HOUSE OF ASSEMBLY

Wednesday 27 March 1996

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

ARTS FUNDING

A petition signed by 199 residents of South Australia requesting that the House urge the Government not to provide arts funding for the public performance of offensive material was presented by the Hon. R.G. Kerin.

Petition received.

WATER, OUTSOURCING

A petition signed by 770 residents of South Australia requesting that the House urge the Government to retain public ownership, control and operation of the water supply and the collection and treatment of sewerage was presented by Mr Foley.

Petition received.

SAMCOR, EXPORTS

The Hon. R.G. KERIN (Minister for Primary Industries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.G. KERIN: As of 26 March 1996 (yesterday), SAMCOR has been delisted from exporting to the United States, Canada, Poland and Brazil and suspended from the EU and Mexico. This follows a cross-review carried out this week by AQIS officials. SAMCOR can still continue to kill for other export markets and the domestic market. Remedial action has already commenced with management at SAMCOR meeting with senior AQIS officials to work on a 'corrective action plan' aimed at having these export licences renewed. It is hoped that this plan will be in place next week, allowing the plant to be reviewed for relisting as soon as possible. There is no minimum time limit to the suspensions, but the process could take up to a month.

SAMCOR management has agreed to work with AQIS to ensure that the critical issues are covered both in the short and long term, so that the listing can be restored and maintained. In the short term there will be only a small effect on beef production at the Gepps Cross plant, as at the present time SAMCOR is predominantly killing for domestic and interstate markets with some exports to Asia which are unaffected. Mutton production will be scaled down further as a number of SAMCOR clients were selling to the European market. However, sheep will still be slaughtered for domestic and other export markets. This will result in some reduction in shifts at the plant, but it is not anticipated that there will be many changes to staffing. At this stage there will be no effect on pig production at the plant.

Following the announcement by AQIS of the licence being suspended, there was some concern about the future of some 2 500 sheep processed yesterday at Gepps Cross. Staff from my office and PISA have worked on the matter in the past 24 hours and, after representations to AQIS in Canberra, the meat has been cleared for export. Management at SAMCOR has agreed to work with AQIS on the corrective action plan to quickly regain its licence. I must point out that I am informed by AQIS that this is happening to a number of abattoirs around Australia, following new, stringent standards set by the USDA. This is making it increasingly difficult for Australian beef producers to access US markets.

I have today written to my Federal counterpart John Anderson seeking an assurance that there will not be any further changes to the standards set by the USDA. This review needs to be the final one, and I am keen to ensure that there are no further movements of the goalposts. This is especially important to SAMCOR for the sake of the sale process, which will continue as planned under the Asset Management Task Force program. I have sought assurances from the Federal Minister that SAMCOR will be treated fairly and justly and that the treatment is consistent with that delivered to other meat processors in Australia.

SAMCOR can still kill beef and pigs for domestic and some overseas markets. The sheep line will be scaled down, but it is hoped there will be only a limited effect on staffing hours as sheep will still be processed for the available export markets and for domestic consumption. SAMCOR management is already working towards remedial action and I hope that, with the assistance of AQIS, the reputation of SAMCOR can be restored as soon as possible.

HOUSING TRUST EASY-PAY SERVICE

The Hon. E.S. ASHENDEN (Minister for Housing, Urban Development and Local Government Relations): I seek leave to make a ministerial statement.

Leave granted.

The Hon. E.S. ASHENDEN: I am very pleased to announce that this morning, at the Modbury Housing Trust Office, I launched the Easy-Pay service which has been developed with the cooperation of the Department of Social Security and the Housing Trust, and will be operational from 1 May 1996. The service will be available not only to trust tenants but also to others who are not tenants and who have a debt to the trust; for instance, for a private rental bond or as a result of a previous trust tenancy.

The system of direct payments from the Department of Social Security to the Housing Trust has the potential to save the trust $800 000 over the next three years. The Easy-Pay service is free and it is voluntary. To use the service, people may contact their local trust office to complete forms to authorise regular payments from their social security income. It will not be necessary to fill in new forms whenever the rent changes, but new forms will be required to vary the amount to pay for other charges. To stop making payments all that is required is to tell the Housing Trust or Social Security.

Easy-Pay has the support of Shelter SA and the Tenants Association of SA. Recipients of all forms of regular income from social security will be able to access the service, which means approximately 45 000 trust tenants can now use this method of payment. As well as being an easy way to make rent payments, the Easy-Pay service will enable people to make regular additional payments to either repay outstanding trust debts or to build up a credit in their account to offset charges such as maintenance or water usage. It will also allow people to pay rent or other charges directly from their social security payments on behalf of someone else; for example, to assist a child to repay a trust debt or, for those sharing houses, to pay their share of expenses.

Currently there are 13 000 trust tenants who pay their rent under the Pensioner Direct Debit scheme first introduced in late 1993. They will be automatically transferred to the new

service. All other eligible trust tenants will be advised of the Easy-Pay service, in writing, within the next few days. With the opportunity to significantly increase the number of people using the Easy-Pay service, the cost of follow-up and recovery of trust debt will be reduced. Further significant savings will be made by the trust through a reduction in transaction costs for each transaction made through the Easy-Pay service. Approximately 75 per cent of all Housing Trust tenants, as well as many others in the private sector who have accounts with the trust, may now use the new Easy-Pay service for their payments. This is a landmark initiative for the trust and its customers. I urge all members to encourage constituents to register their interest in Easy-Pay through their local Housing Trust office.

COLLEX LIQUID WASTE TREATMENT PLANT

The Hon. E.S. ASHENDEN (Minister for Housing, Urban Development and Local Government Relations): I seek leave to make a further ministerial statement.

Leave granted.

The Hon. E.S. ASHENDEN: I wish to advise the House that I have approved the commencement of the process for a Development Plan amendment for rezoning that would, if approved, accommodate the establishment of a liquid waste treatment plant at Kilburn, within the City of Enfield. Such a development would be subject to approval of an appropriate application by the Development Assessment Commission (DAC) and would require licensing by the Environment Protection Authority. In initiating this process, which will take some months, I indicate that I will consider the outcome of the current legal proceedings on the establishment of the treatment plant when the decision is handed down and take advice on any implication for the rezoning process. This decision has not been taken lightly. In making the decision to commence this rezoning process I can assure the House that issues of economic significance, environmental impact and local concerns have been taken into account. I have formed the view that this project is a matter of significant economic importance.

The background to the current proposal is long and tortuous. The proposed site at Churchill Road, Kilburn was previously occupied by Tubemakers Australia Pty Ltd, which had operated a liquid waste processing plant there since the mid-1940s. In 1989, Tubemakers was required by regulation to upgrade the plant to meet more stringent EWS trade waste discharge requirements. In December 1990, Tubemakers gained consent from the then South Australian Planning Commission, with the support of Enfield council, to build a new liquid waste processing plant to deal with waste products from its tube and automotive parts manufacturing plant. Council treated the matter as a minor consent not requiring public notification and granted building approval on 2 February 1991.

The plant was operated by Tubemakers from mid-1991 through to early 1993 when Tubemakers closed its South Australian operations and agreed to sell the plant to Collex Waste Management Pty Ltd. In mid-1993 Collex applied for planning approval and environmental licensing to extend the existing plant and to increase the range of materials treated.

Mr Clarke interjecting:

The SPEAKER: Order!

The Hon. E.S. ASHENDEN: I suggest to the honourable member that, if he just listens, he might learn something. The Collex proposal is to receive liquid wastes from across the State, recover some recyclable material and dispose of the balance of treated waste to the sewer in a manner acceptable to SA Water. Daily throughput is expected to be approximately 50 000 litres.

The planning application submitted to the Enfield council by Collex in 1993 was referred to the then South Australian Planning Commission (now the Development Assessment Commission) as the body responsible for all waste related development applications. The council referred the application to DAC with a recommendation that it be refused, because of concerns about the impact of odours on residential development in the vicinity. Following advice from the Environment Protection Office (now the EPA) that the odour impacts were acceptable and within national guidelines, the commission dealt with the application as 'General Industry' and granted approval in August 1993. The EPA subsequently issued the appropriate environmental licences.

Enfield council then initiated a Supreme Court judicial review. This resulted in the quashing of the commission's planning approval on a procedural technicality, I understand to do with the use of delegations. In anticipation of the finding by the court, a second application had already been submitted for consideration by the commission and was approved. Enfield council again sought a judicial review, and in April 1994 the approval was quashed after withdrawal by Collex when it became clear that two sets of documents (one more detailed than the other) would be likely to result in further legal debate based on procedural issues. A third application was lodged and approved in November 1995 by the Development Assessment Commission. This was also challenged by the council on the grounds that the proposal is 'Special Industry' and is likely to be offensive to nearby residents. The hearing by the Supreme Court is concluded and judgment is awaited.

I wish to emphasise that the merit of the proposal has been found acceptable and approved by the Development Assessment Commission and the Environment Protection Authority on three occasions. It has also been assessed by the Department for Manufacturing, Industry, Small Business and Regional Development (formerly the Economic Development Authority) to be economically important to the State, because establishment of a second treatment plant in Adelaide will introduce price competitiveness in the market and lower treatment costs across the State. Moreover, the new plant that is proposed is technically advanced.

There is expert advice that the proposed plant will not allow the escape of odours that will have any appreciable impact on the housing in the area. I have also seen for myself how the system works. I visited the Collex plant in Sydney, which is four times larger than the one proposed for Adelaide, to inform myself about the process employed. The transfer of waste from the delivery trucks to the holding tanks is done under vacuum pumping and takes place entirely within a fully enclosed shed. Even at close proximity you are generally unaware of the work going on inside.

I was not able to detect any odours at the time I was at the Sydney plant, despite the fact that it was in full operation. I have also visited the site at Kilburn. The site cannot be seen from the road and it is both separated and shielded from any nearby residents by a large number of sheds and a milling factory. The reality is that the trucks using Churchill Road and the trains on the nearby rail lines would have more impact on local residents than would the proposed waste treatment plant.

In its evaluation of the economic significance of the Collex proposal, the Department for Manufacturing, Industry, Small Business and Regional Development concluded that higher levels of economic activity in South Australia are expected to continually increase the demand for waste disposal. At the same time, the continued vigilance and demands from environmental regulators will increase the demand for waste disposal services in Adelaide, including those for liquid wastes. Currently, there is only one licensed depot for liquid waste in metropolitan Adelaide, operated by Cleanaway Treatment Services (CTS), which treats a wide spectrum of the liquid waste stream, including some cyanides. Collex proposes to treat only non-hazardous wastes—

Members interjecting:

The SPEAKER: Order!

The Hon. E.S. ASHENDEN: For the Deputy Leader's information, Collex proposes to treat only non-hazardous wastes and some easily treated acids and alkalis, including grease trap waste, oily water, caustic waste, inert sludges, soluble oil, waste acid, mud and acid water. The Department for Manufacturing, Industry, Small Business and Regional Development has advised that prices for liquid waste disposal are higher in Adelaide compared with other States, particularly Melbourne and Sydney, where similar technology is used. Collex has indicated that it can viably compete with CTS in Adelaide at current Sydney rates, which would see a substantial drop in prices for oily water and grease trap waste.

The Department for Manufacturing, Industry, Small Business and Regional Development has estimated an overall price reduction of around 40 to 50 per cent if competition is introduced, resulting in cost savings to industry in South Australia of $2.4 million per annum. There will be added environmental benefits with lower prices for treatment leading to less illegal dumping of waste. Even if the drop was a more conservative 20 per cent, the benefit would still be significant at approximately $1 million per annum.

It is difficult to comprehend how the council can say that the Collex proposal is unacceptable, particularly when account is taken of the fact that this project has been approved by the Development Assessment Commission not once but three times and also has the approval of the Environment Protection Authority and the Department for Manufacturing, Industry, Small Business and Regional Development. I must also indicate that I find the positions adopted by council both over time and in its attitude to an alternative location to be inconsistent.

I am also concerned about the message that continued uninformed debate on this project is sending to the business and investment community, both within Australia and overseas. On the one hand, we have the Government trying to provide encouragement and incentives for businesses to come and set up in South Australia and, on the other, in many instances we have the opposition of councils and other interest groups holding up planning processes.

In conclusion, I reiterate that I have taken the step to start a rezoning process that would accommodate the establishment of a liquid waste treatment plant at Kilburn because it is a matter of significant economic importance. In doing so, I have to take into account that the plan amendment process will allow for the views of those with concerns, including residents, to be heard. In addition, I will also carefully consider the views of the court when a decision is made on the current application.

QUESTION TIME

BESTON PACIFIC

The Hon. M.D. RANN (Leader of the Opposition): When was the Treasurer advised that Beston Pacific had lodged an expression of interest in a financing deal for the Queen Elizabeth Hospital? Last week, the Treasurer told this House that there was no potential for conflict of interest in the dual roles of Dr Roger Sexton as head of the Government's Asset Management Task Force and as a director of the private company Beston Pacific, and the Treasurer said that he was fully briefed on its activities. Dr Sexton has written to me today, disclosing that his company has lodged an expression of interest with the Health Commission for a financing deal involving the QEH. Dr Sexton states that the expression of interest discloses that he is Chairman of the Asset Management Task Force. He further states:

> It is common practice to mention the name of the Chairman and other directors in these types of proposals, simply to demonstrate credibility.

Dr Sexton said that he had not heard of his private company's interest—his own company's interest—in the QEH until I raised it with him in my office yesterday afternoon. The letter further discloses that another member of the Asset Management Task Force, Mr Kym Weir, is also involved in this expression of interest regarding the QEH. I have today written to the Auditor-General calling for an investigation to determine possible conflicts of interest and to lay down clearer guidelines and safeguards.

The Hon. S.J. BAKER: Indeed, I have a copy of the letter that Dr Sexton wrote to the Leader of the Opposition. Dr Sexton visited the Leader of the Opposition yesterday and spoke to him.

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: Just hold on a second: the Leader continues to put his spin on things, Sir, but I would like to answer the question. The question is really quite clear. Let us deal with it, first, in principle.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: Is the Leader suggesting that, because Dr Roger Sexton is head of the Asset Management Task Force—and we have already laid down clear guidelines which have been strictly adhered to that he have no conflicts in relation to asset sales—that that company cannot engage anywhere across Government? Is that the suggestion? Is the suggestion—

Members interjecting:

The Hon. S.J. BAKER: This has nothing to do with asset sales at all. Is the Leader suggesting—

The Hon. M.D. Rann: When were you briefed?

The SPEAKER: Order! The Chair will brief members on the consequences of interjecting if they are not careful.

The Hon. S.J. BAKER: Sir, I will tell you when I was briefed: I was briefed last night after—

The Hon. M.D. Rann: You said that you were fully briefed on the company's operations.

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

The Hon. S.J. BAKER: I was briefed last night after the matter was raised by Dr Sexton with the Leader of the Opposition.

The Hon. M.D. Rann: No: me with him.

The Hon. S.J. BAKER: I don't care who it was: the two of you actually met and the question was raised, 'Is Beston involved in the outsourcing of the QEH?' or something along those lines. Dr Sexton replied—if I have it correct—'I am not aware that it has any interest in the QEH, but I will find out straight away.' And he did find out straight away that there was an expression of interest on the financing at the QEH.

Members interjecting:

The Hon. S.J. BAKER: There is no conflict whatsoever. If the Leader believes that there is a conflict, the previous Labor Government must have been in conflict for the whole period of its term in office. We know that closer relationships were formed during the last Government and, if members want me to roll them out, I will. If the Leader is suggesting that, because a person performs a task for Government, or serves on a board of Government, they cannot form any other relationship within Government, the whole town will be closed down. What is the Leader suggesting? I do not have a difficulty with Dr Sexton's firm saying, 'We can actually assist in this process over here.' The fact that Dr Sexton was not aware of it is up to him. I do not know that he maintains such a close relationship with his firm given that he is selling assets for this State.

The Hon. M.D. Rann: You said, 'I was fully briefed.'

The Hon. S.J. BAKER: I have been fully briefed on all activities of Dr Sexton, and Beston Pacific—

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: Come on. The man is drawing a long bow. I find it quite extraordinary that there has been an agenda, and I understand where it is being fuelled and I also understand why the Leader of the Opposition is asking the questions. I find it frustrating and I get very angry about the fact that there is a suggestion of conflict of interest in this situation. How can there be? In fact, if the expression of interest does contain Dr Sexton's name, I would say it is obvious that Beston Pacific and Dr Sexton are one and the same in terms of the company relationship: to not reveal it would be subject to greater criticism than the Leader is suggesting.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: Why should Dr Sexton know about it? He has been working on asset sales—very diligently, I might add, and with some exceptional results—for the benefit of this State after you and your mob destroyed the State with the State Bank, ASER: we could go through the whole lot. I would suggest to the Leader that, if he has an agenda to destroy the credibility of the AMTF, he should remember that it is run by one of the best boards in South Australia with some of the best people who keep a check and balance; we also have an Auditor-General who is informed on everything that is happening. If Beston Pacific wishes to enter a bid on a financing relationship regarding the QEH, I cannot fathom where the conflict arises. It has nothing to do with asset sales whatsoever.

STATE ECONOMY

Mr CUMMINS (Norwood): Will the Premier give the House the Government's assessment of current economic conditions in South Australia and the potential for future economic growth?

The Hon. DEAN BROWN: I am delighted to be able to give the House an overview of the South Australian economy. In the September quarter, South Australia had a GSP of 1.7 per cent, which was the highest of that in any State in Australia. For the year preceding that, South Australia had a GSP of 3.3 per cent, which was also the highest of that in any State in Australia. In the September quarter, State final demand dropped slightly, but a compensatory factor for that was that exports increased and provided a very positive contribution to growth within the State. Certainly, the breaking of the drought for this 1995-96 season has put a lot of additional money into the primary sector and the farm sector. However, some disturbing signs are occurring throughout Australia, particularly because of the relatively high real interest rates at present, which we all know are a legacy of the Labor Government from some 18 months ago. This has certainly slowed down the economic growth rate over the whole of Australia and it is starting to have an impact here in South Australia.

The level of job advertisements in this State fell in February after reaching a five year high in January this year. Retail spending has also flattened out after very strong growth. Anyone who looks at the most recent figures for retail sales spending over the past two months should take into account that, given that it is calculated year on year, it is accompanied by the strongest retail sales growth of any State in Australia over the past 12 months. As a result of the high interest rates, the level of building approvals has also declined, and motor vehicle sales have fallen here in South Australia. Clearly, a reduction in interest rates as a result of the policies of the new Federal Government would be very welcome indeed in boosting the South Australian as well as the Australian economy.

I would, however, like to highlight to the House some very strong prospects for growth, and there are strong fundamentals that this House should take into account. First, we have just completed a growing season in which the field crop production has been 5.4 million tonnes reaped to the end of January—a record intake in terms of value. The big benefit is that not only was it a good year but also the prices were very high indeed. The prospects are for continuing high grain prices for at least the next year, if not for the next two or three years. Aquaculture is increasing in South Australia. A week ago the Minister for Primary Industries and I launched a major strategy for the development of aquaculture in South Australia. We believe that over the next five years—or four years, on the most conservative estimates—aquaculture production and value to the State can be at least doubled and possibly trebled.

In the past year the wine industry has undertaken 3 000 hectares of new plantings, which is more than half the total additional plantings throughout the whole of Australia. A survey of intended plantings for the 1996-97 year has shown a further 8 000 hectares of planned plantings. That shows an enormous boom in viticulture production or plantings throughout the State. That alone will be 40 per cent of the planned additional vineyards for the 1996-97 year.

Some very encouraging news is also coming through from the mineral and petroleum sector. As all members, including the Leader of the Opposition, now realise, Western Mining Corporation is coming to the final stages of a very detailed feasibility study for a major expansion that would approximately double the production of the Olympic Dam mine. That would take it from about 85 000 tons to 155 000 tons potentially of copper a year. The final decision on that, despite what the Leader of the Opposition said a couple of weeks ago, is not expected until June. Certainly, the State and Federal Governments have given their approval. In fact, all

the Federal Government did was agree to a proposal put up by the State Government for the environmental assessment of that, having already had an environmental impact statement prepared when the original indenture went through.

Today Pasminco announced a $30 million expansion of its refining operations at Port Pirie. Company mineral exploration within South Australia has increased substantially, so that there are now 265 exploration licences applying. Just a few weeks ago we announced the agreement for the first exploration program in the Pitjantjatjara lands. Also, just a couple of weeks ago, I announced that Santos will be doubling its exploration in the Cooper Basin, spending $200 million over the next three years. There are also major expansions taking place in other industry sectors. In the information industry significant development is taking place with EDS, Tandem and other companies. Soda Penrice, in the base manufacturing area, is doubling its production of sodium bicarbonate, and is expected to expand the production of soda ash from 350 000 to 500 000 tons a year.

The motor industry is one of the most exciting of all in this State. As we all know, Mitsubishi is coming to the end of a $300 million investment program for its newest model, which is due to be released next month. I went to the preliminary release of that model to all Mitsubishi dealers world wide only last Friday. It is so exciting to have a vehicle produced here in Adelaide which will go to all the world markets for Mitsubishi and be the sole source of manufacture, with the exception of the domestic market in Japan. That achievement is a real credit to the motor industry in this State.

Further, General Motors-Holden's is about to embark on a major investment program for its new model to be released next year. In addition, that company is looking at manufacturing a second motor vehicle in South Australia, be it a Vector or similar medium sized car coming from Europe, and that in itself is likely to lead to 35 000 vehicles being assembled here in South Australia, together, of course, with the necessary components.

Also, there has been a significant expansion in other areas of exports, in other manufacturing and in primary production, particularly in the field of grain production and exports and also wine exports. It is appropriate that I indicate to the House that a report just released by Pacific Power and Access Economics on investment throughout Australia has identified $10.8 billion worth of investment likely to take place in South Australia involving projects under construction, committed, under consideration or possible: 61.2 per cent of these projects are in the manufacturing industry, more than 20 per cent in the transport and communications area, and 14 per cent in the mining area.

When we came to government two years ago we started to restructure the South Australian economy as a matter of urgency. During the Bannon-Arnold years the former Government completely failed to pay attention to the urgent restructuring of this State's economy, which was highlighted. We have done that in three important areas: we have brought down the costs, therefore making the economy much more competitive; secondly, we have concentrated on exports, and we have been very successful in that area, as the Minister for Industry highlighted last week; and, we have also broadened the base of the South Australian economy, particularly into areas such as tourism and wine production.

In addition, I refer to major infrastructure projects including the Adelaide Airport runway, the Adelaide-Crafers highway, the southern expressway, the Virginia pipeline scheme and various tourism projects including Wirrina, the Glenelg-West Beach development, Wilpena and Mount Lofty. One of the underlying problems with the South Australian economy has been our very low population growth rate, which has been a characteristic of this State for many years. Therefore, I welcome the public statements by the new Federal Minister for Immigration (Philip Ruddock) indicating that migration selection procedures should be changed to encourage settlement away from Melbourne and Sydney. I have taken up with Mr Ruddock means by which we can significantly increase here in South Australia the settlement of migrants to Australia. I bring to the attention of the House a quote from a report released last Friday by BankSA, as follows:

South Australia has already generated—

Mr CLARKE: I rise on a point of order. The Premier's answer is more in the form of a ministerial statement and should be treated as such.

Members interjecting:

The SPEAKER: Order! I think I ruled yesterday on the matter of Ministers having far more to say—and I referred to the member for Giles, who was an expert in answering questions and making lengthy statements. I cannot uphold the point of order, but I point out to the Premier that we are now on the second question and there is only 43 minutes left of Question Time.

The Hon. DEAN BROWN: Thank you, Mr Speaker, and in fact I am coming to an end. But I would like to draw to the attention of the Opposition what was said last Friday in the report released by BankSA, as follows:

> South Australia has already generated rapid growth in exports and built markets in Asia. Investment plans in motor vehicles, wine, mining and technology based industries mean that South Australia has the potential to produce a better economic performance over the next decade. It is up to South Australians to grasp the opportunities.

This State is doing that now. We have broadened the base of the State's economy. We are much more competitive and, although there is still uncertainty because of the very low level of the national economy as a result of high interest rates, I believe that South Australia has a very optimistic outlook indeed.

MARION CORRIDOR SCHOOLS

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Does the Government intend to proceed with the Marion Corridor Schools Review, which recommends a reduction in the number of schools in the corridor from seven to four, and how much extra funding will the Government guarantee to the remaining schools? A review report into the future of the Sturt Primary, South Road Primary, Marion Primary and Clovelly Park Primary Schools and the Marion, Daws Road and Hamilton High Schools was presented to the Minister for Education and Children's Services and the Government which the Premier leads in October 1995.

The report recommends two options, both of which propose the closure of three schools. Schools in the Marion corridor offer special programs, including curricula for children with impaired hearing and programs for overseas students.

The Hon. R.B. SUCH: We know the track record of the Leader of the Opposition in making assertions and allegations. Therefore, it is most prudent that I confer with my colleague in another place and come back with a considered reply.

ASER PROJECT

Mr BECKER (Peake): Will the Treasurer—

An honourable member interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition will need a parliamentary secretary to assist him if he continues to interject. The honourable member for Peake.

Mr BECKER: Will the Treasurer provide a response to claims by the Public Service Association that the Government should incur all the losses on the Superannuation Funds Management Corporation's investment in the ASER project? I heard a PSA representative on the radio this morning claiming that the losses from the ASER investment should be picked up by the Government, as it was the Government's action in introducing gaming machines that had caused the losses.

The Hon. S.J. BAKER: The extent to which the superannuation fund should be affected by the $72.6 million write-down that will take place this financial year is a matter of current discussion. The question is vexed: to what extent they were guided by Government policy from 1983 through to 1985 and the extent of representation at the time when those deals were being done, and the further extent to which SASFIT, as it then was, made the decision to transfer some of that high yielding investment to the superannuation lump sum scheme. The schemes will not be affected dramatically, if at all, and that is a matter that currently is being discussed. As most of the superannuation liabilities are fixed benefit or determined benefit schemes, it is the Government that faces the loss under those circumstances.

In terms of the lump sum scheme, which depends on earnings, the issue is somewhat different. I have had representation from the federation and representations and a telephone call this morning from the PSA about the issue and the extent to which the employees' funds should be affected by those changes. I will be talking to the people concerned before a decision is made on that matter, but I would not expect dramatic impacts across the board. The Government must wear another decision made by the previous Government, and the clearing up is our responsibility, irrespective of the fact that some of the people who made those decisions were representatives of the various interests at the time they were made. Boards are charged with responsibility: they have to meet that responsibility.

