LEGISLATIVE COUNCIL

Tuesday 1 December 1987

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

In Vitro Fertilisation (Restriction) Act Amendment,
Legal Practitioners Act Amendment,
Motor Vehicles Act Amendment (No. 3),
Road Traffic Act Amendment (No. 2).

QUESTIONS ON NOTICE

SWIMMING AND AQUATICS PROGRAM

19. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. Has Mr R. Bakewell completed his investigation into the department's term and vacation swimming and aquatics program?

2. Has the Minister received a copy of an interim report and/or a final report and, if so, on what date?

3. Will the Minister release for public comment any such report from Mr Bakewell?

4. Is it correct that Mr Bakewell indicated he could not meet the Minister's deadline of 'end May, 1987' for an interim report and 'mid July, 1987' for the final report?

The Hon. BARBARA WIESE: The replies are as follows:

1. Yes.

2. Yes. The interim report was received in June 1987 and the final report was received in the office of the Minister of Education on 18 August 1987.

3. Yes.

4. Yes. Mr Bakewell indicated that, because of late receipt of submissions from interested parties, the initial deadline of the end of May 1987 could not be met.

ANTI-SMOKING PROGRAM

21. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Health:

1.—

(a) Did the Health Commission establish a full epidemiological/experimental research program to gauge the effectiveness of the Statewide anti-smoking program conducted in the years 1983 and 1984?

(b) If not, why not?

2. If yes—who was appointed to conduct the study and on what date were they appointed?

3. What have been the results of the study?

4.—

(a) Have the results been released publicly.

(b) If not, will the Minister now release the results?

The Hon. J.R. CORNWALL: The replies are as follows:

1. *(a)* There was no Statewide anti-smoking program in 1983. A pilot program was conducted in the Iron Triangle cities of Port Augusta, Port Pirie and Whyalla. This program was fully evaluated, both in terms of process and outcome and further, was based on substantial interstate and overseas experience. The results showed a statistically significant beneficial effect.

In 1984 a statewide program was conducted. Because the 'Quit for Life' program involved blanket media coverage no control group existed and an experimental approach to evaluation was not possible. Drawing on the results outlined in the evaluation report of the pilot program, the planning team developed research, design and study protocols. These involved sample size calculations, determination of the sampling frame and sampling method, interview method and protocol development, questionnaire design and testing, training of interview staff and development of coding analysis methodology. During the period of the campaign, the research team also undertook weekly surveys to assess the penetration of media messages on the South Australian population. A further survey was conducted at four and eight weeks after the campaign to assess media durability.

1. *(b)* See above.

2. In February 1983 a two person research team was established in Health Promotion Services. The 1983 pilot program was evaluated by the unit, augmented by officers of the Health Commission's Information Services and Epidemiology Branches. The 1984 statewide program was evaluated by the same group, with additional assistance from the Australian Bureau of Statistics. The Director of Health Promotion Services gave his direction to the group on 2 February 1984.

3. See 1 *(a)*.

4. *(a)* The results of the 1983 pilot were published in 'South Australian Pilot Stop Smoking Program March 1983. Evaluation.' ISBN 0 7243 6768 3. The results of the 1984 statewide program were documented in a report by Professor Kerr White and Mr R. Hicks, which was tabled in the Council on 12 February 1985.

3. *(b)* See *(a)*.

SPACE COMMITTEE

22. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. Who are the members of the Minister of Education's committee known by the acronym SPACE?

2. When was this committee formed?

3. What are the terms of reference of this committee?

The Hon. BARBARA WIESE: The replies are as follows:

1. There is no committee known by the acronym SPACE. However, a group meets periodically with the Minister of Education to consider issues relating to the use of school surplus space. Those attending usually include the Director-General of Education, three central office Directors of Education (Planning, Policy and Resources), the Director of Education, Southern Area and the Coordinator of Major Projects from the Department of the Premier and Cabinet.

