HOUSE OF ASSEMBLY

Tuesday 7 March 1995

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

PETROLEUM PRODUCTS REGULATION BILL

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

ASSENT TO BILLS

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

Dog Fence (Miscellaneous) Amendment,

Government Financing Authority (Authority and Advisory Board) Amendment,

National Environment Protection Council (South Australia),

State Government Insurance Commission (Preparation for Restructuring) Amendment.

SECOND-HAND VEHICLE DEALERS BILL AND CONSUMER CREDIT (CREDIT PROVIDERS) AMENDMENT BILL

At 2.3 p.m. the following recommendations of the conference were reported to the House:

CONSUMER CREDIT (CREDIT PROVIDERS) AMENDMENT BILL

As to Amendment No. 1:

That the Legislative Council do not further insist on its disagreement thereto.

That the House of Assembly make the following consequential amendment and the Legislative Council agree thereto:

Clause 6, page 2, after line 17—Insert the following lines:

27. *Definition* In this Part—

"District Court" means the Administrative and Disciplinary Division of the District Court.

As to Amendments Nos. 2 to 5:

That the Legislative Council do not further insist on its disagreement thereto.

That the House of Assembly make the following consequential amendment and the Legislative Council agree thereto:

Clause 6, page 3, after line 17—Insert the following lines:

30A. *Participation of assessors in disciplinary proceedings* In any proceedings under this Part, the District Court will, if the judicial officer who is to preside at the proceedings so determines, sit with assessors selected in accordance with the schedule.

As to Amendments Nos. 6 to 14:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 15:

That the House of Assembly do not further insist on its amendment but make the following amendment in lieu thereof:

New clause, page 5, after line 17—Insert new clause as follows:

8A. *Amendment of s. 60A—Relief against civil consequences of non-compliance with this Act* Section 60A of the principal Act is amended—

(a) by striking out from subsection (1) "to the Tribunal" and substituting "under this section";

(b) by inserting after subsection (1) the following subsection:

(1a) An application may be made under subsection (1)—

(a) to the District Court;

(b) if the contravention or failure to comply with the provisions of this Act is the subject of disciplinary proceedings under Part III—to the Administrative and Disciplinary Division of the District Court as part of those proceedings.;

(c) by striking out from subsection (3) "Tribunal" and substituting "District Court";

(d) by striking out from subsection (4) "Tribunal" and substituting "District Court";

(e) by striking out from subsection (5) "Tribunal" and substituting "District Court";

(f) by striking out from subsection (9) "Tribunal" and substituting "District Court".

That the House of Assembly make the following consequential amendment and the Legislative Council agree thereto:

New clause, page 5, after line 20—Insert new clause as follows:

10. *Insertion of schedule* The schedule set out in schedule 1 is inserted after section 61 of the principal Act.

That the House of Assembly make the following consequential amendment and the Legislative Council agree thereto:

New schedule, after page 5—Insert:

SCHEDULE 1

Schedule to be inserted in principal Act

SCHEDULE

Appointment and Selection of Assessors for District Court

(1) The Minister must establish a panel of persons who may sit as assessors consisting of persons representative of credit providers.

(2) The Minister must establish a panel of persons who may sit as assessors consisting of persons representative of members of the public who deal with credit providers.

(3) A member of a panel is to be appointed by the Minister for a term of office not exceeding three years and on conditions determined by the Minister and specified in the instrument of appointment.

(4) A member of a panel is, on the expiration of a term of office, eligible for reappointment.

(5) Subject to subclause (6), if assessors are to sit with the District Court in proceedings under Part III, the judicial officer who is to preside at the proceedings on the complaint must select one member from each of the panels to sit with the Court in the proceedings.

(6) A member of a panel who has a personal or a direct or indirect pecuniary interest in a matter before the Court is disqualified from participating in the hearing of the matter.

(7) If an assessor dies or is for any reason unable to continue with any proceedings, the Court constituted of the judicial officer who is presiding at the proceedings and the other assessor may, if the judicial officer so determines, continue and complete the proceedings.

As to Amendment No. 16:

That the House of Assembly do not further insist on its amendment but make the following amendment in lieu thereof:

Schedule, page 6, line 7—Leave out "Commercial Tribunal" and insert "Administrative and Disciplinary Division of the District Court".

SECOND-HAND VEHICLE DEALERS BILL

As to Amendment No. 1:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 2:

That the House of Assembly do not further insist on its amendment but make the following amendment in lieu thereof:

Clause 10, page 5, line 27—Leave out "Tribunal" and insert "District Court".

And that the Legislative Council agree thereto.

As to Amendments Nos. 3 to 9:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 10:

That the House of Assembly do not further insist on its amendment.

As to Amendment No. 11:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendments Nos. 12 and 13:

That the House of Assembly do not further insist on its amendment.

As to Amendments Nos. 14 and 15:

That the House of Assembly do not further insist on its amendment but make the following amendment in lieu thereof:

Clause 24, page 17, lines 20 to 22—Leave out these lines.

And that the Legislative Council agree thereto.

As to Amendments Nos. 16 to 21:

That the Legislative Council do not further insist on its disagreement thereto.

Amendment No. 22:

That the House of Assembly do not further insist on its amendment.

Amendment No. 23:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 24:

That the House of Assembly do not further insist on its amendment but make the following amendment in lieu thereof:

Clause 27, page 22, line 26—Leave out "Tribunal" and insert "Magistrates Court".

And that the Legislative Council agree thereto.

As to Amendments Nos. 25 to 33:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 34:

That the House of Assembly do not further insist on its amendment but make the following amendment in lieu thereof:

Clause 32, page 25, line 4—Leave out "Except as expressly provided by the Act" and insert "Subject to this section".

And that the Legislative Council agree thereto.

As to Amendment No. 35:

That the House of Assembly do not further insist on its amendment but make the following amendment in lieu thereof:

Clause 32, page 25, line 7—Leave out "expressly provided by this Act" and insert "authorised by this section".

And that the Legislative Council agree thereto.

As to Amendment No. 36:

That the House of Assembly do not further insist on its amendment but make the following amendments in lieu thereof:

Clause 33, page 25, line 33 and page 76, lines 1 to 4—Leave out "make one or more of the following orders:" and paragraphs *(a)*, *(b)* and *(c)* and insert "order that the dealer compensate the purchaser for any disadvantage suffered by the purchaser as a result of the purchase of the vehicle".

Clause 33, page 26, after line 4—Insert—

(7) Rules of Court may be made under the *Magistrates Court Act 1991* regulating procedures with respect to applications for compensation under subsection (6).

And that the Legislative Council agree thereto.

As to Amendment No. 37:

That the House of Assembly do not further insist on its amendment.

As to Amendments Nos. 38 to 41:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 42:

That the House of Assembly do not further insist on its amendment but make the following amendment in lieu thereof:

Page 32—Insert schedules as follows:

SCHEDULE 3

Second-hand Motor Vehicles Compensation Fund

Second-hand Motor Vehicles Fund continues

01. The *Second-hand Vehicles Compensation Fund* continues and will continue to be administered by the Commissioner.

Claim against Fund

02. (1) This clause applies to a claim—arising out of or in connection with the sale or purchase of a second-hand vehicle before or after the commencement of this Act; or arising out of or in connection with a transaction with a dealer before or after the commencement of this Act.

(2) If the Magistrates Court, on application by a person who purchased a second-hand vehicle from a dealer, is satisfied that—the Commercial Tribunal or a court has made an order for the payment by the dealer of a sum of money to the purchaser; and the purchaser has no reasonable prospect of recovering the amount specified in the order (except under this schedule), the Court may authorise payment of compensation to the purchaser out of the Fund.

(3) If the Magistrates Court, on application of a person not being a dealer who has—purchased a second-hand vehicle from a dealer; or sold a second-hand vehicle to a dealer; or left a second-hand vehicle in a dealer's possession to be offered for sale by the dealer on behalf of the person, is satisfied that—the person has, apart from this Act, a valid unsatisfied claim against the dealer arising out of or in connection with the transaction; and the person has no reasonable prospect of recovering the amount of the claim (except under this schedule), the Court may authorise payment of compensation to that person out of the Fund.

Management of Fund

03.(1) The following amounts will be paid into the Fund: contributions required to be paid under clause 4; and amounts recovered by the Commissioner under clause 5; and amounts paid from the Consolidated Account under subclause (3); and amounts derived from investment under subclause (5).

(2) The following amounts will be paid out of the Fund: an amount authorised by the Court under clause 2; and any expenses certified by the Treasurer as having been incurred in administering the Fund (including expenses incurred in insuring the Fund against possible claims); and any amount required to be paid into the Consolidated Account under subclause (4).

(3) Where the Fund is insufficient to meet an amount that may be authorised to be paid under clause 2, the Minister may, with the approval of the Treasurer, authorise the payment of an amount specified by the Minister out of the Consolidated Account which is appropriated by this clause to the necessary extent.

(4) The Minister may authorise payment from the Fund into the Consolidated Account of an amount paid into the Fund from the Consolidated Account if the Minister is satisfied that the balance remaining in the Fund will be sufficient to meet any amounts that may be authorised to be paid under clause 2.

(5) Any amounts standing to the credit of the Fund that are not immediately required for the purposes of this Act may be invested in a manner approved by the Minister.

Licensed dealers may be required to contribute to Fund

04 (1) Each licensed dealer must pay to the Commissioner for payment into the Fund such contribution as the licensee is required to pay under the regulations.

(2) If a licensee fails to pay a contribution within the time allowed for payment by the regulations, the licence is suspended until the contribution is paid.

Right of Commissioner where claim allowed

05 On payment out of the Fund of an amount authorised by the Magistrates Court, the Commissioner is subrogated to the rights of the person to whom the payment was made in respect of the order or claim in relation to which the payment was made.

Accounts and audit

06 (1) The Commissioner must cause proper accounts of receipts and payments to be kept in relation to the Fund.

(2) The Auditor-General may at any time, and must at least once in every year, audit the accounts of the Fund.

Expiry of schedule

07 This schedule will expire on a day fixed by regulation for that purpose.

SCHEDULE 4

Repeal and Transitional Provisions

Repeal

01 The *Second-hand Motor Vehicles Act 1983* ("the repealed Act") is repealed.

Licensing

02 A person who held a licence as a dealer under the repealed Act immediately before the commencement of this Act will be taken to have been licensed as a dealer under this Act.

Registered premises

03 Premises registered in the name of a dealer under the repealed Act immediately before the commencement of this Act will be taken to have been registered in the dealer's name under this Act.

Duty to repair

04 A duty to repair that arose under Part IV of the repealed Act continues as if it were a duty to repair under this Act.

Disciplinary matters

05 Where an order or decision of the Commercial Tribunal is in force or continues to have effect under Division III of Part II of the repealed Act immediately before the commencement of this Act, the order or decision has effect as if it were an order of the District Court under Part 5 of this Act.

Application of Second-hand Motor Vehicles Fund at end of claims

06 When the Minister is satisfied that no more valid claims can be made which may require payment out of the Second-hand

Motor Vehicles Fund, any amount remaining to the credit of the Fund may—

be paid to an organisation representing the interests of dealers; or be otherwise dealt with, as the Minister thinks fit.

And that the House of Assembly makes the following consequential amendments and the Legislative Council agree thereto:

1. *Clause 3, page 2, after line 2*—Insert the following definition:
"District Court" means the Administrative and Disciplinary Division of the District Court;".
2. *Clause 3, page 2, after line 4*—Insert the following definition:
"Magistrates Court" means the Civil (Consumer and Business) Division of the Magistrates Court;".
3. *Clause 8, page 4, after line 24*—Insert—
(2) An applicant for a licence must provide the Commissioner with any information required by the Commissioner for the purposes of determining the application.
4. *Clause 16, page 9, line 29*—Before "dealer" (first occurring) insert "other".
5. *New clause, page 21, after line 32*—Insert—
Participation of assessors in proceedings
25A. In any proceedings under this Part, the Magistrates Court will, if the judicial officer who is to preside at the proceedings so determines, sit with assessors selected in accordance with schedule 1.
6. *New clause, page 23, after line 19*—Insert—
Participation of assessors in disciplinary proceedings
29A. In any proceedings under this Part, the District Court will, if the judicial officer who is to preside at the proceedings so determines, sit with assessors selected in accordance with schedule 2.
7. *Clause 32, page 25, after line 5*—Insert—
(1a) A person of or above the age of 18 years who proposes to purchase a second-hand vehicle may, in accordance with the regulations, waive a right conferred by this Act in relation to the proposed purchase of the vehicle.
8. *Clause 32, page 25, after line 11*—Insert—
(4) A dealer must not exhibit or otherwise publish a statement, notice or advertisement in connection with a second-hand vehicle—
(a) to the effect that sale of the vehicle is conditional on the purchaser waiving a right conferred by this Act; or
(b) in such manner as to induce a prospective purchaser of the vehicle to waive such a right.
Penalty: Division 5 fine.
(5) A contract for the sale of a second-hand vehicle conditional on the purchaser taking steps in accordance with the regulations to waive a right conferred by this Act is void.
9. *Clause 36, page 26, after line 34*—Insert—
(2a) The Commissioner may not delegate any of the following for the purposes of the agreement:
(a) functions or powers under Part 2;
(b) power to request the Commissioner of Police to investigate and report on matters under this Part;
(c) power to commence a prosecution for an offence against this Act.
10. *Clause 52, page 30, after line 22*—Insert—
(ba) provide for the exclusion, limitation, modification or waiver of rights conferred by this Act;.
11. *New schedules, after page 31*—Insert—

SCHEDULE 1

Appointment and Selection of Assessors for Magistrates Court

(1) The Minister must establish the following panels of persons who may sit with the Magistrates Court as assessors in proceedings under Part 4:
(a) a panel consisting of persons representative of dealers;
(b) a panel consisting of persons representative of members of the public who deal with dealers.
(2) A member of a panel is to be appointed by the Minister for a term of office not exceeding three years and on conditions determined by the Minister and specified in the instrument of appointment.
(3) A member of a panel is, on the expiration of a term of office, eligible for reappointment.
(4) Subject to subclause (5), if assessors are to sit with the Magistrates Court in proceedings under Part 4, the judicial officer who is to preside at the proceedings must select one member from each of the panels to sit with the Court in the proceedings.
(5) A member of a panel who has a personal or a direct or indirect pecuniary interest in a matter before the Magistrates Court is disqualified from participating in the hearing of the matter.
(6) If an assessor dies or is for any reason unable to continue with any proceedings, the Magistrates Court constituted of the judicial officer who is presiding at the proceedings and the other assessor may, if the judicial officer so determines, continue and complete the proceedings.

SCHEDULE 2

Appointment and Selection of Assessors for District Court

(1) The Minister must establish the following panels of persons who may sit with the District Court as assessors in proceedings under Part 5:
(a) a panel consisting of persons representative of dealers;
(b) a panel consisting of persons representative of members of the public who deal with dealers.
(2) A member of a panel is to be appointed by the Minister for a term of office not exceeding three years and on conditions determined by the Minister and specified in the instrument of appointment.
(3) A member of a panel is, on the expiration of a term of office, eligible for reappointment.
(4) Subject to subclause (5), if assessors are to sit with the District Court in proceedings under Part 5, the judicial officer who is to preside at the proceedings must select one member from each of the panels to sit with the Court in the proceedings.
(5) A member of a panel who has a personal or a direct or indirect pecuniary interest in a matter before the District Court is disqualified from participating in the hearing of the matter.
(6) If an assessor dies or is for any reason unable to continue with any proceedings, the District Court constituted of the judicial officer who is presiding at the proceedings and the other assessor may, if the judicial officer so determines, continue and complete the proceedings.

12. *New schedule, after new schedule 4*—Insert—

SCHEDULE 5

Amendment of Magistrates Court Act 1991

The *Magistrates Court Act 1991* is amended—
(a) by inserting after the definition of "minor civil action" in section 3(1) the following definition:
"minor statutory proceeding" means—
(a) an application under the *Fences Act 1975*; or
(b) an application under Part 4 of the *Second-Hand Vehicle Dealers Act 1995*;or
(c) any other proceeding declared by statute to be a minor statutory proceeding;;
(b) by striking out paragraph *(c)* of section 3(2) and substituting the following paragraph:
(c) a minor statutory proceeding.;
(c) by striking out subsection (4) of section 3 and substituting the following subsection:
(4) If a neighbourhood dispute or a minor statutory proceeding involves—
(a) a monetary claim for more than $5 000; or
(b) a claim for relief in the nature of an order to carry out work where the value of the work is more than $5 000,
a party may elect, in accordance with the rules, to exclude the dispute or proceeding from the rules governing minor civil actions[1], and in that case, the dispute or proceeding ceases to be a minor civil action.
[1.] See Division 2 of Part 5.
(d) by striking out Division 2 of Part 2 (comprising section 7) and substituting the following Division:

DIVISION 2—STRUCTURE AND CONSTITUTION OF COURT

Divisions of Court
7. (1) The Court is divided into the following Divisions—
(a) the Civil (General Claims) Division;
(b) the Civil (Consumer and Business) Division;
(c) the Civil (Minor Claims) Division;
(d) the Criminal Division.
(2) The Court is, in its Criminal Division, a court of summary jurisdiction.
Constitution of Court
7A. (1) Subject to this section, the Court, when sitting to adjudicate on any matter must be constituted of a Magistrate.

(2) If there is no Magistrate available to constitute the Court, the Court may be constituted of two Justices or a Special Justice.

(3) The Court may, at any one time, be separately constituted in accordance with this section for the hearing and determination of any number of separate matters.

Assessors

7B. If an Act conferring a jurisdiction on the Court in its Civil (Consumer and Business) Division provides that the Court is to sit with assessors in exercising that jurisdiction, then the following provisions apply:

(a) the Court will (except for the purpose of dealing with interlocutory, procedural or administrative matters) sit with assessors selected in accordance with the Act conferring the jurisdiction;

(b) where the Court sits with assessors—

(i) questions of law or procedure will be determined by the judicial officer presiding at the proceedings; and

(ii) other questions will be determined by majority opinion.

(e) by inserting after subsection (1) of section 10 the following subsection:

(1a) The Court, in its Civil (Consumer and Business) Division, has—

(a) jurisdiction to hear and determine an application under Part 4 or schedule 3 of the *Second-hand Vehicle Dealers Act 1995*; and

(b) any other jurisdiction conferred on that Division by statute.

(f) by inserting "(other than a statutory jurisdiction specifically assigned by or under another Act to a particular Division of the Court)" after "statutory jurisdiction" in section 10(2);

(g) by striking out section 15 and substituting the following section:

Exercise of procedural and administrative powers of Court

15. A Registrar or Justice may—

(a) issue summonses and warrants on behalf of the Court;

(b) adjourn proceedings before the Court;

(c) exercise any procedural or non-judicial powers assigned by the rules.

13. *Long title, page 1, line 7*—After "1983;" insert "to amend the Magistrates Court Act 1991;".

NETTING

A petition signed by 388 residents of South Australia requesting that the House urge the Government not to restrict net fishing on the Nene Valley coastline was presented by the Hon. H. Allison.

Petition received.

WOMEN, EQUALITY

A petition signed by 446 residents of South Australia requesting that the House urge the Government to establish programs so that equality is achieved for women was presented by Ms Greig.

Petition received.

STUDENT TRAVEL

A petition signed by 970 residents of South Australia requesting that the House urge the Government to reconsider its decision to cancel free student bus travel was presented by Ms Hurley.

Petition received.

HOUSING TRUST RENTS

A petition signed by two residents of South Australia requesting that the House urge the Government to reject any move to increase Housing Trust rentals to market levels, oppose any increase in rentals for pensioners and welfare recipients beyond CPI and maintain the role of the South Australian Housing Trust as a provider of quality public housing was presented by Ms Hurley.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 157, 159, 168, 170 and 176; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

KINDERGARTEN STAFFING

In reply to **Mrs GERAGHTY (Torrens)** 29 November 1994.

The Hon. R.B. SUCH: My colleague, the Minister for Education and Children's Services, has provided the following information:

- Staffing levels for preschools are determined on the basis of attendances across the previous four terms. This process has been the same since 1989 when agreement was reached between the Children's Services Office and the South Australian Institute of Teachers about the process to be adopted.
- Issues of staffing at East Torrens and Blackwood are related to:
  - growth in numbers, with guaranteed numbers for Term 1, 1995, when staffing would have reverted to Term 4, 1994 levels.
  - no alternative places for eligible children in nearby preschools.
  - additional children at centre due to closure of nearby preschool.
- The Children's Services Office acknowledges that growth areas are an issue with respect to staffing. This is no different from previous years.
- The Children's Services Office advises that the commitment to make savings of $400 000 in this financial year translated into a reduction of 30 full time equivalent positions for early childhood workers (not teaching staff). So far a reduction of 28.03 full time equivalent positions has been achieved within the CSO. Of the 312 CSO centres, 196 will retain their existing staff, 89 will have a reduction and 27 will experience an increase in staff. I am informed that of the 89 centres experiencing a reduction, 28 of these would have been reduced under the previous staffing policy because of reduced attendances.
- The Children's Services Office is reviewing the staffing allocation formula to address the problem of areas of high growth. Any change to the staffing formula will need to be within the existing budget.

