manner and is, unless restrained, likely to behave in a similar manner again. Under this measure the protection will be afforded where a person has a reasonable apprehension that the defendant will behave in the proscribed manner. The Liberal Government does not believe that a person who has a real apprehension of danger should have to prove that there has already been personal or property damage, or the threat thereof, before receiving the protection of the law.

Another major change from the provisions of section 99 of the *Summary Procedure Act* is that the types of orders that a court can make are spelt out. Section 99 provides that the court can make an order imposing such restraints upon the defendant as are necessary or desirable to prevent the defendant from acting in the apprehended manner. Clause 5(2) of this Bill details some of the types of orders the court can make. This is intended to direct the court's attention to the type of behaviour from which a family member may need protection—it does not limit the terms of the order the court may make but provides a reminder to the court of the type of behaviour that may need to be restrained.

Clause 6 spells out the considerations that a court must take into account when considering whether or not to make a domestic violence restraining order and the terms of a domestic violence order. The court is required to consider, as a matter of primary importance, the need to ensure that family members are protected from domestic violence and the welfare of any children affected, or likely to be affected, by the defendant's conduct.

The remaining provisions replicate the present provisions of Division VII of the *Summary Procedure Act* relating to procedures for obtaining restraining orders, enforcement, fire-arms orders and the registration and enforcement of foreign orders. There are, however, two differences. Clause 16 provides that a child over 14 can apply for a domestic violence protection order and provision is made for a parent or guardian, or a person with whom the child normally resides, to apply for a protection order on behalf of a child. This provision does not prevent the police from making a complaint, it merely makes it clear that a child over 14 may apply for an order and which other adults may apply for an order on behalf of a child.

Finally, clause 18 requires the court, as far as practicable, to deal with proceedings for domestic violence restraining orders as a matter of priority.

Turning now to the Schedule. The first amendment is to the *Criminal Law Consolidation Act*. It increases the penalty for assault of family members to a maximum penalty of three years imprisonment. This increased penalty where family members are the victims of the assault will signal Government, Parliament and the Community's belief that domestic violence is unacceptable.

The *Bail Act* is amended to provide that a bail authority must give primary consideration to the need the victim may have, or perceives as having, for physical protection from the applicant. This is one of the matters which a bail authority must now have regard to—this amendment provides that it is the primary consideration.

The *Criminal Law (Sentencing) Act* is amended to provide that a court can, when remanding a prisoner for sentence or when imposing a sentence, make a domestic violence restraining order or a restraining order. Courts can now, when suspending a sentence of imprisonment or discharging the defendant without recording a conviction require the defendant to enter into a bond with conditions governing the defendant's behaviour. Section 42 of the Act specifies some of the conditions a court can include in a bond and then goes on to provide that the court can impose any other conditions that the court thinks appropriate.

The court, however, cannot require a defendant to enter into a bond if it imposes a fine. Enabling the court to impose a domestic violence restraining order or a restraining order on a defendant will give the court a useful extra option, not only in instances where it may not presently have the power to impose a bond but as an alternative to requiring a defendant to enter into a bond.

Restraining orders have certain advantages over bonds in that a breach of a bond can only be dealt with on summons or warrant whereas a person who contravenes a restraining order can be arrested without warrant and detained. This gives greater protection to victims of domestic or other violence.

The Government recognises that the police in South Australia are probably the leaders in Australia in the training provided to police and in the policies that are in place to deal with domestic violence. Police Instructions currently provide that officers attending reports of domestic violence are responsible for:

- preventing the continuance or recurrence of violence;
- providing assistance to victims;
- apprehending offenders;
- referring, where appropriate, victims and offenders to other agencies for assistance;
- restoring the peace;

In addition, if circumstances disclose the commission of a substantive offence, positive action must be taken with a view to charging the offender with appropriate offences.

In South Australia the police have assumed the role of instituting complaints for summary protection orders on a state wide basis, at no cost to the victim. The police lay over 90% of summary protection order complaints in South Australia.

Current police instructions require that officers attending instances of domestic violence must submit a report of the circumstances.

Special Police Domestic Violence Units have been established at Elizabeth, Glenelg and Adelaide with specially selected and trained staff.

Police records now identify instances of domestic violence and the Office of Crime Statistics, in its recent report entitled Violence Against Women was able to cover domestic violence in some detail.

The Government, in co-operation with the Police Commissioner will build on these existing programs to ensure that victims of domestic violence are entitled to the maximum protection from harm or abuse as provided by law and that perpetrators are subject to sanctions imposed by the courts and assisted to change their behaviour.

The Department for Correctional Services also has a role to play in reducing the incidence of domestic violence. Increasing the awareness among Correctional Services staff of the issues underlying domestic violence will enable them to work more effectively with

victims and perpetrators in the correctional system. The Department has initiated a number of programs addressing domestic violence. These include:

- special staff training for professional staff to enable them to work effectively with victims of domestic violence, including women prisoners;
- a range of training programs to enable professional staff to work with individual perpetrators on a one to one basis and with groups to facilitate behavioural and attitudinal change;
- a domestic violence group has been established to encourage the development of strategies and programs to reduce the incidence of domestic violence and to provide appropriate intervention programs;

Once again, the Government will build on these existing programs in implementing its domestic violence policies.

Another aspect of the Government's domestic violence policy which I wish to mention is the establishment of domestic violence as a crime prevention program. Arrangements are almost complete to establish domestic violence prevention as a crime prevention program within the Crime Prevention Unit of the Attorney-General's Department in order to ensure prevention programs are developed and promoted through the community. The objectives of the program will be to continue to develop a broader knowledge about domestic violence within the community. This will be achieved by:

- working within existing structures of Government, as a part of whole of government approach to the prevention of domestic violence, and recognising the role of agencies in providing a service;
- building on the work of local Crime Prevention Committees, and assisting in the development of prevention programs within other sectors of Government, for example, the Education Department, and non-Government agencies;
- engaging a broader community involvement in the prevention of domestic violence;
- working with local Crime Prevention Committees and other community groups, providing specialist advice and assisting them in the development of prevention programs;
- ensuring the office is up to date with current literature, research and developments in other States, nationally and internationally.

Much remains to be done in relation to domestic violence and the Government intends to pursue its policies with vigour. Community attitudes to domestic violence have changed significantly in recent years and there is now widespread acknowledgment that domestic violence is not only unacceptable but also a crime which must be prevented. It is, however, far too prevalent and the victims of domestic violence are entitled to protection. This Bill is designed to prevent domestic violence and enhance the protection that victims of domestic violence rightly expect the law to provide. It must be recognised that the law is but one aspect of the response to domestic violence. There is no single solution to the problem. However, we must ensure that the law in place is effective in achieving what can be achieved by legislative reform and the Government believes that this Bill will not only play a role in the prevention of domestic violence but also improve the protection afforded by the law to victims of domestic violence.

The Liberal Government recognises that domestic violence is the consequences of many factors including entrenched cultural attitudes, frustration, exercise of power, personal and social tensions often caused by economic circumstances including lack of employment, job satisfaction, alcohol and drug abuse and family history. In many situations force and violence, threats, creating fear and verbal abuse, are perceived to be a means of solving problems.

The Liberal Government will address these factors by constructive education, economic, housing, welfare, counselling and other policies as well as ensuring that the law and law enforcement respond appropriately to the needs of victims of domestic violence and meet society's expectations that domestic violence will be prevented, and when it does occur, treated as a crime.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

The definition of "member of the defendant's family" sets the scope of the Bill. The Bill covers restraining orders against a defendant for the benefit of—

· a spouse or former spouse of the defendant; or

· a child of whom the spouse or former spouse has custody as a parent or guardian or who normally or regularly resides with the spouse or former spouse, or .

"Spouse" includes a husband or wife *de facto*, without the need for any particular period of cohabitation.

Clause 4: Grounds for making domestic violence restraining orders

The Court may make a domestic violence restraining order if there is a reasonable apprehension that the defendant may commit domestic violence and it considers it appropriate to make an order.

Domestic violence is defined to mean causing personal injury or damage to property or engaging in conduct that amounts to an act of "stalking" (without the requirement to prove intention as is required in the stalking offence).

Clause 5: Terms of domestic violence restraining orders

The Court may impose whatever restraints it considers necessary. However, the clause sets out various examples of the types of restraints that may be considered by the Court in a case of domestic violence. These include prohibiting the defendant from being on certain premises or approaching or contacting certain family members and requiring the defendant to return certain personal property to a family member.

The Court may impose the order for the benefit of any family member no matter who made the complaint.

Clause 6: Factors to be considered by Court

The Court is to have regard to the factors listed in this clause before making an order. The factors are generally aimed at ensuring that the Court views the family situation as a whole, but treats the need to protect family members from domestic violence and the welfare of any children affected as of primary importance.

Clauses 7 to 15 reflect the current provisions of Part 4 Division 7 of the *Summary Procedure Act 1921*.

Clause 7: Complaints

Complaints may be made by a police officer or by a family member who has been, or may be, subjected to domestic violence.

Clause 8: Complaints by telephone

Complaints may be made by telephone and orders issued in urgent circumstances. The order must be confirmed at a subsequent hearing.

Clause 9: Issue of domestic violence restraining order in absence of defendant

If the defendant does not appear to a summons, an order may be made in the absence of the defendant.

An order may be made without first summoning a defendant to appear, but in that case the order must be confirmed at a subsequent hearing to which the defendant is summoned.

Clause 10: Firearms orders

The Court is obliged to make certain orders aimed at ensuring the person against whom a restraining order is issued does not possess a firearm.

Clause 11: Service

A restraining order is required to be served on the defendant personally.

Clause 12: Variation or revocation of domestic violence restraining order

A restraining order may be varied or revoked on application by a police officer, the defendant or the person for whose benefit the order is made.

Clause 13: Notification of making, etc., of domestic violence restraining orders

The Commissioner of Police must be informed about restraining orders.

Clause 14: Registration of foreign domestic violence restraining orders

Orders made interstate or in New Zealand under a corresponding law may be registered and enforced in this State.

Clause 15: Offence to contravene or fail to comply with domestic violence restraining order

The maximum penalty for contravention of a restraining order is imprisonment for 2 years.

Clause 16: Complaints or applications by or on behalf of child

A special provision is included for the making of a complaint, or an application for variation or revocation of a restraining order, by a child over 14 or by a parent, guardian or carer of a child.

Clause 17: Burden of proof

The balance of probabilities is retained as the level of proof required for questions of fact in restraining order proceedings.

Clause 18: Priority of domestic violence restraining orders proceedings

The Court is required to give priority to domestic violence restraining orders as far as practicable.

Clause 19: Relation to Summary Procedure Act

The procedure to be adopted in relation to domestic violence restraining orders is that set out in the *Summary Procedure Act 1921* except where modified by this Bill.

If a complaint is mistakenly made under this Bill rather than the *Summary Procedure Act*, it may be dealt with under that Act.

Schedule: Related Amendments

The *Criminal Law Consolidation Act* is amended to increase the maximum penalty for common assault from imprisonment for 2 years to imprisonment for 3 years in domestic violence situations, that is, where the victim is the spouse or former spouse or a child of whom the offender or a spouse or former spouse of the offender is the parent or guardian or who normally or regularly resides with the offender or a spouse or former spouse of the offender.

The *Bail Act* is amended to provide that a bail authority must give primary consideration to the protection of victims of violence when determining whether to release a defendant on bail.

The *Criminal Law (Sentencing) Act* is amended to enable a court to issue a restraining order when finding a defendant guilty of an offence or when sentencing a defendant. The *Criminal Law Consolidation Act* is further amended to provide that such a restraining order is an ancillary order for the purposes of providing an appeal against the order in accordance with section 345A of that Act.

Mr ATKINSON secured the adjournment of the debate.

SUMMARY PROCEDURE (RESTRAINING ORDERS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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 follows from the decision to make separate provision for domestic violence restraining orders in a *Domestic Violence Act*.

The domestic violence restraining order provisions have been drafted to make the law much more readily understandable than the existing summary protection order provisions in Part VII in the *Summary Procedure Act 1921*. Also Hon. Members will recall that the grounds on which a domestic violence restraining order may be made differ from those in Part VII in that to obtain a domestic violence protection order it is no longer necessary to prove that personal violence or property damage has occurred or has been threatened before a domestic violence order can be made.

These reforms are carried over into this re-draft of Part VII of the *Summary Procedure Act*.

There are minor differences between the provisions of this Bill and the domestic violence restraining order provisions. The domestic violence provisions provide for the making of a domestic violence restraining order when a person has committed domestic violence. The grounds in this Bill are expressed slightly differently and refer to the defendant behaving in an intimidating or offensive manner. What is intimidating or offensive manner is spelt out in new section 99(2) which is similar, but not identical, to the domestic violence restraining order provisions.

Another difference between these provisions and the domestic violence restraining order provisions is that the type of orders which a court can make are not spelt out in detail in this Bill. The Government considers there is benefit in giving an indication to victims of domestic violence the type of protection they can expect from the court.

The provisions of this Bill improve the existing summary protection order provisions in Part VII of the *Summary Procedure Act*, they give greater protection to those faced with violence or intimidation and the re-drafted laws are easier to follow.

I commend this measure to Honourable Members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 4—Interpretation

The definitions are altered to reflect a change in terminology from summary protection order to restraining order.

Clause 4: Substitution of Part 4 Division 7

DIVISION 7—RESTRAINING ORDERS

99. Restraining orders

The Court may make a restraining order if there is a reasonable apprehension that the defendant may cause personal injury or damage to property or behave in an intimidating or offensive manner and it considers it appropriate to make an order.

Behaving in an intimidating or offensive manner is defined to engaging in conduct that amounts to an act of "stalking" (without the requirement to prove intention as is required in the stalking offence).

The Court may impose whatever restraints it considers necessary.

99A. Complaints

Complaints may be made by a police officer or by a person who has been, or may be, subjected to the apprehended behaviour of the defendant.

99B. Complaints by telephone

Complaints may be made by telephone and orders issued in urgent circumstances. The order must be confirmed at a subsequent hearing.

99C. Issue of restraining order in absence of defendant

If the defendant does not appear to a summons, an order may be made in the absence of the defendant.

An order may be made without first summoning a defendant to appear, but in that case the order must be confirmed at a subsequent hearing to which the defendant is summoned.

99D. Firearms orders

The Court is obliged to make certain orders aimed at ensuring the person against whom a restraining order is issued does not possess a firearm.

99E. Service

A restraining order is required to be served on the defendant personally.

99F. Variation or revocation of restraining order

A restraining order may be varied or revoked on application by a police officer, the defendant or the person for whose benefit the order is made.

99G. Notification of making, etc., of restraining orders

The Commissioner of Police must be informed about restraining orders.

99H. Registration of foreign restraining orders

Orders made interstate or in New Zealand may be registered and enforced in this State.

99I. Offence to contravene or fail to comply with restraining order

The maximum penalty for contravention of a restraining order is imprisonment for 2 years.

99J. Complaints or applications by or on behalf of child

A special provision is included for the making of a complaint, or an application for variation or revocation of a restraining order, by a child over 14 or by a parent, guardian or carer of a child.

99K. Burden of proof

The balance of probabilities is retained as the level of proof required for questions of fact in restraining order proceedings.

99L. Relation to Domestic Violence Act

Complaints under this Act may be dealt with under the *Domestic Violence Act* if that is appropriate.

Clause 5: Transitional provision

Restraining orders and registered foreign restraining orders are to continue in force under the substituted Division.

Mr ATKINSON secured the adjournment of the debate.

CONTROLLED SUBSTANCES (DESTRUCTION OF CANNABIS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 1005.)

Mr ATKINSON (Spence): The Opposition has pondered this Bill and will vote for it. Clause 3 of the Bill introduces a section 52A to the Controlled Substances Act, allowing the Police Commissioner to order cannabis to be destroyed whether or not anyone is to be charged with a criminal offence in respect of that cannabis. Those members who, like me, have seen police burning mounds of cannabis on the television news will be surprised to know that Parliament needs to pass a law to authorise its destruction before a trial. This was a surprise, too, for the prosecution in the recent trial

in *R. v Sincovich* when Judge Lunn held that it was a forfeiture to the Crown for the police to destroy cannabis.

Since forfeiture of the substance could not be ordered until the accused was convicted, destruction of the cannabis before conviction was, according to Judge Lunn, unlawful. Proposed section 52A requires the police, before destroying the haul, to take samples of the cannabis for the purpose of later producing it as evidence. The accused must be told of his or her right to have the sample analysed.

Mr BASS (Florey): I rise to support this Bill as probably the only member of this House and the other place who has had first-hand experience in the handling of large amounts of cannabis. The plant *cannabis sativa* is located by the police in many forms: first, as the plant, which can grow up to 2 metres tall and be quite large in regard to foliage; secondly, as dried foliage, which is in a form ready to smoke; and, thirdly, as Buddha sticks, which come from places such as Thailand and Mexico. A Buddha stick is virtually the flower head which is compressed into a small cigar shape. It is quite easy to store and to look after. There is also the Australian Buddha stick, which is the wet leaf wrapped around a small piece of wood and dried. Again, this is quite easy to store safely and look after. Other forms of cannabis include the oil tetrahydrocannabinol which comes from the plant—it is also quite easy to store in screw-top glass containers—and, last but by no means least, blocks of hash, which is usually the pollen and nectar of the cannabis flower and which is collected and formed into a very dark substance, much like a block of very dark brown putty.

The hash blocks, cannabis oil and Buddha sticks are not a problem to store, but when we come to the first two types that I have described, the types that the police seize (mainly hemp in large quantities), that creates a massive problem. A glasshouse full of Indian hemp when seized can weigh up to 400 or 500 kilograms and would fill a very large area. The problem with this is, first, to find a safe area in which it can be stored, bearing in mind that this illegal drug has great value on the open drug market; and, secondly, a large amount of stored fresh hemp weighs down upon itself, sweats and quickly breaks down into a sloppy green mulch and becomes very hard even to recognise as Indian hemp.

Another problem that also arises is the smell. The problem with large amounts of dried Indian hemp is, of course, safety of the exhibit and also the smell which quickly permeates a building. The answer, of course, lies in the destruction of this exhibit as quickly as possible under very strict guidelines and after it has been photographed, videoed or examined by the Government botanist.