2. The first meeting was held on 9 September 1987.

3. There are no formal terms of reference. Matters dealing with the use of surplus space are dealt with as necessary.

TEACHERS

23. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. For each of the past five years, what were the total number of teachers recruited by the South Australian Education Department?

2. For each of those years what were the number of new employees who were Australian born and non-Australian born?

3.—

(a) Does the Eduction Department use the criterion 'place of birth' as the major determinant of 'ethnic background' of its teachers?

(b) If not, what other criteria are used?

The Hon. BARBARA WIESE: The replies are as follows:

1. 1983 715
1984 757
1985 713
1986 370
1987 400

2. The Education Department does not document the number of new employees by this criterion.

3. *(a)* No.

(b) The Education Department is presently developing a set of criteria for the classification of ethnic background of teachers.

EXCESS LIBRARY CARDS

25. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. Why did the Education Department's Library Resource Branch have an excess of 1 million continuous catalogue cards available for sale in August 1987?

2. Was the original value of these cards $8 000?

3. What price was received for the sale of these cards?

The Hon. BARBARA WIESE: The replies are as follows:

1. One million catalogue cards were ordered for use by SAERIS (South Australian Education Resources Information System) in February 1987 prior to the decision to close SAERIS which was made in April. Supply of the cards, after the usual three months' lead time, occurred at the end of May. Some were used during June before the close of SAERIS on 1 July.

2. Yes.

3. A small number of cards have been sold at cost price. Negotiations are underway for the sale of the remainder.

CHILD-CARE CENTRES

26. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. What is the procedure for the selection of sites for new Government subsidised child-care centres in South Australia and what are the criteria used for the selection of such sites?

2. For each new Government centre approved or opened in 1986 and 1987, was there a private child-care centre within a 2 km radius of that new centre?

The Hon. BARBARA WIESE: The replies are as follows:

1. The planning process for determining the location of new child-care centres under the joint State/Commonwealth development program is based on the identification of areas of highest need for these services. Following identification and approval of high need areas, a process of selection of specific sites within those areas is then undertaken. Planning work initially seeks to identify relative levels of unmet need for centre based care in various areas. An analysis is made of the number of children under five years of age in an area and the existing number of child-care centre places, both private and subsidised, which are available. The 'gap' between these two figures is then compared for various areas as an estimated measure of unmet need. Thus, an area in which there are already several child-care centres may still rate highly, because there is a large gap between the number of children under five and the number of centre based child-care places to which families in that area have access.

Data on proportions of families with both parents or the sole parent working, and special need groups within an area are also collated. This analysis results in a proposed priority list of high need areas for the establishment of new centres. This initial statistical assessment is then used as the basis for the input of local information and knowledge from a range of sources, including Children's Services Office and Department of Community Services and Health regional staff teams, and further consultation with local organisations, councils, and parent groups. Final recommendations on high need areas are then developed by the South Australian Children's Services Planning Committee which includes representatives of Commonwealth, State and local governments, and a range of community interest groups and children's services providers. The Planning Committee's recommendtions are then forwarded to the Commonwealth Minister for final approval. Following approval of high need areas, the process of site selection proceeds. The principal consideration in selecting suitable sites are:

- access: on or near major transport routes, particularly major arteries to work areas, proximity to public transport;
- availability of unencumbered land, with preference for use of Crown land or land provided by the local government authority;
- proximity, where possible, to other children's services, for example, preschools, primary schools, child health centres, to facilitate use by parents;
- 'catchment' area, taking into account distribution of services within the whole high need area;
- safe and pleasant environment, for example, access to public open space if possible, not near heavy industrial areas, secure and adequately screened if on or near heavy traffic routes;
- suitability of the site, for example, adequate size, provision of parking facilities, gradient.

2. Thirty-three new subsidised child-care centres have opened or been approved for establishment in 1986 and 1987. In the case of 15 of these centres, there is a private child-care centre within a 2 km radius.