Those same organisations cannot come and say, 'It really wasn't us; we didn't have anything to do with making the original decision and didn't have anything to do with the transfer of funds into the lump sum scheme. We want them all excised as a result.' It does not wash: they were all part of the decision making process. But the Government will go through that process with the people concerned, and I do not expect there will be a large impost, if any at all, on the various sums.

PARKS HIGH SCHOOL

The Hon. M.D. RANN (Leader of the Opposition): In view of the decision by the Minister for Education and Children's Services to reject the recommendations of The Parks High School review and the Minister's refusal to reconsider his decision after meeting with students from the school, will the Premier join me in meeting with the parents, students and teachers at The Parks High School to hear why their school should not be closed? On 15 March the Minister for Education and Children's Services announced that The Parks High School will close at the end of this year. The Minister made this decision after commissioning a review that actually recommended that the school stay open. The review said:

> The Parks High School is an asset to the public education system in South Australia with outstanding values and learning practices that are at the cutting edge. The school clearly values diversity and equity and this is displayed in the many programs that have been developed to support disadvantaged students.

The Hon. DEAN BROWN: Having complete and utter confidence in the Minister for Education and Children's Services and the way in which he is handling this matter, I do not need to hold the hand of the Leader of the Opposition in this matter. In fact, if a deputation were to come and see me as Premier it would be through the local member of Parliament and not through the Leader of the Opposition, and it would be up to The Parks High School to raise that matter with me, at which time I would give it due consideration. I stress the fact that the Minister for Education and Children's Services is doing an excellent job in the way he is handling a difficult situation down there.

Members interjecting:

The Hon. DEAN BROWN: Members should appreciate the extent to which the former Government failed to effectively administer the education area, as it failed in so many other areas, and they should look at the extent to which they grossly allowed the capital infrastructure to run down to the point where it was seriously neglected. If they want an example, take the Goolwa Primary School in my own area: 350 children, and the last time any solid construction was done on that school was back in about 1892.

Members interjecting:

The Hon. DEAN BROWN: The last time was 1892. For 10 or 11 years the Labor Government of this State completely ignored the needs of the Goolwa school. The Minister for Education and Children's Services is doing an excellent job in starting to rectify that long-term neglect of the Labor Party in terms of the capital infrastructure of our schools. I will certainly take up the matter with the Minister for Education and Children's Services and, if the Minister would like me to meet with a deputation, I will be delighted to do so.

FEDERAL FUNDING

Mr LEGGETT (Hanson): Following the Minister for Infrastructure's meetings in Canberra yesterday, will he report to the House what assurances may have been given about Federal support for the upgrading of Adelaide Airport, programs relating to business and manufacturing, and the MFP in South Australia?

The Hon. J.W. OLSEN: Yesterday I had the opportunity to meet the Federal Minister of Transport and the Federal Minister for Industry in relation to key projects in South Australia. First, in relation to my discussion with John Sharp, Minister of Transport, two key areas discussed were the upgrading and integration of the international and domestic terminals at Adelaide Airport. I sought the support of the Commonwealth Government to facilitate negotiations with Qantas, Ansett and potential operators to put in place an agreement whereby, instead of Ansett and Qantas—as they are required under the current lease—upgrading the existing facility, we use this opportunity to create a new domestic/international terminal facility at Adelaide Airport.

I am pleased to report to the House that the Federal Minister has agreed to instruct his officers to fast track negotiations and facilitate arrangements between the respective parties—that is, FAC, Qantas, Ansett, potential operators and the South Australian Government—to assist us in brokering an arrangement whereby, instead of, as has happened in the past, getting further add-ons and the further refurbishment of tin sheds, we have a purpose-built domestic/international terminal at Adelaide Airport to fit the image of South Australia, as it ought to be for the future. In discussions with Ansett on the way to Canberra, I was told that, in principle, Ansett supported the thrust of the South Australian Government in putting in place an integrated terminal facility.

In relation to the operation of the monopoly railway line between Leigh Creek and Port Augusta, the Federal Minister acknowledged that, if Government trading enterprises like ETSA have to become commercially focused and competitive, they should not be held 'to ransom' by monopoly bodies under the auspices and control of the Commonwealth Government. The Federal Minister has indicated that he will assess that position and respond within the next few months, and I look forward to that response.

Following my discussions with the Federal Minister for Industry, I can mention a couple of key projects. First, as it relates to the operation and maintenance contract for water, and in particular the export development component of that, I indicated to the Minister how we thought the Commonwealth Government could facilitate the development of the South Australian water industry, and he was supportive of the policy thrust that we have put in place.

In relation to the MFP, the Federal Minister indicated that he will wait upon the Bureau of Industry Economics report, commissioned by the former Commonwealth Government, which is expected to be received within the next two weeks. Based on that report, the Commonwealth Minister will then make a determination, subject to Federal Cabinet discussions, as to the continuity of any funding that might be available for the MFP in the future. The Minister has given a commitment, prior to taking a recommendation to Cabinet, that he will further discuss the matter with me and South Australia. Suffice to say, we have to demonstrate clearly the worth of the project and the need for Commonwealth support to get those key components of the MFP in place during the course of this year.

I also took the opportunity to discuss with the Federal Minister a range of industry programs affecting manufacturing industry in particular in South Australia. In the Oz Industry program, replacing the former NIES program, we have an agreement with the former Commonwealth Government for industry and enterprise improvement to meet the international bench mark. I also talked about the Commonwealth car plan, the review by the Productivity Commission. I pointed out that that was important, particularly post the year 2 000, as it affects manufacturers in South Australia in particular, and the investment promotion and facilitation program which is not assisting the smaller States. It is clearly a program that deserves review. Under the former Government's program, South Australia was able to attract four out of 153 such programs put in place in Australia. Therefore, that program is one that needs review to ensure that regional Australia, that is, other than New South Wales and Victoria, can share in the policy support in programs such as that.

There is a whole range of other areas such as technology access, research and development, the APEC opportunity to build on the way in which South Australia successfully hosted the APEC small/medium Ministers last year, and building on some policy initiatives that can build economic activities for small/medium businesses in South Australia. I also took the opportunity with the Industry Minister to discuss the seminar to be held nationally in the next two to three months in relation to small business to ensure that the States have an opportunity to put their view about policy needs to the Commonwealth Government to assist small business operators within Australia.

PRIMARY SCHOOLS, CLOSURES

Ms WHITE (Taylor): In view of the support given by the Adelaide City Council and the Government to increase the population of the inner city area, will the Premier guarantee not to close or amalgamate the Parkside Primary School or the last two Government primary schools in the city area and, if not, will he meet with those school councils? Last week the Minister for Education and Children's Services said he was not going to 'extend the matter' by further consultations with the schools. A review into the closure or amalgamation of the Parkside, Gilles Street and Sturt Street primary schools recommended to the Minister for Education and Children's Services last October that all three schools should continue to operate on their existing sites. Last year the now Parliamentary Secretary for Education told a meeting of parents at the Parkside Primary School that he would resign if their school was closed.

The Hon. R.B. SUCH: The member for Taylor, like the Leader of the Opposition, seems to be roaming well outside of her electorate. I am happy to provide both members with a UBD to assist them in terms of focusing on issues specifically within their electorates.

Members interjecting:

The SPEAKER: Order! I realise there is not a lot on the Notice Paper but, if members would like to get on with business earlier, I will call on the Orders of the Day.

The Hon. R.B. SUCH: As the Premier indicated, we have an excellent Minister for Education and Children's Services. He is fully in control of the issues relating to those schools, and I will provide the member with an update on the issues relating to the three schools that she mentioned. However, rest assured, we now have a Minister for Education and Children's Services in another place who is excellent, outstanding and light years ahead of anyone members opposite had when they were in Government.

HOSPITALS, NATIONAL REPORT

Mr BUCKBY (Light): Will the Premier advise the House how South Australia fares in a national report which has just been released on hospital costs and the availability of hospital beds?

The Hon. DEAN BROWN: COAG, which comprises the head of Governments around Australia, has just released what it calls 'The first national report on health sector performance'. It shows that South Australia now has the most efficient public hospital system of any State in Australia. It shows that the cost per operation in South Australia is $2 208 compared with a national average of $2 327, and a figure for one State of $3 200. South Australia has the most efficient system in terms of operations of any State. We also have the

highest number of hospital beds per thousand head of population of any of the States. The South Australian figure is 3.5 beds per thousand head of population compared with the national average of 2.9. We have the highest number of both public hospital beds and private hospital beds.

It shows, quite clearly, that what the Opposition has been saying in this House concerning the health system is entirely wrong. The system in South Australia is the most efficient, and the funding is used specifically to carry out the operations.

Ms Stevens interjecting:

The Hon. DEAN BROWN: I notice that the shadow Minister is now interjecting, even though that is not permitted. The honourable member has been trying to paint an entirely different picture in this Parliament from what the facts show. It is no wonder that the member for Elizabeth is looking rather embarrassed now that a report commissioned by a Federal Labor Government, brought down by the Federal Government just a few days ago, shows that South Australia has the most efficient and effective public hospital system of any State in Australia. The member for Elizabeth cannot deny the facts: the facts stand there.

Another subject that the member for Elizabeth is also acutely embarrassed about is that this report shows that the former Labor Government starved the South Australian public hospital system of capital funds for redevelopment. It shows that by 1993-94 the value of South Australia's hospitals had been run down significantly when compared with other States. In other words, the Labor Government of South Australia over 11 years failed to put the funds into building up an appropriate hospital infrastructure in South Australia, and so we had a greater deterioration and discounting of the value of our public hospitals than any other State in Australia. Again, it is a real damnation on members opposite and it is no wonder that the member for Elizabeth is looking so embarrassed.

It is this Liberal Government that has committed extra funds to build entirely new hospitals at Mount Gambier and Port Augusta, has undertaken a program for the redevelopment of the Queen Elizabeth Hospital and has undertaken major new development work at Modbury Hospital. The report is very interesting reading. I would urge members of the House to obtain a copy of the report—I am willing to make it available—because it shows the perception that the member for Elizabeth tries to create in this House is entirely false.

SCHOOL CLOSURES

Ms WHITE (Taylor): My question is directed to the Premier. What is the Government's criteria for closing primary and secondary schools, and what is the Government's target for the number of schools to be closed by the end of this year? The Audit Commission recommended that average school sizes should be moved towards an optimal size of 300 students for primary schools and 600-800 students for secondary schools. During the past two weeks the Minister for Education and Children's Services has announced the closure of The Parks High School, Brentwood Rural School and Port Victoria Primary School, despite contrary recommendations from the schools review commissioned by the Minister. These closures follow the closure of 14 schools in 1994-1995 and the closure of Port Adelaide Girls High School and Nailsworth High School at the end of last year.

The Hon. R.B. SUCH: As my colleagues have reminded us, the member for Taylor should be aware that when her Party was in Government it closed 70 schools.

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: In South Australia there are approximately 700 State schools. The criteria in all cases relating to education from the Minister for Education and Children's Services, the Government and me is to have the best educational system for our children. That is what motivates us. We want the best opportunities for our young people in terms of curriculum and other facilities provided within the school system. We want a school system that gives our young people a future and prepares them for the future but also ensures that, in the present circumstances, they have a satisfying and rewarding educational experience. We are motivated by one consideration: what is best for the children.

COOPER CREEK

Mr VENNING (Custance): Will the Minister for the Environment and Natural Resources update the House on the current situation relating to a major irrigation proposal on the Cooper Creek in Queensland, and will he also explain the steps being taken to minimise any impact on the downstream section of the river and its flood plains? The current cotton irrigation proposal before the Queensland Government has sparked widespread concern across many sectors, including pastoralists and conservationists. Many people fear the proposal could have an extremely negative impact on the long-term ecology of the system.

The SPEAKER: In calling on the Minister, I inform him that the Chair is particularly interested in this matter, in view of the fact that I brought it to his attention.

The Hon. D.C. WOTTON: Thank you very much, Mr Speaker. I am certainly aware of the strong interest you have in this matter. As you would remember, Sir, when previously answering a question on this subject I suggested that I would keep the House, and indeed you, Mr Speaker, informed. I thank the member for Custance for his question, because this is an issue of considerable concern to the South Australian Government, a Government that has sought to work with its Queensland counterpart in seeking a resolution that will ensure the future of this important river and its ecosystems. The member for Custance is right in suggesting that all South Australians have a concern in this issue, particularly the pastoralists in the northern area of the State.

Cooper Creek is one of the last few unregulated river systems in Australia. It is a river of prime significance, which sustains a unique ecology and which has attracted international interest. As I mentioned, I have voiced concerns previously in this House and with the Queensland Government. We have been successful in having officers from the South Australian Department of Environment and Natural Resources, as well as South Australian community and environmental representatives, take part in discussions with an advisory party. While welcoming Queensland's willingness to include South Australia, I inform the House that I still have a number of concerns regarding the cotton proposal and the development of the water allocation policy relating to the river system in Queensland.

One concern is the method of developing the policy, which is being based on a model that cannot predict the ecological consequences for the overall system of extracting water for irrigation over the longer term. The second issue is

the undue haste with which the policy, I believe, is being developed. The policy is being developed under pressure from the current irrigation proposal. It does not allow sufficient time to include the impact on the South Australian portion in the process or in conclusively evaluating the model or outcomes of that important policy. Nor does it allow independent expert advice into the process, which is seen as essential by key stakeholders on the advisory party.

The haste with which the situation is being handled also precludes development of an adequate joint Queensland/South Australia approach to the Commonwealth for assistance, and it is vitally important that that should be allowed. As a result, this morning my office contacted the office of the Queensland Minister for Natural Resources. As soon as I am able, I will be speaking with the Minister. I will be seeking urgent discussions and an assurance that South Australia's concerns will be addressed. I will also be asking Queensland to place a moratorium on further extractions from the Cooper system until the issues can be resolved.

Finally, as I said earlier, this is a unique river system about which there has been very little scientific research. Given the difficulties faced by other rivers through over-exploitation, for the sake of the future of this river system, it is time to learn from our mistakes and for Queensland to apply the brakes to this process, and that is what I will be asking that State to do. This should be seen as an opportunity for two States to work cooperatively in furthering research for the sake of future generations, and I am confident that will be the outcome of further negotiations.

KAISER PERMANENTE

Ms STEVENS (Elizabeth): My question is directed to the Premier. Why is the Minister for Health visiting the United States of America and for what purpose is the Minister meeting with Kaiser Permanente?

The Hon. S.J. BAKER: As it was announced before he left, the Minister is in America. He is having discussions with the firm mentioned by the honourable member and he has also been invited to a conference over there, at which he will address a number of matters. Some of the matters being addressed include how we can deliver the most efficient and effective health services and how we can export our products into the Asian region where there is a dramatic capacity for our products. It is one of those trips that even the honourable member would applaud, because the Minister is trying not only to develop the best health system in Australia in this State but also to learn from the experience of other practitioners whose technology is in advance of our own. There is also the issue of telemedicine, and we have already seen partnerships with the Darwin Hospital. That is also being pursued in the American situation.

No doubt on his return the Minister will fully inform the honourable member about his trip, and I am sure that she will applaud the initiative taken by the Minister to acquaint himself with what is happening in the rest of the world, what our capacity is to improve our services and what capacity we have to export into the Asian region. His time is being well spent and he is dealing with world experts. I am sure that the House will applaud the initiative.

BILNEY, MR G.

Ms GREIG (Reynell): My question is directed to the Premier. Does the South Australian Government share the view of a former Federal Minister that bigots and nincompoops infest local government bodies and committees in South Australia? My attention has been drawn to a letter signed by Mr Gordon Bilney which is of great concern.

Members interjecting:

The SPEAKER: Order! The member for Reynell does not need any assistance.

Ms GREIG: The letter was dated 5 March 1996, and was written under Mr Bilney's letterhead of Minister for Development Cooperation, Minister for Pacific Island Affairs and member for Kingston. The letter is addressed to Mr John Seamer, Chairman of the Noarlunga Australia Day Committee.

The Hon. DEAN BROWN: I have acquainted myself with the circumstances. An Australia Day celebration was held in Moana in the electorate of Kingston on 26 January. Mr Gordon Bilney went along with a stall and, as a result of an incident that occurred at those celebrations, a letter was written by Mr Seamer, who was Chair of the Australia Day celebrations for the Noarlunga council. That letter was written on 27 February 1996, and I will quote briefly from it, as follows, 'At a recent meeting of the Noarlunga Australia Day Committee—'

Mr FOLEY: I rise on a point of order; I draw your attention, Sir, to your earlier ruling about ministerial staff in the press gallery, because the Premier's press secretary has just spent some time in the *Advertiser* box, and that is inconsistent with your earlier ruling.

Members interjecting:

The SPEAKER: Order! Today, I have written to every press secretary telling them what the rules are. However, as the honourable member has brought it to my attention, would he like me to have all press secretaries removed?

Members interjecting:

The SPEAKER: Order! For the rest of Question Time, there will be no press secretaries in the galleries above me. The Chair has been most tolerant. These points of order are getting to the stage of being juvenile and childish. I have made a ruling. Until further notice, there will be no press secretaries in the galleries above me.

The Hon. DEAN BROWN: I go back to quoting from the letter from Mr Seamer to Mr Bilney, as follows:

> At a recent meeting of the Noarlunga Australia Day Committee, there was a unanimous expression of disapproval in the way the committee members were treated by you and your staff when approached. As your application stated your stall was for the purpose of promoting Australian citizenship and you were advised that no political material was to be displayed, the committee was well within its rights to ask you to leave. Your attitude towards committee members was discourteous and uncooperative, and they did not appreciate being treated in this manner.

On 5 March this year, Mr Bilney, the then Minister, using Federal Government letterhead which states 'Minister for Development Cooperation, Minister for Pacific Island Affairs and member for Kingston'—so it is an official letter—wrote the following:

> Mr John Seamer, Chair, Noarlunga Australia Day Committee, PO Box 243, Christies Beach,
>
> Dear Mr Seamer, I saw today your letter of 26 February 1996. One of the great pleasures of private life is that I need no longer be polite to the nincompoops, bigots, curmudgeons and twerps who infest local government bodies and committees such as yours. In the particular case of your committee that pleasure is acute. Yours sincerely, Gordon Bilney.

I think it is a disgrace that a Federal Minister of a Labor Government should send a letter such as that to an official local government body that has organised Australia Day. I

ask that Mr Bilney apologise publicly, first for the incident that occurred on 26 January at the Australia Day celebrations and, secondly, because he carried on in that manner as a Federal Minister. Indeed, for a Federal Minister to have written that style of letter, whether or not he has just been defeated, shows that he is not fit to be in Parliament, and I am delighted that he was defeated. I am sure that the local community of Kingston will not want to see him back in public life again.

KAISER PERMANENTE

Ms STEVENS (Elizabeth): My question is directed to the Premier. What are the names of the companies that had registered when the expressions of interest for the $130 million redevelopment of the Queen Elizabeth Hospital closed on 23 February, and why is the Minister for Health now in the United States negotiating with Kaiser Permanente before the short list has even been announced?

The Hon. DEAN BROWN: I discussed the Minister's trip with him in some detail before he went overseas. The Minister is presenting a paper at a conference that he was invited to attend in Florida, and therefore he had to attend to meet the demands of the conference rather than travel when the House was not sitting. The Minister is seeing Kaiser, but he gave a specific commitment prior to leaving Australia that he would not be able to discuss with Kaiser any matter in relation to the Queen Elizabeth Hospital or other domestic hospitals in South Australia. The reason for that is that Kaiser is one of the potential bidders—I do not know whether it is a formal bidder—as part of the consortium for the Queen Elizabeth Hospital. He is having discussions with Kaiser about its basing an operation in Adelaide to expand into the Asian area, and it would be very good for South Australia if that took place. He is also talking to other companies, including Silicone Graphics, about setting up telemedicine in South Australia—and not just within the State but to use South Australia as a base for telemedicine in the Asian area.

The trip is specifically oriented to making South Australia a base for an expanded medical service into the Asian area. That follows closely on the heels of what I think is a very significant announcement that the Berjaya Group of Malaysia has bought a half interest in Gribbles Pathology and that Gribbles Pathology will now establish 120 extra laboratories throughout the South-East Asian area in countries such as the Philippines, Indonesia, Singapore and Malaysia. Gribbles is the largest pathology company in Australia, having 22 laboratories in Australia, and it will have an additional 120 laboratories in the South-East Asian area. Most importantly, all the expertise for the development of those laboratories will come out of South Australia. As in the water services area, the data processing area and a range of other areas, South Australia will become a key part of the expansion of medical services into the Asian area.

SHACKS

Mrs PENFOLD (Flinders): Will the Treasurer please inform the House of the progress being made by the Asset Management Task Force in the freeholding of shacks?

The Hon. S.J. BAKER: I thank the honourable member for her interest in this matter: she has a number of shacks in her area. In relation to our shack ownership policy, in response to invitations extended by the Asset Management Task Force, 1 100 South Australian shack owners have expressed interest in purchasing the freehold title for their shacks that are on Crown land. Further, 1 563 owners of shacks on Crown land have been offered free title; about 1 150 have expressed interest in principle. A large proportion of shack owners would like to own their own shacks and that is the very principle we laid down prior to the election. It makes sense to clean up these areas and to make the owners invest in their own properties—different from the past under the Labor Government.

The process is lengthy and complex. In many cases it will require rezoning action by local government. Importantly, strict guidelines on environmental issues apply in these circumstances. All these initiatives have been welcomed by the shack owners and we have the support of that group.

Some shacks will not be made available for sale because of their sensitivity or inappropriateness for offer of freehold. So a group of shacks will not be made available for private interest. I do congratulate the Asset Management Task Force, which is getting on with the job, and we hope to see some very outstanding outcomes as this year finishes and next year roles through.

SA WATER

Mr SCALZI (Hartley): Will the Minister for Infrastructure advise the House of the award received by SA Water for its computer system and its implications for SA Water's efficiency? I understand that the Minister last night accepted a national award on behalf of SA Water.

The Hon. J.W. OLSEN: Whilst in Canberra yesterday, I was pleased to receive on behalf of SA Water a gold award in recognition of very significant improvements that have been put in place within SA Water. There has been a breakthrough with two software programs, first, in relation to customers. Customers will soon notice the difference, because their bills will now include the actual meter reading, making it easier for them to keep track of their water consumption.

The new customer service and information system (CSIS) provides at a glance information about properties, billing, application for new services, receipts, debt recovery and meter management. It speeds up and simplifies inquiries while keeping confidential information secure and meeting all privacy standards. The system is already on a tender short list with another Australian water utility and has great potential to be marketed world-wide. Customers of SA Water, previously EWS, have been seeking this information for a considerable time. At last, water bills will include this information for consumers.

In accepting the gold award for technology productivity for SA Water's digitised facilities information system, it was a pleasure to acknowledge the achievements of SA Water and this program. The award was presented in Canberra by the National Technology in Government Committee, which is convened by the Prime Minister's office. The DFIS computer information system was developed by SA Water to keep track of over 30 000 kilometres of water mains and sewers in South Australia. This program is saving SA Water $3 million per year.

In addition, the Department of Environment and Natural Resources also received a gold award last night for its land services system and, once again, the CEO of DENR was pleased to accept that award on behalf of the Government of South Australia and his agency.

It was pleasing for South Australia to receive two of these gold awards for technology productivity improvement. SA Water is a leader in the effective application of new technology in the water industry. Both are world-class systems combining local and international expertise to provide solutions which have potential applications worldwide. It gives the capacity to take yet another product innovation out of South Australia interstate and overseas to earn export dollars for South Australia.

QUEEN ELIZABETH HOSPITAL

Ms STEVENS (Elizabeth): My question is directed to the Premier. Has the Government yet appointed the probity auditor for the Queen Elizabeth Hospital redevelopment project; who is the auditor; will the position be full-time; and what authority will the auditor have? On 13 February the Minister said that the probity auditor for bids for the $130 million redevelopment of the Queen Elizabeth Hospital had not been appointed because he was negotiating with a prominent business person who was considering whether he had time to undertake the task. The Minister also said that he was unsure whether the position would be full-time.

The Hon. S.J. BAKER: I understand the answer is in the affirmative but I will give the details to the honourable member tomorrow.

Ms HURLEY (Napier): My question is directed to the Premier. Will the companies short listed for the $130 million QEH redevelopment be requested to submit formal tenders for the project, or will they be invited to submit proposals similar to the process that was used to select United Water to manage Adelaide's water systems?

The Opposition has a schedule which shows that, once expressions of interest have been analysed, requests for tender are scheduled to be called after 25 March. Another schedule indicates that the process would consist of calling for expressions of interest and that short listed companies would be asked to respond to a request for proposals.

The Hon. S.J. BAKER: Normally, the way these things happen is that the whole field is canvassed originally and, depending on the responses, a short list is prepared for a request for proposal. That is an effective and efficient way of carrying out the process.

DAYLIGHT SAVING

The Hon. FRANK BLEVINS (Giles): Will the Premier end daylight saving on the first Sunday in March—

Members interjecting:

The SPEAKER: Order! This is a question of particular interest to the Chair, so I want complete silence.

The Hon. FRANK BLEVINS: I will repeat the question. Will the Premier end daylight saving on the first Sunday in March 1997, three weeks earlier than this year?

An honourable member interjecting:

The Hon. FRANK BLEVINS: I think so, yes. My constituents have advised me that the extended period of daylight saving brought in by this Government has caused them considerable inconvenience and hardship, hence their request that there be no repeat next year.

The Hon. DEAN BROWN: I put a question back to the member for Giles: is he advocating that South Australia should go it alone and break out of the sequence by which all the States using daylight saving go back to normal time? Is he suggesting that once again we have five or six different time zones right across the whole of Australia? I would have thought that, having been in the Government that failed to achieve any consensus across Australia in terms of when we should start and finish daylight saving, he would be embarrassed about this. One of the first things I was able to achieve with the other State Premiers on being elected Premier was to sit down with them and reach an agreement on when to start and finish daylight saving. We had some initial difficulties with New South Wales, but it is now in line. At least we have uniformity this coming Sunday, when South Australia, Victoria, New South Wales and Tasmania will all move off daylight saving at exactly the same time. I will continue to maintain the position that I believe there should be uniformity across Australia.