The member for Spence has dealt with the insertion of section 52A which clearly gives the police the power to do this while safeguarding the maintenance of exhibits and also to advise the offender, if there is one, of what will happen to the exhibit. As I said, the Bill allows for the destruction of the cannabis and for the defendant to be advised that the police will take these steps. It is a very simple answer to a very difficult problem, one that disadvantages no-one and makes storage of illegal drugs very simple.

During my police career I did not see all the exhibits in large Indian hemp cases brought into a court. If you left a trail of green Indian hemp through the court when bringing in the second bag, the judge would very quickly stop the rest of the exhibit going into the court. It is a sensible Bill, which should have been implemented a long time ago. I commend the Bill to the House.

Mr LEWIS (Ridley): Mr Deputy Speaker, if you had had to go into the storage area of the cell block at the Murray Bridge Police Station on the occasions when I had to go there, you would feel the same as I about this measure and the need for it. It is well overdue. I do not understand why previous Ministers responsible for this part of the legislation did not act to amend it in this way. It is absolutely cruel to require policemen, policewomen or anyone else to work in the circumstances of ensilage development of stashed hash.

Mr Atkinson interjecting:

Mr LEWIS: Whatever the case, the fact remains that it should be possible to destroy the plants that have been grown rather than store them.

Mr Atkinson interjecting:

Mr LEWIS: That is why I am saying to the honourable member that the legislation should have been amended long ago. On the occasions where attempts have been made to keep the stuff in order to ensure that the evidence was available, it has caused great distress to the police personnel who have had to try to store it. In my judgment, it should be completely destroyed after those people engaged in the supervision of the collection of the evidence swear an oath and state how much they collected, when they collected it, where they collected it and how they assessed the quantity involved. Having done that, the law should be amended so that it remains proof positive as evidence that an offence involving the plant was committed and it be forthwith destroyed so that we are not faced with the necessity of having to store the stuff in warehouses or anywhere else it may otherwise be kept.

I do not see any benefit in the pursuit of justice either in incurring the expense that is involved in its storage or, for that matter, in the discomfort, indeed the hazards, that results to the people who may be charged with the responsibility of caring for it in storage or working in the immediate vicinity in which the material is being kept. I also make the point that these sorts of things have implications for other substances that are notifiable or narcotic and can become part of evidence in criminal trials or, for that matter, civil litigation. It is not appropriate for us to require the material, where it represents a hazard to the people responsible for the storage facilities, to be kept. I am not just talking about cannabis or narcotics in the narrow sense: there are other substances that are dangerous and/or poisonous which may be crucial as evidence to a particular case, whether it is criminal or civil, and which in storage represents a hazard to the people charged with the responsibility of storing it somewhere. It should not be necessary to put good occupational health and safety standards in jeopardy by requiring the storage of that kind of material.

I am making these remarks in a way which I hope will enable my colleagues to understand that I have had representations made to me on an even wider front than that relevant to the storage of cannabis. I urge the Minister involved and the Minister for Industrial Affairs to take note of what I have said in this respect.

Mr BRINDAL (Unley): I support this measure but with a caveat that is well known to my colleagues: that cannabis is an illegal substance and the police can and should destroy that illegal substance. This measure is a sensible way of doing it. I have visited local police stations near my electorate. One that comes to mind is the Glenelg Police Station. The problem for police in storing all manner of things—both stolen goods and prohibited substances—is, as has been said

in this House, quite substantial and needs to be addressed, if for no other reason than the problem of storing vast amounts of a prohibited substance. The member for Florey just said that, when the police are required to drag a sack of material into court, bits of it can leak out. You can never be quite sure that all of the substance is fully accounted for. I believe the sooner the substance is destroyed the better.

Having said that—and I will not detain the House long—the caveat that worries me is the attitude of our society, which is reflected in this Parliament, towards drugs generally. We seem to have one attitude for alcohol, another for cigarette smoking, a third for cannabis, and we have not quite worked out half the problems that exist with prescription drugs. If any of us have children, we virtually are daily trying to catch up on the designer drugs that I am told are now readily available to children and young adults in discos all around South Australia.

While I support the legislation, I would like to put on record the fact that, before our society can deal properly with drugs, it is reasonably important that, as an intelligent and advancing society, we look at the problem of drugs generally. The piecemeal approach—one rule for alcohol, another for tobacco and a third for cannabis—is an historic approach which clearly has not worked. I would suggest that many of our young people find absolute hypocrisy in the prohibition of cannabis while, at the same time, alcohol causes carnage all over our roads.

I am not arguing for a prohibition on alcohol, cigarettes or anything else: I am saying that, in a mature society when it comes to drugs, which are clearly demonstrated to have either bad social implications, horrendous costs to society or perhaps physical implications to the people concerned who imbibe the drug, we fool ourselves and are less than honest with the younger generation when we continue to send them mixed messages. There is no better example afforded than cigarette smoking. I acknowledge that all the evidence suggests that it is a harmful habit, and I have never smoked in my life—

Mr Atkinson interjecting:

Mr BRINDAL: Sorry; I have never taken up smoking as a habit. It is not true to say that I have never smoked. I stand corrected by the member for Spence. However, the problem is that all Governments, Labor and Liberal, tax cigarettes. It is a convenient and lucrative source of revenue, and I am sure that they would have a fit if they lost it.

The Hon. Frank Blevins interjecting:

Mr BRINDAL: I would have thought that the Federal Government, with reference to the member for Giles, has a considerable—

The Hon. Frank Blevins: The health costs are higher than a tax.

Mr BRINDAL: I acknowledge that, but they still collect the tax, and it is a considerable tax on its own. As the member for Giles said, if the health costs are higher than the tax, I wonder why they do not have the guts and why this Parliament does not have the fortitude to ban smoking, if we are collecting less than we are taking. Instead, we are attacking it on the periphery. We are making people, like members in this House, feel as though they are some sort of pariah. We are forcing them not to smoke by exclusion. First, we sent them to the very back of the plane; now we will not let them smoke on the plane at all. Then we allowed them to smoke in the corridors of this building, until the sniffers went around sniffing at who might have been smoking in their office. Now we have relegated them to Botany Bay, where the smoke pours upwards in ever increasing billows to the point where one day the Fire Brigade will come around thinking this place is on fire.

I want to make the point—and I think I have made it—that our society has a hypocritical attitude to a whole variety of drugs. When we are mature, we will be able to come into this place and work out a way of dealing consistently with different types of harmful drugs that will not send a bad message to the younger generation. If members of the younger generation sneer at us because we believe cannabis is a harmful substance and they believe it is not, I would say to members of this House and to members of the public that we have brought it upon ourselves with our hypocrisy towards other drugs. I support the Bill.

Mrs KOTZ (Newland): Initially, I would like to compliment the Minister for bringing in this initiative. It is certainly well overdue, and I believe it relates quite seriously to the areas of occupational health and safety. In this sense, I strongly support the Minister and the provisions of the Bill. I have had personal experience in the destruction of cannabis that has been held as evidence in police stations. From that personal experience, I can state quite categorically that the occupational health and safety implications are indeed serious. The storage facilities within local police stations are fairly minimal and, when the destruction process is under way, the cannabis has to be brought from the storage area to a central point, in any of the police stations involved, which is generally one of the office areas. In most instances, the office into which the cannabis is brought is small.

It is usually stored in garbage bags. It is a bit difficult when the plants themselves are sometimes six and seven foot high. It means that, given the time that the cannabis has been stored, the drying process has continued, which means that any movement of those plants causes bits and pieces to drop around the area. It is quite ludicrous to see policemen pick up a pan and brush and go around sweeping up all the small portions of the plant that have dropped along the corridors on the way to the office for those procedures that take place prior to destruction. Those procedures are quite extensive in as much as a number of forms have to be signed.

In my capacity as a justice of the peace I have sat in offices such as that for anything up to 2½ to three hours signing the forms that are required to identify each of the pieces of evidence which, of course, can also include the implements for smoking. During that period of being, shall I say, incarcerated in a small office, where the dried plants are heaped up around you, it was quite noticeable that, at the end of that 2½ or three hours, the majority of people who were in that office during that time suddenly developed respiratory problems. It was quite obvious that the dryness and the movement of the plants—

An honourable member interjecting:

Mrs KOTZ: No, we didn't giggle at that stage—it was more a matter that the lungs were certainly affected. I do not know that they were affected in the sense that perhaps the Minister has just suggested. I am quite happy to see that this aspect is being considered and that the respiratory problems to which I and the policemen who were there were subjected will now be removed.

Mr Atkinson interjecting:

Mrs KOTZ: I hardly think that this is at all irrelevant, particularly as we are talking about plants that have been stored for quite some considerable time, and it is due to this dryness that the particles managed to float through the air.

The particles that traverse through the air affect individuals quite seriously. The member for Unley talked about drugs in general and the concerns that he had. I must agree in principle with the statements made by the member for Unley. I refer to the amount of marketing, education and finances that are spent throughout the public arena advising members of the public of the dangers of tobacco smoking, with which I agree, but, if you consider it is necessary to go to the extent that we do to advise the members of the public of the hazards of smoking tobacco, I find it totally hypocritical—

Mr ATKINSON: I rise on a point of order, Mr Deputy Speaker. Standing Order 128 prohibits irrelevance or repetition. The Bill before us seeks to overcome the result in the case of *R v. Sincovich*. The honourable member is now talking about the merits of cannabis smoking as against tobacco smoking. Comparing the two topics, I believe there is no relevance to the Bill before us.

The DEPUTY SPEAKER: Order! I will listen carefully to the honourable member's debate. Other members have ranged a little wider than the absolute subject of the debate. I will keep in mind the honourable member's remarks, but I do not think he has an absolutely relevant point of order.

Mrs KOTZ: Thank you, Mr Deputy Speaker. I was pointing out the hypocrisy that is aligned with the marketing and the education of the area of drugs. In this case, initially I was talking about the marketing of the hazards of tobacco, with which I agree. In the instance of cannabis, which this Bill addresses—perhaps in a different manner, but it certainly addresses the area of cannabis—I suggest that the information available through the research in this country, including the Drug and Alcohol Services Council, concludes that cannabis smoking can be anything up to a ratio of between three and 20 times more hazardous than tobacco smoking in the areas that are affected in the human being, including respiratory problems, impotence, which is caused through the smoking of marijuana and, therefore, cannabis, and also diminished motor coordination. So, there is a serious aspect about cannabis that has not been touched upon sufficiently in the drug related discussions we have had. It is about time that greater concerns were expressed in this area. There must be increased marketing and education using the information that is available from research in this country, if we are serious about the drug and alcohol area. I reiterate that I support this Bill and commend the Minister for Health for bringing it in.

The Hon. M.H. ARMITAGE (Minister for Health): I want to thank the Opposition for its support of this Bill which, as we have indicated, seeks to clarify the powers of police in relation to the destruction of large amounts of cannabis, with the inherent storage difficulties that those amounts entail. I thank members for their contributions, particularly the member for Florey for his expose of the different types of cannabis.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr ATKINSON: If this Bill is required urgently to overcome the decision in Sincovich's case, why not bring it into operation immediately instead of setting a date for proclamation?

The Hon. M.H. ARMITAGE: Whilst we recognise the urgency of the matter, there are regulations that have to be prepared in relation to the sampling procedure because, of course, we are very intent upon making sure that in the sampling procedure the interests of both the defendant and the Crown are upheld, so we want those regulations to be prepared properly. They will be developed in a consultation process between the police, the DPP's office, the Forensic Science Centre and so on. I assure members opposite that those regulations will be prepared with urgency.

Clause passed.

Clause 3—'Power to destroy cannabis.'

Mr ATKINSON: The Minister in his second reading speech made reference to the case of *Bunning v Cross*. Will he explain the effect of that case on the matter now before us?

The Hon. M.H. ARMITAGE: In answering that question, I would like briefly to read part of the judgment in Sincovich, as follows:

> I do not attribute any *mala fides* to the police officers who did destroy the 29 plants which are the subject of this charge, and accept that they believed that they were acting lawfully in so doing. Nevertheless, if the police hereafter destroy plants without lawful authority, they do so at their own risk that the courts will exercise their powers to discourage such unlawful activities in accordance with *Bunning v Cross*.

I am informed that *Bunning v Cross* gives a discretion to the court to exclude from consideration in the matter illegally obtained evidence, or where police have acted beyond legal power or control. This would then open up any such case to a *Bunning v Cross*-type defence.

Mr ATKINSON: Of which court was *Bunning v Cross* a judgment?

The Hon. M.H. ARMITAGE: I am informed that *Bunning v Cross* is an English judgment. It has been accepted by the High Court as a judgment, and we will be happy to provide that detail for the honourable member later.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 1004.)

Mr QUIRKE (Playford): The Opposition opposes this measure for the reasons that I will outline. Basically, this measure entails a deduction for future public payroll employees of what has been the superannuation scheme that has been in place for a number of years. We ought to have a very close look at exactly what this measure is, and we will go into a few aspects of it in a moment. If a person now in the South Australian Public Service is a member of this scheme, he or she may pay up to 6 per cent of his or her salary into the fund, and the deemed benefit is 16.2 per cent per annum. I am advised by the officers in charge of superannuation in South Australia that, in effect, that is a 12.2 per cent cost on salary to members who take up the full 6 per cent that they were entitled to do until 4 May this year, assuming this legislation is successful.

Because there is a superannuation guarantee charge in place at the Federal level, the full impact of this in South Australia will be, in effect, a 7.2 per cent deduction in terms of the current availability of superannuation as part of salary in a particular year to new employees. The reason it is not 12.2 per cent is that the obligation of SGC at the national level means that there will be some superannuation for employees in the future. I use the words 'some superannua-

tion' because, if it were not for the national scheme, there would not any superannuation for future employees at all.

The Government has in this measure made a couple of exceptions. One of those exceptions is for the corps of police officers at Fort Largs currently undergoing training. I also understand that the course to start on 29 May will be eligible to get into this scheme.

I understand that a number of applications to join the scheme were made on 3 May. I did not see the TV program, but I am told that a Channel 10 news program on 2 May anticipated the closure of the scheme. I believe that about 1 000 civil servants who had not previously joined the scheme did so very quickly the next morning. That says a lot for Channel 10's rating in terms of the number of people who watch it, because that is a sizeable number. I believe that there are about 15 000—and the Treasurer may have these figures to hand later on—members of this scheme in South Australia, and that is a fairly approximate number. The 1 000 or so people who presumably wished to join on 3 May will be eligible to join the scheme. It is my understanding that a large number of other people got the message that day from people at their workplace and on 4 May made application to join the scheme that is now in abeyance.

The Opposition believes that this is a miserable, concocted and premeditated Bill. We are of the view that this was concocted weeks earlier, while prominent members of the Government, the Treasurer in particular, were assuring people that there would be no change to present arrangements. However, a working party was already working out how to close down this whole arrangement. Indeed, I asked a number of questions here last week about when Mr Matthew O'Callaghan and a few other people got involved in this exercise and we found that it was in anticipation of the independent Audit Commission, which we remember so well from last week and which some of us toasted on Saturday night.

This scheme was put in place some time ago and it has been dressed up as a measure that will very significantly reduce the unfunded liability in the future. That is not the case. There is no doubt that it will reduce some of the unfunded liability, but it will not reduce it by an enormous amount, as was the impression given last week. I am reliably informed that the first-year impact of this measure is about $5 million. It does not cancel the superannuation for those 15 000 employees—when the Treasurer gives us the figures on that it may indeed be 16 000—who, as of 3 May, are already members of this scheme.

Many civil servants have not taken up the option of superannuation for all sorts of reasons best known to them. Should this legislation be successful, should the amendment that I will move here and that to be moved in the other place be defeated, superannuation will be closed off to tens of thousands of public servants in South Australia who did not get into the scheme in time. At the end of the day, the Opposition believes that this will save only a very small amount of money. It will not save the billions of dollars, as was the impression created by the Audit Commission smoke screen of last week.

We cannot support this measure but, in anticipation that it will go beyond the second reading, which we will oppose, and assuming that it goes into Committee, the Opposition will move an amendment which has been circulated in my name and which we believe at least belts a small amount of the decency into this provision. That amendment will allow those people—and in many instances they have been public servants of one type or another for many years—who have not as yet taken up the superannuation option to take it up by 30 June this year. We are not happy about moving that amendment, because we believe that the last scheme was fair and reasonable: we do not believe that it was over the top and we do not believe that it was an enormously expensive scheme, as was the impression created last week. We believe that this is a miserly attempt to save a few miserable dollars. At the very least, those members now in the Public Service who did not have their TV tuned into Channel 10 on 2 May ought to have the opportunity to be able to join this scheme in a reasonable time frame between now and the end of June.

It should be pointed out that if it were not for the national Government—and this was opposed by Liberal Party tooth and nail in all the State divisions nationally and by a number of employer groups that are associated with the Liberal Party—there would not be a national scheme of superannuation in place now. As a consequence, anyone who is not a cadet in the next police cadet corps and who will be joining the Public Service in South Australia will have absolutely no superannuation at all; there would be no scheme. We believe that that flies in the face of what are reasonable arrangements in Australia.

Everyone knows that there are two principal problems in the economy in Australia in terms of where we are going with this. The first is that the social security net that will be available for those people born in the late 1940s, the early 1950s and certainly well into the 1950s, for reasons of demography, will not be available to the same degree that it is available today. As I understand it, the old age pension benefit in Australia today is about 26 per cent of the average male weekly wage. It will be almost impossible to keep to that level in 10 or 15 years through to the 25-year period. In other words, when most of those people born between 1946 and 1956 become eligible for the old age pension, in particular, the level of support the community can give them through this measure will be considerably less than it is today. As a consequence, there has been a struggle, and particularly by politicians on my side of politics in Australia, to ensure decent, adequate superannuation arrangements for workers in Australia.

We are doing it so that in the future those people will have some independence; they will have some choice of where they will live, whether or not they wish to take out other options such as private medical insurance, for example. They will have superannuation where the level of pension support will not be as prevalent as it is today. It has been a great national move that workers in Australia have been given the SGC over recent years. It is commendable that, despite all the carping and whingeing, the SGC will lift to a reasonable amount. A large number of members in this place realise that a 3 per cent superannuation level, at the end of the day with many of the schemes out there, simply pays the gatekeeper's fees to most of these funds and there will not be a lot left by the time it reaches maturity.