HIGHBURY DUMP

In reply to **Mrs GERAGHTY (Torrens)** 14 February.

The Hon. J.K.G. OSWALD: A preliminary assessment of the possible impacts of this project was undertaken prior to the calling for an Environmental Impact Statement. The criteria which are used to consider whether an EIS might be required are specified in the Regulations to the Development Act, 1993.

As you would be aware there are currently a number of 'unknowns' in relation to the environmental and social impacts of the Highbury dump which will be thoroughly investigated as part of the EIS process. This will allow an informed decision to be made on the project at the completion of the EIS process.

The Assessment Report for this project will be released to the public on its completion and its availability will be widely advertised. This will occur once the project developers have provided all relevant documentation, and there has been community and government input.

TAFE CUTS

In reply to **Mr CLARKE (Ross Smith)** 21 February.

The Hon. R.B. SUCH: No decision has been made at this stage to effect any cuts to TAFE programs in the second semester of this year or in 1996.

The department is considering a number of strategies for the 1995-96 financial year as part of the normal budget planning process. The implications of these strategies will be carefully considered by the department, myself and the Government before any final budget decisions are made. The special needs of the country communities will be given appropriate attention in these considerations.

PAPERS TABLED

The following papers were laid on the table:

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

Administration and Probate Act 1919—Regulations—Fees.
Friendly Societies Act 1919—Independent Order of Rechabites Salford Unity—General Laws.

By the Minister for Industrial Affairs (Hon. G.A. Ingerson)—

Occupational Health, Safety and Welfare Act—Regulations—Principal.

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

Motor Vehicles Act—Regulations—Left Hand Drive Vehicles.

By the Minister for Health (Hon. M.H. Armitage)—

Guardianship and Administration Act—The Board.
Mental Health Act—Forms.

By the Minister for Housing, Urban Development and Local Government Relations (Hon. J.K.G. Oswald)—

Corporation of the City of Campbelltown—By-law No. 15—Moveable Signs.

By the Minister for Primary Industries (Hon. D.S. Baker)—

Dried Fruits Board of South Australia—Report, 1993-94.
Meat Hygiene Act—Regulations—Code of Practice.

By the Minister for Emergency Services (Hon. W.A. Matthew)—

Police Assessment of Contemporary Prostitution and Current Prostitution Laws.

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

Industrial and Commercial Training Act—Regulations—Variation of Schedule 1.

HOSPITALS DISPUTE

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.A. INGERSON: The Government is taking all steps open to it to resolve the industrial dispute which currently is affecting the State's public hospital system. The dispute concerns a $68 per week wage claim by the Miscellaneous Workers' Union and attempts by the union to transfer industrial relations coverage from the State industrial relations system to the Federal industrial relations system. The Government this morning has taken legal and industrial advice on its options to respond to the existing industrial action and the industrial dispute. That advice has confirmed the Government's right as an employer to take the following steps:

- to seek orders requiring the union to justify its claim;
- to impose lock-out notices on those employees who refuse to perform their full range of normal duties;
- to seek to terminate the formal bargaining period and the union protected industrial action.

It remains the Government's belief that this dispute is best resolved through the process of negotiation and conciliation and objective assessment of the Government's $35 per week wages offer in the context of enterprise bargaining. It is for this reason that the Government has made a range of industrial concessions in negotiations with both the United Trades and Labor Council and the Miscellaneous Workers' Union since wages negotiations commenced last June. The Government wishes to exhaust the prospects of a negotiated outcome.

This morning, I invited senior officials of the Miscellaneous Workers' Union to meet with me in an endeavour to resolve the current impasse in this dispute. I reiterated the Government's position stated to the Industrial Relations Commission yesterday. That position is that the Government will embark upon a negotiation process provided the union agrees genuinely to justify its wages claim and all existing work bans are lifted immediately to allow that process to occur. I am pleased that officials of the Miscellaneous Workers' Union attended this meeting, and I am awaiting their current response.

This course of negotiations which the commission has endorsed is the Government's preferred course of action. However, the Government maintains its right as an employer to invoke the options of seeking further orders from the commission, terminating the formal bargaining period or moving to lock out those employees who are unwilling to perform normal duties. To date, the Government has not invoked those options despite the union's taking industrial action. Finally, I wish to record the Government's appreciation of those volunteers who have assisted the ongoing functioning of our public hospitals and those employees who have maintained their full range of normal duties throughout this industrial dispute.

DROUGHT DECLARATION

The Hon. D.S. BAKER (Minister for Primary Industries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.S. BAKER: I wish to the report to the House the result of my consultations this morning with farmers on Eyre Peninsula, who are now in an area which has been declared 'exceptional circumstances drought'. This is the first time South Australia has been able to declare drought on a regional basis and follows a decision by a council of all Ministers for Primary Industries to set new criteria for the declaration of drought. This morning I was able to report to farmers from around the region details of the drought package, which include a drought payment to assist with household support, interest rate subsidies, the assets test off Austudy, a health care card and supporting counselling services. The declaration of drought and the generous package worth $11.3 million is a recognition of the difficult years which farmers have faced in that region.

I was also able to report to the meeting the establishment of a task force to prepare a regional strategy for Eyre Peninsula. Mrs Carolyn Schaefer MLC and the member for Whyalla, Frank Blevins, will be amongst a group of community based representatives who will consider strategies to ensure that the region has a long- term sustainable base. I expect to announce the names of the other members of the committee within the next week, and the group will hold its first meeting before the end of March. The terms of reference are: to develop for the Minister for Primary Industries a

package of measures for implementation in the 1995-96 financial year, and to address reconstruction and related national resource issues on Eyre Peninsula for consideration by the South Australian and Commonwealth Governments.

The task force will consult widely with the Eyre Peninsula community and will report progress monthly. I have asked the committee to prepare the report by the end of June. The following principles will be important in developing the program:

1. That farm production is profitable.
2. That the reconstruction program for farmers is linked with regional development initiatives.
3. That the transfer of research technology is facilitated and the farm management skills of farmers is improved.
4. That land degradation is managed.

I am confident that the measures announced last week to assist those families experiencing drought, together with strategies which may come from the regional task force, will enhance the choices available to farming families on Eyre Peninsula.

PUBLIC WORKS COMMITTEE

Mr ASHENDEN (Wright): I bring up the report of the committee on the Adelaide Magistrates Court redevelopment and move:

That the report be received.

Motion carried.

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

That the report be printed.

Motion carried.

QUESTION TIME

The SPEAKER: Before calling for questions, I advise that questions otherwise directed to the Minister for the Environment and Natural Resources will be taken by the Minister for Housing, Urban Development and Local Government Relations; and any questions otherwise directed to the Minister for Industry, Manufacturing, Small Business and Regional Development will be taken by the Minister for Tourism.

Members interjecting:

The SPEAKER: Order! Before calling the Leader of the Opposition, I point out that members will recall that the last time the House was in session I warned members that the Chair would not tolerate their asking questions and continuing to ask them by way of interjection.

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): Is the Premier satisfied that the President of the Liberal Party has carried out the Premier's instruction by giving to Federal authorities all the financial documents, including correspondence, relating to the Catch Tim donation, and has the Premier now been informed by Ms Vickie Chapman of the identity of the person who signed the Catch Tim cheque for $100 000? The Premier has been reported as saying that he instructed the Liberal Party's State President, Vickie Chapman, to give Federal authorities financial documents from the Hong Kong-based company as soon as possible. The Premier said:

I have asked the President to make sure it is above board.

He said that even though he told this Parliament just two weeks ago that the Liberal Party's 1994 annual return of donations had fully complied with the Electoral Act.

The Hon. DEAN BROWN: In answer to the honourable member's question I can assure the House that Vickie Chapman, the President of the Liberal Party, is making a very detailed statement today. In that statement she is revealing the specific declaration that the company had to make. I understand that she is also revealing the details of the Liberal Party's previous declaration, which I point out was in full compliance. There has been no question from the Australian Electoral Commission or anyone else that the Liberal Party has not fully complied with the law.

As a result of an article in the *Advertiser* last Thursday, questions were asked as to whether or not the so-called donation from Catch Tim Ltd had been improperly using the name of Catch Tim and whether the full requirement of the Federal Electoral Act had been adhered to. Under that Act there is a specific requirement that within 15 weeks of the Federal election a return must be lodged by the company itself to the Federal Electoral Commission specifying the name of the company, the appropriate officer within the department authorised to make the donation, the size of the donation and the details in terms of where the company can be contacted.

I understand that all of that information has now been obtained by the Liberal Party and will be released this afternoon through the President. I also understand that it complies fully with the Federal Electoral Act. In fact, I point out to the House that it goes well beyond that, because there was no need for the return to be lodged until 15 weeks after the next Federal election. I understand that, when the President went to the Federal Electoral Commission and asked for the appropriate form, the form had not yet been printed. In order to comply with the specific request that I made to the President, the Liberal Party had to make up a form in respect of the 1993 election of the Liberal Party here in South Australia. That form is based on the information required after the last Federal election.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I assure the House that, based on the specific instruction, I understand that Vickie Chapman as President of the Party will today table that form and, going further than that, she will make that form available publicly, even though it should normally be submitted to the Electoral Commission and then it is up to the commission to release the details. So, the full details are in fact—

Members interjecting:

The SPEAKER: Order! I warn the member for Unley. He is out of order, too.

The Hon. DEAN BROWN: I will come to members opposite shortly. The other important point that I made last week, after the article in the *Advertiser*, was that I believed that there were certain deficiencies with the Federal legislation. I made it quite clear that I thought that it was inappropriate to have to wait the long period between the State election in 1993 and up to 15 weeks after the next Federal election. I said that I thought this Federal legislation, introduced by a Federal Labor Government, had a flaw that should have required that declaration to be made as quickly as possible.

It is interesting to see from reading this morning's *Advertiser* that, even now, the Federal Labor Government that put the legislation in place is acknowledging the deficiency of that legislation. Secondly, I make the point that the

declaration being revealed by the President of the Liberal Party this afternoon shows that the donation was made by Catch Tim. I understand that it reveals the identity of the person responsible, telephone numbers, addresses and everything else as to where that person can be contacted. I understand that a letter from the person involved is also being released. So, in fact, the Party has complied fully with the Federal Electoral Act: that is exactly what we must comply with.

One could ask: where is the Leader of the Opposition coming from on this issue? I have found out that in the last 24 hours we have had the Leader of the Opposition ringing around Adelaide lawyers, Adelaide accountants and public servants, trying to scrape up information on any single company or individual who has given—

The Hon. M.D. RANN: On a point of order, Mr Speaker, the Premier has a duty to tell the truth to this Parliament. That is quite untrue.

The SPEAKER: Order! The Leader knows that that is not a point of order. The honourable Premier.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: We had the Leader of the Opposition ringing around trying to get any skerrick of information on any person or company that has donated to the Liberal Party, and the pertinent question to ask is: why? The Leader of the Opposition wants to smear any single person or company that has donated to the Liberal Party, first, because the Labor Party is in desperate financial straits. It has a debt across Australia of $14 million, and what the Leader of the Opposition wants to do is to make sure—

Members interjecting:

The SPEAKER: The Minister for Mines and Energy is out of order.

The Hon. DEAN BROWN: The Leader of the Opposition wants to make sure that companies and individuals will not be giving to the Liberal Party in the future, because he will try to drag the name of any such individual or company through the mud. Let us just look at the position of the Labor Party on this issue. What about the $1.6 million that came through John Curtin House Limited to the Labor Party of Australia with no identity whatsoever? It was $1.6 million deliberately washed through John Curtin House Limited to hide the identity of the companies giving the donations.

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition is well aware of Standing Orders.

The Hon. DEAN BROWN: It is known throughout Australia that the Labor Party uses John Curtin House Limited as a means of washing funds for electoral purposes without those companies being identified: that is its means of hiding donations. What is more pertinent is that here is the Leader of the Opposition, a candidate in the 1985 State election, one who directly benefited from $95 000 that was given to Brian Burke in a brown paper bag, which was then directly passed on to the Labor Party here in South Australia for the State election. Where are the standards of the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. I suggest to members opposite that the Chair is not taking kindly to the continuing interjections from both sides of the House. I suggest to the Premier that he round off his answer.

The Hon. DEAN BROWN: I will certainly do so. I just ask: where is the credibility of the Leader of the Opposition, having been a candidate for a political Party that accepted $95 000 in a brown paper bag carried to the Labor Premier of Western Australia and then passed onto this State with no identity whatsoever? The other pertinent point is: what is the source of the $468 000 that the Labor Party in South Australia received just prior to the State election from unnamed union sources, and what conditions were attached to that $468 000?

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The behaviour of the Leader of the Opposition in trying to smear every single person or company that has given to the Liberal Party is a sad reflection on his own integrity.

Members interjecting:

The SPEAKER: Order! I point out to the House that, in the past week when the Queensland Parliament was in session, a Speaker of the same political Party as members on my left named two members for continuing to ask questions after they had asked their original question, and he was far less tolerant than this Chair has been. I suggest to members opposite that, if they want me to follow the course of action set by Speaker Fouras, they continue along that line. The honourable member for Mitchell.

WIRRINA REDEVELOPMENT

Mr CAUDELL (Mitchell): Will the Premier explain to the House the background to the Government's decision not to require an environmental impact statement for the Wirrina redevelopment?

The Hon. DEAN BROWN: I am sure that all members, if they cast their mind back to the last days that this Parliament sat, would recall the absolute outrage of the Leader of the Opposition over two pertinent issues in relation to Wirrina. The first was that no EIS was to be carried out, and the second concerned the size of the development that was about to take place at Wirrina. I point out to the House that I went back to the source of the original announcement by the Government of South Australia that there would be no EIS on Wirrina. In fact, it relates to the then Deputy Premier and Minister of Environment and Planning, Dr Hopgood, who on 6 April 1987 wrote a letter which stated:

> I have received a report from the Director-General, Department of Environment and Planning which indicates that it is unlikely there will be significant environmental impact associated with the Wirrina marina and residential development proposal. Thus I will not be requiring an environmental impact statement to be prepared for this project.

I stress that that decision not to have an environmental impact statement—

The Hon. M.D. Rann interjecting:

The Hon. DEAN BROWN: I will come to the former Minister for Tourism, the now Leader of the Opposition, in a moment.

The Hon. M.D. Rann interjecting:

The Hon. DEAN BROWN: It wasn't. It was a residential project and it was a marina project, as this letter specifies. The trouble is that the Leader of the Opposition once again was caught short on his facts. The other important thing is that I found a 1992 letter which talked about the fact that they had been to see the then Minister of Tourism, the now Leader of the Opposition. The letter is dated 18 August 1992, and this comes to the second point: Dr Hopgood said that there

need not be an EIS either for a residential development or for a marina. But in August 1992—

The Hon. M.D. Rann: Which date?

The Hon. DEAN BROWN: 18 August 1992.

The Hon. M.D. Rann: I was not the Minister.

The SPEAKER: Order!

The Hon. DEAN BROWN: Just listen to what the letter states:

> In particular, the visitors—

and this was a group from Malaysia who had been down and were looking at buying Wirrina and putting a very substantial development at Wirrina: in fact, I will highlight shortly the extent of that development—

> were most impressed by their meeting with Mr Rann and his readiness to receive them at such short notice.

The Hon. M.D. Rann: I was not the Minister—

The Hon. DEAN BROWN: In fact—

The Hon. S.J. Baker interjecting:

The Hon. DEAN BROWN: The Leader of the Opposition was a Minister in 1992. He received them as a Minister in 1992. Let me read what the letter states, because I think all members of this House, having heard that outrage and outburst from the Leader of the Opposition on the last sitting day, will be interested. The letter states:

> The primary purpose of the group attending in South Australia was to examine the development and the investment potential available at Wirrina Resort.

And listen to this:

> In particular, an investigation was undertaken as to the possibilities of:
>
> 1. constructing a marina;
> 2. constructing a five-star international hotel of 500 beds (minimum);
> 3. construction of houses/townhouses which could accommodate tourists with large families;
> 4. construction of houses/townhouses for sale on a lease-back plan to local residents;

Again, listen to this—

> 5. availability of landing rights at Adelaide Airport for aircraft operating under a private charter [from Malaysia].

Here we are, literally flying them in by the plane load! One component of this five-stage development was to be 500 hotel rooms, and here was the man just a few days ago knocking stage 1 of Wirrina which simply involved refurbishing the existing motel and putting in 116 residential blocks and 88 condominiums. Where is the credibility of the man when he stands up—

Members interjecting:

The Hon. DEAN BROWN: He hasn't got any. It highlights the Leader's credibility and the extent to which he is prepared to stand in this place and have these emotional outbursts on any single issue, regardless of the stance he took previously on this issue when in Government.

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): Does the Premier know the identity of the person acting on behalf of the South Australian Liberal Party who received or solicited the donation from Catch Tim? What inquiries did the Premier make from that person to ensure that the donation complied with section 306 of the Commonwealth Electoral Act before telling Parliament that the 1994 return of donations fully complied with the Act?

The Premier told the Parliament in his ministerial statement of 21 February that the Liberal Party's annual disclosure return, which was submitted to the Australian Electoral Commission, 'properly records and faithfully reports all the information the Party is required by law to keep and disclose'. Section 306 of the Commonwealth Electoral Act provides that it is unlawful for a person acting on behalf of a political Party to receive a gift of $1 000 or more unless 'the name and address of the person making the gift are known to the person receiving the gift' and 'the person receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift'. The Premier knows who signs the cheques. Tell the Parliament!

The Hon. S.J. Baker interjecting:

The SPEAKER: Order! The Chair does not need advice from the Deputy Premier.

Mr Clarke interjecting:

The SPEAKER: I suggest to members, including the Deputy Leader, that they will not be in the Chamber if they continue with those sorts of comments. The honourable Premier.

The Hon. DEAN BROWN: The answer to the Leader's question is quite simple. The Liberal Party complied fully—absolutely fully—with every requirement of the Electoral Act. In fact, before making the statement in the Parliament I inquired of the Party President whether it had been complied with and she assured me that it had. Furthermore, the Australian Electoral Commission had three months in which to raise any objection, if it had any objection. Clearly the Liberal Party was given all the relevant information. What the honourable member has not revealed to the House is that the declaration by the company had to be made by it and could be made from now until 15 weeks after the next Federal election.

No-one has been able to highlight any inconsistency with the law in terms of what the Liberal Party has done as regards lodging its return. It fully complied with that return. As to the question whether I know who in the Liberal Party received the cheque, the answer is 'No', because under Liberal Party rules I am specifically excluded from having information about donations given to the Party.

I am proud of the fact that the Liberal Party has maintained those rules for about 15 years. It is interesting to see that only just recently the Australian Labor Party adopted almost identical rules to the Liberal Party's regarding members of Parliament not being able to get any information about political donations. It took them 15 years to adopt the rules. It took Burke and others going to gaol to do so, but finally they decided to adopt the same standards as the Liberal Party's, and under those standards I know nothing.

LOANS TO PRODUCERS

Mr ANDREW (Chaffey): Will the Treasurer advise on the future of the administration of loans to producers when BankSA is sold? The Loans to Producers Act required the former State Bank of South Australia to operate the scheme as an agent of the Government. The Act empowered the Government to make loans to cooperative societies and landholders principally for projects associated with the processing and storage of primary products and to persons otherwise involved in the fishing industry.

The Hon. S.J. BAKER: The matter has certainly been under discussion in the past few months, simply because the

Loans to Producers Act, which has been in place for nearly 70 years, has been financed through the auspices of the State Bank of South Australia and, with the changeover of the banks, it was vested in the Bank of SA, which members would recognise is now officially for sale and does not desire to continue providing this service. It involves a vital service for those areas to which the member for Chaffey has referred. A number of cooperatives in his area are obviously affected and would wish to see some level of accommodation continue in terms of financing. The Government is pleased to announce that these loans will now be financed through the Rural Finance and Development Branch of the Department of Primary Industries and there will continue to be a source of financing for these very important elements of our rural community.

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): Is the Premier aware that shares issued in Catch Tim Company Limited are owned by BTL Company Limited and Joyance Company Limited and that these companies are controlled by two companies called Rayal Nominees No.1 and Rayal Nominees No.2, and has the Premier or the Government had any dealings or negotiations with any of these companies? The annual return of Catch Tim Company Limited, lodged with the Registrar of Companies in Hong Kong on 17 September 1994, shows that the company has issued two shares in the name of BTL Company Limited and Joyance Company Limited. In turn BTL was jointly owned by Joyance Company Limited and Rayal Nominees No.1 Company Limited, while Joyance is owned by BTL Company Limited and Leewic Company Limited. Leewic is in turn owned by Rayal Nominees No.1 Company Limited and, of course, as the Premier would well know, by Rayal Nominees No.2 Company Limited.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: First, to my knowledge, I have never met any of those companies or any persons associated with them.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The question was simply whether I knew who were the shareholders of Catch Tim Limited. The answer is 'No': I have more constructive things to do than run around looking at shareholder registers.