AUTOMATIC TELLER MACHINES

Mr LEWIS (Ridley): Will the Minister for the Ageing recommend to the Federal Department of Social Security that it advise pensioners to avoid where possible withdrawing money from ATMs while unaccompanied and ensure that they are fully informed of the opportunity to pay shopping bills through EFTPOS terminals without needing cash? A report handed to me yesterday points out that there has been a dramatic increase in bag snatching by young drug addicts. These attacks have been directed particularly at very elderly women (apparently to the mirth of the member for Elizabeth), after they have been seen withdrawing funds from ATMs at suburban shopping malls. Young drug addicts are engaging in a predatory practice of bag snatching from elderly women who have obtained funds for their shopping. The report points out that these people usually work in pairs. While one distracts the victim with polite questions, the other rushes in and grabs the bag. The report states that there have been more than 135 such bag snatches this year, and that means a total theft of over $25 000 from these elderly pensioners over that period.

The Hon. D.C. WOTTON: Despite the mirth of the Opposition, it is a very serious issue. Everyone in our community is entitled to live in safety without fear of attack. In recent times there have been many reports of elderly people who are fearful in this regard, and the serious question raised by the member for Ridley deserves a serious answer. I point out, first, that all sections of our community, regardless of age, need to be more vigilant in helping to prevent crime, particularly against older people in South Australia. With an ageing population this will become increasingly important.

Secondly, I reinforce the fact that the crime rates show that older people are actually less likely to become victims of crime than are young people. Nevertheless, issues such as bag snatching should not and cannot be tolerated. As we would all imagine, it can cause enormous trauma and fear, particularly within the older community. Incidents such as the one to which the honourable member has referred serve as timely reminders for all people, young and old, to be more cautious.

Through the crime prevention strategy and the South Australian police community safety program, the Government already provides information about crime prevention which is readily available. In addition, through the Office for the Ageing, the Government is currently in the process of updating the booklet *Crime Prevention and Safety Tips for the Elderly*, which is likely to be ready for release within the

next few weeks. I am certainly prepared to ensure that information provided to older people includes measures that enable them to use banking facilities without risk. Because of the seriousness of the question that has been asked, I will raise the matter with the Federal Minister for Social Security and also my colleague the Minister for Police.

MARION ROAD-SOUTH ROAD CORRIDOR REVIEW

Mr CAUDELL (Mitchell): Will the Minister for Employment, Training and Further Education representing the Minister for Education and Children's Services provide this House with an update in relation to the Marion Road-South Road corridor review process?

The Hon. R.B. SUCH: I thank the member for Mitchell for his question and his obvious commitment to his constituents. He has been actively supporting an improvement wherever possible in educational opportunities and facilities for the people in his electorate, particularly the children. The Minister for Education and Children's Services has advised me that the Marion Road-South Road Schools Review has been submitted to him, but no final decision has been made in relation to that review. He is seeking further information before a decision is made.

Like the honourable member, the Minister is well aware that this process is being driven by the parents themselves: it is not something that is being imposed on them. The parents in that electorate want the best options for their children, and this review is designed to provide the very best curriculum opportunities and educational facilities for the children in that whole region. The Minister has advised me that, once he has considered that additional information, he is likely to provide a report, hopefully within three weeks from today. This is another example of how this Government is committed to ensuring that our young people have the best educational facilities. The member for Taylor earlier highlighted schools that she saw as in danger of being closed. I point out that this Government has built many new schools and opened many additional schools. She should focus on positive aspects of education which are central to our commitment to the young people of this State.

GRIEVANCE DEBATE

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

Mr BROKENSHIRE (Mawson): With the Premier and the member for Finniss this morning I had the pleasure to attend the ninth annual Mount Compass field day. It was great to be down there this morning to see the successes that are occurring right throughout the southern region. Today will see about 2 500 to 3 500 people from all sectors of the rural environment on the Fleurieu Peninsula considering and receiving advice on the latest technology that can be given to the farming and agricultural communities. This field day today represented a record for exhibitors; there were in excess of 130 exhibitors at the Mount Compass oval. I place on record the appreciation of the whole Fleurieu Peninsula community for the initiatives of the Mount Compass Cattle Club and the South Australian Jersey Herd Society branch and for the efforts put into this field day, particularly by Mrs Watkins, Mr Whitford, Mr Blacker, Mr Thorn and many of their other colleagues.

The fact is that, by their initiatives, three things are being achieved for the Fleurieu Peninsula. First, it is giving people involved in the broad and diverse range of agricultural produce which we now see on the Fleurieu Peninsula a chance to come together, share their ideas and discuss technology. It gives people in the viticultural and horticultural sectors, the dairying industry, the flower growing industry, the important beef growing industry and in some instances some of the peripheral sheep growing areas on the Fleurieu Peninsula a chance to come together at the one event. Most importantly, it is also giving southern businesses and businesses farther afield that represent machinery agencies and so on right across this State the chance to come and give farmers an opportunity to spend four or five hours with them, without having to come to Adelaide or go out of our district to discuss new opportunities and negotiate on purchases.

I commend these small businesses which spend a lot of time getting out there and coming up with great displays. They realise that you do not always write business on the day you have these field days, that what you do is share that new technology and give people the confidence to come back to you and later write business with you.

Whilst we were there today the Premier launched a book on behalf of the Southern Hills Conservation Board. Mary Crawford and her board have done a fantastic job with this book. As the Parliamentary Secretary for the Environment, I was particularly pleased to be there when the Premier launched this book. One of the board members, Mr Chris Burgan, told me that the Southern Hills Conservation Board was looking right through the Hills, back through to Happy Valley, and that currently it is doing a lot of work in the Piggott Range and Onkaparinga Hills area. I particularly commend them for working in this area, because, as members know, silt is coming down through the Christies Creek and other creeks into the gulf, silting up the sea bed, destroying sea life and upsetting not only the recreational but also the professional fishing activities that occur in the gulf.

The Southern Hills Conservation Board has seen the importance of working with the community. It has got together all the horse people in my electorate and it is working through initiatives to make sure that, whilst we preserve opportunities for horses, grazing and the keeping of those horses, the people running those horses have the opportunity to improve the environment and the amenity of the locality for all those who live in the south. He also advised me that the board was working with the Friends of the Living Creek—Christies Creek—and that it is about to meet the graziers in that area. I think it is a fantastic initiative.

I was pleased about the detail in that book. It is the first time that a comprehensive soil analysis has been conducted for the whole of the southern Fleurieu Peninsula. Once again it proves that, together with the community and in particular the Southern Hills Conservation Board, the Environment Department, the Primary Industries Department and the Government as a whole are absolutely committed to making sure that we protect and enhance our environment. Not only does that give us a better lifestyle for our communities in the south and the State overall but also it guarantees—and members today heard the Premier say that we are looking perhaps at a 50 per cent increase in agricultural economic wealth generation for our State over the next few years—that we protect our most vital resources—soil, water and the environment.

The Hon. M.D. RANN (Leader of the Opposition): In this House on 20 and 21 March I asked questions of the Treasurer concerning the private business activities of the Chairman of the Government's Asset Management Task Force and asked whether there could be any potential conflict of interest with his public duties. Dr Roger Sexton heads the Government's Asset Management Task Force, which has responsibility for carrying out the Brown Government's $2 billion privatisation program. He is also a director of the private firm, Beston Pacific, which markets services in corporate financing, Government outsourcing and corporate restructuring.

The questions I asked the Treasurer were straight, honest and direct. They were not an attack on one individual. They were questions about the matter of the public interest and the fact that there could be no question that decisions made by the Asset Management Task Force and the Government about the ownership, sale and management of public assets could be in any way compromised by the private commercial interests of persons within the Asset Management Task Force.

When I asked in this House on 21 March whether there could be any conflict of interest between Dr Sexton's role as head of the Asset Management Task Force and his private interest in Beston Pacific, the Treasurer said:

> There were undertakings by Dr Sexton as to what Beston Pacific comprised and what subsidiaries were allied to Beston Pacific. That matter was made explicit. It was made explicit to Cabinet at the time. There was full disclosure of the situation. . . We said, 'There is a clear line of distinction: Asset Management Task Force, and there can be no conflict.'

How could the Treasurer of this State say that when it was quite clear that he did not know of the operations of the Asset Management Task Force head's company, Beston Pacific, until last night after I raised the issue? He clearly was not briefed, as he told this Parliament he was briefed.

Yesterday, I agreed to meet with Dr Sexton to discuss these matters. At the meeting, I raised the issue as to whether his company had an interest in the Queen Elizabeth Hospital financing deal, a point that I had not raised in Parliament because I wanted to ask Dr Sexton to his face. At the meeting Dr Sexton said that he had no knowledge of any such expression of interest on the part of Beston but he would investigate the matter. Dr Sexton further said that he could see no conflict of interest arising between his two roles, one in the Government and one in the private company.

Today Dr Sexton wrote to me to confirm that Beston Pacific had lodged an expression of interest in organising a financial deal for the QEH. His position in the Asset Management Task Force was referred to in that bid even though Dr Sexton said that he did not know he or his company was involved. He said his name and position in the Asset Management Task Force were listed for credibility reasons.

The Treasurer told us today that he, like Dr Sexton, could see no potential conflict of interest in this matter. The Opposition disagrees, and we believe that the public would disagree. There can be, must be, no question in the mind of the public that decisions about the sale of public assets made by the Government and the Asset Management Task Force can be compromised by any conflict between private interest and public duty. Today I have written to the Auditor-General asking him to investigate the matter, to determine whether there is any potential conflict of interest between the operations of Beston Pacific and Dr Sexton's role as Chairman of the Asset Management Task Force.

I am not suggesting any impropriety by Dr Sexton. However, I believe that clear guidelines and safeguards must be built into the system, and I have asked the Auditor-General to recommend those safeguards and guidelines. In my view it is completely inappropriate for the head of the Asset Management Task Force to be involved in any bids that relate to Government assets. He can be involved under strict guidelines with private commercial activities which the Treasurer is briefed about but not in relation to Government assets and certainly not in relation to this QEH deal. I have often said that I believe that people whose activities are raised for scrutiny in Parliament should be given some sort of opportunity for reply. Later in the 10 minute grievance I will detail entirely Dr Sexton's letter to me.

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

Mr CAUDELL (Mitchell): Once again we have heard from the Leader of the Opposition, who has made certain statements and allegations in this House which, time and again, have proven to be incorrect. Today during Question Time we once again heard from him about the Marion Road-South Road corridor process. Once again we have shown that 'wrong again Mike' has put his nose out into the weather and has been found to be wrong. Once again, 'wrong again Mike' has put before this House a situation where he said that the Marion Road-South Road corridor was about closure of schools. That was completely wrong. The Marion Road corridor project was not about the closure of schools but about the better delivery of education curricula for the residents in that area.

The Leader of the Opposition said that he had a copy of the report. I challenge him to table that report in this House for everyone to see that he has what he says he has, because I can assure members that the Leader of the Opposition has no such report, because that report has only just been delivered to the Minister for Education, with a number of scenarios on which the Minister for Education has requested further information before providing a final outcome.

The review process, which was initiated by parents, teachers and school principals in that area, was initiated for the better delivery of education and curriculum to the residents in that corridor. There were a number of primary schools and high schools associated with that review process. It involved a number of public meetings that were held in a number of locations, including the chambers of the City of Marion.

Input was sought from local residents, including me. My input was to suggest that a number of schools in the area be amalgamated and that a school of the future be created in the Sturt Triangle. I suggested that the school of the future concern itself with new technology, with environmental studies associated with establishing wetlands in the Sturt Triangle, and also with regard to Aboriginal studies associated with the Warriparinga Interpretive Centre to be established in the Sturt Triangle. A number of residents suggested the establishment of middle schools, catering for years 6 to 9. All that input was taken into account for discussion by a smaller group of principals and school chairmen to establish better facilities for the students in that area.

The Tonsley Park Primary School, which had 90 students (four classes in a primary school), had to make a decision prior to the completion of the study, and the parents and students decided that they would amalgamate with Clovelly

Park prior to the delivery of that report. As a result of that amalgamation, the students in that area are now provided with better facilities and consistent programs. They are able to study second languages, in courses that were previously unavailable to the students in the area because of the low number of students at that school. Input came from the residents of the area, from the school councils and from the principals in the area.

All school councils and residents who participated in the review process have been advised of what is occurring. This consultation process has never been seen before in education in this area. Under the previous Government, three schools were closed in the electorate of Mitchell without any consultation with the local population. This review was driven by local residents and also by schools. It was driven for the students so that they could have a better education and better delivery of services, something that was neglected by the previous Government over the previous 11 years. For the previous 11 years the students in that area had suffered due to a lack of decision making processes by the previous Government. This Marion Road Corridor Review is a review process for the future of the area.

Mr BECKER (Peake): I never cease to be amazed at the stupidity of the member for Spence, who always tries to chip in and get a little point here and a point there and mislead the people, as he does on talkback radio late of an evening. His day will come, let me assure the member for Spence. We are getting sick and tired of the little sabotaging tactics that he and his political Party use to try to destroy any credibility the Queen Elizabeth Hospital has. The Queen Elizabeth Hospital is most important to us in the western suburbs yet, for 30 years, the Labor Party did not do anything about that hospital; it let it run down. It virtually destroyed it and put at risk the health of the people in the western suburbs.

The Minister for Health recently approved expenditure of $6.7 million to replace old medical equipment at the Queen Elizabeth Hospital; $3.2 million had already been budgeted for, but an extra $3.45 million will be spent to replace equipment that is in some cases more than 20 years old. How any political Party in the western suburbs—particularly the Labor Party—can hold up its head, get up there and criticise and condemn what this current Government is trying to do to retrieve the situation, I do not know. Such is the gall of the members of the political organisation who sit opposite us in this House. They are very lucky they have more than one member.

In relation to anaesthetic monitoring equipment for the Queen Elizabeth Hospital, the new equipment will be provided for eight operating theatres, four procedure rooms and two day surgery theatres. Some of the existing equipment is up to 20 years old, and to replace that equipment will cost $180 000. With the X-ray equipment, a machine over 23 years old will be replaced at a cost of $165 000. Yet the previous Labor Government could not even clean the windows in the place. Time after time I went there to visit my son in the hospital; time after time I took him to the outpatients clinic; time after time I had to take him to the casualty section, and they could not even clean the windows. I even felt like getting out and doing it myself, because the Labor Party could not care less. Yet members opposite stand up here in this House and berate the Government for doing something to improve the lot of the people in the western suburbs.

With regard to the intra-operative/investigative Ultrasound unit, this portable equipment will be able to be used by a range of specialties in the hospital, and it will greatly enhance the range of surgical procedures that can be offered by the hospital, at a cost of $180 000. Of the additional $3.45 million that the State Government has made available this year for equipment, $1.4 million is to be provided for a cardiac catheter laboratory at the Queen Elizabeth Hospital. The current unit is over 11 years old and, given its high utilisation, is in urgent need of replacement. It is unbelievable how any political Party, let alone a Party with the name of the Labor Party, can stand up here and berate the health policies of the Liberal Government when it allowed the equipment to get so old and allowed the hospital to get into such a rundown condition.

The condition of that hospital is an embarrassment to anyone in the western suburbs, let alone to the people of South Australia. Maintenance money has to be spent now to bring that hospital up to date, to provide some incentive and better benefits for the staff who work there, for the patients and outpatients and, generally, for the community. Money must be spent there to reduce the waiting list. We have already reduced the waiting list by 40 per cent in two years of Government. Not a bad effort, since it took some 13 years and $3.5 billion losses by the previous Labor Government to create such long waiting lists and the situation where the people in my electorate and in the western suburbs were never too sure whether there would be a bed for them when they needed it. The Labor Party closed 260 beds at the Queen Elizabeth Hospital during its term of office. We close a few to try to create more efficient departments and quicker throughput, and all members opposite do is whinge and grizzle.

Mr CLARKE (Deputy Leader of the Opposition): I rise in respect of the Minister for Housing, Urban Development and Local Government Relations' ministerial statement on the Collex waste treatment plant. It is amazing that, just a couple of weeks after the Federal election, this Minister has done what he said he would not do prior to that election. Let me remind members that on 6 February 1996, only three weeks before the Federal election on 2 March, I asked the Minister whether he would exercise his powers under section 24 of the Development Act to override the Enfield City Council, as it then was, and the action being taken in the Supreme Court. The Minister's answer was as follows:

> As the honourable member has pointed out, this matter is before the courts and the Government will let that process follow its natural course.

Even before the Supreme Court has handed down its decision on the challenge by the Enfield City Council to the Development Assessment Commission, this Government (and this Minister) has exercised its powers under section 24 to do just what I predicted it would do. Members will also recall that there were dorothy dixer questions in this House when the Minister for the Environment and Natural Resources, responsible for the Environment Protection Authority, spoke all sorts of wonderful words about the Federal Liberal member for Adelaide, Trish Worth, and her fight against Collex. Let me put to this House precisely what I believe transpired.

It is simply that Trish Worth was worried about the issue of the Collex waste treatment plant. She does not care two hoots about the residents of Kilburn, as I said at that time. Where she lives at Netherby, near Springfield, is a long way from Kilburn and the smells that would emanate from this waste treatment plant. Trish Worth got together with her

colleagues in the State Liberal Government, namely the Minister for Infrastructure and the Minister for Housing, Urban Development and Local Government Relation. In fact, I recall how the Minister for Infrastructure tried to hold the hand of the Minister for Housing when I asked the Minister that question on 6 February. He gave him the lines and told him not to say anything before 2 March so as to not damage Trish Worth's chances in the Federal election.

Quite clearly this Government had made its decision with respect to the Collex waste treatment plant, and it was waiting to clear the decks with respect to the Federal election to help out Trish Worth. We all know that she put out press statements saying that she was meeting with the Hon. John Olsen and putting the case for the Kilburn residents on this matter. I predicted then, and said in the House at the time, that this was just a pre-election ploy to get Trish Worth over the line, so as to appear soft and cuddly to the residents of Kilburn. However, all along we knew she had no intention of supporting the residents of Kilburn but was cosied up with her State colleagues.

I have no doubt that Trish Worth knew that this State Liberal Government would do what it announced today, which was to allow this waste treatment plant to be established at Kilburn against the unanimous opposition of the Enfield City Council as it then was and against the wishes of the residents. I remind members that, if this proposal was going to be in the lofty heights of Golden Grove or in any Liberal held seat in this House, the Collex waste treatment plant would not get to first base. It is because it is Kilburn, and it is because the Liberal Party does not give two stuffs about the people who live in working class districts, and nor does the Federal member for Adelaide—

The Hon. S.J. BAKER: I rise on a point of order, Mr Acting Speaker. I believe that the comment made by the Deputy Leader of the Opposition was unparliamentary. I do not believe the term 'I do not give two stuffs' is an appropriate expression to use in this Parliament.

The ACTING SPEAKER: It was not directed at anybody. It was the honourable member's choice of words. There is no point of order.

Mr CLARKE: The point at issue is clearly this. This Government is hypocritical. It was always going to make this decision, which I predicted well in advance. By God, I know that the voice of the Federal Liberal member for Adelaide will be deafeningly silent now that 2 March has come and gone, because she has no concerns for the citizens of the northern suburbs—she never has and she never will, and it is an absolute travesty. She did not mind getting stuck into Laurie Brereton with respect to Australian National. We will see how hard she fights in the future. I look forward to the challenge she gave me at the declaration of the poll when she said she looks forward to not forgetting me when it comes to the next State election. Well, I will be here after the next State election, and I will be working flat out at her election which falls due straight after mine, and I will have—

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

Mr ROSSI (Lee): I am quite impressed by the interjections of the member for Spence when somebody with some intelligence is speaking. It was only last Monday night that his Labor friends on the Hindmarsh Woodville Council debated the retention of Tenterden House and the costs incurred by the council, not to mention the Queen Elizabeth hospital, in trying to retain a building which was neglected by the previous Labor Government for decades. The same situation applies in respect of the deterioration of the Queen Elizabeth Hospital.

I concur with everything the member for Peake said today in his grievance debate. There was not one statement that he made that was incorrect. I have known the member for Peake since 1968 when he was President of the Hanson branch, and he has always represented the electorate very well and to the best of his ability. I cannot say the same for the member for Spence, whose mouth is always exercised but his muscles are not.

Another point of concern for me is the Labor representatives on the council. Before I entered Parliament, I was doorknocking in Semaphore Park, just off Sansom Road where there is a playground from which the Hindmarsh Woodville Council removed children's play equipment because it was unsafe. We are still waiting for that equipment to be replaced.

I refer to a vacant block of land near Third Avenue, Seaton which is used as a children's playground, but it has no play equipment at all. I also mention McMahon Place, Seaton, where there was a children's playground, but two years ago the play equipment was found to be faulty or dangerous. It was removed, and then the Hindmarsh Woodville council wanted to sell that piece of land and put the money into general revenue.

When I was a child in about 1962, there was a block of land in Jean Street, Woodville West, equivalent to about three blocks of land. It was supposed to be bequeathed to the council for a children's playground, but in the early 1990s the council sold that land and put the money into general revenue. Following the amalgamation of Hindmarsh and Woodville councils, the Labor councillors have now decided to build an $11 million office block to accommodate an extra two councillors from Hindmarsh council, and I also understand that it is predicted that the cost will blow out to over $20 million. They have the money to look after themselves, but they have no money to look after the children.

During the last election, my opponent and I campaigned for a playground in the Albert Park area, between Glyde Street and Murray Street. The council convened public meetings, and the residents turned up and suggested that the J. Gadsden Pty Ltd area of Albert Park should be developed into a playground. The mayor and officers agreed at the time, yet the residents of Albert Park are still waiting for a decision to be made. I believe that consultants have been employed by the council for the past 18 months, yet they still have not handed down a decision.

The Labor Party and its supporters remind me of a topless waiter: they can serve out the goods, but they have no idea of how to make it. They have no idea how to produce assets in this State. They have no idea how to run a business, and I feel totally ashamed that they can stand in this House and criticise this Government for what it is trying to do when they themselves failed terribly when they were in Government.

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

STATUTES AMENDMENT (COMMUNITY TITLES) BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clauses 9, 10, 13, 14, 36, 37, 38, 39, 40, 48, 49, 50, 51 and 52, printed in erased type, which clauses, being money clauses, cannot originate in the Legislative Council but which are deemed necessary to the Bill. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill results from a comprehensive review of all statues of the State to accommodate the concept of community titles provided for in the *Community Titles Bill*.

It has been necessary, in each Act of Parliament which currently refers to the *Strata Titles Act*, to assess what provision should be made for the Community Titles legislation.

While the Bill is largely technical in nature, three matters dealt with in the Bill are of a more substantive nature and merit specific detailed attention.

The first issue concerns those Acts which deal with rating and taxing matters.

These Acts are the *Land Tax Act*, the *Local Government Act* and the *Sewerage Act*. In each of these Acts specific provision is made for the Valuer General to determine whether the common property of a community scheme should be separately rated. This provision is necessary as it will be possible in community schemes for the common property to be used in a variety of ways—for example the common property may be productive farm land, may contain a cottage industry or small factory, or in one scheme currently being considered may contain a school. In these situations it would not be appropriate for the value of the common property to be considered as part of the value of a lot (as is the case with strata titles now) it is more appropriate that the common property be able to be separately rated. Giving the discretion across the range of rating and taxing Acts to the Valuer General, will ensure that like schemes are treated in like manner across the whole of the State.

The second issue concerns the amendments to the *Local Government Act*.

The amendments to the *Local Government Act* rating provisions are of an interim nature only. A comprehensive review of the *Local Government Act* has commenced and is expected to take around 18 months. The current aim is for new legislation to be in place by mid 1997. The review process will involve wide consultation with Local Government, interested parties and the general community. The practical application of the Community Titles legislation for local government rating will be reviewed as part of the overall review of the *Local Government Act*, taking into account experience from the commencement of this measure. Consideration will be given to the need for any changes to the initial provisions relating to rating of community schemes in order to improve and clarify their application and operation if necessary.

The third issue concerns the amendments which are made to the *Strata Titles Act*.

The *Strata Titles Act* was enacted in 1988 following considerable community and industry consultation. Following two years of operation, the Act was subject to review in 1990, and some 'tidying up' amendments were made in 1990.

It had been the initial view of the Government that the whole of the current *Strata Titles Act* could be incorporated into the *Community Titles Bill*, and the first draft of the Bill released for public consultation in March 1995 reflected this approach. The comments received on that draft of the *Community Titles Bill* from the owners of existing strata title units were clearly to the effect that they wished the current *Strata Titles Act* to remain and to continue to govern their strata corporations. Taking heed of this view, the subsequent versions of the *Community Titles Bill* left the *Strata Titles Act* in tact and provided for the optional adoption of the community titles provisions.

In view of the comments received, very little change is proposed to the *Strata Titles Act*. The main area where change is effected by this Bill is the requirement that a person who holds money on behalf of a strata corporation must deposit that money in a trust account. The provisions in this regard are the same as in the *Community Titles Bill*. It was considered an appropriate protection for strata corporations which deal with managing agents to have their money dealt with in a proper manner. Importantly for the existing unit holders this requirement is not a new onus on them, it is a new onus on the strata managers, many of whom already maintain proper trust accounts without the legislative imperative.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

These clauses are formal.

Clause 4: Amendment of s. 97—Certain land transfers by companies not to constitute reduction of share capital

Clause 4 makes consequential amendments to the *Corporations (South Australia) Act 1990*.

Clause 5: Amendment of s. 4—Definitions

Clause 5 amends the definition of 'allotment' in the *Development Act 1993*. This amendment is consequential on a later amendment in the Bill to the definition of 'allotment' in Part 19AB of the *Real Property Act*.

Clause 6: Amendment of s. 33—Matters against which a development must be assessed

Clause 6 makes consequential amendments to section 33 of the *Development Act 1993*. Paragraph *(c)* inserts new subparagraph (iva) in section 33(1)*(c)*. This provision reflects existing section 33(1)*(d)*(iii). Paragraph *(g)* inserts subparagraph (vii) which corresponds to existing section 33(1)*(c)*(iv) and will enable the Water Corporation amongst other things to insist that individual water meters are fitted to all future strata and community lots.

Clause 7: Amendment of s. 50—Open space contribution system

Clause 7 makes consequential amendments to section 50 of the *Development Act 1993*.

Clause 8: Amendment of s. 3—Interpretation

Clause 8 makes consequential amendments to the *Land and Business (Sale and Conveyancing) Act 1994*.

Clause 9: Insertion of s. 10B

Clause 9 inserts a new section in the *Land Tax Act 1936* which sets out the way land tax is imposed in relation to community schemes.

Clause 10: Amendment of s. 66—Land tax to be a first charge on land

Clause 10 provides that land tax assessed against common property is not secured against the common property (which can't be sold) but against the individual lots.