We would like to see the same sorts of processes that were entered into in this exercise in the middle 1980s undertaken by the Government. Instead of closing this scheme off, which at the end of the day will not cost the billions of dollars that was mentioned by way of camouflage last week, we would have liked to hear the Government announce, 'We wish to look at superannuation in the light of a number of changes.' There are some changes on the horizon, so that the Government could legitimately have said, 'We need to address the question of superannuation again.' One of those is the mooted

change—and it is at this stage only a mooted change—associated with lump sum superannuation. Over recent years the argument about lump sum superannuation has been under the microscope by both sides of politics, but in particular by the Liberal Party in its Fightback program, where it had a capped limit to the amount of lump sum superannuation payable. I have no doubt that on both sides of politics the question of lump sum payments will again be placed under the microscope, and there are good community reasons why that ought to be the case.

I would like to have heard—and I think the Opposition would also have responded to—the Government saying, 'We have a few problems with superannuation and we would like to discuss it with affected parties.' As was the case in 1986, when the old State Government superannuation scheme was closed, these affected parties would be given a certain amount of time to respond to certain Government options.

The option the Government has offered here is, 'It's being cut off today whether you like it or not. You won't be allowed to join it. You're lucky there's a national scheme because if there wasn't you'd wind up with nothing.' That is the attitude this Government has taken. What the Opposition would have been prepared to accept, and would have responded to in this and the other place, is the Government's saying that it would put in place a superannuation working party to discuss this matter with the various public workers in South Australia and their industrial representatives. That did not happen; there was no discussion at all.

When the industrial representatives approached the Treasurer they were told that the Government was not considering any change to these arrangements at all. As at 21 April they were told that the Government was not anticipating any of these changes, yet we now know that a working party was examining this very measure in anticipation of the Audit Commission's findings which would say that superannuation was too expensive and would blow out to a certain figure. In that respect the Opposition finds this measure repugnant. We find it almost impossible to amend, except to say that we hope, in decency, the Government will allow the scheme to remain open for those workers who have not over the period in question taken up the superannuation entitlement and have not decided, for whatever reason, to put their 6 per cent into this scheme. We hope the Government will give them an opportunity now.

In most instances they did not join the scheme because of financial commitments that they knew would be expiring. They believed, on the word of this Government, that there would be no changes to the superannuation scheme. They believed that it would be possible to join the scheme at some stage in the future. Not every public servant who works without superannuation gets the benefit of watching the Channel 10 news. Very few of them do. Obviously some of them did but an awful lot of others did not. To those who are in that position the Opposition believes that decency requires, because the word of the Government is at stake here—its word of 21 April to Jan McMahon—that public servants in South Australia at the very least ought to be given the opportunity of joining the superannuation scheme that currently exists.

This amendment is the only thing that can civilise what can be described as a Bill that is miserable in its intent. It is aimed at reducing the cost to this Government of employing public servants and it comes on top of a series of other measures the Audit Commission has recommended which are an attack on the working conditions of people in South Australia, the likes of which we have never seen before. What we are seeing in this measure is an abrogation of responsibility by the South Australian Government. It is fundamentally saying to workers, 'Superannuation is not our problem, it's yours. You fix it up. We have no obligation to do anything where superannuation is concerned.' That is wrong, and I have said many times that under this Government superannuation is something that has to be watched and watched very carefully. What we see now is further proof of the fact that the Government's word on questions of superannuation cannot be trusted.

The Hon. FRANK BLEVINS (Giles): I oppose this Bill. I oppose it very strongly. The history of superannuation in this State is long and at times has been vexed. The history of the scheme that has just been closed is a relatively short one. If we go back prior to its introduction in 1986 we see that the variety of schemes that preceded it, including the Police Superannuation Scheme, were schemes that were for a different age. They were not modern schemes at all. They really needed updating, and updating in a way that actually saved taxpayers money. Not only were they not suitable for employees, they were certainly not suitable for the taxpayer. Anyone would think they had been devised by well paid men for well paid men. I think that is probably correct.

The then Labor Government established a superannuation task force which included representatives of employees, the Women's Adviser to the Premier, and so on. It was a very extensive task force, and it worked enormously hard and devised a scheme that had general agreement which was less expensive for the taxpayer and more appropriate for the 1980s and onwards. I would argue that if there were some problems with the scheme the task force should have been reassembled and some agreement reached on what was appropriate, unless the motive is clearly to close the scheme and not have any State superannuation at all other than the legislative requirement for the superannuation guarantee charge. If that is the case, I think that is appalling. The South Australian Government as an employer ought to be condemned for not providing reasonable superannuation for its employees. If there is an intention to bring in a scheme to replace the schemes that this Bill seeks to close then let the Government say so and let us debate the matter.

I am not saying that the scheme that originated with the previous Government was perfect, although the Deputy Premier, when handling these matters for the then Liberal Opposition, agreed that it was a good and appropriate scheme and one that was affordable. If that is no longer the case, what will it be replaced with? That concerns me. My suspicion is that it will be replaced with nothing. It will be the superannuation guarantee charge, and that is all. What is the problem with the scheme in any event? If my memory serves me right from when I was in charge of this area, the scheme was currently costing the Government about 6 per cent of payroll which, when compared with the private sector, is a very cheap superannuation scheme. Even if you extrapolate out into the future, the maximum the scheme would ever hit is about 9 per cent of total State Government payroll. Some companies in the private sector would be happy to have a superannuation component of their payroll as low as 9 per cent; it is not a huge amount.

There is some social responsibility on all employers (I do not care whether it is the State Government, BHP or any other employer) to have for their employers reasonable superannuation schemes. One of the tragedies of Australian employees,

particularly blue collar workers, is that until relatively recently there was no superannuation for them. All Governments exhorted employers in Australia to bring in superannuation schemes. In all fairness, a large number of them did that. A few did not and they were picked up with the superannuation guarantee charge, or whatever it is called at the moment.

To a Government there is no more important issue than providing, through occupational superannuation, for people's retirement. To some extent the unions over the years have been shortsighted. They have concentrated on getting higher penalty rates, shorter working hours or an upgrading of various conditions and, until relatively recently, superannuation was on the back burner; it has not been something that has been pushed. The trade union movement was wrong, because those things can get eaten away with inflation. Those sorts of things come and go; and you win them and lose them, and at the end of the day I am not sure that they mean all that much. However, superannuation does mean all that much. It will mean all that much to every person in Australia so that in some way they provide for their own retirement.

Employers have a huge obligation to ensure that they participate during the working life of the employee. There are broader problems because not everybody works, wants to work or is in a position to work. A lot more work is to be done so that those people are also in some kind of superannuation scheme. Relying on social security is yesterday's answer to the problem. There is a better way, we know a better way and we ought to pursue that better way.

An amendment has been foreshadowed by our spokesperson in this area, the member for Playford, and I support it. There ought to be a period of grace. If these schemes are to be closed, there ought to be a period of grace whereby people presently working in the public sector ought to have the opportunity to join the scheme. People have not joined necessarily because they are careless, although some are. For many people in the public sector, the vast majority are low paid people and involve females. It is not always practical for them to have 6 per cent of their wages deducted for superannuation. At times it appears to them that their needs at that point are greater than the superannuation benefit. Those people ought to have an opportunity to reassess their position. I have no doubt that some will join the scheme, but it will not be tens of thousands.

Unfortunately, some people will be satisfied with the superannuation guarantee charge, but certainly the period of grace ought to be there. I could go on extensively because I was in charge of superannuation for many years in this State and I am very proud of the work that we did not only in this scheme but also in all other schemes which were based on this one. Some people tried to get more than this scheme provided but did not do any good in that respect, because this was the base scheme and all other schemes would have to relate to it.

The police superannuation scheme has been singled out. That is absolutely appalling. I know that the member for Florey will join with me in condemning the closure of that scheme. For a long time I negotiated with police officers in this State, again to get a more appropriate scheme for them, taking into account their lifestyles and their working lives. The old scheme was horrendously expensive. We saved an awful lot of money on the new police superannuation scheme, and the police officers union and the police were very proud of that because it is today the best police superannuation scheme in Australia. I have never yet met a police officer who was overpaid or a police officer who did not on a daily basis, by the very nature of the work involved, have a very large vested interest in the superannuation scheme. To have not just wiped all public servants who are now ineligible for the lump sum scheme but, in particular, police officers no longer having superannuation available to them is an absolute tragedy.

I will not continue giving examples, but I wish to make one final point as regards mandates and election promises. This was a clear written promise to members of the public sector that there would be no changes to the scheme, no closing of the scheme and that it would continue. It is worse than that. People devalue or discount those promises; they say that it is only an election promise and does not count. That is an appalling way of dealing with it, but for the purpose of the argument let us say that that is fine, we will discount that and let the Government off the hook because it was only an election promise: that promise was given again on 21 April 1994; it was not an election promise. It was made five minutes before the scheme was closed.

I know how Governments and Ministers work. If the Minister can stand up here and tell the Parliament that the Minister did not know when he signed that letter on 21 April 1994 to the PSA that that information was misleading, then whoever it is—the Treasurer—

The Hon. G.A. Ingerson interjecting:

The Hon. FRANK BLEVINS: It is the Treasurer. No, you have written some others—some beauties. I will get to you on a different Bill. The Treasurer wrote to the PSA on 21 April and, at the very least, misled the PSA. I know how Governments and Ministers work, and the Minister knew on 21 April what the decision was to be.

The Minister at best misled the PSA or, more likely, just plain lied to it. That is the more likely explanation. I think that is appalling, and I will not be a party to it. If the Minister wants to do that, he should not look to me or this Party for assistance to get this through the Parliament, because he will not get it. The Opposition will vote against this Bill on the second reading and the third reading. We will attempt to amend it in this House in case it does go through the Parliament, despite what the Minister told everyone on 21 April, so that at least those people who are part of the Public Service at the moment will have a reasonable period of grace in which to join the scheme.

It may well be that this is not the end of it. My memory in this area is not all that clear, but there was a case in New South Wales where the New South Wales Government tried to do something similar. I have not done any research, but I believe that the court on some sort of basis—I do not know whether it was a lack of natural justice in the Parliament—insisted that the scheme stay open for a reasonable period.

Mr Quirke interjecting:

The Hon. FRANK BLEVINS: Yes, for a reasonable period. So, I oppose it. It is unconscionable and it is not necessary. Any employer who cannot afford 6 per cent of payroll, increasing to 9 per cent of total payroll at the most, ought not to be in business. Every employer can afford that and ought to be paying it. This issue is an attempt by Cliff Walsh to run this State. Everything we have seen since this Government was elected is via Cliff Walsh. I have sat and listened to Cliff Walsh. I can tell word for word that every time members opposite stand and speak they are parroting Cliff Walsh. I have heard it. I have sat here and listened to it. This is Cliff Walsh running the State. As economists go, he

is an economist for the 1970s or the 1960s; he is not an economist for the 1990s.

Members interjecting:

The Hon. FRANK BLEVINS: No, that's right; he is not an economist for the 1990s, for goodness sake. Time has passed the Cliff Walshs of this world by. For the Government to pick up Cliff Walsh and run his agenda is absolutely ridiculous. It shows a lack of any kind of decent intellectual thought from members opposite. In summary, I assure the House that we will divide on the second reading. We will move our amendment, and then we will divide on the third reading. I hope the issue gets a very good airing when it goes to another place because there are an awful lot of public servants and police officers who not only think but know that they have been betrayed by this Government's parroting of the Cliff Walsh line.

The Hon. S.J. BAKER (Treasurer): I thought we were going to have a constructive debate tonight, but it has been totally destructive. The Opposition has a very selective memory. Members opposite talk about misleading and attacking working conditions. Who lost $3 billion with the State Bank? Who sat idly by while the Federal Government skinned our income sharing grants? Who has cooked the books financially for the past 10 years? Who did not even start to fund the superannuation guarantee until it was well into debt? Who did not make any provision for any superannuation for most of its parliamentary and Government life?

An honourable member: They did.

The Hon. S.J. BAKER: That's exactly right. So do not any member talk to me about misleading or attacks on working conditions, because attacks on working conditions—

Mr Atkinson: Two wrongs make a right, do they?

The Hon. S.J. BAKER: At least we have had some sort of an admission from the member for Spence. Let us go back in history. If we had not had the State Bank debacle, we would not be here; we would not be debating this Bill.

Members interjecting:

The DEPUTY SPEAKER: Order! I ask the Treasurer to resume his seat. I remind the member for Hart that two warnings from the Speaker have not been forgotten. The member for Spence is interjecting inordinately. I ask members to sit quietly and—

Mr Caudell: Sit down. You have no respect for the Chair.

Mr QUIRKE: On a point of order, Mr Deputy Speaker, I respectfully suggest that you also warn members on the other side, in particular the member for Mitchell who was interjecting while you were speaking from the Chair. I think there ought to be a more bipartisan approach.

The DEPUTY SPEAKER: The member for Playford should note that the Deputy Speaker's attention was distracted by the member for Hart, who was on his feet while the Deputy Speaker was on his feet. That is a more important point of order than the trivia to which the member for Playford is drawing my attention. I will ignore the member for Hart's indiscretion; it would have been the third in the past few minutes. Whatever the members for Playford and Hart believe, the Chair's patience has been stretched to the limit.

The Hon. S.J. BAKER: This State would not have needed an Audit Commission report had the previous Government done its job properly. This State was the least debt-ridden of all States, but of course the Labor Government sold that little asset very quickly by having a $3.15 billion loss with the State Bank plus the ongoing debt servicing charges which have been capitalised. That was not the Liberal Government; that was not the Public Service—that was the Labor Government. If the former Labor Government believed in workers and their working conditions, why the hell didn't it protect them? For the 10 or 11 members on the other side to say to this House now, 'You can't do this because it is irresponsible', when the problems lie fairly and squarely in their quarter, is the height of sheer and absolute hypocrisy. I do not want to do this. I have never wanted to do this; I did not want to come into the Treasury—

Mr Quirke interjecting:

The Hon. S.J. BAKER: Indeed, we will address that.

Mr Quirke: You weren't going to do it.

The DEPUTY SPEAKER: I call the member for Playford to order.

The Hon. S.J. BAKER: I think the member for Playford's manners are in the pig trough. It is about time he understood exactly what damage has been done to this State. I will go back over it. It is not only the State Bank, the $3.15 billion, plus $400 million-odd—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: The member for Spence can wait and listen for a change instead of opening his mouth. It was not only the State Bank; it was compounded by a number of decisions that were not made or a number of changes that took place which put this State in such a detrimental situation. Even when the superannuation guarantee came in, and every private employer was required to fund the scheme under threat of fine or penalty, the State Government did not put in a cent to start with. That is why, at the last count, when these schemes were supposed to be funded from day one, instead of $307 million being in the kitty (because that is the liability) there is $138 million; instead of the State Pension Scheme having $4 160 million in it, it has $1 180 million; and the State Lump Sum Scheme, which should have $210 million in it, has only $118 million worth of assets.

I do not know whether members have read the Audit Commission report, but the Government has to make some decisions—and they are not the decisions we would choose at all. It is the legacy of Labor, which lived off the fat of the land and which, as I said, cooked the books and did not provide for the superannuation—not even for the guarantee scheme that was required of every other employer in this State. We are still $170 million behind with respect to that scheme alone, let alone the very large schemes. Labor did not take up its responsibility and ensure that workers' conditions were looked after. Members opposite stand in this Parliament and say, 'Look at those terrible Liberals', when what we are trying to do is put this State back on its financial feet.

With respect to the attack on working conditions, the greatest attacks on working conditions in the public sector were made by the former Government. Let everybody be clear about that. I sat here and I thought that I would hear some constructive comments from members opposite, that I would hear something like, 'We recognise the problem we placed the people in, we recognise the difficulty we placed on the whole Public Service, and we are going to take a constructive step that will get this State back on its financial feet.' But not one comment—

Mr Caudell: Not even an apology!

The Hon. S.J. BAKER: Yes, not even an apology.

Mr QUIRKE: I rise on a point of order, Mr Deputy Speaker. Will you please listen to the interjections of members on the other side. I again draw your attention to the member for Mitchell, who with absolute impunity has

interjected constantly; he was even warned by his Deputy Whip a while ago. Sir, can you please take a bipartisan approach to this matter?

The DEPUTY SPEAKER: If the member for Playford wishes to dissent with the rulings or lack of rulings of the Chair—

Mr Quirke: I want a ruling, Mr Deputy Speaker.

The DEPUTY SPEAKER: If the honourable member wishes, he has the option of putting forward a motion—which he is perfectly entitled to do—in writing, and it will be dealt with formally by the Chair. The Chair is trying to exercise some discretion in what has been a relatively trying day, but the Chair will not be led by the member for Playford. I ask the member for Mitchell not to interject at all rather than to interject less frequently. Perhaps that will help to heal or at least remove some of the heat from the proceedings of the day.

The Hon. S.J. BAKER: I have heard the member for Mitchell interject on at least two occasions, and I have heard the member for Spence and the member for Hart. They have been picked up only once. Then the member for Hart went on, and he was again picked up by the Speaker. The fact is that the member for Spence and the member for Playford were not called by the Speaker at the time, and the debate was allowed to go ahead; except that the member for Playford decided to take it on. I think the Presiding Officers have been particularly fair in difficult circumstances.

I will get back to the debate and the issues at hand. I will go through them. There was the State Bank; no funding or very little funding of the pension scheme; insufficient funding of the lump sum scheme; and very late funding of the superannuation guarantee. If that is not enough, at the same time the Canberra colleagues of members opposite, cheered on by their friends opposite, are slashing the grants to the State. Every time we go to a Premiers Conference our grants are slashed. At the same time as our liabilities are accruing at a massive rate and we have huge debt servicing costs, we have their Federal colleagues in Canberra slashing our revenue and slashing the returns to this State. For them to stand in this House and say, 'We have to be more responsible'—against that sort of background—I believe shows them to be financial vandals. I cannot understand the way in which they are handling this very perilous situation, the very difficult situation that this State faces.