SCHOOL CLASS NUMBERS

27. **The Hon R.I. LUCAS** (on notice) asked the Minister of Tourism: Will the Minister provide the following information for 1986 and 1987 for primary schools and also for secondary schools—

(a) Number of classes with 25 or fewer students.

(b) Number of classes with 26 or 27 students.

(c) Number of classes with 28, 29 or 30 students.

(d) Number of classes with 31 or more students.

The Hon. BARBARA WIESE: The reply is as follows:

Primary Classes			
	(a)	1986	2693
		1987	2871
	(b)	1986	968
		1987	994
	(c)	1986	920
		1987	830
	(d)	1986	128
		1987	84
Secondary Classes			
	(a)	1986	29 944
		1987	28 992
	(b)	1986	2 252
		1987	2 068
	(c)	1986	1 833
		1987	1 612
	(d)	1986	780
		1987	588

CHILDREN'S SERVICES

28. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. Will the Minister of Children's Services release a copy of the 1986 and 1987 census on children's services?

2. What were the number of under 4 year olds, 4 year olds and 5 year olds attending kindergartens in 1986 and 1987?

3. Have any problems been experienced with the new enrolment policy in transfer of children from kindergarten to junior primary schools?

The Hon. BARBARA WIESE: The replies are as follows:

1. Information from the Children's Services Office's census is available on request from that Office.

2.

	1986	1987
Under 4	4 862	3 735
4 year olds	14 308	14 842
5 year olds	574	648

Enrolment statistics for the 'eligible year' (i.e., those children who were attending preschool during the 12 month period prior to starting school) are as follows: (The 'eligible year' in 1986 was counted in terms of 4 year olds plus special (funded) enrolments).

1986 .... 14 205
1987 .... 14 746

3. The intent of the Children's Services Office enrolment policy is to provide preschooling to children for 12 months prior to entry into formal schooling. Previously, there had been some children who were receiving more than 12 months of preschool due to early enrolment prior to age four or extended enrolment beyond the age of five. As a result, there were also children who received considerably less than a full year of preschool.

Figures from the recent Children's Services Office annual 'census' of children's services indicate that the effect of the enrolment policy has been to enable more four year olds to attend kindergarten. There has been a reduction in the number of children attending who are under four years old. There is, of course, still the capacity to approve early and extended enrolments for children with special needs.

Therefore, the effect of the policy has been to increase the access for those children who, in accordance with Government policy, are entitled to attend kindergarten. This ensures a more equitable service across the State. Good communication between and amongst child parent centres and kindergartens promotes the full and effective use of all preschool resources. A thorough knowledge of the broader local situation enables preschool staff to advise parents of those centres where spaces are available, rather than to reduce the number of sessions which can be provided for each child when enrolments become too great.

Similarly, close communication between schools and their neighbouring kindergartens provides information about enrolment pressure and enables schools' decision making about admission times to be responsive to community needs. Should any matters arise in relation to a child's transition from kindergarten to school, the relevant kindergarten and primary school staff may liaise with regional staff to ensure a satisfactory resolution.

EDUCATION DEPARTMENT SAVINGS

30. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. Will the Minister provide details of the notional saving of $900 000 made by 180 Education Department officers moving out of the Education Department Centre in Flinders Street?

2. In particular, are these savings real savings to the Government?

The Hon. BARBARA WIESE: The replies are as follows:

1. The floors of the Education Centre vacated by the Education Department represent about 5 500 square metres of office accommodation. The annual rental of that space, based on a commercial rate of $165 per square metre, would be some $900 000.

2. The cost of rental accommodation for Government agencies is, in most cases, met by the S.A. Department of Housing and Construction and is often recharged to individual departments. Due to the considerable changes in the Education Department's accommodation arrangements, including the establishment of Area Offices and the transfer of some units of the Department to school accommodation, the space so vacated in 31 Flinders Street can therefore be taken up by other agencies who may have paid rental charges in non-government owned accommodation. The savings do therefore accure to Government and not necessarily to the Education Department budget. It must, however, be realised that the establishment of Area offices had an offsetting effect on these savings.

