HOUSE OF ASSEMBLY

Thursday 3 November 1994

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

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ANNUAL REPORT

Mrs KOTZ (Newland): I move:

That the twelfth report of the committee, being the 1993-94 Annual Report, be noted.

It gives me great pleasure to table the second Annual Report of the Environment, Resources and Development Committee and my first as Presiding Member. This report covers the period from 1 July 1993 to 30 June 1994 and is a description of committee activities in that time. Under its terms of reference, which broadly cover environment, resources, planning, land use, transportation and the general development of the State, the ERD Committee is responsible for a wide range of activities. These include references sent to it from the Parliament under the Parliamentary Committees Act and also its ongoing and regular obligations under other legislation including the Development Act and the MFP Development Act.

The committee meets every Wednesday morning and, in the reporting period, met 39 times, the election causing a gap around November/December last year. The resulting change in membership has not affected the continuity of activity. New members bring a fresh perspective and have worked hard to acquaint themselves with the complexities of the planning system and other matters. The two members who have served on the committee since its inception in 1992, the Hons Mr Elliott and Mr Roberts, have been able to provide valuable background material and information for newer members. It is good to have this continuity, especially for the areas where the committee has carried over inquires.

As members will see from reading the report, the committee has had another busy and productive year. Committee members have had to investigate a number of diverse issues and that, incidentally, provides an excellent opportunity for them to become *au fait* with many issues which affect the State in the areas under the terms of reference. A total of seven reports on committee activities has been tabled in the Parliament in the reporting period. As well, 47 amendments to the Development Act were considered—a time consuming obligation with which I have dealt more fully just recently in relation to the tabling of the fifth report of these amendments.

Briefly, however, it is indeed ludicrous that Parliamentary scrutiny of amendments to the Development Plan has been shifted in the Development Act until after such amendments have received the approval of the Governor in Executive Council. The committee has far too much on its plate to be a token rubber stamp for these amendments. The recommendations of that report are now with the Minister for Housing, Urban Development and Local Government Relations for the four month period he has to consider them and it will be interesting to hear whether indeed they are accepted. Other activities include an inspection of the Gillman site of the MFP and a public meeting at Goolwa as part of its investigation into the Hindmarsh Island bridge. This inquiry was before my time, so I will not comment further on its outcome.

The committee reported on the Port MacDonnell breakwater and on erosion at Southend late in 1993 and adopted a watching brief on subsequent events at both places. This year the second committee visited Port MacDonnell and Southend on a two-day trip to the South-East in June. It was extremely heartening to see the improvements which have taken place in both areas and to talk to local groups and individuals about these issues. The ERD Committee is very conscious of its Statewide responsibility and also took the opportunity while in the South-East to visit Kimberly-Clark, to inspect environmental management improvements, to visit the Canunda dump and Lake Bonney and to receive an overview of water quality issues from the local EWS. Committee members believe that country areas are often neglected in the scheme of things and look forward to spending more time outside the metropolitan area—time, budgets and other commitments permitting.

Under section 33 of the MFP Development Act, the MFP Corporation is required to report regularly to the ERD Committee on the, 'environmental, resources, planning, land use and Development Act aspects of the MFP Corporation's operations'. To date it appears that the MFP has not been able to come to terms with its reporting arrangements. The first committee was fairly critical of it in its report to Parliament tabled November 1993. I believe that agencies which are responsible for spending large amounts of public money should take their reporting requirements under the legislation very seriously indeed. The committee tabled its report to the Parliament on the MFP yesterday.

The committee also reported on regulations under the Development Act in the last financial year. When the Act was proclaimed all the regulations were to be referred to the committee for scrutiny in the same way that other regulations go to the Legislative Review Committee. The committee wrote to interested parties and heard from councils, industry and Government witnesses. In a way, this inquiry illustrated all of the problems which parliamentary committees were set up to address. It is quite extraordinary how a lengthy consultation process such as the one that took place before the proclamation of the new planning legislation could have resulted in an Act that seems to have made no-one happy, and every group, including councils and particularly industry, critical. It is also hard after hearing the evidence not to conclude that the new regulations have not simplified or streamlined the planning process, and have thus failed to achieve their primary goal.

It is important that Ministers consider committee recommendations favourably. In the past ERDC recommendations have met with mixed success. They have sometimes been picked up and sometimes rejected. It is my experience that the issues which tend to end up in the committee arena are often indicators of a major breakdown in the consultation process, or a breakdown between agencies and their client groups. In the process of hearing evidence and submissions, committee members are exposed to an overview of the issues which the protagonists, coming from their own particular and sometimes narrow perspectives, may not have. As well, the fact that committees work across Party lines means that they often put forward workable compromises and draw attention to solutions which may not have been obvious before.

At this point I wish again to voice my concerns about the cooperation standing committees receive from departmental and agency staff. Parliamentary committees play an important role in the scrutiny of the Executive and thereby in the accountability of the Government. While the majority of

witnesses who have appeared before the committee have been extremely cooperative, there are some who are not. Such negative attitudes make committee members all the more anxious to pursue a line of questioning. Similarly, I am concerned occasionally at witnesses' inability to come to terms with providing information required in an accessible form. The committee will not tolerate being snowed with large amounts of extraneous information which obscure the issues in hand, or, alternatively, with inadequately and badly presented material. Fortunately, I am speaking of the minority here. Generally, I am delighted with the links that the committee is building up with Government agencies, community and interest groups and local government organisations which have an interest in the areas covered by the committee's terms of reference. As was said, according to *Hansard*, when the standing committees were being established:

> An efficient and effective committee system will increase public contact, awareness and respect for the process of democracy and allow the development of a review process which establishes links and promotes discussion across disciplines and professions, between regions, between parliamentarians and those who work for them and between public and private sectors.

Demands on committee time show no sign of abating in the next financial year. The committee finalised its investigation of the Canadair CL415 firefighting aircraft last week. We now move on to what looks like being a major inquiry into motor vehicle inspections.

At the same time, the committee has started collecting submissions on Sellicks Hill and the leaking of water at Roxby Downs. On the agenda also is a recent matter received from the House of Assembly, that is, the ETSA regulations on tree lopping. As I have noted in speaking on other committee matters, the committee's resources are continually stretched in attempting to devote due time to all the matters before it. On the topic of resources I draw members' attention to the financial statements at the back of the annual report, as all the financial details are there. Members will see that the committee (in fact, the standing committees in general) is run on an extremely low budget. There are two full-time staff, a clerical officer shared between three committees, some rudimentary office expenses and the occasional trip, usually within the State.

It occurred to me earlier in the year, when I was giving a paper at a Royal Institute of Public Administration seminar, what good value for money parliamentary committees are. On a small scale they perform roughly the same role as a royal commission or similar expensive inquiry in that they investigate a single issue by hearing evidence and publishing a report on their findings. They do this, however, at a fraction of the cost. As I noted at that seminar, they play an immensely important function in getting to the truth of the matter in a number of significant issues. It could be argued in fact that, if there had been a parliamentary committee scrutinising the State Bank in those days, South Australia may not have found itself with the financial burden that it now has.

I would like to thank my fellow members of the ERD Committee for their energy, hard work and support. Because of our heavy commitments, members rarely have a break from the weekly Wednesday morning meetings. Nevertheless, they have been prepared to meet on other days as well to deal with the work load, and I am extremely grateful for this commitment. Similarly, to the committee secretariat I would like to express my sincere appreciation. I also would like to offer my thanks to the *Hansard* staff for their professionalism. They, too, provide a most competent and professional approach under what can be classed sometimes as hazardous or horrendous circumstances. So, I offer on behalf of the committee my thanks to the staff members of *Hansard*.

The committee also thanks Geraldine Sladden, the committee Secretary, who held down the combined roles of both Research Officer and Secretary prior to our new Research Officer's being appointed. All members involved in committees can imagine that that was quite an exacting task that was asked of our secretary, who performed those duties efficiently and most professionally. In conclusion, I again thank all the committee members for their hard work and support. It is not easy to find the time these days to add extra hours to look at committee references, but this committee has found those hours and, again, I offer my thanks.

Mr FOLEY (Hart): I want to make a couple of comments today about the report from the Environment Resources and Development Committee. The committees of the Parliament, as I am finding out, are very important instruments of the Parliament. They also potentially can be damaging in the way reports are delivered if they are not well thought out and, indeed, particularly mindful of the job they are trying to do. I refer to the report released yesterday by the ERD Committee, one that I personally found disturbing, which was the report into the MFP.

That report, to my way of thinking, was very disappointing because, at a time when the Government, through its own efforts, has been refocusing the MFP, getting some momentum behind it, this report has come out with a somewhat superficial coverage of the issues. In doing so, it provided a very stinging critique of the progress of the MFP. I appreciate that members on the committee were earnest in what they did and that they put forward their views. I do not begrudge that; that is the role of a member of a committee. However, I wonder whether we need to look closely at exactly what committees of this Parliament actually do. I sit on the Economic and Finance Committee with the members for Giles, Playford, Unley and others, and we are looking at the MFP as well. We have this economic entity in the State where we are trying to get some economic development, and we have two committees of the State Parliament looking into it—

Ms Stevens: And the Public Works Committee.

Mr FOLEY: I am just told that there are now three committees looking at the MFP; apparently the Public Works Committee is looking at the MFP as well. The expectation we put onto the MFP officers is that they must provide detailed submissions not to one or two committees but to three committees. It does not stop there. The MFP then has to answer to the Estimates Committees of this Parliament and the Estimates Committees of the Federal Parliament. The MFP quite routinely has to answer to the State Minister for Industry, Manufacturing, Small Business and Regional Development as well as the State's Premier. The MFP also has to report directly to the Federal Minister, Senator Chris Schacht, as well as his senior colleague, the Minister for Industry, Senator Peter Cook. If that were not enough, the MFP has to report to its own board. And we then sit back and wonder why things are not happening as quickly as we would like at the MFP. It is because they are beating a continuous path down to North Terrace, hopping on planes, going to Canberra and forever briefing politicians about what it is they are trying to do.

I think as a Parliament in South Australia it is about time we unshackled the MFP, had a close look at the legislation

and said, 'Why don't we give these people the freedom and the chance to develop the MFP?' The Premier, the Minister for Industry, Manufacturing, Small Business and Regional Development, the Leader of the Opposition and former Minister responsible, the member for Ramsay, and most politicians in this Chamber on both sides of the House have wanted the MFP to succeed, because it offers a real chance to develop an exciting new industry base in this State. The damage that was caused yesterday by the release of the member for Newland's committee's report is significant. I saw the member for Newland on the media last night. As MPs we all like to get on television; it does not do our electoral chances any harm at all.

The Hon. Frank Blevins: It didn't do Joe any good.

Mr FOLEY: No; I acknowledge that it did not do the Acting Speaker any good.

An honourable member: Are you reflecting on the Chair?

Mr FOLEY: No: I withdraw that reflection. I wish members would treat this seriously, because what I am trying to put to the Parliament is that the MFP is now working and moving forward, and that is thanks to the former Labor Government, the present State Liberal Government and the Federal Labor Government.

Members interjecting:

Mr FOLEY: Your members spent three or four years bagging the MFP; Andrew Peacock and John Howard bagged the MFP. I do not want to debate the merits of the MFP with members opposite now.

Mrs Kotz: Have you read the report?

Mr FOLEY: I have read the report. I do not want to debate the merits of the MFP. I am simply asking whether the State's economic development was assisted by the release of that report yesterday. The answer is clearly 'No'; it was hampered. I listen to the Premier and the Minister for Industry, Manufacturing, Small Business and Regional Development day after day and applaud their comments and efforts to develop the MFP. As parliamentarians we have a responsibility to get behind that. I believe that reports released yesterday that were superficial in their coverage of it—

Mrs Kotz interjecting:

Mr FOLEY: I am prepared to cop the flak for that. I stand here today as a member of Parliament who has significant elements of the MFP in his electorate: my new electorate will take in the entire MFP. As a private member, I want to see the MFP work. I am critical of myself, because the committee of which I am a member, as are the members for Unley and Florey, has put the MFP through what I believe was unnecessary over-scrutiny. We really put it right through the ringer. I am critical of myself and of reports that my own committee has brought down—

Mrs KOTZ: I rise on a point of order, Mr Acting Speaker. The honourable member is reflecting on me as an individual as he has misrepresented the report on the MFP.

The ACTING SPEAKER (Mr Rossi): There is no point of order; the honourable member is expressing his views.

Mr FOLEY: I mean no reflection, because I appreciate the talents of the member for Newland: she is an extremely hard working MP. There are times when we as private members must stand up for what we believe, and I am doing that. I do not want to dissect the report.

Mrs Kotz interjecting:

Mr FOLEY: I read the report last night. It is time—and I am prepared to discuss it with the Government as I am prepared to discuss it with my own Leader—that we stopped this nonsense of having the MFP officers continually providing reports and submissions to agencies and committees of this Parliament, because it is distracting them from their job. Ross Kennan and his team are not at times without justifiable criticism, as with any Government agency, department, bureaucracy or MP. Ross Kennan and his team have an extremely difficult job, but it is a job that I want to see completed successfully because it will bring about the economic recovery that this State so desperately seeks.

As a Parliament we are not assisting that process when agencies such as this have to report to the Economic and Finance Committee, the Public Works Committee, the Environment, Resources and Development Committee, the State Estimates Committees, the Federal Estimates Committees, State and Federal Ministers, State and Federal Leaders and their own boards. I have enough confidence in the Will Bailey's, the Ross Adler's and the John Stocker's of this world who are on the board, along with many others, to ensure that the MFP is appropriately accounted for and that it achieves what it sets out to achieve. As State members we do not assist that process when we continually drag them before our committees. All members continually criticise the MFP, because it can be a very easy thing to criticise. There is no easier way to get a headline in this State than to criticise the MFP. I hope that the damage done in today's *Advertiser* and on last night's television news does not overly harm the MFP.

Mr VENNING (Custance): As a member of the Environment, Resources and Development Committee, I commend it on the report that was capably delivered to the House by the member for Newland. As members will see from the copy that was provided to them yesterday, it is a comprehensive and significant report. I congratulate the Presiding Member the member for Newland, on the excellent job she does chairing that committee. She has a good grip of the situation and keeps the committee well focused. She is a tough task master, because she expects the committee to meet more than would otherwise be the case. In fact, the committee has already met 39 times this year, and there is no other committee of the Parliament which goes anywhere near that. To have three meetings a week is not unusual and, as a member travelling from the country, I often wonder whether that is warranted. However, I do it willingly because the work of the committee is very important. It is good value not only for Parliament but for me to make time available to serve on that committee.

I support the remarks of the Presiding Member about our research officers, particularly the Secretary, Geraldine Sladden, who does an excellent job. She has now been with the committee for just over a year. I do not think that I have ever seen a person settle into a job so quickly and proficiently as our new research officer, Mr Ray Dennis, particularly in relation to the production of the three reports that have been delivered to the Parliament: the report on the MFP, delivered yesterday, the biannual report of the committee and the report on Canadair. They were all put out within a couple of weeks. Members will know that these are very significant documents. If anyone wants proof of our getting value not only from the research officer but from the committee, that is it.

The members have also done a pretty good job. They are selected on a bipartisan basis: three from the Government, two from the Opposition and one Democrat. Generally we get on pretty well. I have always had opinions about certain

members, but on a committee one can appreciate the strengths that some of them have. We have no passengers on this committee; everybody puts their point of view.

Recently, we had an inspection visit to the South-East. It was not only very educational but pleasant for the members to be able to get together and do their job in the State's regions. I appreciate that, particularly as in the past I have been a critic of the parliamentary committee system. Through ignorance, I was not aware of what the committee did, what hours it worked, what jobs it was expected to do and the challenges that were put before it. As a reformed critic, I can say that it has widened my parliamentary and political experience in this place. I give the committee every credit for that and for being a vital tool of Government.

As I said, the committee has met up to three times a week. That is demanding but worthwhile. At most meetings we discuss council SDPs, which take up much of our time. It is very interesting and challenging but, as the Presiding Member said, often matters come before the committee too late, because permission has been granted, the development is under way and has had interim effect. When it comes to the committee for further criticism or appraisal, as I said, the development is often under way. Therefore, I question whether the committee ought to be involved in the process earlier, whether it should be involved at all or whether such matters should be dealt with by another committee, such as the Legislative Review Committee.

The committee system has been blamed by the bureaucracy for holding up matters, but none has been with us for more than three weeks. Therefore, to blame the committee system for holding up SDPs is ludicrous and dishonest. I commend the committee again, because, although SDPs go through the committee very quickly, they are scrutinised very carefully. Therefore, I again question whether the committee should be involved earlier in SDPs, particularly before they have had interim effect.

The Canadair report is an important, significant and comprehensive report, and I shall comment on that later. The issue of compulsory vehicle inspections will be coming before the committee very shortly. That is an important and fairly emotive issue. We have already got witnesses lined up to give evidence on that matter which will go through to Christmas. I find it particularly interesting when we have witnesses before the committee putting their points of view (be they practitioners or experts in their field, whether they volunteered or were summonsed). This is a unique experience of which I hope all members of this House can take advantage, because we often hear evidence from very experienced people. Indeed, a Federal official appeared before the committee in relation to the Canadair report.

I want to comment on what the member for Hart had to say. I am concerned with the tone or theme of his speech. I know what he was getting at. I, too, had grave thoughts about what we were to do, but we had to realise what we were there for as a statutory committee of this Parliament, particularly in relation to the MFP. This committee, on which there are two Labor members, must make decisions on the matters before it, and it has adopted a completely bipartisan approach. We discussed whether the committee should be a rubber stamp and give us a nice cosy feeling. Do members want a committee that acts as a rubber stamp to the Parliament, and particularly to the Party that is in power? I thought about what we were doing, and I questioned the Chairman. I agree that we were there to do a job and we did it, and I fully support the finding of the committee.

All members of the ERD committee are accountable, and the MFP is accountable to this committee of the Parliament as it is to others. I point out clearly that the committee is critical only of the way in which the MFP reports. It has ignored the committee's previous requests to deliver on certain issues. It is not critical of what the MFP is doing or of its goals; it is purely critical of the way in which it delivers its reports to this statutory committee of the Parliament. I therefore consider that the member for Hart has missed the mark in this respect. Quite rightly—and this has been reported correctly by the media—the committee is critical of the way in which the MFP has reported to a statutory committee of the Parliament, in this case the Environment, Resources and Development Committee. Hopefully, I have tempered the criticism of the member for Hart, because I do not think he quite has the facts.

I am confident that, in the future, because I think we are winning the battle, reports will be delivered to the committee along the guidelines that have been set, so that it can look at reports critically and assess them positively rather than negatively. I, particularly as a member of the Government, do not like producing a negative report, but in this instance it was not negative; a slight warning was given that in future the committee wants to see more positive reports.

This committee is very effective and it is doing a good job. It will deliver facts, not just have a good feeling amongst its members or act as a rubber stamp, and it will not take the easy option for the Government, or for anyone else, for that matter. The committee has much work to do in the future, and as a member of the committee I look forward to that work and hopefully to bringing down more successful and positive reports.

Ms HURLEY (Napier): I would like to say a few words about the work of the Environment, Resources and Development Committee, particularly in the light of the remarks of my colleague the member for Hart. I was a bit surprised to hear him refer to the report on the MFP as being superficial. I do not think that is the case. If there is any suspicion of that it is more a reflection of the reports that have been given to us by the MFP Corporation rather than any lack of work on the part of the committee or any misunderstanding of the issues.

I have some sympathy with the overall tenor of what the member for Hart said, and I believe that possibly the MFP's reporting requirements are too broad. It may be that we will have to find a different way to organise that, but I believe the ERD committee has fulfilled its statutory function in bringing down its reports. In the future I hope to see the reporting requirements reduced. I cannot agree with the member for Hart that it needs only to report to its board. I think, because it is using taxpayers' money, it does need to report through the Parliament to the public in some way, but perhaps, hopefully, along only the one path rather than the three or four under which it is currently required to report. However, that is a separate issue and one which I hope will be addressed in the future.

In terms of the Environment, Resources and Development Committee's work, the Chairman of the committee, the member for Newland, and also the member for Custance, alluded to the fact that we have a lot on our plate. They mentioned the considerable amount of time we had spent on the Canadair submission, which was, in fact, given to us by this House under fairly strict time limits. In fact, it duplicated a lot of the work done by a Senate committee and previous

inquiries. Although the report we brought down did cover a fair amount of area and produced good recommendations, perhaps we also need to look at the way in which references are made to the committee to see whether it is the best utilisation of the time and money spent by this committee. Perhaps it is time to sit back and review the way in which Parliament is reported to by these committees. However, I cannot—

Mr ATKINSON: I rise on a point of order, Mr Acting Speaker. I wonder whether it is in accordance with the tradition of the House and Standing Orders that the Speaker masticates in the Chair?

The ACTING SPEAKER: Does the honourable member wish to be named? The member is completely out of order. The honourable member for Napier.

Ms HURLEY: I also endorse the comments of the member for Newland and the member for Custance regarding the excellence of the staff who were with us under difficult conditions.

The Hon. FRANK BLEVINS (Giles): I support the thrust of the comments of the member for Hart, inasmuch as they referred to the reporting requirements of the MFP. I have not read the report—as it is under discussion I cannot comment too deeply on it—but I have read some of the newspaper reports and I heard the Chair of that committee on the air this morning. It was somewhat unfortunate that the emphasis of the earlier reports of the report focused on the negatives, whereas, as was explained by the Chairperson this morning, the report overwhelmingly praised what the MFP was doing. However, that is life, and I am sure that the MFP will get over it.

It must be pretty galling for them—here they have a visionary 30 year project and they have every member of Parliament and his or her dog barking after them from the day they were announced to give them something they can point at. They hear, 'Show me. Why is it not done already?'in relation to a 30 year project. Information has come to the Economic and Finance Committee that it is more advanced at this stage of its development than many other MFPs overseas.

Like the member for Hart, I believe that too much accountability can be almost as bad as not enough accountability. Whilst none of us would want the latter, it is not very often that you think about the former. However, there is no doubt, as has been detailed by the member for Hart, that this organisation has a tough enough job without its having constantly to report to this plethora of committees for the amount of money it spends; it is ridiculous. I am not sure, but I think the total budget of the MFP is approximately $30 million. That is still a considerable amount of money to a lad from Whyalla, but nevertheless it is not 5 per cent of the budget of, say, the Health Commission.

The Health Commission, for example, and at least a couple of dozen other Government departments and agencies with far larger budgets than the MFP, report to the Parliament through the Minister, including Estimates Committees, and if any of the relevant committees want to look at them, I believe the legislation under which those committees were established gives them the right to do so. Just as we have the right in the Economic and Finance Committee to look at the Health Commission, we also have the right to look at the MFP if we so desire. But for these poor people in the MFP constantly running around doing more reporting than work is quite wrong, and the sooner the State and Federal Government can get some agreement in amending the legislation, the better, so these bodies do not have to report as a matter of course to a whole range of committees.

When the MFP people were before the Economic and Finance Committee, I found that they were extremely helpful, extremely forthcoming, once they understood what the committee wanted. Committees are not always perfect. I can only speak for the committee I am on, and it is not always as clear as it should be in suggesting precisely the information it requires, but when the people running the MFP understand what the committee wants, then the information is there, and the information is quality information and also very interesting.

I heard the Chairperson of the Environment, Resources and Development Committee on the air this morning saying the MFP did not blow its trumpet enough. I agree with that. I think that is a very pertinent point, but you can understand why when you talk to these people. They are punch drunk, and it appears to me they are having some difficulty in dealing with all these various committees. Some of them, particularly the CEO, are inexperienced in dealing with parliamentary committees and this huge swag of bodies to which they have to report. I think also, and it is quite refreshing to see, sometimes they are quite naive. They look innocents abroad when they are before the Economic and Finance Committee. I believe that time will give them that experience.

I have congratulated the management of the MFP and the CEO in particular on the way they have always responded to the Economic and Finance Committee and also to me as an individual if I ever wanted any information from them. So I have no criticism of them whatsoever. But taxpayers' money ought to be accounted for. Nobody would argue about that. I would urge the Minister in charge of the MFP—and there are probably several of them—to try to get this reporting process sorted out to give these people who are spending $20 million or $30 million a year, mainly of taxpayers' money, a level of accountability that is commensurate with that. As I say, the Health Commission budget is about $1.3 billion. I do not think the accountability of the MFP ought to be any less than that of the Health Commission. However, I do not think it should be about four times as great.

Motion carried.

CANADAIR FIRE BOMBERS

Mrs KOTZ (Newland): I move:

That the report of the Environment, Resources and Development Committee on the Canadair CL415 inquiry be noted.

Members will be aware that last week the Environment, Resources and Development Committee tabled its thirteenth report. That report calls for firebombing aircraft to be trialled in Australia as soon as possible. It also calls upon firefighting authorities and other policy makers to reexamine, with an open mind, the benefits of high-performance firefighting aircraft. Most importantly, perhaps, it recommends that the Federal Government help fund the acquisition of high-performance firefighting aircraft for use in South Australia.

These recommendations arose out of the committee's detailed examination of the benefits for South Australia of a large water-scooping Canadian plane—the Canadair CL415—and similar firefighting aircraft, and its examination of ways of financing the purchase.

As the committee took evidence it heard many alarming details about past fire emergencies in this State. We learnt

about the horror of Ash Wednesday in 1983 and the devastating effect it had on the life of those who lived through those terrible hours and days. One witness broke down as she struggled to recall the threat to her family's home and the disfigured landscape that was left when the fires had passed. She made the point that no plane can prevent fires, but they can reduce their ferocity and shorten their duration. Referring to the problem with larger aircraft, she also said:

> It is time that the cost of the purchase of these aircraft is measured against what a fire costs the community in money, health and emotion.

I mention that emotion specifically today, because it is so difficult in a written report to convey the strength of feeling expressed by witnesses and to impress upon a reader the deep, lasting impact of bushfires upon individuals, families and their communities. That impact goes beyond the cold hard facts and figures; it is the lives lost, the injuries sustained, and the houses, property and stock destroyed.

In its report, the committee points out that, even in the most benign of fire seasons, every year in this State thousands of hectares are burnt, scores of houses and other properties are destroyed and total losses of millions of dollars are incurred. In 1992-93, the estimated losses totalled $23.25 million; in 1991-92, the losses were $74.5 million; and in 1990-91 the figure was $38.5 million. In the 1983 Ash Wednesday fires, losses in South Australia were estimated at $200 million, 28 people lost their life, over 1 500 people were treated by ambulance personnel and 85 were hospitalised as a result of injuries sustained during the emergency. In addition, 312 homes were damaged and destroyed, as were 564 vehicles. Hundreds of thousands of sheep and cattle were lost, 973 privately owned rural properties were affected by the fires and 10 000 kilometres of fencing was destroyed. The State lost some 25 000 hectares of commercial forests and suffered other substantial property losses, including large tracts of land managed at the time by the National Parks and Wildlife Service.

The potential for a repetition of this disaster remains. In fact, as we all know, the potential now exists for a much bigger disaster because of the growth of the urban interface zone in the Adelaide Hills and beyond. As these areas expand and are more intensively settled, the potential disaster awaiting this State grows and looms larger and larger.

Repeated warnings were sounded by witnesses before the committee about the particular dangers faced this year after a very dry winter. I take this opportunity to emphasise the need for vigilance this summer. Witnesses stressed that there are many well-known basic precautions that everyone in fire-prone areas can take to reduce those dangers. I certainly urge everyone in those areas to take those sensible precautions and to act not only in their own interests but also in the interests of their neighbours and the community as a whole.

No matter how much money they are willing or able to spend, Governments can never wave a magic wand and make the threat of fires in these areas disappear. Steps to reduce the threat have been taken at State Government and community levels. Considerable effort is being expended by the fire authorities and related agencies in this State and elsewhere in Australia to prevent and suppress fires. In the course of this inquiry the committee learnt much about the excellent work of the fire services and of the professionals and the volunteers who work under their direction or who support them, for example, by research into fire control.

As mentioned in our report, the Environment, Resources and Development Committee shares with the rest of the community a great respect for volunteer ground crews and for the excellent, often heroic, efforts they undertake at great personal risk to protect life and property in this State. The State relies heavily on their voluntary contribution, without which the cost of fire control would be prohibitive. The committee has no wish to diminish their effectiveness in any way. It therefore emphasises in its report that firefighting aircraft should always be used in conjunction with and in order to complement existing ground forces. Aircraft must be used as part of an integrated fire control strategy.

Ground forces will always play a central role in fire control operations, and the committee does not support any diminution in the financial support necessary to maintain their effectiveness. We do, however, strongly assert that the acquisition of sophisticated machinery such as the Canadair CL415, which will undoubtedly support and enhance the firefighting capacity of existing forces, should be funded by additional resources and not by diverting funds from existing operations.

The committee therefore concluded that purchasing aircraft solely from South Australian resources was neither a realistic nor desirable option for ensuring that the benefits of the CL415 and similar large capacity firefighting aircraft are made available to this State. However, after hearing from a range of experts and sifting their often widely contradictory views, the committee is convinced that high performance fire-bombing aircraft have the potential to make a significant contribution to firefighting in South Australia. The committee believes that the best way for the aircraft's benefits to be proven and for the competing claims of opposing and supporting experts to be tested is for trials of the aircraft to be held in Australia, but it recognises that proof of the CL415's operational effectiveness will leave unanswered the other major question of whether indeed it is cost effective.

That is why the committee concluded that a new cost benefit analysis of Canadair aircraft and other aircraft that may be just as effective is required. A new cost benefit analysis should take account of improved firefighting techniques and the increased value of properties at risk from fires in burgeoning urban fringe areas such as the Adelaide Hills. It should also incorporate data about the aircraft's effectiveness under Australian conditions which is obtained in the course of practical trials in this country. The committee's examination of a range of aircraft demonstrated that many water bombers are worthy of serious consideration in addition to the CL415. We discovered that a wide range of aircraft can be used to fight fires, including large capacity commercial or military aircraft adapted to firefighting, specialised craft such as the CL415 and CL215, smaller and lighter fixed wing (mainly agricultural) aircraft, and heavy or light helicopters. The committee's terms of reference called for an examination of the benefits of large capacity high performance aircraft similar to the CL415.

We examined a number of aircraft to show the ranges of options available, but our final report emphasises that, in the limited time and with the limited resources available to the committee, it was not possible for us to make a definitive assessment of the relative merits and cost effectiveness of all the aircraft mentioned. That assessment is best made as part of the proposed new cost benefit study of aerial bushfire suppression, supplemented if possible by practical trials in Australia of some of the aircraft mentioned in the report.

The committee's terms of reference also call for it 'to examine ways of financing and effectively sharing the costs associated with the purchase of large capacity high perform-

ance firefighting aircraft'. As members will be aware, the cost of these aircraft is certainly not cheap. The purchase price of the CL415 is US$17 million, and the older CL215 can be purchased for US$4.5 million. Comparable aircraft from Soviet manufacturers cost significantly less but there are problems in having them approved for use in the West.