Members interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition.

The Hon. DEAN BROWN: I wonder whether the Leader of the Opposition is here trying to defend his poor Tim: Tim Marcus Clark. The Leader said that he was a brilliant coup for South Australia—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —the man who, together with the Leader's own Government, destroyed the economy of this State and created a massive debt of something like $4 000 million through financial incompetence. The answer to the Leader's question is that, to my knowledge, I have never met anyone associated or had any association with those companies, nor has any other Minister of my Government met anyone or had any association with those companies.

INDUSTRIAL RELATIONS

Mr CUMMINS (Norwood): Will the Minister for Industrial Affairs explain to the House what the Government is doing to protect the industrial relations rights of 400 000 South Australian workers who are not members of a union and say how this protection compares with the stated policy of the Labor Party?

Mr Quirke interjecting:

The SPEAKER: Order! I point out to the Minister that, in replying to the member for Norwood's question, as the last part of it was comment, he should not answer it.

The Hon. G.A. INGERSON: As this Parliament would be aware, as a Government we decided some 13 or 14 months ago that it was time that the industrial laws in this State be changed and the matters we considered included the right to choose whether to belong to a union. We set up the office of Employee Ombudsman and guaranteed rights of annual leave and sick leave to both men and women of equal work, and we set up enterprise agreements that would be available to both the unionised and non-unionised sectors. These choices are fundamental in industrial law. It is our view not only that they are fundamental in industrial law but that it is a fundamental premise in our society that individuals ought to have the right to choose whether or not they belong to an association and should not lose any privilege through either belonging or not belonging.

I am informed that, on the weekend at a meeting of the Industrial Relations Society, the Deputy Leader of the Opposition (the Opposition's industrial relations spokesman) made a speech. During question time he was asked about his view of people who have a union or non-union background, and this is what he said:

> I come from a union background. I have never had any time for a non-unionist.

In other words, the Deputy Leader—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: Just give me time, and I will fit in your other quotes.

The SPEAKER: Order! The Deputy Leader of the Opposition has had ample warning.

The Hon. G.A. INGERSON: That comment is amazing when 60 per cent of all employees in our State are non-unionists.

The Hon. Frank Blevins interjecting:

The Hon. G.A. INGERSON: I will get to that comment of the member for Giles in a moment. I note his interesting comment about scabs, and I will talk about that in a second. The Deputy Leader went on to describe employees who join new enterprise unions—people who decide to join a union which works with an enterprise—as scabs. He also claimed that non-union employees do not know 'whether they are being done in the eye or not'. He also argued that non-union employees had to be protected from themselves.

The Deputy Leader of the Opposition, the spokesman for industrial relations, totally ignores 60 per cent of employees in this State. It is an absolute disgrace that, in the light of industrial relations in this State, the Deputy Leader is not prepared to recognise that we ought to do something for non-unionists. I understand also that a learned judge of the Federal Commission said, 'Don't you think, Mr Deputy Leader, that under your policy you should include that very large number of employees?' In essence, the Labor policy cuts out 60 per cent of the work force, and the Deputy Leader calls them

scabs. That is an amazing situation, that a senior judge of the Federal Commission questions whether the Opposition should be involved in the non-union area, which comprises 60 per cent of all employees. It is an absolute disgrace, and I hope the Deputy Leader changes his mind.

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): What inquiries did the Premier make of Ms Vickie Chapman and what other actions did he take to establish why the $100 000 donation to the Liberal Party was channelled through the Catch Tim chain of $2 companies; why was this elaborate process used to launder or, to use the Premier's words, 'wash the money through a corporate maze' before he informed the House that the 1994 Liberal Party annual return of donations 'properly and faithfully complied with the Commonwealth Electoral Act'; and has the Premier yet seen Ms Chapman's statement?

The SPEAKER: Order! The Leader of the Opposition asked two questions. I ask the Premier to answer the first question.

The Hon. DEAN BROWN: For the Leader of the Opposition to have any credibility, if he wishes to continue this line of questioning, the first thing he should do is reveal who gave the Labor Party $1.6 million through John Curtin House Ltd, and he should detail all the organisations and the people involved. He should also state which specific organisations and individuals donated $468 000 to the Labor Party for the last State election.

Members interjecting:

The SPEAKER: Order! The Deputy Premier is out of order. The Deputy Leader of the Opposition is completely out of order. I do not know whether members opposite think they can continue to defy the Chair with immunity. I have warned the Deputy Leader for the last time, and he should understand that if he runs foul of the Chair again he will leave the Chamber for in excess of three days.

The Hon. DEAN BROWN: For the Leader of the Opposition to have any credibility, if he intends to continue this line of questioning, he must give us all that information. The Leader of the Opposition asked one key question: what strings were attached to the giving of the $100 000 through Catch Tim Ltd? If members read the code of practice of the Liberal Party in respect of the accepting of political donations, they will see that the Liberal Party cannot accept any money to which a string or condition is attached. It is interesting to note that the same condition has applied to the Labor Party since 1994. It would appear that the Leader of the Opposition and the Deputy Leader do not even know what standards apply within their own Party in terms of the receipt of donations.

The position is quite clear: the Liberal Party is not allowed to receive any money at all if any condition or implied condition is attached to the giving of that money. That is clearly set out in the conditions which have been laid down and rigorously adopted by the Liberal Party over the past 15 years. In fact, the President of the Liberal Party instructs me that it is the practice of the Party if any conditions are attached to return the money automatically. In fact, I was told that, not in respect of the last State election but an earlier election, an attempt was made to attach a condition to a donation and that that donation was never received. Apparently, as a Party, we refused to receive that donation because the person who attempted to make it tried to attach some sort of condition to it. As I pointed out, if that is the standard that is applied by the Party, I am proud that that is so and it should be upheld throughout the whole of Australia.

WALKLEY HEIGHTS DEVELOPMENT

Mr BASS (Florey): Will the Premier explain the significance of his announcement today about the release of residential land at Walkley Heights.

The Hon. DEAN BROWN: I was delighted this morning to announce that the State Government through the South Australian Urban Land Trust will release 100 hectares of land in what is regarded as the inner metropolitan area (that is, within 10 kilometres of the centre of Adelaide). This is the most significant release of land in the inner Adelaide area in the past 15 years. This release of 100 hectares of land will mean that about 1 400 housing allotments will be able to be established.

I commend the Minister for Housing, Urban Development and Local Government Relations on the work that he and his officers have done in putting forward this initiative. It has been done with the full support of the Urban Development Coordination Committee, which involves both Government agencies and Government representatives and private industry. However, most importantly, this announcement has been made and this land released to help make sure that housing in South Australia remains affordable for all South Australians. In fact, this Government has done more to make sure that additional land is made available to keep the price of land down and, therefore, ultimately to keep the price of housing down. I commend those who have been involved in this significant release. It means that people will be able to live relatively close to Adelaide and will be able to build on cheap land. At the same time it will ensure that we do not continue the sprawl of Adelaide to both the north and the south.

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): My question is again directed to the Premier. What changes to the Commonwealth electoral laws does the Premier believe should be made following the $100 000 donation from Catch Tim to the Liberal Party, and does he now believe electoral gifts from overseas citizens—

The Hon. S.J. BAKER: I rise on a point of order, Mr Speaker. First, the Premier has already made a statement; secondly—and more importantly—this question is outside his jurisdiction.

The SPEAKER: Order! The Chair will not be told by any member how it should answer a point of order. It was passing through the Chair's mind that the Premier does not have responsibility for the Commonwealth Electoral Act; therefore, in view of the fact that the Premier does not have that responsibility, I ask him to answer questions that relate only to areas for which he has responsibility. I ask the Leader of the Opposition, in completing his question, to bear that in mind.

The Hon. M.D. RANN: Taking your advice, Mr Speaker, I will ask a question that relates to the Premier's State responsibilities. Will the Premier now give his Government's support for South Australian legislation to ensure full disclosure of political donations and also which mirrors that implemented by the Commonwealth Government? In May last year, the Liberals and the Democrats in this Parliament

rejected legislation introduced by the Hon. Chris Sumner requiring full disclosure of political donations in South Australia. However, the Minister for Industry, Manufacturing, Small Business and Regional Development is on record as calling for full disclosure of political donations, despite the opposition of the Liberal Party's administrative wing. The Premier will be aware that in 1993-94 the Liberal Party received donations of $7.4 million from the free enterprise fund. He might like to inform the House about this, if he hopes to have—and I will quote him—'any credibility on this matter'.

The Hon. S.J. BAKER: I rise on a point of order, Mr Speaker. This is probably the third or fourth occasion today that the Leader of the Opposition has commented at the end of a question. It is his normal sleazebag tactic—

Members interjecting:

The SPEAKER: Order! The Deputy Premier knows that those comments are out of order and are not helpful to the House, and I suggest he withdraw them.

The Hon. S.J. BAKER: I certainly withdraw, Sir.

The SPEAKER: Order! I point out to the Leader of the Opposition that his tendency to make long comments when asking questions is out of order, and he will be ruled out of order if he continues that practice.

The Hon. DEAN BROWN: Let me make it quite clear, because I made a public statement on this on Friday at a press conference. I fully support the disclosure of donations to political Parties. I will deal now specifically with the Leader of the Opposition's question. The clear evidence is that, unless there is Federal legislation, any legislation in this area will have obvious deficiencies.

The Hon. S.J. Baker: Obviously! They can be lodged interstate.

The Hon. DEAN BROWN: Exactly!

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. DEAN BROWN: I support the full disclosure of donations to political Parties, because it is essential that there be full and open public accountability. However, the Federal legislation is deficient, and I have highlighted that in a number of areas. One of those areas quite clearly relates to the period between a State election and up to 15 weeks after a Federal election before the company or the individual who made the donation has to make a formal declaration. That is one of the clear deficiencies that has been highlighted by this case, which I have already criticised and which I am now delighted to see that the Federal Government has criticised as well. It is more appropriate that we adopt a national standard with full disclosure right across Australia. I am delighted to hear that the Federal Government will now apparently move to close the loopholes in the existing legislation which obviously need to be corrected. I support that. I trust, as I know it has in the past, that the Federal Liberal Party will support that.

HOUSING TRUST RIVERLAND ACCOMMODATION

Mr ANDREW (Chaffey): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. Following the Minister's recent visit to the Riverland last week, when the need for more low cost housing for young people and for the aged was raised by local councils, will the Minister advise whether there are any plans for the Housing Trust to provide more of this type of housing in the Riverland?

The Hon. J.K.G. OSWALD: It is true that last week I spent two days in the Riverland. One of the main reasons for my visit was to make sure that I became acquainted with the Housing Trust stock and also to look at what we could do to assist in the whole area of housing for both single and aged people. The Riverland is really a bit of a mishmash of housing types. It is mostly three bedroom housing. In family accommodation we have a fairly short waiting list, but that does not help those with both aged and single accommodation requests. In the Berri area an interesting development has already taken place with respect to the old double units that were built in the post war era. They contained three bedrooms, and the trust was able to develop them into three separate units for aged and single accommodation. I commend the Mount Gambier region where much work has been done on these conversions.

The question arises as to the raising of capital to fund those conversions. In the Riverland, in the past 18 months, we have sold 22 properties on an average of about $60 000 each, which created revenue of $1.3 million. What I have done, as we also did in Whyalla (and I am in the process of writing to the Housing Trust Board about this matter), is to say to the board that, as a matter of policy, we should return back to the regions from which that revenue was generated some of the money generated from the sale of properties. This will then allow us to upgrade the conversions and tackle far more per year. The stock is there and, if I can raise revenue and carry out the conversions and create more accommodation for the single and the aged, it is a pretty reasonable policy to follow. I thank the local member for his question. Following my visit, I certainly understand the need for aged and single accommodation in the Riverland and, working with the board, I hope to do something about it in the near future.

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): Does the Premier now believe that overseas citizens and corporations not domiciled or registered in Australia should be prohibited from making donations to political Parties as they are in the United States of America under law and following the Premier's criticism of flaws in the Federal legislation?

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition is aware of his warning.

The Hon. DEAN BROWN: My view is that we should not exclude the possibility of a donation from overseas. However, it should include an address in Australia in respect of where that donation is attached—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: It would be wrong to exclude people who want to give, but there should be appropriate disclosure. I am arguing that appropriate disclosure should be from within Australia itself with addresses in Australia. So, I support that—

The Hon. S.J. Baker interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: What I find interesting is the history right across Australia over the past 15 years in terms of who has got into trouble in relation to political donations.

Members interjecting:

The Hon. DEAN BROWN: Stephen Loosely. What did he do? He accepted money from a company without putting it through the books at all. That was the Federal Labor Party in New South Wales. Then there has been not one but a series of Labor Premiers and Deputy Premiers in Western Australia—

Members interjecting:

The Hon. DEAN BROWN: There was a standard in Western Australia for many years under the Labor Government whereby, if you wanted something done there, you walked into the Premier's office with a brown paper bag. I am told by the present Premier of Western Australia that there are further charges to be laid against former Leaders or Deputy Leaders of the Labor Party and that those matters will be coming up in court. The history of Australian politics in recent years shows clearly that it has been the Labor Party that has accepted brown paper bags or has tried to skirt around the requirements of the Electoral Act. In fact, it is the Liberal Party in this case that has clearly complied fully with the requirements of the Federal Electoral Act.

EMERGENCY SERVICES

Mrs PENFOLD (Flinders): My question is directed to the Minister for Emergency Services. What progress is the Government making towards the consolidation of emergency services facilities to a single site to improve emergency services delivery?

The Hon. W.A. MATTHEW: Last Friday I was pleased to have the opportunity to travel to the honourable member's electorate and on that occasion I opened the Tumby Bay Country Fire Service/State Emergency Service new emergency centre. This is the first such joint facility that I have had the honour of opening since I became Minister. This facility reflects the Government's policy, which requires that, wherever a new emergency services building is to be constructed, in the case of volunteer organisations—the Country Fire Service, State Emergency Service and St John Ambulance—at least two should be collocated. The paid services—the Metropolitan Fire Service and the SA St John Ambulance Service—should also collocate. Indeed, a trial collocation is under way at the present time between the Metropolitan Fire Service and the SA St John Ambulance Service in Tanunda, in the District of Custance.

Further, at this time negotiations are being finalised in the electorate of Kaurna at Aldinga, where it is expected that the Country Fire Service and the St John Ambulance Service in that area will collocate. In addition, there are nine other collocations being examined at this time. I take this opportunity to commend the member for Kaurna for the work that she has done in her electorate with the CFS and the St John Ambulance Service in assisting that collocation to occur so that those people, too, will be able to obtain the benefits of collocation.

At Tumby Bay the Country Fire Service and the State Emergency Service emergency centre will go a long way towards assisting each of those organisations in providing a quality service to the community with reduced cost overheads. A good example of this is the fact that both services will be utilising a single radio room. Therefore, in the event of a major fire or search, each emergency service will be encouraged to support the other through cross utilisation of skills and equipment. The Tumby Bay emergency centre has benefited from the district council's initiative of combining the funds to improve the outcome for all concerned. The State Government assisted with subsidy funds through the Country Fire Service Board.

It is important to note that both services have been provided with cheaper but higher standard accommodation than would have been the case had stand-alone buildings been erected. As a result, side-by-side vehicle bays are provided for the SES vehicles and the CFS appliances, with other areas, including meeting and training room, kitchen and toilet facilities, being shared. The Tumby Bay CFS and SES and the local government are to be congratulated for being prepared to help pave the way in resource sharing through emergency services collocation.

POLITICAL DONATIONS

Mr ATKINSON (Spence): Was the Premier's office advised before Question Time of Liberal Party President Vickie Chapman's statement on the Catch Tim donation and of the Liberal Party's legal advice? Can the Premier now advise the House of the true identity of the donor and, if not, why not?

Members interjecting:

The SPEAKER: Order! The Premier will return to his seat. I would suggest to all members that they appreciate the fact that they are members of Parliament and that they are not in some other forum. The public expects a lot more of them than this continual nonsense that is taking place across the floor.

The Hon. DEAN BROWN: Yes, I have been informed by the President today that the identity of the donor to the Liberal Party was Catch Tim Ltd.

CHARITABLE ORGANISATIONS

Mr EVANS (Davenport): I direct my question to the Treasurer. What action is the Government taking to ensure that the activities of commercial parties operating within the charitable sector are controlled?

The Hon. S.J. BAKER: There has been some concern that charities which for many years have been providing a marvellous service to the needy of South Australia are being put under pressure, not only for financial reasons but also, very importantly, as a result of operations on the periphery of the welfare area. There has been a considerable concern about the extent to which agents are being appointed and are acting on their own behalf with the name of a charity sitting behind them to legitimise the process. I have received complaints not only about the charity bins that are not really charity bins but also about the behaviour of certain collectors hired by these bodies.

Cabinet has decided that regulations will be introduced to control the bins that have been given publicity recently. There will be licensing of those people who purport to act on behalf of and collect money for charities. A code of conduct will be introduced to ensure that the public has complete confidence in the charities that have done such a marvellous job for the citizens of South Australia over a long period of time.

EMERGENCY SERVICES

The Hon. FRANK BLEVINS (Giles): My question is directed to the Minister for Emergency Services. What alternative forms of funding for the State emergency services have been identified by the Minister that will enable him to

financially assist sea rescue units? The Whyalla Air Sea Rescue Squadron applied to the Minister for Emergency Services for financial assistance in purchasing a new rescue craft. In response, the Minister refused to help but said that he was seeking alternative forms of funding. Have any been found?

The Hon. W.A. MATTHEW: I thank the member for Giles for his question, because it gives me an opportunity to place on the record the changes for emergency services funding that are under way at this time. Over a number of years, under the previous Government, issues with respect to emergency services funding have lain unresolved in the too hard basket. Those funding problems concern groups such as that highlighted by the member for Giles in this House today. The Country Fire Service, for the benefit of members who are not aware, is funded through a formula of one-third State Government, one-third local government and one-third insurance industry contributions from premiums; the Metropolitan Fire Service is funded through a formula of 12.5 per cent State Government, 12.5 per cent local government and 75 per cent insurance industry; and the State Emergency Service is funded through a formula of part-Federal, part-State and part local government funding, the State Government funding being dependent upon the amount of local government funding but up to a ceiling, with various grants being available through the Federal Government for vehicles and equipment.

As if that funding formula were not complicated and inequitable enough in itself, the fact is that large amounts of money, potentially millions of dollars, are not being paid to emergency services organisations, because significant organisations, companies and businesses in this State, have been avoiding paying their fire service levy. At the individual level, if someone under-insures or does not insure their property, a fire service levy is not paid to the insurance company and emergency services do not have access to that funding. At the business level, there are large companies, some of them multinational, which insure offshore both vehicles and buildings, and that money, again, does not go to emergency services. For that reason, last year I formed a group with a representative from each emergency services agency, and also involving Treasury, to assess the amount of money that was being lost to our emergency services organisations through people avoiding their responsibilities.

Only yesterday I received an interim report from that body (which also has the assistance of a consultant), which I have not yet had the opportunity to read. When I do so, I will make further details available. What I can say is that we are likely to finish up with a new system for funding all emergency services in South Australia. It is highly likely that that funding system will involve collections through another agency. One likely body to undertake that is the Local Government Association instead of the insurance industry. It is for that reason that both the Local Government Association and the insurance industry have been involved in the assessment. The final outcome will be one whereby those who presently insure their properties in a correct manner will pay less. Those who avoid their responsibilities, either by not insuring or by insuring offshore, will pay more, thereby delivering a more equitable funding system.

It will also ensure that we can cover those organisations that are not covered as they ought to be, such as the organisation highlighted by the member for Giles. Regrettably, the new funding system will not be in place in time for the coming budget session, as the budget will be handed down earlier in this Parliament; therefore, the full changes will not be in place until the following financial year.

TRAC PROGRAM

Mrs KOTZ (Newland): Is the Minister for Employment, Training and Further Education aware of the TRAC program being piloted through the Torrens Valley Institute of TAFE, and will he highlight the benefits of that program for young South Australians?

The Hon. R.B. SUCH: I cannot help but observe that it is nice to have the Leader of the Opposition back in the Chamber. He has just come in from the gutter.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

Mr CLARKE: On a point of order, Mr Speaker, the Minister made an outrageous comment with respect to the Leader, and he ought to be asked to withdraw it.

The SPEAKER: Order! The Chair did not hear the comment but, if the Deputy Leader takes objection to it, will he please advise the Chair what the comment was?

Mr CLARKE: The Minister referred to the Leader as having come in from the gutter, or words to that effect—an outrageous assertion.

Members interjecting:

The SPEAKER: Order! That is not a point of order. If the member in question, the Leader, objects to the comment, it is up to that member to raise an objection.

The Hon. M.D. RANN: On a point of order, Sir—

Members interjecting:

The SPEAKER: Order! The honourable Leader of the Opposition.

The Hon. M.D. RANN: On a point of order, Sir, I do object to the comment. Given your request and in the interests of maintaining order, he should withdraw.

Members interjecting:

The SPEAKER: Order! Members on my right will cease interjecting. I ask the honourable Minister for Employment, Training and Further Education to withdraw the comment.