Clause 11: Amendment of s. 21—Entitlement to practise

Clause 11 makes a consequential amendment to the *Legal Practitioners Act 1981*.

Clause 12: Amendment of s. 5—Interpretation

Clause 12 makes consequential amendments to the *Local Government Act 1934*.

Clause 13: Amendment of s. 168—Ratability of land

Clause 14: Amendment of s. 182—Rates are charges against land

Clauses 13 and 14 makes amendments to the rating provisions of the *Local Government Act 1934* similar to the amendments made by clauses 9 and 10.

Clause 15: Amendment of s. 319—Cost of constructing public street

Clause 16: Amendment of s. 328—Power to pave footways

Clause 17: Amendment of s. 342—Construction and repair of private streets in the City of Adelaide

Clause 18: Amendment of s. 343—Powers of other councils to make private streets and road

Clause 19: Amendment of s. 344A—Construction and repair of private roads

Clause 20: Amendment of s. 345—Power of council to order land adjoining street to be fenced

Clause 21: Amendment of s. 348—Duty to construct retaining walls in certain cases

Clauses 15 to 21 make consequential amendments to the *Local Government Act 1934*.

Clause 22: Amendment of s. 22—Powers of the Board

Clause 23: Amendment of schedule 2

Clauses 22 and 23 make consequential amendments to the *Passenger Transport Act 1994*.

Clause 24: Amendment of s. 223la—Interpretation

Clause 24 amends section 223la of the *Real Property Act*. The definition of 'allotment' is amended to exclude land in a community scheme or strata scheme. This is because Part 19AB of the *Real Property Act 1886* does not provide for division of land in these

schemes. The other amendments made by this section are consequential.

Clause 25: Amendment of s. 223lb—Unlawful division of land
Clause 25 amends section 223lb of the *Real Property Act 1886*. This section prohibits the dealing with part of an allotment. It is important that this section extends to land in a community or strata scheme.

Clause 26: Amendment of s. 223lg—Service easements
Clause 26 makes changes to section 223lg of the *Real Property Act 1886* consequential on the establishment of the South Australian Water Corporation.

Clause 27: Amendment of s. 223lla—Interpretation

Clause 28: Amendment of s. 223llb—Amalgamation in exchange for division
Clauses 27 and 28 make consequential amendments.

Clause 29: Amendment of s. 223llc—Creation of amalgamation units
Clause 29 corrects a cross reference error in section 223llc of the *Real Property Act 1886*.

Clause 30: Amendment of s. 242—Diagrams of land in certificates of title
Clause 30 makes a consequential change to section 242 of the *Real Property Act 1886*.

Clause 31: Amendment of s. 3—Interpretation

Clause 32: Amendment of s. 62—Special provision for strata and community shopping centres
Clauses 31 and 32 makes consequential changes to the *Retail Shop Leases Act 1995*.

Clause 33: Amendment of s. 3—Interpretation

Clause 34: Amendment of s. 9—Contractual rights of residents

Clause 35: Amendment of s. 10—Meetings of residents
Clauses 33, 34 and 35 makes consequential changes to the *Retirement Villages Act 1987*.

Clause 36: Amendment of s. 47—Capital contribution where capacity of undertaking increased

Clause 37: Amendment of s. 78—Liability for rates
Clauses 36 and 37 makes consequential amendments to the *Sewerage Act 1929.*

Clause 38: Insertion of s. 78AAA

Clause 39: Amendment of s. 93—Amounts due to Corporation a charge on land
Clauses 38 and 39 make amendments to the rating provisions of the *Sewerage Act 1929* similar to amendments made by clauses 9 and 10 and 13 and 14.

Clause 40: Amendment of s. 60—Interpretation
Clause 40 makes a consequential change to section 60 of the *Stamp Duties Act 1923*.

Clause 41: Amendment of s. 8—Deposit of strata plan
Clause 41 amends section 8 of the *Strata Titles Act 1988* to prevent division under that Act after the commencement of the *Community Titles Act*. The *Strata Titles Act 1988* will remain in force for the purpose of administering existing strata schemes.

Clause 42: Amendment of s. 12—Application for amendment
Clause 42 inserts a provision into the *Strata Titles Act 1988* that enables one application to be made where land is being added to or removed from the land in a strata scheme. Without this section an application would be required under section 12 of the *Strata Titles Act 1988* and a separate application under Part 19AB of the *Real Property Act 1886*. A similar provision is included in Part 7 Division 1 of the *Community Titles Bill*.

Clause 43: Amendment of s. 17—Cancellation

Clause 44: Insertion of Part 2 Division 7A

Clause 45: Insertion of Part 3 Division 6A
Clauses 43, 44 and 45 insert provisions that are in the *Community Titles Bill* into the *Strata Titles Act 1988* to maintain uniformity between the two Acts.

Clause 46: Amendment of s. 55—Interpretation

Clause 47: Insertion of s. 16A
Clauses 46 and 47 make consequential changes to the *Valuation of Land Act 1971*.

Clause 48: Amendment of s. 86A—Liability for rates in strata schemes
Clause 48 amends section 86A of the *Waterworks Act 1932*. The amendment extends the ambit of the section to strata lots under the *Community Titles Act*.

Clause 49: Insertion of s. 86AA
Clause 49 makes amendments to the *Waterworks Act 1932* similar to amendments made by clauses 9, 13 and 38. In this case however the amendments only relate to the supply charge for commercial land because this is the only component of water rates that depends on the value of land. Subclause (4) provides for the sake of convenience that the community corporation is liable for rates levied separately against the common property.

Clause 50: Amendment of s. 86B—Sharing water consumption rate in certain circumstances
Clause 50 makes a consequential amendment to section 86B of the *Waterworks Act 1932*.

Clause 51: Amendment of s. 93—Recovery of amounts due to Corporation
Clause 51 inserts a subsection that provides that amounts due to the South Australian Water Corporation in respect of common property are not a charge on the common property but are a charge on the individual lots or units.

Clause 52: Amendment of s. 109B—Capital contribution where capacity of waterworks increased
Clause 52 makes a consequential amendment to section 109B of the *Waterworks Act 1932*.

Mr ATKINSON secured the adjournment of the debate.

FINANCIAL INSTITUTIONS (APPLICATION OF LAWS) (COURT JURISDICTION) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill provides for the repeal of section 13 of the *Financial Institutions (Application of Laws) Act 1992* ('the Act').

The *Financial Institutions (Application of Laws) Act 1992* ('the Act') was enacted to apply:

(a) the Queensland *Financial Institutions (Queensland) Act 1992* and regulations made thereunder; and

(b) the Queensland *Australian Financial Institutions Commission Act 1992* and regulations made thereunder;

as law in South Australia. These laws are referred to as the *Financial Institutions (South Australia) Code* ('the Code') and the *Australian Financial Institutions Commission (South Australia) Code* ('the AFIC Code') respectively. All jurisdictions (other than the Commonwealth) have similar legislation.

Both Codes operate to administer and regulate the operation of building societies and credit unions ('financial institutions') in a uniform manner throughout Australia. The Australian Financial Institutions Commission ('AFIC') is the responsible regulator.

The Bill repeals section 13 of the Act and is consistent with the amendment in 1994 to the AFIC Code. As a result of these 1994 amendments, State Supreme Courts are now able to hear appeals from decisions of the Australian Financial Institutions Appeals Tribunal ('the Tribunal').

However, as presently drafted, the Act confers jurisdiction solely on the Queensland Supreme Court to hear all appeals under the Code and the AFIC Code. Whilst the provisions of *Jurisdiction of Courts (Cross-Vesting) Act 1987* may enable appeals from decisions of the Tribunal on matters under the South Australian Code to be transferred to the South Australian Supreme Court, such a decision is solely within the prerogative of the Queensland Supreme Court.

The fact that the AFIC Code has been amended so as to enable appeals from decisions of the Tribunal on matters under the South Australian Code to be heard by the South Australian Supreme Court, does not override the provisions of the Act.

Therefore, in order to give effect to the amendments to the AFIC Code, the Bill will repeal section 13 of the Act, thereby enabling the 1994 amendments to the AFIC Code to have full force and effect.

Similar legislation has been enacted in Tasmania and Western Australia and all other jurisdictions (except Queensland) are following suit.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement
These clauses are formal.

Clause 3: Repeal of s. 13
This clause repeals section 13 of the principal Act.

Mr ATKINSON secured the adjournment of the debate.

BUSINESS NAMES BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

The purposes of the Bill are to provide for the registration of business names (where persons and corporations elect to carry on business other than under their own names), to create and maintain a public register of registered business names and to repeal the *Business Names Act 1963* which currently regulates these activities.

The current Act has not been amended in any significant way since it was enacted in 1963 and has become outdated. The regulations under the 1963 Act expire on 1 September 1996 and therefore must be remade. This has prompted a review of the Act.

The Bill will give recognition and effect to registration practices which have developed over the years and are now commonly accepted in the registration of business names. It recognises a changed business environment from what was envisaged by the 1963 Act. The Bill will enable more appropriate regulations to be made and more comprehensive Ministerial directions to be given to the Corporate Affairs Commission.

Neither the 1963 Act nor the Bill confers proprietorial rights of any kind. The Bill preserves and carries forward the existing policy of prohibiting the Corporate Affairs Commission from registering a business name that is the same as or similar to an existing registered name such that registration of the name might cause other business persons and the public generally to become confused or mistaken as to the identity of the proprietor they are dealing with.

However, the Bill does recognise that, with some types of business franchising arrangements and common enterprise schemes, there is a need to register names that are very similar to one another to a number of different proprietors. It is not uncommon that the only difference between the names registered to each proprietor participating in a common business arrangement is a location name. Registrations of this nature are undertaken in a structured environment with understandings reached with the Corporate Affairs Commission. Commonly, the principal promoter and manager undertakes to ensure that no proprietor engages in any conduct which might confuse the public as to the identity of the proprietor they are dealing with. Experience has shown that few difficulties are encountered and any that have arisen have been of a minor nature. An example of where near identical names are registered to different proprietors is in relation to retail outlets operating in the petroleum industry. However the practice is by no means limited to that industry. Clause 8(4)*(b)* accommodates this practical need and allows for appropriate Ministerial directions to be given.

Companies and registration of their names are regulated nationally by the Australian Securities Commission which is established under Commonwealth Law. The Australian Securities Commission will not register a company under a name that is the same as a business name registered in any State or Territory. In reciprocation, a State or Territory will not register a business name that might be confused with or mistaken for an existing company name. To facilitate this recognition of names, the Australian Securities Commission has established a national database for business names in conjunction with its national register of companies. South Australia joined with other participating jurisdictions in using the registry processing system as well as the national names system. Since mid 1991, the register of South Australian business names has been maintained on the Australian Securities Commission's registry system.

The Bill will give statutory status to this arrangement with the Australian Securities Commission and will enable the Corporate Affairs Commission to make any other arrangements with the Australian Securities Commission that might be approved by the Minister.

The electronic database has the capacity to produce certificates and renewal notices in relation to business names and allows for remote electronic searching of the register through information brokers.

There are three accredited information brokers who provide on line search facilities at the business premises of their clients and this provides an additional and alternative service for undertaking searches of the public register to that available at the Business and Occupational Services Branch of the Office of Consumer and Business Affairs.

The Bill contemplates simplified administrative arrangements for registering names, notifying changes in registered particulars, cancelling registration, reinstating registration and correcting errors made in the register. Provision is made for the Corporate Affairs Commission to approve the various forms of application and notice used in registering names and notifying changes in registered particulars. If strictly enforced, the existing requirements can impose unnecessary administrative burdens in that an application or a notice must be provided in a form prescribed by the regulations.

The Bill seeks to remove unnecessary duplication in administration. Clause 12(3) provides that where a company which is the proprietor of a business name gives notice to the Australian Securities Commission of a change in registered particulars (for example, a change of address), that will be sufficient compliance with the requirement to notify the Corporate Affairs Commission of the change. Where the Australian Securities Commission reinstates the incorporation of a company which may have been struck off in error or the court orders reinstatement of a company, the Corporate Affairs Commission can reinstate registration of any business name which may have been registered to the reinstated company with minimal formality.

Proper sanctions are provided in the Bill for non-registration and for supplying of false particulars so as to enable a credible and sufficiently reliable public register of business names registrations to be maintained.

Provision is made for a person aggrieved by an act or decision of the Commission to appeal to the Administrative and Disciplinary Division of the District Court to vary or reverse the decision of the Commission.

In summary, the Bill retains the existing requirement that names that may be mistaken for or confused with a registered business name or the name of a body corporate are not to be registered, while recognising that there is a practical need to modify the names test where businesses are carried on under franchising arrangements and some of the more common agency relationships. It also allows a more flexible approach to be taken in administering the requirements for registering of business names and for maintaining the information kept on the public register in an up-to-date, adequate and sufficiently accurate form. It recognises that the public register is principally kept in a standardised electronic format and the nexus which exists between names of companies and registered business names as well as the role of the Australian Securities Commission in making available an electronic database for business names as part of the operating functions of its national register of companies.

I commend the bill to Honourable Members.

Explanation of Clauses

PART 1—PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains definitions of words and phrases used in the Bill. In particular, it defines proprietor of a registered business name to mean the person or each of the persons (whether natural or incorporated) in relation to whom the business name is registered under the proposed Act.

Clause 4: Carrying on business

This clause clarifies when a person is not to be regarded as carrying on business in this State, *eg:* a person who maintains a bank account in this State in not, for that reason only, to be regarded as carrying on business in this State. (This clause is equivalent to section 4(2) of the current *Business Names Act 1963* (current Act).)

Clause 5: Breach of Act does not avoid agreement, etc.

A contravention of or failure to comply with a provision of this proposed Act does not of itself operate to avoid an agreement, transaction, act or matter.

Clause 6: Agreement with ASC

The Commission may, with the Minister's approval, from time to time make an agreement with the Australian Securities Commission (ASC) about any matter in relation to the administration of this proposed Act. The agreement may contain delegations by the Commission of functions or powers under this proposed Act.

PART 2—REGISTRATION OF BUSINESS NAMES

Clause 7: Certain business names to be registered

This is the pivotal clause that provides that a person must not carry on business in this State under a business name unless—

- the business name consists of the name of the person; or
- the business name is registered under this Act in relation to that person.

The maximum penalty for failure to comply with this provision is a fine of $5 000. (*Cf:* section 5 of the current Act.)

Clause 8: Registration or renewal of registration of business names

A person wanting to register or renew the registration of a business name must apply to the Commission in the manner and form approved by the Commission and pay the fee fixed by regulation.

An application will be taken to be deficient and not to have been lodged with the Commission if—

- it is incomplete or inaccurate in a material particular; or
- the applicant fails to provide the Commission with any information or document required by the Commission for the purposes of determining the application; or
- it is lodged outside the period allowed; or
- the fee payable in respect of the application is not paid (whether because of the dishonouring of a cheque or otherwise).

On registration or renewal of registration, the Commission will issue a certificate of registration.

Clause 9: Priorities between applications

If two or more applications for registration are lodged in respect of the same business name or names that are, in the Commission's opinion, likely to be confused with or mistaken for each other, those applications are entitled to priority as between themselves according to the order in which they were lodged with the Commission.

Clause 10: Expiry of registration

Generally, registration of a business name remains in force for three years from the date on which it is granted or renewed.

Clause 11: Register and inspection of register

The Commission must keep a register of business names registered under this proposed Act containing certain information. Persons may, on payment of a fee, inspect and obtain information from the register.

Clause 12: Notification of changes in particulars

If—

- a business ceases to be carried on in this State under a registered business name; or
- some other change occurs such that particulars contained in the register in relation to a registered business name as required under proposed Part 2 are no longer accurate or complete,

the proprietor of the registered business name must, within 28 days of the change, give the Commission notice of the change in writing in the form approved by the Commission and signed by the proprietor.

If the proprietor is a body corporate required by law to give ASC notice of changes in particulars, such notice is considered sufficient compliance with this clause.

Clause 13: Commission may correct register

The Commission may, on evidence that appears sufficient to it, correct an error or supply a deficiency in the register or in a certificate of registration issued under this proposed Act.

PART 3—CANCELLATION OR REINSTATEMENT OF REGISTRATION

Clause 14: Cancellation of registration

If the Commission has reason to believe that the proprietor of a registered business name is not carrying on business in this State under the business name, the Commission may, by notice in writing served on the proprietor, invite the proprietor, within 28 days of the date of the notice, to show cause why the registration of the business name should not be cancelled.

If the Commission has reason to believe that the proprietor of a registered business name has not given the Commission notice of a change in particulars in the register in relation to the business name as required under proposed Part 2, the Commission may, by notice in writing served on the proprietor, require the proprietor, within 28 days of the date of the notice, to provide such particulars as are necessary to correct or supply the deficiency in the register.

If, after notice has been served on a proprietor of a registered business name, the proprietor fails within the time allowed to show cause why the registration should not be cancelled or to provide any necessary particulars (as the case may be), the Commission may cancel the registration.

If the Commission is satisfied that a business name has been registered on a deficient application or through some other mistake or inadvertence, the Commission may, by notice in writing served on the proprietor of the business name, cancel the registration of the business name for the reasons set out in the notice with effect from a date specified in the notice (being not less than 28 days from the date of the notice). (In these circumstances, the fee will be refunded on cancellation.)

If—

- the Commission is notified in writing by the proprietor of a registered business name that the proprietor has ceased to carry on business in this State under the business name and no other person has commenced to carry on business under that name; or
- in the case of a business name registered in relation to a body corporate—the body corporate has been dissolved,

the Commission may cancel the registration of the business name.

Clause 15: Reinstatement of registration

If the Commission is satisfied that the registration of a business name has been cancelled as the result of an error on its part, the Commission may reinstate the registration of the business name and, in that event, the registration is to be taken to have continued in force without having been cancelled.

If, in the case of a business name registered in relation to a body corporate, the Commission is satisfied that—

- the registration of the business name has been cancelled as the result of ASC having cancelled the registration of the body corporate; and
- ASC has reinstated the registration of the body corporate,

the Commission may reinstate the registration of the business name and, in that event, the registration is to be taken to have continued in force without having been cancelled.

PART 4—RIGHT OF APPEAL

Clause 16: Right of appeal

A person aggrieved by an act or decision of the Commission under this proposed Act may appeal, within 21 days after the act or decision, to the Administrative and Disciplinary Division of the District Court against that decision.

On the hearing of an appeal under this section, the Court may—

- vary or reverse the decision of the Commission and make such consequential or ancillary orders as may be just in the circumstances; or
- uphold the decision of the Commission and dismiss the appeal.

PART 5—OFFENCES

Clause 17: Certain convicted offenders not to use business names

A person who has been convicted of certain offences must not (within the period of 5 years after the conviction or, if the person was sentenced to imprisonment, within the period of 5 years after release from prison) commence (or recommence) to carry on business in this State under a business name or continue to carry on business in this State under a business name, unless—

- the business name under which the person carries on business is not required to be registered under this proposed Act; or
- the person has obtained leave of the District Court to carry on business under the business name.

The maximum penalty for such an offence is a fine of $5 000.

Clause 18: Use and exhibition of business name

A person carrying on business in this State under a registered business name must display the registered business name prominently on any document relating to the carrying on of the business and in a conspicuous position on the outside of each place at which business is carried on under that name.

The maximum penalty for an offence against this proposed section is a fine of $750 (which may be expiated on payment of $160).

Clause 19: Invitations to make deposits or loans

A person must not, in connection with an invitation to lend or deposit money made by an advertisement or otherwise to the public or a member of the public, use or refer to a business name that—

- is registered or required to be registered under this proposed Act; or
- would, if business were carried on in this State under the business name, be required to be registered under this proposed Act.

The maximum penalty for an offence against this proposed section is a fine of $5 000.

Clause 20: False or misleading statements

A person who in giving information under this proposed Act makes a statement that is false or misleading in a material particular is guilty of an offence and liable to a fine of $5 000.

Clause 21: General offences and penalties

The general penalty for contravention of or failure to comply with a provision of this proposed Act (where no penalty is otherwise set) is a fine of $1 250 (which may be expiated on payment of a fee of $210).

Clause 22: Offences committed by body corporate

If a body corporate commits an offence against this proposed Act, each director of the body corporate is guilty of an offence and liable to the same penalty as is applicable to the principal offence unless it is proved that the director could not by the exercise of reasonable diligence have prevented the commission of that offence.

Clause 23: Commencement of prosecutions

A prosecution for an offence against this proposed Act cannot be commenced except by the Commission or a person authorised in writing by the Commission.

PART 6—MISCELLANEOUS

Clause 24: Signing of documents to be lodged with Commission

This clause sets out the requirements for signing of documents to be lodged with the Commission.

Clause 25: Statutory declaration

The Commission is authorised to require information provided under the proposed Act to be verified by statutory declaration.

Clause 26: Power of court to require compliance with Act

If a person carrying on business under a business name is in default under this proposed Act and commences any suit or action in that business name or in respect of a cause of action arising out of any dealing under that business name, the court before which the suit or action is commenced may order the person to make good the default and—

- may stay all proceedings in the suit or action until the order is complied with; or
- may allow the proceedings to be continued on an undertaking being given by the person that he or she will comply with the order within such time as is fixed by the court.

Clause 27: Commission may waive or reduce fees

The Commission has power to waive, reduce or refund fees (in whole or in part) required to be paid to the Commission under this proposed Act.

Clause 28: General power of exemption of Commission

The clause provides the Commission with power to grant exemptions.

Clause 29: Immunity from liability

Acts committed in good faith by a person engaged in the administration or enforcement of this proposed Act incur that person no liability but instead the Crown will incur the liability.

Clause 30: Service

This clause provides for the method of service.

Clause 31: Service under any Act or rules and registered address for service

If under an Act or rules of court any document is to be served on a person and the person is a proprietor of a registered business name, then service of the document to or at the address registered under this proposed Act as the address for service of the proprietor of the business name is to be taken to be sufficient service on the person for the purposes of that Act or those rules.

Clause 32: Evidentiary provision

Certain apparently genuine documents purporting to be under the seal of the Commission are to be accepted in legal proceedings in the absence of proof to the contrary.

Clause 33: Authority of Commission to destroy documents

Subject to Part III of the *Libraries Act 1982*, the Commission may dispose of documents lodged or records kept under this proposed Act or the current Act where the registration of the business name in respect of which the documents were lodged or the records kept has not been in force at any time during the preceding 6 years.

Clause 34: Regulations

This clause provides that regulations may be made for the purposes of the proposed Act.

SCHEDULE: Repeal and Transitional Provisions

The schedule contains provisions of a transitional nature and provides for the repeal of the current Act.

Mr ATKINSON secured the adjournment of the debate.

BIOLOGICAL CONTROL (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

COMPETITION POLICY REFORM (SOUTH AUSTRALIA) BILL

The Hon. DEAN BROWN (Premier) obtained leave and introduced a Bill for an Act to apply certain laws of the Commonwealth relating to competition policy as laws of South Australia and for other purposes. Read a first time.

The Hon. DEAN BROWN: I move:

That this Bill be now read a second time.

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

Leave granted.

The purpose of this Bill is to ensure that all businesses in the State, whether private or Government-owned, incorporated or unincorporated, will be covered by the same rules about how they compete. These rules, known as the Competition Code, will apply to every other business operating throughout Australia.

This seamless operation of the law throughout the nation is the result of cooperation between all State and Territory Governments and the Commonwealth. The essential details were settled when State Premiers and the Chief Minister of the Northern Territory agreed on the critical features of the package at their meeting in Adelaide in February 1995.

The process had begun at the Adelaide Special Premiers' Conference of November 1991 which endorsed the need for a national competition policy and agreed that an independent review of the Trade Practices Act should be carried out. This decision was made in the knowledge that the competition rules of the Trade Practices Act did not apply to business activities carried out by the Crown in the right of the States. They also did not cover businesses outside the Constitutional reach of the Commonwealth, which meant that most unincorporated businesses were exempt.

State and Territory Heads of Government identified the inequities of having different rules applying to businesses which may be in direct competition. They could also see the opportunities for improving economic efficiency, through greater exposure to fair competition. An independent review was proposed to explore these issues and recommend a course of action to address them.

The Commonwealth Government subsequently became involved, and terms of reference for the review were jointly agreed by the States and Territories and the Commonwealth. Professor Fred Hilmer was appointed to conduct the review, with the assistance of Mr Mark Rayner and Mr Geoffrey Tapperell.

The Committee began its task in October 1992 and reported in August 1993. The results were presented to the Council of Australian Governments when it met in Hobart in February 1994. At that meeting, Heads of Government accepted the principles of the Hilmer Report. The details of implementation were to depend upon two pieces of work:

- an audit of State Government activities, to make sure that we fully understood the practical implications of making them subject to the Competition Code of the Trade Practices Act; and
- drafting of the necessary Commonwealth and State legislation and Intergovernmental Agreements, in a way which was acceptable to all Governments.

The audit was completed by the middle of 1994. The drafting of the legislation and Agreements was undertaken by working parties of Commonwealth, State and Territory officials. A draft was released for public consultation at the Darwin August 1994 Council of Australian Governments (COAG) meeting, and amended as a result of the comments received. The South Australian Government also conducted public consultation at the end of 1994, to identify any issues of particular concern to local business and other interested parties.

The complexity of the exercise arose in part from the fact that the Hilmer Report went much further than recommending the extension of Part IV of the Trade Practices Act to all business activities. The Committee advised that five other policy elements were necessary

in order to promote genuine competition in the Australian economy. These were:

- pricing oversight of Government monopoly businesses;
- a right for third parties to gain access to significant infrastructure;
- structural reform of public monopolies;
- review of legislation which restricts competition; and
- competitive neutrality between competing private and Government-owned businesses.

I shall give some more details about these additional policy elements later. First, I want to say something about the Bill now before the Parliament, which is intended to extend the Competition Code of Part IV of the Trade Practices Act to all business activities in the State.

The Bill applies the Competition Code which is contained in a Schedule to the Commonwealth Competition Policy Reform Act 1995, as the law in South Australia. In general, it is the policy of the Government to use mirror legislation to implement agreements on nationally uniform legislation, rather than application laws. However, the Government acknowledges the need to be flexible on this issue, and has decided that the particular circumstances of this law justify a change in normal policy.

The Commonwealth has agreed to give the States and Territories voting rights in approving amendments to the Competition Code. This right, enshrined in the Conduct Code Intergovernmental Agreement, recognises the sovereignty of the States and ensures that changes to the Competition Code applying in the States will not be made if five States and Territories object.