As I said at the outset, the committee does not regard purchase solely from South Australian resources as either a realistic or desirable option. Because fires do not respect State boundaries and because of the need to pool resources to meet a common threat, the committee recommends that South Australia work actively with other States to explore cost sharing alternatives. It also recommends strongly that the Commonwealth becomes more actively involved in assisting the States in this area. The committee points out that, over the decade since the Ash Wednesday bushfires devastated so much of the country, there have been a series of independent reports recommending Commonwealth Government involvement in the purchase and ongoing operation of firefighting aircraft, especially Canadair aircraft. Unfortunately, most of these recommendations appear to have fallen on deaf ears.

During the committee's hearings it was disappointing to hear that, while the defence forces have a wide range of equipment that could be used to assist the civil community, it has no intention specifically of purchasing items for such a role. Despite this current official reluctance to extend the boundaries of defence aid into the civil community, it is clear that there are many ways in which the Commonwealth Government and the nation's defence forces can become involved in helping the States to acquire and effectively operate expensive firefighting equipment. As emphasised by numerous independent inquiries over the years, these proposals deserve serious consideration by Commonwealth policy makers, and this is why the committee ends its report as I end these remarks, with the strong formal recommendation that, if the benefits of large capacity, high performance firefighting aircraft are proven by objective evaluation, the State Government joins with other States and Territories in making strong representations to the Commonwealth Government to allocate funds to the acquisition of sufficient aircraft to fulfil the nation's firefighting needs.

As Chairman of the committee I am pleased to note that the Premier has already responded positively to the report by writing to the Prime Minister pledging the support of the South Australian Government and asking that these aircraft be tested in Australia as a matter of urgency. I urge those members who wish to know why such action is so important to South Australia to read the detailed report of the Environment, Resources and Development Committee tabled in this House last week.

In concluding my remarks on the report, I again wish to thank members of the secretariat and committee members for their support. I certainly commend committee members for their commitment to the committee process and for providing many extra hours to complete the report by the time requirement indicated in the terms of reference. Also, I take the opportunity to welcome to our secretariat team Ray Dennis, whose talents, skills and professionalism were certainly put to the test through the period of this report and the other two references with which he has been involved. He has now proven his value as part of that team.

Mr LEWIS (Ridley): In the time available to me I would like to put some information about this matter on record. First, I want to commend the committee for the excellent work it has done and the report it has brought down on the question of the use of aircraft in firefighting. One person whom I came to respect, especially for his objectivity, during the time that you and I, Sir, were serving on a select committee on this matter in a previous Parliament was Mr Peter Dormer. He has written to me, and I will quote him at length, as follows:

> I would be grateful if you would circulate. . . my concerns at the negative attitudes expressed by Brig. Hodges and Dr Cheney, both at your hearing and later on radio and TV. Such attitudes have bedevilled Australia far too long, and do not give me any confidence that future trials are possible unless conducted by a completely independent team. Those who have controlled events to date need a 'Chamberlain farewell', that is, 'In God's name, go!' Mr Cheney's main objections soon moved from those expected of an objective scientist to highly political lay views on his speculation on the attitudes of some volunteers 'spitting the dummy'.

My own view is that that is the most inane of arguments to put opposing such a proposition. The fear that a volunteer might feel less than wanted, less than needed, and leave the service is absolutely ridiculous. If there are such volunteers in the service who would contemplate leaving it because we as a Government advocated the scientifically valid use of such aircraft, the sooner they go in the same way Chamberlain did, the better. I do not believe any volunteers would in any way contemplate resigning in consequence of any decision that might be made to use fixed wing aircraft to fight fires. The letter continues:

> . . . and the risk posed by the Canadair to the lives of firefighters, without counting the potential for the aircraft saving many lives. The present system constantly places the lives of firefighters and others at peril and unnecessary risk. This 'threat to life' routine is a new but not unexpected device, since Doug Brown of the New South Wales Premier's Department has recently been telling people about five people who were killed by Canadairs last summer in America! As the Canadair offer of help was rejected, one wonders if the Canadairs have been drowning Americans by lobbing six tonnes of water over the border!

They were not there. It is simply a lie to say it, on my understanding of the facts. Mr Dormer goes on:

> I am personally sick of the continuous rumour mill peddling destructive lies. People always believe the worst, and repairing the damage caused by such nonsense has proved tortuous if not impossible over the past 10 years. I was a young man still in my twenties when I started to raise the level of debate on the use of fixed wing and rotary aircraft. . . I presumed in my naivete that reason and commonsense would. . . prevail. In the intervening period I have fought fires, been through the trauma of losing our home on Ash Wednesday 1, and the attrition of endless voluntary committees. I am now heading for 64 [which is 40-odd years on], groping for glasses and recall of facts and figures that were instantly available in my youth. Performances like last Wednesday—

which is the Wednesday about two weeks ago—

> make me despair for my poor 'chosen' country. It worries me that a senior defence officer did not know that amphibians could land on our northern seas. Has he forgotten the extensive use during the forties of [amphibious aircraft] the PBYs and other much less oceanworthy machines than the Canadair? The sea operation of the Canadair in our north could be expected to be better than in the Atlantic, south of Spain, which is operable for 90 per cent of the time. I agree with Mr Cheney, and hope that I made it clear, that the possible limits of the 415 with foam were only an extrapolation of the 300 per cent advantage claimed by foam at the known levels. Deep forest fires at high intensity are not readily snuffed out like oil spillages. The techniques for the tertiary stages of fires are different from initial spot suppression, and the treated unburnt areas will deny fuel to the fire even in the advanced stage. I have grave doubts about any extrapolation into the chaotic phase of intense fires where every rule is broken—

that is, every rule of predictability in statistical terms—

and all claims of fire science become pseudo. I witnessed a dramatic example of the chaotic stage of fire at the home of Dr Bob Culver, who lives on the summit at the edge of the Mount Lofty escarpment. On Ash Wednesday 1983 a flame capable of rising 200-300 feet in the air was forced by the wind to ground level, and did not take a leaf off the hillside trees, which were over 6 feet from the ground, and did not burn his wooden window sills at 4 feet.

Members would need to know that a flame is merely the combustion of the combustible gases in that ill-defined envelope in which they occur, where the temperature level allows that recombination chemically to incorporate oxygen with those organic compounds that are combustible. That is what a flame is; it gives off intense heat and that intense heat gives off light that we can see in the chemical process that is going on. Fires do not have intelligence; they do not think; they are not organic animals or any other life form. They are just a rapid change of chemical state that is taking place where combustible material and oxygen are in combinations that enable them to occur at such high rates as to produce this rapid release of energy.

Mr Dormer goes on to say that Dr Culver observed all this from inside the house. There was no modelling, and any ground crew outside would have died from the intense heat of the air. He states:

On the other hand, several other summit homes and installations could have been better defended by foam treatment within the 45 minutes leading up to the passage of the fire front (even a half-hour window of opportunity would have enabled two CLs to unload some 40 000 litres of foam to the summit before the augmenting fire wind struck. Summit losses alone are estimated at $20 million.

That would pay the cost of one Canadair. Mr Dormer continues:

It is without doubt that foam can be used with advantage at fire intensities above that of water if only to augment a firebreak or protect a home. This is because it remains effective for between 30 minutes to one hour or more, depending on the condition of wind and heat and humidity on the day. This would allow the aircraft if necessary to work more than two kilometres ahead of a fire moving at 4 km/h in forest, or up to nine kilometres ahead of a grassland fire moving at 18 km/h. Foam under these conditions does not have to put an intense fire out. . .

It merely prevents any prospective fuel source from ever being exposed to the risk of combustion; in other words, it is denied to the fire. Mr Dormer continues:

This type of operation or island saving [of valuable assets] would allow for the protection of communities, hospitals, homes, fire crews and livestock that now regularly perish when trapped against fence lines. Vulnerable installations could have several foam barriers laid before the fire front passes (a train loaded with propane was protected like this by CLs when caught in the path of a wildfire [in the States]).

Mr Cheney sidestepped the question regarding the DC6B flying at twice the operational height of the CL215s; actually the DC6B was flying at 200 feet above the canopy and Chuck George (US adviser) told me he was actually flying at 270 feet, or nearer to three times the height that a CL would attack that particular understorey fire, in order to gain maximum ground penetration, that is, 20 feet above the 70 foot canopy = 90 feet.

The whole of Mr Dormer's correspondence effectively debunks the kind of stupid, antagonistic, destructive argument which is put by those people who oppose this proposition. I am pleased that the committee saw through it and I am pleased that Peter Dormer has had the gumption and willingness to continue the discussion in reasonable tones and in a rational way in the public domain, even after 40 years. I think that in due course we will all feel grateful that he has been willing to do that and that the committee has done the work in preparing this report for us now to go to the Federal Government in the fashion which the Premier has suggested and obtain the necessary resources for the trial.

Ms HURLEY (Napier): I will briefly comment on this report. The committee heard a lot of witnesses with very fixed points of view, and, therefore, it was a long and difficult period for the committee in trying to make a decision between the witnesses and produce a reasonable report. As I said previously, a lot of what the committee did duplicated a previous Senate inquiry and other inquiries into this form of aircraft. Therefore, in some ways, I question whether we needed to go through this exercise. If the Premier's activities produce some scientific trials, I will be pleased that the committee's hard work and that of its staff has produced some result. The specific thing that changed my mind about the use of firefighting aircraft was the evidence of one witness who said:

I do not apologise when I speak of the emotions and fears of those of us who live in the Hills during the fire season; those of us who are regularly obliged to fight when nobody else is at war, who spend days off work sometimes in real danger and who find it difficult to accept the excuses provided by those who are trying to prevent these planes from becoming part of our firefighting forces.

To me, that outweighed a lot of the other evidence. If there is proof that firefighting aircraft can relieve some of the work of those volunteers on the ground, we should look at every way possible to secure those aircraft. Another witness, an experienced Canadian pilot of one of the aircraft, said:

One word on fire. When the flames are 200 feet high and the fire line is 10 or 20 miles long and the wind is 50 or 60 miles per hour, take your aircraft and fly to a church, not the fire.

This really illustrates what the committee also put in the report: the fire force on the ground is responsible for managing and controlling the fire, and we rely on it at all times to fight bushfires around our cities. All members of the committee gained an increased appreciation of the way in which the Country Fire Service works, the difficult conditions it works under and the responsibilities it takes on in managing some of these fires.

As a city person, it enhanced my appreciation of what happens in these circumstances. It is obvious that the CFS will continue to be in control of a situation regardless of any increased capacity in terms of firefighting aircraft. It is obvious that this State alone does not have the funds to support firefighting aircraft and therefore will be required to use combined State resources and/or combined State and Federal resources. It is important to realise that firefighting aircraft are just part of the available firefighting resources.

In terms of funding these firefighting aircraft—and again the committee emphasised this strongly—we must not lose sight of the fact that the CFS and the equipment that it uses needs to be funded, and it probably needs more funds to do its job properly. I again commend the staff who did so much work on the committee, as did our Chairperson, because it was quite a task to fight through a lot of the conflicting evidence as well as the technical detail that the committee was required to go through in producing this report.

Mr VENNING (Custance): Again, as a member, I commend the committee on its 83-page significant, comprehensive and detailed report on the Canadair CL415. I also commend the Presiding Member, because she plays a vital role in the dissemination of information and control of the meeting and in assisting our officers to put their knowledge on to paper. Yet again, I pay tribute to the two officers

involved, Geraldine Sladden, and particularly Ray Dennis because this was his first project and he was thrown in at the deep end. He has done a magnificent job. I was surprised at the way that he was able to put it together so quickly, because the deadline was very short and it has been met and the report has been delivered.

Firefighting is an emotive issue. Fires in Australia, particularly in South Australia, can be horrific. We all know about Ash Wednesday and Black Friday. It is worse in inaccessible areas, particularly the Adelaide Hills, Mount Lofty, the Clare Valley, the Flinders Ranges and the South-East. It is also very difficult to control fires in our pine forests, which represent a very valuable resource. If we can in any way solve or alleviate this problem, we should be looking at it. That is why this matter was put before the committee. Firefighting by air is not new in South Australia. In fact, it has been going on since the early 1950s. Today it is more effective with the use of foam retardants, suppressants and wetting agents. The technology of modern aircraft and of water dispersing equipment has also made it more effective.

The Canadair CL415 is a unique aircraft, but it is also very expensive. The smaller, earlier CL215 is probably much more within our grasp. However, it is older and would not be as effective. The CL415 is certainly the best aircraft in the world for fighting fires. But can we justify the cost? Today we talk more and more about the user pays. Who should bear the cost of this aircraft? Should it be the insurance companies or people who decide to live in these charming and marvellous areas which would benefit most from the use of this aircraft? People in the broadacre plains in my electorate or in the area covered by the member for Flinders seldom need or use a firefighting aircraft, because the fires are on the plains and they can usually be put out by conventional methods. Of course, I am not saying that firefighting aircraft would not be valuable. As I said to the committee, a fire is best put out when it is the size of a desk. The earlier one can get to a fire, the better. Being able to get to a fire quickly is a great advantage, and aircraft can get to fires very quickly, however inaccessible they may be.

Getting back to the user pays, the whole exercise revolved around the cost of this aircraft. It is the best available but the most expensive. As the Presiding Member said, the committee findings said that we should explore ways in which these costs can be shared. In this respect, the Federal Government must be involved. The role of aircraft in fire control is very interesting. As the member for Ridley said, in some areas the CFS has resisted the use of aircraft in fighting fires because there was a notion that some of its volunteers would feel threatened and lose interest.

Quite honestly, I think that is a nonsense, because any way in which a fire can be put out, even to save the lives of some of our firefighters, should be explored. Putting that forward was a furphy, a smoke screen, and the committee saw through it quickly. Much of the evidence was conflicting; you could almost say that certain vested interests were at play, but I congratulate the committee on sorting through the evidence and coming up with a constructive and positive report which I think is balanced.

I was interested particularly in the evidence about the use of the Ag. aircraft that we have been using until now. I hope we are ready, because we have a very dry year on our hands. I will ask the Minister today whether these aircraft are ready. I certainly hope they are, because I think we will see our first major fires within two weeks. In fact, we have had one or two fires already, so I hope these aircraft are organised. The use of Ag. aircraft entered into discussions under the guidelines of the committee, particularly the large air tractor AT-802, which was recently introduced. It is the largest of the Ag. aircraft and can carry 3 000 litres of water. The advantage of this aircraft is that it is already here. It has multi-uses and, while it was not bought specifically to fight fires, it can be used effectively for that purpose. Because these aircraft are cheaper, four or five can be used to fly in formation over a fire dropping 3 000 litres of water each, which would certainly be very effective and arguably almost as effective as one Canadair CL415.

The committee was informed that further development work was being done on these aircraft to see whether they could be fitted with floats and the capacity to scoop water. If so, this would be an attractive option for South Australia, because their cost is within reach. These aircraft could be swung over quickly into a firefighting role, placed strategically around our State and used very effectively. Being able to scoop water from lakes and the gulf is a tremendous advantage, because it saves turnaround time. As I said, I hope that the Ag. aircraft that we are using at the moment—Piper Pawnees and others which carry up to about 2 000 litres of water—are ready to go. I attended a fire in the South-East a year or so ago and saw the effect of these Ag. aircraft. They landed them on the main road in the middle of the night, and they were a very effective firefighting tool, because trying to fight a fire in a forest is particularly difficult.

It is of interest to assess the water resources that we have in this State for scooping water, particularly our reservoirs, which even though the water level is low apparently are very effective, valuable and useful for that purpose. Our gulfs are strategically placed for the scooping of water, and these aircraft can scoop water in waves of up to two metres. I was very impressed with that. I was interested in the evidence on the Russian aircraft which are very effective, very cheap and very good value, particularly the Mil Mi17, a large helicopter in much use all over Europe, and the BE200, a fixed wing aircraft, which is very good value.

I think the report was very worth while. Added to the report of Project Aquarius and the Senate committee report, we now have a tremendous library on this vital issue. I was interested in what the military had to say via Brigadier Alan Hodges. I would like to see more of our military aircraft used because we already have them, and while we are not actually engaged in warfare they should be put on stand-by to fight fires. I have much pleasure in being part of this committee, and I commend the report to the House.

Motion carried.

DENTISTS (CLINICAL DENTAL TECHNICIANS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 October. Page 830.)

Mr WADE (Elder): I oppose the Bill. One thing that irritated me when I was in the Public Service many years ago and the following years in private enterprise was that people would come to me with half-baked, ill-considered and stupidly dangerous ideas and want them implemented. It would aggravate me because, once it happened, I could never trust that individual to come to me with an idea that could be implemented without my having to check it right through to the grassroots, and that caused more work for me.

During the Estimates Committees I complained to this Parliament about the shallowness of the Opposition's questioning of the Government. The member for Playford responded with a claim that the Opposition did not have the time or the resources to prepare good questions during the debate. That argument would not hold water in this case, because the Bill is a direct steal from the legislation prepared by the former Labor member for Mitchell and taken over by the Labor Government at the time. The Bill had small problems with it then, it had problems with it when the Government took it over, and it has problems with it now.

The difficulty is that the member for Spence did not bother to check it. He sought the glory of putting a Bill through this Parliament and he took it from somebody else who is no longer in this Parliament: he plagiarised it. As the Minister has summed up the history of the Bill, I will go over some points for and against the Bill and perhaps if I have time I will give the honourable member some advice for the future. There are points in favour of the Bill, one being that clinical dental technicians already exist and fit partial dentures in Tasmania, Queensland and New South Wales, and very soon they will operate in Victoria. Therefore, one has a feeling of a standardisation throughout the nation, and that is a good point for the Bill. You have to pay that one.

Secondly, clinical dental technicians claim that they will produce partial dentures more cheaply than will a dentist. That is difficult to prove, because they are not doing it, but what can be proved is that full dentures are cheaper when supplied under the concessional scheme presently in vogue: full dentures are up to $75 cheaper than those supplied through a dentist. So, one must take this into account and say, 'If the clinical dental technicians had the opportunity of doing partial dentures, they would be cheaper than those supplied through a dentist.'

A third positive aspect is the surveys that have been completed, particularly the 1988 survey, which stated that 75 per cent of people under the pension concession scheme were happy with the dentist and the treatment they received in relation to full dentures. However, 82 per cent were happy with the treatment they obtained from their clinical dental technician. On that basis, one could say (and it is proven by the figures) that a clinical dental technician did a better job in satisfying the customer in relation to full dentures.

Debate adjourned.

INTEREST RATES

Mrs ROSENBERG (Kaurna): I move:

That this House condemns the Federal Government's move to raise official interest rates and in particular for the deleterious effect this will have on economic growth.

This issue has been raised previously and I am pleased that since my first reference to interest rates on 20 October it has now been taken up seriously in many areas. For the basis of my debate, it is necessary to refer to the previous year's economic circumstances in Australia and compare the processes, namely, the raising of interest rates, and the effect this has had on the community's social structure, businesses and the State's economy.

Unemployment today is five times higher than it was in the 1960s: 10 per cent compared with 2 per cent. Real interest rates on 10 year bonds are four times higher now than in the 1960s, at 9.4 per cent compared with 2.4 per cent. Our national savings ratio is one tenth what it was in the 1960s, and there are three times more people on welfare benefits today. The 1995-96 foreign debt will be about $200 billion, and most importantly the gross domestic product growth per annum is only half what it was in the 1960s. It is predicted that the economy of the 1990s will lag way behind for many, many years. Even if the working nation's goals are reached, we will still be facing 7.5 per cent unemployment through the 1990s.

While falling interest rates in the early 1990s have given the Federal Government reason to attempt to talk about a rising economy, the reality is that it will fall very short of predictions. The interest rate was used exclusively during the recession that we had to have to control growth, and to slow down the economy. The high price for this type of policy and over-indulgence by Governments in their own spending and lack of fiscal control is paid by the community. It is the community that pays for all Governments' inadequacies and incompetence, as is clearly seen by both the previous State Labor Government and its lack of control on its spending and its lack of ability to control a budget, and the Federal Labor Government and its inability to control its budget overspending.

One has only to look at Mr Keating's attempt to control the economy during the recession by raising interest rates alone and compare that directly to mortgagee sales, business bankruptcies and farm family breakdowns. These statistics show a very clear correlation for those who bother to sit down and do the correlation tests.

In the depth of recession small business interest rates rose to 19.75 per cent and home mortgage rates to 16.5 per cent. Since January 1991 interest rates began to fall slowly and everybody was told that we were coming out of the recession. We are told that businesses are growing and investment is happening. What does another rise in interest rates do to all that?

Prior to this latest interest rate increase, the Australian Chamber of Manufactures showed that nine out of 12 key sectors expected to put on staff by December and that at least one company in three planned to increase spending and investment. All this has now been placed at risk by the recent interest rate rise. Mr Ian Harrison, of the Employers Chamber of Commerce and Industry, has said clearly that South Australian recovery was not strong enough to warrant an interest rate increase. South Australia was slower into the recession and is slower coming out of it. This recent interest rate rise will stifle the meagre beginnings occurring in this State.

Brian Phillis, who owns a car company in my electorate, considers his business a barometer of how business is doing in South Australia, and particularly in the south. It is clear that both business and the community have now felt the effect of the interest rate rise by the decrease in the amount of business being done in that particular sector. Our State Government has recently attracted more investment in 10 months than the previous Government did in 10 years. However, the effects of the increased interest rate will make it harder and harder to succeed. This is yet another unneeded downgrading of South Australia's economic base.

Business bankruptcies are another clear result of the devastation caused by high interest rates. It is clear that in 1991-92, according to the 1994 bankruptcy report, the number of business bankruptcies was 5 387, the number of non-business bankruptcies being 11 493, making a total of 16 888 bankruptcies. In 1992-93, the figure for business bankruptcies was 4 796 and for non-business bankruptcies 9 981, a total of 14 777.

This correlates once again very closely with the high interest rate levels of those same years. If one examines what trustees of bankruptcies say, one will see that they paint a very clear picture of interest rate problems and their effects on business. They talk with bitterness about the social cost of the lives left behind after the failure of one's life's work and speak with anger about the way in which a lot of this has been caused by politicians and policies of Government, yet they are never held accountable.

The effect of the Federal Labor Government's interest rate policy in the early 1990s was to increase business bankruptcies in the 1991 time frame by 53 per cent and in 1991-92 by yet another 28 per cent; that is, in two years the bankruptcy rate had almost doubled. The Federal Government issues forms to trustees of bankruptcies to ascertain the reasons for business failure. Nowhere on the form is there an area to record that business has failed because of Government policy. Thus, everything else is blamed for business failure except, as in most cases, the reason for its failure, and that is Government policy.

It has been estimated that 50 per cent of bankruptcies are a direct result of Government policy. Most alarming is the fact that, because the forms that I mentioned leave no opportunity to lodge that complaint, Government does not get the feedback necessary to see the effect its policies are having.

I have talked previously about the devastating effect that interest rate rises have on struggling families trying to purchase their own home. The humiliation facing these families when they lose their home and the family breakdown and social problems associated with that, and added to that the cost to the welfare purse, are all hidden effects of the interest rate increase. Economists are predicting a rate of 12 per cent by Christmas this year. The 1 per cent rise on 24 October this year, which followed the .75 per cent rise in August, means that some families are facing a massive $55 a month increase in mortgage rates.

Members opposite bleat constantly about the hardship that we may be causing through our budget policies, but they remain completely silent on the devastating effects caused by their Federal colleagues. Alexander Downer is quite right in describing Keating as 'the home owner's No. 1 enemy'. So serious is the effect that home owners are being urged to lock themselves now into low-interest rate fixed loans, to take a slightly higher fixed loan over three years rather than risking a variable rate which is on the increase.

Greater Western Financial Services Manager, Mr David Koo, advises that there is no chance of the interest rate coming down within 18 months. The Housing Industry Association Director, Dr John Silberberg, stated that these interest rates will cause difficulty in the housing industry and that this has been proven in the past to be a poor tool with which to attempt so-called finetuning of the economy.

On top of this burden, the ACTU has threatened that the increased interest rate will prompt it to make a wage claim. Martin Ferguson claims that the unions will have no choice but to respond to a wage push, and so the spiral begins yet again. The knee-jerk reaction to rely only on interest rates results because the Federal Government is not prepared to put in place any long-term debt reduction strategy. It may be a saving grace that the Federal election is near, because it might be the only thing that can stop interest rates going up to the 1990s figures of 16 and 17 per cent.

Keating claims that interest rates would rise anyway, whether or not he took action on the budget as his way out of the argument. Mr Willis, the Federal Treasurer, assures us that we will not return to the 1990s figures but, while Keating really controls Canberra, who would trust either of them. The reactions of the market show that it clearly does not believe Canberra. The Federal Government budget deficit will hit $11.7 billion by June 1995, and there is no long-term strategy in place to get it under control. To rely on interest rates alone is madness.

The Federal Government's obsession with interest rates is an economic disaster for South Australia. It will put in jeopardy the economic recovery under way in South Australia. The recovery of South Australia back to the AAA status is of absolute importance. Because of the premium we are now paying to borrow under our current rating, we are doubly behind as interest rates increase. All aspects of our community lose under this boom-bust mentality of the Keating Government. Business suffers, the farmers suffer, home owners suffer, our economy falters and that means jobs lost for South Australians. I urge this House to support my motion for a clear message to be sent to Canberra.

Mr BUCKBY secured the adjournment of the debate.

TEACHERS INSTITUTE

Mr ASHENDEN (Wright): I move:

That this House condemns the South Australian Institute of Teachers for inciting and causing the walkout of students and for removing vital curriculum areas at Golden Grove High School on Wednesday 26 October 1994.

It is with no pleasure at all that I move this motion. I stress from the outset that it is not the teachers of Golden Grove High School with whom I am angry or at whom I direct these comments but I am angry with the SAIT leadership at Golden Grove High School for inciting last week some of the most unsavoury occurrences imaginable. I will outline to the House exactly what SAIT caused at Golden Grove High School last week, the end result being that a school that enjoyed a very high reputation has now had its reputation sullied to the point where parents have indicated to the school that they want to take their children out of the school, and parents of year 7 children have said that they will not enrol their students at Golden Grove High School—all because of the actions of a couple of irresponsible SAIT representatives.

I will outline the incidents that occurred. The member for Torrens thinks this is a huge joke. Let the record show that she is laughing and thinks that this matter is amusing. I will outline exactly what has occurred. I have received advice from teachers, students and parents of students at Golden Grove High School. The following statements have all been cross-checked and are absolutely factual. They are comments not just from one source but from many sources. SAIT held no official meeting leading up to the actions that occurred. It is terribly important to understand that. Its representatives spoke to small groups of teachers at the school who are members of the union but at no time did they follow normal industrial practice and call a meeting to determine what action members should take. So it is obvious that these two persons were moving amongst teachers generating trouble but did not call a proper meeting at any stage. They got together with little groups at morning recess and lunch time but, instead of doing what they should have done, that is, call a meeting of members, say, after school to put motions, it was done in this manner.

The SAIT representatives instructed the teachers that they should take a number of actions, two of which were that they should ban year 9 camps, which fortunately are still to be held next week, and also ban the girls' leadership camp. This occurs at a time when we are doing everything we possibly can to encourage women and girls to develop leadership positions in our community. What did the SAIT representatives do? They did everything they could to ban the year 9 camps and to ban the girls' leadership camp. What a disgraceful performance from persons allegedly looking after the interests of our children. When a vote was taken on whether this matter would continue, fewer than half of the SAIT members were present, and again that shows the sorts of tactics that the union leadership used at the Golden Grove High School.

Let us look at the series of events that occurred. When it became known by the students that the teachers were not to continue with the year 9 camp or the girls' leadership camp a number of students became extremely angry—and that is putting it mildly. It is absolutely appalling that the union representatives incited a situation which then got completely out of hand. The students went on to the oval and took part in what was initially a well conducted, normal protest. However, it became uglier and uglier, to the point where they were joined by other students from within the school—and you need only a couple of hot heads in a big group—and books were then being torn up and rubbish was being thrown over the oval. The principal went out to ask the students to sit down and talk over the matter in an effort to come to a compromise. He was pelted with mud and stones, and the language that was used against him was just absolutely unbelievable. At this stage the situation was more than frightening.

That situation was brought about purely and simply because of the inciting by a couple of union representatives. To be kind to them, they may not have foreseen the consequences of their actions. However, I make it quite clear that all these actions have been taken before any cuts have been brought in and before there has been any impact on the schools whatsoever. This is the other cruncher: it has come to my attention, from a source that I regard as extremely reliable, that this whole thing was deliberately set up between SAIT and its colleagues in crime, the ALP, to ensure that the first strike situation that occurred did so in a marginal seat, where it would have the maximum political impact. So let us not overlook the political implications of what occurred last week.

The SAIT representatives stirred up this trouble solely for political ends—do not ever tell me that they were worried about the kids, because if they had been they certainly would not have banned the girls' leadership group or the year 9 camp. So, that hogwash should never be put to me. They were there purely and simply to create as much industrial trouble as they could in an area where they thought they would have a major political impact. As I said, the incident then got out of hand and it was impossible to control. At the end of the day, students dispersed and came back to school the next day, when the problems continued, despite the efforts by the staff of the school. I must commend the principal and the senior staff of the Golden Grove High School for their excellent work; they worked untiringly through to midnight and even later, and then they were back at school at 7 a.m. They worked with the staff; they worked with the kids; and it is through them that eventually cool heads prevailed and the situation was brought back into hand.

I reiterate my absolute commendation for the work done by the principal and the senior staff of that school, despite the horrendous problems that had been created for them by the SAIT representatives who used students as political pawns, and that is something I absolutely abhor. Also, I have been advised by concerned teachers at the school that they had no idea that the union's recommendations would result in such a massive action, and I am delighted that now the teaching staff have rescinded the union bans and that the year 9 school camp and the girls' leadership camp are to proceed.

Again, I commend the sensible staff of that school for going against the recommendations of the union. I will address that issue again, but I am trying to follow this incident through in sequence. I have been contacted by parents, staff and children who have been appalled by what occurred. I have outlined the situation that occurred on the oval. On the following evening some students undertook an activity of graffiti and vandalism against the school. A sales person from a yoghurt company came to the school with 1 000 cartons of yoghurt. It was a promotional exercise: this yoghurt was to be provided for the students to sample and, if they liked it, hopefully they would buy it again.

At this stage it had been reaffirmed to the students that the camps would not be proceeding, so the students were still angry. The SAIT representatives were doing everything they could to stir up the teachers to ensure that the bans continued. In fact, they attempted to hold a meeting and rush through a motion that endorsed their action and the continuity of the bans. Teachers became very angry with their SAIT representatives and told those representatives exactly what they could do with their motion. Other teachers put forward motions that then led to the removal of the bans so that the camps could proceed.