The Hon. R.B. SUCH: I cannot withdraw it: he is still in the gutter.

Members interjecting:

The SPEAKER: Order! Obviously, there are members in the Chamber who are not prepared to accept that they have a responsibility as members of Parliament, and I therefore will deal firmly. I suggest to the Minister that his comments are unnecessary and unwise, and I therefore now direct him to withdraw forthwith or I will name him.

The Hon. R.B. SUCH: I withdraw.

The SPEAKER: Order! The honourable Minister wishes to answer the question.

The Hon. R.B. SUCH: Thank you, Mr Speaker. I thank the member for Newland for the question, which is a very important one and something on which this Parliament should focus more frequently. It relates to the TRAC program, which involves training in retail and commerce, and it is a very extensive program in the north—

Members interjecting:

The SPEAKER: Order! Members will not continue to chatter across the Chamber. I suggest to members that they all just take a breath. The honourable Minister.

The Hon. R.B. SUCH: It is a very extensive program in the north-eastern suburbs and involves a range of secondary schools including Kildare College, Northfield, The Heights

and Windsor Gardens schools, and the Centre for Hearing Impaired. It allows students from those schools to work in retail establishments to gain work experience as a lead up to a career in the retail industry. As a result of this program, some 92 per cent of the students who took part last year have found employment in that industry, which is a very important one in South Australia. It represents a process of cooperation between DECS, the private school sector, Youth SA and, in this case, the local institute of TAFE, Torrens Valley.

The students spend one day a week of the school year with employers experiencing the retail and commercial environment and, in addition, undergo extensive training related to that industry in which they seek employment. It is another example of how training has changed over time and increasingly involves off the job as well as on the job training. It reflects, once again, confidence in South Australia, because the cooperation of employers is making this exciting scheme a very viable and attractive one to our young people at school.

PUBLIC SECTOR SUPERANNUATION

Mr QUIRKE (Playford): Is the Treasurer aware that, under the State Public Service pension scheme (that is, the old scheme that was closed in 1986), the final pension is calculated on the basis of the last salary position the person holds, and can the Treasurer advise the Parliament of the highest pension currently being paid to a public servant? The old State Public Service scheme is calculated at a rate of up to 70 per cent of the final salary. There have been reports of an increase in the remuneration level of certain senior public servants, and the public sector may become liable for the payment of very large pensions under that closed scheme.

The Hon. S.J. BAKER: I am not sure to whom the honourable member is referring, because it was the previous Government's legislation and I understand it is the previous Government's employees that we are talking about. I thought the honourable member was going to refer to the problem about the declared rate—but that is another aspect. The honourable member might have heard that there was a miscalculation regarding the declared rate, and several people who have taken early retirement have been affected by that miscalculation. Letters have been sent out and that has been explained. Again, that was part of the previous Government. The ultimate announcement of the calculation was made last year, but there had to be a further adjustment. So, that was part of the past.

In terms of individuals who would be affected by the current pension arrangement, I am not aware of anyone to whom the honourable member would be referring but, as he is aware, the pension is based on the final salary being earned by the individual before he or she retires and, as I stated earlier, that was the accepted formula of the day and, presumably, to qualify, most of the people who were appointed would have been appointed under previous Labor Governments.

Mr QUIRKE (Playford): In the interests of both equity and cost containment, would the Treasurer be willing to consider some sort of cap on pension entitlements for highly paid public servants, who are in the old defined benefits scheme which closed in 1986, while fully protecting the entitlements of ordinary workers under the scheme?

The Hon. S.J. BAKER: Again, I cannot understand the reason behind the question. One of the principles behind the Labor Government's changing the rules was that the pension schemes were highly subsidised. As the member for Giles, the former Treasurer, would understand, if we go back in time we will find that with the very old pension schemes the level of subsidy was approximately 82 per cent from the public purse. That was one of the reasons why the scheme was modified and then cut out: because of the high cost and the increasing liabilities in the public sector. At the time that scheme was cut out it was recognised that all those under the existing arrangements would continue with those arrangements. Therefore, to change them now, unless I can be convinced otherwise, would be a repudiation of what I believe is a contract. We might share a common belief in respect of whether one or two individuals are worthy of such pensions, but it would not be appropriate for this or any Government, once that change has been made and agreement reached, not to adhere to the contracts that are in place.

GUARDIANSHIP LAWS

Mr BECKER (Peake): Will the Minister for Health inform the House of the implications of the new guardianship arrangements and say whether the Government intends to publicise the arrangements among relevant professionals?

The Hon. M.H. ARMITAGE: I thank the member for Peake for his interest in this important matter, because it is a good example of how the laws which are passed in this Parliament actually help people rather than get in the way and bring a lot of red tape into the system. Yesterday, I announced a new legislative framework for guardianship which lays a foundation for a new era in the care of South Australians mentally unable to look after themselves. It will affect a large number of South Australian lives either directly or indirectly. Previously, the Guardianship Board took over guardianship once any person with a mental incapacity reached the age of 18, which meant that any decision, be it small or large, was immediately caught in a cumbersome and outdated net. This caused a lot of frustration, dilemma and trouble both for the injured person and for his or her family.

The new Mental Health Act 1993 and the Guardianship and Administration Act 1993, which were passed in the last Parliament with bipartisan support, replaced the old Mental Health Act 1977. Under the new Act, a person is able to nominate who will be the guardian if they were to suffer a later mental incapacity under an enduring power of guardianship which has become known colloquially as a 'living will'. The Guardianship Board will now become involved only if there is a dispute or if there is some major legal decision involving guardianship. Accordingly, as I said before, they are humanising laws. It creates the position of a public advocate to provide a voice or a guardian of last resort.

I was privileged yesterday, in announcing the legislative framework, to be joined by Mr Peter Motley, his wife, Andrea, and Peter's father Geoff. I am sure all South Australians recognise the Motley family as great figures in South Australian business now but previously in sport. Peter Motley, of course, was horrifically injured in a car accident in 1987. Whilst he indicated that he had the support of his family, and consequently having discussed these sorts of issues, he was confident that his interests were being looked after in the best possible way by that family. Peter's family's involvement is well known in South Australia. He indicated that he was lucky but now there was an opportunity for many South Australians in the future to prepare themselves in similar ways by signing an enduring power of guardianship. We are embarking on a wide range of awareness campaigns.

Over 6 500 people—professionals in the field—will receive educational packages, and sessions will be held in the city and in the country. It is a good example of how positive laws can affect people in society.

GRIEVANCE DEBATE

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

Mrs ROSENBERG (Kaurna): I refer to the Maslin Coloured Sands and my support for the Minister for the Arts, together with the Arts in Public Places Manager, Janice Lally, in their push for the continuation of the long term development of the Maslin Coloured Sands Gallery Park, particularly as a nature and environmental reserve for both educational and cultural benefits to the public. It has particular interest in my electorate of Kaurna because of the high tourist potential that could be provided to the coastal region. With all the other related tourist facilities that could be in place along the coastal region involving Aboriginal heritage, this one would provide an added stop-off point which would be most needed in my electorate. As my electorate is based around small business and does not necessarily have much chance of getting into heavy manufacturing, tourism is one thing we are depending on for increased job potential.

Recently, internationally renowned artist Nikolaus Lang was commissioned to create a temporary work utilising this unique material. A carpet display of the coloured sands will be laid in the Adelaide Railway Station between 11 and 18 March. I encourage people to visit the display and see what a unique and amazing attraction we have on our southern coast. The superiority of the depth of colour and texture is better than anything that we have anywhere else in Australia. Nowhere else have I seen sands the colour of deep purple and the dark reds that are on display at Maslin Beach: this could be produced only by nature. I am not aware of any man-made substance that could match the brilliance of these coloured stands.

I also put on record my appreciation of the professionalism and sincere interests that the mining company Rocla have shown regarding the promotion and preservation of this unique discovery. The way this mining company has approached the whole program is an example other mining companies could follow in terms of being a true corporate citizen. I have appreciated the opportunities to examine the site and the way that the company has agreed happily to have us on site and in allowing Nikolaus Lang to be stationed there.

For those who know nothing of the Maslin Coloured Sands, I point out that they represent a deposit, made over 40 million years ago, of ribbons of colour along the southern hills around the Maslin Beach area. They have been uncovered by the mining operation of Rocla at the quarry. After Nikolaus Lang exposed the potential to use these sands for more than just building, a feasibility study was completed on using the resource for tourism purposes. The Department for the Arts and Cultural Development and the South Australian Tourism Commission together commissioned the Maslin Coloured Sands Report which was fully supported by the quarry owners and the District Council of Willunga.

This report recommended continuing the quarry industry there but also recommended eventual protection of the sands as a cultural, geological and tourist site. All support the concept of promoting the Maslin Coloured Sands Gallery Park. Nikolaus Lang is currently on site designing ideas for the preservation and display of the sands in the form of an amphitheatre. The preservation will be dependent on a rehabilitation process which will be decided by Rocla and the Department for Mines and Energy.

It is essential that the Department of Mines and Energy accept the amphitheatre concept as a rehabilitation option so that the trust funds which have been put aside for the rehabilitation of that mine can be allocated to this protection program. There are many options for this mine to be rehabilitated, but I do not believe that we can afford to lose this most important asset by other forms of a rehabilitation. Neil Powell, the State Manager of Rocla Quarries, has said:

> Rocla is enthusiastically involved with the Coloured Sands Project. Should the project proceed, we will be involved in rehabilitating the quarry site in a way that will leave the site accessible for the project. It is an innovative and unique end-use for a depleted quarry site and has the potential to involve the whole community.

This project would have major tourism importance for our southern electorates and be of major significance to South Australia.

The Hon. M.D. RANN (Leader of the Opposition): I have just seen a copy of Ms Vickie Chapman's statement, which raises many more questions than it answers. Who is Mr Lam, and why is Mr Lam the Liberal Party's biggest campaign donor? Have Mr Lam or Catch Tim been involved in any negotiations for contracts or tenders in South Australia? There is a whiff of sleaze about the whole Catch Tim episode, and certainly about the twists, turns, denials, buck-passing—

Mr MEIER: I rise on a point of order, Mr Speaker. For the Leader of the Opposition to use words such as 'sleaze' in relation to a person outside this Parliament or the Liberal Party is completely out of order. I would ask that the Leader withdraw the comment and apologise to the Parliament.

The SPEAKER: Order! I cannot uphold the point of order. The Leader of the Opposition's comments were not related to any individual but were general comments. The honourable Leader of the Opposition.

The Hon. M.D. RANN: We have seen the Premier's twists, turns, denials and buck-passing. Finally today he said, 'I know nothing.'

Mr MEIER: I rise on a further point of order, Mr Speaker. The Leader just said that the Premier twists and turns. I have no recollection of that. In the Premier's absence I would ask—

The SPEAKER: Order! There is no point of order. I suggest that members do not take points of order because they disagree with a comment, because to do so is not a point of order. The honourable Leader of the Opposition.

The Hon. M.D. RANN: Thank you, Sir. At the start of Question Time the Premier said, 'I know nothing.' At the end of Question Time he said that he was given information about the donation prior to Question Time. That raises some important questions about the Premier's credibility. Let us look at the sequence of events. On 16 February the Premier told the Parliament that he had no details of or access to any financial donation to the Liberal Party. He said that he had

never heard of Catch Tim, the Hong Kong based $2 shelf company that had made a donation of $100 000 to the Liberal Party prior to the last election—the State Liberal Party's biggest donation.

On 21 February the Premier assured the House that the annual return of donations which was lodged by the State Liberal Party fully complied with the requirements of the Commonwealth Electoral Act. The Premier restated that he knew nothing about Catch Tim and said that Mr Rob Gerard had no association with Catch Tim. The Premier was able to rule out any connection between Gerard Industries and Catch Tim, but at the time apparently was unable to make a telephone call to the State Liberal Party to identify the true identity of the donor. On 2 March the *Advertiser* revealed that Catch Tim was no longer located at the address listed by the Liberal Party on its return of donations. No-one at that address knew of Catch Tim. A check with the Companies Office showed Catch Tim to be a $2 company owned by two other $2 companies.

A former director, Mr Kwok, was reported to have said that Catch Tim had been struck off the company register 'a long time ago'. On 2 March, John Howard read to Federal Parliament a statement from Mr Grahame Morris, the former State Director of the Liberal Party, in which Mr Morris denied any knowledge of Catch Tim. The statement read:

> I had nothing to do with the cheque referred to in Parliament today. I do not know which individual or company it came from.

That is remarkable, because prior to the election Mr Morris, as agent for the Liberal Party, was required, under section 317 of the Electoral Act, to keep records of all donations. Then on 4 March the Premier decided that it was time to pass on the problem to a scapegoat—the Party President, Vickie Chapman. He said that he had 'kept well away from anyone who had handled any money during the election campaign'. The Premier said, however, that he had instructed the Liberal Party President to provide Federal authorities with financial documents from the Hong Kong company to make sure 'it is above board'. Does the Premier now believe that his undertaking that the annual return had complied with the law needs some reinforcement?

On 5 March, the Premier said that he asked the State President of the Liberal Party to urge Catch Tim to provide details of its donation to the Electoral Commission. The revelation of the true donor's identity today could be seen as an admission that the Liberals have breached the Electoral Act. It amounts to an admission that the true name and address of the person making the gift was not revealed in the Liberal Party's return.

The SPEAKER: The honourable member's time has expired. The member for Peake.

Mr BECKER (Peake): I have not witnessed such a disgraceful performance in this House in 25 years as I have witnessed this afternoon by the Leader of the Opposition, his Deputy and the rest of their lacklustre team. It is little wonder that some time ago Alex Kennedy in the *City Messenger* wrote about the poor performance of the Leader of the Opposition and outlined what he has to do to try to retrieve the position. The *Advertiser* of 21 January, under the heading 'Liberals riding high in poll', stated:

> Although the next election is not due for nearly three years, the poll will be a major concern for the Labor Party. Premier Brown was nearly five times more popular than the Opposition Leader. Less than 10 per cent of the people questioned said Mr Rann was doing a good job as Opposition Leader.

I know that that was some months ago—

Mr Clarke interjecting:

Mr BECKER: You have been warned.

The SPEAKER: Order! The honourable member for Peake.

Mr BECKER: Thank you, Mr Speaker. The Deputy Leader has been warned and should be careful. The Leader of the Opposition is so desperate to gain brownie points that he is doing anything he can to latch onto something to try to prove his leadership qualities and also try to discredit the Government. We know how reliable the research is of the Leader of the Opposition. We remember the obituary that he wrote in a New Zealand paper about the city mayor who had not even passed away. It would not be nice to read of your own obituary in your local paper. That is the sort of credibility we expect from the Leader of the Opposition—no credibility whatsoever.

I do not see why the source of the donation had to be disclosed. Catch Tim Ltd has made a donation to the Liberal Party. Members of the Parliamentary Liberal Party have no idea who makes substantial donations to the Party. In our branches we have to raise money through barbecues and film mornings. To get a donation of $100 would be marvellous, let alone anything else. Let us now look at the preamble and the conditions of donations to the Labor Party, information which has been sent to many corporate companies in Australia appealing for donations. The preamble is as follows:

> Australian political and economic stability is dependent on the strength of our democracy.

The way Keating practises it! It continues:

> The Labor Party believes that democracy in Australia will be strengthened by moderate and equal financial contributions from corporate Australia to both sides of politics. Funds are raised [by the Labor Party] by the organisational wing of the Labor Party to assist candidates for public office to gain and/or to maintain office. Funds are needed for policy development, Party administration and, most importantly, campaigning. All these political tasks must be carried out federally and in each State and Territory. Campaigning responsibility can overshadow the need for adequate funds to support a strong and effective Party organisation. Lack of funding for Party maintenance and administration not only drains the Party's ability to develop policy and membership but also undermines Labor's ability to campaign effectively.

These are the conditions:

> Members of the Parliament or candidates should not accept money or services on the Party's or their own behalf above the amount of $3 000 from any one source. Donations that are accepted must be held in appropriate Labor Party central banking accounts styled in the form 'Australian Labor Party Campaign Account'.

So, every member of the Labor Party can go out, solicit and campaign for funds up to $3 000 from any one source. They can accept money up to that amount. Whilst it says that they are not to be influenced by the size of the donation or requests for donations, you can bet your socks that, when we have the Leader of the Opposition making all sorts of allegations against the Liberal Party, it is well and truly practised. What happened in respect of Western Australia Incorporated has been well documented. Only one person in Western Australia has gone to gaol so far, but many others have not and unfortunately one person passed away before the people of Australia had the opportunity to see what he got up to, yet his wife is running around the country living on some of those earnings. There is no doubt about the Labor Party: when it comes to throwing mud, it can really heave it, but it has never been able to take it.

The ACTING SPEAKER (Mr Bass): Order! The honourable member's time has expired. The member for Lee.

Mr ROSSI (Lee): My grievance today is on the lack of money spent on the Albert Park area by the Hindmarsh Woodville council.

Mr Atkinson interjecting:

Mr ROSSI: I wonder whether the arrogant member for Spence, who continues to interject, has any intelligence. I refer to an answer to a question on notice on page 1537 of *Hansard* of 9 February 1995, where it indicates that councils like Angaston, Campbelltown, Munno Para, Salisbury and Tea Tree Gully had hundreds of thousands of dollars allocated to them for open space. I consider that to be unjust, mainly because these areas are relatively new and in my opinion open space funding was for the subdivision of quarter acre land allotments in the metropolitan area to allow for heavy density housing and therefore people had to have open space for recreational purposes. In the district of Lee, parts of Albert Park have been without any open space at all for 35 years—no playgrounds and no playing equipment.

Mr Atkinson interjecting:

Mr ROSSI: No, he did not. The member for Spence keeps interjecting and showing how intelligent he is. His Labor Party mate, Mr Kevin Hamilton, was here for 14 years but did nothing for the electorate he was supposed to represent.

Mr Atkinson interjecting:

Mr ROSSI: No, he is not. I bring to the attention of the House the fact that I have noticed in my electorate that land abutting Housing Trust tenancies has open space and playgrounds. But, where the homes are privately owned and the people pay taxes, water rates and council rates, there is no open space. I ask the member for Spence in particular, as a member of the previous Government, whether it is because there is no need for open space where ratepayers pay the full taxes.

Mr Atkinson interjecting:

The ACTING SPEAKER: Order! The member for Spence is warned.

Mr ROSSI: Is there less crime in privately owned housing areas compared with Housing Trust areas, and why is it that most of the funds have been directed to areas where there is more possibility of catching votes and retaining seats? This is totally unjust. Most councillors on the Hindmarsh Woodville council are politically inclined—

Mr Atkinson interjecting:

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

Mr ROSSI: They are too busy playing politics instead of giving service to everybody with no discrimination—

Mr Atkinson interjecting:

The ACTING SPEAKER: Order!

Mr ROSSI: The person to whom the member for Spence refers is far more honest and represents far more electors than the honourable member. It is time he got out of his office and did some work directly with council officers instead of messing around with councillors.

Mr Atkinson interjecting:

The ACTING SPEAKER: Order! The member for Spence has been warned today. I suggest that he does not interject any more.

Mr Atkinson: By whom, Sir?

The ACTING SPEAKER: By the Speaker.

Mr Atkinson: Are you sure?

The ACTING SPEAKER: I think so.

Mr ATKINSON (Spence): I am sure we are all relieved in South Australia that the President of the Liberal Party, Ms Vickie Chapman, has made her statement. We all know that the source of the $100 000 donation to the Liberal Party—the largest donation of all at the last State election—was from Mr Simon Lam. We are told that he is an accountant and his business address is GPO Box 3104, Hong Kong. I am sure we are all the wiser for learning that that is so. There are more questions that the Opposition wants to ask about this matter. In her statement Ms Chapman says:

> It has been a matter of principle to me that in dealing with an issue such as this the Party should not compromise the integrity of its relationship with donors merely because of some inaccurate, unsubstantiated or crudely partisan attack upon it.

What Ms Chapman means by the words 'integrity of its relationship' is the right to keep the donation secret. That is what the Liberal Party is defending: secrecy. The Liberal Party did not want to tell South Australians the source of its biggest single donation at the last State election. I know that $100 000 is not much to the member for Adelaide, to the Premier living in Netherby or to the plutocrats on the other side, but to the Labor Party it is a lot of money.

Mr MEIER: I rise on a point of order, Mr Acting Speaker. I refer to the comment that $100 000 is not much to members on this side of the House. It is certainly a large amount of money to me and to many other members on this side. I am amazed at the accusations levelled at this side of the Parliament, and I ask the honourable member to withdraw that comment.

The ACTING SPEAKER: It is not a point of order.

Mr ATKINSON: So, the Liberal Party to the end is trying to keep the donation secret. They tell us that Mr Simon Lam is a partner in the firm Au Young Lam and Wu. The Labor Party wants to know why Au Young Lam and Wu—an accountancy firm in another country—wants to donate $100 000 to a State election campaign. It was not a Federal election campaign for the Commonwealth of Australia but a State election campaign.