Since the Commonwealth is strongly committed to ensuring that the Competition Code remains consistent with Part IV of the Trade Practices Act, this Agreement has given the States and Territories a strong role in influencing the development of that law. It ensures that the law will not reflect only the interests of the bigger States, and ignore the needs of smaller regional economies. As a result, future Competition Law will be truly national.

Such a voting arrangement was a prime condition of the States and Territories agreeing to the national competition policy, as set out in the resolution of the State Premiers and the Chief Minister of the Northern Territory at their February 1995 meeting in Adelaide. The other was a fair share of the additional revenue which will flow mainly to the Commonwealth, as a result of the economic gains which will come from the implementation of national competition policy.

At the April 1995 meeting of the Council of Australian Governments the Commonwealth also agreed to this demand of the States and Territories. Over $1 billion in 1994-95 dollars will come to South Australia from the Commonwealth between 1996-97 and 2005-06, provided that we implement the reforms agreed to as part of the national competition policy package. One of the conditions for receiving that payment is that this Bill should become law and be in operation by 20 July 1996.

I referred earlier to the other elements of national competition policy, which complement this Bill and which are contained in the Competition Principles Intergovernmental Agreement signed by Heads of Government at the April 1995 COAG. I will now describe these in more detail.

The first is prices oversight of monopoly Government business enterprises. The Competition Policy Reform Act amended the Prices Surveillance Act so that, for the first time, its provisions could be applied to State-owned businesses. However, there are stringent limitations on that change, requiring a finding that another jurisdiction has been adversely affected by a State monopoly's pricing before the Commonwealth Minister can declare the business for prices surveillance. In addition, the Commonwealth law will not apply to State businesses which are subject to a State-based prices oversight regime which complies with the principles set out in the Competition Principles Intergovernmental Agreement.

The Government has determined to establish such a mechanism, to be titled the Competition Commissioner. The Commissioner will have the power to make recommendations on the prices to be charged by declared monopoly or near-monopoly Government business enterprises. However, the actual determination of prices will remain a Government responsibility.

The next policy element embodied in the Competition Principles Agreement is competitive neutrality policy and principles. The objective of this policy element is to ensure that Government businesses do not enjoy any net competitive advantage as a result of their ownership. It deals with such matters as tax equivalence and ensuring that Government businesses are subject to the same regulation as their private sector counterparts. The Government will publish a policy statement giving more detail on how it will implement these principles in June this year.

I turn now to structural reform of public monopolies. Before privatising or introducing competition to a public monopoly, the Government is obliged to conduct a review into its structure. It must separate regulatory responsibilities from the public monopoly and consider whether another structure would deliver benefits by enhancing competition. The Government's request to the Industry Commission for advice on the structure of ETSA Corporation complies with this principle, since it ensures that the Government will have advice on these questions before it makes its final decision.

The obligation to conduct reviews is also central to the next policy plank, the review of legislation which restricts competition. By June the Government will have developed a timetable for the review by the year 2000 of all legislation which restricts competition. The legislation identified through this process will be reviewed to determine whether the benefits to the community justify the costs of the restriction on competition, and whether those benefits could be obtained without restricting competition. The review process is consistent with the State's pre-existing Deregulation Policy, which has aimed to ensure that the State had the least restrictive and most efficient laws consistent with the public good.

The fifth policy element is third party access to significant infrastructure facilities and services. This policy is intended to promote competition by allowing competitors to share the use of infrastructure which cannot be economically duplicated. The Competition Policy Reform Act inserts a new part, Part IIIA, into the Trade Practices Act. It provides for a right of third party access to facilities which are involved in interstate trade or significant to the national economy. However, the law states that this Commonwealth regime will only apply to facilities that are not subject to some other effective access regime. The State can enact its own access laws for facilities within its borders, provided it is consistent with principles set out in the Competition Principles Agreement. It can also cooperate with other jurisdictions to design single integrated access regimes covering infrastructure which operates across borders.

Together, these policy elements and the Bill now before the House make up a comprehensive framework for delivering greater economic efficiency by increasing competition. The common principles to be adopted by all jurisdictions recognise the degree of integration in the Australian economy. However, there are a number of elements which allow States to take particular account of the needs of their own regional economies. I will expand on these protections so that members can see that the State can continue to shape its own destiny under national competition policy.

The first is the right of the States and Territories, under section 51 of the Trade Practices Act, to legislate to exempt specified conduct from the provisions of the Competition Code. It is this provision the State has used to enact the Cooper Basin Indenture (Ratification) Act, and other pieces of key economic development legislation. Under the amended Trade Practices Act, becoming a party to national competition policy and passing the Bill now before the House are essential if the State is to retain this right.

Another important protection of State interests is the recognition in the Competition Principles Agreement that evaluating the costs and benefits of implementing some of these principles is a complex judgment which involves balancing a range of policy considerations. Clause 1(3) of the Competition Principles Agreement requires Governments to take these factors into account. They include ecologically sustainable development, social welfare and equity considerations, the interests of consumers and economic and regional development. This ensures that the Government bases its decisions on the detailed implementation of this policy on the overall interests of the South Australian community.

In summary, I believe that national competition policy offers the State a framework for making the most of its competitive advantages within the national and global economies, while making sure that we retain the quality of life and community cohesion which make South Australia a great place to live and to do business. This Bill is an essential plank in that policy.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 1 is formal.

Clause 2: Commencement

Clause 2 provides for the commencement of the proposed Act. Part 1 and Part 7 will commence immediately on receiving assent. These Parts are supplementary to the substantive provisions of the Bill. Part

1 contains the name of the proposed Act, its commencement and definitions. Part 7 contains transitional provisions.

The remaining provisions are intended to commence 12 months after the date of assent to the Commonwealth Bill. Although the Commonwealth Bill contains a number of different commencement dates, virtually all of the Commonwealth Bill will have commenced 12 months after the date of assent. The result therefore is that the Commonwealth Bill will be in force when the South Australian Bill commences.

There is provision in clause 2 of the Bill for the postponement of the commencement of those remaining provisions, to deal with any unforeseen circumstances that might arise.

Clause 3: Interpretation

Clause 3(2) provides for expressions used in the Bill to have the same meanings as in the *Trade Practices Act*.

Clause 3(3) provides that references to Commonwealth Acts include amendments and replacements.

Clause 4: The Competition Code text

Clause 4 defines the Competition Code text that will be applied to become the Competition Code. This is primarily the provisions of Part IV of the *Trade Practices Act*.

Clause 5: Application of Competition Code

Clause 5 is the operative clause of the Bill. It applies the Competition Code text as a law of South Australia.

Clause 6: Future modifications of Competition Code text

Clause 6 provides a scheme to deal with future modifications of the Competition Code text by Commonwealth legislation. In essence, the scheme provides that there is to be at least a two month gap between the enactment or making of Commonwealth modifications and their application under clause 5. That period can be shortened by proclamation; alternatively, a proclamation can provide that a modification is not to apply at all in South Australia.

Clause 7: Interpretation of Competition Code

Clause 7 provides, for the purposes of uniformity, that the *Acts Interpretation Act 1901* of the Commonwealth applies to the interpretation of the Competition Code (instead of the *Acts Interpretation Act* of this State.

Clause 8: Application of Competition Code

Clause 8 makes it clear that the Competition Code is not to be construed as merely applying in the territorial area of the State and that the extraterritorial competence of the Parliament is being used. However, provisions contained in section 5 of the *Trade Practices Act* are repeated in the clause to require consent of the Commonwealth Minister for proceedings involving conduct outside Australia.

Clause 9: Special provisions

Clause 9 provides for the interpretation of the expression "the commencement of this section" in the Schedule version of Part IV. This expression will, in effect, be read as a reference to the commencement of substantive provisions of the Bill.

Clauses 10-12: Citing of Competition Code

Clauses 10-12 provides a system for referring to the Competition Codes.

Clause 13: Application law of this jurisdiction

Clause 13 provides that the Act and Competition Code of South Australia will bind the Crown in all its capacities (to the full extent of constitutional capacity to do this). In line with section 2A(1) and proposed section 2B(1) of the *Trade Practices Act*, this will apply to the Crown only when carrying on a business.

Clause 14: Application law of other jurisdictions

Clause 14 is the counterpart of clause 13, and provides that the Act and Competition Code of another State or Territory will bind the Crown in right of South Australia. Again, this will apply to the Crown only when carrying on a business.

Clause 15: Activities that are not business

Clause 15 makes it clear that certain activities carried on by governments or government authorities do not amount to carrying on a business (for the purposes of clauses 13 and 14). The clause corresponds to proposes section 2C of the *Trade Practices Act*.

Clause 16: Crown not liable to pecuniary penalty or prosecution

Clause 16 provides that the Crown is not liable to pecuniary penalties or prosecutions. This is in line with proposed sections 2A(3) and 2B(2) of the *Trade Practices Act*.

Clause 17: This Part overrides the prerogative

Clause 17 makes it clear that, where the law of another jurisdiction binds the Crown in right of South Australia by virtue of this Part, the Code overrides any prerogative right or privilege of the Crown (eg., in relation to the payment of debts). Similar provisions are included in corporations and agvet legislation.

Clauses 18-33:Object

Clauses 18-33 promote the uniform administration of the Competition Codes, as if they were a single Commonwealth Act. The provisions are similar to those included in corporations legislation.

Clause 34: No doubling-up of liabilities

Clause 34 recognises that the same conduct is capable of being punished under more than one law (the Competition Code of South Australia, the Competition Code of another jurisdiction, or the *Trade Practices Act*), and removes this double jeopardy. The clause has its counterpart in proposed section 150H of the *Trade Practices Act*.

Clause 35: Things done for multiple purposes

Clause 35 makes it clear that documentation and other things are not invalid because they also serve other Competition Codes or the *Trade Practices Act*.

Clause 36: Reference in Commonwealth law to a provision of another law

Clause 36 is intended to deal with the technical point that a reference in an applied law to another Commonwealth law is to be treated as if the other law were itself an applied law. There is a similar provision in the corporations and agvet legislation.

Clause 37: Fees and other money

Clause 37 provides that fees, taxes, penalties, fines and other money paid under the Competition Code of South Australia are to be paid to the Commonwealth. This will not apply to amounts recovered in actions for damages. Clause 37(3) is a technical provision that imposes fees (including fees that are taxes) prescribed by the applied regulations.

Clause 38: Regulations

Clause 38 allows regulations to be made for the purposes of the proposed legislation.

Clause 39: Regulation for exemptions under section 51 of Trade Practices Act or Code

Clause 39 provides a specific power to make regulations for the purposes of prescribing exceptions under section 51 of the *Trade Practices Act* or section 51 of the Competition Code.

Clause 40: Definitions

Clause 40 defines terms used in Part 7.

Clause 41: Existing contracts jurisdiction

Clause 41 gives effect to the policy that existing contracts made before 19 August 1994 (the date the legislative scheme was announced) are not caught by the Competition Code. However, if such a contract is varied on or after that date, the Competition Code will apply to future conduct in relation to the varied contract, except as regards matters that were previously protected. The Code applies to future conduct in relation to contracts made after that date.

Although a contract is "grandfathered" under clause 41 in relation to the Competition Code, it may still be caught by Part IV of the *Trade Practices Act*.

Although clause 41 corresponds generally to clauses 34 and 89 of the Commonwealth Bill, those clauses do not contain provisions that correspond to clause 41(1)*(c)* and (3). That paragraph and that subclause are inserted in this Bill for the purpose and clarifying the way the Competition Code applies in relation to existing contracts made on or after 19 August 1994, and are not intended to imply that clause 41 operates differently from those clauses of the Commonwealth Bill in this respect.

Clause 42: Section 51 exceptions

Clause 42 complements clause 33 of the Commonwealth Bill. Clause 33 is intended to provide a three-year continuation of current exceptions (under section 51 of the *Trade Practices Act*) that do not comply with the requirements of new section 51(1) and (1C) of the *Trade Practices Act* (to be inserted by clause 15 of the Commonwealth Bill). Clause 42 provides that the same exceptions will be treated as exceptions from Part IV of the Competition Code for that three-year period.

Clause 43: Temporary exemptions from pecuniary penalties

Clause 43 gives effect to the policy that pecuniary penalties will not apply in respect of conduct that is being subjected to the competition law for the first time, until two years have passed after the Commonwealth Bill is assented to. Since this Bill is intended to commence 12 months after the Commonwealth Bill is assented to, this effectively means that there will be one year during which pecuniary penalties will not be available under the Competition Code. Other remedies will be available during that period of one year.

The period of one year will be extended if the commencement of the substantive provisions of this Bill are postponed under clause 2.

Clause 44: Advance authorisations

Clause 44 permits persons to apply to the Commission for authorisation of conduct and to notify to the Commission before the Competition Code applies to the conduct.

Clause 45: Regulations relating to savings and transitional matters

Clause 45 enables regulations to be made for savings and transitional purposes. Regulations can be made retrospectively for this purpose, but any retrospective effect is not to prejudice rights or impose liabilities (except as regards to South Australia or its authorities).

Mr ATKINSON secured the adjournment of the debate.

RACING (MISCELLANEOUS) AMENDMENT BILL

The Hon. G.A. INGERSON (Minister for Recreation, Sport and Racing) obtained leave and introduced a Bill for an Act to amend the Racing Act 1976. Read a first time.

The Hon. G.A. INGERSON: I move:

That this Bill be now read a second time.

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

Leave granted.

The South Australian Racing industry is currently facing considerable difficulties and its long term viability as a significant employer and as a substantial contributor to the State's economy is in jeopardy.

At the outset, the Government would like to state that the intention of this legislation is not to take away the control of the racing from the industry. Instead, it is seeking to create a structure that will allow the industry to make major decisions in the knowledge that this Parliament has established a structure which will facilitate their effective implementation.

The Government believes the legislation should be viewed as an investment in the future of racing in this State.

There are several major structural changes that need to be made to overhaul the racing industry and put it back on a sound financial footing.

The first stage of a program of structural changes began with the amendments to the *Racing Act* in relation to the South Australian Totalisator Agency Board which were passed last week. There will be a new Board that will be comprised of members with wide business, commercial and legal experience. This Board will function in a more contemporary business manner with the goals of maximisation of profit, modernisation of the agency network and to develop a more relevant marketing profile for the TAB.

The Government believes that one of the keys to successfully revitalising this industry is increasing the amount of funds available to the three racing codes. There are, however, several other major structural changes that need to be made to overhaul the racing industry and put it back on a sound financial footing.

The introduction of this legislation is the next step in revitalising the industry.

The principal aim of this Bill is to see the South Australian racing industry returned to being the viable and thriving industry it has been.

The major structural change proposed is the establishment of the Racing Industry Development Authority. This Authority will be comprised of five members appointed by the Governor, with relevant commercial skills and experience and industry knowledge. The members will be independent of any racing industry statutory authority or race club committee.

In establishing this Authority the Minister will effectively be delegating certain powers and authority to a group of appropriately skilled and experienced individuals.

The three major functions of this new Authority will be the development of industry policy, the implementation of a system of financial accountability, including the distribution of funds, and the role currently undertaken by the Bookmakers Licensing Board. The key industry development areas to be addressed initially will be breeding, stakemoney subsidies, venue rationalisation, marketing and long term financial planning.

South Australia was once recognised as Australia's premier breeding State. However, over the last few years' the deterioration of the South Australian racing industry in relation to our interstate competitors has seen a significant and serious decline in the SA breeding industry. One of the major contributing factors has been the absence of an effective breeding scheme in South Australia while other States have successfully introduced schemes such as Victoria's VOBOS. These competitive schemes have seen many of South Australia's brood mares and bitches leave the State for servicing. Of particular concern to the horse racing codes, is the absence of any high quality stallions standing in the State. The breeding industry is an important and integral part of our racing industry and the new Authority will be looking at ways it can be stimulated.

Like the breeding industry, South Australia has fallen behind our major competitors in regard to minimum stakemoney. In Victoria the minimum stake paid for a metropolitan race is $34 000, in New South Wales it's $32 000, in Western Australia it's $25 000 whereas the South Australian stake is only $15 000. This imbalance is seeing a huge exodus interstate of South Australia's good horses.

Stakemoney in all codes needs to be increased. It is a widely held view in the industry that increasing stakemoney is imperative for the future survival of the South Australian racing industry and must be addressed as a matter of urgency.

The number and location of racing venues in both metropolitan and country South Australia also requires urgent attention. This Government realises that this is a difficult and sensitive issue but a coordinated and objective study must be undertaken regarding the future of many of our racecourses, an issue which the three codes have been largely unable to come to terms with.

The Government will ask RIDA to undertake the first stage of this study immediately with the intention of having a proposal for venue rationalisation available by December. This will enable the controlling authorities and race clubs to do some long term decision making.

The racing industry across Australia has progressively seen the benefit of actively marketing and promoting their product. In Victoria, the VRC has transformed the Melbourne Cup into the Spring Racing Carnival and in doing so made a good event into a extremely successful three week package. Western Australia, Queensland and New South Wales have all developed highly innovative marketing campaigns to promote their industry's products to varying degrees; these States are now seeing signs of a resurgence of interest in racing.

The profile of racing in South Australia must be increased otherwise we will fall further behind our competitors. It will be the brief of RIDA to research a new corporate image, provide assistance in the marketing and promotion of the industry and to develop a racing industry awareness campaign in conjunction with the industry and the TAB.

In addition, the new Authority will provide leadership and direction to the industry and will implement a system of improved financial accountability of both the controlling authorities and racing clubs. RIDA will work with the controlling authorities to develop and implement appropriate financial and business plans and strategies. One of the key issues RIDA will be requesting the industry to address is the viability of individual clubs. In the longer term, it is unsustainable that any club should continue to run at a loss, therefore any club in this situation will be asked by their controlling authority to provide a plan of how they intend to become profitable.

To enable it to carry out these tasks, RIDA will be empowered to request a controlling authority to furnish a yearly business plan, including a financial program on behalf of their sector of the industry. As well, it will be a requirement that the controlling authorities submit plans for the proposed distribution of funds to clubs within their codes for approval by RIDA.

TAB profits which in the past have been paid directly to the codes will now be paid to RIDA and distributed by that body to the controlling authorities. The existing distribution arrangements of 73.5% horse racing, 17.5% harness racing and 9% greyhound racing will be maintained.

Funds previously paid to the Racecourses Development Board will be paid into a RIDA Fund and applied at the discretion of RIDA. The application of this money will be for the benefit of the individual codes or for initiatives that will benefit the whole industry.

If the Government is going to put any new funds into the industry, it is going to need an assurance from the industry that proper accountability provisions have been put in place. It has been a constant concern to the Government that all three principal metropolitan clubs recorded significant losses in the last financial year and indications are that this trend is continuing. Having said this, there is no suggestion that there has been mismanagement on the part of the controlling authorities or the clubs, but the industry must take a more global approach, introduce stronger accountability

measures and take on a more commercial focus if any additional funds are going to be put into the industry.

In order for RIDA to perform its functions, it will rely heavily on industry consultation. Therefore, it will be a requirement in the amended Act that RIDA consult with industry as well as providing an advisory function to the TAB on any of its non-core functions.

The legislation also includes a provision for a compulsory review of the role and functions of RIDA within five years of its establishment. This has been included to ensure that the body remains in existence for only as long as the functions it is performing are required. Should the industry have implemented the initiatives necessary to turn around their financial viability by putting in place appropriate accountability provisions and by substantially increasing their profitability and efficiency, the need for an authority like RIDA may no longer exist.

The second of the major structural changes will be the establishment of a new Thoroughbred Racing Authority to manage the horse racing code in the State. This Authority will be appointed by the South Australian Jockey Club and will be independent of the SAJC in its functions and responsibilities. The five members of this Authority will have relevant legal, marketing, financial, commercial and business skills and industry knowledge.

The new South Australian Thoroughbred Racing Authority (SATRA) will assume all the controlling authority functions in respect of regulating and controlling the horse racing code in this State.

The appointment of members to SATRA is by the Committee of the South Australian Jockey Club and not by the Governor as would usually be the case. The reason for this difference is due to the requirements of the Australian Rules of Racing which state, *inter alia*, that no Principal Club shall have on its Committee any person directly appointed or nominated by Government. The maintenance of'Principal Club Status' by the SAJC is extremely important as it allows the South Australian thoroughbred industry representation at a national level and enables it to participate in national racing agreements.

This change has the support of the SAJC Committee.

It is also proposed to change the names of the 'South Australian Harness Racing Board' and the 'South Australian Greyhound Racing Board' to the 'South Australian Harness Racing Authority' and the 'South Australian Greyhound Racing Authority' respectively. These name changes provide consistency in relation to the titles of all the industry related statutory authorities administered under the *Racing Act*.

In 1995, both the Harness Racing and the Greyhound Racing Boards commissioned reviews into the operations and management of their respective industries. A number of the recommendations of these reports were mutually inclusive.

One such recommendation was the need for independent Board representation to eliminate vested interest difficulties. This Bill proposes to implement this recommendation with the two authorities having independent representatives selected on the basis of relevant commercial skills and experience and industry knowledge.

Likewise, a further recommendation to allow both the Harness Racing Authority and the Greyhound Racing Authority to conduct race meetings and to operate a race course and its facilities has been included in the proposed legislation.

Both the SA Greyhound and Harness Racing Boards have indicated their support for these changes.

It is also proposed to abolish the Bookmakers Licensing Board and the Racecourses Development Board and transfer those powers and functions to RIDA. It is further proposed that staff from the above bodies together with staff from the Racing Division of the Office of Recreation, Sport and Racing be transferred to RIDA.

The amalgamation of the powers and functions of the Bookmakers Licensing Board and the Racecourses Development Board into RIDA rationalises the number of statutory authorities administered under the *Racing Act*. Furthermore, it also gives the responsibility currently vested in the Minister for Racing to the Authority.

The racing industry is a very important contributor to the South Australian economy and its value cannot be underestimated. The industry is a significant employer made up of a diverse group of interests, including owners, trainers and handlers, breeders, jockeys and drivers as well as race club members, race goers and, most importantly, punters. Without the punters, this industry cannot survive.

In order to maximise the potential of this industry, this Bill seeks to put in place structural changes that will ensure accountability for the expenditure of significant amounts of TAB generated funds. In conjunction, measures to increase operational efficiencies and accountability at all levels of industry will be implemented, including the TAB, the controlling authorities and the State's metropolitan and non-metropolitan race clubs. To enable this Bill to have immediate effect, provisions have been included to effect the vacation of offices of the current members of the remaining Boards on the commencement of the amending Act.

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

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 5—Interpretation

The amendments to section 5 are consequential on the other changes proposed to the principal Act, including the establishment of the Racing Industry Development Authority (RIDA), the acquisition by RIDA of the functions of the current Bookmakers Licensing Board and the Racecourses Development Board and the change of name of the controlling authorities. The controlling authority is—

- in respect of horse racing—the South Australian Thoroughbred Racing Authority (SATRA);
- in respect of harness racing—the South Australian Harness Racing Authority (SAHRA);
- in respect of greyhound racing—the South Australian Greyhound Racing Authority (SAGRA).

Clause 4: Substitution of Part 2

PART 1A: RACING INDUSTRY DEVELOPMENT AUTHORITY

6. Establishment of Racing Industry Development Authority

The *Racing Industry Development Authority* (RIDA) is established as a body corporate.

7. Constitution of RIDA

RIDA consists of five members appointed by the Governor on the recommendation of the Minister and each of the members must have one or other of the following qualifications or experience—

- in financial management; or
- in marketing; or
- as a legal practitioner; or
- in carrying on a business; or
- in the horse racing, harness racing or greyhound racing industry.

A person is not eligible to hold office as a member if he or she is a member of a controlling authority, of a committee of a racing club or an officer or employee of a controlling authority or racing club.

8. Terms and conditions of office

A member is appointed for a term of office (not exceeding 3 years) on conditions determined by the Governor. This clause also provides for deputies to be appointed.

9. Remuneration, allowances and expenses

Members are entitled to receive such remuneration, allowances and expenses as may be determined by the Governor.

10. Quorum, etc.

This clause provides for a quorum of 3 members and for other RIDA procedural matters.

11. Due execution of documents by RIDA

A document is duly executed by RIDA if it is sealed with the common seal of RIDA and signed by 2 members.

12. Validity of acts of RIDA and immunity of its members

An act or proceeding of RIDA is not invalid by reason only of a vacancy in its membership. No personal liability attaches to a member of RIDA for an act or omission under this Act by the member, or by RIDA, in good faith.

13. Disclosure of interest

A member who is in any way directly or indirectly interested in a contract, or proposed contract, made by, or in the contemplation of, RIDA must not fail to disclose the nature of his or her interest at a meeting of RIDA. A penalty of $5 000 may be imposed for contravention of this provision.

14. Functions and powers of RIDA

The functions of RIDA are—

- to assist and guide the development, promotion and marketing of the racing industry and the preparation and implementation of plans and strategies for the industry and its development, promotion and marketing;

- to manage the Funds established under proposed Part 1B and distribute the money in the Funds for the benefit of the racing industry in accordance with that proposed Part;
- to encourage and facilitate the development of the breeding industry for racing;
- to regulate and control betting within the State with bookmakers on races or approved events held within or outside Australia;
- at the request of the Minister or of its own initiative, to conduct inquiries into the racing industry or a part of the racing industry;
- to carry out or commission research and analysis in relation to the racing industry;
- any other function conferred on RIDA by this Act or any other Act or assigned to RIDA by the Minister.

RIDA must consult with relevant authorities and clubs in the racing industry in performing its functions.

Some of the functions given to RIDA include the current functions of the Bookmakers Licensing Board and the Racecourses Development Board. As will be seen from later amendments, it is proposed that these 2 Boards will cease to exist.

15. RIDA subject to general control and direction of Minister

RIDA is (except where it makes, or is required to make, a recommendation to the Minister) subject to the general control and direction of the Minister.

16. RIDA may require information from controlling authorities

RIDA may require a controlling authority to furnish it with information relating to the racing code for which it is the controlling authority (including financial information or business plans of any racing club within that code).

17. Delegation

RIDA may delegate to any member, officer or employee of RIDA any of its powers or functions.

18. Borrowing by RIDA

RIDA may borrow money from the Treasurer, or with the consent of the Treasurer, from any other person for the purpose of performing its functions under this Act. Such a liability is guaranteed by the Treasurer.

19. Investment by RIDA

RIDA may, with the approval of the Treasurer, invest any of its money that is not immediately required for purposes of this Act in such manner as may be approved by the Treasurer.

20. Accounts and audit

RIDA must cause proper accounts to be kept of its financial affairs and must in respect of each financial year prepare a statement of accounts which must be audited by the Auditor-General.