The point is that the union came in with a motion which said, 'This meeting is to endorse the action and to continue the bans.' The union wanted to get the motion through as quickly as possible. I am told that the teachers were extremely angry with their SAIT representatives. Commonsense prevailed and the teachers overturned the action of those representatives. Unfortunately, at the time the sales person came with the yoghurt, the students were not aware that the bans were to be lifted. This yoghurt was taken out of the sales person's car, thrown over the car, the school and all over the place.

The woman had groceries in her car which were removed. You could say that the anarchists amongst the students had gained control. Again, to the full credit of the principal and the senior staff of the school, that situation was defused, but the effect on this woman was so great that she could not go to work on the Friday: she was absolutely stressed. How would anyone here feel if they had been subjected to that sort of treatment? I do not blame the vast majority of the students at that school. A few anarchists took advantage of a situation which, unfortunately, got out of control.

Let us go back to step one; let us go back to why any of these incidents occurred. It was because the SAIT representatives stirred up the problem; they deliberately took action which they knew would have political implications and which would cause political embarrassment. They took action that led to a situation which got completely out of hand. I stress that we cannot blame the kids, the teachers, or the senior staff, but we certainly can blame these two SAIT representatives who incited, led and tried to stir and push the issue, even when the other teachers wanted it pulled back. They still

wanted to push and the trouble to continue, for their own political ends.

We have seen one of the most disgraceful abuses of political power within a union, and it has caused untold damage. The union, I might let members opposite know, has not been successful at sticking any mud on either me or the Government. Parents who have contacted me are absolutely furious with the actions that were taken. Unfortunately, the parents are blaming the teachers. I am going to great pains in telephone conversations and in my letters to tell people not to blame the teachers. It was something that was deliberately incited by the union.

I have been saying, 'Please do not blame the school. Remember the excellent reputation that school has built up.' But I am afraid that many parents are now saying, 'We will not leave our kids at the school or enrol our kids there.' The SAIT representatives have caused that problem at the school. I am sure that it will once again rightly become a proud school because of the reputation it has built up, but the actions that have occurred have done untold damage to that school and to the professionalism of its teachers. Members opposite will do everything they can to sheet this back saying that Scott Ashenden was out there slamming the teachers. I repeat that it was not the teachers; they are to be commended. They overruled the institute, fortunately, in terms of the recommendation to continue with this protest action and to continue with the banning of the camps. You cannot blame the vast majority of the kids or, certainly, the senior staff, who are absolutely fantastic in terms of the work and hours they have put in and what they have done.

At Golden Grove High School we have witnessed a situation resulting from an action taken for political ends. The kindest I can be to the representatives is to say that they probably did not foresee the extent to which their actions would go, but because of their actions we had that unfortunate, unsavoury, shocking series of incidents that occurred at a marvellous school with a professional staff who have been trying to do all they can for the students. It is not with any pleasure that I move this motion, but I absolutely condemn the actions of the union and hope this House will support that condemnation.

Mrs GERAGHTY (Torrens): The member for Wright accused me of laughing at a really serious matter, and I wish to respond to that. I was not laughing at all at the serious matter; I was actually aghast at the very unconstructive manner in which the honourable member raised this issue. It is just another bash at unions and at members on this side and, if the member for Wright were serious about the issue, he would not have raised it in the way he did. I regard it as a political stunt and find that disgraceful.

Ms HURLEY (Napier): I concur with the member for Torrens. The member for Wright has talked about the sort of tactics that unions use, but we should really be looking at the sort of tactics he is using, that is, blaming the unions, the previous Government and the Opposition and not taking any responsibility for his own Government's policies. He would prefer people to continue to believe what they said in their election propaganda, namely, that the Liberals would increase spending in areas like health and education. The reality is that spending in those areas has been decreased. Some members opposite seem not to want to face up to this fact and seem not to want to respond to the understandable anger and disappointment that the community is displaying at the betrayal of their faith in the Liberal Party and the breaking of promises made just before the election.

The member for Wright has chosen to present this motion in a way that does not display the full facts. Either he does not know the full facts, which is entirely possible, or he has chosen to represent them in the way he has in order to enhance what there is of his case. When he talks about SAIT banning the camps, that is a misrepresentation of the position. In fact, teachers in schools around the State have chosen individually to adhere to the work to rule situation that SAIT has proposed, namely, that teachers work only within the rules of their job and do not do the extra work that most put into their job, which includes out of hours work at camps and weekend work.

The camps were not banned, but teachers' putting in extra work outside their normal job was banned. That is what many teachers around the State have chosen to do in order that their protest action does not impinge to any great extent on their students' learning and on their ability to deliver the curriculum. One of the results has been that, unfortunately, in some cases extra curricula activities such as camps have been threatened. Some teachers in schools have chosen to grant exemptions, and that is what eventually happened in the case of Golden Grove. I find it very interesting that the member for Wright has chosen to be paranoid about this and decide that it is a political action against him. There may well be some reason for this, because I understand the member for Wright got the lowest personal vote at the last election and so there may be some reason for him to feel nervous in that area.

Mr Atkinson: It was the member for Lee.

Ms HURLEY: I apologise. The member for Wright is now attempting to shore up his position by talking against unions, teachers and students who are protesting about a situation resulting from a broken promise by the Government. He claims that they are protesting before the cuts are in place. When would he like them to protest—a year or two down the track?

Debate adjourned.

SPEAKER, IMPARTIALITY

Adjourned debate on motion of Mr Atkinson:

That in the opinion of the House the Speaker ought not attend parliamentary Party meetings.

(Continued from 27 October. Page 838.)

The Hon. H. ALLISON (Gordon): I wish to respond to the content and intent of the member for Spence's motion. I advise him that I have to oppose the motion. With all respect to the member for Spence, it became increasingly evident as the honourable member addressed the House that he had moved the wrong motion to his purpose. In doing so, he made it difficult for all members with any knowledge of and respect for Standing Orders and Sessional Orders to respond adequately to his debate. Under the guise of what was really a simple motion, seeking to limit the Speaker's attendance at parliamentary Party meetings, the mover's potential motives were revealed when he made a succession of impermissible reflections on the Chair.

The member for Spence would admit that he showed increasing frustration, if not some anger, when you, Mr Speaker, quite properly ruled, first, that the motion before the House was limited in scope, that the debate would be narrow and, secondly, that Standing Orders do not permit an

attack on the Speaker, except by substantive motion. I will come to the definition of that a little later. It is here that the member for Spence may have displayed an unwitting desire to breach Standing Orders and Sessional Orders or, and I prefer this more generous interpretation of his actions, that for one claiming a background of legal training he is ignorant—and surprisingly so for a member of several years' standing in this House—of both Standing Orders and Sessional Orders relevant to the motion. He also chose to enlist Erskine May to his side when, on my reading of Erskine May, a less selective and slightly wider reading of Erskine May would have pointed out some error of judgment. Let me illustrate some of those criticisms for the benefit of all members.

Standing Orders do not forbid parliamentary Party attendance. Standing Orders are specific and most members observe and follow them most of the time. It really is a decorous House by any standards. Standing Order 119—and these are the Standing Orders that are more often breached than any—tells us that we may not reflect on a vote of the House, except to rescind it, yet I believe the member for Spence by his own words in debate intended to reflect upon the naming and expulsion by the House of a colleague.

Standing Order 135 says that objection to the ruling or decision of the Speaker has to be instant and the objector moves a motion, it has to be seconded, and then it is proposed; yet several members stood and argued the point with the Speaker from the floor. Standing Order 137 is a broader one dealing with wilful obstruction, refusal to conform to Standing Orders, refusal to accept the authority of the Chair, unparliamentary language and the Speaker's interpretation prevails whether the intent of language is proper or not in any given circumstances according to Erskine May. These are all breached many more times than you, Mr Speaker, with your tolerance have warned members for.

Standing Order 141 forbids quarrelling. Standing Order 142 tells us 'no noise or interruptions.' By Standing Order 144 your powers, Mr Speaker, are conferred quite clearly. You have the responsibility to maintain orderly conduct of the House and decorum and dignity. All members will be aware of occasions when these Standing Orders are ignored, either generally by way of insistent and repeated interjection upon a debater and, occasionally, by way of a slow defiance of the Chair; a reluctance to sit, a reluctance to be quiet when the Speaker is addressing the House. But the Speaker does not deserve a motion against him, and this motion, I must say, I regard as a back door attempt to censure the Speaker.

The member for Spence's ignorance of Sessional Orders is really inexcusable when the honourable member claims unlimited time. Obviously, the first thing that a debater does is arrange his speech to a time schedule. Under these circumstances, when the Sessional Orders were adopted once again by the whole House as recently as 24 August, those Sessional Orders provide:

> The following time limits will apply—

this is during the period allotted for this debate—

> mover 15 minutes; one member—

that is my time—

> opposing the question as deputed by the Speaker, 15 minutes. Other members, 10 minutes.

And the member for Spence will of course have the right of reply to all other debaters' five minutes.

Mr De Laine: You can extend.

The Hon. H. ALLISON: The honourable member says that the debate can be extended. The honourable member is in error, because (cii) says:

> Leave to continue remarks may not be sought by any member. . .

I refer members also to Standing Order 125, 'unbecoming words against another member'; Standing Order 129, 'when the Speaker rises to speak all will sit, all will be silent. There will be no interruption;' yet at least one interjection last week I regarded as being insolent in the aggressive manner of its delivery—and I do not intend to refer specifically to anyone in this debate. I will observe decorum.

Mr Foley interjecting:

The Hon. H. ALLISON: Thank you, member for Hart, who acknowledges the spirit behind my debate. I say that the motion is back door. It is substantive, yes. It is a substantive motion because it seeks a decision of the House. But the honourable member is fond of Erskine May, and I quote from Erskine May at page 181 of the Speaker's copy of the volume as follows, regarding the Speaker:

> His action cannot be criticised incidentally in debate or upon any form of proceeding except a substantive motion (see p.325).

I go to that page, under the heading 'Matters which may be raised only on a substantive motion', which states:

> Certain matters cannot be debated, except on a substantive motion which allows a distinct decision of the House. Amongst these are the conduct of. . . the Speaker, the Chairman of Ways and Means [the Chairman of Committees in South Australia]. . . such matters cannot, therefore, be raised by way of amendment, or an adjournment motion. For the same reason, no charge of a personal character can be raised, except on a direct—

and I emphasise, member for Spence, the word 'direct'—

> and substantive motion. No statement of that kind can be incorporated in a broader motion, nor, for example, included in a reply to a question.

Obviously, this is a serious matter; we all acknowledge it. It has to be a very direct, that is, specific motion, which the honourable member's motion is not. It refers to some extraneous matter about attendance at Party meetings. Erskine May furthermore adds, at page 379 under 'Reflections on Sovereign etc.':

> Unless the decision is based upon a substantive motion—

and further qualification now—

> drawn in proper terms (see p.325), reflections must not be cast in debate upon the conduct of (*inter alia*) the Speaker, the Chairman of Ways and Means. . .

So, I think we have the matter of substantive motion somewhat narrowed and clarified by a further, more extensive reading of Erskine May. It is open to interpretation, but I offer that to the member for Spence in all good faith. I interpret a 'proper' motion as a direct and specific motion, and this is a serious motion that we are considering. This motion is substantive but indirect and therefore not proper. The debate is narrow. The Speaker's rulings have been correct, the Speaker's reactions to events in the debate have been tolerant and more than fair, and I suggest to members that, had we had been playing one of any number of games of sport, the red card would have been out for challenging the Speaker's ruling on many more occasions. I know that would have been the case in my sports of hockey and soccer. Ample evidence that our members behave with decorum and that the House is well governed compared with other Houses certainly exists. There is evidence we have a tolerant Speaker if members read *Hansard* for the whole of the eight months, because they will see that only two red cards have been

handed out, despite the number of cautions and warnings that have been given.

I have to emphasise to members that no attempt in my almost 20 years in Parliament has been made within our Party room to direct the actions of any Speaker. That is from the confines of the Party room and may not help the egos of members opposite at the moment. I also point out that several independent Speakers have been appointed, not from altruistic motives but simply from political expediency—the question of survival. In a lengthy conclusion, this motion really displays some ignorance of Erskine May and the niceties of parliamentary procedure, although the honourable member did illustrate some knowledge of Erskine May when he emphasised that confidence in the Speaker is really a keynote to the successful operation of the House, and I am not in dispute with him. However, he displayed ignorance of Standing Orders with respect to the misbehaviour and the attack on the Speaker and his failure or refusal to comply with Standing Orders in moving a substantive motion of the correct nature to question the Speaker's ruling.

His ignorance of sessional orders was evident in claiming unlimited time, when only as recently as August the whole House adopted a standing order, which was in operation last year, limiting the mover and the leading opponent to 15 minutes. Members may be forgiven for seeing the real motive for the motion as somewhat vengeful and retaliatory, but I will not make that allegation against the honourable member. I think he was trying to defend a situation which I really regard as indefensible.

With respect to the member for Spence, he really has proposed the wrong motion. My advice (and he may not accept it) would be simply to withdraw the motion, have it read and discharged and then, if he is bent on pursuing you, Mr Speaker, he is not being gagged either by the Speaker—who offered him the alternative quite clearly last week, which was not taken up—or by the House; he can and may give notice of a substantive, direct, properly couched motion for later debate. Or, a colleague can take up and amend this motion—the honourable member's time has expired—and we can have a debate on wider terms. I caution members of the House on both sides, however, that such action would result in a far more acrimonious debate; I can assure the honourable member of that. It would only bring discredit on the House and its members.

I oppose the motion and commend these sentiments to members, once again quoting from Erskine May, at page 380, as follows:

> Allegations against members. [This would include the Speaker and any member on both sides of the House.] Good temper and moderation are the characteristics of parliamentary language. Parliamentary language is never more desirable than when a member is canvassing the opinions and conduct of his opponents in debate.

I do not question the motives of the honourable member, who may have been defending a colleague and trying to set things to rights. I do not question the honourable member's right to do that; all I question in reply to his debate is whether we have the proper motion. I agree with the Speaker that the debate is narrow. My own response to the honourable member has been constrained by an inability to refer to specific incidents of wrongdoing and misbehaviour in the House, and therefore I try to speak in general terms in reply. I commend the wider reading of Erskine May to all members. I commend a broad and specific knowledge of Standing Orders to all members in the hope that the Sessional Orders will be properly employed by members on both sides of the House in future.

Mr KERIN (Frome): I congratulate the member for Gordon on that contribution because even I learned something from it. However, I will take another tack. I question the timing of this motion because, during its 11 years in government, the Labor Party did not even contemplate such a move, yet it now suggests that we do this. The structure of the House sees each member representing 22 000 electors, and the origin of the system is such that our primary objective is to represent those 22 000 electors—not the Party and certainly not factions. Like every other member of the House, the Speaker has an electorate. The electors of Eyre voted the member in as a Liberal member, and the people of Eyre who were made to suffer under the last Government voiced their opinion and wanted a member in the Liberal Government.

Most city members would find it hard to comprehend the difficulties in servicing a vast electorate like Eyre. It is an electorate with many issues that are probably more diverse than any other in the State. I see the motion as an attack on the 22 000 electors of Eyre, and a proposal which would reduce the representation that they would receive in the House. The Member for Eyre is a strong advocate for his electorate, and he leaves no-one in the Party room or the Parliament in doubt about the interests and concerns of his constituents. The people of Eyre receive strong representation, and for that reason I oppose the motion. The member for Eyre already this week has contributed strongly to debate in the House. However, because of the requirements of his office he does not always receive as much opportunity as the rest of us to voice the concerns of electors.

The Speaker has been able to overcome a lot of the disadvantages by being such an experienced member and a strong advocate for the electorate of Eyre in contributions within the Party room. Because Eyre is alongside my electorate, I know many of the constituents and I know the respect they have for their member in his representation as an advocate for their concerns. This motion would disfranchise the 22 000 electors of Eyre, and in future after each election when a Speaker is appointed it would disfranchise the people of the electorate the Speaker represents. In the life of this Government there has been no hint of instruction within the Party room to the Speaker, which some might imply from the motion.

As a member of the Government I also take some offence at the implied suggestion that either the Party room or the Speaker have manipulated the parliamentary process. The job of the Speaker has been made difficult by the consistent and unruly behaviour of certain members of the House. As one of the well behaved members of the House I point out that some members have occasionally incurred the displeasure of the Speaker. There also have been many occasions on which the Speaker has been lenient and most tolerant to some of the unruly offerings from members—including occasionally the mover of the motion. In summary, I support the Speaker and particularly the rights of the constituents of Eyre. I strongly oppose the motion and its intent.

Mr BRINDAL (Unley): I join in this debate because it is probably one of the more significant motions to be brought before this House. Like my colleague the member for Frome I deplore what the member for Spence is trying to achieve here. I do so as one who freely acknowledges that on more than one occasion I have been subject to what the Speaker

terms 'firm guidance'. I freely admit that I do not always like being told I am wrong and, like others in this place, I do not like being picked on. That is not to say that the member for Spence is right in the essence of this debate.

Mr Atkinson interjecting:

Mr BRINDAL: The member for Spence interjects far too unkindly. I propose to show the House how ridiculous this motion is by dealing with the substance of it. The member for Spence brings in the Palace of Westminster, on which this Parliament and all other Parliaments in this tradition are modelled, and holds it up as a shining light. It is a shining light, and it is applicable in a House which has hundreds of members. That House can perhaps afford the luxury of electing an independent Speaker who is completely outside the political process, because the number of people disfranchised by that person's election are few in the totality of the considerations of the Parliament.

But we are dealing not with the Palace of Westminster and not with a Parliament of hundreds but with a Parliament of 47 members. As the member for Frome so eloquently said, to disfranchise that percentage of the electorate is not only wrong but abhorrent to the democratic system.

Members interjecting:

Mr BRINDAL: How are they disfranchised? I will tell members. I want to dwell a little on the previous Government, because the member for Spence made a virtue of the fact that there was an independent Speaker. I point out that there was no virtue. There was at least one member sitting on this bench, whom you will recall, Mr Speaker, who spent the whole four years being more than irate about the fact that he was not Speaker of the House. He believed that the perquisites of winning government went to the Party, and he was always more than miffed that he was not the Speaker during that time.

Mr FOLEY: I rise on a point of order, Mr Speaker. Consistent with your previous rulings on this debate, I suggest that the member for Unley is reflecting on a former Speaker of this House and that that is not in line with the motion.

The SPEAKER: Order! The member for Unley has not indicated to which member he was referring; he was making a general comment. Therefore, I cannot uphold the point of order. The member for Unley.

Mr BRINDAL: Thank you, Sir. I have been very careful not to reflect on any previous Speaker. The independence of Speaker Peterson was well noted, but—and this is a matter of public record—as an Independent Labor member he agreed to support a Labor Government, and the Labor Government in turn agreed to his election as Speaker.

Mr ATKINSON: On a point of order, Mr Speaker: the member for Unley is reflecting on a decision of this House, not of the Government. It was a decision of this House to install Speaker Peterson. I ask that he withdraw his imputation.

The SPEAKER: Order! The Chair is of the view that the member for Unley was not reflecting upon a decision of the House, which I understand at that time was unanimous. The honourable member was making a comment which was not a reflection. The member for Unley.

Mr BRINDAL: During that Parliament, Mr Speaker, you will remember that I earned the displeasure of this House and was not required in its service for 24 hours because of a remark that I made concerning the Speaker. I do not want to canvass that and I certainly do not want to reflect on the Speaker, other than to say that it has always been my opinion, expressed in this House in the presence of the then Speaker, that, despite his independence, he had the correct ear in the correct places.

Mr FOLEY: On a point of order, Mr Speaker: the member for Spence was called to order numerous times last week for reflections less serious than those cast by the member for Unley on the former Speaker. I ask for consistency in rulings on this issue.

The SPEAKER: Order! The member for Hart is now reflecting on the Chair. Last week the Chair explained its rulings in relation to the member for Spence in considerable detail. If in the opinion of the Chair the member for Unley reflects upon the decision of the House or the former Speaker, the Chair will act accordingly. At this stage I do not believe that he has. The member for Unley.

Mr BRINDAL: I thank the Chair and point out to members opposite that all I am seeking to do in the light of the current debate and the contribution of the member for Spence is to rebut those points which the Chair in its wisdom felt that it was valid for him to make. If it is valid for the member for Spence to make a point about the independence of a previous Speaker, it is also valid through you, Sir, to refute those points, which is all I seek to do. The fact is that this House works—and it works well. It works because each member has a voice. There is a tradition in this House that, while the Speaker as the ceremonial and authoritative head in this Chamber is denied that voice in the normal parry and thrust of debate, he is not denied that voice when it comes to any Party room to which he chooses to belong. I say to the member for Spence that in attempting to be too clever by half he has not been at all clever. If this motion is about something else—

Mr Foley interjecting:

Mr BRINDAL: No, I'm not. If this motion is about anything else, let the member for Spence bring into this Chamber a substantive motion about the matters he wants to canvass. That is his right. He tried to assert that that was his right last week, but he was too cute by half, and I for one believe that the rulings made by the Speaker were absolutely correct. He is entitled to debate a motion, which he moves in this House. If he is not sensible enough—

The DEPUTY SPEAKER: Order! I ask the member for Spence to resume his seat momentarily. It would help the Chair if members when they stand express their intention rather than simply standing when another speaker is already on his feet. The member for Spence could have been allowed to stand for five minutes. Does the honourable member have a point of order?

Mr ATKINSON: Yes; on a point of order, Mr Deputy Speaker, the Speaker has ruled consistently that we may not reflect on his decisions in any way, certainly not in a critical way. Is it appropriate for Government members to reflect on his decisions in a favourable way and tell him of their degree of merit, as is the member for Unley?

The DEPUTY SPEAKER: The emphasis on parliamentary rulings has generally been that reflections of an adverse, denigratory or ridiculing nature and so on are not permissible and are unparliamentary and that reflections of a complimentary nature are generally perfectly acceptable.

Mr Atkinson: Then there is a danger of the Speaker being damned by feint praise.

Mr Brindal interjecting:

The DEPUTY SPEAKER: It is unfortunate for the member for Unley that the Chair missed that pearl of wisdom. I will not ask him to repeat it.

Mr BRINDAL: I will conclude, because I have less than a minute left, thanks to the member for Spence. The honourable member's point of order might not have been a point of order, but it was very cleverly done. If he was as clever in framing a motion as he was in taking points of order, this House might be involved in a very different debate. He is not. He has made a fool of himself by bringing this motion into the Chamber. Let him now pay the consequences. Let him not bleat that he is being unfairly treated. He is getting the treatment that this House metes out to all its members when they move a motion.

Debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

PARINGA PARK PRIMARY SCHOOL

The SPEAKER: I direct that the following answer to a question without notice be distributed and printed in *Hansard*:

In reply to **Hon. LYNN ARNOLD (Taylor)** 8 September.

The Hon. R.B. SUCH: The Hon. Rob Lucas has provided the following response:

An inspection of the buildings and site of Paringa Park Primary School was undertaken in February 1994. As an outcome of this assessment the school was advised that concerns about the condition of the students toilets located within the Bristol buildings were reasonable, and that they could be attended to through the Minor Works Program. The toilets in the Bristol buildings are not the only student toilets at the school, and there are no reasonable concerns relating to the other toilet facilities. The school received in excess of $49 000 in 'Back to School' minor works funding in 1993, which can be applied to corrective work related to the toilets, and other maintenance issues that may be of immediate concern.

It is a matter of current policy that showers for staff and students are not a standard provision in primary schools, unless the provision is partly funded by the school as a component of a school/community multipurpose hall or gymnasium.

The condition of the school and the potential for the major works program to support the replacement of the Bristol buildings was again re-examined in July. The Capital Projects Team used the April 1994 report by the Manager, Asset Services Team and the demographic and building condition reports relating to Paringa Park Primary School and compared the potential need to undertake a major redevelopment of the school with identified needs at other schools.

The reassessment indicates that the current condition of Paringa Park Primary School does not support a requirement to give priority to major works at this location. Some of the factors which were considered in the assessment are:

1. Enrolment growth is static, with projections to the year 2000 suggesting a potential increase of 10 students from a base of 320.
2. The existing buildings are sound and adequate for their function.
3. With a current and projected enrolment of about 320 students the school has an entitlement to approximately 12 general teaching areas, with additional support spaces. The two wings of the Bristol building provide at least 10 general classrooms, and there is also a brick open space teaching unit which provides a further five general classrooms. In addition, there are three surplus large timber classrooms blocks located on the site which could be removed in order to reduce the maintenance liability associated with their retention. Even the total removal of all the non permanent buildings would leave the school with an excess of facilities. At this stage negotiations with the school community are continuing for the removal of these buildings. As a result of this assessment Paringa Park Primary School has not been recommended for inclusion on the DECS Forward Capital Works Program.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. S.J. Baker)—

Group Asset Management—Report, 1993-94.
South Australian Asset Management Corporation—Report, 1993-94.

By the Minister for Industry, Manufacturing, Small Business and Regional Development (Hon. J.W. Olsen)—

Engineering and Water Supply Department—Annual Report, 1993-94.

By the Minister for the Environment and Natural Resources (Hon. D.C. Wotton)—

Department of the Environment and Natural Resources—Annual Report, 1993-94.

By the Minister for Emergency Services, for the Minister for Employment, Training and Further Education (Hon. R.B. Such)—

Tertiary Education Act 1986—Report on Operations.

THE PARKS REDEVELOPMENT

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.K.G. OSWALD: My statement refers to The Parks redevelopment. The member for Napier needs to understand the scale of complexity of The Parks redevelopment project, involving one of the largest housing redevelopment projects ever undertaken in Australia, possibly more than 10 times the size of the redevelopment work undertaken in the Rosewood Village to date.

The Government and the Housing Trust gained valuable experience from the Rosewood Village, Mitchell Park and Hillcrest redevelopments, and consultation for The Parks redevelopment will build on the excellent practice put in place for these projects. The Government understands that the redevelopment projects have significant implications for tenants and the wider community. It will make every effort to manage tenant relocation and community issues sensitively. With this in mind, the trust will also ensure that local government, in this case the Enfield City Council, will actively participate in the project.

It is important to recognise that the proposed redevelopment will take place over a 10 to 15 year time span. This means that, in reality, only 200 to 300 tenants might be affected in any one year. In any event, as a consequence of the extensive consultation process, all tenants will know well in advance what the trust's plans for their houses will be. It needs to be understood that two of the prime objectives of the redevelopment project will be the providing of better quality housing and achieving urban consolidation targets in line with Government policy. Increasing dwelling densities in these suburbs may well mean that existing tenants will have the opportunity to remain in the area but may be provided with new housing.

The scale of this project requires the Government to take a considered view of the strategies to be employed. It is acknowledged that this project will have a significant impact on residents and the area, and we therefore need to understand what these impacts may be and how best to address them before a private developer is engaged and any work is commenced. Informal discussions have been held with a number of private developers, and it is clearly the Government's intention to ensure that the Housing Trust undertakes this redevelopment project in partnership with the private sector.

Other redevelopments carried out by the trust have involved between 14 and 24 months of consultation and investigation before any construction activity can commence. Given the scale of this project, a June 1995 commencement date is a significant reduction in the overall lead times and no doubt an ambitious target. There is a process that the Government needs to go through to establish these redevelopment projects. The Housing Trust board has approved an overall strategy for its stock throughout the State and The Parks has been identified as a priority area for redevelopment. The trust is now undertaking the preliminary consultation and investigation required to establish the project in The Parks.

We are literally in the first days of what will be a long-term project. The trust will prepare fully costed alternatives for the project in the coming months when redevelopment concepts and time frames will be better defined. Private sector involvement in the redevelopment project will be sought at the earliest possible opportunity. I have had full consultation with the Housing Trust and am assured that the trust has the resources and expertise to manage a project of this magnitude.

The trust is currently investigating funding options for this project to ensure that this revitalisation of The Parks will not only provide an improved living environment for all residents but will also ensure an adequate financial return to the State. It is likely that many tenants will eventually be asked to relocate from their current homes. Where this happens, the trust will continue to make every effort, as it has in its other redevelopmental areas, to handle such moves sensitively. It would hope to be able to relocate tenants to suitable housing near where they now live so that they can maintain contact with their friends and families. If our urban consolidation targets are met, we should be able to offer existing tenants new accommodation within their current suburban location. Essential maintenance has continued and will continue to be carried out by the trust's regional office.

QUESTION TIME

The SPEAKER: Questions which would normally be directed to the Minister for Health and the Minister for Primary Industries will be taken by the Deputy Premier. Questions which would normally be directed to the Minister for Employment, Training and Further Education will be taken by the Minister for Emergency Services.

PORT STANVAC REFINERY

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Minister for Industrial Affairs. Why did the Minister tell this House yesterday that he had intervened in the Federal Commission to bring about a resolution of the strike action occurring at the Port Stanvac Mobil Oil Refinery, when his representative made no submission to the commission? Yesterday the Minister sought media coverage about his intervention in the Federal Commission in support of a company. However, the record shows that the Minister's representative made no submission whatsoever in Melbourne. The Minister's representative sat on his hands and shut his mouth.

The SPEAKER: Order! In explaining his question, the Deputy Leader cannot comment.

The Hon. G.A. INGERSON: My understanding of the matter is that the case was adjourned yesterday and a request made for the submissions relating to our intervention to be brought on today. From my understanding, that has been done.

Members interjecting:

The SPEAKER: Order! The Chair has been tolerant. If members continue to be unruly across the floor of the House I will reduce the number of questions from 10 to nine.

SOUTH AUSTRALIAN DEVELOPMENT COUNCIL

Mr ASHENDEN (Wright): Can the Premier report to the House on the significance of today's appointments to the South Australian Development Council?

The Hon. DEAN BROWN: This morning Executive Council has appointed four further persons to the South Australian Development Council, as the old Economic Development Advisory Board is now called. The first of those four people is Mr Maurice Crotti, Managing Director of San Remo, which is the largest manufacturer of macaroni in the whole of Australia and which has been very successful and, in fact, has captured something like 50 per cent of the Australian market in addition, very importantly, to being successful on the export market. Mr Crotti is, therefore, a person with considerable experience both in primary production and also in value adding. The second person appointed is Mr Bob Thomas, a well-known company director and former Chairman of SAGASCO. As also the former Managing Director of the Australian Industries Development Corporation (AIDC), which has been an entrepreneurial, capital-raising company across Australia, Mr Thomas's appointment brings a whole new skill to the South Australian Development Council.

Helen Nankivell, the third appointee, is a very successful managing director and owner of a local manufacturing facility in a regional centre. She is the Managing Director of Nexus Pty Ltd, one of the largest furniture manufacturers in South Australia. She has been successful in marketing her product across Australia and is now starting to move into the export market. Also, she has very good knowledge and understanding of small business. The fourth appointment, Professor Harold Woolhouse, is an outstanding agriculturist of international standing who is the Director of the Waite Research Institute. That fits in very well with the Government's whole thrust in making the Waite campus, together with the Urrbrae campus, one of the most significant agricultural research and education sites in the whole of the world let alone Australia. These four people will bring considerable expertise to the South Australian Development Council.