Mrs Rosenberg interjecting:

Mr ATKINSON: The member for Kaurna says that Mr Simon Lam wanted to get rid of me as the member for Spence. I would like to know why he—a person who has hitherto never been heard of in South Australia—wants to make a donation of $100 000. Earlier today the Premier told the House, in response to one of the Leader's questions, that he did not know the identity of Catch Tim or the principals behind Catch Tim. Yet, at the end of our questioning, which the Government found so tiresome, in response to my question the Premier said he had been informed by Ms Vickie Chapman, before he came into Question Time, of the identity of the donor.

I put to this House that there is a serious discrepancy in the Premier's answers to questions in this House. He has forgotten himself. Who in this House can believe that the Premier, when the Catch Tim donation was first raised, rang Vickie Chapman and asked her whether the Commonwealth Electoral Act had been compiled with but did not also ask, 'Hey, who has donated this money?' That is not credible. I put to the House that the Premier knew all along who was the donor of the $100 000 and that he has shown contempt for the House in allowing that matter to be raised by Vickie Chapman outside the House.

Mr MEIER: I rise on a point of order, Mr Acting Speaker. The member for Spence made an accusation against the Premier. I think he used the words 'contempt of

Parliament'. That is a serious accusation which is completely unsubstantiated and completely wrong. I ask that he withdraw the inference of any contempt of Parliament.

The ACTING SPEAKER: The honourable member's time has expired, but I remind him that those sorts of allegations would be better made by way of a substantive motion. I warn the honourable member again not to make such allegations during a grievance debate.

Mr ATKINSON: Sir, I did not quite catch your warning, and I am unaware of the warning you made previously. What are you warning me about?

The ACTING SPEAKER: I just gave one warning, that when making a grievance you should be aware of my ruling.

Mr ATKINSON: Mr Acting Speaker, you said that you had warned me earlier about this matter. Could you tell me on which occasion you warned me about this matter?

The ACTING SPEAKER: I did not say that I had warned you earlier. I just warned you about that comment. The member for Hartley.

Mr SCALZI (Hartley): I will not comment on the member for Spence. This is the International Year of Tolerance and, as I am a tolerant man, I will not comment on what has been going on. My grievance today refers to the International Year of Tolerance. It arises out of an occasion when I conducted some guests through this House. They commented on the display in the central hall and this Chamber celebrating the centenary of women's suffrage. As South Australians we should all be proud of that centenary which we celebrated last year. To be the first State in the world to give women the right to vote and stand for election to this place is something that should be applauded and of which all members should be proud.

It was suggested to me by visitors who came through this place that in the same way as we have celebrated the centenary of women's suffrage we should also celebrate other important issues. For example, they looked for a display on the International Year of Tolerance. In past years, we could have had displays on, for instance, the International Year of the Family, our indigenous people and so on. I believe that Australia and, in particular, South Australia have an excellent track record with regard to human relations. Perhaps we should collect some of our achievements and make them relevant to each 'international' year celebration.

Last year, together with many members of this House, I was fortunate to attend the Italian festival at Norwood. The Federal Minister (Senator Bolkus) quoted some statistics, which were very relevant and of particular interest to me. They related to tolerance in our society, especially in the City of Payneham which has one of the highest percentages of people with an Italian background in this country. As I was raised in that area I know there has been very little conflict. We should celebrate the achievements of our multicultural society, especially when we consider that we have people from over 150 diverse countries yet Australia has maintained its cohesiveness and is well respected internationally for its achievement of tolerance. I want the House to note those points.

Another matter that I wish to raise concerns an article in the *Advertiser* of 17 February 1995 headed 'Aged abused by families and carers'. That article relates to this important issue of tolerance. I was saddened to see that many elderly people are abused in their own home, supposedly by people who are close to them. I quote the following statistics: 64 per cent of victims are female and 28 per cent are male; nature of abuse—psychological, 29 per cent and financial, 23.9 per cent. What concerns me is that over the past couple of weeks—and I will not mention the Bills that are before this place—many members have quoted from letters and representations they have received about cats and dogs, yet with regard to important issues we do not always get feedback from the public. If we read those letters about cats and dogs we realise that, at times, as a society we fail to provide the human networks and care which a lot of our elderly people seek desperately. They can find that sort of companionship only with their pets.

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

SECOND-HAND VEHICLE DEALERS BILL AND CONSUMER CREDIT (CREDIT PROVIDERS) AMENDMENT BILL

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

I will canvass some of the issues that were in dispute when the conference was called. A number of matters required the attention of the conference, and various submissions were made as to how these could be handled given the desire of the Government to ensure that the overriding powers and responsibilities of the tribunal would be transferred to the court system and therefore reduce the amount of duplication and under-utilisation of legal resources. The first matter relates to licensing and the provision of a warranty with respect to motorcycles.

When the Government made a decision about the form of the Bill that was to be introduced, it was believed that there were a greater number of complaints about motorcycles than now turns out to be the position. We introduced the concept that dealers in motorcycles should be required to be licensed and bound by a duty to repair defects in motorcycles. The whole industry is relatively small: a relatively small number of motorcycles is sold at a relatively low price. In view of this, the Government has reconsidered its position. As members would recognise, the vast majority of motorcycle sales takes place privately and not through the dealer system. The Government is pleased to advise that the issue has been resolved on the basis that motorcycle dealers will be required to be licensed; however, warranty provisions will not apply to the sale of motorcycles.

Concern was expressed by the Government in relation to the removal of warranty waiver provisions. Under the present Act, there is provision for a waiver by the Commissioner for Consumer Affairs after having counselled the person who wishes to have the warranty waived (ordinarily the customer), the waiver is made and the consumer enters into an agreement with the provider of the second-hand motor vehicle. A provision to reinstate the right of consumers to waive a statutory right conferred on them by the Act has been included in the Bill. The amendment provides that the procedure relating to the waiver of a right conferred by the Act is to be incorporated in the regulations. So, if a person wishes to pay a lower price for a vehicle on the basis that no

warranty will prevail, if that person is well aware of that and decides to take up that offer or ask that a waiver be signed on his or her behalf because the buyer will get a cheaper vehicle, that may occur provided the person is well aware of his or her rights.

The third item was insurance. The Government considered the need for a contingency to be built into the Act for the continuation of the fund, should the provision of insurance not be satisfactorily resolved. This issue was resolved in the conference on the basis that the fund will continue after commencement of the Act. This will allow for any delay or difficulty that may be occasioned in the setting up of a suitable scheme of insurance. What we found was that, whilst our intention was that second-hand motor vehicle dealers should provide their own level of insurance and we should not have a common fund, if you like, to cater for those circumstances where the dealers did not live up to their responsibilities, they should be covered by insurance. However, on reflection, the Government agreed that the existing provisions would remain until other satisfactory arrangements are put in the place. That was on the basis that some complications were involved with arranging the level of insurance that would be required to replace the existing scheme.

The next item was cooling-off provisions. There was some contention on behalf of certain parties at the conference that there should be a cooling-off period. That was made probably for the best of intentions, but of course it would have created large problems in terms of the smooth passage of second-hand motor vehicle sales. Whilst the Government recognised that strong sales people are operating in the industry, it was not believed that a cooling-off period necessarily rectified the problem if someone were talked into buying a vehicle. We were strongly opposed to the cooling-off period, and I am pleased to report that the conference agreed not to include that requirement in the Bill.

In terms of warranty provisions, the Bill as introduced into Parliament provided for a warranty of 10 years or 200 000 kilometres. The Government has, throughout the debate on the Bill, strongly opposed the change in the warranty provision from 10 to 15 years. Unfortunately, this was one issue on which the Opposition and the Democrats could not be persuaded. Fifteen years or 200 000 kilometres remains the provision.

Regarding odometer interference, the issue was raised as to what liability should prevail in relation to a second-hand motor vehicle dealer who is found to have altered the odometer. Of course, on many occasions it is not the second-hand motor vehicle dealer who does these sorts of things but the owner who wants to ensure that the vehicle will go into the market at a lower kilometre rating than actually prevails. The easiest way to do that has always been to unclip the cable. If it is found that a second-hand motor vehicle dealer has wound back the clock, the question is whether that voids the contract. We have made provision for compensation should that charge be proved rather than a voiding of the contract, which carries with it further ramifications in terms of financing of the vehicle and whether the financier who has given money in good faith will be disadvantaged as a result of actions outside his or her control. The conference quite wisely decided that there should be some compensation if the case is proved.

Another item is the removal of jurisdiction from the Commercial Tribunal to the District Court, a matter that was canvassed very strongly. There were certain elements within the Committee and within both Houses of Parliament that believed that the Commercial Tribunal should prevail. Of course, it was pointed out that this is an under utilisation of resources and that we could better arrange for our resources to be used far more effectively. In terms of where that was resolved, the Bill provided that matters arising under part IV would go to the general division of the Magistrates Court for hearing. Part IV of the Bill dealt with a dealer's duty to repair second-hand vehicles. The Bill provided that, where a dealer fails or refuses to discharge the duty to repair a defect, the purchaser may apply to the Commissioner for a conference to be convened for the purpose of attempting to resolve the matter by reconciliation. Mechanisms existed for the matter to be referred to the Magistrates Court for hearing under a number of different circumstances.

The Opposition was concerned that these matters would be dealt with in the general division of the Magistrates Court and that this would take away from the impartiality and the freer conditions that prevailed in the Commercial Tribunal, which, members would recognise, prefers not to have legal representation, and the rules of court which normally prevail do not apply under those circumstances. It was resolved at the conference that a new division of the Magistrates Court be created to hear these matters. The magistrate in this division will have the ability to sit with assessors.

They were the major concerns expressed. I believe that they have been satisfactorily resolved to the point where the Bill does meet the demands of the Government to change the current arrangements to something more functional, something which provides the elements of protection everybody would wish but also something which ensures that the resources of our legal and semi-legal system are used more effectively than they are at present. I am pleased to report on the conference.

Motion carried.

PETROLEUM PRODUCTS REGULATION BILL

Adjourned debate on second reading.

(Continued from 23 February. Page 1772.)

Mr QUIRKE (Playford): It is not my intention to speak at length on this Bill. The Opposition accepts the premises on which this legislation is put forward. We are well aware that there are a number of concerns surrounding the sale, storage and distribution of petroleum products. Indeed, we accept that environmental factors are associated with the distribution of this product. We are of the opinion that this legislation should be supported. However, I give notice now to the Deputy Premier that we will be moving small amendments to one part of this legislation, and I think I sent to him some time ago notification to this effect. I do not want to take up too much time this afternoon to indicate what they are. I just want to flag the main issue so that the Deputy Premier has time to consider whether he wants to accept or reject the amendment, in which case we will debate it in another place.

In essence, the amendment seeks to say that we understand that you are rolling up all the petroleum legislation into one Act and we accept that; that is fine. We also know that the High Court of Australia could come down with an interesting finding with respect to that—and I seem to be getting the kudos to move on to the next element of the debate in that regard. But at the end of the day, the Motor Fuel Distribution Act 1973 largely has been a successful piece of legislation in South Australia.

Unlike in other States, we in South Australia can identify any service station that has been set up since that time. If that site is to be redeveloped, we have a fair idea of what is there, we know where the petrol tanks are, we know whether or not they have been removed and we are aware of other environmental problems with the disposal of various used product at the site. We do not know all of it because this Act came into effect only in 1974. Indeed, a number of petrol stations were removed as a result of this Act. This Act was one of a raft of measures the purpose of which was to reduce the number of petrol outlets in South Australia.

The Opposition believes that this piece of legislation has been quite effective and, in the environmental sense, which was not intended at that time, it has been very successful. We note that, in the bringing of these provisions under the one Act, some of the activities of the Motor Fuel Distribution Licensing Board will be subservient to the Minister. Under the old Act, the board made its decisions in a much more independent fashion than is envisaged in this legislation. The Opposition accepts the right of the Minister to have some say: however, our amendments address the situation where there is no objection to an application before the board, and we believe it is appropriate for the Minister to make the decision. We have no argument with that; that is fine.

We are concerned about the situation where there is controversy—where there are objectors to a particular application before the board. We believe that the Minister should stay right out of that determination because, if that is not the case, it leaves the situation wide open for the interpretation of corruption. The suggestion that the Minister should make the decision in those sorts of controversial cases would result in this board's becoming a vassal of the Minister. The Minister would make the final decision under any circumstance. We believe that that would lead to potential corruption.

The Opposition understands the necessity for and agrees with the Government on the limitation of petrol sales to persons under 16 years of age. In order to save a bit of time the Minister may wish to take on board one of the questions that I will pose to him now rather than doing it in Committee. My understanding is that there is no instance in South Australia where a person under the age of 16 years can drive a motor vehicle, a motor bike or any other vehicle and would have occasion to buy petrol. It may well be that that is not entirely the case. Someone has told me that there are remote areas in which dispensation is given to those under 16 years to drive to school.

This question has been raised by some members. I doubt that that would have very much impact, but the question has come up in relation to very remote areas in South Australia where certain persons under the age of 16 years have been given a dispensation to hold a licence in order to drive to school. If that is the case, I would imagine that there are very few of these instances. However, as I understand it, there is no other instance where a person under the age of 16 years can be the sole a driver of a any kind of vehicle on our roads.

Mr Kerin interjecting:

Mr QUIRKE: The member for Frome has made his interjection for the afternoon. He says that a youth under 16 years old can drive a lawn mower. I am sorry, but that person will have to get someone else to do that. I have some sympathy with that. I had a lawn mowing business or racket when I was 12 or 13 years old. I now see that under this legislation I would not be able to buy petrol for my customers. He has now indicated that there is one problem, but I do not think it is a major concern. In fact, I remember that I had to ask my parents to drive to the petrol station in any case. I do not think that that will be a hassle. I will leave it at that and simply say that the Opposition will be moving amendments to clause 15 and I have informed the Deputy Premier of their purpose.

Mr CAUDELL (Mitchell): This Bill provides for the amalgamation of three Acts: the Petroleum Shortages Act, the Motor Fuel Distribution Act and the Business Franchise (Petroleum Products) Act. A number of concerns were raised when the Federal Government Industry Commission inquiry into petroleum products report was tabled in March 1994. The commission made recommendations for the repeal of the South Australian Motor Fuel Distribution Act. It is pleasing to see that the Treasurer, in combining the three Acts, has allowed for the better elements of the Motor Fuel Distribution Act to be included in the provisions of the new Petroleum Products Regulation Bill.

I would have hated to see the Motor Fuel Distribution Act's being repealed prior to a number of other areas being addressed first with the Commonwealth Government. Those areas that have created some concern include the provision for repealing the Act that related to the number of sites that oil companies can manage, both as a wholesaler and as a retailer, and the Franchise Act, which dealt with the terms of tenancy of a service station dealer. Service station dealers Australia-wide have fought long and hard for the implementation of the Franchise Act. The repeal of that Act would be a tragedy for service station dealers across Australia. The Industry Commission has failed to address the Laidley agreement and its repeal. That agreement precludes contractors from driving onto refineries and delivering fuel into areas that have previously been the domain of company operator drivers.

The commission report also dealt with ministerial direction. The commission was keen to see an end to ministerial directions in relation to petroleum products in areas such as Port Lincoln and Mount Gambier—in the Deputy Speaker's electorate. It is pleasing to see that no provisions have been made for changes in this area at this time. The commission report also dealt with the Prices Surveillance Authority and the deregulation of prices Australia-wide, with States moving out of the area of prices surveillance. It is pleasing to see that the South Australian Government has not made any moves in that regard.

We can see what has occurred in relation to liquefied petroleum gas, which was deregulated in 1991 to allow for import parity pricing. Import parity pricing associated with LPG means that South Australian consumers pay a price for LPG that is based on the international crude price that meets Australian standards, the manufacture of that to LPG, the transport of that by sea to Australia, the storage of that product and the cost of transporting it to the site. The net result is that the price of LPG in South Australia has climbed to a record level of 35.9¢ per litre at a number of service stations.

It is amazing that this import parity pricing has occurred to a particular product that represents a figure of only approximately 2.5 to 3 per cent of the end product from a barrel of crude that is put through the refinery process. Basically, we are talking about import parity for a by-product that they get more money for selling in South Australia than if they exported it on the open market to Japan or into the Pacific Rim. The issue of LPG pricing and marketing needs

to be investigated. It is an issue that I have raised with the Treasurer and I am hopeful that, at some stage, some further investigations will be carried out in relation to the pricing and marketing of LPG in South Australia, because LPG affects only a number of States, mainly South Australia and Victoria, where the bulk of the product is marketed.

The Bill addresses a number of environmental issues. Clause 25 deals with the handling and conveyancing of petroleum products and highlights a $50 000 fine for corporations or a $10 000 fine with a two year term of imprisonment for individuals. I have some concerns over the level of the fines that have been included in clause 25, and it would have been preferable if the Minister had been a bit heavier in relation to those fines both for corporations, such as international oil companies, and also for individuals. As a person who has had a direct involvement in the oil industry that spans 17 years, I have seen the devastating effects that can occur in relation to safety issues.

We all recently saw the incident of the handling of a petroleum product at an Ampol service station at Brighton and the explosion that was caused by static electricity. We have the issue of breather vent pipes at the back of service stations that are emitting a toxic and highly explosive mix into the atmosphere. It would need only one spark of static electricity to send a flame down into the underground tanks. So, the issue of handling and conveying petroleum products is most important, and it is most important that service station dealers, their staff, the oil industry and all those involved in the handling of petroleum products are aware of the need for safety and for training to ensure the proper handling and conveying of those products. If at any stage the Treasurer were to think seriously about those fines, I would be most pleased.

Clause 40 of the Bill deals with correct measurement of petroleum product: not only the correct measurement instruments but also unjust measurement activities. I look forward to the report that should be handed down very shortly by the CSIRO dealing with the handling of petroleum products in measurement by 15ºC rather than the current handling method of volumetric. It always amazes me that the oil industry continues to complain long and loud over the fact of supplying petroleum products at 15ºC as a wholesaler to its retail outlets and to its ongoing wholesalers, because the oil industry, when it deals in refinery exchange, deals in 15ºC. When the oil industry pays for its excise at a Federal level, it pays 15ºC. Up until 1974 the oil industry supplied to its wholesalers petroleum products at 15ºC. When, all of a sudden, it found that its wholesalers were making money out of the difference between 15ºC and volumetric, it put a can on the situation straight away.

Depending on the temperature when the product is made and stored in the refinery tanks and then delivered to the service station dealer, the difference between what the dealer pays for and what he actually gets can be as high as 500 litres in a 40 000 litre load. It is the only industry that I know of where you pay for something that you do not get. I look forward to the CSIRO study into the implications of introducing 15ºC measurement for deliveries from the wholesaler to the retailer. The unfortunate part is that the oil industry has tried to colour the argument, to a certain extent, in relation to sales from the pump. In the case of LPG, which is a product delivered at 15ºC, a number of pumps are already adjusted to 15ºC. In relation to petroleum products in the underground tanks, the temperature is constant underground, usually close to that 15ºC in the first instance.

Clause 41 deals with the sniffing of petrol. We would all agree that there are problems associated with people sniffing petrol, but I have a problem with clause 41 of the Bill, even though clause 57 allows a defence. I have a problem with clause 41, dealing with petrol being sold to people under 16. I know that the member for Playford made some comments and jested about it, but unfortunately the member for Playford and very few people in this House have been on the other side of the fence in actually having worked a console and having sold petrol. In the service station of today the console is far removed from the gasoline pumps, and it is not impossible for the proprietor of a service station or his staff to sell fuel to a person who is under 16, in a petrol can for mowing purposes, etc., without having the opportunity to ascertain whether the person is over the age of 16.

The only time that the staff member or the service station dealer has a chance to ascertain that the person is possibly under the age of 16 is when that person actually walks into the service station console area, into the sales room, with the can. At that stage it is too late: the person has the product in his own container, and what is the service station dealer supposed to do? Does he tell him to go and pour it down the underground tanks? We would then have a safety issue with the possibility of static electricity. What is a young kid going to say when the service station dealer says to him, 'Give me back that fuel, you're not allowed to have it'? He will respond in no uncertain terms and be out the front door, taking the fuel with him.

Basically, the situation is such that the law becomes erroneous and a law that is very hard to enforce. Therefore, I have highlighted to the Treasurer the possibility of changing the wording to that of clause 63 of the Bill. Clause 63 provides that the person is 'apparently' over the age of 16 when dealing with the serving of a summons, and that wording could be used in clause 41, so that a person is 'apparently' under the age of 16.

If the Treasurer were to accommodate that measure I am sure it would appease a number of service station dealers in Adelaide. From my consultations with the oil industry, the MTA, etc., I have found that they are all pleased that these three Acts have been combined, thus effecting a reduction in the bureaucracy associated with the previous licence documents. I am sure that the Treasurer is aware of the class B licences and the dangerous goods licences that had to be filled out by service station dealers. They even had to go to three different locations to pay for licences, and the paperwork required by the service station industry was quite horrendous.