21. Annual report

RIDA must, within 3 months after the end of each financial year, submit to the Minister a report on the conduct of the business of RIDA during that financial year, together with the audited statement of accounts of RIDA for that financial year which the Minister must cause to be laid before each House of Parliament within 12 sitting days.

22. Review of RIDA's operations

The Minister must, within 5 years after the commencement of this proposed section, cause a comprehensive review to be conducted of RIDA's operations and a report to be prepared and submitted on the results of the review.

PART 1B: FUNDS FOR RACING INDUSTRY

23. Establishment of Funds for racing industry

The RIDA Fund (established at the Treasury) is to consist of—

- the money derived from totalizator betting required to be paid to the Fund under Part 3;
- money paid to RIDA in repayment of a loan made by RIDA with money from the Fund;
- income from investment of money from the Fund;
- money paid to RIDA by a controlling authority for payment to the Fund;
- any other money received by RIDA that the Minister directs be paid into the Fund.

The SATRA Fund, SAHRA Fund and SAGRA Fund (also established at the Treasury) are each to consist of—

- the money derived from totalizator betting required to be paid to the Fund under Part 3 (in accordance with the percentages set out in section 69);
- income from investment of money from the Fund;
- any other money received by RIDA that the Minister directs be paid to the Fund.

24. Application of Funds

The RIDA Fund must be applied—

- towards its administrative costs;
- towards general racing industry initiatives determined by RIDA;
- otherwise for the benefit of the racing codes in accordance with plans from time to time prepared by the controlling authorities and approved by RIDA.

The SATRA Fund must be applied for the benefit of the horse racing code in accordance with plans prepared by SATRA and approved by RIDA. The SAHRA Fund must be applied for the benefit of the harness racing code in accordance with plans prepared by SAHRA and approved by RIDA and the SAGRA Fund must be applied for the benefit of the greyhound racing code in accordance with plans prepared by SAGRA and approved by RIDA.

PART 2: CONTROLLING AUTHORITIES

DIVISION 1—CONTROLLING AUTHORITY FOR HORSE RACING

25. Establishment of South Australian Thoroughbred Racing Authority

SATRA is established as a body corporate as the controlling authority for horse racing.

26. Constitution of SATRA

SATRA consists of 5 members appointed by the Committee of the South Australian Jockey Club Incorporated (SAJC Committee) and each of the members must have one or other of the following qualifications or experience—

- in financial management; or
- in marketing; or
- as a legal practitioner; or
- in carrying on a business; or
- in the horse racing industry.

27. Terms and conditions of office

A member is appointed for a term of office (not exceeding 3 years) on conditions determined by the SAJC Committee. This clause also provides for deputies to be appointed.

28. Remuneration, allowances and expenses

The members are entitled to receive such remuneration, allowances and expenses as may be determined by the SAJC Committee and any such amount must be paid out of the funds of SATRA.

29. Quorum, etc.

This clause provides for a quorum of 3 members and for other SATRA procedural matters.

30. Due execution of documents by SATRA

A document is duly executed if it is sealed with the common seal of SATRA and signed by 2 members.

31. Validity of acts of SATRA and immunity of its members

An act or proceeding of SATRA is not invalid by reason only of a vacancy in its membership. No personal liability attaches to a member of SATRA for an act or omission under this Act by the member, or by SATRA, in good faith.

32. Functions and powers of SATRA

The functions of SATRA are—

- to regulate and control the horse racing code and the conduct of horse race meetings and horse races within the State; and
- to prepare and implement plans and strategies for the management of the financial affairs of the horse racing code and for the development, promotion and marketing of the code.

SATRA must, in performing its functions and exercising its powers, consult with RIDA.

33. Provision of information

If SATRA is required by RIDA to provide any information relating to the horse racing code, SATRA must comply with that requirement. A horse racing club must provide SATRA with such information as SATRA may require.

34. Delegation

SATRA may delegate to any member, officer or employee of SATRA any of its powers or functions under this Act.

35. Investment by SATRA

SATRA may, with the approval of the Treasurer, invest any of its money that is not immediately required in such manner as may be approved by the Treasurer.

36. Accounts and audit

SATRA must cause proper accounts to be kept of its financial affairs and must in respect of each financial year prepare a statement of accounts. The accounts and statement of accounts of SATRA must be audited by auditors appointed annually by SATRA. The Auditor-General may at any time audit the accounts.

37. Annual report

SATRA must, within 3 months after the end of each financial year, submit to the Minister a report on the conduct of the business of SATRA during that financial year, together with the audited statement of accounts of SATRA for that financial year which the Minister must cause to be laid before each House of Parliament.

38. Prohibition of certain race meetings

A person must not, except with the approval in writing of SATRA and in accordance with the conditions attached to such approval, hold a race meeting, or cause a race meeting to be held, at which a person licensed, or a horse registered, under the rules adopted or made by SATRA takes part in a horse race. The maximum penalty for such an offence is $5 000.

39. Rules of SATRA

SATRA may adopt (and make additions to) the *Australian Rules of Racing* as rules for the regulation, control and promotion of the sport of horse racing and the conduct of horse race meetings and horse races within the State.

DIVISION 2—CONTROLLING AUTHORITY FOR HARNESS RACING

40. Establishment of South Australian Harness Racing Authority

SAHRA is established as a body corporate as the controlling authority of harness racing.

40A. Constitution of SAHRA

SAHRA consists of 5 members appointed by the Governor on the recommendation of the Minister and each of the members must have one or other of the following qualifications or experience—

- in financial management; or
- in marketing; or
- as a legal practitioner; or
- in carrying on a business; or
- in the harness racing industry.

40B. Terms and conditions of office

A member is appointed for a term of office (not exceeding 3 years) on conditions determined by the Governor. This clause also provides for deputies to be appointed.

40C. Remuneration, allowances and expenses

Members are entitled to receive such remuneration, allowances and expenses as may be determined by the Governor.

40D. Quorum, etc.
40E. Due execution of documents by SAHRA
40F. Validity of acts of SAHRA and immunity of its members
40G. Functions and powers of SAHRA
40H. Provision of information
40I. Delegation
40J. Investment by SAHRA
40K. Accounts and audit
40L. Annual report
40M. Prohibition of certain race meetings

New sections 40D to 40M mirror the relevant provisions in respect of SATRA except that the new sections in respect of SAHRA relate to the harness racing industry.

40N. Rules of SAHRA

SAHRA may make rules for the regulation, control and promotion of the sport of harness racing and the conduct of harness race meetings and harness races within the State (including rules relating to the practice and procedure of harness race meetings, licensing and registration).

DIVISION 3—CONTROLLING AUTHORITY FOR GREYHOUND RACING

40O. Establishment of South Australian Greyhound Racing Authority

SAGRA is established as a body corporate as the controlling authority of greyhound racing.

40P. Constitution of SAGRA

SAGRA consists of 5 members appointed by the Governor on the recommendation of the Minister and each of the members must have one or other of the following qualifications or experience—

- in financial management; or
- in marketing; or
- as a legal practitioner; or
- in carrying on a business; or
- in the greyhound racing industry.

40Q. Terms and conditions of office
40R. Remuneration, allowances and expenses
40S. Quorum, etc.
40T. Due execution of documents by SAGRA
40U. Validity of acts of SAGRA and immunity of its members
40V. Functions and powers of SAGRA
40W. Provision of information
40X. Delegation
40Y. Investment by SAGRA
40Z. Accounts and audit
40ZA. Annual report
40ZB. Prohibition of certain race meetings

41. Rules of SAGRA

New sections 40Q to 41 mirror the relevant provisions in respect of SAHRA except that the new sections in respect of SAGRA relate to the greyhound racing industry.

Clause 5: Amendment of s. 41A—Interpretation
Clause 6: Amendment of s. 41F—Registrar

These amendments are consequential on the establishment of RIDA as the authority with the responsibility of developing, promoting and marketing the racing industry as a whole in this State.

Clause 7: Amendment of s. 51—Functions and powers of TAB

The effect of this amendment is that the Totalizator Agency Board (TAB) must consult with RIDA with respect to any activity to be undertaken by TAB for the promotion or marketing of racing or the promotion or marketing of betting on racing.

Clause 8: Amendment of s. 63—Conduct of on-course totalizator betting by racing clubs
Clause 9: Amendment of s. 64—Conduct of on-course totalizator betting when race meeting not in progress
Clause 10: Amendment of s. 65—Revocation of right to conduct on-course totalizator betting

These amendments are consequential on the establishment of RIDA which was given functions in relation to the racing industry as a whole including the functions of the former Racecourses Development Board.

Clause 11: Amendment of s. 69—Application of amount deducted under s. 68
Clause 12: Amendment of s. 70—Application of percentage deductions
Clause 13: Amendment of s. 76—Application of fractions by TAB
Clause 14: Amendment of s. 77—Application of fractions by racing clubs
Clause 15: Amendment of s. 78—Unclaimed dividends

These amendments are consequential on the establishment of the RIDA, SATRA, SAHRA and SAGRA Funds.

Clause 16: Repeal of s. 79

This section is repealed as part of a general tidying up of the principal Act. A corresponding section prohibiting the conduct of totalizator betting on race results is enacted in the *Lottery and Gaming Act 1936* and prosecutions for such offences are proceeded with under that Act.

Clause 17: Amendment of s. 82A—Agreement with interstate totalizator authority—interstate authority conducts totalizator
Clause 18: Amendment of s. 83—Returns by authorised clubs

These amendments are consequential on the establishment of RIDA and the RIDA Fund.

Clause 19: Repeal of s. 84K

This section is repealed as part of a general tidying up of the principal Act. A corresponding section is enacted in the *Lottery and Gaming Act 1936* and prosecutions for such offences are proceeded with under that Act.

Clause 20: Amendment of heading to Part 4
Clause 21: Amendment of s. 85—Interpretation
Clause 22: Repeal of ss. 86 to 97

These amendments are consequential on the establishment of RIDA which was given functions in relation to the racing industry as a whole including the functions of the former Bookmakers Licensing Board.

Clause 23: Substitution of ss. 98 and 99

New section 98 has the same substantive effect as the repealed section 98 but is written in current terms. The repealed section 99 is obsolete. Stamp duties have not been payable on receipts for quite some time.

98. Financial provision

New section 98 provides that, except as otherwise provided by the principal Act, money received by RIDA under Part 4 must be paid to the Treasurer for the credit of the Consolidated Account.

Clause 24: Amendment of s. 100—Licences

Clause 25: Amendment of s. 101—Applications for licences

Clause 26: Amendment of s. 102—Conditions to licences

Clause 27: Amendment of s. 103—Terms of licences

Clause 28: Amendment of s. 104—Suspension and cancellation of licences

Clause 29: Amendment of s. 104A—Power to impose fines

Clause 30: Amendment of s. 105—Registration of betting premises at Port Pirie

Clause 31: Amendment of s. 106—Applications for registration of premises

Clause 32: Amendment of s. 107—Conditions to registration

Clause 33: Amendment of s. 109—Term of registration

Clause 34: Amendment of s. 110—Suspension and cancellation of registration

Clause 35: Amendment of s. 112—Permits for licensed bookmakers to bet on racecourses, at approved venues or in registered premises

Clause 36: Amendment of s. 112A—Grant of permit to group of bookmakers

Clause 37: Amendment of s. 112B—Revocation of permit

Clause 38: Amendment of s. 114—Payment to RIDA of percentage of money bet with bookmakers

Clause 39: Amendment of s. 116—Recovery of amounts payable by bookmakers

Clause 40: Amendment of s. 117—Licensed bookmakers required to hold permits

Clause 41: Amendment of s. 120—Board may give or authorise information as to betting

Clause 42: Amendment of s. 121—Unclaimed bets

Clause 43: Repeal of ss. 122 and 123

Clause 44: Amendment of s. 124—Rules relating to bookmakers

These amendments are consequential on the establishment of RIDA which was given functions in relation to the racing industry as a whole and, of particular relevance here, the functions of the former Bookmakers Licensing Board. Where a penalty is imposed for an offence provided for in this Part of the principal Act, the penalty has been increased and expressed in the current style.

Clause 45: Repeal of Part 5

Part 5 deals with the Racecourses Development Board. As a consequence of the establishment of RIDA, this Part is obsolete.

Clause 46: Amendment of s. 146A—Special conditions of appointment to bodies incorporated under Act

This amendment is consequential on the establishment of RIDA, SATRA, SAHRA and SAGRA.

SCHEDULE 1: FURTHER AMENDMENTS OF PRINCIPAL ACT

These amendments are of a statute law revision nature.

SCHEDULE 2: TRANSITIONAL PROVISIONS

The clauses in this schedule are of a transitional nature and deal with matters arising from the establishment of RIDA, SATRA, SAHRA and SAGRA.

Clauses 1 to 4 deal with the establishment of RIDA and the consequences in relation to assets, liabilities, staff, licences, rules, etc., of the former Bookmakers Licensing Board, the former Racecourses Development Board and the Office for Recreation, Sport and Racing.

Clause 5 deals with the establishment of SATRA and the consequences in relation to approvals granted and rules made by the SAJC Committee (the former controlling authority of the horse racing industry).

Clause 6 provides that SAHRA is the same body corporate as the South Australian Harness Racing Board.

Clause 7 provides that SAGRA is the same body corporate as the South Australian Greyhound Racing Board.

Mr ATKINSON secured the adjournment of the debate.

FRUIT AND PLANT PROTECTION (EXEMPTION) AMENDMENT BILL

The Hon. R.G. KERIN (Minister for Primary Industries) obtained leave and introduced a Bill for an Act to amend the Fruit and Plant Protection Act 1992. Read a first time.

The Hon. R.G. KERIN: I move:

That this Bill be now read a second time.

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

Leave granted.

The prime objects of this short Bill are twofold.

Firstly it will amend the principal Act by providing that every member of the police force is an inspector under the Act. Secondly, it will permit the establishment by regulations, of a scale of expiation fees for illicit introductions of produce into South Australia. In that regard the Bill also recasts section 13 of the principal Act to give clearer Ministerial powers concerning prohibitions and restrictions on the entry of produce into the State.

The *Fruit and Plant Protection Act* came into effect in 1992 and was based on legislation reflecting a century of experience in this area. The legislation has had considerable practical worth and in concert with a good deal of Government effort, has seen South Australia remain free of permanent populations of fruit flies. Freedom from this economically significant pest has given the State easier access to interstate and overseas markets and thus has enhanced the significance of its horticultural industry.

A feature of this scenario is the Government funded campaigns to eradicate fruit flies in urban areas. Expert advice is that these outbreaks result from residents bringing infested 'backyard' fruit from interstate rather than from commercial shipments of fruit. The latter are accompanied by certificates of freedom from, or treatment against fruit flies and considered to be a low risk. Considerable penalties apply to infringements by commercial operators.

The long term average number of outbreaks in South Australia is five per year with eradication cost of about $120 000 each. More to the point urban outbreaks can jeopardise an export market simply because some of our overseas trading partners make no distinction between the State's urban and horticultural areas. As a result, certain markets are retained only with much difficulty and potential expense. For example, the loss of say the citrus market to USA and New Zealand would amount to $22m annually (with potential for growth to $50m) to South Australia.

In light of the above, the Department of Primary Industries is to tighten its approach to offences by issuing Expiation Notices to travellers found with illicit fruit in their possession. This more rigorous application of the *Fruit and Plant Protection Act 1992* will apply both to fresh produce that constitutes a fruit fly host and grapes as a host of phylloxera. A flat expiation fee already is provided by section 13 of the Act. The Bill refines this provision by facilitating regulations that set a scale of expiation fees tied to the quantity of illicit produce.

The Police and the Highway Patrol in particular, have opportunities in the course of their other duties to detect offences. It is proposed to amend the Act to provide that every member of the Police force is *ex officio*, an inspector under the Act. This is far preferable administratively than the current provision which would require the Minister to individually appoint Police officers as inspectors.

Finally, the Bill updates the monetary values of the penalties under the principal Act.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 3—Interpretation

The definition of 'inspector' is altered to reflect the amendments deeming police officers to be inspectors without specific appointment.

Clause 4: Amendment of s. 6—Inspectors

Section 6 of the Act is amended to provide for police officers to be inspectors and to update the provisions relating to inspector's identity cards.

Clause 5: Amendment of s. 13—Prohibition on introducing fruit, plants, etc. affected by disease

The power of the Minister set out in section 13(2) to prohibit fruit etc from coming into the state is recast to make it clear that the Minister may issue a prohibition for the purpose of preventing the introduction into, or spread of disease in, the State (rather than a prohibition being conditional on a reasonable suspicion that the fruit is or might be affected by disease).

Section 13(7) makes it an offence to breach a prohibition issued by the Minister or the general prohibition against bringing into the State disease affected things. Currently if the offence is constituted of a prescribed offence it is an expiable offence or, if prosecuted,

subject to a maximum penalty of a division 7 fine ($2 500). In any other case the maximum penalty is a division 4 fine ($15 000).

A prescribed offence is currently defined as an offence that consists of introducing or importing into the State—

- not more than 1 kg of fruit, or 5 plants, for the person's own consumption or enjoyment; or
- any soil, packaging or thing (other than fruit or plants) not intended for sale or use for commercial purposes.

The clause alters this definition so that an offence will be a prescribed offence if the purpose of introducing or importing the thing into the State is for domestic use, consumption or enjoyment (no matter the quantity or the nature of the thing introduced or imported).

The clause updates the penalties and allows the regulations to impose a scale of expiation fees for prescribed offences.

SCHEDULE

Amendments to Penalty Provisions in Principal Act

The schedule updates the penalties throughout the Act.

Mr ATKINSON secured the adjournment of the debate.

ROAD TRAFFIC (EXEMPTION OF TRAFFIC LAW ENFORCEMENT VEHICLES) AMENDMENT BILL

Second reading.

The Hon. J.W. OLSEN (Minister for Infrastructure): I move:

That this Bill be now read a second time.

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

Leave granted.

The purpose of this Bill is to provide exemptions to Police Security Services Division vehicles from compliance with certain parking requirements while carrying out duties associated with road traffic law enforcement.

As part of the restructuring of the South Australian Police Force, responsibility for operating camera activated speed detection equipment is to be transferred to the Police Security Services Division. This is in keeping with this Government's policy to return police officers to duties more in keeping with their training and community expectations. Members of the Division are not members of the Police Force.

On occasion, it is necessary for the vehicles used on this duty to be parked in areas or in a way which would normally constitute an offence. This will usually occur when the nature of the terrain would mean that parking the vehicle on the road in accordance with the usual rules would create an unacceptable traffic hazard or place the operator or road users at risk. It also arises when the vehicle must be parked for periods in excess of designated time limits or facing oncoming traffic to photograph the front of approaching vehicles.

Section 40*(c)* of the *Road Traffic Act 1961* provides exemptions to vehicles used by members of the police force from compliance with various provisions of the *Road Traffic Act* (including those relating to parking) where those members are acting in the execution of their duties. Vehicles used by members of the Police Security Services Division will not be covered by the current exemption provisions and the power to exempt these vehicles is sought.

Exemption is only necessary from compliance with the provisions of the *Road Traffic Act* relating to parking as the duties of the Police Security Services Division will not involve its members in the on-road activities that require the broader range of exemptions currently granted to police.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 40—Exemption of certain vehicles from compliance with certain provisions

This clause amends section 40 of the principal Act. Section 40 currently exempts certain categories of vehicles from the application of certain provisions of the Act. For example, it exempts fire brigade vehicles, motor ambulances, etc., from the application of those provisions of the Act relating to speed limits, stopping at stop signs or traffic lights, giving way, etc., where those vehicles are being driven in connection with a relevant emergency. It also exempts vehicles of a specified class from the application of those provisions of the Act relating to driving or standing on any side or part of the road, the manner of passing other vehicles, etc., where those vehicles are being used for road making or road maintenance.

This amendment adds a further exemption to the list. It exempts vehicles of a class prescribed by regulation from the application of those provisions of the Act relating to driving or standing on any part of a road where those vehicles are driven or used for the purpose of taking action in connection with enforcement of the road traffic laws of this State. It also makes consequential amendments to subsections (2)*(d)* and 3*(d)* to avoid any ambiguity in the application of the corresponding exemptions in those subsections.

The ACTING SPEAKER: I call the member for Spence, as he is the only member of the Opposition here.

Mr ATKINSON: I do think it is parliamentary bad manners to refer to the presence or absence of members of the House. Nevertheless, I move:

That the debate be adjourned.

Motion carried.

The ACTING SPEAKER: I remind the member for Spence that it is not his duty to remind the Chair of Standing Orders on that issue.

Mr Atkinson: Not Standing Orders, Sir, good manners.

The ACTING SPEAKER: It is not your position to criticise the Chair in that way, to quote Standing Orders.

MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. J.W. OLSEN (Minister for Infrastructure): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill deals with four distinct matters: the second phase of the Driver Intervention Program, the provision of medical certificates by persons claiming against compulsory third party insurance, the requirement for vehicle owners and driver's licence holders to notify a change of address and the waiting time between tests where a person fails the road law theory test.

The Driver Intervention Program was introduced in August 1994 as a means of confronting novice drivers with the reality and consequences of motor vehicle crashes.

Due to the large number of novice drivers and the need to develop, implement and evaluate the program in a controlled environment, it was decided to introduce the program in phases. The first phase, the pilot phase, is still being conducted. During the pilot phase, the program has been developed and tested and course facilitators have been trained and given practical experience in delivering the program.

This phase was introduced under existing provisions of the Motor Vehicles Act which require a court to order a person in breach of the zero alcohol condition of a learner's permit or probationary driver's licence to attend a lecture.

This Bill seeks to extend the Driver Intervention Program to the second phase and proposes an amendment to the Motor Vehicles Act to empower the Registrar of Motor Vehicles, rather than a court, to compel a learner's permit or probationary driver's licence holder to attend a lecture.

Under this proposal, attendance at the lecture will be extended to those learner's permit and probationary driver's licence holders who are liable to disqualification under section 81b of the Motor Vehicles Act. This section provides for the disqualification of the holder of a learner's permit or probationary driver's licence, where he or she has breached probationary conditions of the permit or licence. At current estimates, this will result in some 1 500 drivers attending the program annually.

The Bill proposes a Division 11 fine as the penalty for failing to comply with a requirement of the Registrar to attend a lecture. A fee of $25 per person will be prescribed by the regulations to recover the costs of running the second phase.

Attendance at the program has so far been limited to persons residing in the metropolitan area. The second phase of the program will continue to be limited to those persons. However, the program may ultimately be extended to all novice drivers in both metropolitan and country areas.

The Motor Vehicles Act requires a person making a claim against compulsory third party insurance to provide the insurer with copies of all medical reports within 21 days. However, some medical practitioners may include in their reports material that is highly prejudicial to the plaintiff. For example, the plaintiff may have disclosed figures that have been put to the plaintiff by legal advisers in the course of negotiations to settle the claim and the medical practitioner has made some comment as to the wisdom of accepting such figures.

This requirement is not consistent with the provisions of Supreme Court Rule 38.01 (5). The Chief Justice of the Supreme Court has requested an amendment to the Motor Vehicles Act so that the provision is consistent with this Rule. The proposed amendment to the Act will provide plaintiffs with protection from the disclosure of medical reports to the insurer that may be unfairly prejudicial to the plaintiff.

The Motor Vehicles Act requires vehicle owners and driver's licence holders to notify a change of address in writing. This Bill proposes an amendment to section 136 so that the means by which notification may be given can be prescribed by regulation. This will improve the service to clients by enabling a notification of change of address to be provided in writing, by telephone, by facsimile or by some electronic means that the Registrar of Motor Vehicles may establish for that purpose.

The Motor Vehicles Act provides that a person who fails a written road law theory test is not entitled to re-sit the test until at least two clear days have elapsed since the last sitting. This provision was introduced so that a person could not pass the test by a process of elimination. By re-sitting the test again and again, it would not be a test of their knowledge, but a test of their memory. This argument is no longer valid as there are a series of different question papers. The Bill proposes the removal of this provision, which will benefit those persons who have previously been required to travel long distances to return to a testing site to re-sit the test.

The Bill also proposes a consequential amendment the Motor Vehicles Act arising from the recent *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1995*. As a result of those amendments, there is an inconsistency between sections 24 and 26, which relate to the period of registration. The proposed amendment to section 26 will make it consistent with section 24.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 26—Period of registration

Section 26 provides that a renewal of registration of a motor vehicle takes effect on the day after the expiry of the previous registration if the application for renewal is made before expiry or within 30 days after expiry. This clause provides for a renewal of registration of a *heavy vehicle* to be backdated to the day after the expiry of the previous registration if the application is made within 90 days after expiry.

Clause 4: Amendment of s. 75a—Learner's permit

This clause removes the provision requiring a court to order the holder of a learner's permit to attend a lecture (as to motor vehicle accidents and their causes and consequences) if the holder is found guilty of contravening the probationary condition prohibiting the holder from driving a motor vehicle, or attempting to put a motor vehicle into motion, while there is in the holder's blood any concentration of alcohol.

Clause 5: Amendment of s. 79—Examination of applicant for driver's licence or learner's permit

This clause removes the provision that prevents a person who sits for and fails to pass an examination in the road rules applying to motor vehicle drivers from sitting for the examination again unless two clear days have elapsed since the last sitting.

Clause 6: Amendment of s. 81a—Probationary licences

This clause removes the provision requiring a court to order the holder of a probationary licence to attend a lecture (as to motor vehicle accidents and their causes and consequences) if the licensee is found guilty of contravening the probationary condition prohibiting the licensee from driving a motor vehicle, or attempting to put a motor vehicle into motion, while there is in the licensee's blood any concentration of alcohol.

Clause 7: Amendment of s. 81b—Consequences of contravention of probationary conditions or incurring four or more demerit points

Section 81b provides that if a person who holds a learner's permit or probationary licence—

- commits an offence of contravening a probationary condition; or
- commits an offence in respect of which one or more demerit points are recorded against the person, and in consequence the total number of such points recorded against the person in respect of offences committed while the person held such a permit or licence equals or exceeds four points,

the Registrar is required to give the person a notice informing them that they are disqualified from holding or obtaining a permit or licence for 6 months and that their existing permit or licence (if any), is cancelled. This clause empowers the Registrar to require the person to attend a lecture of the kind referred to above and provides for an attendance fee to be prescribed by regulation.