PORT STANVAC REFINERY

The Hon. M.D. RANN (Leader of the Opposition): Will the Minister for Industrial Affairs join me and the Deputy Leader of the Opposition in talks with Mobil oil refinery management and unions tomorrow in an attempt to achieve some resolution of the current dispute?

Members interjecting:

The SPEAKER: Order! There are too many interjections coming from my right. The Leader has the call.

The Hon. M.D. RANN: Yesterday, the Minister invited the Opposition to join the Government in a 'bipartisan mode' in helping to resolve the current dispute concerning the Port Stanvac Oil Refinery. The Deputy Leader and I have spoken with both the unions and employers involved and have offered our services to join with the Minister to convene talks

tomorrow, or even at the weekend, to try to achieve both a compromise and a resolution to this dispute. I have received a letter from Mr Mick Tumbers, Secretary, Metal Workers Union, inviting our involvement with the Minister in round table talks. I have also received assurances from the unions in relation to continued petrol supplies to our State. I have spoken personally with the Federal Minister for Industrial Relations, Mr Laurie Brereton, who has agreed to arrange for his officers to contact the Minister's office to arrange talks.

An honourable member interjecting:

The Hon. G.A. INGERSON: That is not surprising because I can't spell his name either. Our officers are in touch with Mobil and with the unions on an hourly basis. The officers of the Department for Industrial Affairs are professional negotiators. As I said—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: I mentioned yesterday that it would be a good idea if we had some cooperation and we have had that, but what we do not need now is grandstanding. I accept the effort that has been forthcoming. The Department for Industrial Affairs employs professional industrial people and not cowboys, and they are doing a professional job on behalf of the Government and at the request of both sides. I hope the whole industrial dispute is resolved as soon as possible.

The Hon. S.J. Baker interjecting:

The Hon. G.A. INGERSON: I thank the Deputy Premier for that. I am looking forward to receiving and tabling the guarantee in respect of fuel supplies. I thank members opposite if that has been achieved. As I said to the House yesterday, it is in the best interests of the community for the Government to be involved in this whole area. We wanted to make sure that both Mobil and the employees who have decided to go out on strike were cognisant of the fact that petrol supplies in this State can be supplied only from the Port Stanvac refinery. The fact that 90 per cent of all petrol comes from that one refinery means that any strike there puts at risk essential services in this State. That is the only reason why our department is involved. I am quite sure that we will be able to resolve the issue very well and very quickly.

ELECTRONIC DATA INTERCHANGE

Mr CUMMINS (Norwood): My question is directed to the Treasurer. Does the Government recognise the importance of electronic trading in South Australia? What steps have been taken to introduce electronic data interchange to the South Australian community, and where does EDI and related initiatives fit in with the Government's information technology strategies?

The Hon. S.J. BAKER: Obviously, it is vital that this State progresses. One area that is gaining greater prominence and use is electronic data interchange. It is important for members to understand that the things we have been doing for the past 100 years are no longer appropriate because there are better ways of doing them. The extent to which we can use our computer capacities to interchange data and messages has a long way to go in terms of the capacity to take over many of the common functions that we fulfil today.

Indeed, in business there are many transactions and advices that go the long route between the drawing up of an invoice and sending it out and going back along the whole route. It used to take days and a lot of energy, but now it can be facilitated simply by transmitting a message down the line. This is the future and it is a future in which South Australia will be a major player. Importantly, we can do a lot ourselves in electronic data interchange. We already have services set up within the State which use this principle. For example, we can dial into the Land Ownership Title System (LOTS), and in the Federal area we can dial up and access *Hansard*. We have a system being developed where we can dial up the latest updates and decisions in our courts.

Things are happening at the State and Commonwealth level where we are using some of this technology for the purpose for which it is designed, that is, to make electronic trading, commerce and interchange far more useable and functionally efficient for the various enterprises. One difficulty relates to the capacity of businesses to be able to adopt new technologies. We would all recognise that firms such as BHP can be at the forefront of the accumulation and development of new technologies, but much smaller firms do not have that capacity, yet the functions about which we are talking are vital to their future.

The EDI strategy must encompass the use and acceptance of this technology within our small and medium size businesses. We recognise the importance of EDI to the State and to the business of the State. For our part, we will be playing a much more proactive role through our EDI strategy in making sure that businesses can interact with Government much better than they have in the past. We will certainly look at the extent to which we can use our knowledge and experience to get smaller firms on to the same wavelength and on to some of the same technologies. Strategies are being developed right now. Tenders are being prepared simply to advance EDI a further step. It is a pretty exciting future and it will make business for everyone, including the Government, far simpler and quicker.

CONTRACT SUMMARIES

Mr FOLEY (Hart): My question is directed to the Premier (and I apologise for putting him under scrutiny at a time when he has a poor voice. I will accept a brief answer). Will the Government consider implementing procedures similar to those recommended by the New South Wales Public Accounts Committee to provide Parliament with contract summaries for all Government outsourcing and privately financed infrastructure projects above $5 million? In a recent report entitled 'Infrastructure Management and Financing', the New South Wales Public Accounts Committee expressed concern at the potential for corruption in the awarding of Government contracts. The committee recommended that all contracts above $5 million be summarised and tabled in Parliament within 90 days and include details such as cross ownership of companies, identification of assets transferred to contractors, maintenance provisions, price payable by the Government, guarantees or undertaking of risk sharing and contingent liabilities. The report also stated that the committee was told by private sector companies that many Government agencies lacked the suitable experience in contract negotiation.

The Hon. DEAN BROWN: In fact, I have taken the initiative on what is the biggest outsourcing contract this Government has taken and will take, that is, the information technology outsourcing contract. I took the initiative to make sure that the Auditor-General was involved right from the very beginning. As a result of my initiative, the Auditor-General had two staff members involved as part of the team. As far as future outsourcing contracts are concerned, I will

sit down with the Auditor-General and go through the processes with him to make sure that we come up with a procedure that satisfies him, because after all he is the person who ultimately and publicly must be able to stand up and say all is above board. Certainly, I will look at what the honourable member has raised and in particular I will look at what has been done in New South Wales. At the end of the day it is the Auditor-General whom I and this Parliament need to satisfy, so I will discuss it with him.

MAJOR EVENTS BOARD

Mrs ROSENBERG (Kaurna): Will the Minister for Tourism provide the House with details of the major events group appointed today?

The Hon. G.A. INGERSON: I thank the honourable member for her question. I am very happy to announce to the House today that we have set up the South Australian Major Events Board. The board has 10 leading South Australians on it, it is chaired by John Heard, and the Deputy Chair is David McNeill. The board has funding in this first financial year of $2 million. Its role is principally to do three things. The first is to look at new national and international events that South Australia can be involved in by purchase or negotiation. The second function is to create some of our own events, as has been done in Western Australia and New South Wales. After all, as an example, the leading cycling event is held in South Australia, and with both Michael Turtur and Charlie Walsh here there is no reason why we could not create an international event out of cycling. We have the best velodrome in Australia and we ought to be able to have an international cycling event here in South Australia. That is the sort of thing we are looking at.

We also have the wine and food industry here. We ought to be making sure that we are the wine capital of Australia, and we have set up festivals that recognise that, not only from an award point of view but from a general point of view as well. Thirdly, we will be looking at existing events and what sort of support they need to take them into the next step of improvement. That will involve working with the Minister for the Arts and the Minister for Recreation, Sport and Racing to make sure that there is no duplication in that field.

The other major thrust of the board is to make sure that the events it gets involved with have a minimum economic activity of $5 million. The whole concept of the board is not purely and simply to create events for beer and circuses and lots of fun: the fundamental concept is that they must have some economic value for the State and that we ought to encourage this sort of festival to bring more tourists into South Australia.

METROPOLITAN FIRE SERVICE

Mr QUIRKE (Playford): Will the Minister for Emergency Services categorically rule out that the Government intends to privatise or disband the Fire Equipment Services division of the Metropolitan Fire Service? The Opposition has received a letter from the wife of one of the employees in the Fire Equipment Services division asking why the Government wants to close this unit when it operates profitably. The letter states:

> Some blokes won't get another job and they have houses to pay off. Rumours are flying around and morale is low because they are not sure what is happening.

The Hon. W.A. MATTHEW: I will not categorically rule that out; I will say the opposite. It is highly likely that the work of the Fire Equipment Services division will be outsourced to the private sector. This was one of the areas targeted quite publicly by the Liberal Party when in opposition and it has been targeted since we came into government for a close analysis as to whether or not the servicing of fire equipment is part of MFS core business. It would appear that the provision of this service to the public is not part of the core business of the fire service. There are a number of companies which quite competently already provide that service. As a consequence, representatives from the EDA, Treasury and the MFS have been working together on a working party for a number of months costing out the true cost of the Fire Equipment Services division. I do not have those figures with me at the moment but they will be publicly available when the final decision is made.

It would seem that, when all things are considered, the Fire Equipment Services division actually runs at a loss rather than at the profit claimed over the past number of years. As a result, it is likely that it will be outsourced. Having said that, we recognise the concerns, expressed through the member for Playford, of the staff who work for the division: they have bills to pay, as do others in the community, and understandably they are concerned about their future. As a consequence, any move to outsource their activities will also take into consideration what other employment opportunities can be provided to those officers, either with the company or companies that take over the business that the division presently undertakes or through other areas of employment within Government.

JOB CREATION PROGRAMS

Mr BROKENSHIRE (Mawson): My question is directed to the Minister for Industry, Manufacturing, Small Business and Regional Development. With school leavers trying to enter the work force in coming months, will the Minister highlight the success so far of the various job creation programs in the Government's Let's Get South Australia Really Working package launched in January this year and where there may be opportunities for employers to take on school leavers and take advantage of the various programs? In the electorate of Mawson many youth came to me consistently last year expressing concern about the lack of initiatives before them from a State Government point of view. They now know about these new packages and are wondering whether they are successful and whether they will help them in their chances of getting a job.

The Hon. J.W. OLSEN: The Government adopted a series of policies at the start of this calendar year with the clear objective of job generation and employment opportunities in South Australia. To date, the range of policy initiatives has realised 16 000 plus job creation opportunities in South Australia. Therefore, the Government's policies have been far more successful than was anticipated under the benchmark of 12 000 jobs put down prior to the last election.

In relation to the Let's Get South Australia Really Working scheme, 2001 new jobs were created that are now receiving assistance under the job package schemes, and some 220 businesses have been recipients of Government assistance and support in a range of measures for the creation of jobs. I will outline two or three of those programs. Under the WorkCover levy scheme, whereby the Government will pay the first year's WorkCover costs for a school leaver of

last year or someone who has been unemployed for longer than six months, there were some 1637 approvals. That means that at least 1637 jobs were created in that area.

The business development plans provide the opportunity for small and medium businesses to access support for the creation of a business plan, the purpose being to give them greater assistance to access restructuring finance or new finance for new plant and equipment and expansion. This will give them the capacity to access financial institutions to put in place better financial arrangements for their business. There were more than 56 approvals with grants of up to $5 000 each for those plans. Under the group training scheme there have been 157 approvals. Under the employment brokers scheme, three brokers have been approved: Retail Skills Training Centre, Mid North Group and Regency Computer Bureau.

In addition to those schemes there are two other opportunities for employment. One is the export employment scheme, which started on 1 July, whereby the Government will contribute $10 000 a year towards a company which employs someone with export marketing opportunities and potential or with engineering qualifications. The purpose of that scheme is to assist in the development of an export culture in small to medium enterprises in South Australia to take up the enormous opportunities that we have in the international marketplace, which will be absolutely essential for businesses in South Australia to identify and access to ensure that we create job opportunities and a better economic climate in this State.

The payroll tax scheme, under which 430 approvals have been granted to date, is a scheme whereby there is a 10 per cent reduction in payroll tax on existing staff, a 50 per cent reduction for new staff employed to generate export income, and 100 per cent for full-time employees hired between 1 July and 30 June 1995 who have been continuously out of work for at least six months. That scheme is working well to assist those who are producing manufactured goods for the export market.

In summary, jobs are being created by the range of schemes and opportunities that are being developed for South Australians. I would encourage all members to create greater awareness among businesses within their electorates that these schemes are available to assist them in the process of creating employment opportunities for South Australians.

HOSPITAL FUNDING

Ms STEVENS (Elizabeth): My question is directed to the Premier. What incentives will the Government provide to public hospitals to improve efficiency and performance now that the casemix throughput pool has been exhausted, and will hospitals now have to turn patients away once baseline funds have been committed? All public hospitals were today notified that it is highly unlikely that they will receive any funding from the casemix throughput pool after the end of September because the funds have already been exhausted.

The Hon. S.J. BAKER: As the Minister looking after these matters in the absence of the Minister for Health, I can certainly request the Minister for Health to respond in detail to the honourable member's question. The position was made quite clear at the beginning of the year concerning the targets being set and how casemix would achieve savings. The extent to which those savings can be achieved in the small, medium and long term has been a matter of discussion over the past few months. Essentially for casemix to work effectively there must be capital improvement in existing hospitals, and that matter has received some consideration.

I have not received a recent briefing on how that has finally been determined in relation to the operations and ability of hospitals that are restricted in meeting patient demands, but I can assure the honourable member that under the casemix provision it will be possible to service far more patients than in the past. With the restrictions that have been placed upon us, we have to do more with less.

I do not want to belabour the point to members opposite, but the essential reason why there have been funding restrictions in all areas of Government, including health, is the budgetary situation imposed upon us by the actions of the previous Labor Government. That problem has been compounded by two issues in relation to health. The first is a general funding issue, because the Federal Treasurer again cut our recurrent grants this year; and the second concerns Medicare. As the House has heard before, and I will repeat it so that the honourable member can understand, we lost another $22 million in the wash-up because of the way that we were dealt with under the Medicare agreement.

Simply, we have to get budgets under control. So, if the honourable member perceives there is a better way of doing things with the funding we have available, or thinks she can squeeze another dollar out of the Commonwealth, I am sure we will be delighted to hear from her and she can go and talk to her little mates in Canberra who continue to slice into our budget and do not give a damn about South Australia or its health concerns. They treat us as irrelevant. Each year we get a reduction in funding. If the honourable member is concerned about people's health—and we are doing the best that is possible under the circumstances—I suggest she communicate with her Federal Minister, the Hon. Carmen Lawrence.

PORT STANVAC REFINERY

Ms GREIG (Reynell): Will the Minister for Industrial Affairs further clarify what occurred in the Industrial Commission hearings in Melbourne yesterday regarding the Port Stanvac oil refinery?

The Hon. G.A. INGERSON: I thought it was important to seek some extra advice on this matter, and it appears that the Deputy Leader is 100 per cent wrong in respect of his allegations. Yesterday the South Australian Government representative, Mr Melvin, did intervene in the proceedings in Melbourne. His intervention was opposed by the union but supported by the company. Mr Melvin put submissions in support of his intervention, particularly as to the economic effect on South Australia and the public interest. Deputy President Polites ruled and granted Mr Melvin, as the representative of South Australia, intervention on a limited basis that submissions could be put on the public interest. I was advised this morning that Mr Melvin again intervened this morning but in this case in Adelaide and before Commissioner Blair. Again, the Commissioner granted intervention to keep a watching brief. Proceedings then—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: Mr Speaker, I am absolutely staggered that the Deputy Leader should make that sort of naive comment. It is the sort of comment you would expect to come from someone who had had no experience in the Industrial Commission. Bearing in mind all the experience the Deputy Leader has had, including being thrown out of the commission during the years he was involved, one would

think he would understand, as I think he does, that conferences are held only between the parties concerned, and that the President or any Deputy Commissioner includes a third party only at the request of both parties, not of one. That is the reason why they were not involved.

Mr Clarke interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: Last evening the company telephoned the Director of my department and thanked him for the intervention that occurred in Melbourne, and he said that the intervention on behalf of the State and the taxpayers helped to soothe the situation in Melbourne.

HOUSING TRUST REVIEW

Ms HURLEY (Napier): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. Which recommendations of the Housing Trust triennial review has the Minister changed, and has the review been presented to the Governor? The Minister told the Estimates Committee that the review report had been changed following comments by the Auditor-General and that the report had not yet been sent to the Governor. However, the Auditor-General said that there were important limitations on the strategies considered by the review and these should be explicitly acknowledged as the review had already been presented to the Governor.

The Hon. J.K.G. OSWALD: When the report of the review is presented to the Governor, I will have great pleasure in bringing it down and tabling it in the House and in taking part in any debate the honourable wishes to take place on that document. There is an observation in it and a minor adjustment as a result of a comment from the Auditor-General. I referred to that matter during the Estimates Committee, and my comment today would be no different from the *Hansard* report of the Estimates Committee.

The document is an interesting one: it puts up many models of combinations of rent and infrastructure, indicating that many levers can be pulled to come up with a final rental formula. It does not draw conclusions, as that is something on which the Government will work as a matter of policy. I am sure that there will be plenty of public debate. If I were waiting for the report, I would not be holding my breath anticipating what I would get out of it, other than a lot of data. Once that data becomes available, however, it will form a valuable part of the debate on where public housing and rental is heading. At the end of the day, there are many levers in it to be pulled to come up with the final rent structure, which is what it is all about.

PATAWALONGA

Mr LEGGETT (Hanson): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. We have heard much talk about the clean-up of the Patawalonga and possible developments along the Glenelg/West Beach waterfront. Can the Minister provide any details of what will happen and when? Media reports on 9 October showed the Prime Minister signing off the Better Cities program for the western area, and subsequent reports have indicated that millions of dollars has been allocated to the area.

The Hon. J.K.G. OSWALD: I am very pleased to announce today that, as part of the Government strategy for the development of the Glenelg/West Beach waterfront, Kinhill Engineering has been appointed to develop the plans for the initial stage of the Patawalonga clean-up. This announcement is the first major appointment relating to the project made by the Government since the 9 October agreement for funding from the Better Cities program. As members may be aware, the Government placed an advertisement in the press on 8 October calling for registrations of interest from both consultants and developers for this project. From the submissions from consultants which closed on 14 October, a short list was prepared and more detailed submissions were sought. It was from this process that consultants Kinhill have been selected.

They have been engaged as consultants to prepare design and tender documents for the excavation and flushing of the Patawalonga Basin. The company intends to complete the preparation of tender documents by Christmas, with construction activity for these works scheduled to commence in March 1995. The project manager from Kinhill for the Patawalonga project is Mr Tony Read, the Manager of general engineering in the Adelaide office, who has been with the company for over 30 years. Mr Read was project engineer for the West Lakes development and Encounter Lakes development at Victor Harbor. While design work on the basin clean-up proceeds over the next two months, the Government will be receiving and analysing submissions from development companies with an interest in becoming involved in the area. Submissions from developers were called on 8 October and are still open, and will remain open until 8 December this year.

The Government is looking to produce a partnership between the public and private sectors at Glenelg. We are committed to working with the private sector to deliver a substantial upgrade and exciting future for the area. This follows many frustrating years under the previous Labor Administration when little was achieved. I can advise the House of the estimated timetable for future events. Decisions on the developer or developers to be involved in the area are expected to be made during January 1995. Dredging the basin will commence in March 1995. A seawater flushing system is to be installed commencing in about April 1995. By summer 1995-96, the Patawalonga is expected to be reopened for boating and public use. The boating facilities should also be upgraded some time in the 1995-96 summer season.

MENTAL HEALTH

Mrs GERAGHTY (Torrens): I direct my question to the Minister representing the Minister for Health. In light of the recent statements by Brian Burdekin, will the Minister inform the House whether he feels that in the mental health decision-making processes there should be clinical representation, and will the Minister also tell the House to what extent clinical representation has been and will be used in the decision-making processes at SAMHS; and, if not, why not?

The Hon. S.J. BAKER: This is not a matter that I have deliberated upon, so the short answer to the question is that it shall be referred to the Minister for Health for a considered reply. In terms of the Burdekin report, I must express some reservations about Mr Burdekin. I do not necessarily believe that his report is as professional as we would like. I do not think he ever did a proper assessment of what South Australia provides, but he certainly made some reflections on the State, and they probably reflect more on the previous Government than the current Government, but that is not an issue that we wish to pursue in this House. I simply make that point

because about five years ago I was shadow Minister for Health for six months before I was replaced by someone far more competent and more versed in the ways of the medical profession and the medical needs of the South Australian community. During that brief period I looked at the mental health provisions in South Australia and in other States. Whilst we can and should always do far more for those who suffer from those areas of disability, the level of provision in South Australia was better than any other State at which I had a chance to look.

One of the distressing things that I believe has happened is that, when the Labor Government decided to push people out into the community, it did not provide the essential areas of support. The Labor Government closed wards, took away support and left people out on their own, and we have had numerous examples of where people have simply not had the level of support that was promised by the previous Government. I do not believe that the previous Government could be very proud of what it did in relation to mental health. The position should be clearly put for anyone who wants to argue about the issues of mental health that, despite the budget difficulties and despite the need for efficiencies, we are going to achieve efficiencies but the mental health segment of the budget will not be affected. In fact, an extra $1 million has been provided in one area, and I know that provisions in other specific areas of mental health have been boosted.

We are attempting to achieve more efficiencies and also to provide a better and wider service. Again, we are having to clean up the mess that was created by the former Government. I do not have much time for Mr Burdekin, but he has raised some important issues, which I believe need to be looked at. However, I do not think it is particularly competent for a person of his standing to reflect on South Australia in the way in which he did, without proper analysis and without proper reference to the things that have occurred in South Australia, and I believe that, in many ways, we were at the forefront of this area sometime ago.

PORT STANVAC REFINERY

Ms GREIG (Reynell): Has the Premier's attention been drawn to the press statement issued by the Leader of the Opposition about the current petrol dispute? As most members are aware, a number of local contractors are employed at the refinery, and I have been contacted by certain contractors who totally rely on an income from the refinery and who feel that they are being held to ransom for a strike they have nothing to do with.

Mr CLARKE: Mr Speaker, I rise on a point of order and seek your ruling. The question refers to a press release issued by the Leader of the Opposition. That is not within the purview of the Premier's ministerial responsibilities. Therefore, is he competent to answer such a question?

The SPEAKER: I understand that the question related to whether the Premier was aware of the comments of the Leader of the Opposition, and the honourable member then went on to indicate that certain contractors had expressed concern about their position due to the fact that they relied entirely on the refinery for their livelihood. Therefore, I allow the question.

The Hon. DEAN BROWN: I point out to the Deputy Leader that anything that threatens the fuel supplies of South Australia is of concern to this Government and to me as Premier. I bring to the attention of the House a press release, which the Leader of the Opposition has put out this afternoon. The headline is 'No Threat to Fuel Supplies' and it states:

> An immediate threat to South Australian fuel supplies is over.

It indicates that the Leader of the Opposition has negotiated to ensure that there are no bans on fuel being taken out of the Birkenhead depot. That almost sounds as though we should all stand back and appreciate that the Leader of the Opposition has today averted a major dispute. However, the point is this: there has never been a ban on the Birkenhead depot.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: In fact, if you look at the letter from Mr Tumbers of the Automotive, Food and Metals Engineering Union—

The Hon. M.D. Rann: Read the lot.

The Hon. DEAN BROWN: I will read the following paragraph—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The Leader of the Opposition is very sensitive because this letter highlights the hypocrisy of the press release and the headline that I have just read out. In his letter, Mr Tumbers says:

> My response to your question as to whether the union had or were proposing—

The Hon. M.D. Rann: Or were proposing.

The SPEAKER: Order!

> **The Hon. DEAN BROWN:** —to place fuel stocks in jeopardy is: NO. At no time have we interfered with the operations of the Birkenhead storage area. . .

So, what has the Leader of the Opposition solved? He has solved absolutely nothing. The fabricator has created a dispute that did not exist and has said that he solved it.

Members interjecting:

The SPEAKER: Order! I suggest that the Premier keep his remarks relevant to the question.

The Hon. DEAN BROWN: They are very relevant because I highlight the fact that there has not been a dispute at the Birkenhead depot. The real problem is whether we get enough refined petrol into Birkenhead to keep South Australia going. That is the real issue. A ban has never been imposed on the Birkenhead depot. The Leader of the Opposition has just put out a press release saying that he has solved absolutely nothing.

Members interjecting:

The SPEAKER: Order! I point out to members who continually interject that I will start removing their names from the list.

HOUSING TRUST RENTS

Mr De LAINE (Price): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. Are there any plans for the Housing Trust to take into account the location of trust accommodation when setting housing rents for dwellings in the metropolitan area? The current rent fixing policy is based on the size and type of dwelling. It also takes into account maintenance and administration costs, but it does not take into account the location of the dwelling.

The Hon. J.K.G. OSWALD: The honourable member might have to wait a short time until the Government announces its rent policy. The Housing Trust Board, together with officers from the trust and from the policy division of

my own department, are currently working on a new rent policy for the trust.

The honourable member's colleague earlier referred to the triennial review, and data contained within that review will also be taken into account. When that policy is put together and has been to the Housing Trust Board I have no doubt the board will send it on to me. Once it is endorsed I will be very happy to announce it in the House. I am sure that, at the end of the day, the policy will be favourably received by the tenants. The tactics employed by the Opposition to scare people in the public housing sector should be absolutely condemned. It is about time the Opposition realised that since this Government came to office it has had a track record of preserving the public housing stock and looking after its public housing tenants.

The Opposition criticises us in the media at the moment in relation to the Parks redevelopment project. The Liberal Government has gone into an area where politically and traditionally people have never supported us. They have hung in behind the Labor Party, but the Labor Party has done nothing but condemn them to live in 1940s-style accommodation when we, as a Government in our first year of office, have made a commitment to upgrade the standards to increase the standard of living for these people. For an Opposition to condemn this Government in the public arena for doing something about those areas and giving people some hope of living in upgraded accommodation absolutely escapes me.

Ms Hurley interjecting:

The Hon. J.K.G. OSWALD: If the honourable member opposite who interjects and who hopes one day to be a Minister for Housing is the sort of person who criticises a Government for going into those suburbs and increasing the standard of living, then I say she is neither capable nor has the motivation to become a Minister for Housing. This Government should be applauded for what it is doing in the Parks area, just as I praised the previous Government for its initiative in upgrading old dwellings in the Elizabeth area. We have set in train one of the largest projects in Australia to upgrade the standards of people's accommodation. All this Opposition can do is knock and criticise when, in actual fact, the interests of the tenant is paramount in our mind.

CHILDREN, SWEETS SALES

Mrs KOTZ (Newland): Will the Minister for Family and Community Services advise the House on any action he can take to ensure that children are not exploited by commercial entrepreneurs? In recent weeks, as the House would know, my office has received a spate of calls from concerned constituents that children, as young as 10 years of age, were being driven by car into metropolitan areas of Adelaide to be dropped off and left to walk the streets selling packets of sweets at every door. One 10 year old was left in the Wingfield industrial area, much to the horror of concerned business operators.

The Hon. D.C. WOTTON: I appreciate the courtesy that has been shown by the member for Newland in informing me that she wanted to raise this issue today. I am also aware of the honourable member's interest in this issue. Most members would be aware that this matter was raised publicly some weeks ago, and I have received representation from a wide cross-section of people who have expressed concerns about this situation. A report on the Collections for Charitable Purposes Act was publicly released by the former Treasurer (Hon. Frank Blevins) in February 1993, following work undertaken by a group with representation from the Department of Treasury, the Department for Family and Community Services, the South Australian Council of Social Service, and a range of bodies involved in fund raising in this State.

I understand that a number of submissions were received in response to the report and that they were generally supportive. Apart from a range of general issues about the operation and regulation of fund raising, a recommendation was made concerning the minimum age of collectors. The report recommended that the minimum age for unpaid collectors be 12 years, unless accompanied by an adult or where at least two collectors are involved. It also recommended the minimum age for paid collectors be 15 years of age. As members of the House would be aware, as Minister for Family and Community Services I have the responsibility for the protection and welfare of children in this State.

It has been brought to my notice that children are being used in local communities as paid door-to-door sellers of merchandise on a basis which has a charitable element but which is, at the same time, commercial. I believe it is vitally important to ensure that children are protected and not exploited. I believe that minimum age limits should be put in place so that we do not have young children moving about the suburbs unsupervised and, hence, vulnerable. The Collections for Charitable Purposes Act is the responsibility of my colleague the Treasurer, and it is my intention to have further discussions with him in regard to this important matter. I am sure that all members would join with me in recognising the need to take action to ensure that children are not exploited in any way. This is a matter that I believe needs to be addressed urgently.

GLENTHORNE FARM

Mr FOLEY (Hart): Is the Minister for Housing, Urban Development and Local Government Relations aware of renewed speculation that the CSIRO land at Glenthorne Farm, O'Halloran Hill, may be subdivided for housing purposes? And will he give an assurance that the State Government will resist any moves to subdivide this land for housing?

The Hon. J.K.G. OSWALD: No agency, Commonwealth or State, has come to me with any proposition. The member used the word 'speculation', and I suspect that is exactly what it is. It is an interesting idea, but I have not been approached formally or informally.

MODBURY REGIONAL CENTRE

Mr BASS (Florey): Will the Minister for Emergency Services advise the House of the details of a new policing initiative to be introduced on a trial basis at the Modbury regional centre?

The Hon. W.A. MATTHEW: The member is a past Secretary of the Police Association and a former police officer and has been a strong advocate of the Government's policy on community policing, shop-front policing and putting more police back on the beat. The issue of the Modbury regional centre has been of concern for some time. Constituents of the member for Newland attend the centre and, during the last term of Government, she frequently complained to my predecessor about the fact that his Government was not prepared to act on policing initiatives at the centre.

Of course, the new member for Wright has similarly been an advocate for the need to implement policing initiatives at the centre. While the problems are old and have been ongoing, the action now being taken is long overdue, and I am pleased to advise the House that from Monday 7 November police foot patrols will commence a six month community policing trial at the Modbury regional centre. Foot patrols will operate during shopping hours, and a recently refurbished room has been provided to the Police Department by Westfield management on level two of the shopping complex.

The areas to be covered by the trial include the Tea Tree Plaza Shopping Centre, the Modbury bus interchange, the Modbury Hospital, the Tea Tree Gully council chambers, the DETAFE college, the civic park and surrounding car parks. In keeping with the Government philosophy of community policing the foot patrols will operate during shopping hours, including late night trading and, where it occurs, Sunday trading to ensure an adequate feeling of safety and security for members of the public using that regional centre. The objective of the policing concept is to increase and enhance the community policing contact within the area and to provide high visibility by the foot patrols that have responsibility for targeting problem areas within the Modbury regional centre. At the end of the pilot program police will evaluate the success of the trial and, assuming that all objectives have been met and the trial is successful, the program will be implemented in other areas throughout the State.