The service station industry appreciates the Treasurer's concerns in maintaining the Motor Fuel Distribution Act contrary to the requirements of the Hilmer Report and the Industry Commission Report to have it repealed. I am pleased that the Act has stayed in force and its major provisions with regard to competition, proliferation of sites and maintenance of competitive activity of service stations have been maintained for the benefit of the petroleum industry in South Australia.

There are still a number of areas, to which the Federal Government seems to have turned a complete blind eye, that have to be addressed. I refer to the labour market reform issues, which do not seem to have been addressed at all by the Federal Government and which include, as I said before, the Laidley Agreement, the Sites Act, the Franchise Act, the situation with regard to the Petroleum Surveillance Authority versus the Prices Surveillance Authority and the possibility of having terminal gate pricing. These are a number of issues

in this industry which have to be sorted out. I feel that the Federal Government is a long way away from that issue. The Treasurer has included the issues of trade measurement, and I look forward to the CSIRO report which will come in. The combination of these Acts will possibly help implement the recommendations of that report. I also refer to the environmental concerns with regard to handling and conveyancing, and the ongoing issue of sniffing petrol. I hope that all members will support this Bill.

Mr VENNING (Custance): I support the Bill, which concerns an area that is important to rural people, whose activities have so much to do with fuel. First, fuel is a very expensive part of the cost of production for farmers; and, secondly, they mainly store this product on the farm and often quite close to the home. The nature of petroleum products is such as to warrant a comprehensive regulatory regime. It has also been recognised by the Government that it is desirable to reduce duplication and red tape as far as practicable. Petroleum products are dangerous because they are flammable, and it is reasonable that anyone who keeps, sells or conveys these products should be licensed. I am glad that this Bill addresses the problem, because we only need to have one licence. I can think of half a dozen licences that some dealers previously had to have. One licence will cut through so much red tape. This Government again has shown that common sense will prevail, and much of the waste that occurs through the red tape involved with certificating will be eliminated.

Several licences were often required, and you then had to write several cheques to several different people in various organisations. Farmers are busy enough making a living on the land without having to spend hours and hours in the office doing paperwork. The same applies to country fuel agents, who will certainly appreciate what the Government has done in connection with this Bill.

In relation to fuel pricing, I have always been curious to know why the price of LPG in Adelaide, realising that the gas in the main comes from Whyalla and travels by road through Port Augusta, Port Pirie down to Adelaide, can be cheaper in Adelaide than in Port Pirie, Crystal Brook, Clare or Tanunda. In fact, I am amazed about that; it was always a source of annoyance that these areas closer to the source paid more for petrol than people in Adelaide paid. I also refer to petrol pricing, a matter at which the Treasurer is looking at the moment. Day after day I notice in Adelaide that the price of unleaded petrol can get as low as 65 cents a litre, and yet driving to the Barossa Valley, for instance, I see some service stations charging 73 cents a litre. I was under the impression that already there is a differential in favour of country fuel. I often wonder what has happened to the system when you see these prices displayed. Again, country people are paying because of the apparent lack of competition that encourages discounting. That upsets me and I would like to see a much more rational approach to that situation.

As I said earlier, the on-farm storage of these fuels is important because almost all farmers carry diesel, petrol, oil and lubricants on their farms. We have seen some pretty horrific accidents over the years involving the storage of fuels. I welcome the part of the Bill which addresses that situation. This relates particularly to half empty containers, whether they carry gas or fuel. It can be only a cupful in the bottom, and somebody comes along thinking the drum is empty and immediately decides to make his wife or mother an incinerator by cutting a lid out of the drum. The results on almost every occasion are catastrophic. In fact, a neighbour of mine is lucky to be alive and others have been killed or burnt seriously and maimed for life by putting oxyacetylene equipment close to near empty petrol drums. This danger cannot be stressed strongly enough. We handle fuel every day of our lives, but if we do not watch out it can be very lethal and it often is.

In the four years I have been in Parliament I have had constituents contacting me expressing an interest in setting up fuel outlets. When I first came to this Parliament I was the member whose electorate included Port Pirie, and several people came to me, including one of the bigger agents, asking whether I could explain to them the licensing system whereby one could set up a fuel station. Apparently, if you were near another outlet you were not supposed to be there. The whole thing lacked some rigid guidelines. I thought that the issue of who was to go where was open to a little bit of 'manipulation'. In certain areas, particularly Port Wakefield, we see an over population of fuel outlets. At the moment we are deciding whether we should bypass Port Wakefield. I think it should be mandatory that anybody driving in that area should go into Port Wakefield and have a breather because those drivers have been on the road for over an hour. I have always gone into Port Wakefield, got out of the car, walked around and got back into the car just to take a break, but that is by the by.

Where we see a conglomeration of fuel outlets as in Darlington and Gepps Cross it amazes me that as you move across the city there is a differential in prices. I have always found that the fuel prices from Gepps Cross running down through Grand Junction Road across to West Beach, Henley and Grange are always much cheaper than they are in the eastern suburbs, along Glen Osmond Road, for instance, where it can be up to three to four cents more expensive. I have always wondered why that is so. Is it because it is felt that people on the eastern side of Adelaide can afford to pay more for their fuel?

Mr Brindal interjecting:

Mr VENNING: I do not know what the price of fuel is in Unley. It is probably 10 cents a litre more, particularly where the honourable member for Unley lives. I am amazed to see these differentials in the price of fuel. It is almost a game to know where to go to get the cheapest fuel. I know the extra cent would not mean much but it is always very satisfying after you have purchased your fuel to drive down the road and see all the other fuel stations with dearer prices. It gives you that warm inner glow that you have got a better deal.

It should not happen that way. It is a very loose situation, and I welcome it being tightened up so that we all know where we are, rather than running the roulette of which fuel station will have the cheapest fuel before you get to your destination. I am pleased when I find cheaper fuel, and often I shout myself an icecream with what I save. As members can see I have had too many icecreams, so perhaps I should not be trying to save on fuel.

I have always been curious to know who determines where and when a service station will be built, who decides when over-population will kill the business and whether or not too much competition has a retrograde effect for existing traders. Another matter raised with me regularly relates to the storage of fuel in country towns and in the metropolitan area. I have always appreciated how the legislation has restricted the storage of fuel in backyards, the garage or the back of a house. People often have lawnmower fuel in a jerry can in their garage, but when they have a 200 litre to 300 litre

container of fuel that worries me. If one went off—and they can and do—one can imagine the damage it would cause to a built-up area. I hope that that part of the Act continues.

Mr Brindal interjecting:

Mr VENNING: The member for Unley says that most farmers keep fuel far too close to the house. I would say that that is not necessarily so. There are circumstances in which farmers would keep it fairly close to the house, but most fuel storage facilities would be 100 metres away from the house and down the back by the shed in above ground tanks, either inside or just outside the shed. I note that there has been a move away from underground farm storage, because over the years several tanks have leaked. Increasingly farmers are storing fuel above ground, and I welcome this move. However, in such cases I often wonder how much fuel is lost as a result of evaporation. Fuel warms up in the middle of the day, and you can smell it coming out of the breather pockets if you are in the right area. Fuel and its storage are a big part of country people's lives, and it has always been an area of review and concern. The measuring of fuel has always interested me. Under clause 40 of this Bill—

An honourable member: How far back?

Mr VENNING: From when I was first driving—and I admit that I was driving around the farm as a nine year old. I would get a gallon can of fuel and put it in the motorcycle, a BSA Bantam, and away we would go and we would not stop until the fuel was all gone. We lived two miles from Crystal Brook. It is interesting how many people would run out of fuel two miles from Crystal Brook. We always had a gallon can of petrol in the garage for those occasions. The local fuel agent was upset about that and would take it out on one of us when we had that can refilled. He always treated it as a joke and was frivolous about it. It gave me great joy one day when he ran out of fuel, and he had to ask us for the can. Thank goodness that most farms have fuel.

Another matter that upsets me is the fact that late at night in the country fuel is virtually unavailable. If you leave Gepps Cross after 10 p.m. and you are not going up Main North Road to Port Wakefield but are going the other way, you will not get fuel again until you get to Port Pirie. You can go right through the Barossa Valley and the Clare Valley and you will not get fuel anywhere. I do a lot of kilometres. If I do not leave Adelaide with the car full of fuel, I have had to deviate across to Port Wakefield so that I would have enough fuel to get home. Other than doing that, I have to carry fuel in the boot of the car, and that is ridiculous. In our key tourism areas, I often wonder why they do not roster a service station on so that one service station is open all night, particularly in the Barossa Valley and the Clare Valley which both have at least half a dozen outlets.

Many people move about in those tourism areas, and if you get caught there without fuel you sit in your car and wait until at least 7 o'clock in the morning because there is nobody open. Time and again I have been heading home, looking at the fuel gauge, hoping that it does not hit empty. On many occasions I get home and breathe a sigh of relief, because you cannot get fuel anywhere between Adelaide and Port Pirie. I hope that somebody will get the message that we need to do something about this problem.

Returning to the measuring of fuel, I welcome the fact that the temperature will be set at 15°C. We always had underground storage for our petrol. As the member for Mitchell said, it can be between 12°C and 17°C, but 15°C is the norm. When the agent delivers—and I will not name anyone in particular, because I do not want any of my agents to get upset—on a very hot day and sometimes in a small truck which shakes and froths up the fuel on the very rough roads which the previous Government left us, it is put into the underground tank and I would say that the temperature of that fuel would be at least 20°C. In days gone by they just dipped it and said, 'You have taken X hundred litres of fuel', and you were billed for that. If you checked it two or three days later, more often than not you would find that it had shrunk. Nobody has been able to prove it, but it has always been of concern.

I wonder how an agent will be able to keep fuel at 15°C. Will we see refrigerated fuel trucks? They could take it out of bulk storage and deliver over a reasonably short haul within, say, a couple of hours. However, if they put the fuel in a truck and left it overnight before driving 50 kilometres down the road, I think we would see some anomalies under this part of the legislation. I am happy to say that today we see very little dipping of farm fuel storage. Almost all agents come out to the farm with their tanks and hoses and put it straight down into the ground with metering, and the paperwork comes off the machine. This makes it very hard to fiddle the result and get it wrong. If fuel is 25°C in the truck—and it could be on a hot day—the meter will not pick that up. I often wonder whether a truck should be equipped with a thermometer so that a client knows the temperature of the fuel inside. You could fill up on a cold day, a freezing day—

Mr Quirke interjecting:

Mr VENNING: Now we deal in two types of distillate—winter distillate and summer distillate. The member for Mitchell will know what I am talking about. This makes it even more confusing. You should not use winter distillate in summer, because it gums up your tractor. It is a very complex area about which farmers have always been concerned, particularly because the second greatest cost for farmers after chemicals is fuel. It is heartening to note, at least now, with the change in farm practices, with the minimum till type farming, we are using a lot less fuel, particularly diesel. We are using as many lubricants, but we are saving our resources and the level of carbon emissions is reduced. Imagine all the farmers out there racing around on their tractors pouring out diesel fumes. I would say that the amount of diesel used now would be less than half it was 12 years ago, and that is very encouraging.

Another matter raised with us time and again is heating oil and whether it has been polluted with diesel oil deliberately or by accident. Sometimes you can smell the diesel coming out of the oil heaters. I wonder whether that will have to be controlled or whether it is seen simply as a bad practice in the industry, because it is a problem. Adding other fuels to heating oil makes it burn better and faster, and it alters the temperature of your appliance. Whether it is a room heater or a device to heat up a piggery, the same applies.

In relation to the sniffing of petrol, it is a difficult area where we restrict the sale of fuel to young people, because we have to make a law that fits everybody. I know of young people going to a local fuel station with their can to get fuel for the lawnmower. In judging one against the other, in weighing it up, if we have to try to counter petrol sniffing—and I am not sure of the overall problem, but I know there is a problem in certain areas—perhaps we ought to leave it to the discretion of the person selling the fuel.

We ought to leave it to the discretion of the person selling the fuel. If it is a genuine case and the seller knows the person, as is often the case in these outback areas, I can see

no hassle. Legislation ought to be enacted to protect the reseller of the fuel so that he can say that he cannot sell the fuel because the person is under age and, therefore, cannot be supplied with fuel. I support the Bill. It is a complex and important area for the rural community. It has far ranging effects. I welcome the tidying up of the whole scene by this Government. It is high time that a Government decided, with the amount of red tape and regulation in the industry, that we should have one Bill, one check and one lot of paperwork once a year. I certainly welcome that and support the Bill.

Mr LEWIS (Ridley): I support the legislation. Some points need to be made, not only those that have been made by the Deputy Premier in his second reading explanation and underlined by the member for Custance but some others also. In brief, where the Bill presently reduces duplication and cuts out red tape, that is to be applauded. It should and could have been done years ago. It was all too hard for the Labor Party which, in Government, tended to see things through the eyes of its own political interests rather than the public interest and, more often than not, its own political interests were defined by the trade union movement on South Terrace. The Labor Party could see no reason why it should reduce employment in this area if there appeared to be no public agitation to did so, since a reduction in the number of people required to do some of these things we have talked about as red tape and duplication would affect jobs occupied by people who, in the bureaucracy of the Public Service, belonged to a trade union.

The legislation is also to be commended for the reason given by the member for Custance that there will now be safe, correct and just measuring of the fuel that is the subject of commercial transactions where the assumption is made that the fuel will be at 15 degrees centigrade. If the member for Custance thinks about it, he will realise that most motor spirit will rapidly evaporate at temperatures higher than 15 degree Celsius. It is therefore in the interests of people who are handling the material to avoid having it in such small quantities in hot weather as to increase its temperature beyond 15 degree Celsius, thereby expanding its volume to a point where unjust measurement of a significant order would result. In other words, if you buy the stuff at 10 degrees and sell it at 25 degrees, you would need to sell it under pressure if it is what we call petrol; and, anyway, the volume would expand in some considerable measure from 10 degrees to 25 degrees.

The provisions of the Bill address the worst aspects of risk in the occupational health and safety context, and in the process of so doing protect the public interest in that way. Further, the Bill provides that anyone involved in handling and storing fuel has a general duty to take reasonable care and thereby prevent what might otherwise be greater environmental damage through the vapours from many of the more volatile fractions escaping into the atmosphere and the upper atmosphere where they become dangerous in the context of enhancing the greenhouse effect more than does carbon dioxide, and equally they also can be responsible for depletion of ozone as part of that overall cycle. I will not go into the description of the physics involved there as it is irrelevant to the passage of this measure: it is simply a scientific fact.

The legislation also addresses the concern in respect of youngsters, or indeed anybody, being tempted and stupid enough to sniff petrol. It prevents those under the age of 16 years from buying petrol by making it an offence for anyone to sell them motor spirit they can sniff. There are a couple of other things I want to say that I do not believe have been covered by much of what is contained in the second reading explanation or in the course of the debate provided by the member for Custance. That is not to reflect on either as being in some way inadequate but indeed is largely the reason for my wanting to participate. Some would argue that what I have to say is peripheral to the legislation. They may be justified in forming that opinion, but I do not believe it to be peripheral.

We have always been led to believe that there is a measure of competition between oil companies in providing motor spirit, lubricating oil and the like to the consuming public, whether corporations in the private or public sector or individual citizens. We believe that competition affects prices. However, I am sure it comes as no surprise to most members in this place that that is often a fiction: there is no competition and there may not be direct collusion between the oil companies. However, there is certainly sufficient exchange of notional information to result in cartels operating in price fixing and in pricing practices.

At those times of the week when there appears to be less demand for fuel the price rises and, in this day of digital pricing and computer controlled measuring equipment, we find that it is very easy to change the price at the bowser for any of the motor spirits or fuels being sold, and in a trice the price can change by more than a cent. I have witnessed it occurring and it is pretty much the luck of the draw, so you avoid buying fuel not only now in certain locations but also at certain times of the day and, if possible, at certain times of the week. Late Tuesday evening or early Wednesday morning before rush hour begins is the best time of the week to buy. The worst time of the week is Thursday afternoon.

If you are a consumer it is at those times that the prices are lowest and highest respectively, and the widest variation in cent terms per litre and in percentage terms is easily in the fuel which we all seek to expand in terms of the volume consumed, namely LPG. I relate to the House my own experience in that regard. I was one of the first people in South Australia to have LPG fitted to a motor car when we were last in Government, after regulations controlling the licensing and fitting of approved conversion equipment to handle LPG were introduced. That was back in 1979. I had some difficulties with it in that the design of the motor to which I had it fitted did not suit it as well as might otherwise have been the case and it caused some problems to that motor. However, we now know that larger motors are better motors to which to fit LPG.

Last year in October I bought a large capacity motor in a new Ford Fairmont 5 litre motor vehicle and I had fitted to it LPG equipment as part of the deal for its purchase. I did that because I had calculated and confirmed through conversation with others who had LPG fitted to their car that it would cost me about 3¢ to 4¢ a kilometre at prices for which LPG was generally available at that time. Those prices were about 21¢ to 24¢ per litre, a far cry from the current price, which varies from about 30.5¢ to 39.9¢ per litre, which I see around the place from time to time in areas of the State through which I travel. In Queensland it is even higher than that, reaching 44¢ to 45¢, and corresponding offsets in the price of what we call petrol and what the Americans call gasoline, whether leaded or unleaded, make it more attractive to use that fuel source in that State.

My complaint is that to the present we have seen a rapid escalation in the price of motor spirit and a very rapid and, in my judgment, exorbitant and unwarranted escalation in the

price of LPG. We are net exporters of LPG from this State, so oil companies do not use our local parity price with an added margin for distribution, storage and retailing: rather, they use the world parity price that would have to be paid to procure LPG from a source outside Australia, including freight costs to bring it into Australia and a margin for storage, distribution and resale. That is why the price in South Australia has risen so dramatically from 22¢ per litre on average in October to 35¢ or 36¢ per litre now.

This cannot all be explained away by the euphemistic attempts made from time to time by staff of oil companies and other parts of the industry who say that this has been caused by a dramatic rise in the price of LPG on the world market. It has not increased so much in percentage terms to warrant such a dramatic increase. The other thing that I know about all of this is that resellers are not making any more profit per litre for their trouble than they were making in October last year. They have shown me invoices which indicate clearly that that is the case. Therefore, they are taking a smaller percentage margin in their mark-up than was previously the case, because the margin per litre is about the same as it was then. In fact, their costs are related more to the physical aspects of storage and retail sale than to the interest on the capital they have invested in fuel inventory. For that reason, they feel somewhat justified in maintaining the margin at the same amount in cents per litre.

They have also noted an increase in the number of complaints about the price increase by those who have had LPG equipment fitted to their car. For those reasons, I express the concerns on behalf of the consumer and the retailer regarding this Bill. The Deputy Premier and the Government share those concerns, but what can be done abut them I do not know. One thing is for sure: this kind of profiteering is not in the national interest. It may well be in the short-run career interests of executives in oil companies, who have the power and responsibility to set prices, to argue that what they are doing is legitimate, but there is only a handful of them. They may be able to claim that they increased revenue in their sector of the market by some incredible amount in so many months when they did such-and-such a job, and that they did a really good job for their company in the process, but I say to them: 'A pox on your opinions and practices; you have no concern whatever for the public interest.' It is about time there were a few more ethics in the business practices of some people in oil companies who have been given so much latitude, because they will find that the wider public will not tolerate those kinds of practices for much longer once people get to know about it.

From time to time, I have observed the kinds of prices that are being charged in my electorate, and that has caused me to bring this matter to the attention of the House and underline this problem. Accordingly, I want to place on record my belief that oil companies are not passing on what the State Government has provided to them in the form of freight subsidies from the metropolitan area to rural South Australia.

There was bipartisan support for that proposition when it was introduced, because it was felt that it would enhance tourism in our State by enabling motorists to pass through within a fairly flat pricing regime for the motor spirit they had to buy and also provide some measure of fairness to country people who, as we all know, were suffering—and still do suffer—from a reduced income in comparison with their city cousins. They are also captive of the limited number of supply outlets that are available to them. Whereas in the metropolitan area and other provincial and major capital cities of this country there is competition between retailers situated a few hundred metres or a few kilometres down the road from each other, that is not the way of things in rural Australia.

Therefore, oil companies ought to be called to account to state why they have decided to impose this price differential at the wholesale level between what they charge metropolitan and country outlets. It has nothing to do with the millions of litres sold in country South Australia. You do not deliver a million litres in a fuel truck: you deliver only a few thousand litres, and you never take out more than you really need when you are delivering it from the tank farm to the distributor or the retail outlets that take it into storage for sale to the consumer.

The final thing to which I wish to draw attention is the disparity between LPG prices in country areas charged to people who have gas bottles for their stove and gas bottles in their car. In many instances, exactly the same fraction of crude oil is being sold for both fuel purposes. People are complaining that they pay more for the fuel they put through their stove than for the fuel they put through their car and that they are not allowed to buy fuel for their stove from the same outlet from which they buy fuel for their car—their cylinders are not adaptable. To my mind, that is crook. It is not as though they buy small quantities for use in a barbecue; they have large cylinders for domestic use that are changed every month, because they use gas for all their heating and cooking. They are now captive of that fuel and are being unfairly and unreasonably exploited.