I will address the issue of the costs and the amendments during Committee. In relation to being misleading, I point out that a letter was sent out before the last election and again on 21 April, and it said that we had no intention of changing the current arrangements. Nowhere did we have before us information as was contained in the Audit Commission. If there was some way of funding them, I would do it. But there is not. There is simply no way of funding these superannuation liabilities.

For members opposite to say that these people are dependent on this provisioning and then to say, 'But we have forgotten all our responsibilities and irresponsibilities of the past and will not allow the Government to make some decisions', reinforces the fact that the Opposition, whilst it might be small, will run guerilla warfare and will not assist this State to get back to the level of financial credibility that it needs. It is about time members opposite took up the challenge and told us which bits they do like. Tell us how we can afford $350 million. Can members opposite please tell us how we are going to afford $350 million?

Mr Atkinson: You're the Government.

The Hon. S.J. BAKER: Well, the Opposition says, 'We are going to use our numbers in another place. We are going to wreck your programs. We are going to stop you from what you want to do, but you have still got to somehow get your finances under control.'

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

The Hon. S.J. BAKER: They say that politics is all about pleasure and pain, and I just had the pleasure of presenting a photograph to Zoran Matic at White City Soccer Club. It was a great occasion, but now I have to return to the pain of the Opposition in Parliament. I was talking about financial responsibility and the great debt that hangs over our head, plus the massive costs of superannuation. Members would have read those parts of the Audit Commission report that they wished to read, and they would have seen that the estimated layout and liabilities over the next 28 years is about $3.4 billion, as it stands today, in unfunded liabilities, to some $7.1 billion. That is not a burden that this State can afford, particularly with the recurrent deficit. Of course, I mentioned today that the books had been cooked even further by the former Treasurer with regard to the way the accounts were presented. Of course, that was not known to us at the time, and it would have been pointed out in the Parliament if it had been known to us. We face a daunting task to get this State back on the rails.

Of course, the unfortunate fact of the last election was that the Liberal Party fell some 4 000 votes short of getting an absolute majority in the Upper House. Therefore, rather than government by direction, we have to bring the Opposition and the Democrats along with us in order to succeed in this Parliament.

The Hon. Frank Blevins: And the people of South Australia at the same time.

The Hon. S.J. BAKER: As the member for Giles said, at the same time we have to bring the people of South Australia to face up to the responsibilities that have been placed on our shoulders to put this State back into a solid financial position—a position such that we could have looked at it five years ago and said that South Australia could afford to fund fully its superannuation liability, to meet its responsibilities to provide the schools, the infrastructure and, indeed, the wage bills. Even though we may have, as a Government, wished to look at efficiencies and changes to the way we operate, certainly there would have been a capacity to afford it.

I just mention one figure: according to the Audit Commission, there is a $350 million overhang. Of course, the yearly bill for the State Bank itself is $270 million. So, if we had not had that single item, the issue of superannuation would probably be left as it was. For members opposite to suggest that we want to take this course of action because we want to slash and burn is far from the truth. The facts of life are we have to do this, and members of the Opposition can be like mongrel dogs yapping at heels and biting at ankles, or they can decide what they want for this State. They can make their view clearer. I have not seen anything to date from the vandals who wrecked the economy or the State. I have not seen one constructive suggestion put forward as to what part they will play. They can play the same old game to which they have been used but this State deserves better than that.

In relation to superannuation, as I said, I had no intention of changing anything until the Audit Commission report came out. Indeed, it is a useful report to the Parliament, because

Opposition members must have missed it at the time. Our preference was to freeze the superannuation schemes until such time as we could have a look at the whole issue of superannuation, including the unfunded liabilities from the two major schemes. That was not possible because, as was mentioned by the member for Playford or it might have been the member for Giles, in New South Wales when a ministerial statement was made to freeze the schemes, that was taken to court, it was overturned and we had thousands upon thousands of people signing up under the superannuation schemes.

The Hon. Frank Blevins: Hear, hear!

The Hon. S.J. BAKER: The member for Giles said, 'Hear, hear!' Perhaps the member for Giles can talk about his schools, hospitals and roads when we talk about the extended liabilities if this measure does not pass the Parliament as it is presented today. Then we might focus the attention of the Opposition just a little bit on the future of the State.

As I said, my preference was to freeze the scheme so that we could look at superannuation in totality and so that we could make some projections against our budgets, look at what was affordable and what had to be reduced to act responsibly in terms of future budgets. As I pointed out, we did not have that capacity, and therefore we have closed those two schemes. In the meantime, we will look at all the superannuation arrangements for the State Public Service in order to work out what balance we can get in our budgets to provide and continue to provide superannuation for the employees of this State.

It is an important task that we have and, can I say, it is a task that I take very seriously. In four years time it is my intention that the State will be back on the road to financial health. It is obvious, from the point of view of members opposite, that they had no intention for that to happen. They want us to wander around in the financial mire in which they have placed us. They want the international money market to say, 'South Australia can't perform; therefore, we will downgrade you.' They want our costs of borrowing funds to escalate so that more services go.

Has any member of the Opposition just thought, for a moment, about the costs of debt servicing, for which we can thank them? Has anybody thought about what happens if we continue to get downgraded in the rating agencies? Has anybody thought what they will do to explain to their constituents that, if the amendment should succeed and thousands of people come into the scheme, the costs of that will have to come off existing budgets over and above the task we have set ourselves? It will be an interesting dilemma for members of the Opposition to explain to their constituents why so many other schools have be to closed down, or some of those areas that they feel should be provided by State Governments can no longer be afforded. Then we will see just how—

Mr Atkinson: Which side were you on in the Torrens tactics?

The Hon. S.J. BAKER: Well, I went out and door-knocked in Torrens. I am proud to say that I was out there and working for the Party. It did not make a lot of difference at the end of the day, nor did I expect that it would, because I knew that we had a hard task; that, as soon as we put up the Audit Commission report, members of the Opposition would be exploiting it for every element that might cause difficulty for the people of South Australia.

The Hon. Frank Blevins: Why don't you do something about it—

The Hon. S.J. BAKER: Well, we are doing something about it in this Bill. We are trying to return financial responsibility to this State. There is an amendment which will not succeed. However, I ask all members of the Opposition to contemplate their position when this matter is debated in another place. On this occasion I cannot thank members of the Opposition for any contribution that they have made to this debate. It is typical of people who believe they are still in government, still pulling the strings and still want to destroy the future of this State.

The House divided on the second reading:

AYES (23)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Baker, S. J. (teller)
Bass, R. P.	Becker, H.
Buckby, M. R.	Cummins, J. G.
Greig, J. M.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Olsen, J. W.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

NOES (7)

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

Majority of 16 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr QUIRKE: I move:

Page 1, Line 16—Leave out clause 2 and insert the following clause:

2. This Act will come into operation on 30 June 1994.

My amendments to clauses 5 and 6 are consequential on this amendment. I will not repeat my argument in relation to clauses 5 and 6: I will simply fly the flag on clause 2. The Opposition is not very happy about this amendment. It seems that this is the most unhappy piece of legislation that has come before this House, because we find the Treasurer saying that he does not want to do this but circumstances have forced it upon him. We feel pretty much the same. We do not want to move this amendment but circumstances have forced it upon us. In fact, we will offer to the Government the promises it made in opposition.

This amendment seeks to restore some balance of justice to those members of the Public Service, in whatever form and in whatever arm they serve the State of South Australia who, should this legislation be successful, will be denied access to the current superannuation scheme. This seeks to pick a time, and the Opposition is not wedded to 30 June but we believe that the scheme should not have been closed off without giving reasonable notice to those people whom it was going to affect. So, the impact of this amendment is to establish some sort of reasonable procedure so that those people who were not aware of the fact that the Government was going to close the scheme had the same options as those who were tipped off in the television program to which I alluded in my second reading speech on 2 May.

The Hon. S.J. BAKER: There are a number of matters I would like to take up. First, will the honourable member please apprise himself of what his Government did in 1986? In 1986 the pension scheme was taken away, and the Opposition supported that. In fact, the member for Giles alluded at the time to the fact that the Opposition had supported the measure. No-one was given any warning or asked to join up and take up the benefits, and for a very good reason. The honourable member will note that there are some safeguards for those who have not been given a reasonable opportunity to take up superannuation to do so, but for those who have been in the Public Service for a reasonable period of time and who have not taken up that opportunity at this stage, for a variety of reasons (some of them very sound), they cannot suddenly say that they have been badly dealt with.

So, there is a clause in the Bill that attempts to address this issue of justice, and that is more than I can say of the previous Government's change to the superannuation pension scheme. Let us be quite frank: the superannuation pension scheme was very highly subsidised. For the oldest membership, the subsidy was about 82 per cent: in the newer version of the pension scheme it was about 77 per cent. It was very highly subsidised. That is why the Treasurer of the day made the choice and said, 'We can no longer afford this.'

No warning was given; there was no period during which people could take up the opportunity, for obvious reasons. So, when we are talking about justice let us take it back in time. The honourable member could point out that that is a shift, but the person still has superannuation. People can take up superannuation at any time they like with whomever they like. However, under this scheme it will be not be able to be taken up with the Government.

As a person who has made a number of superannuation contributions during his lifetime and who took them up on the first day of employment and then did not meet the criteria for any pension or whatever, I walked out of those schemes with 3 or 4 per cent on my contributions over a 10-year period. That is the history of the issue of how many people we would suspect might join up.

I noted the honourable member's reference to the Channel 10 program. I would probably put it down to a very active campaign by the PSA, whereby faxes went to all parts of South Australia very quickly urging people to make applications. It may well have been the Channel 10 program or it may have been the efforts of the PSA in these circumstances. Whilst we had to look at the finances in the long-term sense, I was not wedded to any particular proposition as far as superannuation was concerned. I noted changes in other jurisdictions and had no specific matter in mind. I was looking towards the Audit Commission to clarify my thoughts on the long-term liabilities for superannuation. There were no given solutions on 21 May, on 14 December, in October, or whenever, when we were asked to respond; there were no given solutions at all.

I made the statement about the Government's having no intention. However, I looked at the long-term costs, allied with the huge debt servicing charges that we have over our head. As soon as the suggestion is put into this sort of document, irrespective of what we say, it would be most apparent, even if we were not changing the scheme and if we had rejected the Audit Commission report, that there would have been a massive inflow into that scheme even from those people who did not really think about it or even want to be part of it previously.

As the honourable member would well recognise, this would have been the catalyst for thousands of people signing up on the spot, even if the Government had no intention of changing the scheme. That would have compounded the problem of the long-term liabilities. If people feel that something is going to happen and they have to shore up their circumstances then they will take that action. That would have been the outcome, as the honourable member would understand, and we could not allow that to happen.

We would have been loaded with thousands more people and hundreds of millions of dollars worth of increased liability. If the honourable member thinks about it, he will understand why we as a Government had no option. I would have expected that if the honourable member's Government had ordered the Audit Commission report we would have seen a similar outcome today and we would have been debating the circumstances in a quite different way.

I can give the honourable member some details from the Audit Commission. In relation to the lump sum schemes, the police pension scheme has 3 342 members and 970 pensioners. That scheme is closed and it continues only for those who signed up in or before 1986. The police superannuation lump sum scheme has 442 contributors and the South Australian superannuation pension scheme—the defined benefits scheme—has 15 128 members and 12 177 pensioners. The South Australian superannuation lump sum scheme, which, again, is the issue we are discussing tonight, has 12 895 members. I believe that that was the latest information made available to the Audit Commission. That related to 30 June 1993, so there would have been some increases since that time. We have about 70 000 members in that benefits scheme. That is the order of magnitude.

We believe that under the prevailing circumstances and, indeed, perhaps because of the nature of the Audit Commission report, there would have been a huge influx and we would have expected that we could have up to 10 000 or even as high as 15 000 new members joining for the sort of benefits the scheme delivers. If we took 15 000 as a high point, and it is only a high point, this would have cost $37 million in 1994-95 and you can multiply that by 10 to get the cost over the next 10 years; it is pretty close to $400 million.

That was the nature of the issue we were facing. That was the only issue on which we actually made up our mind very quickly. As I said, it was our preference to freeze the scheme in order to allow us time to look at alternatives. I have not ruled out any other scheme that may or may not prevail in the public sector. We would have to look at that in the context of what is reasonable and what can be provided. I do not hold out great hope, but it is a matter that I and others have to examine.

I also have to receive representations from various parties, because, as the honourable member pointed out, we want people to provide for themselves. I might add, the Federal Government has not actually assisted in that cause at all in the way in which it has been reducing our recurrent grants and changing our income sharing arrangements. However, all superannuation arrangements will be looked at over that period to October. Some of them will require decisions earlier, but basically that is the scheme. I will ascertain whether another form of contributory lump sum scheme can be introduced; I have an open mind on that issue. However, obviously, the long-term liabilities have to be looked at and they have to be affordable.

If we pay $37 million next year and we have a commitment—which is the same commitment that the Labor

Government gave—that we will balance our budgets in the next two years, we have to find another $37 million. Does that come from existing contributors? Do we then push back on the benefits received through the pension fund and have a riot by people who are feeling disaffected? Do we then ask which schools and hospitals they want closed? We are trying to get a balance in the way that we operate. We have a tremendous task to complete in Government. We do not expect the Opposition to come and pat us on the back.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: I have already responded to the amendment. The facts of life are that I have explained why the scheme had to be closed immediately—not 30 June or—

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: The member for Giles has not contributed a great deal to this debate and he continues to interrupt.

The Hon. FRANK BLEVINS: We continually hear something that really shocks me, and I am not easily shocked after 19 years in this place. My 20 years as a seaman before that barely prepared me for the shocks of some of the things that go on in this place. We are seeing the Committee completely misled. To suggest that the previous Government closed the old pension scheme without any warning and without any substantial agreement for a better scheme to replace it, better for everyone, is simply misleading the Committee, and the Treasurer knows that. We did close the old scheme, but we had a task force, including the representatives of employees, working to devise a new scheme which would be better for everyone. There was complete agreement that the old scheme be closed; there was no quibble from the unions or employees, because they had been involved in constructing the new scheme.

The Treasurer is saying that he has an open mind on having a new State scheme. There is not a person in this place or within hearing who does not know that the Treasurer and the Government have absolutely no intention of bringing in a new pension scheme—everyone knows that.

As far as the State Government is concerned, if this Bill goes through, superannuation is finished. There is no superannuation; end of story. The Treasurer knows that just as much as he knew when he wrote to the PSA on 21 April and said that he had no intentions of changing the scheme. When he signed that letter the Treasurer knew that was not the case. In this society people have a right to rely on the word of the Treasurer. The fact that there are people still not in the scheme who will not be able to join if this Bill goes through is, to some extent, because the Treasurer misled them on 21 April. Surely if the Treasurer writes to you and says there is no intention to do so you have the right to rely on the Treasurer's word.

It is suggested that providing this extension to the end of June is somehow irresponsible: who is being irresponsible? Who has misled all those public sector employees? The Treasurer has misled them; he has misled them totally. I hope the Parliament agrees with that and at least gives members of the Public Service an opportunity to join when they have not done so because of the word they were given by the Treasurer. Who are these people? I will tell you who they are. They are not the highly paid public servants who are overwhelmingly male. What we are talking about is lowly paid public servants, most of whom are female. They are the people the Government is taking it out on. They are the ones it has misled. I think that is quite wrong. If you are going to close the scheme, fine; you have a right to attempt to do that and the right to bring a Bill before Parliament, but do not five minutes beforehand mislead all these people by telling them there was no intention whatsoever when clearly you knew that it was going to be closed.

I will not go into the $10 billion black hole. That has been discredited by every financial journalist, not only in South Australia but throughout Australia, as a farce. To suggest that you did not know about the unfunded liabilities of this scheme is again attempting to mislead the Parliament—unless you genuinely did not know, in which case there is a larger problem if you are the Treasurer of the State because it is printed clearly in the budget papers. Do not tell me you did not know. It is printed in black and white. There are no secrets; nothing is hidden. In any event, the Auditor-General would not tolerate it.

There is not a single decent employer in Australia today who does not have for their employees a superannuation scheme. For the largest employer in this State to say that if you work for us there is no super around is an absolute disgrace. This Government ought to be thoroughly ashamed of itself. The level of debt today is very little different from the level of debt when the Liberal Party last left Government in 1982. I did not hear the incoming Government say that it would have to cut out superannuation to deal with that level of debt. We dealt with that level of debt, and we dealt with it responsibly as this Government could still do. Do not do it at the expense of low paid employees; do not do it at the expense of women. It is unjustified.

I hope that the Parliament overall will not tolerate this because, not forgetting details from the Torrens by-election, electors by and large tolerate a lot of things but the thing they will not tolerate is being lied to. That is what happened in December. That is what happened on 21 April. They had the opportunity in Torrens to deal with that and in my view that is what they voted on. They did not like being lied to, and I do not blame them. They can take medicine, they can deal with the truth but they will not wear lies, and nor should they. I support the amendment. I only support it on the basis that we will vote against the third reading, but if the Bill is to go through the Parliament it ought to give those people an opportunity to take the Treasurer at his word: that there is no intention to close the scheme. That is what he said.

The Hon. S.J. BAKER: I am pleased to hear from the member for Giles, because he is one of the major contributors to the unholy mess that we are in. As someone who talks about lies in this place after what he has done with his budgets and after what he did as Treasurer of this State, he does not deserve to be in this Parliament. He has no place in this Parliament. He was part of the mess. The member for Giles should not be allowed to stand up and say, 'I, as a Parliamentarian representing the people of South Australia, believe that we can keep going the way we have been going despite the mess I have created.' This man used to stand in this Chamber every day and tell the Parliament untruths. He has not changed. If I went through the Labor Party documents that were put out before every election I could find gross misstatements—misstatements that were—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: It would be all right for the member for Hartley, who had only a few excesses associated with her campaign, to come into this House and cry foul, but not the member for Giles.

Mr Atkinson: Hartley?