HOSPITAL BED NUMBERS

Mrs GERAGHTY (Torrens): Can the Minister representing the Minister for Health inform the House whether the 20 beds in ward 1G at the Lyell McEwin Health Service are fully utilised and, if so, are there sufficient staff and psychiatrists to ensure that those beds are appropriately clinically managed? Do the 40 beds in ward 1G and Morier Ward at the Noarlunga Hospital equate with an increase in overall bed numbers?

The Hon. S.J. BAKER: As I do not have a crystal ball, I will ask my colleague the Minister for Health to respond to the honourable member.

WASTE TRANSFER STATIONS

Mr ROSSI (Lee): Will the Minister—

Members interjecting:

The SPEAKER: Order!

Mr ROSSI: Will the Minister for the Environment and Natural Resources—

Members interjecting:

The SPEAKER: Order!

Mr ROSSI: —explain what progress has been made in establishing buffer distances for waste transfer stations? I understand that it is proposed in Victoria that waste transfer stations be not less than 300 metres from residential homes. Residents in my electorate would like this condition to apply to them. Can the Minister explain?

The Hon. D.C. WOTTON: I am aware of the ongoing interest in this matter by the member for Lee. As I have informed the House before, but to provide an update, the Environment Protection Authority is currently developing its strategy for the management of solid waste over the next 15 years or so and, as can be expected, it is a long and complex task to ensure that all aspects of the waste management program are brought in to an integrated system. The EPA expects to be able to make the draft available for public comment early in the new year.

One aspect of solid waste management is the establishment of efficient transfer stations which are also clean, safe and appropriate to the areas in which they operate. While formal policies are not yet in place, the Waste Management Commission assesses these activities thoroughly before approval is given and imposes tight conditions on their operations. Considerations including proximity to residential areas and potential impacts on these areas of noise, odour, traffic disruption, dust, litter and vermin are all important to the health and welfare of residents.

The issue of buffer distances to waste facilities is under review as part of a wider investigation of buffer zones for the whole scope of industrial plants. The EPA expects to have a new set of buffer guidelines in the near future to cover all industries within its purview. This will provide a more consistent approach to industry and a measure of certainty to developers and project managers when planning new facilities. I am sure that all members would recognise the need for that to be implemented. Also, it will provide the assurance to the public that people's interests are essential considerations in the approval process. I understand the interest and concern expressed over some time by the member for Lee about this matter. I can assure him that the authority is moving as quickly as possible in this important area.

Mr LEWIS: Mr Speaker, I rise on a point of order. Just prior to the question asked by the member for Lee, the member for Hart interjected relating to servants of this Chamber, to whom no member should refer in any way at all, since they are not in a position to defend themselves. In the circumstances, an attendant was delivering a message to the Minister and I think it would be appropriate for you, Sir, to remind all of us that the attendants in this Chamber are not to be referred to by us in the course of our remarks about the conduct of business in the Chamber or indeed in any other way acknowledged in the course of debate, other than perhaps at Christmas time.

Mr QUIRKE: Mr Speaker—

The SPEAKER: Order! The member for Playford will resume his seat. I will deal with one point of order at a time. It has always been the practice of this Chamber that members do not refer to the attendants. I suggest to members that that practice should remain and that it not be broken in any circumstances. The attendants are here to provide an essential service to members. They do it in a dignified and professional manner and I believe they should not be referred to in any circumstances.

Mr QUIRKE: Mr Speaker, I rise on a point of order. The member for Ridley got the member wrong: the member involved was the member for Playford, not the member for Hart, and my comment to the member of staff, for whom I have high regard, was to alert him to the fact that a question was being asked of the Minister to whom he was speaking. That is all that was in it, and that is usually all that is in the member for Ridley's comments.

The SPEAKER: Order! The ruling I gave remains.

SITTINGS AND BUSINESS

Mr De LAINE (Price): I move:

That for the remainder of the session Standing Orders be so far suspended as to provide that, when any division or quorum is called, the bell will be rung for three minutes, with the clerk determining the three minutes by using the debate time clock.

Currently there is a problem for all Opposition and some Government members of the House whose offices are located on the second floor on the Legislative Council side of the building in getting to the Chamber for divisions and quorum calls within the two minutes allocated. Because of renovation work being carried out within the building, members do not now have access to the western stairs at the rear of the building. They have to rely on the rear lift or the new stairs at the north-eastern corner of the building. Also, there is the problem of building workers using the lift to transport equipment and materials to the second floor while renovation work is in progress. This causes delays for members in getting to the Chamber from the second floor. For these reasons, I seek the support of the House for my motion.

The Hon. S.J. BAKER (Deputy Premier): The Government is happy to accommodate the motion. It is practical and there are some difficulties that occur. We are willing to have the Parliament extend the time allotted for the ringing of the bells from two minutes to three minutes. I know that that extension will be used constructively and that, if members wish to call for quorums or divisions frivolously, it will not be in keeping with the spirit of the motion. The Government is more than happy to accept the motion.

Mr LEWIS: Mr Speaker—

The SPEAKER: Order! In accordance with Standing Orders, only two members can participate in the debate. The member for Price has spoken and the Deputy Premier has spoken.

Mr LEWIS: Not having a written copy of the motion, I seek clarification of the extent to which it will apply. What is the time limit?

The SPEAKER: Order! It is the understanding of the Chair that this provision will remain in force for the remainder of the session.

Motion carried.

GRIEVANCE DEBATE

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

Mr WADE (Elder): In 1994, the Year of the Family, one would expect that the emphasis would be on keeping families together and uniting families that have been divided. In 1994 we are seeing the light at the end of the recession tunnel. It becomes brighter every day as a result of the Liberal Government's active and positive steps to raise business confidence and to attract new business and new technologies. This prolonged recession has placed the family structure under a great deal of strain, and it is during these periods of crisis that families need the service structures that were put in place to cater for just these family situations.

People are looking for sympathetic service structures. Some have found them: some are still looking, and I will give an example. In this Year of the Family I have a family in crisis: a divorced mother of three who has two children at home. Three years ago, during a bitter period of domestic violence, separation, emotional trauma, marriage collapse, resettlement into a Housing Trust emergency house and fighting to keep her young family together, the mother requested a family member to look after her eldest daughter temporarily. She was 11 at the time and is now 15. The daughter has been assessed as having the emotional and intellectual capacity of a 10 year old; she is moderately intellectually disabled.

The mother asked the relative to look after this child until she had stabilised the family after the trauma they had been through. Unfortunately, the other family member decided that she wanted to keep the child and called in Crisis Care. At a time of severe emotional disturbance to the mother, the Department for Family and Community Services sought and gained an order which made the eldest daughter a ward of the State until she was 18. FACS placed the daughter at the relative's house and the mother was denied formal access. It should be noted that the mother has two other younger children at home and there is no suggestion, nor has there ever been a suggestion, that they are anything but well looked after, secure and happy.

For three years no assessments were made about the relative's capacity to look after the child or about the child herself. Despite repeated representations to FACS by the mother for actions to be taken to ensure that her daughter was safe, nothing was done. It was claimed by the mother and later proved correct that her daughter had been raped whilst under the care of the relative. FACS knew about it and failed to advise the mother.

This year, at my insistence, assessments were made of the child, the mother and the relative. After three years separation from her mother, the child was not sure where she wanted to go; she loved them both. The mother was depicted as trying too hard to please FACS (I wonder why) and the relative was assessed as not being able to ensure the girl's safety, not teaching correct hygiene habits and not being able to provide the child with an effective parenting model. The relative had placed the young girl—and remember, she is moderately intellectually disabled—on the pill at 14 years. The decision of FACS, based on the evidence, was to keep the child with the relative—an incredible decision. I went to the highest levels of FACS and I was told to tell the woman to go to see a lawyer. The woman did: she went to the Legal Services Commission, which examined the case and accepted it.

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

Mr FOLEY (Hart): I must say that the opportunistic nature of some members opposite never ceases to amaze me. The honourable member wished to score one or two cheap shots for some perceived publicity value when he had the Minister actually sitting in the Chamber. Sensitive issues such as that can be dealt with instead of being raised in a public forum like this.

I wish to raise a couple of issues that affect my electorate. The first issue is one which I have raised in this House and which is important for the economic development and quality of life in my electorate, and that is the need for a third river crossing over the Port River. Events that will drive the need for a third river crossing are increasing, and I am concerned that when the Government gets around to actually considering this issue it may be too late to put the proper infrastructure into place.

I have had two conversations in the past two weeks with major shipping companies in Port Adelaide and Outer

Harbor, and it would appear that we are rapidly reaching the point where the volume and nature of the container traffic that will be used via the train line through the inner Port Adelaide area can no longer use the existing rail link, for two reasons. One is the existing infrastructure: the ability of two of the bridges across the Port River to sustain the load of these new trains is becoming questionable. Further, given the nature of the rail link which weaves its way through the Le Fevre Peninsula, it will physically not be able to cope with the length of the trains that will be transporting containers.

So, that fact, together with the obvious traffic impact on the road network, means that the road infrastructure in my electorate cannot cope with the heavy nature and volume of vehicles. The issue will become increasingly important not just for my electorate but also for the economic development of the State. If the transport hub at Outer Harbor, of which I am a strong supporter, is to work, the ability to move transport and freight rapidly from the Outer Harbor port is vitally important. The Government must address the access to and egress from the Port of Adelaide at Outer Harbor. All the experts who have studied the issue have come to the conclusion that the Port River desperately needs a third river crossing, and it needs it sooner rather than later, or our economic development will be impeded.

Another issue which I want to raise and which has been raging in this Chamber for the past week or so is mental health and the provision of Government services in the community. I have had discussions with the Minister and I have been pleased with his response at this time. He has agreed to look at the provision of mental health services in Semaphore over the next six months, once moneys that have recently been made available are allocated. I want to highlight that the community of Semaphore has been extremely tolerant and accommodating of the number of boarding houses that have been converted to premises suitable for the care of mentally ill people. I must say that unfortunately some operators of those boarding homes do not provide the level of care necessary, which puts a further burden on the community, with a number of mentally ill patients having to find activities away from the boarding home to occupy their day.

Harassment has occurred on a number of occasions—not necessarily deliberately but just because of their numbers and their interaction with shop owners in the community. It is a very sensitive and important issue. The community in Semaphore has been tolerant but, regarding any policy such as this, it is extremely important that we do not allow the number of people involved to exceed what would be the normal distribution of the mentally ill. We cannot congregate a number of these people in the one place and not provide suitable back-up services, otherwise we test the patience of the community, and that does the program no service at all. So to ensure the successful implementation of that program, services must be provided.

Mr LEGGETT (Hanson): Last week I spoke about the negative aspects of television on people from all walks of life and especially the effect it has on young people in our society. I then challenged the report in the *Advertiser* of 22 October regarding the account of a termination or mercy killing of a man in Amsterdam which was shown in Holland on prime time national television. I condemned that action. Last evening I listened to and totally supported the member for Colton, who spoke about a new youth craze in Adelaide involving 'shooters'. As the honourable member explained (and I condemn this also) these 'shooters' come in a range of test tubes filled with full strength spirits. They are both potent and potentially lethal to any person, let alone a young person. Young people have been caught up in this latest craze and have been exploited by some rather greedy hotel proprietors.

It is always the young people in our society who suffer. Whether it be 'shooters', viewing the wrong programs on television, graffiti or whatever potentially dangerous issues confront our youth today, there often is a simple answer or a practical solution to many of the problems. Unfortunately, society, with its so-called experts, has for many years called for a softly softly approach, but it is time for tough practical decisions to be made to remedy the situation. This softly softly approach was particularly evident over the past 10 years during the previous Labor Government's time in office. We have dug a deep hole for ourselves in this matter. Young people have been told to claim their rights but have not really been responsible in doing so. When we see young people falling into a symbolic deep hole we do very little about it. We often give rather insipid advice and talk theoretical or rhetorical garbage which in many cases only aggravates the situation.

There is an account of a man who fell into a deep pit, and this is a good analogy to clarify what I am trying to say. It points out that in our society we need to be real and practical as leaders. The account reads:

> A man fell into a hole and he could not get out. A number of people went past. The first one was a subjective person who came along, saw the man with mud all over him, and said, 'I feel for you down there.' An objective person came along and said, 'It is logical that someone fell down there.' A Christian Scientist came and saw the man in the hole and said, 'You only think you are in a pit.' A Pharisee said that only bad men or women fall in pits. A news reporter wanted an exclusive story when he saw the man in the pit. A fundamentalist saw the man in the pit and said, 'You deserve your pit.' Confucius said, 'If you had listened to me you would not be in the pit.' A Buddhist said, 'Your pit is only a state of mind.' A realist saw the man grovelling around in the mud and said, 'That is a pit.' A scientist calculated the pressure necessary pounds per square inch to get him out of the pit. A geologist told the man that while he was down there he should look at the rock strata in the pit. A tax man came along and asked whether he was paying taxes on the pit. A council inspector (and this is no reflection on any local councils) asked, 'Have you got a permit to dig this pit?' An evasive man came along and avoided the subject of the pit altogether. A self-pitying person said, 'You haven't seen anything until you've seen my pit.' An optimist said, 'Things could get worse.' A pessimist said, 'Things will get worse.' It was John Citizen who came along, saw the guy in the pit, put out his hand and pulled the man out of the pit. It was as simple as that.

I close my grievance on a very positive note. Plympton High School, which is a very progressive high school in my electorate with an outstanding Headmaster (Roger Henderson) and fine staff, recently won a statewide competition in chemistry for making glue. The school made casein glue from milk protein, which is curdled with vinegar and then mixed with ammonia to produce a sticky substance—which would probably fit pretty well on the lips of the members for Spence and Hart. The students devised a process which produced six litres of glue an hour. I congratulate the Plympton High School and the Headmaster on their outstanding effort and for beating five other schools in South Australia which also entered the competition.

Ms HURLEY (Napier): The present Government and the previous Government have embraced technological development in this State and have sought to encourage high tech companies to set up. There has been a big push to develop progress in this way, and the Deputy Premier today talked

about electronic data interchange and the challenges and opportunities that that now opens up for us. On a smaller scale, I argue that members of Parliament should be allowed the use of lap-top computers in this Chamber so that Parliament itself can progress with the State. We are used to electronic equipment in the Chamber already: the clerks use computers, particularly lap-top computers, in the House, and members have all been encouraged to use pagers. We are already familiar with electronic equipment and used to using it in the Chamber without any difficulties.

I personally use a lap-top computer as a notebook and am very familiar with using it. I like to write my thoughts onto it and read off it for my notes. Other members are able to bring notepads into the Chamber and write. I would like to be able to bring my lap-top computer into the House and be able to use it to write and read off in exactly the same way.I do not believe it would cause any difficulties in the House. It is certainly no noisier than the sounds we hear from some of the members who come in here and read and rustle their newspapers. There would be no particular difficulties with its use. I understand that in the Western Australian Parliament three or four members routinely bring their lap-top computers into the House. I patiently went through what I was advised are the usual procedures since I had noticed that no-one else brought in a computer. I went through the procedure of asking the Speaker about this and seeing other people, and I brought up the matter before the Standing Orders Committee. Yet, when I attempted to bring my lap-top computer into the House after that long process I was told that there was a complaint about it.

The Hon. S.J. Baker: Can't you think on your feet?

Ms HURLEY: Other members sit in this House and write notes and read off their notes. I do not understand why I cannot sit in this House and write notes on my lap-top computer and read those notes off it. I do not understand why I have to put a disk into that computer, go out and print it off and bring it back to the House. It is a normal aspect of twentieth-century life. I respect the traditions of this House but I believe that we have to keep up with a few of the technological developments that have come into this place. I understand a lot of members have not grown up with computers and are not used to using them: that is fine. However, I do not see why it should prevent people, for whom computers are a normal part of life, from using them.

I understand that some members may not like to use computers themselves, but I do not think that that is any reason to complain about other members using computers, as long as it does not interfere with any business of this House. The lap-top computer is quiet and unobtrusive—as has been shown by the clerks who constantly use them in this House. The Standing Orders are silent on the matter. I see no reason why I should not be able to bring a lap-top computer into this House and use my time efficiently, as do people who come in here and write on paper.

Mr KERIN (Frome): My contribution to this grievance debate concerns an issue about which I feel quite strongly, involving what I consider to be the most discriminated group in Australia today: young people in the country who wish to continue their studies after high school. The treatment they receive from the Federal Government is an absolute disgrace. I have spoken before about the devastating effects of the Austudy means test on this group of people. There are some students (and I am aware of several in my electorate) who, despite their abilities, are denied any opportunity for tertiary education at all because the Federal Government considers their parents asset rich under the means test.

However, while they are supposedly asset rich, they are either income poor or have negative incomes. The fact that they have no income to support their children is ignored. The fact that country students need to live away from home is also ignored, much to the disgust of some ALP Federal members who have the good luck to have a few constituents outside the cities. Nearly all of these good kids are having their future murdered by a Federal Government which refuses to address this farcical situation. Others have chosen to attempt to get through their studies without financial support from their cash-strapped parents. This has placed enormous pressure on them as in most cases they have to work for reasonably long hours, which puts their studies in jeopardy.

I should like to pick up another area of discrimination which needs changing and which affects all students over 18 from rural areas whether studying in Adelaide or country regions. It also affects students studying at Whyalla, whether from Adelaide or other parts of the State. The lack of any over-18 student concession on country transport is a source of enormous hardship for many country students and it is a matter of extreme inequity. It is a matter that I have raised with Stateliner, the major carrier, and the Ministers concerned, and I will continue to pursue it until it is rectified. At present, pensioners and senior's card holders receive a 50 per cent discount on country bus services. This is done through a system whereby Stateliner generously contributes to the subsidy, and the balance is picked up out of various Government budgets, State and Federal. In the interests of equality and the sheer hardship on country students, I feel that they should be on a similar scheme.

At present, on STA (a system which runs at enormous subsidy), full-time tertiary students receive the concession holder rates, and I have no argument with that. In most cases this is in excess of a 50 per cent discount on full fares. This certainly makes for some interesting comparisons. A tertiary student can go on any STA bus during the day for $2 per day or take 10 trips during the week for $7.30 or as low as $3.60 off peak—a cost of 36¢ per trip. This $3.60 could conceivably carry a student about 200 kilometres. For a country student travelling from Port Pirie to Adelaide, a return trip costs $43.60; Port Augusta, $54.40; Whyalla, $62.20; Port Lincoln, $109.40; Ceduna, $128.00; and Leigh Creek, $122.00. As can be seen, these fares are likely to cause considerable hardship to any student who even receives Austudy. However, for those who are not in receipt of Austudy, it is a major handicap.

Country students who are studying in Adelaide need to get home occasionally. That is a very important social consideration. Country towns, in order to keep the sporting teams and so on going, have been looking to students here going back at weekends. However, that is becoming impossible because of the cost. Also, students at country TAFEs need to get to Adelaide for courses, exams and occasional interviews. The running of a car from country areas is extremely expensive, and in most cases it is beyond the means of either the students or their parents.

State Governments have long recognised the responsibility for heavily subsidising the STA. We are also grateful in the country for the country school bus system. However, over-18 country students have been discriminated against. It is looking as though these people will be given a fair go federally only if we get a change of Federal Government. However, I ask for the support of members in trying to

redress this lesser but still significant inequity. This is a matter of major concern in many country areas. It is getting too expensive to move students back and forth. As against the numbers using the pensioner and senior's card, I do not think that the numbers are all that high. The under-18 students are also on a concession.

Ms STEVENS (Elizabeth): Earlier today the Opposition received a copy of a fax that had been sent to all metropolitan hospitals in relation to the throughput pool. That fax, which comes from Carol Gaston, Executive Director of the Metropolitan Health Services, states:

> I am aware that some metropolitan hospitals are experiencing increased patient activity in the first quarter of this financial year. I am unaware of the situation in relation to country hospitals. It is therefore considered prudent for you to manage your patient throughput in the knowledge that it is unlikely that the throughput pool will continue beyond the first quarter.

This is an extremely serious situation for the health services sector. As members will know, the casemix funding strategy is predicated on providing financial incentives to public hospitals to treat patients quickly and efficiently and to give them bonus payments when they exceed their agreed patient targets. Yet, three months into the year we find that all the money that has been set aside to provide the financial incentives has gone. Not six months, nine months or 11 months, but three months into the year and the bonus pool has gone. This means that if hospitals now try to become more efficient by seeing more patients, they actually lose money. What sort of funding strategy is this when the incentive is so poorly planned that it runs out a quarter of the way through the year?

However, there is a second important thing to understand; and this is where it becomes critical, because it affects what will happen for everybody in our community. Because of the severe cuts inflicted on the health sector following the budget, hospitals were using the bonus payments to try to make up for those cuts. Hospitals were hoping that by increasing their throughput they could get some of the money back to help them to fund their basic services. The fact is that that will not now happen. There has even been a suggestion that this decision could be retrospective and that already hospitals could have money ripped off them for what they have already done.

The hospitals are now in a gigantic catch 22 situation. They are jammed because they know that they cannot provide their funding services with the budgets they got, and the only strategy they had to make it up has now gone. We shall be facing significant cuts in services. We have already heard of some at the Queen Elizabeth Hospital and at the Women's and Children's Hospital, but we need to understand that they will come from everywhere as this starts to take hold.

We all know that what has happened in South Australia is following the line of what has happened in Victoria. I want to refer briefly to part of an article in the *Age* of 13 October 1994. That article, which talks about Monash Hospital, is headed, 'Monash set to close 100 beds in funds row.' It states:

> Monash, like many other hospitals, has dramatically increased the number of patients treated in the expectation that it could draw on the bonus pool to offset severe budget cuts imposed by the Government. Other major hospitals are also expected to be forced to cut services or face a budget deficit because they, too, have relied heavily on the bonus pool to help fund basic services.

The fact is that the casemix funding strategy is in tatters. Our community is now going to see the result of that and we will all suffer. In South Australia, the idea will be not to get sick. I call on the Minister to look again at the whole matter before we find in South Australia what is happening in Victoria coming upon us just in time for Christmas.

ROAD TRAFFIC (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill deals with two separate issues:

- Hook right turns for buses at certain intersections
- Shared Zones for pedestrians and vehicles.

Section 70 of the *Road Traffic Act* requires vehicles turning right to commence their turn from a position as close as practicable to the centre of the carriageway. The placement of bus stops or the use of bus lanes makes it difficult for buses to comply with this requirement at certain intersections and junctions. There are currently four locations where it would be necessary for buses to cross several lanes of traffic to enable them to make a right turn at a signal controlled intersection in the prescribed manner. These are the intersections of King William Street and North Terrace; Rundle Street and Dequetteville Terrace; Tea Tree Plaza Access Road and North East Road and Panalatinga Road and Old South Road.

Police currently direct traffic at the intersection of King William Street and North Terrace, Adelaide, during peak times when 'No Right Turn' signs are displayed. This restriction prevents designated buses from following their assigned route. The problem is overcome by police on duty using their powers under section 41 of the *Road Traffic Act* to direct buses to turn right into North Terrace, notwithstanding the display of the 'No Right Turn' sign or their position on the intersection. Buses are held at the left boundary of the intersection and undertake their turn at a suitable break in the traffic or change of lights. Police arrangements are to be varied from a control function to a monitoring one. Buses will no longer have the protection of police directions for their turn and will not be able to turn into North Terrace from the left boundary of the intersection.

Doubt has been expressed as to the legality of the turning manoeuvre at the Rundle Street and Tea Tree Plaza Access Road intersections. As well, the provision of a bus lane and the location of the bus stop near the intersection of Panalatinga Road and Old South Road will necessitate buses commencing their turn from the left boundary of the carriageway in order to follow their assigned route. Their legal position would also be subject to the same reservations as that applicable to the Rundle Street and Tea Tree Plaza Access Road. The proposed amendment will remove that doubt.

'Shared Zones' are a type of traffic management treatment not previously used in this State. They are a defined length of roadway for the joint use by pedestrians and vehicles at the same time and have been described as a mall with vehicles. There are no separate footpaths and vehicle speeds are constrained by the meandering nature of the vehicle path. Vehicle paths are defined by the placement of street furniture such as planter boxes, pergolas, landscaping, bollards and other ornamental devices, rather than the traditional bitumen strip. The objective of a shared zone is to improve the general amenity of the area by creating an environment which discourages unnecessary motorised traffic and inappropriate speeds. Access to a shared zone will be by a gateway treatment which normally includes a raised section of carriageway which will serve, together with appropriate signage, to remind drivers that they are entering a shared zone. A speed limit of 10 kilometres per hour will apply.

While vehicles will be required to give way to pedestrians, pedestrians must not unnecessarily hinder the free movement of

vehicles. Safety issues are to be a specific priority in the development of the performance criteria for shared zones and in this regard, the Hon. the Minister for Transport has given a commitment that the Hon. the Minister for Health or the Health Commission will be consulted before a shared zone is implemented.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 5—Interpretation

This clause inserts two new definitions into the principal Act which are required for the amendments contained in the measure. The first definition provides that a "hook right turn" is a right turn at an intersection or junction made by a vehicle of a prescribed class in accordance with new section 70b. The second definition provides that a "shared zone" is a road or part of a road (established as a shared zone in accordance with new section 32a) for the use of both vehicles and pedestrians at the same time. This clause also amends the definition of "carriageway" to make it clear that "carriageway" includes a shared zone.

Clause 4: Insertion of heading and s. 32a—Establishment of shared zones

This clause inserts section 32a into the principal Act. Section 32a provides for the establishment of shared zones. The Minister is empowered to designate a road or part of a road as a shared zone by notice in the *Gazette* (and can subsequently vary or revoke such a notice by further notice in the *Gazette*). Signs indicating the existence of the shared zone must be erected at or near the boundary of the zone on or adjacent to each road (or section of road) providing an entrance to or exit from the zone for vehicular traffic.

Clause 5: Amendment of s. 49—Special speed limits

This clause amends section 49 of the principal Act to establish a special speed limit of 10 kilometres an hour for vehicles in a shared zone.

Clause 6: Insertion of s. 68a—Giving way to pedestrians in shared zone

This clause inserts section 68a into the principal Act. Section 68a requires the driver of a vehicle to give way to a pedestrian who is in, or is about to enter, a shared zone.

Clause 7: Insertion of s. 70b—Hook right turns by drivers of prescribed vehicles

This clause inserts section 70b into the principal Act. It provides that despite section 70 and any prohibition on right turns, the driver of a vehicle of a class prescribed by regulation may, when authorised by regulation to do so, execute a hook right turn in the following manner:

1. the vehicle must approach the intersection or junction to the right of, parallel to, and as near as practicable to the left boundary of the carriageway of the road from which the turn is to be made;
2. the vehicle must continue into the intersection or junction as near as practicable to the prolongation of that left boundary and make the right turn so as to enter the road into which the turn is to be made as near as practicable to the left boundary of its carriageway;
3. the vehicle may only make the right turn when a steady white "B" light is exhibited with traffic lights facing the vehicle.

The driver of a vehicle of a prescribed class must not, when authorised to execute a hook right turn, execute a right turn in any other way.

Clause 8: Amendment of s. 88—Walking on footpath, bikeway or right of road

This clause amends section 88 of the principal Act. Subsection (1) of section 88 makes it an offence for a person to walk along the carriageway of a road if there is a footpath or bikeway on that road. It also specifies that where a person does walk along the carriageway, he or she must keep to the right hand side and, in the case of a one-way carriageway, walk against the direction of the traffic. This amendment makes it clear that these requirements do not apply to a person walking in a shared zone.

Clause 9: Insertion of s. 90a—Duty of pedestrians in shared zone

This clause inserts section 90a into the principal Act. Section 90a provides that a pedestrian must not unreasonably get in the way of a vehicle that is in, or is about to enter, a shared zone.

Clause 10: Amendment of s. 175—Evidence

This clause amends section 175 of the principal Act, which is an evidentiary provision. This amendment provides that in proceedings for an offence against the *Road Traffic Act 1961*, an allegation in a complaint that a road or part of a road was within a shared zone is proof of that matter in the absence of proof to the contrary.

Clause 11: Amendment of s. 176—Regulations

This clause amends section 176 of the principal Act, the regulation-making power, to allow regulations to be made regulating or prohibiting the use of shared zones by pedestrians and drivers of vehicles.

Mr FOLEY secured the adjournment of the debate.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

The Hon. G.A. INGERSON (Minister for Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Industrial and Employee Relations Act 1994. Read a first time.

The Hon. G.A. INGERSON: 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.

On 8 August this year the State Liberal Government delivered generational change to South Australia's industrial relations system when the *Industrial and Employee Relations Act 1994* came into operation. That Act, passed by this Parliament in May of this year, laid the foundation for a new era of industrial relations for South Australian employers and employees. For the first time in a generation, South Australian employers and employees have been given real options to improve their industrial relations outcomes in a system which openly embraces the dual principles of flexibility with fairness.

When the *Industrial and Employee Relations Bill* was introduced into this Parliament in March of this year, I indicated that the State Liberal Government was committed to one over-riding principle, to construct so far as is possible, the best and fairest industrial relations legislative framework for South Australia in 1994 and beyond. Throughout the course of discussion, consultation and debate on that Bill and in the State Government's extensive discussions with employers, employees and their representatives since the passing of this historic reform I have maintained the view that the State Government will leave no stone unturned to build on the legislative foundation passed last May and respond whenever necessary to improve the Act's operation or protect the State industrial relations system.

The Government is delighted with the already very positive response from employers, employees, independent commentators and the South Australian community to our new industrial relations system.

This Bill has been introduced to amend nine sections of the new *Industrial and Employee Relations Act 1994*. These amendments, in the main, clarify the Government's legislative intent in areas where clarification is considered necessary, and in other respects improve the Act's operation, particularly in the enterprise agreement provisions.

This Bill has been designed and introduced by the State Liberal Government in the context of constructive discussions with those trade unions, employer associations and the industrial relations community who are working constructively to build upon the smooth operation of the new industrial relations system.

The major area of amendment proposed by the Bill relates to various machinery provisions in the enterprise agreement provisions of the Act.

The Bill proposes to enable associations who enter into enterprise agreements on behalf of a group of employees to prove their authorisation by statutory declaration, rather than having to provide individually signed authorisation forms. This amendment will simplify the process of making an enterprise agreement, particularly in some larger businesses where employees rarely meet as a group due to shift work practices or work at remote locations. This issue was first raised with the State Government by a number of State based trade unions who are negotiating enterprise agreements with employers on behalf of their members under the new South Australian industrial relations system. In proposing this amendment the Bill only deals with the issue of proof of authorisation, but does not compromise the fundamental principle enacted throughout the industrial relations system that associations can only participate in

the enterprise agreement process as a representative of their members in the enterprise and on their members authorisation.