With those remarks of commendation to the Government and to the Minister, and on behalf of my constituents who have asked me to express their concern, I commend the measure to the House and wish its swift passage through the Parliament in the sincere belief that this is one measure the Democrats will not muck up.

The Hon. S.J. BAKER (Deputy Premier): I thank all members for their contribution to the debate and their support for the measure. The reasons why we need the Bill have been well canvassed in the second reading explanation. Indeed, many members have commented on the consolidation that has occurred, the cutting out of different licences and the bringing under one header of all the major issues. Several matters were raised, and I would like to address them, because all members clearly understood the intent of the Bill. I do not need to advise members that they were wrong in any assumption they made. A number of important areas were canvassed.

In terms of whether a person under the age of 16 years can drive, an issue which was raised by the member for Playford, there is no dispensation for a person under the age of 16, so that does not apply. A person cannot have a special privilege or get a special licence and drive a car to a petrol station. They can drive a car to a petrol station, but they are subject to penalty.

The issue that raises the most ire amongst members of the wider community and most members of Parliament is the variation in petrol prices, and members referred to leaded and unleaded fuel, diesel and LPG. We are all concerned that prices jump around for no conceivable reason, although, if you ask the oil companies concerned, they will always suggest that there is a good reason, and they have done so on occasions. Many people are still a little mesmerised by the price changes. I note that members have commented that, when demand is slow or low, the price goes up, but I have received letters from constituents who say, 'When it's pensioner day, that is when the prices go up.'

Mr Caudell: The Thursday before Easter.

The Hon. S.J. BAKER: The member for Mitchell is actually right: on Maundy Thursday it is guaranteed that the price will increase. I suggest that all members watch the signs at petrol stations. So there are events that seem to affect the price of fuel, but I cannot say that a true cartel arrangement prevails. One of the reasons why, according to the oil companies, the differential prevails and is so unpredictable is the extent of independence of retail outlets in South Australia, which is quite different from the experience interstate.

I cannot comment on that: I do not know how many independent dealers there are, such as Tip Top and Skorpos, or their parallels interstate. Certainly, we see prices go up, and they come down just as quickly, because the independents work off much lower margins and put on the price squeeze. There is a reseller around the corner from where I live who owns his own site; he is not subject to the leasing arrangements of oil companies. He provides a good service, and it is normally at 2¢ below the prevailing retail price. Different arrangements prevail in the marketplace. Adelaide is a competitive marketplace, and it has been suggested that we benefit from that in our fuel prices.

South Australia's petrol tax in the Adelaide metropolitan area is now higher than that in every other capital city other than Perth. The reason is that the previous Government saw fit to put up the price and put aside some moneys for the local government reform fund. We then have Adelaide on a high fee. We have the area further out on a fee which is more commensurate with the prices prevailing interstate, and then we have the further country areas which on average are well below the tax that applies interstate. So we have three zones in South Australia, and that is unusual, but they do tend to mitigate the costs of transport to those areas.

Again, I draw the broad observation that, when I have looked at fuel prices in some of the country areas I visited, I was stunned that there was a 4¢ differential in a number of areas with the tax being applied by the Government, yet the price of fuel was significantly higher than that prevailing in Adelaide, despite the fact that the costs of transporting fuel to the site was less than the differential in tax, and we would expect that there would be an even break in the system.

Members have canvassed strongly those issues, which reflect community concern about whether people are paying the right price, giving super-normal profits to oil companies or getting value for money when they go to the bowser, and the extent to which one day they can get fuel at a particular price and the next day that price will have changed dramatically. I have raised similar issues of concern over time. We can look at speeches made in the Parliament about the behaviour of oil companies over perhaps the past 30 or 40 years. I do not think the attitude taken by parliamentarians has changed a great deal, nor has the attitude of oil companies changed much over the past 30 to 40 years.

The issue of volumetric measures, at what temperature volume should be measured, is an interesting debate. I heard the member for Mitchell put forward a proposition. I noted that one or two other members suggested that it was difficult to comply with such a tight regulatory regime that specified a temperature. I will wait for the experts to come down on that one, as the member for Mitchell suggested.

There also was the issue that the lessee of a service station could get caught providing, in good faith, fuel to someone who was under 16 years. I point out to the honourable member that section 57 in the Act provides that, if genuine care is being taken and there is good reason why the proprietor did not recognise that person as being under the age or was forced into a compromising situation, a good defence can be raised under the circumstances. We will be addressing the extent to which a young person, if they turn up at a counter having filled the container, is then allowed to take away that container. That will be looked at in regulations so that we do not have a *fait accompli*—the container being filled and the youngster coming up to pay for fuel.

Obviously, the matter of petrol sniffing is important. I can remember that, when I was a young lad in the scouts, we got some petrol. We bought it down the road and we put it in a bottle then, to our great sins, we put it into another bottle and put a wick to it just to see what sort of bang we would get. After we had all been showered with glass, we learned our lesson. Again, that sort of behaviour obviously will not be eliminated but it can be reduced. We cannot stop petrol sniffing but we can establish standards which say, 'It's inappropriate for you to sniff petrol; it's against the law; it's no good for your health.' This is one small measure which recognises the Government's concern about this issue, and we are reinforcing that in the provisions of the Bill.

Members canvassed a number of other areas, including any environmental impact should there be a spillage or an explosion. There are penalties that prevail under this legislation, but I remind members that if we have petroleum products being spilt—petrol, diesel or whatever—the offences are far more serious when we get into other Acts that also cover negligence in this area. So, there are other penalties, depending on what damage has been done and by whom it has been done. This covers just the general provisions of handling fuel from the distribution point to the selling point.

The licence conditions can be varied in the regulations to ensure that some of the matters of concern that have been raised can be accommodated. I thank all members for their contributions. The member for Playford raised an important issue that I will discuss when we address clause 15 of the Bill. It is somewhat more complex than the honourable member outlined to the House, and I would like to go through the reasons why his foreshadowed amendment may not be the most appropriate way to proceed.

Bill read a second time.

In Committee.

Clauses 1 to 14 passed.

Clause 15—'Criteria for decisions relating to licences, etc.'

Mr QUIRKE: I move:

Page 10, after line 1—Insert subclause as follows:

(3) The Minister—

(a) is, in making a decision in respect of an application, bound by any recommendation made by a person or body to which the matter has been referred under this Part that the application should be refused; and

(b) may not decide that an application should be refused unless in receipt of a recommendation to that effect from a person or body to which the matter has been so referred.

I think that the Deputy Premier is aware of this issue and the intent of the amendment. Basically, the Opposition wants to see the integrity and autonomy of this board respected in most instances. I use the term 'most instances' because there are times when there are non-controversial matters about which we are quite happy for the Minister to make determinations.

We are seeking to ensure that where there are controversial issues or appeals against a particular application this matter is not then determined by the Minister and, through the

Minister, the Government of the day. The Opposition thinks that the Government should embrace this aim in some form or another. Whether it adopts this method or some other method, I have an open mind. Whether it is agreed to here or whether this or some other provision is agreed to in the other place, I have no problem with that either. However, at the end of the day, in relation to controversial matters, we want to see the Government, through the Minister, at arm's length from the decision-making process.

The Hon. S.J. BAKER: I cannot agree with the amendment, although I understand why it has been moved. I thank the member for Playford for his consideration of this matter. It is a matter that really does exercise the minds of Government—the extent to which decisions can be seen as being fair and reasonable and above and beyond political intervention, if the honourable member can relate to that position.

A number of points need to be made. I will probably go with the most important point first; that is, under the Westminster system the Minister is responsible. Therefore, if the decision is to be taken it should be taken by the Minister. We are talking about decisions being taken, not recommendations of existing boards, committees and various other bodies that exist from which we request advice. We can actually ask for recommendations but under most Acts of Parliament the decisions ultimately reside with the Minister. So, fettering the Minister's discretion in this fashion would not be in the public interest: bureaucracy should be subservient to democracy. Therefore, we should not set up a so-called independent body as a means of escaping responsibility. However, at the same time, we would insist that the issues brought up by expert bodies are not forgotten or dismissed lightly.

It is usual that the Minister be entrusted with the power to make decisions, which is the case that prevails in this section of the legislation, and in most instances Ministers act in accordance with the recommendations of the advisory bodies. There are occasions when Ministers do not act in relation to the recommendations of the advisory bodies for some very good reasons, as the member for Playford would be well aware. I am referring to situations where there is conflicting advice, depending on which body has an interest in this matter, and the Minister is left trying to decide, given the various pieces of advice, which is the right advice and which board or body should be listened to more.

The best example I can give is that involving shacks, where there is a whole range of interests, some of them competing, most of them compelling, but where there is no way that decisions can be taken that will satisfy all of those bodies. Some of them are statutory bodies, others are interest groups and others are committees that have been formed as advisory bodies, as the honourable member can well understand. I will not say that it is a mine field, but it is shifting sand. That is an example where we do have a variety of advice and ultimately Ministers have to take responsibility. In that case, I have been the proud inheritor of the issue of freehold shacks, and the honourable member is no doubt congratulating me about that.

In the area of petroleum we have a variety of organisations that have an interest in the safe passage and distribution of fuel. They belong in the Federal sphere in terms of pricing. We have issues in the local area that may relate to the safe handling of petroleum. They then extend into industrial issues, and that extends further into areas such as environmental protection. Quite often they go hand in hand and we are trying to bring all the parties together so that we can get consistent advice on some of these issues. As the honourable member will understand, there is the potential for conflict, depending on which body gives advice.

The industrial body may in fact be in conflict with the environmental body, for a whole range of unusual reasons. Clause 47(1) of the Bill provides certain appeal rights, including applicants having a right of appeal against a decision of the Minister refusing to issue, renew or vary a licence, or refusing to issue a permit. Licensees have a right of appeal against a decision of the Minister to vary, suspend or cancel a licence, and permit holders have a right of appeal against a decision to cancel the permit. So, the Minister may make a decision, which is then subject to appeal. These appeal rights can be exercised if the Minister decides not to issue, renew or vary a licence or decides to suspend or cancel a licence contrary to a recommendation of the Retail Outlets Board, the dangerous substances section or EPA. So, there is a check and balance in the system there.

It is not considered appropriate for the Minister to be bound by a recommendation of the Retail Outlets Board over, for example, the Director of Dangerous Substances or the EPA. There may well be some compelling reasons for recommendations that are in conflict. The Minister has to draw those matters together at the end of the day and make a decision. It would be different if the Parliament presumed that there was going to be some independent board that would cover all aspects of this industry and allow the decisions to be taken by that board, which decisions would still be subject to appeal. All our board decisions are subject to appeal. So, if a decision is to be taken, particularly in areas such as this, there is that further right.

If somebody, either from a public or from a private viewpoint, dislikes the decision being taken, he can proceed that further step to have that decision contested by right of appeal. These are basically the reasons which I put forward and which I ask the member for Playford to contemplate. We do have some fail-safes in the system, as he would recognise. No system is ever perfect: this one has its imperfections, but we believe that this is probably the best outcome that we could have, where the Minister takes responsibility, gathers together the information pieces from the various parts of the public sector and beyond and then, if the Minister is deemed to have got it wrong, there is a right of appeal.

Amendment negatived; clause passed.

Clauses 16 to 40 passed.

Clause 41—'Sale of petroleum products to children.'

Mr CAUDELL: This clause deals with sales to children under the age of 16. I ask the Treasurer to consider altering the provision to add the word 'apparently' just before the words 'under the age', so that it would read 'a child apparently under the age of 16 years'. This would address the problem that I noted in my second reading contribution of service station dealers being able to ascertain the age of a child in a self-serve service station, the problems associated with the person turning up with the can in the hand and the product in the can. No-one in this Committee can appreciate the problems of handling petroleum products more than I. I do not believe that the problem of sniffing is as serious in relation to the purchase of petrol in cans as is the problem of handling hazardous chemicals, such as petroleum products, in cans, but I do have a problem with regard to the service station dealers and the difficulties they face in being able to ascertain whether a person is 16, because of the distance from the console area. I ask the Treasurer to consider that clause.

The Hon. S.J. BAKER: Again I thank the member for Mitchell, who has raised a number of important issues about this Bill. This is another one. The matter has been considered on a number of occasions in a number of different Acts of Parliament. We dealt very recently with scratch tickets, saying that if you sell to a person under the age of 16 it shall be an offence. The same prevails in this Bill and with tobacco or with driving a car without a licence, although that is a little different in its concept from just saying '16 years of age' and somehow someone recognising whether people are over or under 16, particularly at the margin. The way the law applies is that the offence is placed in the Act, which says that if you do this thing then you shall suffer penalty.

Under most Acts some mitigating circumstances prevail, and in this case that is the general defence in clause 57 of the Bill. That means that, if a person in good faith served a person who was under the age of 16 but the proprietor felt that he or she complied with the requirement of this Bill, then a prosecution obviously would not proceed under those circumstances. It would not be worth prosecuting that event. The difficulty with putting in 'apparently' is that it would change the course of law. In each circumstance where we describe an offence it cannot be an apparent offence, it must be an actual offence. Therefore, you can then, as I said, have mitigating circumstances, noting that there is an offence committed but that the person did not knowingly participate in that offence and did all that was proper to ensure that the offence was not committed.

Under the circumstances, I thank the member for his question. It is an issue that has been raised on numerous other occasions in a similar context, where somebody else is charged with the responsibility of determining whether a person is of a particular age. That issue is dealt with similarly under the various Acts that we deal with in the Parliament. It is better expressed this way. There is a formal defence that means that prosecution would not be pursued if the circumstances were appropriate.

Clause passed.

Remaining clauses (42 to 64) passed.

Schedules and title passed.

Bill read a third time and passed.

SUPERANNUATION FUNDS MANAGEMENT CORPORATION OF SOUTH AUSTRALIA BILL

Adjourned debate on second reading.

(Continued from 23 February. Page 1774.)

Mr QUIRKE (Playford): The Opposition supports this legislation, and we support the amendments circulated in the name of the Deputy Premier. We would have moved mirror amendments to the Bill had the debate gone on. I do not wish to delay the House for any length of time, but I indicate that the amendments relate to the composition of the board. In fact, the amendments ensure that there is gender balance on the board, that there is a member representative on the board and that the South Australian Superannuation Federation has a member on the board. I understand from the amendments that will be moved in the Committee stage that all of those issues have been addressed.

It is important that the Government has accepted the Opposition's position in respect of distancing the board from being compelled to take into account Government decision making and policy as part of the overall management of funds in South Australia. Quite clearly, these are members' funds, and they are invested on behalf of members. They are part of the remuneration that persons in South Australia who work for the public sector receive under various schemes, and one would hope that the best return—rather than following Government policy decisions—will be the main motivation in respect of the investment of these funds.

The Hon. S.J. BAKER (Treasurer): I thank the member for Playford for his contribution to the debate. The issue of having a superannuation fund and a trust, if you like, that can now meet the challenges of modern day finances are very compelling. The member for Playford would well recognise that superannuation funds are growing at a rapid rate in this country. I read in one of the ABS bulletins that superannuation funds are now in excess of $200 billion. That is an astounding amount. I will check on that figure, which is principally the result of the superannuation guarantee which now stands generally at 5 per cent, and those funds will continue to grow.

In South Australia our funds will grow as a result of the Government's commitment to meet the long-term liabilities that prevail under the existing schemes. The Auditor-General said that there was shortfall of approximately $4.4 billion between the assets and the future liabilities of the fund. The Government believes that, because of the changes agreed to by Parliament, the long-term liability has been reduced but action still has to be taken to catch up for lost time in a scheme that is generally unfunded to date. However, the superannuation guarantee should be funded in its own right within the next two years. The compelling part for Governments of whatever persuasion is to provide for the superannuation liabilities in a way that catches up on the outstanding liabilities incurred to date. We have a scheme in place to fund those liabilities over 30 years.

The member for Playford would recognise that the arrival of accrual accounting will no longer allow Governments to escape the inevitable conclusion that they cannot simply not pay their bills without the underlying costing being brought to bear in the presentation of their accounts. There is no conceivable reason why Governments in the future, once accrual accounting has been adopted in full, will stand without criticism if they do not provide for all liabilities accrued by employees. That applies to long service leave, and in part it may apply to sick leave, although a different principal is involved. Superannuation is the largest of the liabilities for which we have not to date provided very much. The fund will increase over time, and the degree of expertise needed to manage the fund will increase commensurately.

The Government also points out that some of the even better managed funds, as the member for Playford would recognise, in their most recent reports have admitted significant losses. That is a result of the two-pronged effect of the equities market decreasing from the point it was at as at 30 June last year and before that as at 31 December. The other area concerns securities where on a market to market basis the value of those securities has been affected dramatically by the increase in interest rates. Some of the funds took very bad decisions in relation to tying up their funds in the long term when the interest rates were at a very low point, and now that interest rates have risen the value of their paper has declined dramatically and the funds are now reporting significant losses.

I have had an opinion about the valuation methods that have been accepted in more latter years as the norm for this industry. I am pleased to say that my personal criticisms—

and I have made the point quite openly on a number of occasions, including when talking to the honourable member's Federal counterparts—do not reflect a healthy way to manage business. If we continue to market our securities and our equities, we will have the traditional roller coaster result. When the markets are going strongly, we will have an increase and the funds will report a sudden return of 17, 20 or 25 per cent. I know that property trusts were returning 28 per cent simply on the basis of one year's experience. We have to smooth out the roller coaster and have valuation methods which reflect the long-term needs and prudential requirements of the industry.

I am pleased to say that the Federal Government has announced that it intends to modify its rules, because it is creating chaos out there for anybody who is interested in superannuation as a long-term investment. Everyone remembers the year that the return was up at 15 or 20 per cent. The criticism reached crescendo when those funds reported losses, as many of them did, over recent months simply because of changes in market conditions which nobody predicted particularly well. In this area of complex finance we hope that the Federal Government will introduce a new set of rules—and it has indicated some very positive changes—which will suit the very reason for superannuation, namely, long-term investments to provide for long-term futures.

The needs have been recognised. We are changing the nature of the board that we have had in place. We are demanding that every director and member of the board has some professional background. The days of representatives of organisations being appointed or anointed simply to serve out their time on boards have gone. We want the best expertise. Also, we want to pursue our demand that, by the year 2000, 50 per cent of boards, advisory groups and those people who have some advisory or decision-making power within Government achieve gender balance. We intend to pursue that.

The previous representative provisions within the legislation did not allow Ministers to have discretion in respect of that issue. What happened was that there was a representative right in a Bill, the organisation would nominate a person and the Minister would have to accept that person, even though that person might be quite wrong for the position—they might be quite right, but quite often they were not the right person. If we are to achieve gender balance we have to go back to the organisations and say, 'Think again. Many women working within your sphere can quite capably carry out the duties we require, and it is about time you started to think wider than you previously thought.'

A Cabinet decision has been taken that, if it is appropriate to have representative positions within Acts of Parliament for advisory committees, boards, trusts or whatever, we will, as a matter of principle, pursue the organisations to provide a list of people with qualifications and experience so that a decision can be taken not only on the professional composition of the boards but also on getting the right gender balance and bringing on people who previously may not have been considered, not because of their lack of ability but simply because of the nature and history of the boards and organisations nominating these people. That is important.

We want to get the most adept, financially responsible group of people that we can to manage this multi billion dollar fund which will be at their disposal as more and more money flows into it. I thank the member for Playford for his consideration of the Bill. As pointed out, the amendments that we have on file largely overcome some of the difficulties that may have been created had we not included contributor representatives in the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

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

Page 1, after line 23—Insert definition as follows:
'contributor' means a person who is—
(a) a contributor within the meaning of the Superannuation Act 1988 or the Police Superannuation Act 1990; or
(b) a member of the Southern State Superannuation Scheme;.

This amendment will facilitate the change to which I alluded in my second reading response.

Amendment carried; clause as amended passed.

Clauses 4 to 8 passed.

Clause 9—'Establishment of the board.'

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

Page 6, lines 5 to 11—Leave out subclauses (2), (3) and (4) and insert the following subclauses:
(2) The board consists of at least five but not more than seven members of whom—
(a) one will be elected by the contributors; and
(b) one will be appointed by the Governor on the nomination of the South Australian Government Superannuation Federation; and
(c) three, four or five will be appointed by the Governor on the nomination of the Minister.
(3) Each of the directors elected or appointed under subsection (2) must—
(a) have obtained a degree, diploma or other qualification with an emphasis on law, accountancy, economics, commerce, mathematics, statistics, investment or financial management from an institution of tertiary education; and
(b) have had at least five years experience in—
(i) the investment and management of superannuation funds or other substantial sums of money; or
(ii) business management; or
(iii) banking; or
(iv) asset management; or
(v) auditing, or at least five years experience in two or more of those areas.
(4) The director appointed on the nomination of the South Australian Government Superannuation Federation must have been selected by the Minister from a panel of three persons nominated by the Federation.
(5) The panel must have included at least one man and one woman.
(6) If the office of the director elected by the contributors or the director nominated by the South Australian Government Superannuation Federation becomes vacant, a person must, subject to section 10(1d), be elected or appointed under this section to the vacant office.
(7) If, upon the office of a director becoming vacant (not being a director referred to in subsection (6)), the number of directors falls below five, a person must be appointed under this section to the vacant office.