SCHOOL TRANSPORT

61. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. What new approaches have been introduced by the Education Department in school transport services in the past two years which have resulted in cost savings?

2. What is the name of the consultant appointed to look into school transport services and what is the cost of the consultancy?

3. How was the consultant selected?

The Hon. BARBARA WIESE: The replies are as follows:

1. The Education Department has been reviewing its bus operations in recent years. Tenders have been called for a number of bus services which have been let to private contractors. The departmental bus fleet will be reduced accordingly, with a resultant reduction in the long-term school bus replacement program.

The following measures are also being taken:

- Constant monitoring of technology to ensure the most efficient and safe buses continue to be provided.
- Continued examination of school bus routes to ensure compliance with criteria.
- Continued tender calls for departmentally operated services to establish whether the private sector can operate buses on a more economic basis.
- More stringent checking of bus maintenance and repair costs.

2. Travers Morgan Pty Ltd, $16 000, of which $6 000 is being met by the Bus and Coach Association (S.A.).

3. Travers Morgan Pty Ltd was selected for the consultancy in conjunction with the Bus and Coach Association (S.A.). This company has extensive experience in consultancy work for the transport industry, including the State Transport Authority, and was considered the most appropriate agency to undertake this review for the Education Department.

WORKERS COMPENSATION CONSULTANT

62. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. What was the name of the Western Australian consultant used by the Education Department in 1986-87 to assist it in its handling of workers compensation claims?

2. How was this consultant selected and what was the total cost of the consultancy?

3. What were the terms of reference of this consultancy and did they include a study on teacher stress?

4. Did the consultant prepare a final report and, if not, why not?

5. What were the results of the consultancy?

6. *(a)* Has the department now employed another risk management consultant to assist it in this area?

(b) If so, what are the details of the new appointment?

The Hon. BARBARA WIESE: The replies are as follows:

1. A preliminary approach was made to the Industrial Foundation for Accident Prevention (IFAP).

2. The consultant was approached during a visit to Western Australia by senior officers of the Education Department. No costs were incurred as the inquiry was preliminary and investigatory.

3. There were no specific terms of reference.

4. No. No request was made for a report.

5. Not applicable.

6. *(a)* No.

6. *(b)* Not applicable.

EDUCATION DEPARTMENT PREMISES

63. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. Have members of the senior executive of the Education Department considered—

(a) the possible sale of the Flinders Street offices of the department?

(b) the possible movement of all Education Department staff into alternative premises?

2. If yes, what have been the results of such consideration?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* No.

(b) No.

2. Not applicable.

EDUCATION DEPARTMENT TEACHING

64. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. Have each of the area offices of the Education Department provided to the Director-General and/or the Minister a report on whether all advisers have met with the new requirement to spend 20 per cent of their time in the classroom?

2. If not, why not?

3. If yes, what were the details of each area's response about this policy?

The Hon. BARBARA WIESE: The replies are as follows:

1. Yes.

2. Not applicable.

3. The country Areas (Eastern and Western) have nearly always operated in this manner. Advisers in the three metropolitan areas have flexibly allocated time in schools to meet the 0.2 requirement. Allocation has been in the form of block time or spaced regularly on a weekly basis across programs, or through various combinations of the two methods.

AREA OFFICES

65. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism: What extra resources is the Education Department putting into its area offices for the 1988 school year to work more directly with schools in conjunction with the new occupational health and safety legislation?

The Hon. BARBARA WIESE: In 1988 the central office management structure for occupational health, safety and welfare will train five Area Safety Advisers to work directly with schools. These officers will be based in each Area Education Office. The 1987-88 capital resources to address established health and safety programs for all five areas is $1.8 million.

EDUCATION PUBLISHING

69. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. Has the central publishing function of the Education Department ceased?

2. What action, or planned action, has each directorate or unit of the department taken to replace work undertaken by the central unit in the past?