The Bill also proposes to enable the Enterprise Agreement Commissioner to approve a provisional enterprise agreement where an employer is yet to commence employment of a group of employees. This initiative is necessary to give new businesses in greenfields sites commencing employment for the first time in South Australia, or existing businesses commencing employment of new groups of employees (such as trainees under the Australian Traineeship System) the option to employ those employees under an enterprise agreement from the commencement of the employment relationship. Due to the structure of existing provisions in the Act, such employers currently have no option but to commence employment under an industry wide award before seeking the approval of an enterprise agreement. In order to protect the interests of the employees to be employed, the Bill proposes that the employer can only establish a provisional enterprise agreement if agreement is reached with the Employee Ombudsman and approved by the Enterprise Agreement Commissioner. The award will remain the safety net for the purposes of the approval process. In addition, the Bill provides that the agreement must be renegotiated within six months of its commencement and if not ratified or varied by the employer and the group of employees it will lapse. This scheme ensures that the group of employees, once employed, retain all rights to negotiate with their employer, ongoing terms and conditions of employment pertaining to their enterprise. If no agreement is reached, then the relevant award will apply.

The Bill also clarifies the Government's original policy intention that the negotiation of enterprise agreements can be initiated equally by employees (or their representatives) as well as by an employer. The Government has been advised that the existing provisions of the Act already provide for this position. However, as one union in South Australia has raised a concern at the interpretation of this provision, the Bill proposes to express this principle in a clearer fashion.

The Bill also makes a consequential amendment to the transitional provisions enabling enterprise agreements under the new system to be regarded, for the purposes of all other legislation, as comparable to industrial agreements under the former Act. This amendment is necessary, for example, to recognise enterprise agreements under the Long Service Leave Act in the same manner that this Act recognises the former industrial agreements.

The Bill also proposes a redrafting of the representation provisions of the Act to clarify the Government's original policy intention that a party can have a representative or agent of their choosing appear on their behalf in all Commission proceedings without that agent requiring registration as a registered agent when representation is made without charge.

The final area in which the Bill proposes amendment is in relation to the unfair dismissal provisions. In the Bill originally proposed by the State Government in March this year the Government sought to provide for a six monthly limit on compensation in cases of unfair dismissal. This provision was ultimately struck out of the Government's original Bill in the Legislative Council and was not then pursued further by the State Government as such a provision was then in conflict with the open ended compensation under the Federal Industrial Relations Reform Act 1993.

Since the passing of our new State Act in May of this year, the Federal Government has performed a complete about turn on this issue and has enacted amendments to the Federal Act giving effect to this very principle which the South Australian Government sought to enact in March. In these circumstances, this Bill proposes an amendment to the unfair dismissal provisions applying the limits on compensation and limits on access to the jurisdiction which have now been recognised as necessary and desirable by the Federal Government. These limits will ensure that the unfair dismissal jurisdiction remains primarily focused on employees at the award and enterprise agreement level, and its remedies remain focused on re-employment with fair but not excessive claims for compensation.

This Bill represents a further stage in the smooth introduction of South Australia's new industrial relations system. It demonstrates the State Government's willingness to respond constructively to issues raised by employers, employees and their representative organisations in relation to the systems operation.

The highly successful and smooth operation of the new industrial relations system since 8 August 1994 has been a credit to South Australian employers, employees, their industrial associations and the Industrial Relations Commission. With these amendments the State Government will move even closer to having achieved its goal of implementing the best possible working model of industrial relations of all Australian jurisdictions.

I commend this Bill to the House.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the measure will come into operation on a day (or days) to be fixed by proclamation.

Clause 3: Amendment of s. 4—Interpretation

This clause relates to various definitions that are relevant to the substantive provisions of the Bill.

Clause 4: Substitution of s. 75

This clause provides for a new section 75 relating to enterprise agreements. New subsection (2) provides that an association may act on behalf of a group of employees if authorised to do so by a majority of employees constituting the group. The authorisation will not necessarily need to be a written authorisation. Subsection (3) ensures that an authorisation cannot be given generally, but must be specifically related to a particular proposal. Subsection (4) introduces a new concept of a provisional enterprise agreement. Such an agreement will be available to an employer who is yet to employ employees to be covered by the agreement. The interests of the potential employees will be represented by the Employee Ombudsman.

Clause 5: Amendment of s. 76—Negotiation of enterprise agreement

This clause inserts a new section 76(6) to provide expressly that employees or an association of employees may initiate negotiations on a proposed enterprise agreement (subject to an employer then giving the notice and information required by section 76). New section 76(7) clarifies that an employer is not required to comply with this section if the enterprise agreement is to be entered into on a provisional basis.

Clause 6: Amendment of s. 79—Approval of enterprise agreement

New section 79(1)*(c)* is related to the proposal that an authorisation given to an association by employees in respect of negotiations on an enterprise agreement does not necessarily need to be in writing, but an appropriate officer of the association will be required to lodge a statutory declaration with the Commission verifying that a majority of the employees have authorised the association to act on their behalf. The Commission will also be able to require further evidence of an authorisation as it thinks fit. New section 79(7) provides that an enterprise agreement entered into on a provisional basis may only be approved on the condition that the agreement be renegotiated within a period, not exceeding six months, determined by the Commission. The employer and employees will be able to renegotiate an agreement during that period, subject to obtaining appropriate approval under the Act. Otherwise, the agreement will lapse at the end of the period fixed for its renegotiation.

Clause 7: Substitution of heading

This clause corrects an incorrect heading to Division 2 of Part 3 of Chapter 3.

Clause 8: Amendment of s. 105—Unfair dismissal

It is proposed that an application will not be able to be made by an employee under section 105 of the Act ('Unfair dismissal') if the employee's employment is not covered by an award, industrial agreement or enterprise agreement and the employee's remuneration immediately before the dismissal took effect was $60 000 (indexed) or more a year.

Clause 9: Amendment of s. 108—Remedies for unfair dismissal

This clause places upper limits on the amount of compensation that can be awarded in unfair dismissal cases.

Clause 10: Amendment of s. 148—Time and place of sitting

This clause makes an amendment that is consequential on amendments that were made to the original Bill when it was before the Parliament at the beginning of 1994 (to include a reference to the Senior Judge of the Court).

Clause 11: Substitution of s. 151

This clause clarifies a party's right to representation by an agent (who is acting gratuitously), and provides a 'link' to section 77(1)*(d)* of the Act in respect of enterprise agreements that give exclusive rights of representation to particular associations.

Clause 12 : Amendment of Schedule 1—Repeal and Transitional Provisions

This clause ensures that references in other Acts and statutory instruments to industrial agreements extend to enterprise agreements under the principal Act.

Mr ATKINSON secured the adjournment of the debate.

SHOP TRADING HOURS (MEAT) AMENDMENT BILL

The Hon. G.A. INGERSON (Minister for Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Shop Trading Hours Act 1977. Read a first time.

The Hon. G.A. INGERSON: 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 represents a common sense reform to the *Shop Trading Hours Act 1977* in relation to the sale of fresh red meat.

The objective of this Bill is to amend the Act to enable meat as defined by the Act to be treated in equal fashion to the sale of other food stuffs for the purposes of its retail sale.

This Bill remedies one of the most illogical and confusing anomalies in shopping hour laws in South Australia.

Under the provisions of the existing *Shop Trading Hours Act 1977* meat as defined cannot be sold in South Australia beyond 5.30 pm on week nights, except for one night per week when it can be sold until 9.00 pm, cannot be sold beyond 5.00 pm on Saturdays and its sale is completely prohibited throughout the State on Sundays.

These archaic restrictions on the sale of fresh red meat are inconsistent with the times that non exempt and exempt shops selling food stuffs under the Act are able to lawfully trade.

The effect of these existing restrictions means that any shop selling food stuffs, whether it be a butcher shop, a delicatessen or a supermarket is prohibited from selling meat as defined beyond these stated hours even where the shop is lawfully trading beyond those stated hours.

The anomaly and confusion which this creates is self-evident. For example, food shops which currently trade on Sundays or seven day supermarkets which are exempt shops by virtue of their floor size and rely heavily on Sunday trade, are prohibited from selling one of their key products, fresh red meat, at those very times. The fresh red meat has to be taken off the shelf or covered up. These same consequences flow for shops which choose to trade additional hours under certificates of exemption—whether those additional hours be an extra late night or a Sunday.

This anomaly is compounded by the fact that these specific restrictions on the sale of fresh red meat apply under the Act to the whole of South Australia and not just proclaimed shopping districts.

As members may be aware, a number of major regional centres of South Australia are not located within proclaimed shopping districts. These centres include Whyalla, Port Augusta, Port Pirie, Victor Harbor and Naracoorte. This means that all shops in these major regional centres can, and in many cases do, trade without restriction on their hours. However, the specific provisions of the *Shop Trading Hours Act 1977* which declare meat to be a prescribed good means that butcher shops, delicatessens and supermarkets which sell fresh red meat before 5.30 pm week days and before 5.00 pm Saturdays cannot sell that same product to consumers in these towns on more than one late night and not at all on Sundays.

The farcical state of this law is exacerbated by the statutory definition of meat. Meat, as defined by the *Shop Trading Hours Act 1977*, means 'the flesh of a slaughtered animal intended for human consumption but does not include bacon, cooked meat, frozen meat, fish, poultry, rabbit, sausages and other smallgoods or any other prescribed meat or prescribed product derived from meat'.

The effect of this definition is that the restrictions on the sale of meat do not apply to fresh white meat such as chicken, fish, or rabbit, nor do they apply to frozen meat (whether frozen white meat or frozen red meat) nor cooked meat.

The effect of such an anomalous definition is to effectively prohibit only the sale of fresh red meat outside of the stated hours and discriminate against that product when compared with the sale of other white meat products.

Having outlined the illogical nature of the current law in relation to the sale of meat as defined, one could be forgiven for asking how such anomalies ever came to be justified, let alone enacted. The short answer to that question is that Labor Governments in the last 25 years have been reluctant to remove these anomalies unless given the green light by the trade union movement.

This issue has however been brought before the Parliament in varying forms in the last decade—and gradual reform has occurred. Members may recall the situation prior to 1985 when a shop could only sell fresh red meat on either the one night of late night trading or on Saturday morning, but not both, despite the fact that the shop traded at both times. Indeed, it was only private members bills introduced into the Legislative Council in August 1984 by the Liberal Party and the Australian Democrats which eventually caused the then Labor Government to recognise this absurdity and finally agree to amend the Act after a deal on industrial relations matters had been struck between retailers and the meat union.

Indeed, it was the then Leader of the Australian Democrats, the Hon Ian Gilfillan, who on 8 August 1984 urged this Parliament to do exactly what this Bill now does and who argued, as Hansard records, that 'further steps can be taken to free up the trading of fresh red meat. . . .there is scope for completely deleting any restriction on the sale of fresh red meat as provided under the Act.'

The historic reluctance by the Labor Party and the meat union to recognise the need for fresh red meat to be treated in the same way as fresh white meat and any other food stuffs for the purposes of the *Shop Trading Hours Act 1977* has had a counterproductive effect upon the meat industry. It is not surprising that during the 1980's the market share of fresh red meat in the local retail market declined whilst the market share of fresh white meat increased. This in turn has meant that in the last five years an aggressive advertising campaign has been initiated by the meat industry in an endeavour to recover some of that lost market.

Indeed, it is as absurd today as it was during the 1980's for this artificial restraint to be placed upon the retail sale of fresh red meat when the effect of that restraint is to depress local consumption at a time when producers and suppliers in the farms and abattoirs of this State are looking for new markets and trying to remain competitive on the local and international stage, often in the face of drought and regressive Federal Government rural policies.

This Bill therefore not only reflects the interests of consumers, but will also operate to advance the interests of the farmers and producers.

Importantly, this Bill does not require any shops, whether butcher shops, delicatessens or supermarkets to trade any different or additional hours. It means that shops selling fresh red meat are treated in the same way as shops selling other food stuffs for the purposes of legislation.

This Bill reflects one of the key recommendations of the independent Committee of Inquiry into Shop Trading Hours established by the State Government in February 1994. That Committee reported to the Minister for Industrial Affairs in June 1994. The Committee's report concludes that 'fresh red meat should be treated in a similar way to other grocery items or food stuffs and that it no longer be a prescribed good under the Act'. The Committee accordingly made a recommendation to this effect (recommendation 19). The Committee further recommended that this reform initiative be implemented immediately and not be subject to any phasing in period.

The Committee's report also indicates that the Committee made this recommendation after taking into account the interests of all relevant groups, including the Meat and Allied Trades Federation of Australia, the Australasian Meat Industry Employees Union, the Retail Traders Association, the SA Farmers Federation and other retail associations and consumer groups.

In making this recommendation the Committee concluded from these submissions that 'on balance the belief was that there needed to be fair treatment for all meat products. Smaller butchers would survive if they adapted their businesses to specific customer needs and accentuated the aspect of personal service'.

The State Government's willingness to accept this recommendation of the Committee of Inquiry was publicly announced by the Minister for Industrial Affairs in a Ministerial Statement on 9 August 1994. Notwithstanding the emotive debate concerning shopping hours since that time, there has been virtually no significant lobby of opposition against this proposal to reform this law with respect to the sale of meat.

This reform is also supported by the Inspectorate of the Department for Industrial Affairs who are charged with the obligation of enforcing existing trading hour laws. It is hard to imagine how it can be in the public interest to have Inspectors of the Department for Industrial Affairs going around to seven day supermarkets or butcher shops trading on Sundays or shops trading in the Iron Triangle or in Victor Harbor throughout the weekends checking on whether fresh red meat has been taken off the shelf or shielded from display to customers and checking whether it is only fresh white meat or frozen red meat that is being sold.

It is also hard to conceive of any public interest in Inspectors of the Department for Industrial Affairs having to waste their time obtaining legal advice from the Crown Solicitor on whether sausages or other smallgoods which contain fresh red meat and are sold on Sundays are sold in breach of the Act.

These are the realities which arise from the existing illogical and anti-consumer, anti-retailer and anti-producer provisions of the current Act.

Whatever view Members may have in relation to other aspects of the *Shop Trading Hours Act 1977* or the June 1994 Committee of Inquiry's report into shopping hours and the debate in the last six months in South Australia, the case for amending the Act in the manner proposed by this Bill is overwhelming. I commend this Bill to Members.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 1 is formal.

Clause 2: Amendment of s. 4—Interpretation

Clause 2 amends section 4 of the principal Act. As the Act stands at the moment a shop the business of which is solely or predominantly the retail sale of meat cannot be an exempt shop. Paragraph *(a)* of this clause removes that restriction. Paragraph *(b)* of the clause removes the definition of 'meat' from section 4.

Clause 3: Amendment of s. 6—Application of Act

Clause 3 amends section 6 of the principal Act. Section 6 provides that the Act applies to shops the business of which is solely or predominantly the retail sale of meat whether situated within or outside a shopping district. This provision is no longer appropriate if existing restrictions on the sale of meat are to be removed.

Clause 4: Amendment of s. 13—Closing times for shops

Clause 4 removes from section 13 of the Act the subsection that prescribes the special hours applying to the closing of shops the business of which is solely or predominantly the retail sale of meat.

Clause 5: Amendment of s. 16—Prescribed goods

Clause 5 amends section 16 of the principal Act. This amendment is consequential on the amendment to section 13 of the Act.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (OIL REFINERIES) BILL

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development) obtained leave and introduced a Bill for an Act to amend the Oil Refinery (Hundred of Noarlunga) Indenture Act 1958 and the Mobil Lubricating Oil Refinery (Indenture) Act 1976. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

The objective of the *Statutes Amendment (Oil Refineries) Bill 1994* is to ratify certain changes to the South Australian Government's Indenture Agreements with Mobil Oil Australia Ltd. The main amendments concern arrangements for payment of wharfage on the movement of petroleum feedstocks and finished products across the Port Stanvac wharf, which were originally negotiated and ratified in the *Oil Refinery (Hundred of Noarlunga) Indenture Act 1958*. Wharfage arrangements were extended in 1976 to apply to the lube refinery and incorporated in the *Mobil Lubricating Oil Refinery (Indenture) Act 1976*. The original intent of the wharfage arrangements was to compensate the State for income foregone through the Port of Adelaide when the refinery was constructed and to provide an incentive for local refining.

Mobil owns, operates and maintains its marine facilities and does not receive any services from the State Government in return for the wharfage paid, which adds to refinery operating costs. The Port Stanvac refinery makes a significant direct and indirect contribution to the South Australian economy in terms of production, employment and export earnings. To sustain this contribution the Mobil company competes against other affiliates in the international Mobil Corporation for a scarce pool of capital. The investment required to ensure the continued viability of the refinery in the long term will only proceed if it is able to achieve a return on investment comparable with that which can be made on investment offshore.

The Government has therefore agreed that wharfage payable on imports of crude feedstocks will be abolished on expiry of the current arrangements on 1 February 1996.

The Indentures also require payment of wharfage on imports of refined petroleum products. However, some limited imports of refined products are a necessary part of refinery operations, to maintain local supply during shut-downs. In the Government's view, the oil refinery should not incur a cost penalty due to wharfage charges on refined product imports if such imports are an unavoidable aspect of normal operating conditions. This Bill therefore provides for limited imports of refined products to be exempt from wharfage. Imports which do not satisfy the conditions for exemption will attract wharfage at the full market rate.

The further restructuring of wharfage charges will both enhance the cost competitiveness of the Port Stanvac refinery and strengthen incentives for local refining rather than the use of Port Stanvac as a terminalling facility for interstate or overseas imports of refined products.

This Bill also modifies the arrangements for the supply of petroleum products to the South Australian Government: clauses requiring the State to provide preference to Mobil when purchasing petroleum products are to be removed from the Indentures as well as a related provision concerning pricing which has become redundant. The preference provision contravenes the Government Procurement Agreement to which this State is a signatory and is also inconsistent with the principles of the planned national competition policy. The resulting injection of greater competition into the tendering process for government contracts can be expected to offer cost savings to Government agencies on purchases of petroleum products.

The new policy on wharfage with respect to the Port Stanvac refinery is a further sign of the Government's commitment to create a favourable business climate which supports viable and internationally competitive industry. It also highlights the Government's preparedness to take positive action to facilitate major new investment in South Australia.

In return for these agreed changes to wharfage arrangements, Mobil has advised their commitment to a major new investment program involving expenditure of some $50 million over the next three years. Investment in new processing equipment and infrastructure, including a new wharf, will strengthen the refinery's export capability. The investments will also enhance secondary processing capability, increasing production of higher value added products, such as waxes and solvents, for export to Pacific Rim countries. Estimated additional export revenue from this investment program over the next three years is $36 million rising to $20 million per year in the fourth year and beyond.

Negotiations with Mobil have resulted in agreed revisions to the Indentures which will be mutually beneficial for the future. The new Indenture Agreements, and the investments which flow from them, are vital for the refinery's future and of ongoing significance to South Australia, given the strategic role which the refinery plays in the State economy.

I commend this Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Interpretation

This clause is the usual interpretation provision included in statutes amendment measures.

PART 2

AMENDMENT OF OIL REFINERY (HUNDRED OF NOARLUNGA) INDENTURE ACT 1958

Clause 3: Amendment of s. 9—Cargo service charges

This clause amends section 9 of the principal Act by striking out subsection (1). The provisions of that subsection are incorporated in the amendments to the Indenture.

Clause 4: Amendment of schedule—Indenture

This clause makes the following amendments to the Indenture.

Interpretation

A definition of 'cargo service charge' has been inserted and all references to 'wharfage' have been replaced by this expression, in line with the terminology currently used by the Department of Transport.

The definition of 'Esso' has been removed as it is no longer necessary.

The definition of 'Port Adelaide' has been revised to bring it into line with that in the new *Harbors and Navigation Act 1993* which has replaced the *Harbors Act 1936*.

A definition of 'lube refinery' has been inserted as it is used in new clause 10 of the Indenture.

References to 'Minister of Roads', 'South Australian Harbors Board' and 'South Australian Railways Commissioner' have been replaced by 'Minister for Transport' or 'Department of Transport', as appropriate.

References to 'tonnage' and 'port dues' have been replaced with, respectively, 'harbor service charge' and 'navigation service charge', in line with current Department of Transport terminology.

Pilotage

The provision exempting ships arriving at or proceeding from Mobil's marine installations from the requirement to be piloted as prescribed by the *Harbors Act 1936* has been revised on account of the *Harbors and Navigation Act 1993*.

Charge on unloading of crude oil

The concessional rate of the charge payable in respect of feedstock unloaded by means of Mobil's marine installations has been updated from $1.6861 to $2.0076, which is the current rate. The clause imposing the charge will expire on 1 February 1996 if Mobil has, before that day, paid to the Minister for Transport the sum of $1 000 000.

Charge on unloading of finished petroleum products

The rate payable in respect of finished petroleum products unloaded by Mobil at its marine installations has been increased to the full rate payable in respect of bulk liquid cargo unloaded at Port Adelaide.

However, the Minister may, on application by Mobil, grant an exemption from the charge. The Minister must not grant an exemption unless satisfied that production of finished petroleum products at the fuels or lube refinery has been, or is to be, interrupted and that the unloading to which the application for exemption relates is necessary to ensure continuity of supply of such products in South Australia. Mobil cannot unload more than 100 000 kilolitres of finished petroleum products per calendar year pursuant to such exemptions unless the Minister is of the opinion that exceptional circumstances exist to justify the unloading of a greater quantity without payment of the unloading charge.

Charge on loading of crude oil or condensate

The concessional rate of the charge payable in respect of crude oil or condensate loaded at Mobil's marine installations has been updated from $1.6861 to $2.0076, which is the current rate.

Preference and prices

The preference and pricing clauses have been removed for the reasons given above.

PART 3
AMENDMENT OF MOBIL LUBRICATING OIL REFINERY (INDENTURE) ACT 1976

Clause 5: Amendment of s. 6—Cargo service charges

This clause amends section 6 of the principal Act to replace references to 'wharfage' with 'cargo service charge'.

Clause 6: Amendment of first schedule—Indenture

This clause makes the following amendments to the Indenture.

Interpretation

As in the 1958 Indenture—

- a definition of 'cargo service charge' has been inserted and all references to 'wharfage' have been replaced by this expression;
- the definition of 'Port Adelaide' has been revised; and
- references to 'Minister of Roads', 'South Australian Harbors Board' and 'South Australian Railways Commissioner' have been replaced by 'Minister for Transport' or 'Department of Transport', as appropriate.

Charge on unloading of crude oil

The concessional rate of the charge payable in respect of lube refinery feedstock unloaded by means of Mobil's marine installations has been updated from $1.6861 to $2.0076, which is the current rate. The clause imposing the charge will expire on 1 February 1996 if Mobil has, before that day, paid to the Minister for Transport the sum of $1 000 000 under the 1958 Indenture.

Preference and prices

As in the 1958 Indenture, the preference and pricing clauses have been removed.

Mr FOLEY secured the adjournment of the debate.

ELECTRICITY CORPORATIONS BILL

The Hon. J.W. OLSEN (Minister for Infrastructure) obtained leave and introduced a Bill for an Act to provide for the supply of electrical energy; to establish a corporation or corporations for that purpose; to repeal certain Acts; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

The electricity supply industry is at the leading edge of public sector reform and facing significant challenges to become even more efficient and further lower the overall cost of electricity.

At the national level, the Council of Australian Governments is considering the Hilmer Report, and means to increase competition. A competitive national electricity trading market is scheduled to commence in 1995 to provide access to the electricity network, by licensed generators, distributors and wholesale consumers, and open choice and competition between these participants.

At the state level, in 1993/94, ETSA has had the best financial performance in its 48 year history with an operating surplus of $215.2 million. ETSA has supported the Government's highly successful initiatives of delivering a conducive business climate to South Australia and recent tariff reductions will return $37 million to the State's economy.

To look at the introduction of competition into the electricity industry in South Australia, the Government has put in place an inter-agency Electricity Sector Working Party to make recommendations on a number of matters relating to the structure and market form of the industry in South Australia, and how it should relate to a national market. A key part of the work is being undertaken by a consultancy consortium.

As foreshadowed in the Governor's speech to Parliament, we are introducing legislation that will give us the capacity to further improve ETSA's performance, as recommended by the Audit Commission's Report, and to meet possible requirements consequent on the finalisation of national competition policies and an electricity market.

This Bill establishes ETSA Corporation, which will be governed by a new board and led by a new chief executive officer with clear goals and direction for the Corporation's future. This newly constituted Corporation will operate on a sound commercial basis as a successful business enterprise. This will be achieved by maximising the value of the business for the people of South Australia, increasing its share in profitable markets, and building on success through innovative best practices, leadership and responsible management.

The national electricity market has the potential of bringing significant benefits to South Australian electricity consumers, through increased competition driving down costs and improving service. However, the current proposals of the National Grid Management Council (NGMC) have yet to fully accommodate South Australian concerns, particularly with respect to ensuring reliability of supply to electricity consumers.

When these issues are satisfactorily resolved and the national market becomes fully operational, it may be necessary to restructure ETSA Corporation to ensure competitive neutrality between generators, distributors, and wholesale consumers connected to the State and interstate grid network and to ensure that ETSA's corporate structure enables proper management focus for successful operation against other State and interstate competitors.

Hence, the Bill also provides for the possibility of disaggregation of ETSA Corporation into three corporations responsible for generation, transmission (and system control) and distribution. Queensland, NSW and Victoria have, or are in the process of, similarly reforming their electricity supply industries in anticipation of the introduction of a national market.

The *Public Corporations Act 1993* will apply, and a charter and performance agreement will be determined for each corporation.

The Government has taken the opportunity provided by the enactment of this legislation to consolidate and modernise provisions (some of which date back to 1897) affecting the electricity supply industry and ETSA. This Bill repeals the *Electricity Trust of South Australia Act 1946* and eight other Acts and associated Regulations.

ETSA will have clear commercial objectives in an increasingly competitive environment and, hence, the regulatory roles of the electricity supply industry presently performed by ETSA will need to be transferred to Government. In fact, the *Electrical Products (Administration) Amendment Bill*, to transfer appliance energy labelling to the Minister, has already been introduced.

The Bill takes a further step in this process by separating out ETSA's regulatory functions in Schedule 4. These non-commercial provisions include—

(a) defining and administering technical standards relating to electricity generation, transmission, distribution and supply;

(b) special powers currently available to ETSA such as the power to compulsorily acquire land, excavate public places, enter land and premises, carry out vegetation clearance on public and private land and property which are powers not available to other suppliers; and

(c) the duty to supply electricity even when it is not reasonable or economic to do so.

The provisions of this schedule will expire on a day fixed by regulation, when they are to be incorporated in new legislation covering regulation of the electricity supply industry and operation of a trading market.

In summary, this Bill establishes ETSA Corporation and provides the legislative and structural framework for the future to enable South Australia's electricity supply industry to compete successfully in the national electricity market.

I commend this Bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Object

The object of this proposed Act is to establish a corporation or corporations for the generation, transmission and distribution of electricity for the benefit of the people and economy of the State.

Clause 4: Interpretation

This clause contains definitions of words and phrases used in the proposed Act.

Clause 5: Interpretation—Electricity generation corporation and functions

For the purposes of this proposed Act, an electricity generation corporation has electricity generation functions which include—

- generating and supplying electricity;
- carrying out research and works (including exploration and mining) to develop, secure and utilise energy and fuels;
- trading in electricity and fuels.

Functions common to each of the three categories of electricity corporation are as follows:

- carrying out research and development related to the corporation's functions;
- providing consultancy and other services within areas of the corporation's expertise;
- commercial development and marketing of products, processes and intellectual property produced or created in the course of the corporation's operations;
- any other function conferred on the corporation by regulation or under any other Act.

Clause 6: Interpretation—Electricity transmission corporation and functions

For the purposes of this proposed Act, an electricity transmission corporation has electricity transmission and system control functions which include—

- transmitting electricity;
- coordinating operation of the generation, transmission and distribution facilities of the South Australian electricity supply system;
- controlling the security of the South Australian electricity supply system;
- operating and administering wholesale market trading arrangements for electricity; and
- trading in electricity.

Clause 7: Interpretation—Electricity distribution functions

For the purposes of this proposed Act, electricity distribution functions of a corporation include—

- distributing and supplying electricity;
- meeting obligations to ensure security of electricity supply to customers;
- generating electricity on a minor scale or local basis;
- trading in electricity and fuels;
- advising and assisting customers and potential customers of the corporation in energy conservation and in the efficient and effective use of energy.

PART 2

ETSA CORPORATION

DIVISION 1—ESTABLISHMENT OF ETSA CORPORATION

Clause 8: Establishment of ETSA Corporation

ETSA Corporation is established as a body corporate that has perpetual succession and a common seal, is capable of suing and being sued in its corporate name and with the functions and powers assigned or conferred by or under this proposed Act or any other Act.

(*NB:* Clause 3 of schedule 2 provides that *ETSA Corporation* is the same body corporate as the Electricity Trust of South Australia established under the repealed *Electricity Trust of South Australia Act 1946* 'the repealed Act'.)

Clause 9: Application of Public Corporations Act 1993

ETSA is a statutory corporation to which the provisions of the *Public Corporations Act 1993* apply.

Clause 10: Functions of ETSA

ETSA has—

- electricity distribution functions;
- subject to Part 3, electricity generation functions;
- subject to Part 4, electricity transmission and system control functions;

and may perform its functions within and outside the State.

Clause 11: Powers of ETSA

ETSA has all the powers of a natural person together with powers conferred on it under this proposed Act or any other Act and may exercise its powers within and outside the State.

Clause 12: ETSA to furnish Treasurer with certain information

ETSA must furnish the Treasurer with such information or records in the possession or control of ETSA as the Treasurer may require in such manner and form as the Treasurer may require.

Clause 13: Common seal and execution of documents

A document is duly executed by ETSA if the common seal of ETSA is affixed to the document in accordance with this proposed section or the document is signed on behalf of ETSA by a person(s) in accordance with an authority conferred under this proposed section.

DIVISION 2—BOARD

Clause 14: Establishment of board

A board of directors consisting of not less than five nor more than seven members appointed by the Governor is established as the governing body of ETSA. The board's membership must include persons who together have, in the Minister's opinion, the abilities and experience required for the effective performance of ETSA's functions and the proper discharge of its business and management obligations.

Clause 15: Conditions of membership

The Governor may remove a director from office (during the appointed term not exceeding 3 years) on the recommendation of the Minister (which may be on any ground that the Minister considers sufficient).

Clause 16: Vacancies or defects in appointment of directors

An act of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a director.

Clause 17: Remuneration

A director is entitled to be paid from the funds of ETSA such remuneration, allowances and expenses as may be determined by the Governor.

Clause 18: Board proceedings

Subject to the proposed Act, the board may determine its own procedures. The proposed section includes provision for a quorum of the board, the chairing of meetings of the board, voting at meetings and the minutes of proceedings to be kept by the board.

DIVISION 3—STAFF

Clause 19: Staff of ETSA

The chief executive officer will be appointed by the board with the approval of the Minister. ETSA may appoint such employees as it thinks necessary or desirable on terms and conditions fixed by ETSA.