As mentioned previously, we are interested in putting in place a professional board which recognises qualifications and experience, and this amendment makes that possible. We recognise that contributors should have a say in the investment decisions of the board, but at the same time we must have the most professional representatives available in the process. Therefore, we suggest that, if a person is to be elected by the contributors, that person should have some formal qualifications. In relation to the other superannuation federation, we suggest that three names should be placed before the Minister and that the Minister should be able to choose who should be on that board. Obviously, we will look for the best person available.

Amendment carried; clause as amended passed.

Clause 10—'Conditions of membership.'

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

Page 6—

Line 13—After 'director' insert 'appointed by the Governor'.

After line 15—Insert subclauses as follows:

(1a) Subject to this section, a director elected by the contributors will be elected for a term of three years and will, at the expiration of a term of office, be eligible for re-election.

(1b) The first person elected by the contributors will be elected for a term that expires when the terms of office of the elected members of the South Australian Superannuation Board who hold office at the commencement of this Act expire.

(1c) A person elected or appointed under subsection (1d) to fill a casual vacancy in the office of the elected member will be elected or appointed for the balance of the term of his or her predecessor.

(1d) If the office of the member elected by the contributors becomes vacant and the balance of the term of the office is 12 months or less, the Governor may appoint to the vacant office a person nominated by the Public Service Association of South Australia Incorporated, the South Australian Institute of Teachers and the Police Association of South Australia.

Line 23—After 'reappointed' insert 'or re-elected'.

One is a transitional amendment and the other two are tidying up amendments.

Amendments carried; clause as amended passed.

Clause 11—'Vacancies or defects in appointment of directors.'

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

Page 6, line 31—After 'appointment' insert 'or election'.

Amendment carried; clause as amended passed.

Clauses 12 to 38 passed.

Clause 39—'Regulations.'

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

Page 23, lines 15 to 17—Leave out subclause (2) and insert the following subclause:

(2) Without limiting subsection (1), the regulations may—

(a) prohibit the investment of the public sector superannuation funds in forms of investment prescribed by the regulations unless authorised by the Minister;

(b) set out the procedures for the election by the contributors of a member of the board.

Amendment carried; clause as amended passed.

Schedules and title passed.

Bill read a third time and passed.

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

That the sitting of the House be extended beyond 6 p.m.

Motion carried.

REAL PROPERTY (WITNESSING AND LAND GRANTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 February. Page 1689.)

Mr ATKINSON (Spence): Many members of Parliament are also justices of the peace. From time to time constituents come to see us with real estate transfer documents and ask us to witness those documents in our capacity as justices of the peace. Many times constituents and non-constituents have come through the door of my Port Road electorate office asking me to witness a real estate document for them. The current form of real estate documents requires that the justice of the peace know well the person whose signature the JP is to witness. It often happens that the first I have seen of the person who comes through the electorate office door is when they come through with the document. So, many times I have had to turn people away because, as I explain to them, I do not know them at all, let alone well, and I am therefore not in a position to witness the document. This causes some disappointment and from time to time the person who comes in with the real estate document asks me to witness it anyway in violation of the Act, and that I will not do.

This Bill relieves justices of the peace of the worry of filling in the real estate documents because in clause 6 it provides that real estate instruments may be witnessed by an independent adult who either knows or is satisfied as to the identity of the party executing the instrument. That is a great relief to justices of the peace, because it means that they can take any reasonable step to ascertain the identity of the person bringing the real estate document to them and, if the justice of the peace (or any other person for that matter) is satisfied, the transaction can proceed. I have had to go to great lengths in the past to find a justice of the peace, a notary public or a proclaimed bank manager who knows a constituent so that that person can sign the document validly. In the past my attempts to go through the long form of proof have failed, for reasons of which I am not quite sure.

New South Wales has, since 1979, had the equivalent of this provision and Victoria has had the equivalent since 1955: reports from those jurisdictions indicate that there is no greater incidence of fraud in those States than in South Australia with our strict requirements. I am conscious of representations from the President of the Australian Institute of Conveyancers and the then President of the Law Society urging that stricter requirements, akin to the requirements for witnessing passport applications, be inaugurated in South Australia in this area. However, I am happy with the Government's amendments as they stand. If there is any greater level of fraud as a result of these relaxed requirements, we can return to a stricter regime as proposed by the Australian Institute of Conveyancers and the Law Society. For my part, I am happy to experiment with the scheme the Government has proposed, which is similar to that in New South Wales and Victoria.

I note for the record that the Law Society and the Institute of Conveyancers make the point that in New South Wales there is greater contact between the transferor and the conveyancer than there is in South Australia, and that in their view explains why the liberal New South Wales provision has not been a problem. As to the Victorian system, the Institute of Conveyancers and the Law Society make the point that there is an extra practice in Victoria of obtaining a statutory declaration as to proof of identity on top of the witnessing of the real estate document. I am happy to go with what the Government has proposed. If this measure leads to an increased incidence of fraud, we can move to the stricter requirements proposed by the Institute of Conveyancers and the Law Society. The Opposition supports the Bill.

Mr BROKENSHIRE (Mawson): I am very pleased to support this Bill tonight. I am also pleased that the Opposition has been prepared to support it. Prior to my coming into Parliament, as well as being a farmer, I spent many years working with legal documents under the Real Property Act. I know for a fact how difficult it has been over many years for practitioners, financiers and anybody else involved in the industry who has worked through the Real Property Act, but most importantly how difficult it has been for consumers—people buying and selling property.

As has been highlighted, this Bill makes amendments to the Real Property Act to remove the current proof provisions and subsequently replace them with a new system of witnessing documents. As was correctly pointed out by the member for Spence, at present under the Act that person has to be well known to the justice of the peace, the proclaimed bank manager and so on who is witnessing those documents and, if that person is not well known, they have to go through the more difficult process of the long form of proof pursuant to section 268 of the Real Property Act 1886.

Recently a land broker contacted me and said that he is fed up with the current system: it is difficult, it is inconvenient, and much of the work is done on weekends but JPs are not necessarily available and certainly proclaimed bank managers are not as they do not work on weekends. He asked, 'How about your Government streamlining the Act so that we can make it a lot easier?' I was delighted to be able to write to the land broker the next day and advise him that the Government had got onto the Act and that the Bill had been tabled the day he contacted my office.

We know about the record of our Government: where appropriate, we are looking at deregulation, removing red tape and getting rid of all the inconsistencies, the time wasting and the cost that built up over many years under the previous Government in this State. We are also assisting the consumer. This Bill clearly shows once again that the Brown Government is a caring Government, a Government that does not want to increase the burden of costs on the community, and a Government that wants to make it easier for the service industries and particularly for the consumer.

To give another example, only as recently as last Saturday at 6 p.m. I had constituents come to my home in McLaren Vale: one lived at Strathalbyn and one lived at Morphett Vale, and it was the only time that they were able to get together as a threesome to have documents witnessed. So, we had to rendezvous in the heat at 6 p.m. on Saturday to witness these documents. Clearly, that is not acceptable and, as I have said before, my Government acknowledged that within 14 months of coming to office. It is interesting to note, and I would like to have put on the record, that the previous Government which was in office for 11 years could not do something as simplistic as helping the constituents of South Australia with an issue that should have been dealt with many years ago.

Mr Atkinson interjecting:

Mr BROKENSHIRE: The member for Spence is becoming agitated because, although he may be one of the better members on the other side, he knows that the previous Government clearly was inept: not only could it not address the major issues in this State but fundamental, basic, caring issues such as those that are currently before this House by way of this Bill were simply overlooked, as either it did not care enough about the constituents of South Australia or it just did not understand.

It is also interesting that Victoria has had what we are now proposing since 1955 and New South Wales since 1979. The checks and balances are there. Provision is made for the Registrar-General at any time to require the witnessing of an instrument to be proved in such a manner as he thinks fit, and substantial penalties are included in the legislation. I congratulate the Government and the Attorney on this Bill. I know that many people in my electorate are delighted after many years of frustration to see that this Government has produced a Bill that will make it easier for them.

The Hon. S.J. BAKER (Deputy Premier): I thank both members for their support.

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

RETAIL SHOP LEASES BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 31, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council but which is deemed necessary to the Bill. Read a first time.

ADJOURNMENT DEBATE

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

That the House do now adjourn.

Mr ASHENDEN (Wright): Members would remember that recently I expressed concern in this Chamber at actions taken by Tea Tree Gully council in awarding a seven year contract to collect domestic waste throughout the city to the Tea Tree Gully Domestic Waste Unit, which is made up of members of council's management and work force but which is not a department of the council. I raised that issue at that time because concerns had been expressed to me on behalf of a person who had been directly involved in the decision-making process. Indirect contact from that person has continued, and I have now been advised of the details of the tenders which were submitted by the Tea Tree Gully Domestic Waste Unit and private contractors.

I can see now why the original concerns were passed on to me, because the decision taken by council to award the contract to the unit, which comprised its own management and work force, could cost Tea Tree Gully ratepayers at least $200 000 more and possibly in excess of $500 000 more than if the contract had been given to the lowest tenderer, a private company involved in waste management. I am extremely concerned to note that in its press release the Tea Tree Gully council indicated that the tender submitted by the Tea Tree Gully Domestic Waste Unit was the cheapest. This I have now found to be false.

I have been provided with documentation which shows clearly that the council employees' tender was 52.3¢ per household and that a private contractor submitted a tender of 52¢ per household. Additionally, all private contractors tendered on the understanding that they would provide their own vehicles should they be successful in obtaining the tender. However, the Tea Tree Gully Domestic Waste Unit (that is, the unit to be operated by management and employees of the council) is to have its vehicles supplied by the Tea Tree Gully council.

It has been pointed out to me that, had the other tenderers had their vehicles supplied by council, their tenders could have been up to 5¢ per household less than their present tenders (a saving of over $500 000, to which I referred earlier). Additionally, one of the private contractors, had its tender been successful, would have used only four waste collection vehicles. The Tea Tree Gully Domestic Waste Unit will use seven trucks to do the same job for which a specialist private contractor would have needed only four. The extra vehicles that council will use will result in an additional cost of at least $200 000 to ratepayers in comparison with the cost if a contractor had been used. However, the important factor to note is that a private contractor submitted a tender lower

than that of the Tea Tree Gully Domestic Waste Unit and, even more importantly, based on the information provided to me, a private contractor could have done the job at a saving of between $200 000 and $500 000 or more compared with the employees' enterprise.

As I have previously pointed out to this House, council has voted to ensure that virtually anything to do with the decision-making process arrived at by council will be retained as secret to the council for 10 years. This includes not only details of the tenders and tendering process and the decision-making processes used by council but also a letter prepared by an independent analyst which purportedly shows that council did everything correctly. This has also been declared secret for 10 years. All ratepayers of the City of Tea Tree Gully are being asked to accept that the processes used were fair and above board when not only those processes are being kept secret but also the report of the review. Is it any wonder that residents are cynical about council's actions? I believe they will be even more cynical now in view of the advice I have received that the decision could cost them in excess of $500 000.

The Chief Executive Officer of Tea Tree Gully council, Mr Brian Carr, has stated that the reason council will not divulge details of the tenders is that the tenderers have indicated that they wish their tenders to be kept confidential. However, this is only partially correct, as at least one of the tenderers has indicated that he would be more than happy for the details to be released provided details of all tenders were released. As I have previously urged council, I believe that it has no alternative now but to do this. If this is done, at least all the facts will be available for all, not just council, to see the validity or otherwise of its decision. Immediately my attention was drawn to council's actions, I wrote to the Chief Executive Officer of council requesting information about the council's decision. Some of the key questions I asked are as follows:

> I would appreciate advice as to whether any profits are to be retained by the Domestic Waste Unit and, if so, how they are to be distributed, and also whether council has been required to provide guarantees in relation to any losses that may be sustained by the Domestic Waste Unit.

I pointed out:

> Should the Domestic Waste Unit have miscalculated in its tender preparation, the only source of covering such losses would be the ratepayers of Tea Tree Gully.

I said further:

> I would appreciate advice as to the way in which the Domestic Waste Unit is structured. I understand from council's press release that the Domestic Waste Unit comprises employees of the City of Tea Tree Gully, but I am unsure as to the relationship between those employees, the organisation itself and council. I understand from discussions with Mayor Lesley Purdom that at the moment the Domestic Waste Unit is not a company, but I would appreciate advice as to whether it is council's intention to have the Domestic Waste Unit formed into a company at a later date.

I then said:

> The constituents who have contacted me previously state that they have now been told that the vehicles to be used for the collection of domestic waste will be owned by the City of Tea Tree Gully and not by the Domestic Waste Unit. It has also been stated that the cost of conversion of the vehicles to one-person operation is to be borne by the City of Tea Tree Gully. Could I please be advised as to whether this information is correct, and if it is, how the successful tender could have been compared with private companies' tenders when those companies would have been providing their own vehicles at their own cost? In view of the recurring approaches I am receiving from my constituents as they are provided additional information, it would be most helpful if I could be provided with a response that sets out the full details of the operations of the proposed Domestic Waste Unit.

I look forward to receiving a reply to those questions. Like my constituents, I am concerned that the council's waste strategy working party has been heavily involved in the decision to award the contract to a unit made up of council employees as that working party comprises councillors and council employees. The working party and council also made a bad decision in appointing a contractor when council first decided to introduce recycling. In less than 12 months that contractor was unable to fulfil the contract.

I am concerned that another decision may now cost ratepayers in Tea Tree Gully more than $500 000. We must remember that the decision to award the contract to council employees was made by council on a recommendation of a council committee. This is very much Caesar judging Caesar. How can council possibly expect its decisions to be seen as unbiased and independent under these circumstances when all details are being kept secret?

Whereas when I spoke previously on this matter I was urging council to release the information on which its decisions were based, I am now urging council to consider reopening this matter and to issue the tender for waste collection to the private contractor who has submitted a tender lower than that of the Domestic Waste Unit. Many questions still need to be answered. Why was the tender not given to the lowest bidder? Why is council providing seven trucks to the Domestic Waste Unit when a private contractor could do it with four trucks? Why is the Domestic Waste Unit not being required to provide its own trucks, as all other tenderers were required to do? If council is prepared to provide trucks to the Domestic Waste Unit, why does it not provide trucks to the private contractors on the same basis? Where will the profit from the Domestic Waste Unit go? If the Domestic Waste Unit cannot meet its tender, who will bear the losses? Why will the council not release details about the decision making process? Will the council review its decision now that it is known there was at least one tender cheaper than that of the Domestic Waste Unit? Finally, I wish to stress that I have spoken tonight because—

Mrs Geraghty interjecting:

The SPEAKER: Order! The honourable member for Torrens' conduct has been exceptionally good in the Chamber; I hope she will not spoil it.

Mr ASHENDEN: I have not really been listening but I understand that the member for Torrens is not very interested in the ratepayers of the City of Tea Tree Gully; she seems to be critical of what I am doing. Finally, I wish to stress that I have spoken tonight because one person intimately involved with the decision making process is worried about that process and has passed information on to me. I have been able to confirm that information by discussions with other sources. It is little wonder that the Tea Tree Gully Council is held in such poor regard by its ratepayers when it continues to make decisions in secrecy which do not appear to be in the best interests of ratepayers. Despite their protestations, council did not accept the lowest tender. I urge the council to come out from behind its locked doors and reconsider the entire tendering process, and this time make a publicly debated decision. In doing so, it could save the ratepayers of Tea Tree Gully over $500 000.

Ms STEVENS (Elizabeth): During the week off from Parliament last week I, as I guess did many other members of Parliament, took the opportunity to get back in touch with

people in my electorate. A constituent visited me and talked to me about concerns relating to Elizabeth Downs Primary School and the Elizabeth Downs Junior Primary School where she has children attending. I will also relate further information I have from other primary and secondary schools in my area. This parent came to see me because she was most upset. She has a child in year 5 who has very severe learning difficulties and who needs special education support. She also has a child in the child/parent centre of that school needing special consideration. She came to me to say that it was really tough out there since staff changes at the beginning of the year had meant that those programs would not get the teaching time that it was previously thought they would have. She was very fearful for her child in year 5 who, she said, had the reading ability of a child in year 1, and she was fearful for the younger child, too.

I telephoned the Principals of both those schools and discussed with them what that parent was saying and how staff cuts and the changes at the beginning of the year had affected the schools. When it started this year, Elizabeth Downs Primary School had five students fewer than the predicted number that it put in for at the end of last year. Because of the way the staffing formula operates, they lost 1.2 staff members through this enrolment decrease. We must bear in mind that this news and these staff cuts occurred after school had started at the beginning of this year. A couple of weeks into the school year, it found out that it would lose 1.2 staff members.

As a result the school had to rearrange its classes completely; it had to drop a class. That means that all those students who went home at the end of last year knowing which classes they would be in and who had spent some time with their new teachers then had to be rearranged two weeks into the year. This is really disruptive. We know that the start to a good year at school means getting in there, getting to know your teacher, getting your books organised, getting a routine settled, and off you go. However, that did not happen for those students at Elizabeth Downs Primary School and, as we know, it did not happen for many students across the State. That was not the only effect at Elizabeth Downs. The Principal has explained that the overall effect has been that the school has had to cut down on the extra special education support that it had intended to find with those 1.2 staff members. Of course, what it actually means is that my constituent's child is pretty unlikely to get any extra help at all in the current situation.

I spoke with the Principal of Elizabeth Downs Junior Primary School. That school lost 1.4 staff members as a result of a reduction in enrolment. After school had begun this year, she said that it had to cope with it by, first, reducing a class and, secondly, reducing the amount of time allotted for special education for students with special needs. That school's reading recovery program will be affected because it will not be able to put the staff time into it. Last year, the Minister came to see the reading recovery program at Elizabeth Downs Junior Primary School. I know that, as I was with him at the time. I brought him there to have a look at that program and talk with the people who were operating it. He was most impressed and he remarked how impressed he was at the 'creative ways'—he used that term—in which the Principal had managed to use the staffing resources of the school to plug them into that important early years strategy. The loss of 1.4 staff members now threatens the Principal's ability to use creative management to plug the resources into that very program that the Minister has been touting around the State.

I want to put on record other issues concerning Elizabeth Downs Primary and Junior Primary Schools. Elizabeth Downs is a suburb that has an enormous transitory population. It has been singled out as a suburb in Adelaide where this is a problem. In fact, a special program is set up there which has resulted from the Elizabeth Munno Para social justice project, with a specific focus on trying to address some of the issues that are caused by the large proportion of transitory residents in the community. This impacts especially on those two schools. I will provide some information in relation to that. In relation to the Elizabeth Downs Junior Primary School, in 1993, out of a maximum enrolment of 192 students, 49 were new enrolments and 139 students out of the 192 either moved in or out. It had a transition percentage of 72 per cent.

In 1994, based on an average enrolment—and we have to remember that the department started to count differently—of 165, it had 56 new enrolments, but 108 students moved either in or out, a transition percentage of 65 per cent. In 1995—and the Principal is counting only five weeks because she gave me the data yesterday—it has a transition in or out already of 19.3 per cent. I stress that that is in the first five weeks. In 1994 Elizabeth Downs Primary School had a 62 per cent transition of its students either in or out of the school. This means that, even though its enrolment numbers are a certain figure, it has many more students coming in or leaving.

This imposes extra pressures on the school that are not being accommodated in a formula and in an approach that is simply based on the numbers of students. It also means that in schools like Elizabeth Downs special measures need to be taken. It is not enough for us to say, 'We are cutting the formula; times are tough.' This school is being treated in the same way as Burnside Primary or other primary schools where there are nothing like the issues that exist in Elizabeth Downs. It means that the Government needs to take social justice seriously and it needs to take the issues of schools like these two seriously.

Suzanne McCreight, the mother who came to see me, left me with a poem she had written about children with disability. The poem, entitled 'We need action now', is as follows:

People stop and listen to me
I want to talk about disability
There's speech and language and ADD
They're all a part of our community.

They look no different from you and me
But they don't always get equality.
For them to learn or speak like us
Their needs aren't many
But there's the fuss.

They need acceptance and they need respect
There's no-one ever born perfect
So what's the answer well I don't know
These children just need time to grow.

They need the chances that others get
But there's the problem their needs aren't met.
Funding's short for the things they need
Like extra teachers and therapy.

Able people take these things for granted
And their sympathy is just not wanted.
Now I could go on telling you
The problems faced till my face turns blue.

But I hope that from this rhyme of mine
You get the picture and be inclined
To think twice about these children's fate

And help us before it becomes too late.

So it's up to you and it's up to me
To change the opinions of society.
It won't be easy, it'll be a fight
To make politicians see the light.

Funding cuts aren't the way to go
We've got to train the staff so they're in the know.
They can't teach the children if they don't know how.
But these changes can't wait.

We need them now.

I think that is something we need to think about really seriously. I know that in that school and in many schools in my electorate and across the State there are children with special needs who do not have a chance of getting a look in.

Motion carried.

At 6.33 p.m. the House adjourned until Wednesday 8 March at 2 p.m.