3. *(a)* Since August 1986, has there been a reduction of one ED3 and five ED1 staff positions as a result of these changes?

(b) If not, why not?

(c) If the answer is no, what reduction has occurred?

(d) If there has been a reduction, what positions are now held by the affected officers?

The Hon. BARBARA WIESE: The replies are as follows:

1. No.

2. Not applicable.

3. *(a)* There were no ED3 or ED1 positions attached to the central publishing function of the department.

(b) Not applicable.

(c) Not applicable.

(d) Not applicable.

SUPERINTENDENTS OF SCHOOLS

70. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Have the functions of Superintendents of Schools been changed in the following ways—

(i) SOS involvement in assessments will cease below that of principal level.

(ii) Number of visits to schools will be reduced significantly.

(b) If not, why not?

2. *(a)* Since August 1986, has there been a reduction of nine ED3 positions in this section of the department?

(b) If not, why not?

(c) If there has not been a reduction of nine ED3 positions what reduction has occurred?

(d) If there has been a reduction, what positions are now held by the affected officers?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* (i) No.

(ii) No.

(b) A review of the functions of Superintendent of Schools has recently been completed and its recommendations are under consideration.

2. *(a)* Yes.

(b) Not applicable.

(c) Not applicable.

(d) The positions held by the nine officers affected are:

- Superintendent of Studies—replaced a deceased officer.
- Superintendent of Schools (Adelaide Area)—replaced a retiree.
- Superintendent, Non-government Schools Registration Board Secretariat—replaced an officer who is temporarily reassigned.
- Superintendent of Schools (Northern Area)—replaced a retiree.
- Superintendent of Studies CPC—Year 7. Came from an area, without replacement, to take up this position.
- Assignment as a principal, Pooraka Primary School.
- Superintendent of Schools (Adelaide Area)—replaced a retiree.
- Project officer, Southern Area.
- Temporarily occupying a position classified one level below that of Superintendent.

STUDIES DIRECTORATE

71. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Have the 'whole of school' functions relating to early childhood, primary and secondary, in the Studies Directorate of the Education Department ceased?

(b) If not, why not?

2. *(a)* Since August 1986, has there been a reduction of three ED3 positions in this section of the department?

(b) If not, what reductions have occurred?

(c) If yes, what positions are now held by the officers so affected?

3. How is the work, previously undertaken by these people, being undertaken by the Education Department now?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* No.

(b) These functions have been regrouped under the title 'Teaching, Learning and their Settings' for early childhood and primary education and for secondary education.

2. *(a)* No.

(b) There has been a reduction of one ED3 and one ED5 position.

(c) Not applicable.

3. The work is now undertaken by a Superintendent, Early Childhood to Primary, and a Superintendent, Secondary and Post-compulsory.

DEPUTY COORDINATOR, ABORIGINAL STUDIES

72. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Has the position of Deputy Coordinator, Aboriginal Education, been vacated?

(b) If not, why not?

(c) If yes, what position is now held by the affected officer?

2. How is the work, previously undertaken by this officer, being undertaken by the Education Department now?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* Yes.

(b) Not applicable.

(c) School principal.

2. By the Superintendent of Schools (Aboriginal Education) Western Area.

CHILDHOOD SERVICES COUNCIL

73. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Has the position in the Education Department inherited from the Childhood Services Council been vacated?

(b) If not, why not?

(c) If yes, what position is now held by the affected officer?

2. How is the work, previously undertaken by this officer, being undertaken by the Education Department now?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* Yes.

(b) Not applicable.

(c) Superintendent of Education, National and International Projects.

2. Some discontinued and the rest absorbed within Children's Services Office.

COORDINATOR, PRIORITY PROJECTS

74. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* When was the position of Coordinator, Priority Projects in the Education Department vacated and was it vacated a substantial period before the 1986 State budget?

(b) What position is now held by the affected officer?

2. How is the work, previously undertaken by this officer, being undertaken by the department now?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* When the incumbent retired early in 1986. The position was filled on a temporary basis until the 1986 State budget.