PART 3

ELECTRICITY GENERATION CORPORATION

DIVISION 1—ESTABLISHMENT OF CORPORATION

Clause 20: Establishment of corporation

An electricity generation corporation may be established by the Governor by regulation (which must name the corporation). ETSA

ceases to have electricity generation functions on and from the date specified for that purpose in the regulations.

Clause 21 : Interpretation

In the remaining provisions of this proposed Part, a reference to the generation corporation is a reference to an electricity generation corporation established under this Part.

Clause 22: Corporate capacity

The generation corporation is established as a body corporate that has perpetual succession and a common seal, the capacity to sue and be sued in its corporate name and the functions and powers assigned or conferred on it by this proposed Act or another Act.

Clause 23: Application of Public Corporations Act 1993

The generation corporation is a statutory corporation to which the provisions of the *Public Corporations Act 1993* apply.

Clause 24: Functions may be performed within or outside State

The generation corporation may perform its functions within and outside the State.

Clause 25: Powers of corporation

Clause 26: Corporation to furnish Treasurer with certain information

Clause 27: Common seal and execution of documents

DIVISION 2—BOARD

Clause 28: Establishment of board

Clause 29: Conditions of membership

Clause 30: Vacancies or defects in appointment of directors

Clause 31: Remuneration

Clause 32: Board proceedings

DIVISION 3—STAFF

Clause 33: Staff of corporation

Clauses 25 to 33 have the same substantive effect in relation to the generation corporation as clauses 11 to 19 have in relation to ETSA.

PART 4

ELECTRICITY TRANSMISSION CORPORATION

DIVISION 1—ESTABLISHMENT OF CORPORATION

Clause 34: Establishment of corporation

An electricity transmission corporation may be established by the Governor by regulation (which must name the corporation). ETSA ceases to have electricity transmission and system control functions on and from the date specified for that purpose in the regulations.

Clause 35: Interpretation

In the remaining provisions of this proposed Part, a reference to the transmission corporation is a reference to an electricity transmission corporation established under this Part.

Clause 36: Corporate capacity

The transmission corporation is established as a body corporate that has perpetual succession and a common seal, the capacity to sue and be sued in its corporate name and the functions and powers assigned or conferred on it by this proposed Act or another Act.

Clause 37: Application of Public Corporations Act 1993

The transmission corporation is a statutory corporation to which the provisions of the *Public Corporations Act 1993* apply.

Clause 38: Functions may be performed within or outside State

The generation corporation may perform its functions within and outside the State.

Clause 39: Powers of corporation

Clause 40: Corporation to furnish Treasurer with certain information

Clause 41: Common seal and execution of documents

DIVISION 2—BOARD

Clause 42: Establishment of board

Clause 43: Conditions of membership

Clause 44: Vacancies or defects in appointment of directors

Clause 45: Remuneration

Clause 46: Board proceedings

DIVISION 3—STAFF

Clause 47: Staff of corporation

Clauses 39 to 47 have the same substantive effect in relation to the transmission corporation as clauses 11 to 19 have in relation to ETSA and clauses 25 to 33 in relation to the generation corporation.

PART 5

MISCELLANEOUS

Clause 48: Mining at Leigh Creek

A sale or lease of any seam of coal vested in the Crown at or near Leigh Creek or a contract for any such sale or lease or a right to mine any such seam of coal cannot be made or granted by or on behalf of the Crown except under an Act specifically authorising that sale, lease, contract or right. (This provision is substantially the same as section 43C of the repealed Act.)

Without limiting the generation corporation's powers, the corporation may—

- mine any seams of coal, vested in the Crown or the corporation, at or near Leigh Creek;
- mine any substance, vested in the Crown or the corporation, discovered in the course of operations for the mining of coal;
- treat, grade, or otherwise prepare for sale, and use, sell or otherwise dispose of any coal or other substance so mined.

Generation corporation is defined to mean ETSA and, if an electricity generation corporation is established under proposed Part 3, that corporation.

Clause 49: Regulations

The Governor may make such regulations as are contemplated by this proposed Act or as are necessary or expedient for the purposes of this proposed Act.

SCHEDULE 1

Superannuation

This schedule is similar to Part IVB of the repealed Act with alterations consequential on the enactment of this proposed Act.

SCHEDULE 2

Repeal and Transitional Provisions

This schedule contains provisions of a transitional nature as well as repealing a number of Acts as a result of the enactment of this proposed Act.

SCHEDULE 3

Transfer of Assets, Liabilities and Staff between Electricity Corporations

This schedule provides for the transfer of assets, liabilities and staff between electricity corporations.

SCHEDULE 4

Temporary Non-commercial Provisions

This schedule contains provisions drawn in part from the repealed *Electricity Trust of South Australia Act*. The provisions deal with special powers, duties and offences that it is intended will, at an appropriate time, be relocated to another Act applying to electricity suppliers generally.

Clause 1: Interpretation

This clause contains definitions used in the schedule.

Clause 2: Standards relating to electricity generation, transmission, distribution and supply

This clause provides that the Minister may define and administer standards for the generation, transmission, distribution and supply of electricity.

Clause 3: Powers of ETSA with respect to land and transmission or distribution system

ETSA is specially empowered to acquire land in accordance with the *Land Acquisition Act 1969*.

ETSA may—

- lay or install any part of the transmission or distribution system over or under any public place;
- excavate a public place;
- lay, install, provide or set up on or against the exterior of a building or structure any cable, equipment or other necessary structure to secure to that or any other building or structure a proper supply of electricity and for measuring the extent of such supply.

ETSA must, at least 7 days before exercising such a power in relation to a public place, give to the authority in which the control or management of the place is vested notice of its intention to exercise those powers and of the area to be affected. Such notice is not required in an emergency or in circumstances of imminent danger to life or property. ETSA must, as soon as practicable, make good any damage to a public place arising from the exercise of powers conferred by this proposed section.

Clause 4: Subsidies to other suppliers

The Minister may direct ETSA to provide a subsidy to another supplier of electricity in the State.

Clause 5: Duty to supply electricity

ETSA must ensure that the transmission or distribution system is constructed and maintained in accordance with accepted standards and practices by the electricity supply industry. ETSA must (as far as practicable) maintain the electricity supply through the transmission or distribution system. If it is reasonable and economic to do so, ETSA must, on the application of any person, provide a supply of electricity to any land or premises occupied by that person subject to payment of fees and charges and observance of the other conditions of supply from time to time fixed by ETSA.

ETSA may cut off the supply of electricity—

- to avert danger to any person or property;

- to prevent damage to any part of a generator or the transmission or distribution system through overloading or unstable or abnormal operation;
- to allow for the inspection, maintenance or repair of any part of the transmission or distribution system;
- on non-observance of the conditions of supply.

If ETSA proposes to cut off a supply of electricity in order to avert danger of a bush fire, ETSA should, if practicable, consult with the Country Fire Services Board before doing so.

Clause 6: Immunity from liability in consequence of cutting off or failure of electricity supply

ETSA incurs no civil liability in consequence of cutting off the supply of electricity to any region, area or premises under this proposed Act or the failure of an electricity supply.

Clause 7: Duties in relation to vegetation clearance

ETSA has a duty to take reasonable steps to keep vegetation of all kinds clear of public supply lines and to keep naturally occurring vegetation clear of private supply lines, in accordance with the principles of vegetation clearance. The occupier of private land has (subject to the principles of vegetation clearance) a duty to take reasonable steps to keep vegetation (other than naturally occurring vegetation) clear of any private supply line on the land in accordance with the principles of vegetation clearance.

Any costs incurred by ETSA in carrying out work on private land (other than work that ETSA is required to carry out under an imposed duty) may be recovered as a debt from the occupier of the land. This provision operates to the exclusion of common law duties, and other statutory duties, affecting the clearance of vegetation from public and private supply lines.

This provision is substantially the same as section 39 of the repealed Act.

Clause 8: Role of councils in relation to vegetation clearance

ETSA may make an arrangement with a council (within the meaning of the *Local Government Act 1934*) conferring on the council a specified role in relation to vegetation clearance. The arrangement may include a delegation by ETSA of a function or power and may require that ETSA be indemnified for any liability arising from an act or omission of the council under a delegation. A delegation by ETSA for the purposes of the arrangement may be subject to specified conditions that may be varied or revoked and does not prevent ETSA from acting in any matter.

Clause 9: Powers of entry, inspection, etc.

ETSA may appoint an employee or any other suitable person to be an authorised person.

An authorised person may, at any reasonable time—

- examine or test any part of the transmission or distribution system or an electrical installation;
- carry out any work necessary to obtain access to any part of the transmission or distribution system or an electrical installation;
- inspect or repair any part of the transmission or distribution system or an electrical installation;
- take any action that may be necessary to avert danger from a fault in the transmission or distribution system or from unstable or abnormal conditions affecting it;
- inspect public or private supply lines;
- carry out any vegetation clearance work in accordance with the proposed Act;
- enter land or premises for the purpose of exercising any power under this provision.

Except in an emergency or circumstances of imminent danger to life or property or for meter-reading purposes, an authorised person must give reasonable notice of an intention to enter residential premises or land to the occupier and, where vegetation clearance work is to be carried out on the land, must give at least 60 days written notice, specifying the nature of the work.

Except in certain circumstances, ETSA must, as soon as practicable, make good any damage to land or premises resulting from the exercise of a power under this provision.

A person who hinders or obstructs an authorised person in the exercise of any of these powers is guilty of an offence and liable to a division 6 fine ($4 000). An authorised person, or a person assisting an authorised person, who, in the course of exercising powers, addresses offensive language to another person or who, without lawful authority, hinders or obstructs or uses or threatens to use force in relation to another person is guilty of an offence and liable to a division 6 fine ($4 000).

Clause 10: Offences relating to transmission or distribution system, etc.

A person who, except as approved by the Minister—

- abstracts or diverts electricity from any part of the transmission or distribution system or interferes with a meter or other device for measuring the consumption of electricity supplied by ETSA; or
- charges another a premium for the cost of electricity supplied by ETSA and paid or payable by that person; or
- contributes electricity to any part of the transmission or distribution system; or
- damages or otherwise interferes with any part of the transmission or distribution system or any electrical installation or other property belonging to ETSA, or under its control; or
- erects a building or structure in proximity to a supply line that is part of the transmission or distribution system contrary to the regulations,

is guilty of an offence and liable to a division 5 fine ($8 000).

The Minister may, subject to the regulations, give an approval for the purposes of this provision that may be general or specific and will, insofar as the approval operates for the benefit of a particular person, be subject to such conditions as the Minister may fix from time to time by notice in writing to that person.

If ETSA suffers loss or damage as a result of an offence under this clause, ETSA may recover compensation for the loss or damage from a person guilty of the contravention on application to a court convicting the person of the offence or by action in a court of competent jurisdiction.

Clause 11: Payments by ETSA

ETSA must, on or before each payment day, out of its revenues pay to the Treasurer for the purposes of the Consolidated Account, an amount equal to five per cent of its revenues being revenues derived from the sale of electricity during the quarter last preceding the quarter within which the payment day occurs.

Clause 12: Regulations

The Governor may make regulations dealing with specified matters for the purposes of the schedule. Regulations dealing with the clearance of vegetation from public or private supply lines can only be made with the concurrence of the Minister for Environment and Natural Resources. The regulations—

- may be of general application or limited in application;
- provide that a matter or thing in respect of which regulations may be made is to be determined, regulated or prohibited according to the discretion of ETSA;
- may refer to or incorporate (wholly or partially and with or without modification) any standard or other document prepared or published by a body referred to in the regulation, as is in force from time to time or as in force at a particular time.

Clause 13: Expiry

The Governor may, by regulation, declare that this schedule, or specified provisions of this schedule, will expire on a day or days specified in the regulations.

Mr FOLEY secured the adjournment of the debate.

NATIONAL ENVIRONMENT PROTECTION COUNCIL (SOUTH AUSTRALIA) BILL

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources) obtained leave and introduced a Bill for an Act to provide for the establishment of a National Environment Protection Council; for related purposes; and to amend the Environment Protection Act 1993. Read a first time.

The Hon. D.C. WOTTON: 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 National Environment Protection Council (South Australia) Bill is an important landmark in the history of environmental protection in South Australia and Australia. It marks the commitment of the Commonwealth and the States and Territories to work co-operatively to develop national environment protection measures.

These measures aim to give all Australians the benefit of equivalent environmental protection and to ensure that investment decisions by business are not distorted by inappropriate variations in environmental standards between Australian jurisdictions (or so called pollution havens).

Establishment of the National Environment Protection Council and development and mandatory implementation of national environment protection measures are part of the Intergovernmental Agreement on the Environment to which the State of South Australia is a signatory.

The signing of the Intergovernmental Agreement in 1992 represented an important turning point in Commonwealth/State relations in the field of environmental management.

The objects of the Intergovernmental Agreement bear repeating. It provides a framework to facilitate:

- a co-operative national approach to the environment;
- a better definition of the roles of the respective governments;
- a reduction in the number of disputes between the Commonwealth, the States and Territories on environmental issues;
- greater certainty of Government and business decision-making; and importantly;
- better environmental protection through the integration of environmental considerations into the decision-making processes of all governments, at the project, program and policy levels.

The National Environment Protection Council (South Australia) Bill is part of a package of complementary State and Commonwealth legislation to give effect to Schedule 4 of the Intergovernmental Agreement. For ease of reference, the text of the Intergovernmental Agreement is included as Schedule 1 of the Bill.

The Commonwealth passed its NEPC Bill through the Senate on 6 June 1994. It was introduced into the House of Representatives on 30 September and debate was scheduled for the week beginning 10 October. Other States and Territories (except Western Australia) are expected to introduce mirror legislation later this year. The Bill before the House establishes the National Environment Protection Council, a Ministerial Council drawn from all participating States, Territories and the Commonwealth.

Although a signatory to the Intergovernmental Agreement, the Western Australian Government has indicated that it will not be participating in the Council at this stage. While this does not invalidate the national scheme, automatic application of national environment protection measures in Western Australia will not be guaranteed.

The Ministerial Council will be empowered to make national environment protection measures which, through complementary implementation legislation, will apply as valid law in each participating jurisdiction.

The National Environment Protection Council may make measures in relation to:

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

National environment protection measures may be a combination of goals, guidelines, standards and protocols.

Simply, goals are the desired outcomes; guidelines are the means of meeting these outcomes; standards are the quantifiable characteristics against which environmental quality is assessed; and protocols are the processes for measuring environmental characteristics to determine whether desired outcomes are being achieved.

Consistent with the principles of ecologically sustainable development, and to ensure simplicity and effectiveness of administration, the Council must develop measures through a public consultative process having regard to a number of factors as specified in the Bill. Important among these is the need to have regard to regional environmental differences.

This will ensure that proper account is taken of the different properties of air, water and land across the diversity of Australian environments in the setting of environmental goals, standards and guidelines.

In addition, the process will have regard to environmental and social impacts of the measure and whether it is the most effective means of achieving the desired environmental outcome.

In making a final decision on a measure, the Council must have regard to an impact statement relating to the measure, the public submissions received and to advice from a Committee of State and Commonwealth officials.

Decisions by the Council, which is chaired by the Commonwealth, will be by a two thirds majority. The Commonwealth is thus one of seven or eight members under current arrangements, and does not have a casting vote.

Through the Intergovernmental Agreement, South Australia, like other States and Territories, is required to introduce complementary legislation for the application of national environment protection measures made by the Council.

South Australia will implement NEPMs through the *Environment Protection Act 1993*. The amendments to the *Environment Protection Act* allow for the national environment protection measures, made by the Council, to become State environment protection policies.

As incorporated in Schedule 4 of the Agreement, a national environment protection measure agreed to by the Council may be disallowed by either House of the Commonwealth Parliament.

If not disallowed by either House of the Commonwealth Parliament, the measure will then apply automatically in each participating jurisdiction.

As provided by the Agreement, the measures adopted by the above procedures do not prevent South Australia from introducing or maintaining more stringent measures to reflect specific circumstances or to protect special environments within the State. This is provided for in the amendments to the *Environment Protection Act*.

As well as making national environment protection measures, the Council has an important role to play in reporting annually to Parliaments of all participating jurisdictions on its activities, and its overall assessment of the implementation and effectiveness of national environment protection measures in all participating jurisdictions.

The Council will be assisted by a statutory Committee of Commonwealth and State officials (the National Environment Protection Council Committee) and by a small secretariat staffed by public servants, established as a separate service corporation and accountable to the Council. The Australian Local Government Association, as a signatory to the IGAE, will be represented on the Committee.

It is not proposed to create a substantial new bureaucracy for the development of national environment protection measures. Rather, the Council secretariat will draw upon work being carried out in existing environmental agencies throughout Australia.

The cost of establishing the Council and developing measures will be shared between the Commonwealth and State Governments on a 50-50 basis, with States contributing on the basis of population.

The introduction of this Bill is an important step in the process of developing harmonious environmental law in Australia. The National Environment Protection Council will provide the means whereby South Australia can work in partnership with the Commonwealth and the States and Territories to share expertise, resources and decision-making to benefit environmental protection in South Australia and across Australia.

I commend this Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day fixed by proclamation.

Clause 3: Object of Act

This clause provides that the object of the measure is to ensure that, by means of the establishment and operation of the National Environment Protection Council—

- people enjoy the benefit of equivalent protection from air, water or soil pollution and from noise, wherever they live in Australia; and
- decisions of the business community are not distorted, and markets are not fragmented, by variations between participating jurisdictions in relation to the adoption or implementation of major environment protection measures.[1]

Clause 4: Act to bind Crown

This clause provides for the measure to bind the Crown in right of the State and also, so far as the legislative power of the State permits, the Crown in all its other capacities.

Clause 5: Interpretation

This clause provides for expressions used in the Commonwealth Act to have the same meaning when used in this measure.

Clause 6: Definitions

This clause contains definitions and interpretation provisions.

Clause 7: Implementation of national environment protection measures

This clause provides that it is the intention of this Parliament that the State will, in compliance with its obligations under the Intergovernmental Agreement implement, by such laws or other arrangements as are necessary, national environment protection measures in respect of activities that are subject to State law (including activities of the State and its instrumentalities).[2]

PART 2
ESTABLISHMENT AND MEMBERSHIP OF THE NATIONAL ENVIRONMENT PROTECTION COUNCIL

Clause 8: The National Environment Protection Council

This clause establishes the National Environment Protection Council ("the Council").[3]

Clause 9: Membership of the Council

This clause provides that the Council consists of Ministers from each participating jurisdiction, that is, one from the Commonwealth and one from each of the participating States and Territories. The Prime Minister, State Premiers and Chief Ministers each nominate a Ministerial member and may replace that member at any time.[4]

Clause 10: Chairperson of the Council

This clause provides that the Ministerial member from the Commonwealth is the Chairperson of the Council.[5]

Clause 11: Deputies

This clause provides that the Prime Minister, State Premiers and Chief Ministers may each nominate a Minister to be the deputy of the Minister nominated by them to be a member of the Council.

PART 3
FUNCTIONS AND POWERS OF THE COUNCIL
DIVISION 1—FUNCTIONS AND POWERS

Clause 12: Functions of the Council

This clause provides that the functions of the Council are to make national environment protection measures and to assess and report on their implementation and effectiveness in participating jurisdictions.

Clause 13: Powers of the Council

This clause empowers the Council to do all things necessary or convenient to be done for or in connection with the performance of its functions, and, in particular, to consult with appropriate persons and bodies, relevant Commonwealth, State and Territory bodies and the Australian Local Government Association, to obtain advice and assistance from the NEPC Committee and other committees established by the Council, to undertake or commission research, to publish reports relating to its functions and powers and to provide information to the public.

DIVISION 2—MAKING OF NATIONAL ENVIRONMENT PROTECTION MEASURES

Clause 14: Council may make national environment protection measures

This clause authorises the Council to make national environment protection measures[6] relating to ambient air quality, ambient water quality, the protection of amenity in relation to noise, site contamination, environmental impacts associated with hazardous wastes, or the re-use and recycling of used materials. The Council may also, in conjunction with the National Road Transport Commission, develop measures relating to motor vehicle noise and emissions.[7]

Clause 15: General considerations in making national environment protection measures

This clause provides that in making any national environment protection measure, the Council must have regard to whether the measure is consistent with the Agreement, the environmental, economic and social impact of the measure, the simplicity and effectiveness of the administration of the measure, the most effective means of achieving the desired environmental outcome, the relationship of the measure to existing inter-governmental mechanisms, relevant international agreements to which Australia is a party and any regional environmental differences in Australia.[8]

Clause 16: Council to give notice of intention to prepare a draft of proposed measure

This clause requires the Council, before making a national environment protection measure, to give notice of its intention to prepare the measure by advertisement in the Commonwealth Gazette and in a newspaper circulating in each State and Territory.

Clause 17: Council to prepare draft of proposed measure and impact statement

This clause requires the Council to prepare a draft of the proposed measure together with an impact statement which includes a statement of the desired environmental outcomes, the reasons for the proposed measure and the reasons why alternative methods of achieving the desired outcome have not been adopted, an identification and assessment of the economic and social impact of the proposed measure, the manner in which any regional environmental differences have been addressed and the intended date for making the measure. The statement must also include any proposed transitional arrangements and timetable for the implementation of the proposed measure.[9]

Clause 18: Public consultation

This clause requires the Council to publish a notice in the Commonwealth Gazette and a newspaper circulating in each State and Territory which states how a copy of the proposed measure and impact statement can be obtained and invites submissions relevant to the proposed measure.[10]

Clause 19: Council to have regard to impact statements and submissions

This clause requires the Council, when formulating measures, to take into account the impact statement relating to the measure, any submissions received in relation to the measure or impact statement, and any advice given by the NEPC Committee or a committee established by the Council.[11]

Clause 20: Variation or revocation of measures

This clause provides that a national environment protection measure may be varied or revoked by the same procedure as it is made.

Clause 21: National environment protection measures to be Commonwealth disallowable instruments

This clause provides that section 21 of the Commonwealth Act applies to national environment protection measures. The combined effect of that section and this clause is that measures may be disallowed by either House of the Commonwealth Parliament.[12]

A measure ceases to have effect if it is disallowed or otherwise ceases to have effect for the purposes of the Commonwealth Act.

Clause 22: Failure to comply with procedural requirements

This clause provides that a failure to comply with a particular procedural requirement for making a measure will not invalidate the measure if the Council has substantially complied with the procedural requirements for the making of the measure.

DIVISION 3—ASSESSMENT AND REPORTING ON IMPLEMENTATION AND EFFECTIVENESS OF MEASURES

Clause 23: Report by Minister on implementation and effectiveness of measures

This clause requires the State Minister who is a member of the Council to report annually to the Council on the implementation of national environment protection measures in his or her jurisdiction and on the effectiveness of those measures.[13]

Clause 24: Annual report of Council

This clause requires the Council to prepare an annual report of its operations, which is to include copies of the reports submitted by the Ministerial members and an assessment by the Council of the implementation and effectiveness of national environment protection measures (having regard to the members' reports). The report is to be laid before each House of this Parliament within seven sitting days of that House after the Council has formally adopted the report.[14]

PART 4
MEETINGS OF THE COUNCIL AND ESTABLISHMENT AND MEETINGS OF ITS COMMITTEES
DIVISION 1—MEETINGS OF COUNCIL

Clause 25: Convening of meetings

This clause provides that a meeting of the Council may be convened at any time by the Chairperson or on request of at least two-thirds of the members.

Clause 26: Procedure at meetings

This clause requires the Chairperson to preside at meetings of the Council. If the Chairperson is not present at a meeting, the members present must elect one of their number to preside. The Council must keep minutes of each meeting. The Council may regulate the conduct of its meetings as it thinks fit.

Clause 27: Quorum

This clause provides for a quorum of the Council to be constituted by two-thirds of the members.[15]

Clause 28: Voting at meetings

This clause requires a decision of the Council to be supported by the votes of at least two-thirds of the members, whether present at the meeting or not. The presiding member has a deliberative vote only.

DIVISION 2—COMMITTEES OF COUNCIL

Clause 29: NEPC Committee

This clauses establishes the National Environment Protection Council Committee ("the NEPC Committee"). The NEPC Committee

consists of the NEPC Executive Officer and nominees of each of the members of the Council.[16]

The President of the Australian Local Government Association may nominate a person who is entitled to attend and be heard at Committee meetings but who is not entitled to vote at such meetings.[17]

Clause 30: Chairperson of NEPC Committee

This clause provides that the nominee of the Chairperson of the Council is to be Chairperson of the NEPC Committee.

Clause 31: Procedures of NEPC Committee

This clause provides that a meeting of the NEPC Committee may be convened at the request of the Council or by the Chairperson of the Committee. The procedures to be followed at such meetings are to be determined by the Committee.

Clause 32: Functions of NEPC Committee

This clause provides that the functions of the NEPC Committee are to assist and advise the Council.

Clause 33: Other committees

This clause empowers the Council to establish other committees to assist it in developing national environment protection measures. The Council is to determine the functions, membership and procedures of such committees.

Clause 34: Withdrawal from Agreement

This clause provides that if a State or Territory withdraws from the Agreement, the member of the NEPC Committee (and of any other committee established by the Council) nominated by that party ceases to be a member of those committees. Similarly, if the Australian Local Government Association withdraws from the Agreement, the person nominated by it to attend meetings of the NEPC Committee ceases to be entitled so to attend and be heard.

PART 5

NEPC SERVICE CORPORATION, NEPC EXECUTIVE OFFICER AND STAFF

DIVISION 1—THE NEPC SERVICE CORPORATION

Clause 35: NEPC Service Corporation

This clause recognises the NEPC Service Corporation which is established as a body corporate under the Commonwealth Act.

Clause 36: Functions of the Service Corporation

This clause provides that the functions of the Service Corporation are to provide assistance to the Council, the NEPC Committee and any other committee established by the Council and to do anything incidental or conductive to the performance of those functions.

Clause 37: Powers of the Service Corporation

This clause provides that the Service Corporation has power to do all things that are necessary or convenient to be done in connection with the performance of its functions (including entering into contracts, and acquiring, holding and disposing of personal and real property, accepting gifts and acting of trustee of property held by the Corporation on trust).

Clause 38: Contracts and leases

This clause prohibits the Service Corporation, without the written approval of the Council, from entering into a contract for the payment or receipt of an amount exceeding $250 000 (or any higher amount prescribed under the Commonwealth Act) or taking any land or buildings on lease for a period exceeding three years.

DIVISION 2—THE NEPC EXECUTIVE OFFICER

Clause 39: NEPC Executive Officer

This clause provides that there is to be a NEPC Executive Officer[18] and requires the Council to appoint the Officer for a term not exceeding five years.

Clause 40: NEPC Executive Officer to control Service Corporation

This clause provides for the NEPC Executive Officer to conduct the affairs of the Service Corporation.

Clause 41: NEPC Executive Officer to act in accordance with Council directions

This clause requires the NEPC Executive Officer to act in accordance with any directions given by the Council.

Clause 42: Remuneration and allowances

This clause deals with the remuneration of the NEPC Executive Officer.

Clause 43: Leave of absence

This clause deals with the leave entitlements of the NEPC Executive Officer.

Clause 44: Resignation

This clause permits the NEPC Executive Officer to resign his or her office.

Clause 45: Termination of office

This clause empowers the Council to terminate the appointment of the NEPC Executive Officer for misbehaviour or physical or mental incapacity. It also sets out the circumstances in which the Council is required to terminate the appointment of the NEPC Executive Officer.

Clause 46: Terms and conditions not provided for by Act

This clause provides for the NEPC Executive Officer to hold office on such terms and conditions in relation to matters not provided for by this measure as are determined by the Council from time to time.

Clause 47: Acting NEPC Executive Officer

This clause empowers the Council to appoint an acting NEPC Executive Officer.

Clause 48: Powers and functions of acting NEPC Executive Officer

This clause provides for an acting NEPC Executive Officer to have all the powers and functions of the Executive Officer.

DIVISION 3—STAFF OF THE SERVICE CORPORATION AND CONSULTANTS

Clause 49: Public Service staff of Service Corporation

This clause provides for staff of the Service Corporation to be Commonwealth public servants.

Clause 50: Non-Public Service staff of Service Corporation

This clause empowers the Service Corporation to employ persons under written agreements in accordance with terms and conditions determined by the Corporation from time to time.

Clause 51: Staff seconded to Service Corporation

This clause empowers the Service Corporation to make arrangements for the services of staff of Commonwealth departments and authorities and State and Territory authorities to be made available to the Corporation.

Clause 52: Consultants

This clause empowers the Service Corporation to engage consultants on terms and conditions determined by the Corporation from time to time.

PART 6

FINANCE

Clause 53: Payments to Service Corporation by State

This clause provides that such money as is appropriated by this Parliament for the purposes of the Service Corporation is payable to the Corporation and empowers the State Treasurer to give directions about the amount and timing of payments.

Clause 54: Payments to Service Corporation by Commonwealth and other States and Territories

This clause allows the Service Corporation to receive money paid by the Commonwealth and other States and Territories.

Clause 55: Money of Service Corporation

This clause provides for the money of the Service Corporation to consist of money paid and received under clauses 53 and 54 and other money paid to the Corporation.

Clause 56: Application of money of Service Corporation

This clause sets out how the money of the Service Corporation is to be applied.

Clause 57: Estimates

This clause requires the NEPC Executive Officer to prepare estimates of the Service Corporation's receipts and expenditure for each financial year and any other periods specified by the Council. Except with the consent of the Council, the money of the Service Corporation must not be spent otherwise than in accordance with estimates of expenditure approved by the Council.

Clause 58: Special provisions relating to reports etc. prepared under the Audit Act 1901 of the Commonwealth

Under the Commonwealth *Audit Act 1901* the Service Corporation is required to prepare a report on its operations and financial statements for each financial year. This clause requires such a report to include such other information as is required by the Council to be included in the report. It also requires a copy of each report and set of financial statements (which must be given to the Commonwealth Minister under the Commonwealth Audit Act) to be given to each other member of the Council.

PART 7

MISCELLANEOUS

Clause 59: Powers and functions conferred under corresponding legislation

The constitutional basis of the legislative scheme is supported by recognition by this clause that each participating jurisdiction may confer powers and functions on the Council, each committee of the Council, the NEPC Service Corporation and the NEPC Executive Officer.

Clause 60: Delegation by Council

This clause empowers the Council to delegate any of its functions, other than the functions of making, varying and revoking national environment protection measures and recommending the making of regulations.

Clause 61: Acts done by Council

This clause provides for certificate evidence that the Council has done any act or thing or formed any opinion.

Clause 62: Regulations

This clause empowers the Governor to make regulations on the recommendation of the Council.

Clause 63: Review of operation of Act

This clause requires the Council to cause the operation of this measure (and of the corresponding legislation of the Commonwealth and each of the States and Territories) to be reviewed at the end of five years after the commencement of the corresponding Act of the Commonwealth.

Schedule 1: Intergovernmental Agreement on the Environment

This schedule sets out the text of the Intergovernmental Agreement on the Environment.