The Hon. S.J. BAKER: The member for Napier. For the emotive argument, the Treasurer said, 'It's not the high priced

employees we are affecting, it is the low paid females.' This is the sort of, 'Well, everybody has had a chance but the low paid females have not' argument. They have had a chance. In fact, what we have found is that the lump sum schemes have actually been picked up by women in the public sector work force in an unprecedented fashion, as the former Treasurer would know. I knew about the unfunded liabilities. I actually asked questions about the unfunded liabilities in this Parliament, as the former Treasurer would also know, and I said, 'We have to fund them.' The then Treasurer said, 'No, they'll go away over time. We don't have to worry about that.' The former Treasurer, the member for Giles, should look at the *Hansard* record of some of the responses he provided on superannuation.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: The member for Giles never told the Parliament that we were facing a $7 billion bill in 28 years time. Then the member for Giles says, 'Hang on, the debt wasn't much worse than that in 1982.' I think we were at a figure of about $2 billion in those days rather than $8.5 billion-plus—plus enormous superannuation liabilities. Again, the member for Giles is having this Parliament on.

I return to the issue at hand. It is an important issue. I would like to think that the Parliament will satisfy the need of the Government to get its debt under control. I do not know how, under the scheme that the Government had in place, it did not fund its guaranteed scheme. It was not until 1997 that it caught up with its liabilities on the guarantee scheme. At the same time, liabilities on the lump sum scheme were blowing out, just as at the same time we had massive liabilities built up in the pension scheme. I think the former Treasurer of this State has a great deal to answer for, and if any member was going to debate this Bill I would have thought he would be the last one to do so. The Government wishes to see a successful outcome to this Bill, and we will be proceeding in that fashion.

The Hon. FRANK BLEVINS: To continue the debate, which has been a very good one, it is an extremely important issue—I do not think a more important issue has come before this Parliament and it is worth a very full debate. The Treasurer stated that I cooked the books.

The Hon. S.J. Baker interjecting:

The Hon. FRANK BLEVINS: Mr Chairman, as one who has been in Government you would know that the books cannot be cooked. It may be that some Treasurers, certainly not this one—

Members interjecting:

The CHAIRMAN: Order!

The Hon. FRANK BLEVINS:—were tempted to do so. But, even those Treasurers who were tempted would not be allowed to do so because there is such a thing as the Public Finance and Audit Act and, of course, the Auditor-General. If the Auditor-General does not like anything at all in the budget, the budget papers or anything to do with the individual departments or agencies for which the Auditor-General has responsibility, he does not hesitate to say so. So, Frank Blevins as Treasurer may want to say there is this, that and the other but, unless it is true, the Auditor-General does not sign off on anything. It is as simple as that.

I draw the Treasurer's attention to the *Financial Review* of a couple of weeks ago where Graham Scott was quoted. He is certainly not a friend of the previous Government. Graham Scott, like his mate Cliff Walsh, toadies up to this Government for business—and he is getting plenty of it, too. That will all be listed at the appropriate time. Graham Scott and his mate Cliff are into this Government for big bucks. So, they are not friends of the Labor Party. Graham Scott described the books of this State as the best kept books in Australia. To the best of my knowledge, I have never met the bloke, and that comment was quite unsolicited. It was not stated when we were in Government, so he was not trying to toady up to us. It was said very recently. The point I am making is that, when the Treasurer makes statements about cooking the books, he is casting aspersions not only on me, which does not matter, coming from the Treasurer (if it were anyone else I would be offended, but not coming from the Treasurer), but also on the Auditor-General and on Graham Scott. If the Treasurer wishes to do that, it is up to him.

After the last budget was brought down, every financial commentator said that it was an open budget, everything was there and it was a financially responsible budget. It did not go as far as Cliff Walsh and his mates wanted to go. At present, superannuation costs this State 6 per cent of payroll. It will increase to 9 per cent of payroll. To talk about an unfunded liability in the billions 28 years from now, as if everyone will retire on the same day and take everything they are entitled to, is absolute nonsense. It is a meaningless figure. It is not as though we will be hit with a bill of $28 million or whatever. Every year the State will have to pay 6 per cent of its payroll in superannuation, increasing to 9 per cent.

No other State in Australia, including Queensland, fully funds its superannuation. I do not think that the Commonwealth Government funds 1 cent of its superannuation. I agree with it—why should it? If you are net borrowing, I cannot see the point in kidding yourself that you are funding superannuation. I have never understood the argument. It is nonsensical. If you are not a net borrower, there could be some sense in it. Even with Queensland, which is supposed to fund its superannuation, a lot is done by sleight of hand and invested back into the Queensland Treasury Corp, or whatever it is called. Do not let us get obsessed with this funding of superannuation, because it is not an argument to which I am persuaded. I do concede that the 6 per cent of payroll will increase on present projections to 9 per cent of total Government payroll. The only point I make is that in the private sector many companies would think that they got off lightly if all they had to pay for superannuation was 9 per cent of payroll. It is not necessary to deal with the State's financial position by attacking low paid workers and their superannuation, and particularly not to lie to them by saying you will not do it and then the next day you do it. It is unconscionable, and we will not be party to it.

The Hon. S.J. BAKER: I will take up two issues. First, I do not think that any journalist in town or across Australia said it was a financially responsible budget. When we talked about the way the budget had been cooked, every financial journalist agreed. I do not know whether the honourable member has had a memory lapse, because everyone is aware that the $120 million was a cooked book situation, done simply for the election. I wish the member would stick to the truth. Secondly, as he is well aware, the Auditor-General audits individual accounts. The Treasurer constructs the budget. What we saw last year was a situation where I do not think the Government expected to survive and thought that it would like to be competitive and, in the hope of hanging on to 18 members in the holocaust, it came up with a budget that looked good on the surface but underneath was rotten to the core. The Auditor-General did not have the facility to go

through that budget, and he has never had that facility. He can look at individual items and individual agencies.

Last year, for the first time, the Auditor-General attempted to take a whole-of-Government approach. Anyone can read his statement about the outcome in 1992-93 until their heart's content. They can read what the Auditor-General said about taking a whole-of-Government approach, and looking at it in totality to see where we are going. That was the first time he took that approach. In 1993-94 he did not have the opportunity to survey the budget ahead, and the member for Giles knows that. The Auditor-General audits the report from the previous year. He does not audit the report before the money is spent. That is the problem with people like the member for Giles being in important positions within Government. This debate has gone on for long enough. We can spend some time later, perhaps during the forthcoming budget, answering and asking questions on the matter of fiscal or financial responsibility.

The Hon. FRANK BLEVINS: I am enjoying it too much not to comment on some of those remarks. The budget, as we all know, is constructed by the Government using the figures which the individual departments supply to the Government and which have been audited by the Auditor-General. We put in what is there for next year. We do not say that we will provide $100 million and then provide $150 million, $50 million or whatever. We go before the budget Estimates Committees to justify the estimates. It is a very open process, and that is how it ought to be. It is taxpayers' money. There is no suggestion of—

Mr Lewis interjecting:

The CHAIRMAN: The member for Ridley is out of order.

The Hon. FRANK BLEVINS: The Treasurer has commented about some programs which were onfunded and which cost about $2 million or so. The figures in the last budget, particularly on revenue, were very conservative. I think to date—and I am just about to link this to the—

The CHAIRMAN: The amendment is that the date be changed from 3 May 1994 to 30 June 1994.

The Hon. FRANK BLEVINS: I am just about to show how any additional employees who join up and become superannuants can be funded without adding to the deficit in any way. The estimates of revenue in the budget are very conservative—and, as everyone knows, I am a very conservative person—and as I understand it they are about $30 million ahead in income for the year. So there is $30 million extra in the kitty that I left there.

An honourable member interjecting:

The Hon. FRANK BLEVINS: That's right, $30 million to date. So I suggest that the receptionist, the typist, the young low-paid, principally females, who were misled by the Treasurer on 21 April, be given the opportunity to 30 June, as this amendment will provide when it is finally passed into law, to become funded. That will not impact on the budget figures, because my estimates were very conservative and they have been exceeded already, as I understand, by $30 million. So it will not damage the State one iota.

Mr QUIRKE: How many people sought to enrol in this scheme? The Opposition has been advised that it was about 1 000 as at 3 May. Will the Treasurer say how many applications had been received by that date, how many applications were received on 4 May, and presumably there were some on 5 and 6 May and on other days, that are now being held in abeyance until this legislation passes the parliamentary process?

The Hon. S.J. BAKER: Some came in on faxes overnight, which were also accepted, but I am advised that the number is about 700 and that they have been collated, counted and looked at. There has been no count of the ones received beyond that point, but my advice is that over the next few days, because people are still deciding, it could be of the same order.

Mr LEWIS: Mr Chairman, may I ask which clause we are dealing with?

The CHAIRMAN: We have an amendment to clause 2 from the member for Playford to which we are seeking agreement. The member for Playford seeks to leave out the clause which stands and to insert a new clause to provide that the Act will come into operation on 30 June 1994.

Mr LEWIS: Thank you for restating that, Mr Chairman, because the ramblings of the member for Giles, the protestations and the unparliamentary language and accusations that he made about the Treasurer struck me as being a little less than relevant than the kinds of remarks that I would have thought appropriate to either this amendment or this clause. Given that the member for Giles has made those allegations and put a position of convenience for the moment to the Chamber—a position of convenience which, I might add, is more for the benefit of the people in the electorate whom he and his colleagues believe they can woo back to their support than for the sake of integrity in this measure—I must say that I am not surprised. I join with the Treasurer in saying to the member for Giles and the member for Playford that of all the people in this place to protest about the way in which the Treasurer is behaving they should hang their head in shame. The member for Playford was the Chairman of the Public Accounts Committee.

Mr Brindal: And a good one.

Mr LEWIS: I have grave reservations about that. It was more about political opportunism on his part than rigorous analysis of issues of concern, such as the kinds of things that we need to consider under this clause or the amendment to it. The member for Giles as Treasurer never sought to disclose the truth about anything.

The CHAIRMAN: I ask the honourable member to please restore some relevance to the argument. He has not referred at this stage to the difference between 3 May and 30 June, which is the subject of the amendment.

Mr FOLEY: Mr Chairman, you have pre-empted my point of order. I ask you to rule as you have just done to bring the honourable member back to the point.

The CHAIRMAN: I am ruling on relevance.

Mr LEWIS: I thank the member for Hart for drawing attention to the irrelevance of the remarks of the member for Giles and the member for Playford prior to my rising. It is surprising that they should seek to move this amendment for the sake of nothing more than political opportunism. They do not believe it. The member for Giles knows that he screwed up. More particularly, the member for Playford knew what was going on. As Chairman of the Public Works Committee, he did nothing about it, and he now seeks—

Mr Quirke interjecting:

Mr LEWIS: I meant the Public Accounts Committee, or whatever it was. However, the fact remains that it had a duty to look at things of the order that we are debating now. For the liability to continue in the form that it has or to be extended in any way is, to my mind, quite unconscionable. Just how do members of the Opposition suppose that the South Australian economy will ultimately pay the bill? If it

is not appropriate to cut it on 3 May, why is it more appropriate to cut it on 30 June?

Mr QUIRKE: I believe the member for Ridley has had long enough to know what the amendment is. He is not debating the amendment.

The CHAIRMAN: Order! The honourable member did not even take a point of order but is simply passing an opinion and usurping the powers of the Chair. However, the Chair is still of the opinion that there is little relevance in the argument which the honourable member is mounting. I ask the honourable member to return to the subject matter of the clause.

Mr LEWIS: The substance of the clause is that the legislation begin operation on 3 May. The amendment seeks 30 June. If there is merit in stating a date, the sooner that date the better because the merit of the argument put by the Treasurer is that we cannot afford to continue in the way we have been. It is profligate and irresponsible.

The member for Playford and the member for Giles, in their respective roles, knew that. They know it now, and they move this amendment acknowledging that it is so but say, for the sake of gainsay political opportunism 'We will put it off to 30 June'. They ought not to be attempting that; it is hypocrisy. If something needs to be addressed, let us fix it now; and if there is not, they should move to oppose the entire Bill.

Mr BRINDAL: Members opposite would do much better if they were to listen to the member for Ridley, because he invariably talks a lot of commonsense which they choose to ignore while getting their laundry in a knot. In this particular instance, I am rather seduced by the Rosencrantz and Guildenstern arguments opposite to support the amendment, except I believe in fairness that I should ask the Treasurer a question: when the previous Government sought to change the old superannuation scheme and introduce what was then the new scheme, did the previous Government announce it and give a month's leeway to all the good and loyal public servants to join the scheme before it was cut off or did it cut it off somewhat presumptuously?

The Hon. S.J. BAKER: I actually answered that question. The member for Giles did not tell the whole truth. He did say that a task force was set up; the only thing is that the task force was a very select group of people and it was representative not of employees but of unions and Government. Indeed, he did not tell the rest of the Public Service about it. Perhaps somebody should have guessed. I guess the same issue should arise here in terms of the publicity that has been given over a long period of time to the closure of schemes in New South Wales and Victoria. I was not satisfied that that was the right way to go at the time, because I know how important superannuation is. However, the facts of life are that the former Treasurer did not broadcast—and neither did the former Government broadcast—the fact that the scheme was closing. End of story.

Mr QUIRKE: In essence, this amendment comes down to the process by which this exercise has been undertaken by the Government. We have had a number of allegations about how the 1986 system was closed. We were told initially that in that process no warning was given, no-one was involved and all the rest of it. Now we find that some people were involved: we find that some unions and some other representatives were involved. The reason the Opposition is moving this amendment to this legislation is the shonky processes that were used in this exercise. What we had were letters going out to union representatives, and through them to their members; we had letters going out as late as a couple of weeks ago saying, 'Do not worry; there is nothing to worry about. The Government has no intention of changing the system; signed, Stephen Baker, the Treasurer.' That was the first stage.

What did we have going on at the same time? We had an employee of the new Government, Matthew O'Callaghan—who is well known to members on this side of the Chamber—organising, with a number of other people, the very antithesis of what the world was being told. He was organising the closure of this superannuation scheme under the instructions of this Government and this Treasurer. What was happening was that a Bill came in here exactly the same day that the Audit Commission report arrived here. In the letter that the Opposition had, signed by Mr O'Callaghan, we find the anticipation of what the independent Audit Commission came down with in terms of superannuation. This is a cheap and shonky stunt that will be seen out there for what it is. This Opposition at least belts some decency into it and gives some of those people out there who have not taken up their options of superannuation the chance to do so.

Mr LEWIS: What nonsense! The member for Playford knows that, if there is merit in making a change, the argument validating that change is relevant now, not next week or next month, and that it is to save the ship of State of South Australia that we make that change. It is in recognition of the parlous State of our finances and the risk of our credit rating falling even further. What is more, the member for Playford ought to recognise that anyone at all who has worked for the Government up until 3 May will have no change to their superannuation benefits to that date—none at all. There is no deceit involved. They will get what they were entitled to whenever they seek to obtain it.

There is a change to be made. The need for the change is identified, defined and recognised, and now takes the form of this legislation. It is ridiculous to say, 'Let's put it off a little longer.' That is the kind of mentality which the previous Labor Government had and which got the State into the mess it is in. If we have identified a problem, for God's sake, for your sake, for our sakes, for the sake of the people of South Australia and the future credit ratings of this State and therefore its capacity to attract business, create jobs and provide a future for everybody, let us change it now.

A division on the amendment was called for.

While the division bells were ringing:

Mr BRINDAL: On a point of order, Sir, if the member for Giles did not call 'Nay', is he entitled to call for a division?

The CHAIRMAN: The honourable member for Playford called 'Nay.'

Mr BRINDAL: But I thought you had to be the caller of a 'Nay' to ask for a division, Sir.

The CHAIRMAN: The call was tardy, but the Chair did pick up a faint call and did pick up the call 'Divide.'

The Committee divided on the amendment:

AYES (7)

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

NOES (29)

Andrew, K. A.	Armitage, M. H.
Baker, D. S.	Baker, S. J. (teller)
Bass, R. P.	Becker, H.
Brindal, M. K.	Brown, D. C.

NOES (cont.)

Buckby, M. R.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Gunn, G. M.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Venning, I. H.
Wade, D. E.	

Majority of 22 for the Noes.

Amendment thus negatived; clause passed.

Clause 3—'Interpretation.'

Mr QUIRKE: I will not proceed with my other amendments, which were consequential upon my amendment to clause 2.

Clause passed.

Clauses 4 and 5 passed.

Clause 6—'Contributors.'

Mr QUIRKE: This clause is one of the most innocuous in this legislation. I say that because of the group of people involved. If ever there was a group of people who put their trust in the Liberal Party, who are starting to learn what the Liberal Government is all about and who have every reason to doubt giving support to that political Party, it is members of the South Australian Police Force. Indeed, members of the South Australian Police Force have a very difficult job. They train for some considerable time before they go onto the job and, when they go onto the job, they risk their life. They need their superannuation. They have families for whom they are responsible, and to date those families have relied on that superannuation should anything go wrong.

There are members on this side and the other side of politics who will remember those police officers who have suffered at the hands of others while protecting the community in the past three or four years. I cite the terrible tragedy of the David Barr incident at the Salisbury interchange and the impact that had on his family. Members on both side of politics went to some of the charity functions that were organised by the Police Association in that instance, but at the end of the day it was the superannuation provisions that helped his widow (and I know of the problems that she has had since) and two children.

I mention also the policeman currently in hospital. This is a cheap and shabby attempt to cut the wages—and that is what it is at the end of the day; it is a cut of wages and conditions—of serving police officers who will risk their life in a whole range of different situations, and they will not do it with the same level of superannuation support that they had before. A couple of other points need to be made about that. No doubt in the budget session we will debate many other changes to working conditions. One of those changes to working conditions that was mooted in the Audit Commission is the question of police overtime. This is not the time to debate that (and I do not intend to widen the debate): this is about police superannuation—or should I say it will be about the lack of police superannuation when this Bill goes through the parliamentary process, if it is successful.

Members of the Police Association of South Australia are very concerned about this legislation, because they know what it means. They know that the attack by the Liberal Party upon the working conditions of the Police Force is particularly nasty. The support that many police officers have given the Liberal Party should be noted—and we on this side are well aware of that. We know that the Police Force, like many other agencies, is divided along political lines. However, it would be a reasonable assumption to suggest that a large number of police officers have put their faith and support in the Liberal Party and believed that, when the Liberal Party came to government, it would make their lot in life better.