Clause 8: Amendment of s. 127—Medical examination of claimants

Section 127 requires a person who makes a claim for personal injury caused by or arising out of the use of a motor vehicle to submit themself to a medical examination by a medical practitioner nominated by the insurer and to send a copy of the medical practitioner's report to the insurer. If the claimant fails to send a copy of the report to the insurer the court that deals with the claim can award costs against the claimant and take that failure into account in assessing an award of compensation in favour of the claimant.

This clause ensures that such costs will not be awarded against the claimant, and that his or her compensation award will not be affected, if the claimant has dealt with the medical report and taken other action in accordance with any rules of the court under which a party to proceedings may be relieved from the obligation to disclose to another party a medical report the disclosure of which would unfairly prejudice the party's case.

Clause 9: Amendment of s. 136—Duty to notify change of address

Section 136 requires a person to notify the Registrar in writing of a change of residence or principal place of business. This clause allows a change to be notified in a manner prescribed by the regulations. It also empowers the Registrar to require a person giving notice to provide evidence of the change to the Registrar's satisfaction.

Note: The *Motor Vehicles (Miscellaneous No. 2) Amendment Bill* proposes an amendment to section 136 that will require the registered owner of a vehicle to notify the Registrar of a change of garage address of the vehicle, so this clause has been amended to enable the Registrar to require evidence of such a change.

Clause 10: Amendment of s. 141—Evidence by certificate of Registrar

This clause facilitates proof in legal proceedings of a person's failure—

- to give notice under section 136 in a prescribed manner;
- to attend a lecture in accordance with a requirement of the Registrar under section 81b,

by way of a certificate given by the Registrar.

Mr ATKINSON secured the adjournment of the debate.

MOTOR VEHICLES (MISCELLANEOUS NO. 2) AMENDMENT BILL

Second reading.

The Hon. J.W. OLSEN (Minister for Infrastructure): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill deals with a range of matters including provision allowing the introduction of a simplified registration charging structure for light vehicles and the adoption of nationally agreed business rules to achieve greater uniformity in registration and licensing practices.

The Bill is complementary to the *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act* which introduced national

uniform registration charges for buses, trucks, prime movers and trailers, with a gross vehicle mass or gross combination mass greater than 4.5 tonnes. This Bill deals with those vehicles under 4.5 tonnes and extends many of the initiatives in *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act*, such as conditional and quarterly registrations, to the light vehicle fleet.

The structure of registration charges allowed for under this Bill has been developed following a review by the Department of Transport to identify the principles on which charges and fees relating to vehicle registration and driver licensing should be set.

A simplified charging structure based on the existing cylinder based structure, with a restructure of light commercial vehicle charges so that they are compatible with the charges prescribed for heavy vehicles in the *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act*, has been developed. The Bill also allows for the introduction of a three level administrative fee structure based on recovering the actual cost of providing registration and licensing services. Administrative fees are already included in the charges for registration and licences, but are not declared as such. The proposed charging structure under the regulations will therefore show the administrative fee as a separate item for transparency. In future, CPI will be applied to charges and fees, with administrative fees set at a level to cover the cost of providing the Registration and Licensing service.

The effect of the proposed charging structure is that the registration charges based on the number of cylinders will remain at essentially the same level.

For example, the total annual cost for the renewal of registration of a four cylinder vehicle will increase from $66 to $69, which comprises a registration charge of $64 and an administrative fee of $5. The annual cost for the renewal of a six or eight cylinder vehicle will increase from $127 to $134 and from $184 to $193 respectively. These increases range from between 4.5% and 5.5%. However, increases for motorists overall will be held in line with the projected CPI rate.

In the case of light commercial vehicles, the restructuring of the charges will result in reduced charges applying to the owners of many vehicles. A reduction in the charge is necessary in order to produce a proper relationship with the minimum charge of $300 prescribed for heavy vehicles under the *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act*. At the present time, the registration charge applying to some light commercial vehicles exceeds the minimum charge for heavy vehicles.

As well as addressing this issue, the proposed fee structure for light commercial vehicles is to be simplified. Light commercial vehicles with an unladen mass of 1 tonne or less will now be charged according to the number of cylinders, with the annual cost reducing from $98 to $69 ($64 charge and $5 administrative fee) for a four cylinder vehicle. A flat charge of $147 is to apply to all commercial vehicles between 1 and 1.5 tonnes unladen mass and a charge of $245 for commercial vehicles above 1.5 tonnes, up to the point where the national heavy vehicle charges apply.

Light buses that do not attract the national heavy vehicle charges will also be charged according to the number of cylinders. The majority of these buses will be subject to lower charges, with 4 cylinder buses reducing from $189 to $69 and 6 cylinder buses from $189 to $134.

The proposed three level administrative fee structure is based on recovering the actual cost of providing registration and licensing services, such as the cost of processing an application for the renewal of a registration or a driver's licence. Although the cost of some services will increase, there will bey some cases where the fee will be reduced. For example, the fee for processing an application for transfer of registration will increase from $17 to $20, but the fee for a replacement registration label will be reduced from $17 to $10.

The Bill provides for the retention of existing light vehicle concessions applying to totally and permanently incapacitated ex-servicemen (66% reduction), consular corps (100% reduction), incapacitated persons, pensioners, primary producers and outer area residents (all 50% reduction). However, in order to maintain relativity to the national heavy vehicle charges, it is proposed to withdraw all other concessions for light vehicle owners. This is consistent with concessions approved for heavy vehicles.

This means that those vehicles currently eligible for free registration under the *Motor Vehicles Act* and Regulations, other than consular corps vehicles, may now be required to pay the prescribed registration charges. However, the majority of these vehicles, such as ambulances, civil defence and emergency vehicles, will be eligible for registration at no registration charge under the conditional registration provisions of the Bill.

The Bill provides for the conditional registration provisions contained in the *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act* to be extended to light vehicles. This will allow the Registrar of Motor Vehicles to conditionally register certain light vehicles that only require limited access to the road network. This includes farm tractors and self propelled farm implements, which are either currently exempt from registration or operated on restricted long term permits. It will also allow special purpose vehicles, such as ambulances, to be conditionally registered.

The Bill provides for vehicles that are conditionally registered to be issued with number plates and covered by compulsory third party insurance. Where access to the road network will be limited, no registration charge or stamp duty will be payable. Owners of conditionally registered vehicles will be able to register for periods of up to three years. The Bill will allow the introduction of an administrative fee of $20 to cover the costs associated with the issue of the registration. As the same administrative fee will apply irrespective of whether the owner registers the vehicle for one, two or three years, owners will make greater savings by taking longer periods.

The Bill also extends the quarterly registration provisions of the *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act* to the light vehicle fleet.

The introduction of quarterly registrations will provide light vehicle owners with the option of registering their vehicles for either 3, 6, 9 or 12 months. This will no doubt benefit those owners who only operate their vehicles on a seasonal basis and those owners who may have difficulty in paying the minimum six month charge currently prescribed in the *Motor Vehicles Act*. The introduction of quarterly registrations is in keeping with the Liberal Party policy election platform on Transport.

Following, the passage of the Bill, it is proposed that a surcharge of 75%, 50%, and 25% of the one year SAFA Government borrowing rate (currently 7.5% pa) will be incorporated in the pro-rata registration charge for registration periods of 3, 6, and 9 months respectively. This approach is necessary to recover the forgone interest resulting from the introduction of quarterly registration periods.

The existing 7.5% surcharge which is charged on six month registrations includes an allowance for the cost of processing the transaction, which is now to be separately recovered by the administrative fee.

It is also proposed to introduce a late payment penalty to replace the current registration establishment fee and licence re-establishment fee. Vehicle owners and licence holders will be given the option of paying the late payment penalty or accepting a lessor registration or licence period that commences from the previous expiry date.

A registration establishment fee was previously payable where a registration was not paid within 30 days, but this period will be extended to 90 days to increase the flexibility of the provision and to be consistent with the 90 day period prescribed for heavy vehicles in the *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act* and the three month period currently prescribed for driver's licences.

The Registrar of Motor Vehicles will also have a discretion to waive the new late payment penalty, for example, where a vehicle is only registered for seasonal use.

The Bill also provides for a driver's licence to be issued for a period of up to 10 years. Although licence holders will be invited to renew their driver's licence for 10 year periods, they will have the option to select a lesser period.

The Bill provides for the adoption of a number of nationally agreed business rules that seek to achieve greater uniformity in registration and licensing practices. These include the introduction of the responsible operator concept, uniform national licence classes and conditions, provisional licences and the surrender of number plates.

The Bill proposes the introduction of the National Road Transport Commission responsible operator concept. The introduction of the responsible operator concept will not affect the current arrangements whereby a vehicle may have joint or multiple registered owners.

The responsible operator concept provides for persons in a joint registered ownership to nominate a single person for the service of notices. In the case of a single registered owner, the responsible operator is the registered owner.

The collection of the information relating to responsible operator will effectively position South Australia to introduce the responsible operator provisions on adopting the template legislation for a national vehicle registration scheme.

The introduction of national common licence classes and core conditions is considered necessary to facilitate effective enforcement on a national level, particularly in the operation of heavy vehicles. Adoption of the nationally agreed common licence classes will not disadvantage any existing licence holder in South Australia and will complement the driver accreditation scheme administered by the Passenger Transport Board.

As the term provisional licence is currently used by the majority of licensing authorities to describe the first licence issued to a driver, the introduction of the term 'provisional' will bring South Australia into line with other States and Territories and contribute to a more uniform approach to driver licensing on a national level.

The requirement for number plates to be surrendered on the cancellation of a registration, or where a registration has expired for more than three months, will also make the South Australian practice consistent with that of other registration authorities. As unassigned number plates are sometimes used to disguise stolen vehicles, the requirement to surrender these number plates may be an effective vehicle theft countermeasure. The requirement will not apply to seasonally registered vehicles, or to number plates such as custom or historic plates, where a person has purchased the rights to those plates.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure is to be brought into operation by proclamation.

A number of the amendments contained in the Bill relate to provisions or text inserted or amended by the *Motor Vehicles (Heavy Vehicles Registration Charges) Act 1995*. As a result, the commencement of this measure will have to follow the commencement of that Act.

Clause 3: Interpretation

This clause inserts several new definitions and amends other definitions.

A definition of 'farm implement' is inserted for the purposes of the exemption provided by proposed new section 12 (see clause 4). The term is defined as follows:

> 'farm implement' means a wheeled implement or machine wholly or mainly constructed for operations forming part of a primary producer's business, but does not include a vehicle or trailer wholly or mainly constructed for the carriage of persons or goods on roads.

The amendment to section 20 of the principal Act contained in clause 7 would require an applicant for registration of a motor vehicle to state to the Registrar the proposed garage address of the vehicle. 'Garage address' is defined as the address of the place of residence or business at which the vehicle is ordinarily kept when not in use or the principal depot or base of operation of the vehicle.

Definitions of 'provisional licence' and 'provisional licence conditions' are inserted to replace the definitions of 'probationary licence' and 'probationary conditions'. This reflects a change of terminology that is to be made to the principal Act wherever these expressions appear.

Clause 4: Substitution of ss. 11 and 12

Sections 11 and 12 of the principal Act are repealed and new sections substituted. Current section 11 provides an exemption from registration in respect of fire fighting vehicles. It allows an unregistered vehicle to be used while carrying persons or fire fighting equipment to or from any place for the purpose of preventing, controlling or extinguishing a fire or in the course of training members of a fire fighting organisation, or for transporting such members to or from such training. The new section 11 also provides an exemption for fire fighting vehicles but is limited to vehicles used on roads for the purpose of taking measures for extinguishing or controlling a fire that is causing or threatening to cause loss of life or injury or damage to persons, animals or property.

Current section 12 contains detailed provisions governing the use of unregistered tractors and farm implements on roads. Instead the proposed new section 12 would allow—

- an unregistered trailer or farm implement to be towed on roads by a tractor or farm implement conditionally registered under section 25
- an unregistered farm implement to be towed on roads by a motor vehicle registered in the name of a primary producer.

Subclause (3) extends the compulsory third party insurance coverage for the towing vehicle to the vehicle being so towed.

Clause 5: Repeal of s. 13

This clause provides for the repeal of section 13 of the principal Act which exempts from registration vehicles constructed or adapted for making fire breaks or for the destruction of dangerous or noxious weeds or vermin on roads.

Clause 6: Amendment of s. 16—Permits to drive vehicles without registration

This clause makes an amendment of a drafting nature to ensure that references to fees are to the full amount of the fee in respect of registration, that is, the amount specified by regulation as being the registration fee for a vehicle and, in addition, any administration fee. (See also the amendment to section 5 of the principal Act providing for a new definition of 'prescribed registration fee').

Clause 7: Amendment of s. 20—Application for registration

Section 20 of the principal Act is the general provision dealing with applications for registration of motor vehicles. The clause amends this section so that an applicant is required—

- to state the garage address for the vehicle (see the new definition to be inserted by *clause 3*); and
- if there is more than one owner of the vehicle, to nominate one of them as the responsible operator of the vehicle.

The clause also makes a drafting amendment to remove the reference to payment of a registration fee or administration fee and replace it with a requirement for payment of the fee prescribed by regulation.

Clause 8: Amendment of s. 21—Power of Registrar to return application

This clause makes an amendment designed to make it clear that, on the return of an application for registration that cannot be granted because it is not in order or for some other specified reason, the Registrar but is to refund the prescribed registration fee and any insurance premium paid in respect of the application (and hence may retain any administration fee).

Clause 9: Amendment of s. 24—Duty to grant registration

This clause amends section 24 of the principal Act by allowing vehicle registration for a 12 month period or for one, two or three quarters at the option of the applicant. Under the section in its current form (as amended by the *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1995)*, such an option is only available for heavy vehicles while other vehicles are limited to a 12 month or 6 month registration period.

Clause 10: Amendment of s. 25—Conditional registration of certain classes of vehicles

This clause amends section 25 of the principal Act which provides for conditional registration of certain vehicles. The amendment simplifies the provision by relating conditional registration to vehicles of a class prescribed by regulation. The clause also removes provisions relating to refunds and breach of licence conditions—matters now to be dealt with in later sections of the Act.

Clause 11: Amendment of s. 31—Registration without fee

Section 31 of principal Act currently contains a list of miscellaneous exemptions from the requirement to pay a fee for registration. The clause reduces the list so that it provides exemptions for—

- motor vehicles owned by accredited diplomatic or consular officers who are nationals of the countries they represent
- motor vehicles of a kind specified in the regulations.

Clause 12: Amendment of s. 32—Vehicles owned by the Crown

Section 32 of the principal Act makes it clear that full fees are payable for registration of vehicles owned by the Crown in the same way as for other vehicles. The clause removes a subsection under which any dispute as to the fee for registration of a government vehicle is to be determined by the Treasurer.

Clause 13: Amendment of s. 34—Registration fees for primary producers' commercial vehicles

Section 34 of the principal Act provides for a 50 per cent reduction in the prescribed registration fee for a commercial vehicle or tractor owned by a primary producer. The clause excludes tractors from the application of the section which are now to be conditionally registered under section 25.

The clause also changes the reduction in fee from a 50 per cent reduction to a reduction of an amount prescribed by regulation.

Clause 14: Repeal of ss. 34a, 35 and 36

This clause provides for the repeal of—

- section 34a—a section inserted by the *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1995* and to be replaced by proposed new section 37a (see *clause 16*)

- section 35—a further special reduction in fee for registration of primary producers' tractors
- section 36—a reduction in registration fee for prospectors' commercial vehicles.

Clause 15: Amendment of s. 37—Registration fees for vehicles in outer areas

Section 37 of the principal Act (as amended by the *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1995*, provides for a reduced registration fee for vehicles used wholly or mainly in outer areas of the State. The reduction varies according to whether it is a heavy vehicle or not. The amendment leaves the amount of the reduction to the regulations.

Clause 16: Insertion of s. 37A

This clause inserts a new section 37a which provides that sections 38 to 38b do not apply in relation to a heavy vehicle. These sections provide for reduced registration fees for incapacitated ex-servicemen, certain concession card holders and certain incapacitated persons.

Clause 17: Repeal of s. 39

This clause provides for the repeal of section 39 which provides for a reduced registration fee for certain historic vehicles. Such vehicles are now to be conditionally registered under section 25.

Clause 18: Amendment of s. 41—Misuse of vehicles registered at reduced fees or without fees

Section 41 of the principal Act creates an offence of using a vehicle contrary to the terms of a statement or undertaking made in connection with the application for its registration or transfer of registration. Subsection (3) empowers a court convicting a person of an offence against the section to order the convicted person to pay to the Registrar the fee or balance of the fee that would have been payable if the person had not qualified for restricted registration. The clause amends this section by inserting an offence of breaching a condition of registration under section 25. As a result, subsection (3) would also operate in relation to such an offence.

Clause 19: Amendment of s. 43—Short payment, etc.

This clause makes an amendment consequential to the proposed new section 52 (see *clause 23*).

Clause 20: Amendment of s. 43a—Temporary configuration certificate for heavy vehicle

This clause amends section 43a (inserted by the *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1995*). The clause amends the section so that a temporary configuration certificate for a heavy vehicle must be carried in the vehicle and be produced for inspection by a member of the police force or inspector when required by the member or inspector.

Clause 21: Amendment of s. 47—Duty to carry number plates

This clause makes an amendment that is consequential to the amendment made by *clause 22*. The provision allowing for the number allotted to a vehicle to be marked on the vehicle will now be contained in the regulations.

Clause 22: Insertion of s. 47c

This clause adds a new section 47c providing for the return or recovery of number plates issued for a registered vehicle in the event that the registration is cancelled or expires and is not renewed or becomes void or is found to have been void. Certain number plates (such as those subject to an agreement under section 47a(4)) may, however, be retained by the owner.

Clause 23: Substitution of s. 52

This clause makes a similar general provision in relation to the return or destruction of registration labels.

Clause 24: Substitution of s. 54

This clause replaces section 54 of the principal Act and deals with the cancellation of registration and payment of a refund on application by the registered owner of a vehicle. The new section reflects the inclusion of the new general provision relating to the return or destruction of registration labels (see *clause 23*) and makes a new provision leaving the question of entitlement to a refund and the amount of any such refund to the regulations.

Clause 25: Repeal of s. 55

This clause repeals section 55 which provides for the calculation of the amount of a refund. As stated above in relation to *clause 24*, this matter is now to be dealt with in the regulations.

Clause 26: Amendment of s. 55a—Cancellation of registration where application information incorrect

This clause amends section 55a which deals with the cancellation of a vehicle's registration where the applicant provided incorrect information to the Registrar and for the payment of a refund. The amendment makes the question of whether there should be a refund in these circumstances and the amount of any such refund a matter for the discretion of the Registrar.

Clause 27: Amendment of s. 56—Duty of transferor on transfer of vehicle

This clause makes an amendment consequential on the new section 52 relating to the return or destruction of registration labels.

Clause 28: Amendment of s. 60—Cancellation of registration where failure to transfer after change of ownership

This clause makes an amendment leaving the amount of the refund on cancellation of registration under section 60 to the regulations.

Clauses 29 and 30

These clauses make amendments reflecting the change in terminology from 'probationary licence' to 'provisional licence'.

Clause 31: Amendment of s. 78—Graduated licences

This clause amends section 78 of the principal Act by removing the provision allowing the issuing of a licence to a person under 16 years and 6 months for the operation of a self-propelled wheelchair. Instead, the general rules (16 years or older for a learner's permit; 16 years and 6 months or older for a driver's licence) will apply without any exceptions.

Clauses 32 to 36

These clauses all make amendments to give effect to the change in terminology from 'probationary licence' and 'probationary conditions' to 'provisional licence' and 'provisional licence conditions'.

Clause 34: Amendment of s. 84—Term of licence

This clause also amends section 84 of the principal Act so as to extend the maximum term of a driver's licence from 5 to 10 years.

Clause 37: Amendment of s. 99—Interpretation

This clause adds to section 99 a further interpretative provision providing that, for the purposes of Part IV and the fourth schedule (both relating to compulsory third party insurance), death or bodily injury will be regarded as being caused by or as arising out of the use of a motor vehicle conditionally registered under section 25 that is a tractor or farm implement only if it is caused by or arises out of the use of the vehicle on a road.

Clause 38: Amendment of s. 102—Duty to insure against third party risks

This clause makes amendments consequential on the proposal to have tractors conditionally registered under section 25 and on the amendments as they affect sections 12 and 13. The clause also substitutes a reference to a trailer that is a heavy vehicle (as defined by the definition inserted by the *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1995*) for a reference to a trailer for the carriage of goods that has an unladen mass of more than 2.5 tonne.

Clause 39: Amendment of s. 136—Duty to notify change of address

This clause adds a new requirement to notify the registrar of a change in the garage address of a registered vehicle.

Clause 40: Amendment of s. 141—Evidence by certificate of Registrar

This clause also makes an amendment consequential on the registration of the garage addresses of registered vehicles.

Clause 41: Transitional provision

This clause makes transitional provisions relating to the change in terminology from 'probationary licences' and 'probationary conditions' to 'provisional licences' and 'provisional licence conditions'.

Clause 42: Amendment of Stamp Duties Act 1923

This clause makes amendments to the *Stamp Duties Act* relating to the duty payable in respect of applications to register motor vehicles. The amendments are consequential on amendments made by the Bill to the *Motor Vehicles Act*.

Mr ATKINSON secured the adjournment of the debate.

LAW OF PROPERTY (PERPETUITIES AND ACCUMULATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 February. Page 1022.)

Mr ATKINSON (Spence): This Bill seeks to abolish the rule against perpetuities, that is, the rule against trusts in which the vesting of property to beneficiaries is delayed in perpetuity or for a very long time. England's development as a free market economy needed a rule against perpetuities to prevent huge accumulations of property in a trust that might

continue forever and for purposes not in the interests of society. The Government recognises this in the Minister's second reading explanation where he says, 'In so far as economic growth is in the public interest, so it is in the public interest to seek to ensure that capital does not remain indefinitely tied up in trusts.'

From 1682 and possibly earlier, the English courts frowned on trusts that locked away property forever and prevented its use by individuals for their own gain. For instance, Richard II established a trust for a chantry, that is, a chapel at which monks would say masses for the repose of the soul of Richard II in perpetuity. I do not know when the masses ceased to be celebrated for Richard II's soul, but I suspect that the trust would have been dissolved and the chantry physically shattered by British protestants, who thought that Richard II's trust was superstitious and idolatrous, and that he should not be able to reach out from the grave to accumulate money and hire priests for a purpose that did nothing for the British economy or the British people. I notice the member for Elder smiling, as the successor of those British protestants.

The rule against perpetuities is appropriate for any liberal democratic society, and it surprised me at first that members opposite, who style themselves Liberals, should be introducing a Bill to abolish the rule. There were always exceptions to the rule against perpetuities, and among these were trusts for educational purposes and trusts for charitable purposes. There was a leading British case on whether a perpetual trust for the continuation of an order of contemplative nuns came within the charity exception, and I seem to recall that the courts did not allow the trust within the exemption because the prayers and thoughts of contemplative nuns had no demonstrable public benefit. I am sure that a dour positivist such as the Deputy Premier, or the member for Elder, would approve such a ruling.

The rule against perpetuities shortly stated is this: any future interest in property is void from the start if it may vest in an individual only after the perpetuity period. At common law, the perpetuity period is any life in being at the time the trust is created plus 21 years, plus a period of gestation. I learnt this arcane formula in law school and the knowledge of how to apply it separates me from the great majority. I am accordingly most reluctant to see it abolished, just as I am reluctant to allow the passing into disuse of arcane grammatical knowledge such as gerunds, the who-whom distinction and the rule against split infinitives, even if none of them serves any useful purpose, which I assure the House they do. I read the Deputy Premier's speech carefully, and one sentence stood out:

> The Law Reform Committee of South Australia in its seventy-third report in 1983 recommended that the rules against perpetuities and accumulations should be consigned to the dustbin of history.

I have read dozens of speeches by the Deputy Premier and the Attorney-General, and they do not use such Marxian expressions as 'the dustbin of history'. The real author of this speech is not the Attorney-General and not the Deputy Premier but a baby boomer who probably acquired the lingo of Karl Marx during a stint with Students for a Democratic Society at the University of Adelaide in the 1960s and keeps using progressive slogans despite being in the top 10 per cent of income earners and living in Adelaide's expensive eastern suburbs.

The rule against perpetuities served society well for more than 300 years until the baby boomers started to get old. They then realised that the rule might prevent their extending the selfishness for which their generation is renowned to beyond the grave. Some baby boomers will want to order their estate long after they have gone, irrespective of the effect on their family, the economy or society. The rule against perpetuities just had to go. Perhaps I draw too long a bow here, because I understand that the Chairman of the Law Reform Committee was Justice Zelling and, from my reading of his Supreme Court judgments and my father's recollections of him from masonic gatherings, Justice Zelling was free of the vices of the baby boomers.

The Opposition wrote to the Law Society asking for its opinion on the Bill. The society replied with a copy of the letter it had sent to the Attorney-General. In that letter it asked:

> If a multimillionaire sets up a trust in perpetuity which benefits his or her family and their descendants and the object of the trust is to provide superannuation, retirement, medical, hospital, death, sickness or incapacity benefits to such descendants, would it become a valid trust under this Bill?

I mean a trust for that purpose in perpetuity. The answer to that question is, 'Yes, it would.' That is why I do not think that the abolition of the rule against perpetuities is an entirely good thing, and I do not care whether I am the only person in the debate—indeed, the only person in the State—who says it. The Government says that there are many ways to stop a perpetuity becoming a menace. One is well known to members, and that is the passing of Bills by Parliament winding up trusts, normally charitable trusts, and paying their proceeds into an appropriate account, often a contemporary charity of a similar kind to the charity whose usefulness has faded or ended.

The taxation system now discourages perpetuities. Trustees can dispose of land and beneficiaries can approach the courts to have the trust ended and the property distributed among them, even if the testator intended the trust to go on forever. Family members can apply to the courts to vary a will under the testator's family maintenance provision and this can override a trust. The Bill introduces more ways to defeat a trust. Clause 4 contains new sections for the Law of Property Act which allow a court to intervene if trust property has not vested or will not vest within 80 years of the creation of the trust. The court may also intervene to change a disposition that allows the accumulation of income for 80 years or more. With those remarks, the Opposition acquiesces in this Bill.

Mr VENNING (Custance): Not being a legal person, I find this Bill difficult to comprehend. I believe in the right of perpetuities and accumulations. As a traditional landowner, I always have done so. I am very pleased to note that charitable and public purposes are exempt from this—

Mr Atkinson: Charities always have been.