(b) Retired.

2. The work is now being undertaken as an additional brief by the Director of the Eastern Area and by a level 3 seconded teacher who is the project officer for the program.

EDUCATIONAL TECHNOLOGY CENTRE

75. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Has the Educational Technology Centre been disbanded and have appropriate functions been transferred to the Correspondence School, Areas and School of the Air?

(b) If not, why not?

2. *(a)* Since August 1986, has there been a reduction of one ED3, one ED2 and one ED1 positions as a result of these changes?

(b) If not, why not?

(c) If the answer is no, what reduction has occurred?

(d) If there has been a reduction, what positions are now held by the affected officers?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* Yes, except that the functions have been transferred to the Education Production Services Centre located at the former Darlington Junior Primary School and the

Learning Systems Unit within the Angle Park Computing Centre.

(b) Not applicable.

2. *(a)* No.

(b) It was found that some of the functions still required the services of an ED2 officer when transferred to the Education Production Services Centre.

(c) One ED3 officer, one ED1 officer.

(d) Project Adviser in Studies Directorate. Superintendent, Learning Resources, in the Department of TAFE.

SCHOOL BUILDING INFORMATION UNIT

76. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Has the position of Coordinator of the School Building Information Unit in the Education Department been vacated?

(b) If not, why not?

(c) If yes, what position is now held by the affected officer?

2. How is the work, previously undertaken by this officer, being undertaken by the Education Department now?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* Yes.

(b) Not applicable.

(c) Manager, Occupational Health, Safety and Welfare Unit.

2. By planning officers in area offices and the Facilities Coordinating Committee.

SENIOR PLANNING OFFICER

77. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Has the position of Senior Planning Officer in the Education Department been vacated?

(b) If not, why not?

2. Have planning functions been transferred to areas and how are the areas now undertaking these functions?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* Yes.

(b) Not applicable.

2. Yes. Adelaide, Northern and Southern Areas have identified specific officers to address planning requirements. Eastern and Western Areas call upon officers from the Metropolitan Area as required.

SUPERINTENDENT OF STUDIES

78. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Has the position of Superintendent of Studies (Techology Task Force) in the Education Department been vacated?

(b) If not, why not?

(c) If yes—What position is now held by the affected officer?

2. How is the work previously undertaken by the officer being undertaken by the Education Department now?

The Hon. BARBARA WIESE: The replies are as follows.

1. *(a)* Yes.

(b) Not applicable.

(c) Retired.

2. The position was a temporary one and the specific duties ceased when the position terminated.

DEPUTY DIRECTOR (STUDIES)

79. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Has the position of Deputy Director (Studies) in the Education Department been vacated?

(b) If not, why not?

(c) If yes, what position is now held by the affected officer?

2. *(a)* Have the former functions of the Deputy Director (Studies) been shared between the Director and two Assistant Directors?

(b) If not, why not?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* Yes.

(b) Not applicable.

(c) Long Service Leave.

2. *(a)* Yes.

(b) Not applicable.

DEPUTY DIRECTORS OF AREAS

80. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism: What positions are now held by persons who held positions of Deputy Directors of Areas in the Education Department as at August 1986?

The Hon. BARBARA WIESE: They are the Assistant Director, Adelaide Area; Assistant Director, Northern Area; Assistant Director, Eastern Area; Director, Western Area, and one officer has retired.

DIRECTOR (SPECIAL PROJECTS)

82. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Has the position of Director (Special Projects) in the Education Department been vacated?

(b) If not, why not?

(c) If yes, what position is now held by the affected officer?

2. How is the work, previously undertaken by this officer, being undertaken by the Education Department now?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* Yes.

(b) Not applicable.

(c) Director, Eastern Area.

2. By the affected officer and his Director colleagues as additional duties.

STAFF DEVELOPMENT OFFICER

83. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Has the Staff Development position in the Office of the Minister of Education been replaced since August 1986, at a lower level?