What the Government is doing here is making the lot in life of future police officers very much worse. The Opposition recognises the impact of this Bill; that, of current serving police officers, those who have taken out superannuation will not be affected and those who are in the next intake of cadets and who are cadet police officers at this stage will still be eligible for the scheme. But that, of course, will not be the Police Force in three or four years or in 10 years time. A large number of serving police officers will not have any State superannuation scheme, and I previously asked the Minister whether it was his intention to announce tonight in the House that some sort of provision will be made in the future to address some of these anomalies. We were told that he has an open mind on the question.

The member for Giles interpreted 'open mind' to mean that the Minister was hoping the problem would go away and nothing will happen. But I must make the point that something must be done for serving police officers in the future. I ask the Treasurer: does he have an open mind on this question or can he tell the House and, through the House, the Police Association and its members, that he has in mind some sort of scheme in the future for serving police officers? If he does not, I suggest that a large number of police officers would not want to get themselves in the position of young Constable David Barr or in the position of young Constable McManus last week, because they know what it will mean to their families.

The Hon. S.J. BAKER: I am fascinated by the comments of the member for Playford. Suddenly, he has an attack of conscience after being part of the Government that caused so much damage. Perhaps he should have thought of the damage he and his Government were doing at the time and then we would not need to debate this issue here. The honourable member seems to be confused: he was talking about a cut to existing benefits. Nothing whatsoever was said about that in this Bill. Then he changed tack and said 'It's all the policemen of the future.' He well knows that, in the case of members of the Police Force injured on duty, workers compensation provisions cover that period for which they are unable to serve on the force. Indeed, every current member of the force has superannuation and workers compensation behind him or her, and that also prevails for those in the existing cadet intake.

The issue of people laying their job on the line is an important one and is addressed through workers compensation within Government. In terms of superannuation, as I said, the issue was to ensure that we did not have an avalanche of applications, whether the person be a policeman, a fireman or some other person operating in the area of risk—and there are many within the public sector. I cannot understand why the honourable member singles out the police, because a number of other people serve this State particularly well in a number of other occupations and do not receive special recognition. The Police Force probably was not amused either when, without consultation, except for the task force, the pension scheme was taken away. Its members were not suddenly told, 'Join up, because it's the last day you

can, and you do like your pension scheme but it's no longer going to be there.' Now we have a lump sum scheme, and we are simply closing that off to future participation, excluding those in the current intakes. So, we are not being unfair to one particular group, and that should be recognised. The schemes had to be closed off right now to stop the avalanche. The issue as to what should prevail in the future is another question.

Mr BRINDAL: I would like to address the remarks on this clause by the member for Playford. I acknowledge that the honourable member's remarks will read prettily when taken out of context and when circulated among special interest groups, and I ask the Deputy Premier and Treasurer whether those remarks bear any relationship to the facts. For instance, first, I understand that it is compulsory for serving police officers to be members of the existing superannuation scheme. Secondly, I believe that serving police officers have done certain things for themselves, and the health scheme is one of them.

I ask the Treasurer in that context, which bears on this Bill, who forced the police scheme to cross-subsidise other health schemes, whether it was the Liberal Government or some other Government? And I also ask the Treasurer whether it was the practice of the last Government to allow all serving police officers into the old scheme or whether serving police officers who had been there for some years were allowed to continue in the old scheme and the younger police were given the less advantageous new scheme. Finally, I ask whether the member for Playford is not guilty of gross hypocrisy and of playing political opportunism at the expense of truth.

The Hon. S.J. BAKER: The answer is 'Yes', 'Yes' and 'Yes'. Quite simply, the issue of contributions to health schemes is a matter we have looked at, and the only thing I would say there is that, whilst the health schemes were required to pay for the cost of processing (and we have looked at that matter since then), their union mates were not. And whilst the charge remains in place, at least, it is universal and not being used in certain circumstances (which the previous Government did) and not for their mates. That was the unfairness that probably was one of the prevailing issues there. So, the point made by the member for Unley is relevant: it is a very cynical exercise, but the Opposition is into playing those games. It does not care about the future of the State: it is about playing games.

The Hon. FRANK BLEVINS: When I was in charge of superannuation in this State, I put an awful lot of time into police superannuation.

Mr Brindal: Look at the money we lost, Frank.

The Hon. FRANK BLEVINS: We did not lose it on police superannuation. We did not lose it on anyone's superannuation. As I said earlier, I have never seen a police officer who was overpaid, underworked or who got too much superannuation. You cannot get them too much superannuation. With the agreement of the Police Association—and they were treated no differently from everyone else—we negotiated a new scheme for police officers, which is the best superannuation scheme for police officers in Australia. And I am proud of that.

I put a lot of time into that, because police officers are not the same as clerks or admin officers. My police officers had a better superannuation scheme in some respects than others because theirs is a job where, on a daily basis, they put their life on the line to protect the member for Unley as well as me. The fact that the superannuation scheme for police officers was a very good one is something of which we all ought to be proud.

If this Bill is passed, the police officers in this State will be the only police officers in Australia to be told, 'Get nicked. There is no superannuation for you if you work for us.' They are the words of the Treasurer: 'Go and sort out your own superannuation.' That is an appalling position to put to any employee, but particularly to someone who is there protecting you and the member for Unley. That is a dreadful position to put.

All I can say is that what I did in relation to police superannuation I did with the agreement of the Police Association, with the Secretary, Peter Parfitt, and with Peter Alexander, the two officers with whom I dealt in the main. Those people conceded nothing, but they were sensible and wanted the best outcome for police officers. They were happy to see the old scheme scrapped. The old scheme tied to the job police officers who ought to have been retired years ago. They could not afford to retire given the way the superannuation scheme was structured.

Clearly, the member for Unley knows nothing about the subject. His contribution really does not assist the Committee one iota. That was the problem with the old police superannuation scheme, and the Police Association wanted it changed. It changed it with me by negotiation and we developed the best police superannuation scheme in Australia. It was appropriate for the time at which it was negotiated: not for 30 years earlier. It was a modern superannuation scheme. The Government is now going to say to police officers, 'Go out there and get shot for us, but there is no superannuation for you apart from the miserly superannuation guarantee.'

I disagree with the member for Playford in relation to that guarantee, because it is nothing. I hope it builds up to something eventually, but as it stands now it is trivial. The Government, as the employer, is going to say to all those widows or spouses of police officers who are out there facing possible death and injury every day, 'There is no superannuation: tough. Go and make your own arrangements.' I think that is disgusting. It is many years of my work down the drain. I will not be a party to it; I will oppose it all the way down the line and I hope that the Police Association opposes it all the way down the line—it ought to.

Mr BRINDAL: The member for Giles and I agree on one thing: the honourable member thinks that my contribution to this Committee exactly concurs with my opinion of him as Treasurer of South Australia. Having said that, I will decide if I wish to contribute to the debate, and I do. We have heard a lot about police officers and firemen laying down their life and putting their life on the line in the course of duty. That is true; no-one in this Committee would deny that.

However, I ask the Treasurer: in the event of the unfortunate circumstance where a police officer or fireman loses his life or is incapacitated, under what scheme is he paid? It was my clear understanding that in that case he or his widow is paid workers compensation and any pension that is applicable only kicks in when the workers compensation ceases. Is that little contribution to the debate inaccurate? Is anyone who loses their life or is incapacitated paid under workers compensation, and is a pension applicable?

Given that the ex-Treasurer's new scheme was so good and the police were pleased to be out of the old scheme, does the Treasurer have figures on how many police opted to stay in the old scheme and not transfer to the new scheme? I would bet this Committee London to a brick that very few

police officers transferred from the old scheme to the 'you beaut, whistles and all' new scheme, which was a mirror image of the State scheme and which the ex-Treasurer now puts up as being so wonderful.

Mr QUIRKE: The member for Unley might bet London to a brick on how many police officers wanted to opt out of the scheme that was closed in 1986 in relation to those in the new scheme that is being closed as of May this year. However, he would not want to bet London to a brick—

Mr BRINDAL: I rise on a point of order, Mr Chairman. I asked a question of the Treasurer. Has the Treasurer not a right to reply before the member for Playford?

The CHAIRMAN: The member for Unley will leave the Chair to decide. The member for Playford rose; the Treasurer remained seated. There is no compulsion upon the Treasurer to respond to any question. The Chair was ready to defer to the Treasurer had the Treasurer risen. The member for Playford was clearly anxious to speak, and I assume that the Treasurer will respond to all questions when he chooses. The member for Playford.

Mr QUIRKE: As I was saying, at the end of the day, he can take whatever bets he wants about who wanted to opt into the scheme before 1986 compared to the scheme after 1986, but he will not find one single police officer who wants to opt into the scheme that will be in place after this Bill is passed, because there will not be a scheme: it is gone. There is no scheme at all. If the member for Unley had been here for most of the debate he would understand the situation. The honourable member was not here for one of the divisions; I do not know where he was and I do not care. Had he been here he would understand that at the end of the day the Party that he represents is cancelling superannuation arrangements for public sector employees, including police officers, after a certain date. That is what the debate is all about.

I wish to pose a question to the Treasurer, as there has been a series of questions posed by the member for Unley. If a police officer is killed in the line of duty, without the argument about journey accidents and all that stuff and without the arguments about stress where it has led to a number of consequences and to a premature demise, irrespective of that which they have already done to the Police Force or are in the process of doing, what is this great amount of money that will be paid to the widow? Is it not simply the formula that has gone through here under the WorkCover arrangements, and they are eligible to nothing extra unless they have some form of superannuation that they have taken out themselves?

The Hon. S.J. BAKER: First, in relation to the matter of workers compensation, yes, the people who are injured, maimed or killed on the job will be provided with benefits through workers compensation. In fact, that scheme provides a bigger benefit than if a person had taken a *pro rata* superannuation payout. Secondly, if the member for Giles had so much care and concern for the police why did he not damn well fund the scheme? I looked at the figures and noted that the liabilities were $616 million, the assets were $121 million and the unfunded liability was $495 million. In 1990, the only people I heard from who were dragged screaming, if you like, into the other scheme were the police.

An honourable member interjecting:

The Hon. S.J. BAKER: The closure of the police scheme was in 1990, because they were a little tardier than the rest of the Public Service; tardier because I am not sure that the Government could actually get agreement. The honourable member should check his facts. We will be looking at some form of contributory scheme somewhere in the system.

The Hon. Frank Blevins: Who for?

The Hon. S.J. BAKER: For everyone. What form it will take I would not have a clue. We have had the report for seven days. As we have heard, the Government made the decision. How we change it, control our liabilities and fund our liabilities to everybody's satisfaction, including the Federal Government's, is up to us. The Federal Government has a big say in this issue, as the former Treasurer would know. I have some letters on my desk from the Federal Government. The Federal Government wants the State budget deficit brought down faster, as the former Treasurer may well be aware. The Federal Government is saying, 'South Australia, you have to be more financially responsible', yet at the same time the Opposition is saying, 'Look, forget about financial responsibility, forget the Federal Government, forget about your future grants, you just go on and build up your liabilities.'

I think I have answered the questions. I cannot give any guarantees at this stage because it is inappropriate to do so. Whether it comprises members simply putting in their contributions so that they have a form of insurance that then gets placed in the market place at competitive rates or whether there will be a Government contribution in that scheme I would not even be able to hazard a guess at this stage.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: I am not able to hazard a guess. I have not done the figures. At this stage I have not looked at the issue whatsoever. We are six months away. The issue is the closure of those schemes immediately. As I said, I covered the police matter separately. I cannot and will not guarantee that we will have a Government funded scheme in six months. All I am saying is that we will be looking at a contributory scheme of some sort but within the realms that we can finance. The member for Giles can smile, but it was his Government that did not even pay the basic superannuation guarantee. That is total irresponsibility.

That matter was raised in Parliament. If the member for Giles has such a great concern for the Police Force, which he now seems to profess a love for and which I do not think he displayed previously, and if he now wants to play the game of politics in his own inimitable style, then so be it. There is nothing in the former Minister's actions which suggest that he has done a great deal by the police. He should go back to the Police Association and look at some of the records that applied when the issue of the changeover schemes was being negotiated.

The Hon. FRANK BLEVINS: I will make a few comments to the Committee. For the benefit of the member for Unley, police superannuation is compulsory; police officers had and still have no choice. They have to join the superannuation fund, unlike other public servants. Again, for the benefit of the member for Unley who is betting London to a brick that nobody was changing over from the old scheme to the new scheme—from the pension scheme to the lump sum scheme—in one respect he won his bet, but nobody changed over. The reason is that there was no provision for any police officer to change over. They did not have the opportunity to go into the new scheme; they were compelled to stay in the old scheme. I think the member for Unley's contribution was not terribly well informed.

In regard to funding the police scheme, what has that got to do with anything? The police have an Act that determines

how much they will get, and they get it. What does it matter to the police whether the scheme is funded or not? Not one iota. Every police officer who was entitled to superannuation got it and will always get it in the future, except that when this Bill passes new police officers will get nothing. They will be the only police officers in Australia not in superannuation, and the Government believes that it can sustain that position. I tell the Government now that it will not sustain that position. Emergency services workers, including the police in this State, will not cop not having a superannuation scheme given what they put up with so that we can sit here nice and comfortable. They will not cop it, and the Government will not sustain it.

As regards my 'new found love for the Police Force'—according to the Treasurer—let me say this: I dealt with police officers in this State for about eight or nine years. When I finished dealing with police officers they had the highest pay of any police officers in Australia, they had the best conditions of any police officers in Australia, we had the highest number of police officers per head of population in any force in Australia, and they had the best superannuation of any Police Force in Australia. That is not a bad record. I am not about to acquiesce in the Treasurer changing that. I invested too much in it. In country areas they also paid the lowest housing rents in Australia. I defended that budget after budget after budget, and I will continue to do so for a very good reason: I sleep at night while they are looking after me.

Mr LEWIS: I have heard some real nonsense tonight. What we need to remember is that it has been compulsory for policemen and policewomen to be part of a superannuation scheme up to this point. Those who are members of the existing superannuation scheme will continue to derive their benefits and their membership from that. Any new officers in the Police Force from 4 May will join this new scheme which is foisted upon us by Commonwealth legislation. In the superannuation benefit scheme or whatever it is called, five per cent of salary is contributed immediately, and it will grow by about one per cent a year until it gets to be nine per cent of salary. It will not be taken from the salaries of the police officers; it will be paid for from the public purse. It will be every bit as secure, if not more so, than the existing order of things. It is under the new Commonwealth legislation that requires such a scheme to be established that this will arise.

At the same time, just to put the record straight, those people who are not part of the police superannuation scheme, but who are part of the wider Public Service—in the pension scheme, which is the 20 per cent contribution by taxpayers of basic salary; and the lump sum scheme, which is the 12 per cent contribution of basic salary—will remain there. None of their benefits will be altered under this legislation. There will be no change. No existing member of any Public Service superannuation arrangement—be they police or otherwise—will be affected.

The fact is that there were about 70 000 members of the Public Service who were not members of any superannuation benefit scheme or retirement fund arrangement who are now required to belong under Commonwealth legislation. They will be covered by this same new scheme about which I have spoken where the contribution being made to it is 5 per cent of the value of salaries at present, growing to 9 per cent at the rate of about 1 per cent each year from now on. Non-members will have to join the scheme—they will have no say—but they will have no costs. There will be no change to the amount of money that goes into their pay-packets, and any new appointees in either the Police Force or the Public Service from 4 May onward will belong to that. There is no change to the existing order up to 4 May. The only change is in those people who join after 4 May. It is about time members of the Opposition understood that, came clean about it and stopped misrepresenting the truth.

The Hon. S.J. BAKER: As the member for Ridley has made quite clear to the Parliament, the superannuation guarantee will continue and it will be up to 9 per cent. The existing schemes for those already in them will continue, and they will be discounted for the guarantee as it moves through the system. If there is a further contributory scheme on top of that, over a period there will not be a great level of disadvantage in terms of the total lump sum benefit that prevails at the end of the day.

I have not sat down and worked out whether, if you are contributing 9 per cent from the public purse on the guarantee and 6 per cent from your salary, which is the existing provision, you are more than 2 or 3 per cent off the pace. They are the sort of things that are very complex and need to be looked at.

Members interjecting:

The Hon. S.J. BAKER: We are talking about new entrants.

Mr Quirke interjecting:

The Hon. S.J. BAKER: I must say to the member for Playford that personally I had no difficulty with the superannuation guarantee. You did not hear me criticise it in the Parliament. I said time and again that the nation had to become responsible. Irrespective of what goes on at the Federal level, we are dealing with the State level. If anyone can find anywhere in *Hansard* that I have criticised the superannuation guarantee—

Mr Atkinson: I want to see where you have praised it.

The Hon. S.J. BAKER: It is an essential part of our fabric.

Mr Atkinson: Where did you praise the superannuation guarantee?

The Hon. S.J. BAKER: The superannuation guarantee is something to which we are committed. We are committed to fully funding the 9 per cent.

Members interjecting:

The CHAIRMAN: Order!

The Hon. S.J. BAKER: We are talking about new employees who have not joined the service in the case of the police, for example. We are talking about people who have joined the Police Force. I do not know that we are dealing with a situation from which no-one will get anything, that it is the end of the world and that the police will not serve us well. They have always served us well and they will continue to serve us well. There will be a change of conditions. The final distribution requires a hell of a lot more work than can possibly be done in the space of a matter of days. That is what we have had—a matter of days. A large number of other issues must also be considered. I have given an undertaking that the matter will be fully canvassed by the time the six months is up. At every available opportunity I will be looking to satisfy the needs of people to provide for superannuation.

Clause passed.

Clause 7 and title passed.

The Hon. S.J. BAKER (Treasurer): I move:

That this Bill be now read a third time.

Mr QUIRKE (Playford): The Opposition opposes the third reading of the Bill. It is with some regret that it comes

out of Committee without any amendment at all to make it more palatable to the public sector workers of South Australia. Indeed, it needs to be taken in context with a number of other measures that have gone through this Chamber, in the three months or so since we resumed in February, as an attack on the working conditions of people in South Australia.