Mr VENNING: —and they always have been. That can be changed only by Parliament. I agree with the reservations in the argument put forward by the member for Spence. He is not the only person in this State who is concerned about this Bill. I understand the problem that the legal fraternity has with the very complex issues that have been caused by people reaching from beyond the grave, but I can see no problem with private people leaving instructions for their lands, their moneys or whatever as to what should happen for their descendants, for charities or whatever.

I am concerned that the period of 21 years is not long enough, and I cannot see a problem with a period of, say, 80 years, because I agree that a trust should not go on forever,

otherwise it causes problems. A period of 80 years is about a normal lifetime. I cannot see why that cannot remain in the Bill. I will watch it with interest. This Bill has been introduced to clean up a messy area in the law, and I agree with that, but I also agree with the member for Spence that we are taking away the rights of people, as they leave this world, to be able to provide for those who follow—their family—with some guarantee that that will be done.

As a landowner I am inclined to do the same thing. I have been lucky in my life, but I wish to provide for those who follow me—not just the generation who follows me but the generation after that. I cannot see why I cannot make those plans. By the grace of God I have been fortunate, but those who follow me may not be so fortunate and I would like to plan and provide for those people. That is my personal view and I have a problem with the Government saying, 'They shalt not.' But I will watch what happens with the Bill with interest.

The Hon. S.J. BAKER (Treasurer): I congratulate the members on their acquiescence to the Bill. The issue is complex. I can only relate to the House how I understand one of my relatives was so affected in the early part of this century. A trust arrangement that was set up in the nineteenth century became incapable of being exercised. Indeed, the story goes that there is some millions of pounds (the amount will never be able to be determined) still in the holds of Treasury in London.

The principle behind the Bill is that, if we are not capable of making a determination on the disposition of the moneys set aside in trust, we should not be making that decision in the first place. We have these complex arrangements and people find it very difficult to benefit, given what can happen over a period when the situation becomes clouded because we are not sure of the wishes of the original trust provider.

I have been given a number of examples where there has been a perpetuity, a wish expressed by the person making the deed, and after a while that cannot be exercised because of the conflicts and circumstances which arise beyond the comprehension of the person responsible. I note the concerns expressed by members and thank them for their support for the Bill.

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

MEMBER'S REMARKS

Mr LEWIS (Ridley): I seek leave to make a personal explanation.

Leave granted.

Mr LEWIS: During Question Time today, when asking the Minister for the Ageing a question, I drew attention to the predatory habit of young drug addicts stealing money through bag snatching from elderly women. At that time, chuckles and mirth from the Opposition were mistakenly identified by me as laughter from the member for Elizabeth. She has properly pointed out to me that it was not she who was responsible for the laughter but, in fact, the member for Napier. To the member for Elizabeth, I apologise. I did not find the subject amusing and I regret that other members of the House did at the time.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 February. Page 1096.)

Mr ATKINSON (Spence): This Bill gives the Legal Practitioners Complaints Committee statutory status and separates it from the Law Society. The Opposition believes that this is a good thing because in our view justice must not only be done but must manifestly and undoubtedly be seen to be done. The separation of the complaints committee from the society representing lawyers will increase the public's confidence in the complaints process.

Under the Bill, if the board, as it will be known, reasonably suspects that a practitioner has committed a criminal offence, it must now forthwith report that fact to the police in addition to the Attorney-General. The board may also investigate a practitioner of its own motion even if a complaint has not been received from a customer. The board may put conditions on a practitioner's continuing to practise and a breach of any of those conditions is a breach of discipline.

The Opposition believes that the Bill does not go far enough, but we understand that the Attorney-General is investigating further changes to the process of making and trying complaints against legal practitioners. The Opposition is happy to await the outcome of the Attorney-General's inquiries. We support the Bill.

Mr VENNING (Custance): I do not have any objections to this Bill. However, I wish to comment on certain provisions. As the member for Spence has said, the Bill recognises the separation of the Legal Practitioners Complaints Committee from the South Australian Law Society to prevent any misconception that the Legal Practitioners Complaints Committee is a committee of that society. The Bill changes the name of the committee to the Legal Practitioners Complaints Board. This is a good move because it removes any doubts that anyone who is complaining about the law may have.

It is somewhat like the situation of Caesar complaining to Caesar, and this separation measure is very welcome. I believe that the committee's personality has been doubtful up until now, which makes the procedure confusing. This is certainly a step in the right direction.

Further, the Bill removes the power of the Commissioner for Consumer Affairs to institute proceedings for taxation of legal costs and gives that power to the board. That is straightforward and very logical. A matter on which the former Solicitor-General provided advice was whether the committee has the power to inspect documents over which legal professional privilege has not been waived. Whilst this Bill does not currently contain any provision relating to waiver of legal professional privilege, the issue is being considered further and may be the subject of amendment. I note that the Minister has certain amendments, and I hope that this matter will be addressed, if not today then certainly in the future.

According to my legal advice—and I did seek legal advice because it is far beyond my ability to understand the matter fully—this represents a fundamental inroad into privilege which the clients must resist. Never forget that the privilege is the client's and not the practitioner's. Charles I had his head cut off for this sort of thing. When the client complains, that person is generally taken to waive privilege but a

combination of an investigation without complaint and an inspection without waiver is opening a Pandora's box with a vengeance of proportions amounting to something of a Third Reich or Stalinist Russia. There is a concern about that part of the Bill, but I am confident that we will get it right with further amendments.

The Bill further amends the provision relating to the Legal Practitioners Disciplinary Tribunal. These amendments include an express power for the tribunal to receive undertakings from a defaulting practitioner that he or she will, during a period specified in the undertaking, practise according to certain conditions, and I think that is common sense.

At present, upon finding that a legal practitioner is guilty of unprofessional conduct, the tribunal is empowered to order that the practitioner not practise law for a minimum of six months. That is quite ridiculous because it is not long enough, and I am pleased that this Bill increases that period to 12 months. This is seen, even among the legal profession, as a good move. Another provision in the Bill amends the Act to allow for a member of the tribunal who has completed the term of his or her appointment to continue as a panel member until the business before that tribunal is completed.

That is common sense, too, because of course there is a proviso that the two remaining people on the tribunal must agree that the person concerned should remain there until the end. It also provides for two or three members of the panel to continue to hear a matter if one of the members dies or is incapacitated due to illness. As long as the third person agrees, there is no problem with that. These legal bills are very difficult to understand. I also appreciate that it has taken this Government to come to power and the Attorney-General's efforts in this regard for us to tie up many of the loose ends that have existed for a long time. I appreciate the work that the Attorney-General and his department are doing. I support the Bill.

The Hon. S.J. BAKER (Deputy Premier): I thank members for their support for the Bill. I will add my personal observations about this legislation and indicate how we can make a profession accountable for itself. I hope that the changes will work. Over the years as MPs we have received a number of complaints from constituents about the lack of effective representation they have received by those who are professionally trained. I have had at least two examples brought to my attention indicating serious breaches of conduct. One was a case of fraud involving a significant amount. A letter of complaint sent to the Law Society was passed onto the complaints committee, and of course nothing happened. It was a matter of legal fees; the accounts were loaded to an extraordinary extent and it was shown from diaries that fictitious amounts claimed could easily be proved to be incorrect. The advice provided to me was that I should have the bill taxed. I said, 'But that is not the issue. I will have this practitioner's bill taxed, but it is just plain fraud.' It was all too hard. There have been a number of other examples, to the extent that now I do not even bother.

There are circumstances where legal practitioners breach the rules. Whenever I have said to the legal profession, 'You have to set the standards and pass judgment on your peers so that the honour of your profession is maintained,' there is this deathly silence. It has not been satisfactory in the past; whether it will be satisfactory in the future is another issue. The Law Society is now quite clearly divorced from the proceedings against particular legal practitioners, and that may herald a new era of responsibility. We must remember that some of the complaints made about legal practitioners are a matter of bad blood anyway, and it is not always a matter of legal practitioners doing the wrong thing. I have heard a number of complaints from people whose legal practitioner has done the right thing but where the case has been lost. Everybody can be wise after the event and say that they should have presented a particular piece of evidence, that the case should have been run more strongly or that the solicitor in question should have known that a witness was coming forward with certain evidence. Those complaints have been made and often, before I have taken the matter any further, I have sought advice from people I know.

From my observations, I would say that the system does not work. Perhaps this change we have before us will make a difference. I have said before in this House that it is absolutely imperative that all professions ensure that they act as a watchdog for their own industry. They cannot rely on Government to say, 'On the prosecution or penalty side it is your responsibility and on the professional side we will set the standards, but don't worry about it if the standard is not maintained.' I have been critical. I have a very high regard for a number of people in the legal profession, and I think it has been frustrating to those people each time I have raised an example of where the system has broken down. Changes are being made which we trust will make a difference. The people who on solid grounds believe that they have not received proper representation or believe that they have been wronged in some way have the capacity to have that matter heard and progressed and, if action is needed, to go through the whole process.

I refer to the member for Custance's question about legal privilege. Before its introduction in the other place, the original Bill contained provisions in clause 30 regarding legal privilege. These provisions were removed for the purpose of undertaking further consultation with the disciplinary bodies—the Legal Practitioners Complaints Committee and the Legal Practitioners Disciplinary Tribunal. Both bodies have received strong submissions for the retention of these provisions, based on both case law and advice received from the Solicitor-General. These provisions are now being reinserted as a result of amendments. I understand the honourable member's concern that the process must be even-handed in its application, and we concur in the honourable member's thoughts on that issue.

The matter is not quite clear cut, because I have here a selection of Acts of Parliament regarding what information can and should be provided under law. In certain circumstances, if people believe that they will incriminate themselves, they do not have to provide that information. In other circumstances there is a requirement to provide information. So, our Acts are not consistent. I do not know whether they should be consistent; I have not gone through each of the circumstances to determine that that should be the case. I do not know whether that was the result of timing or of a second look at the proposals, but the provision of information is treated differently in a whole variety of circumstances, so there is no one clear rule here. In response to the honourable member's concerns, changes are proposed consistent with his thinking on the subject.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

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

Page 1, line 18—Leave out 'Complaints' and substitute 'Conduct'.

The Legal Practitioners Complaints Committee will now be the Conduct Authority. That has been put in the positive, I suggest, in that it allows representatives on the authority to take a wider view than just receiving complaints from a variety of parties. As to whether it can act on its own behalf, that will be sorted out over time. I think the change is constructive. Nobody wants to be on a complaints authority, and the Conduct Authority has a more positive ring to it.

Amendment carried; clause as amended passed.

Clauses 4 to 12 passed.

Clause 13—'Supreme Court may grant authority permitting insolvent persons to practise.'

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

Page 3, lines 31 and 32—Leave out all words in these lines and substitute the following:

(a) who has become bankrupt or subject to a composition or deed of arrangement or assignment with or for the benefit of creditors; or.

This amendment deals with the right of a legal practitioner to practice under the circumstances of bankruptcy or process of bankruptcy. There is an additional requirement for the Supreme Court to adjudicate on this matter should a person be in a deed of arrangement rather than bankruptcy, which quite often is the situation facing such people. The capacity to continue to operate as a legal practitioner can be approved only by the Supreme Court. I also move:

Page 3, after line 36—Insert new subclause as follows:

(1a) Authority may be granted under this section on the application of a legal practitioner who is or is about to become bankrupt or subject to a composition or deed of arrangement or assignment with or for the benefit of creditors or who is or has been a director of an incorporated legal practitioner that is being or is about to be wound up for the benefit of creditors. That amendment is consistent with the one which I have already moved.

Amendments carried; clause as amended passed.

Clauses 14 and 15 passed.

Clause 16—'Establishment of the Legal Practitioners Complaints Board.'

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

Page 4, line 13—Leave out 'Complaints' and substitute 'Conduct'.

We have dealt with an identical amendment previously.

Amendment carried; clause as amended passed.

Clauses 17 to 28 passed.

Clause 29—'Application of certain revenues.'

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

Page 8, after line 29—Insert new clause 29 as follows:

Amendment of s. 95—Application of certain revenues

29. Section 95 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The Treasurer must in each year pay to the Society, from the money paid by way of practising certificate fees—

(a) an amount approved by the Attorney-General towards the Society's costs in providing administrative assistance for the issue and renewal of practising certificates under this Act; and

(b) after deduction of the amount described in paragraph (a)—

(i) a prescribed proportion of the balance for the purpose of maintaining and improving the library of the Society;

(ii) a prescribed proportion of the balance to be credited by the Society to the guarantee fund.

This is a money clause.

Clause inserted.

Clause 30—'Insertion of ss. 95A, 95B and 95C.'

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

Page 9, after line 21—Insert ', or on the ground of legal professional privilege' after 'penalty'.

This matter was canvassed during the second reading debate and was raised by the member for Custance. It deals with privilege and, as related at the time, it provides for privilege. I also move:

Page 9, after line 32—Insert new subclause as follows:

(3) If a person objects to answering a question or to producing a document on the ground of legal professional privilege, the answer or document will not be admissible in civil or criminal proceedings against the person who would, but for this subsection, have the benefit of the legal professional privilege.

Amendments carried; clause as amended passed.

Remaining clauses (31 and 32) passed.

Schedule 1.

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

Page 10—Leave out the amendment relating to the heading Division 1 of Part 6 and substitute the following:

Heading to Division 1 of Part 6 Strike out 'COMPLAINTS COMMITTEE' and substitute 'CONDUCT BOARD'.

The amendment substitutes the term 'Complaints Committee' with 'Conduct Board'.

Amendment carried; schedule as amended passed.

Schedule 2 and title passed.

Bill read a third time and passed.

ADJOURNMENT DEBATE

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

That the House do now adjourn.

Mrs KOTZ (Newland): Previously I have brought to the attention of the House the concerns of Highbury residents relating to the proposed land fill. Members may not be aware that adjacent to the proposed land fill is currently operating a putrescible rubbish dump which has operated for just over 25 years. A conglomerate of metropolitan local councils, operating under the corporate name East Waste, dump their collective garbage in the base of the Hills at Highbury. The five councils are Kensington-Norwood, Payneham, St Peters, Walkerville and Burnside, while two others, Campbelltown and Tea Tree Gully, also use Highbury to dispose of household refuse.

That site was first established for waste disposal in 1970 when there were very few houses in the area. Since that time, approval has been given for houses to be built right alongside the land fill operations. The people of Highbury are well aware of the detrimental effect of having a dump in their backyard, and I mean that quite literally. The current East Waste dump is now within 15 metres of residents' home environs, and having put up with 25 years of this industry operating over the other side of their fences the residents were looking forward to the closure of the East Waste dump when the 25 year operating licence expired in December 1995.

The company is now fighting to continue operating, and by the size of the excavations, some of which were undertaken in relatively recent years, it looks like it wishes to operate for another 25 years. I am sure that the members of this House will glean a better understanding of the immense solidarity of community spirit of residents uniting under the banner of HEART Inc to fight both the proposed new land fill and an extension of the dump which has operated for 25 years.

It is my intention at this time to allow the residents to speak for themselves as to the manner of the concerns they

have experienced over the past 25 years, and I will do that by reading into the record extracts from letters from these people who, by their residence in that area, have put up with some of the most atrocious conditions over past years. The first letter is from a family that has lived in that area for 17 years, and it reads as follows:

The quarry edge is only 15 metres from our fence and drops some 25 metres to the current filling level. There are many other boundary residents in similar proximity to the refuse dumping. The smell is often appalling. Local gully winds make dust and wind blown refuse real nuisances despite water sprays and mesh. Birds drop rotten flesh into our yard and on the roof. Blowflies swarm into the house whenever a door is opened. Can you imagine what it's like when:

- you can't open the windows even though it's hot;
- the kids don't have friends over because of the embarrassment;
- you are denied the relaxation and pleasure of sitting in your garden;
- your clothes are smelly after being hung out to dry;
- the driveway and paths have to be hosed clear of dust and sand every couple of days;
- and you listen to your loved ones wheeze with asthma in the night.

And this is with the refuse much lower and further away than ultimately intended. I know that these issues, as well as powerful environment related arguments, have been brought to your notice via the HEART deputation to your council [This letter is directed to the East Waste Board]. However, I wonder if you have seriously considered what they mean in the real terms of the quality of our lives. The effect on a family is difficult to convey; the emotional erosion of coming home to the stink after work, the feeling of helplessness and hopelessness. We are trapped by a nightmare that not only will not go away but promises to get much worse.

We've considered selling, but very depressed prices experienced by others in similar circumstances have made this a financial impossibility. Recently we've clung to the belief that the operation will cease with the licence expiry at the end of this year [This was written prior to December 1995] (a condition that the residents fought and paid a solicitor to negotiate for when the tip was first proposed in 1971). Now we understand that your East Waste Board is contesting this agreement. We find this absolutely devastating. Although it may be tempting, do not be deluded by your tip manager Mr Hockley's smooth rhetoric of historical good neighbour relations and even better future practices. We've experienced his operation at close range for too long. Basically, no matter what improvements are proposed (and adhered to), putrescible rubbish cannot be dumped alongside people's homes without enormous impact.

That is one of hundreds of letters that have come to me, to the East Waste Board and to other members of Parliament, and it epitomises the concerns. I want to read further comments from other residents. A resident of 24½ years has had to endure the smell, which is often nauseating, particularly during the warm weather. Dust conditions, particularly in the drier months, have been horrendous, and house windows must be closed at all times. As to wind blown rubbish, boundary residents such as the writers of these letters are constantly subjected to plastic and paper waste blown onto their properties. Crows and seagulls often drop pieces of putrid decomposed refuse into their property. They are also concerned about the health and safety factors of their family.

Another person who has lived in the area for 28 years had to call out one of the local councillors from Tea Tree Gully at 9 p.m. because the smell was so bad. At another time she rang the Chairman of the East Waste Board to get him to get someone to pick up the rubbish from their home. She said it was no good ringing East Waste to complain, as they do not want to know. She further states:

I've got problems with our children with their health. Our daughter has asthma, sore eyes. Our son suffers with sore eyes and breathing troubles, and my husband has had shingles caused from stress.

The complaints go on and on. The letter continues:

My mother-in-law, who lived next door to us, passed away in April and we have to sell her home. Her house stands on a block and a half. It's a fairly big home with large rooms. It was valued between $120 000 and $125 000. After being on the market for five months, we've had one offer of $82 000: are we supposed to give it away?

Another family, which has lived in the area for 17-odd years, states as follows:

They have been running this dump for 25 years and the licence expires on 29 December 1995. The East Waste management are seeking to continue dumping for up to a further seven years. Our property backs onto Torrens Road, which is adjacent to the East Waste dump. We are subjected to the noise of up to 300 trucks from the dump, as well as CSR Quarry all day from the early hours till late afternoon. Torrens Road is not a very substantial road for this traffic, and the smell from diesel and petrol fumes is excessive. Together with the dust and the disgusting smell of the rubbish and gases from the dump, it is nearly impossible to have a bit of fresh air in our homes. Today again (4 October 1995) we had a putrid smell in the air, of which East Waste says would not happen as the methane gas is being tapped from the dump. I can tell you I know what I can smell and the rubbish still stinks. I have given up complaining to them and I just want them to go away.

On 26 March Tea Tree Gully council, under the auspices of the Manager of Strategic Directions, presented a paper to the council on an East Waste amended application for development. This development called for a dolomite buffer. The manager's response was as follows:

That the dolomite fill buffer along the residential/extractive industry zone. . . parallel to Lower North East Road is an impossibility. The result of what is now proposed is the residential land fronting Lower North East Road containing rear yards which are essentially the base of the sand pit with associated cliff face, and the rear boundary being a vertical 20 to 30 metre high dolomite wall. The creation of residential land with rear yards of 20 to 30 metre pits which will result from the latest amendments is a nonsense and further justifies refusal.

This is the first time I have seen such scathing comments from development managers. It is time that certain operators clearly got the message that environmental and social concerns that impact detrimentally will not take second place to industry but must, in fact, be considered equally. How can the people of Highbury feel confident about continued use under operators that cannot get their own act together, even though they have already had 25 years in which to do so? There are many decisions to be taken on these important issues, and I believe the Highbury duo of related dump issues will and should provide watershed decision making with ramifications to be judged by all future decisions in respect of waste management across our State.

The Hon. M.D. RANN (Leader of the Opposition): I want to continue with my remarks in relation to what I believe is a potential and serious conflict of interest relating to the activities of Beston Pacific and the members of the Asset Management Task Force. However, I thought I should be fair to Roger Sexton, whom I have known for many years, and read the letter that he wrote to me. It is dated 27 March and reads as follows:

Dear Mike,

At our meeting yesterday, you inquired about the activities of Beston Pacific Corporation Limited (Beston Pacific) and suggested that I may have a conflict of interest in relation to outsourcing of the Queen Elizabeth Hospital. I told you at the time that I know nothing about the matter, and that perhaps it related to the finance and leasing division of Beston Pacific. I made inquiries immediately after our meeting and have ascertained that Beston Pacific, jointly with other Adelaide based businesses, has lodged an expression of interest in connection with it procuring finance for the Queen Elizabeth Hospital. The document lodged with the Health Commission was merely an expression of interest, and full disclosure of my involvement with the Asset Management Task Force was made.

The document discloses that I am Chairman of the AMTF. It is common practice to mention the name of the Chairman and other directors in these types of proposals, simply to demonstrate credibility. Clearly, you would have the right to be critical if that disclosure was not made. Mr Kym Weir, who is also a member of the AMTF, is involved with this expression of interest. His membership of AMTF is also disclosed in the document. Mr Weir has no other involvement with Beston Pacific. The contact points for the expression of interest are Mr Chris Atkins and Mr Chris Fox. These are the people who would be actively involved in the matter if it were to progress further.

I give you now a categorical assurance that the Asset Management Task Force is not involved in any way in the matter. Indeed, until you mentioned the matter to me yesterday, I was not even aware that Beston Pacific was involved.

It is common practice for non-executive directors to avoid involvement in the day-to-day operations of their companies. In any event, my time commitments to Asset Management Task Force would prevent any such involvement. The policy in place at Beston Pacific is that the company is to have no involvement whatsoever in any matter in which I, in my capacity as Chairman of the Asset Management Task Force, have any direct or indirect involvement.

In all other matters involving the Government, it is the company's policy to disclose my position as the Chairman of the Asset Management Task Force.

In summary, the points I wish to make are:

1. I had no knowledge of the proposal until you drew it to my attention.

2. The proposal is not a tender for outsourcing. It is an expression of interest in provision of finance.

3. The Asset Management Task Force is not involved in any way with any outsourcing of the QEH.

4. Full disclosure of my position with the Asset Management Task Force is made in the document.

5. I am not in a position to influence the outcome of this expression of interest.

As you are aware, I have always been prepared to be open and frank about my activities. If you have any further questions on this or any other matter, please don't hesitate to contact me.

Yours sincerely, [signed] R.N. Sexton.

I have subsequently written to Ken MacPherson, the Auditor-General, as follows:

I tried to call you just prior to Question Time regarding my concerns about a potential conflict of interest involving the Asset Management Task Force.

Last week in Parliament I asked the Treasurer whether he believed there was any potential for a conflict of interest to arise from the fact that the head of the Government's Asset Management Task Force, Dr Roger Sexton, is also director of the private firm, Beston Pacific, a company that markets services in such areas as corporate advice and restructuring, leverage of financing, etc.

The Treasurer assured the House that there was no potential for conflict of interest.

Following my questions, Dr Sexton sought a meeting with me. I met him in my office yesterday afternoon and asked him whether my information was true that his company, Beston Pacific, was involved in bidding for a financing deal for the Queen Elizabeth Hospital. Dr Sexton indicated he had no knowledge of any Beston interest in this matter and believed there would be no conflict of interest if Beston were involved.

Dr Sexton told me that he was unaware of any involvement by his company in the Queen Elizabeth Hospital because of a 'Chinese wall' that prevented such information getting to him.

I asked Dr Sexton to investigate and said I would not raise the matter in Parliament until I had received a reply.

Today I received the attached letter from Dr Sexton which reveals that his company, Beston Pacific, jointly with other Adelaide-based businesses, has lodged an expression of interest in connection with procuring finance for the Queen Elizabeth Hospital.

I would be most grateful if you would investigate this matter to determine whether there is any potential conflict of interest between the operations of Beston Pacific and Dr Sexton's role as Chairman of the Asset Management Task Force. I am not suggesting any impropriety by Dr Sexton. However, I believe that clear guidelines and safeguards must be built into the system. Yours sincerely . . .

It is quite clear that there is confusion. The Minister, who is the Treasurer of this State, said there were clear guidelines for the operation of Beston Pacific. The Minister said that there were clear guidelines in terms of the delineation between the roles of Beston Pacific and the Asset Management Task Force. The Treasurer of the State said he was fully briefed about the operations of Beston Pacific. Clearly, that was not the case. Clearly, the Deputy Premier did not know that Beston Pacific was involved in the QEH procurement of finance bid.

We have Dr Sexton in his letter to me saying that there was full disclosure of his involvement with the Asset Management Task Force, yet he told me yesterday in my office that he did not know that his company was involved in the bid for procuring finance. So much for full disclosure. So much, too, for the requirement that, he said, Beston Pacific actually had to advise of the involvement of the Asset Management Task Force, that it would not bid for any asset that was involved with the Asset Management Task Force. If they are not discussing things, if there is not a Chinese wall between one section of the company and another, how do the other directors of Beston Pacific know what Roger Sexton is up to in the Asset Management Task Force? Again, the Chinese wall has vines growing over it.

Further, he said he would always ensure that there was this clear delineation. He would ensure that Beston Pacific was not involved in areas in which the Asset Management Task Force was involved. Again, if he does not know and did not know until I raised it with him, how on earth can Dr Sexton give those guarantees when he actually tells me that he does not know what his company is bidding for? That also raises those fundamental questions about the role of a director in a company. A director in such a company, in terms of representing shareholders, should and must be aware and have a clear duty to be aware of the bids that his company makes.

So, we have the situation where we are given an assurance that there is no conflict of interest, that everyone—the Treasurer—is fully briefed about the matters, and both Dr Sexton and the Treasurer say they were not aware of this matter until yesterday, yet we are also told that Beston Pacific never gets involved in areas that Dr Sexton is involved with in terms of his work in the Asset Management Task Force. They do not add up because there has to be communication from both sides of the Chinese wall.

I believe there is a potential conflict of interest. I have written to the Auditor-General asking for clearer guidelines; I have written to the Auditor-General asking for clearer safeguards; and I have spoken to the Auditor-General this afternoon, and I look forward to the report on his investigations.

Motion carried.

At 5.13 p.m. the House adjourned until Thursday 28 March at 10.30 a.m.