Schedule 2: Amendment of Environment Protection Act 1993

This schedule amends the *Environment Protection Act 1993* to make the following provisions.

When a national environment protection measure comes into operation under the national scheme laws, the measure comes into operation as an environment protection policy (s. 28a(1)).[19]

Such a policy will be taken into account by the Environment Protection Authority in determining any matters under the Act (or the *Development Act 1993*) to which the policy has relevance and may be given effect to by the issuing of environment protection orders under Part 10 (s. 28a(2)).

Such a policy will only be varied or revoked by a further national environment protection measure made under the national scheme laws or by an environment protection policy made under Part 5 Division 1 that imposes more stringent measures for protection of the environment (s. 28a(3)).[20]

Where a national environment protection measure that comes into operation as a State environment protection policy is inconsistent with an existing State environment protection policy, the national measure will prevail to the extent of the inconsistency, except to the extent that the existing State policy makes more stringent provision for protection of the environment (s. 28a(4)).[21]

Where the Minister considers that, in consequence of the making or amendment of a national environment protection measure, it is necessary or desirable to amend or revoke a State environment protection policy, the normal procedures for amendment or revocation of a policy does not apply and the Minister can refer the draft policy directly to the Governor. However, these powers do not apply in relation to an amendment or revocation that would have the effect of relaxing requirements for the protection of the environment, taking into account the provisions of the relevant national environment protection measures (s. 29(1A) & (1B)).

The Environment Protection Authority may impose or vary conditions of an environmental authorisation where it considers it necessary to do so in consequence of the making or amendment of a national environment protection measure (s. 45(3)).

1 Schedule 1 of this measure (*IGAE*, schedule 4, clause. 1).
2 *IGAE*, schedule 4, clause 16. Schedule 2 of this measure amends the *Environment Protection Act 1993* to implement national environment protection measures in this State as environment protection policies and orders under that Act.
3 *IGAE*, schedule 4, clauses 2 and 4.
4 *IGAE*, schedule 4, clause 2.
5 *Ibid.*
6 National environment protection measures must comprise one or more of the following: a national environment protection standard, a national environment protection goal, a national environment protection guideline or a national environment protection protocol.
7 *IGAE*, schedule 4, clauses 5 and 7.
8 *Ibid.*, schedule 4, clause 6.
9 *Id.*, schedule 4, clauses 9 and 10.
10 *Id.*, schedule 4, clause 11.
11 *Id.*, schedule 4, clause 12.
12 *Id.*, schedule 4, clauses 13 to 15.
13 *Id.*, schedule 4, clause 21.
14 *Id.*, schedule 4, clause 22.
15 *Id.*, schedule 4, clause 2.
16 *Id.*, schedule 4, clause 3(i)
17 *Id.*
18 *Id.*, schedule 4, clause 3(ii).
19 *Id.*, schedule 4, clause 16(a).
20 *Id.*, schedule 4, clause 19.
21 *Id.*, schedule 4, clause 20.

Mr ATKINSON secured the adjournment of the debate.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE BILL

Second Reading.

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

That this Bill be now read a second time.

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

Leave granted.

Members will recall that the last Parliament had spent some time dealing with issues surrounding consent to medical treatment and palliative care. The debate followed extensive examination by the House of Assembly Select Committee into the Law and Practice Relating to Death and Dying. The Bill to implement the legislative recommendations of the Select Committee had not passed through all the necessary stages before the Parliament was prorogued upon the calling of last year's State Election. However, it had passed this place and debate in the other place was well advanced.

The Government is committed to placing this important matter on the agenda once again. It is, in a sense, a matter of dealing with unfinished business. In order to progress the matter, the Bill was introduced in the other place in the form it had reached when events overtook its final passage late last year and it has subsequently been deliberated upon. It now comes to this place to consider.

The purpose of the Bill is:

(a) to provide for medical powers of attorney under which those who wish to do so may appoint agents to make decisions about their medical treatment when they are unable to make such decisions for themselves;
(b) to enable those who wish to do so to make an advance directive themselves about their medical treatment in subsequent circumstances when they are unable to make such decisions;
(c) to allow for the provision of palliative care, in accordance with proper standards, to the dying and to protect the dying from medical treatment that is intrusive, burdensome and futile;
(d) to consolidate the law relating to consent to medical treatment.

The Select Committee found virtually no support in the health professions, among theologians, ethicists and carers, or indeed in the wider community, for highly invasive procedures to keep the patient alive, come what may and at any cost to human dignity. Clearly, moral and legal codes which reflect such practices are inappropriate.

However, at the other end of the spectrum, the Select Committee firmly rejected the proposition that the law should be changed to provide the option of medical assistance in dying, or "voluntary euthanasia". The Report dealt at some length with the reasons why the Select Committee believed the concept of intent, and distinctions based on intent, should be maintained in the law.

The Select Committee endorsed the widely supported concept of good palliative care—that is, measures aimed at maintaining or improving the comfort and dignity of a dying patient, rather than extraordinary or heroic measures, such as medical treatment which the patient finds intrusive, burdensome and futile.

A fundamental principle inherent in such an approach, and indeed, an underlying tenet of the Bill, is patient autonomy. The concept of the dignity of the individual requires acceptance of the principle that patients can reject unwanted treatment. In this respect, the wishes of the patient should be paramount and conclusive even where some would find their choice personally unacceptable.

The Bill deals with this matter in several ways. Firstly, it encompasses certain provisions of the *Consent to Medical and Dental Procedures Act 1985*, since that Act is to be repealed. That Act provides for the treatment and emergency treatment of children and adults. The format has been modified to make it more understandable to those who are not legally trained.

The Bill also enshrines the requirement that a medical practitioner must explain the nature, consequences and risks of proposed medical treatment; the likely consequences of not undertaking the

treatment; and the alternatives. In other words, "informed consent" is maintained. Obviously, this process occurs now as a matter of good medical practice. However, the Select Committee believed an issue of such importance should be prominently canvassed in the Bill, and provision is made accordingly. Protection from liability is provided for medical practitioners where they act with the appropriate consent or authority; in good faith and without negligence; in accordance with proper standards of medical practice and in order to preserve or improve the quality of life.

The Bill introduces the concept of a medical power of attorney. Clause 8 provides that a person may appoint another, by medical power of attorney, to act as his or her agent with power to consent or refuse to consent to medical treatment on his or her behalf where he or she is unable to act. An appointment may be made subject to conditions and directions stated in the medical power of attorney. The agent must be 18 years old and no person is eligible for appointment if he or she is, directly or indirectly, responsible for, or involved in, any aspect of the person's medical care or treatment in a professional or administrative capacity. If a medical power of attorney appoints two or more agents, an order of appointment must be indicated and power must be exercised in that order. However, a medical power of attorney cannot provide for the joint exercise of power.

It is an offence to induce another to execute a medical power of attorney through the exercise of dishonest or undue influence. A person who is convicted or found guilty of such an offence forfeits any interest in the estate of the person who has been improperly induced to execute the power of attorney.

Hon Members may recall the *Natural Death Act 1983*. The Act confirms the common law right to refuse treatment, and expands upon it. It enables adults of sound mind to determine in advance (by declaration) that they would not consent to the use of extraordinary measures to prolong life in the event of suffering a terminal illness.

The medical agent provisions of this Bill seek to build on those foundations and to move beyond the limitations of the current Act, in light of experience over time. Clearly, a person will choose to appoint as an agent someone with whom there is a close, continuing, personal relationship. People will choose agents who understand their attitudes and preferences and in whom they place trust and confidence.

The medical agent can only act if the person who grants the power is unable to make a decision on his or her own behalf. However, the circumstances are not restricted to terminal illness—the patient may, for instance, be unconscious; the patient may be temporarily or permanently legally unable to make decisions for himself or herself.

The medical agent simply stands in the place of the patient and is empowered to consent or refuse consent in much the same terms as can the patient.

Obviously, the person one selects to be one's agent will be a person in whom substantial trust and confidence resides. The agent will most likely be a person with whom one moves through life, sharing common experiences and like responses to medical questions. The whole purpose of the medical agent provisions is to give the patient whatever flexibility he or she requires and chooses to take. An agent can be appointed for a specified period; can be given specific instructions. The agent must agree to act in accordance with the wishes of the patient insofar as they are known and act at all times in accordance with genuine belief of what is in the best interests of the patient. There are certain decisions an agent cannot take, however, including authorising refusal of the natural provision or natural administration of food and water or the administration of pain or distress relieving drugs. The Committee believed such a refusal requires a level of self—determination which can only be exercised by individuals acting consciously, in all the circumstances, on their own behalf.

The appointment of an agent also removes the uncertainty which can be created by a family situation where several people claim to represent the true wishes of the patient. Such situations are resolved by medical practitioners every day, and will continue to be even after this Bill becomes law, but where an agent is available, the choice is in effect made by the patient.

The Bill includes provision for review of a medical agent's decision in certain circumstances. As the Bill emerged from the other place, the jurisdiction to conduct a review resides with the Supreme Court.

A medical practitioner responsible for the treatment of a patient for whom a decision is made by a medical agent, or a person who has in the opinion of the Court a proper interest in the exercise of powers conferred by the medical power of attorney may apply to the Supreme Court for a review of the decision of the agent, to ensure that the decision is in accord with what the patient would have wished.

The Court which must conduct the review expeditiously, can cancel, vary or reverse the decision and give consequential directions.

There is thus a safeguard against what one would hope would be infrequent abuses of power by the medical agent.

The Court has no jurisdiction to review a decision by a medical agent to discontinue treatment if

a) the patient is in the terminal phase of a terminal illness; and
b) the effect of the treatment would be to prolong life in a moribund state, without any real prospect of recovery.

The Bill also recognizes that some people will not have anyone they wish to appoint as a medical agent, or indeed, some people will not want to appoint a medical agent. The Bill therefore includes a mechanism similar to that in the *Natural Death Act*, for such people to make an advance directive in relation to medical treatment.

The Bill contains specific provisions which deal with the care of the dying. It should be noted that the prohibition against assisted suicide remains in the *Criminal Law Consolidation Act*. Nothing in this Bill reduces the force either of that prohibition, or of the law against homicide. The Bill makes this expressly clear.

The Bill seeks to ensure that a medical practitioner responsible for the treatment or care of a patient in the terminal phase of a terminal illness, will not incur liability if he or she acts—

- with the appropriate consent; and
- in good faith and without negligence; and
- in accordance with proper professional standards of palliative care,

even though an incidental and unintended effect of the treatment is to hasten the death of the patient.

The Select Committee was made aware of the broad community acceptance of measures taken to provide for the comfort of the patient. Drugs designed to relieve pain and distress commonly prolong life, but they may have the incidental effect of accelerating death. The medical profession is understandably concerned about the risk of prosecution, however small that risk may be.

It should be emphasised, however, that the protection afforded by Clause 17 applies if, and only if, the conditions set out in the Clause are satisfied. The Bill needs to be read in the context of the general criminal law of the State. If the acceleration of death is the intended consequence of the "treatment", then the Bill offers no protection and the person administering the "treatment" would face prosecution for homicide or assisted suicide depending upon the circumstances.

The Bill also makes it clear that, where a patient is in the terminal phase of a terminal illness, with no real prospect of recovery, and in the absence of an express direction to the contrary, a medical practitioner is not under a duty to use, or continue to use, measures in order to preserve life at any cost.

The non-application or discontinuance of life sustaining measures in the circumstances defined in the Bill is not an intervening cause of death under the law of the State. This provision ensures that the true cause of death (that is the underlying cause of the person's terminal illness) is recorded. It does not provide medical practitioners with a legal device to avoid the consequences of their negligent actions or with a means to implement euthanasia legally. Any such attempt would lead to prosecution under the criminal law.

The Bill will help to enhance and protect the dignity of people who are dying and will clarify the responsibilities of doctors who look after them. It is hoped that, with further consideration, legislation will emerge which will see South Australia well placed in the care of the dying.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Objects

Clause 3 sets out the objects of the measure.

Clause 4: Interpretation

Clause 4 contains the definitions that are required for the purposes of the measure.

Clause 5: Application of Act

Clause 5 provides that the measure will not apply to medical procedures conducted for the purposes of research rather than the diagnosis or treatment of a patient.

PART 2
CONSENT TO MEDICAL TREATMENT
DIVISION 1—CONSENT GENERALLY

Clause 6: Legal competence to consent to medical treatment

Clause 6 provides that a person of or over 16 years of age may make decisions about his or her own medical treatment as validly and effectively as an adult.

DIVISION 2—ANTICIPATORY GRANT OR REFUSAL OF CONSENT

Clause 7: Anticipatory grant or refusal of consent to medical treatment

Clause 7 provides that a person of or over 18 years of age may make an anticipatory grant or refusal of consent to medical treatment, which will be effective if the person is in the terminal phase of a terminal illness, or in a persistent vegetative state and the person is incapable of deciding for himself or herself about medical treatment that is, or is not, to be administered.

DIVISION 3—MEDICAL POWERS OF ATTORNEY

Clause 8: Appointment of agent to consent to medical treatment

Clause 8 provides that a person of or over 18 years of age may appoint a person, by medical power of attorney, to act as his or her agent with power to make decisions about medical treatment on his or her behalf where he or she is incapable of making decisions. An appointment may be made subject to conditions stated in the medical power of attorney. A person is not eligible to be appointed as an agent if he or she has not attained the age of 18 years, or if he or she is responsible for any aspect of the person's medical care or treatment in a professional or administrative capacity. That a person has an interest under a will or in the estate of the grantor of the medical power of attorney does not invalidate the appointment of that person as a medical agent. A medical power of attorney may provide that if an agent is unable to act, it may be exercised by another nominated person. However, a medical power of attorney cannot provide for the joint exercise of power. The medical agent may make decisions about the medical treatment of the grantor of the power with the exceptions that he or she cannot refuse the natural provision or natural administration of food and water, the administration of drugs to relieve pain or distress, or medical treatment that would result in the grantor regaining the capacity to make decisions about his or her own medical treatment unless the grantor is in the terminal phase of a terminal illness. The powers conferred by a medical power of attorney must be exercised in accordance with lawful conditions and directions contained in the medical power of attorney, and consistently with any anticipatory direction given by the grantor of the power and, subject to those requirements, in what the agent genuinely believes to be the best interests of the grantor.

Clause 9: Exercise of powers under medical power of attorney

Clause 9 provides that a medical agent is only entitled to act under a medical power of attorney if certain conditions are fulfilled and that a medical agent will only be regarded as available to act under a medical power of attorney if certain other conditions are fulfilled.

Clause 10: Review of medical agent's decision

Clause 10 provides a limited right to have the decision of a medical agent reviewed by the Supreme Court.

Clause 11: Penalty for fraud, undue influence, etc.

Clause 11 makes it an offence to induce another to execute a medical power of attorney through dishonesty or the exercise of undue influence. It is also an offence for a person to purport to act as a medical agent knowing that the power of attorney has been revoked. A person who is convicted or found guilty of an offence against this clause forfeits any interest that the person might otherwise have in the estate of the grantor of the relevant power of attorney.

DIVISION 4—MEDICAL TREATMENT OF CHILDREN

Clause 12: Administration of medical treatment to a child

This clause provides that a medical practitioner may administer medical treatment to a child if the parent or guardian consents or the child consents and the medical practitioner believes the child is capable of understanding the nature of the treatment and is of the opinion that the treatment is in the child's best interests and that opinion is supported by the written opinion of another medical practitioner.

DIVISION 5—EMERGENCY MEDICAL TREATMENT

Clause 13: Emergency medical treatment

Clause 13 relates to the performance of emergency medical treatment. If a medical agent has been appointed and is available, medical treatment cannot be administered without that agent's consent. If no such medical agent is available but an appointed guardian is available, the guardian's consent is required. Subsection (5) relates to the situation where a parent or guardian refuses consent to a medical procedure to be carried out on a child. A comparison may be drawn with section 6(6)*(b)* of the *Consent to Medical and Dental Procedures Act 1985*. In such a case the child's health and well-being are paramount.

DIVISION 6—REGISTER

Clause 14: Register

Clause 14 provides for the maintenance of a register of anticipatory treatment directions and medical powers of attorney.

PART 3
PROVISIONS GOVERNING MEDICAL PRACTICE
DIVISION 1—MEDICAL PRACTICE GENERALLY

Clause 15: Medical practitioner's duty to explain

Clause 15 places a duty on a medical practitioner to give a proper explanation of proposed medical treatment.

Clause 16: Protection for medical practitioners, etc.

Clause 16 provides immunity for a medical practitioner who has acted in accordance with an appropriate consent or authority, in good faith and without negligence, in accordance with proper professional standards and in order to preserve or improve the quality of life.

DIVISION 2—THE CARE OF PEOPLE WHO ARE DYING

Clause 17: The care of people who are dying

Clause 17 relates to the care of people who are dying. A medical practitioner will not incur liability by administering medical treatment for the relief of pain or distress if he or she acts with the consent of the patient or of the patient's representative, in good faith and without negligence, and in accordance with proper standards of palliative care, even though an incidental effect is to hasten the death of the patient. Furthermore, in the absence of an express direction to the contrary, a medical practitioner is under no duty to use life sustaining measures to treat a patient if to do so would only prolong life in a moribund state without any real prospect of recovery or in a persistent vegetative state. Subclause (3) provides that the administration of medical treatment in accordance with subclause (1), or the non-application or discontinuance of life sustaining measures in accordance with subclause (2), does not constitute an intervening cause of death.

Clause 18: Saving provision

Clause 18 provides that the measure does not authorise the administration of medical treatment for the purpose of causing the death of the patient, and does not authorise a person to assist the suicide of another.

PART 4
REGULATIONS

Clause 19: Regulations

This clause enables the Governor to prescribe forms for the purposes of this measure.

SCHEDULE 1

Medical Power of Attorney

Schedule 1 sets out the form for a medical power of attorney. The appointed agent will be required to endorse his or her acceptance of the power and undertake to exercise the power honestly, in accordance with the conditions and directions set out in form, and subject to that in what he or she genuinely believes to be the best interests of the principal. The power of attorney must be witnesses by an authorised witness (as defined).

SCHEDULE 2

Direction under section 7 of the Consent to Medical Treatment and Palliative Care Act 1994

Schedule 2 sets out the form of an anticipatory direction dealing with medical treatment under section 7 of the measure.

SCHEDULE 3

Repeal and Transitional Provisions and Consequential Amendments

Schedule 3 provides for the repeal of the *Natural Death Act 1983* and the *Consent to Medical and Dental Procedures Act 1985*. A direction under the *Natural Death Act 1983* will continue to have effect. Enduring powers of attorney granted before this measure and purporting to confer relevant powers on the agent can have effect under this measure. Appropriate consequential amendments have been made to the *Guardianship and Administration Act 1993* and the *Mental Health Act 1993*.

Ms STEVENS secured the adjournment of the debate.

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 19 October. Page 692.)

Mr QUIRKE (Playford): It gives me a great deal of pleasure to enter into this debate. The Opposition supports this legislation. In essence it will achieve two purposes. First, it will make it easier for a person who has superannuation guaranteed through the SGC legislation at the Federal level to enter into other superannuation arrangements, usually as a result of a change of employment, without incurring stamp duty on that superannuation. In many instances where a person changes their superannuation the new employer does not have the same deal and does not necessarily have the same arrangements with a life insurance company or wherever the superannuation is invested. Unfortunately, as a consequence of that, new arrangements become extremely messy.

Costs deducted out of superannuation make it extremely difficult for many members in these schemes. There has been a deal of publicity on the issue of gatekeepers' fees in terms of current superannuation arrangements. Over the past couple of years I have referred to companies—I will not name them now, but I did at the time—that have taken up the lion's share of superannuation in exit fees and a number of other things. This legislation at least seeks to regularise the State Government arrangements in respect of that area. I do not wish to take up too much of the time of the House this afternoon.

The Bill also contains a provision in respect of married couples who divorce. They will no longer have to wait until the final decree to make arrangements in respect of stamp duty. The Taxation Commissioner will simply need to be satisfied that a marriage has irretrievably broken down, which will make this traumatic time much easier. The Opposition supports that. I gave the Deputy Premier some warning last week about the concerns of some of my Party colleagues in respect of *de facto* arrangements and what happens in those instances. Will the provisions of the Bill in respect of married couples apply to *de facto* couples as well? If the answer given by the Deputy Premier is satisfactory, we will not need to go into Committee on this Bill. However, we may flesh out the issue in another place. The Opposition supports the legislation.

The Hon. S.J. BAKER (Treasurer): I thank the member for Playford for his considered contribution. Some reform measures are contained in the Bill, and I am sure that that is something everyone will applaud. The Treasurer does taketh away on occasions, and on this occasion the Treasurer is actually giving something back for very good reasons, as explained by the honourable member. In relation to the issue of superannuation transfer, it is patently wrong for Treasury to be advantaged in the way that it is at the moment, simply because the process of transfer, depending on whether it is in cash or by some other means, is differentiated to the extent that it comes under the stamp duty arrangements. So we have included a maximum limit on the stamp duty payable under the circumstances, and that is appropriate and consistent with practices being adopted interstate.

In relation to married couples, as the member has pointed out, the law has had this deficiency in the past that, at the point of dissolution of the marriage in the actual sense, the property is separated. However, until the divorce is granted there is no capacity to reimburse the money paid in stamp duty. We believe that it is far more appropriate and far more practical, and that it saves time, energy and money to the system, if we have a recognition of the dissolution of marriage and, in normal circumstances, that should come from the Family Court. So, if the property or part thereof is changed from one partner to another, it is appropriate to recognise that transfer and invoke the special provisions of the legislation, which provide that stamp duty should be refunded.

The issue to which the member referred in the corridor and on which I did some research will not necessarily bring with it the satisfaction that I first envisaged would occur, and I would like to impart to the House some advice that I received on the matter of *de facto* relationships. I have been advised that the Family Court, which issues orders upon which the Stamp Duties Office can operate, does not issue orders in relation to the dissolution of *de facto* relationships. I am advised that the Family Court intervenes only in circumstances where there are issues involving maintenance, custody and guardianship of children. So, the Family Court is not called upon to adjudicate matters relating to *de facto* relationships. Therefore, no order would flow as a result of the termination of a *de facto* relationship.

I would like to impart to the House some further advice I have received in relation to this matter and the complexity that accompanies this issue. Upon my request, the Taxation Commissioner has done some homework on the issue and he suggests that there should be no change to the current arrangement for a number of reasons. So that there is an element of completeness to the answer, I will read out the reasons. In relation to present exemptions for *de facto* couples the advice states:

> Section 71CB of the Act provides an exemption from stamp duty in respect of a transfer of an interest in the matrimonial home, from one spouse to the other. 'Spouse' is defined to include persons who have been co-habiting continuously as *de facto* husband and wife for at least five years before the execution of the instrument. For the exemption to apply, the property must constitute the parties' principle place of residence at the time of the transfer, and therefore does not apply if the *de factos* have separated.
>
> Section 71CC provides relief from stamp duty on instruments which exclusively transfer the family farm between specified categories of relatives when certain criteria are met. 'Relative' includes 'spouse', which in turn includes *de facto* husbands or wives who have been co-habiting continuously with each other for at least five years.

What we are saying here is that, in the matrimonial situation, the amendment before the House provides:

> . . . exemption from stamp duty for instruments relating to property settlements and matrimonial proceedings, which provide for dispositions of property between the former spouses. The current exemption is not restricted to land transfers, but relates to the transfer of any property between the former spouses, provided they have a Family Court order. . . [and, of course, if separated].
>
> This provision was inserted in the Stamp Duties Act in 1982 to overcome constitutional problems associated with a stamp duty exemption that was originally given by the Commonwealth Family Law Act. The exemption is designed to provide relief to property settlements reached under the provisions of the Family Law Act.

So it actually emanated from the Commonwealth. The advice continues:

> The Family Law Act does not recognise *de facto* relationships, and it is therefore not possible for *de factos* to seek a property settlement order under that Act. To provide an exemption as proposed. . . could lead to significant revenue leakage not only because of the extension of the exemption but also through avoidance and evasion. For example, it would be extremely difficult

to prove the existence and time frame of the relationship and also the 'joint' property the subject of the relationship. The current exemption under section 71CA provides safeguards in that the court must be satisfied on those points as applying to married couples.

The summary states:

De factos are recognised in a number of areas under the Stamp Duties Act. An extension of the proposed amendment to include *de factos* could lead to significant revenue leakage both from the extension of the exemption and also through avoidance and evasion. This issue can be re-examined at a future date to see whether a tightly defined exemption could be feasibly administered should such an exemption accord with Government policy.

That is the advice I have received from the Taxation Commissioner, who said that there are a number of difficulties. The other point I think I should make is that, when a property is held in joint ownership, the divorce or separation that takes place can occur one minute after the property was registered in two names. In other words, the law does not recognise the length of the relationship or the relationship between those persons and the property. However, because the law talks about marital relationships, it says that the dissolution of the relationship is recognised in the law to the extent that we have seen in the existing provisions, and further that the transfer of property between married parties on the dissolution of the relationship shall not be subject to stamp duty.

We are just bringing forward that decision so that we do not have to wait for the *decree nisi* to be issued. So there are some issues about when people class themselves in a marital relationship and the extent to which that can be examined in a taxation context rather than in another legal context. When we do not have an adjudicating court, such as the Family Court, to hand down that decision, it makes life very difficult. It may well be that—and I will ask the Commissioner to examine this matter—although it is not consistent with the existing law relating to matrimonial relationships, the existence of joint names on a title for at least five years will satisfy the Commissioner and put that in a similar context to the law that relates to married people.

I do not believe we can conceivably go much further than that. I am willing to have that issue examined provided the member for Playford is comfortable with that. I expect that the law will develop in this area but we need a lot more time to examine this issue, given that the stability of *de facto* relationships is far less than that of marital relationships. I do not know that anybody has done a study, but I suggest that the average *de facto* relationship may be one-tenth as long as the average marital relationship. Whether that takes account of the situation where people have bought property together and what that means in terms of stability, I am not in a position to judge, nor is any other member in this House.

I commend the honourable member for raising that point and I will ask the Commissioner to look at a limited position that is workable and, hopefully, he may be able to report back on that matter before this Bill is debated in the other place.

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

APPROPRIATION BILL

Returned from the Legislative Council without amendment.

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES (CONSISTENCY WITH COMMONWEALTH) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 20 October. Page 762.)

Mr ATKINSON (Spence): The Opposition has studied this Bill and pondered it, and we will be supporting the Bill. I understand that it mirrors Federal legislation. I also understand that it incorporates the International Maritime Organisation's international convention for the prevention of pollution from ships into State law. I note that it incorporates this international convention in a way that I deem appropriate instead of the Commonwealth's passing legislation pursuant to the external affairs power and forcing this international convention into State law without the consent of the Parliament. This is a model way for incorporating international conventions into State law. I notice that in clauses 3 and 4 of the Bill the traditional and customary term 'harbor master' is struck from the statute book and replaced by the technocratic term 'port manager'. I would like the Minister to explain to the House why that is necessary.

The Hon. S.J. Baker: I wonder whether your female colleagues agree with you.

Mr ATKINSON: Why is this Government, which we thought might be reasonably conservative and in tune with the values of the electorate, indulging in this twisting of customary and traditional language? I hope the Minister will be able to answer that question. However, there are more important things in the Bill, one being that it reduces the permissible discharge from oil tankers 50 miles or more from land. The Bill requires a pollution emergency plan to be carried on board ship, and it also facilitates the giving of evidence by analysts in court where a ship owner is charged with an unauthorised discharge of oil into the sea.

I should note that the Federal Labor Government is active on these matters in international forums and it has hastened the signing of the convention to which I referred earlier. All in all, the Bill is highly desirable and the Opposition supports it with the one quibble about the end of harbor masters.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for Spence for his contribution. It is an appropriate piece of legislation and, as the honourable member quite rightly reflects, it has been brought down in a proper and appropriate fashion. I believe that the underlying sentiment in his contribution was the extent to which the signing of international treaties has enforced upon the Commonwealth and, more particularly, the States, which have a residual interest in many of these matters, items which quite often lay within the province of the States and affect the States, as this does, and about which the Commonwealth will often institute orders that the conventions be abided by.

We have had some fierce debates on those issues and we do not believe that Australian law should be set by international treaty. Sometimes the people who propose international treaties, ILO resolutions and United Nations resolutions for their own political purposes are the worst offenders.

Mr Atkinson: Hear, hear! Absolutely right.

The Hon. S.J. BAKER: Democratic, developed countries feel they are issues that should be embraced, but that does not necessarily mean that they are workable and that they make the greatest amount of sense, because invariably the interpre-

tation and implementation is a matter for the constituencies that adopt them. A number of treaties have emanated from European nations with the quite clear intention that they will never abide by their own initiatives. I take the honourable member's point very seriously. I believe it is a matter of great reflection. We have said, at least at the preliminary policy stage as far as foreign affairs are concerned in the Liberal Party, that the next Liberal Government shall not operate in the way that the current Labor Government operates in Canberra.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I will get to 'harbor master'. I am pleased with the underlying support expressed by the member for Spence—that a country's destiny and the rights of States should not be controlled by resolutions or agreements that have been made in the spirit of cooperation but in the absence of the debates which should accompany them in those constituencies. It may well be that many of them are very compelling and should be adopted because they make good sense, but the debates on the merits of those should take place in the countries concerned. They should pass the parliamentary process and be adopted either in whole or in modified form with the associated rules and not be left to the vagaries of interpretation. I thank the member for Spence for making that point.

The member for Spence asked why the time-honoured term 'harbor master' is to be changed to 'port manager'. When we came into government, we adhered to a policy that was introduced by the former Labor Government—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: —that is, that we should make our legislation as clear as possible. I am not sure that we ever achieved that. Once the lawyers get hold of legislation, they make it far more complicated that it need be. As well as using plain English in our legislation, we determined to take out sexist references.

Mr Atkinson: Why can't a woman be a harbor master?

The Hon. S.J. BAKER: In fact, there are women who are harbor masters, as the honourable member recognises. They are called 'harbor masters' in other jurisdictions, because that is the time honoured position. There has been a suggestion that the word 'master' is reflective of the male gender and, therefore, the principle of taking gender references out of legislation has been adhered to. I find the honourable member's reflection interesting, given that I am not sure that his reference would be fully supported by his Caucus colleagues. In many ways, it is a shame that we do not recognise the history of the positions and we change titles because of a particular connotation. Another interesting title is 'chairman'—

Mr Atkinson: What about 'port man-ager'?

The Hon. S.J. BAKER: That is right. In some elements of our community, 'chairman' is interpreted as being part of the male province but, for those with any knowledge of language, 'man' comes from '*manus*', which means hand. I believe that our language is abused and inappropriate reflections are made on it. While I have sympathy for the argument put by the member for Spence, we are adhering strictly to the convention previously put in place by the former Labor Government.

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

ADJOURNMENT

At 4.18 p.m. the House adjourned until Tuesday 15 November at 2 p.m.