It is appropriate during the third reading debate that we list some of them. One Bill that passed this Chamber generated a great deal of debate in the other place in terms of what happens to reasonable levels of compensation under WorkCover in South Australia. We find that a number of provisions will affect South Australian workers, particularly emergency services workers. There is also the Audit Commission, which is a treasure chest full of wishes that members of the Liberal Party would have really liked to have last year before the election. The Liberal Party would have liked to run the flag up the pole, saying these are the sorts of things it was really going to do, but it knew that it was a bucket of smelly fish. The only thing that members opposite did not realise in their arrogance after 11 December last year was that, if they had brought it down before a by-election, such as occurred last weekend, the people out there would get smart.

They had a clear cut example of all the promises up to 11 December and then all of the actions afterwards. In the Liberal Party's treasure chest full of wishes are measures concerning overtime for police officers and measures that will affect other workers in other areas in South Australia. It is interesting that the first thing the Government is moving on—the very first thing—is superannuation. As this debate has proceeded over the past hour or so, it has become clear that the Treasurer does not have a clue as to what will be offered as some sort of compensation in the future. Then we found out that the Treasurer has been a closet supporter of the superannuation guarantee charge in Canberra all along. I say a closet supporter because no-one here has ever heard him utter a word until it suited him tonight to tell the world that he thinks the Labor Government in Canberra is doing a good job—a socially responsible job—in terms of superannuation.

Then we had the nonsense about the fact that it is going up to 9 per cent. It may go up to 9 per cent, but the same member telling us about his support for this scheme and what a great idea it is no doubt will be busy working out there next year or whenever we have the next Federal election to see that his mates who have promised to kill off the scheme at the first opportunity are elected.

He may be a closet supporter of this scheme, but there are not too many other members of the Liberal Party in any of the States and certainly not in Canberra who say, 'We believe that increasing the superannuation guarantee charge to 9 per cent is a socially responsible measure that should be supported.' We did not hear him say it before tonight, and I predict that we will not hear it in the future unless it suits his arguments of convenience when he is cutting off other superannuation measures.

The DEPUTY SPEAKER: I ask the honourable member to resume his seat. It has always been the requirement that the third reading debate address precisely the subject matter of the Bill and that it not be wide ranging. Issues of 9 per cent, Canberra and so on are not mentioned specifically in the Bill. So I ask the honourable member to return to the Bill. I am sure there are things he can say concerning the Bill itself.

Mr QUIRKE: Basically, the provisions in this Bill are mean and miserable. The Treasurer has attempted tonight to make all sorts of gratuitous remarks about how wonderful is this system of superannuation guarantee charges, which were brought in in Canberra, and how they will overcome some of the problems that he is about to create. All the provisions of this Bill seek to cut the working conditions of every man and woman who works in the public sector in South Australia and who has not as yet opted into the scheme and, indeed, those future members of the public sector who will not have superannuation provided for them.

We found out tonight that a scheme may be instituted in the future. We were told earlier that the Treasurer has no idea what that scheme will look like but that there may be a scheme in the future. We then found out that it may not be too far distant and that, if it was coupled with the Canberra system, there would not be too much of a discount. No-one will cop that or believe it. The people know what this Government is about: it is about attacking the working conditions of people in South Australia, and the people showed very clearly last Saturday that they will not cop it.

The Hon. FRANK BLEVINS (Giles): I oppose the third reading of this Bill. I expect that the member for Playford will call for a division. The Bill is an absolute disgrace to this Government. For any substantial employer to deny a decent superannuation scheme to its employees is just that—an absolute disgrace. I say this: if it applied to members of Parliament, they would not cop it. This is Government by Cliff Walsh, that tired old right wing warhorse. Cliff runs the Government: it is as simple as that.

Mr Atkinson interjecting:

The Hon. FRANK BLEVINS: The member for Spence may have some affection for Cliff Walsh, but I think that, if Cliff Walsh had any relevance, it was probably a decade or so ago: it is certainly not today.

Mr Lewis: What relevance does this have to the debate?

The Hon. FRANK BLEVINS: The relevance is very simple. The Bill came out, according to the Treasurer, as recommended by the Audit Commission, of which Cliff Walsh is a member. It is precisely relevant. I do not normally answer the member for Ridley's interjections for obvious reasons.

The Hon. S.J. BAKER: I rise on a point of order, Mr Deputy Speaker. Do we have to put up with this rubbish during the debate on the third reading? It is a matter of relevance. Cliff Walsh was a member of a four person committee. We are getting into a debate on the merits of particular personalities. It has no relevance whatsoever to the Bill or the third reading. We have put up with this claptrap all night; we might as well stop it now.

The DEPUTY SPEAKER: Unquestionably, the Treasurer has a point of order. As I said to the member for Playford, the third reading debate is narrow and specific and relates to the Bill as it emerges from Committee. While the honourable member's comments may have been relevant during the second reading debate, they are certainly not relevant at this stage when new matter is being introduced. I ask the honourable member to return to the subject matter of the debate.

The Hon. FRANK BLEVINS: This Bill takes away what I believe is a fundamental right of all workers to occupational superannuation at a sensible and decent level, which includes, contrary to what some of my colleagues believe, a contribution from the employee. I have some problems with the superannuation guarantee charge. I believe it ought to be compulsory and that there ought to be a contribution from the employee. As we go into the third reading, this Bill denies

workers that fundamental right and lifts what I believe is a fundamental obligation on employers to ensure that there is a scheme in their workplace for their work force. If the Government, of all employers, which probably employs about one-fifth of this State's work force, suddenly says to its employees that in the future there will be no superannuation—and that is what this Bill does—that will take away something quite affordable and relatively modest when compared with many schemes in the private sector. It is 6 per cent of the payroll now, increasing to 9 per cent of the total Government payroll in the future—not an exorbitant amount by any means—and there is absolutely no reason at all for this Government to do it.

I conclude by making one prediction: in certain areas of the public sector the Government will have to do a somersault. It will not sustain it. I call on the Police Association and other emergency services unions as well as the public sector union and the teachers union—all unions—to oppose this measure vigorously in exactly the same way as I would call on employees of BHP, SANTOS or any of the other major employers in Whyalla to do the same. They would not dream of doing this, and the Government ought to be absolutely ashamed of itself.

The House divided on the third reading:

AYES (28)

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

NOES (7)

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

Majority of 21 for the Ayes.

Third reading thus carried.

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

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

PETROLEUM (SUBMERGED LANDS) (MISCELLANEOUS) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No.1 Page 21, line 18 (clause 49)—After 'giving effect to the' insert 'instrument or'.

No. 2 Page 24, lines 20 and 21 (clause 57)—Leave out 'inserting in subsection (1) "or by the District Court" after "Supreme Court" and insert 'striking out from subsection (1) "by the Supreme Court"'.

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

That the Legislative Council's amendments be agreed to.

Motion carried.

CONSTITUTION (ELECTORAL DISTRICTS BOUNDARIES COMMISSION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 1004.)

Mr ATKINSON (Spence): The Bill before us requires the Electoral Districts Boundaries Commission to issue a draft redistribution upon which interested parties can comment before the commission makes a final distribution. The Bill adds five subsections to section 85 of the principal Act. These subsections provide that the commission must prepare a draft redistribution, send a copy to each person who wrote a letter to the commission or appeared before it and invite them to make a further submission in light of the draft. It requires the commission to advertise the draft in a newspaper circulating State-wide and to invite readers to make a submission. After reading and hearing these further submissions, the commission may hear further evidence and argument before making a final order.

The Bill will make our process for redistributing electorates akin to the Commonwealth process. Redistributions make or end the careers of members of Parliament. We live in fear of them. In December 1991, craven was the queue of members of the House of Assembly waiting before the attendants' desk for copies of the redistribution. My name started with 'A', so I was amongst the first to receive a copy. An apprehensive colleague, whose name started with a letter down the alphabet, stood by me to get news as soon as possible from my copy. 'On line of sight it looks okay', he said, his eyes fixed on a copy of the report opened at the map of the seat which he then represented. What a cruel moment it must have been when he added the returns from all the booths in his new electorate. How much crueller the results of 11 December 1993!

By this Bill the Government wants the agony protracted. After the draft report, MPs may now plead for their political lives before the commission. The Bill is not new, as you know, Mr Speaker: a similar Bill by the same name was before the House last year, moved by you, Sir, as the member for Eyre (now your humbler designation). It fell to me, a callow Government backbencher and the youngest member of the House, to parry this Opposition thrust.

The points I made were three: first, that the Bill allowed appeals on the merits against the findings of the commission. Until now the only appeals allowed against a State redistribution had been on points of law. I argued that natural justice did not demand appeals on the merits which were in effect rehearings of the case. MPs being as vexatious as they are, there might be no limit to the number of appeals on the merits and their duration. My second point was that the Bill was designed to overcome those aspects of the redistribution which defied the principle of community of interest, namely, Kangaroo Island's inclusion in the Eyre Peninsula seat of Flinders, Port Adelaide's inclusion in the Salisbury seat of Taylor and—one that must have exercised your mind, Sir, though you did not say so at the time—Port Augusta's inclusion in Eyre.

The Bill allowed disgruntled MPs and their acolytes to appeal against these deviations from the norm of community of interest. My argument here was that Parliament had, at the urging of Liberal Party MPs, decided to downgrade community of interest as a redistribution criterion so that its harmful

effect on Liberal Party representation could be reduced. Parliament wanted electoral fairness to take precedence over community of interest, and this change had a special status in the law because it had been put to the people in a referendum and carried by a huge majority of votes. By putting electoral fairness first, we wanted the outcome of a general election in the House of Assembly to reflect the votes cast for the major Parties. Allowing appeals based on community of interest would undermine electoral fairness.

It was humbug for the Liberal Party to allow appeals against a dispensation it itself had designed. The angry yeomanry of Kangaroo Island had no-one to blame but the Liberal Party for its annexation by Flinders. My third point was that appeals would undermine certainty and postpone the final outcome. You, Sir, conceded then that my arguments had found favour with the House—24 to 23, I recall. You went on to say, 'No matter what the honourable member or his colleagues have to say, as sure as we sit here this proposal will be put into the Constitution Act in the very near future.' You went on to say, 'They can defeat my Bill today, but it will not be long before they do not have the numbers.' Oh, what a prophet you are, Sir, now sitting resplendent in your parliamentary monstrance! My arguments wither against the might of your host—36 in all. I say, 'Let the Constitution (Electoral Districts Boundaries Commission) Amendment Bill be law.

The Hon. S.J. BAKER (Deputy Premier): I was not sure whether the member was supporting the Bill. Mr Speaker you, as the architect of this Bill, would have a great deal of interest in it, because you moved it prior to the last election. Of course, what we are doing is providing the same access if members, Parties or community of interest groups are aggrieved by recommended changes to the boundaries; that is the reason. As the honourable member would recognise, it has been part of the Federal legislation for a number of years. It does not seem to have precipitated a large increase in the number of number people saying that the distributions are totally out of kilter with their expectations.

The Government is putting forward the Bill. A view has been expressed over a long period that, if the commission did not get it right—which it does not on many occasions, for a variety of reasons—then somebody can point out the error of the commission's ways. We have found a startling example, and probably the best example where commissions have continually got it wrong, with the seat of Elizabeth. Just in number terms, in the past three distributions, it has never approached the numbers that should have prevailed had the quotas been applied more stringently than obviously the commission applied them. A number of individual issues related to the number of strange boundaries that resulted from the deliberations of the commission wanting to get some numbers right and not worrying about other numbers; the discrepancies have been quite significant.

Growth areas have been put under quota previously by the commission, by a small margin, when we know that extensive growth in that area will take them well over quota in the space of four years. We can look at such seats as Fisher and Davenport where that has prevailed. Whilst they have started slightly under, they should have been put well under quota because of the growth potential in those areas. We have had areas with negative growth that have also been put under quota, and some of them well under quota. There are some anomalies in terms of the size of the seats that are created, and some of our country members have been put over quota, with reasonable growth prospects, yet city seats with no growth prospects have been put under quota. So, there are some anomalies. Some of the natural boundaries that we would expect the commission to follow have not been followed.

The Bill allows the commission to have a second look at examples where there are anomalies, and some will be submitted by a Party that believes, under its calculations, that it has not been well treated. Before the 1985 election we calculated that that redistribution disadvantaged us and gave us little opportunity to win in a small swing situation. There will be a number of occasions when the Parties, members and community of interest groups feel aggrieved, and the Government will allow the same access to an appeal mechanism—or at least not an appeal, as such, because it will not be heard in a court. It is simply asking the commission to deliberate on its findings and ensure that the issues of concern that are raised are looked at again, even if the commission ultimately does not change its mind on those boundaries. I commend the Bill to the Parliament.

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

STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments.

PASSENGER TRANSPORT BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

DEVELOPMENT AND CONSERVATION

Adjourned debate on the motion of Hon. D.C. Wotton:

That a joint committee be appointed—
(a) to inquire into the future development and conservation of South Australia's living resources;
(b) to recommend broad strategic directions and policies for the conservation and development of South Australia's living resources from now and into the 21st century;
(c) to recommend how its report could be incorporated into a State conservation strategy;
(d) to give opportunity for the taking of evidence from a wide range of interests including industry, commerce and conservation representatives, as well as Government departments and statutory authorities in the formulation of its report; and
(e) to report to Parliament with its findings and recommendations by December 1994,
and in the event of the joint committee being appointed, the House of Assembly be represented thereon by three members, of whom two shall form a quorum of the Assembly members necessary to be present at all sittings of the committee; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 3 May. Page 962.)

The Hon. D.C. WOTTON: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr ATKINSON (Spence): The Opposition has considered most carefully the appointment of this joint committee and we support the motion.

Mr LEWIS (Ridley): Of course, naturally I support the establishment of the committee and simply place on record

that, yet again, the Parliament and my colleagues have agreed to appoint a joint committee of both Chambers, and I am sure that the joint committee will do an excellent job. I am not part of it after 15 years in this place, although I suppose there will be a day when I have a first. The aspect of the proposition to which I wish to draw members' attention is the short time the committee will have to cover such an enormous area. It is to look not only at the national parks and other areas of conserved vegetation, be it along the sides of roads or heritage vegetation on private land, but also at the way in which farms operate.

The Minister has pointed out that the committee will examine the way in which farming of indigenous species will be permitted, and the way in which oyster growing and aquaculture will be undertaken. It will also include native flora, that is, flora indigenous to South Australia—and I am not sure whether it would involve only flora indigenous to the locality in which it is to be grown or anything at all that happens to grow elsewhere within the boundaries of South Australia, if it is to be grown in another place for commercial purposes, presumably for the cut flower industry or living plants. It will emcompass the use of anything at all, I presume, be it plants or animals, for so-called bush tucker.

If this committee is to do that and to look at all the implications for tourism and other related enterprises that in some way or other interact with the ecological surroundings as we define them (that is, not topographical, geomorphological or geological, but simply the living surroundings, the ecology of our environment), then it will have its work cut out. In my judgment, it will need to meet for 10 hours a week every week for the next 26 weeks to get its job done, and then probably work 12 hours a week for the last four weeks to ensure that the sifted information is accurately recorded in the report that it drafts to put before the Parliament. I am anxious that, in the process of doing this, the committee does not overlook the necessity to identify just how much of any given ecosystem is necessary to ensure the survival of any of the species that are part of that ecosystem.

That has not been done and no attempt has been made to do it. To date, all we have done is simply grab land, be it wet lands or dry land that might have some alternative use, so long as it looks like what we imagine was its natural state, and set it aside in that state in the name of posterity. I suspect that we are carrying a whole lot of excess baggage and that we ought to attempt a more elegant allocation of our valuable resource called land, for the purpose of ensuring the survival of the species in sufficient quantity as to secure within that array sufficient genetic diversity to prevent the species from suffering the consequences of excessive inbreeding and homozygosity and, therefore, weakness, with the risk of extinction being enhanced and, certainly, the rate of extinction increasing.

All species are here for only a fixed amount of time, whatever that may be. Sooner or later they become irrelevant. Indeed, the species of which we are members is part of that: we will not be here for ever. The planets, the sun and the other stars will be here long after the species *homo sapiens* has disappeared. For us to be so vain as to imagine that we can stop time for ever and prevent further evolution is quite ridiculous. But with that aside, I want to reassure the committee of my belief that we ought not to unduly hasten any of those processes, because to do so is to hasten our own demise. Where the process relates to the survival of other species, our own survival is an integral part of the fabric of life.

That is an important consideration for the committee along the way. However, it is useless for us to set about doing things that we believe will secure the survival of all other species except our own. Our prime purpose must not only be to secure our own survival through securing the survival of other species but to enable those of us who do survive to live a life that is as civilised as possible, and to impose unnecessary burdens and duties upon ourselves is for us to behave in a way just as irrelevant as those people who inhabited Easter Island. You begin to pay more attention to the pieces of stone you erect as monuments to your behaviour, your rituals and your culture than to look after your health and your supply of food. Ultimately, the society itself collapsed because of that unwise preoccupation.

Given the sort of fanaticism that I have seen from some groups and people, we could easily go the same way unless we get them to temper their demands upon the rest of us and the access we all have to the essential resources we need to provide for ourselves; to provide food, fibre and shelter and provide entertainment in the process and, having addressed those problems, also to provide for the other species upon which we depend. Once the committee has examined just how much of each of the ecosystem niches is essential, I trust that we will be able to make a more objective assessment of how much of it we need to be setting aside and in what form, perhaps, we can use what we have in excess of what is really needed.

If the committee does not address that question and does not even attempt to identify a formula by which it could be addressed, then in my judgment the committee will have failed in its task. It is absolutely inane for the committee to go off and examine these matters without putting them into that kind of framework. In the process of doing so, I hope that it identifies the necessity to lock up some parts of national parks and make them absolutely no go areas, completely free of any human intervention by modern man, and that includes scientists. If that is not the case, it will also have failed in its duty.

There needs to be a second category of area into which can go only research scientists and other people who are interested in one or more of the species to be found there, to study them. That could include such people as those who belong to the Ornithological Society, for instance. Then, a third category of natural ecosystems that needs to be set aside and identified for the purpose is an area to which anyone and everyone can go for recreational activities that are passive, not active; in other words, no trail bikes and the like. People can go on foot. Where they do not have the physical capacity to get around on foot, of course, we as a compassionate society need to make it possible for them to get there on, say, the backs of camels or carts and whatever camels may tow or, more particularly, pathways not for the purposes of four wheel drives but for the access of things like hovercraft, which will do much less damage and require much less extensive carriageways to traverse the ecosystem, be it wet land, hinterland between wet land and dry land, or any of the dry land national parks.

People who are disabled and people who are infirm are just as entitled to access (and just as entitled then to pay someone to provide that access) as those of us who have sound wind and limb and who can get around to see what is there and enjoy it. Then there needs to be a fourth category, in which more active but unstructured activity can take place; where people using four wheel drives and the like can go, perhaps to see whatever is there without having to get out.

And there needs to be a fifth category much the same as the Belair National Park, where people can engage in activities on specifically established facilities; these are recreational activities conducted in a pleasant setting but which require the removal or rearrangement and modification of the surroundings, that is, the vegetation that grows there and the topography on which it grows.

You cannot have a soccer pitch in the middle of a pleasant setting in a national park like Belair, or somewhere to kick a soccer ball or whatever, unless you modify the surface on which people are playing, both in terms of the way in which its topography is structured as well as the species of vegetation you choose to allow to grow on it. So, there is all that to be done about our national parks system in order to provide us with the sort of information we will need in perpetuity to work out management plans for those national parks and the parts of them that we set aside for those purposes to which I have drawn attention.

Included in that is the role of zoos—not only zoos that deal with exotic species such as we have on Frome Road or, more particularly now, at Monarto but also zoos that, in effect, are run privately at present by Dr John Wamsley and his volunteer supporters, whether it is at Warrawong, Yookamurra or anywhere else. It seems to me that that approach is sensible and relevant to future needs, and the role of private entrepreneurs in providing for it ought not to be overlooked. The Royal Zoological Society should be encouraged to take a more entrepreneurial role. The outstanding work of David Langton at Monarto needs to be further encouraged.

It must be identified by the committee that that is a necessity. The committee should also identify how much land is needed for that purpose in each of the localities, otherwise we will not see the survival in this country of endangered species that are indigenous to this country or endangered species that we can breed from other parts of the world—and that is what we are doing at Monarto. More than that, I do not want to see a whole lot of nonsense put on the record about the undesirability of aquaculture enterprises in our coastal waters to the point where they are simply banned or so restricted in controls that they cannot be conducted commercially in a viable enterprise framework. Yet, I know that that is what some of the lefty elements in the conservation movement seek: they wish to prevent either the use of indigenous species for commercial purposes or access to locations in which production of material for sale in a viable arrangement can be undertaken.

There is no question about the fact that you cannot have all the coastal areas covered by oyster farms and oyster reaches, where it is suitable to do so, because in some part that would compete with the indigenous species that occupy those localities if for nothing else then for food. There is no doubt either that we can dedicate most of those areas in a significant degree without threatening any of the species that currently live there and occupy those sites. It is not necessary to set aside all of the sites for the indigenous species to secure their survival. The same goes for all other aquaculture products, whether it is plants like seaweeds that are worth hundreds of millions of dollars prospectively in export to Japan, or freshwater plants in wetlands, or other species, be they vertebrates or crustaceans—species then that fit the general category of animals, even amphibians. Frogs could become a huge export from South Australia if we were even a quarter sensible; we would not have to be even half sensible. There is a growing market for that kind of diverse product from our pollution-free surroundings.

Mr Speaker, I know that you understand that and the benefits that will come to the South Australian community if we grasp the opportunity to get into those enterprises within the framework of ensuring and securing the survival of all indigenous species and, at the same time, engaging in activity that is sustainable in perpetuity. The committee has a large task in front of it. It has to get to some of the best scientists in this country; the most advanced in terms of their insight and research of what is there and what is needed to keep it there. It needs to do that without fear or favour and lay off listening to too many cranks who might otherwise divert the committee from its real purpose. If I hear too much about the sort of attitudes of people whom I see as cranks in this regard, I will certainly have no hesitation whatever in attacking them when the final report is tabled.

I can imagine straightaway, for instance, that there will be some people from Animal Liberation and the like who will oppose the notion of allowing farming of, say, oysters, on the grounds that we will have to slaughter those oysters in their shells before they can be sold for commercial purposes. Of course we do; it is the same as anything else we eat. We have to slaughter every grain of wheat we mill to make bread; and we have to slaughter every grain of barley we ferment to make beer, just as surely as we slaughter every steer that we use ultimately for steak. I know that it has been said before that bacon and eggs involve a total commitment on the part of the pig and a fairly nominal contribution on the part of the chook. However, members should think of the egg: it was life in its most original and fundamental form and it will never come into existence because we as a species have chosen to eat that ova—that egg.

I have covered what I consider to be my concerns, and I have expressed them on behalf of the people whom I represent. I commend to the committee its task and reckon it will do well if it can provide the means by which we identify the things about the topography and the countryside that are currently set aside in different ways to enable us to get on with doing we what we do best and derive a living from the process: whether it is farming native animals, including wallabies, emus and the like, or providing access to parts of our national parks network which are presently denied us because no-one knows whether it will be good or bad if we let people in there. So, we have come down on the side of caution and denied access, and I think that is silly. All together, I am pleased to see that an attempt is being made, and it saddens me that I am not a more detailed part of it.

Mrs ROSENBERG (Kaurna): I support the motion. I agree with the member for Ridley that the committee will have a massive task in front of it. One of the issues that will cause it to be such a massive task is that I think it is probably, in the history of South Australian legislation, anyway, the first time that an attempt has been made to put the different bodies—that is, the development lobby and the conservation lobby—in a central line, where they come together and consensus decisions are made.

This motion comes in response to Liberal Party policy put out during the State election campaign. I do not think it would hurt to reiterate that that policy provided that one of the key aims of a State conservation strategy was to set up a joint committee of both Houses of Parliament and to take a very wide-ranging view from industry, commerce, conservation representatives, Government departments and statutory

authorities. If the committee gives the issues full consideration, it will indeed hand down a very exciting report.

The position taken by this committee will be particularly important, in my opinion, because it will give direction and some certainty to both the development and conservation groups in our community. It is my opinion that for far too long the development lobby and the conservation groups have been at loggerheads. It has also been my belief for a long time, particularly because of the time I spent in local government where I saw development lobbies and conservation lobbies arguing separate cases, that this conflict has existed for far too long. There is the ability for those groups to coexist happily, and there is an ability to have development based on sustainability and full consultation in the conservation process.

If the committee approaches this in that light the result will be good for all South Australia. Indeed, that is the basis of part of the motion which I particularly talk about, and that is paragraph (d), which provides:

> (d) to give an opportunity for the taking of evidence from a wide range of interests including industry, commerce and conservation representatives as well as Government departments and statutory authorities in the formulation of its report. . .

It is painfully obvious to me that we have far too many reports that have been done over the years which get tabled, then filed and no one ever puts those reports together. For one overriding body to make that decision is an important thing for us to consider. The problem I see with that, and I would have to agree once again with the member for Ridley, is the time that has been allocated for this committee to do that. It will be a massive task. It is not a small job, and I worry that the amount of time given will be insufficient. My only hope is that the initial report that might come back from that committee will be considered as a draft report, and if more time is needed it is much more important to have the job done correctly than to have it done on time.

It is particularly important in Australia and the world to protect our living resources. The definition of 'living resources' for this motion basically covers the indigenous flora and fauna on land, sea and streams. It is necessary to recognise all those living resources and not, as has been the tradition in the past, to recognise the living resources that are seen as important conservation-wise. It is fairly obvious that animals like the koala, the kangaroo and the emu stir a bit of emotion in Australians, and we tend to look at those as important to conserve. If we look at the far more ordinary members of the natural environment that the member for Ridley talked about, and I refer to the lowly frog—and I do not want to get into a debate about frogs—they are part of the entire ecosystem. It is important that they be seen as part of the entire ecosystem and not just those sections of the conservation process where we see them as nice, cuddly animals and therefore important to conserve.

The overall issue of sustainability is based on biodiversity, and a large amount of that is ignored, even by conservation groups I dare say. It is necessary that you consider conservation in a very broad form over a broad area because of the biodiversity that exists over the chain of biodiversity in an area. You cannot restrict the conservation of flora and fauna to national parks and conservation parks, because the genetic pool will dry up. It leads to lack of fertility and therefore very little remains of the conservation efforts that you tried to put in place in the first place by putting a fence around a national park. Conservation is far more broad than that and needs to be seen as a broader issue.

I hope that this strategy will become all encompassing and that it will be taken on board by both the development and the conservation lobby and that they will make representation to the committee because, if they do not, decisions will be made anyway and they will be left out on the fringe. I think that would be unfortunate. Ecotourism seems to be the 'in' thing at the moment in South Australia. A lot of people talk about ecotourism, yet very few understand what it means. A recent report, initiated by the previous Government, was tabled, for which I applaud it, because it contains some very good recommendations. As a sustainable method of getting money into our State, I think this committee will have a very important role to play in setting ecotourism in place.

Mr FOLEY (Hart): I would like to make a small contribution to the debate tonight. The Opposition supports the resolution to establish the joint committee. In doing so we want to stress that the joint committee must have real teeth and not simply be a token PR exercise on behalf of the Government. The joint committee's task is laid down and its terms of reference are wide ranging. Central to its task will be to address how South Australia's living resources can be utilised in a way that is consistent with strong principles of ecological sustainability. In other words, it is vital that the committee look to the future and not just the near future. We must forge a clear compact with our environment, and we must work to ensure the survival not only of individual species but also of their habitats. The committee has a clear responsibility to future generations of South Australians.

The former Government was keen to promote the concept of ecologically sustainable development. That is why the former Government expanded our national parks system. That is why it established ground breaking legislation nationally and internationally to conserve native vegetation. That is why it established a youth conservation corps to involve hundreds of young unemployed people in learning new skills as they made a commitment and contribution to environmental protection: a scheme that was later adopted by other States and then taken up nationally with the Federal Government's LEAP program.

I understand that the joint committee will examine the role of national parks, the use of private sanctuaries and the reintroduction of species into the wild. It will also look at controversial issues such as the farming of indigenous species and the opportunities to develop the bush tucker market and the sensitive but important part our environment will play in tourism. On that point, members will be aware that South Australia took the lead nationally in promoting sensitive ecotourism under the former Labor Government. The terms of reference are broad, and the committee has a daunting task in making its recommendations to this House and the Government. In the process of developing its recommendations it is absolutely crucial that the committee consult widely with the community and with the range of interest groups that will be keen to make both written and oral submissions. The Opposition supports the motion.

Mr BUCKBY (Light): I support the motion. There are a few matters that I bring to the attention of the House. Ecologically sustainable development is a term that has been thrown around quite a bit since the late 1980s when it became fashionable for that term to be used. It should be kept in mind, and I am sure the committee will do so, that ecologically sustainable development involves the working of the farming community, the mining community and the commer-

cial community hand in hand with those who represent conservation groups. It also looks at maintaining what is currently there: the biodiversity, the species and all the plant life that is currently in the system to maintain that system and thereby maintain the productivity of the land.

South Australia is a very sensitive area with respect to conservation and development. We have learnt from clearing the South-East and other areas in the past that, while technology at that stage suggested that it was a good idea, we now know, as technology has advanced, that it was not as good an idea as was once thought. In fact, it has now created problems in terms of salinity within the South-East and on the West Coast as well as causing soil erosion and many other factors. There is a strong role for Government in setting conservation policies, and this committee is set up to look at all the possibilities that exist. As has been mentioned by members previously, the terms of reference are very broad, and that will allow the committee to consider all forms of conservation and all forms of development within South Australia and advise Government or Cabinet on those issues.

It is important for the committee to also consider that technology has changed specifically in the mining industry. It is now possible for explorers or exploration rigs to go into an area and core drill particular sites without harming the environment. The committee must look at the mining industry as well as the conservation groups working hand in hand, and it must do so in a very balanced way.

The situation is different now from that of 20 years ago when explorers moved in to certain regions and scarred particular areas; the signs remain today of the exploration efforts of that time. That is not to be tolerated now and it has certainly been brought to the awareness of the mining industry through conservation groups that they should be responsible and move with technology. That area has been changed indeed. The mining fraternity is now conscious of conserving areas in which it works.

I have had some experience with the question of salinity, having written a report on Upper-South East drainage. That report recommends—and I asked the Minister for Primary Industries a question on this topic some time ago in the House—that another drain be installed because of rising salinity and the effect on agricultural land—the damage that rising salt levels are causing to existing vegetation, particularly strawberry clover, on the flat lands of the South-East. A number of conservation issues need to be considered, namely, the effect of that project on the Coorong, and I am sure that this committee will receive submissions from conservation groups regarding that project and the consequent effects on bird life and other species in the South-East.

The committee should also look at aquaculture, as it is a growing industry on the West Coast but one that also affects the environment. Fortunately, the previous Government did insist on a clean water policy—a very good policy that operates for oyster farmers on the West Coast. Again, a number of areas should be looked at and I am sure conservation and industry groups will be raising the matter with the committee.

The need to conserve species and vegetation was further highlighted to me by a deputation from the Sandy Creek Conservation Park last week. With the build-up of urbanisation within the Barossa Valley, bird life is currently being separated from areas where it has usually been located, that is, segregation between groups. The Williamstown/Lyndoch Landcare group is currently formulating a submission in an effort to ensure that a bird corridor is formed from the Sandy Creek Conservation Park through to Altona and to Kaiser Stuhl in the Barossa Valley, going north, and linking south with the Barossa goldfields so that species are maintained in that area. The Sandy Creek Conservation Park is one area in the State where a large number of species remain. It is also used in the migration track of many species as they move during the year.

This committee has a number of issues to consider. It is very important because South Australia is such a sensitive area and the large amount of clearing in the past now means that we have to make decisions to rectify some of the resultant problems. It must also consider the move of research towards biological control. I am sure that this committee will have representation from researchers in that area, showing that the responsibility of the agricultural community is moving towards sustainability and towards keeping the greatest number of species that we can. The committee will receive some interesting data and submissions, which will enable it to make a significant contribution towards Government policy in this area.

Mr CAUDELL (Mitchell): I will start my contribution to this debate with two quotations. First, I quote Mr Ted Thomas, an Aborigine, who was reported in *Habitat* magazine as follows:

> Ah, white man, I am searching for sites sacred to you, where you walk in silent worship and you whisper poems too, where you tread in wonder and your eyes are filled with tears and you see tracks you travel down your 50 000 years.

The second quotation is from Mr Joseph Meeker who stated:

> The majority report of western civilisation has consistently judged mankind to be superior to and separate from nature and mankind has gladly accepted the flattering implications of that judgment. The minority report, however, has always been present to remind us of our kinship with other animals and our dependence upon nature.

The joint committee is a worthwhile proposal. I am glad that the member for Hart is here, because I point out that it follows on the good work the previous Government has done in regard to ecotourism and the reports on that topic. Because of my interest in that field, the reports that were completed in August of last year will be of assistance to this joint committee when it goes far and wide in its consultation with the community. It is my belief that South Australia has one of those unique possessions which, with sustainable development, can add employment to this State; it can become known as one of the better ecotourism locations in Australia.

In his speech when moving the motion, the Minister spoke of many things that encouraged lateral thinking, and we have seen evidence of that lateral thinking here tonight, especially from the member for Ridley. I may not agree with everything he has said. However, at least in terms of environmental issues, there are a variety of proposals and thoughts, all of which have to be put before this committee so that a worthwhile policy can come forward. I may not agree with some of the recommendations that came out in the review of the national parks system, and in particular I have a strong feeling with regard to the recommendation about increased registration fees for four wheel drive vehicles. That would be an erroneous charge and I hope the Minister accepts the feelings of some of my constituents in that matter. As the Minister has said, the terms of reference are deliberately broad so that the joint committee can cast a wide net in its investigations and report accordingly.

Some constituents in the metropolitan District of Mitchell

are interested in this joint committee, because they have an interest in an area known as Laffer's Triangle. They are trying to set this up under a native vegetation management program and looking to introduce native animal species to that area. It is also an area that has some Aboriginal heritage. In conjunction with the Marion council, the Friends of Laffer's Triangle are attempting to set up the area as a suburban tourism project and as an example of environmentally sustainable development. I commend the Minister for putting forward this proposal to establish a joint committee. I wish him success and look forward to seeing the report when it is released in December.

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): First, I wish to thank and commend all members who have contributed to this debate. It has been a very sound debate, and I appreciate the comments that have been made by all who participated. The joint committee's task will be a challenging one—I do not think any of us will resile from that. It will be important, because it will fulfil an election promise and provide a clear signal to both development and conservation interests that the Government is committed to an ecologically sustainable future for South Australia.

Reference has been made tonight to the term 'living resources'. As I indicated when I introduced this legislation, the term 'living resources' should be taken to include South Australia's indigenous flora and fauna, together with the ecological conditions which are vital for their continued existence. It is essential for the survival of any species of wildlife that its habitat be safeguarded.

As has been pointed out during the debate, the terms of reference are deliberately broad. It is important that the committee be able to consider a wide range of activities during its investigations and the bringing down of its report. I remind the House that it is not intended that the committee itself will prepare a State conservation strategy: this will be the Government's responsibility following the bringing down of the report by the committee. However, it is important that the committee be given the responsibility to make recommendations on how its report could be incorporated into such a strategy.

I emphasise further that the joint committee's task will be to address both the conservation and the development of South Australia's living resources. As I said earlier, it is important to recognise that that will occur within a framework of ecologically sustainable development. In carrying out its task, the joint committee will consult widely with the community and with people with particular interests. It is important that that should happen, and I am sure that the members of the committee will appreciate the need to speak with and encourage people to come forward and represent those various interests. I look forward to working with this committee. It is one which I believe will be extremely valuable to this Government, the Parliament and the people of this State. I commend the resolution to the House.

Motion carried.

The Hon. D.C. WOTTON: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

SITTINGS AND BUSINESS

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I move:

That joint Standing Order 6 be so far suspended as to enable the Chairman to vote on every question, but when the votes are equal the Chairman shall also have a casting vote.

Motion carried.

ADJOURNMENT

At 10.47 p.m. the House adjourned until Wednesday 11 May at 2 p.m.