(b) If not, why not?

(c) If yes, what is the estimated cost saving of this change?

(d) What position is now held by the person who formerly held this position in the Office of the Minister?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* Yes.
(b) Not applicable.
(c) $4 403 p.a.
(d) Project duties in the Office of the Director-General of Education following long service leave and pending re-assignment.

DIRECTOR (EVALUATION)

84. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:
1. *(a)* Has the position of Director (Evaluation) in the Education Department been vacated?
(b) If not, why not?
(c) If yes, what position is now held by the affected officer?
2. How is the work, previously undertaken by this officer, being undertaken by the Education Department now?
The Hon. BARBARA WIESE: The replies are as follows:
1. *(a)* Yes.
(b) Not applicable.
(c) Retired from Public Service.
2. Currently under review.

EDUCATION DEPARTMENT OFFICERS

85. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:
1. *(a)* Have the positions of Chief Guidance Officer, Chief Speech Pathologist and Chief Social Worker in the Education Department been vacated?
(b) If not, why not?
(c) If yes, what positions are now held by these officers?
2. How is the work, previously undertaken by these officers, being undertaken by the Education Department now?
The Hon. BARBARA WIESE: The replies are as follows:
1. *(a)* Yes.
(b) Not applicable.
(c) Supervisor, Guidance Resource Unit. Retired from Public Service. Resigned from Public Service.
2. By Area Offices.

SENIOR POLICY ADVISER

86. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:
1. *(a)* Has the position of Senior Policy Adviser in the Education Department been vacated?
(b) If not, why not?
(c) If yes, what position is now held by the affected officer?
2. How is work, previously undertaken by this officer, being undertaken by the Education Department now?
The Hon. BARBARA WIESE: The replies are as follows:
1. *(a)* Yes.
(b) Not applicable.
(c) Project Officer, Post-Secondary Education Enquiry.
2. Discontinued.

SENIOR EDUCATION OFFICER

87. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:
1. *(a)* Has the position of Senior Education Officer (Projects) in the Education Department been vacated?
(b) If not, why not?
(c) If yes, what position is now held by this affected officer?
2. How is the work, previously undertaken by this officer, being undertaken by the Education Department now?
The Hon. BARBARA WIESE: The replies are as follows:
1. *(a)* Yes.
(b) Not applicable.
(c) Research in connection with Yerbury report.
2. Discontinued.

DEPUTY DIRECTOR (PLANNING)

88. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:
1. *(a)* Has the position of the Deputy Director (Planning) in the Education Department been vacated?
(b) If not, why not?
(c) If yes, what position is now held by the affected officer?
2. How is the work, previously undertaken by this officer, being undertaken by the Education Department now?
The Hon. BARBARA WIESE: The replies are as follows:
1. *(a)* Yes.
(b) Not applicable.
(c) Executive Officer to Corporate Planning Subcommittee.
2. Within the Statistics Unit of Resources Directorate and by Planning Officers in Areas.

DEPUTY DIRECTOR (EVALUATION)

89. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:
1. *(a)* Has the position of the Deputy Director (Evaluation) in the Education Department been vacated?
(b) If not, why not?
(c) If yes, what position is now held by the affected officer?
2. How is the work, previously undertaken by this officer, being undertaken by the Education Department now?
The Hon. BARBARA WIESE: The replies are as follows:
1. *(a)* Yes.
(b) Not applicable.
(c) Department of TAFE.
2. Some elements discontinued, others distributed among other officers.

COORDINATOR EXCHANGE TEACHERS

90. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:
1. Has the position of Coordinator Exchange Teachers in the Education Department been vacated since August 1986 in favour of a position at a lower level of classification?
2. If not, why not?
3. If yes, what is the estimated cost savings of this change?
4. What position is now held by the person who formerly held this position?
The Hon. BARBARA WIESE: The replies are as follows:
1. No.
2. The position has not been vacated because a report is currently under consideration dealing with the staff devel-

opment function of the department which may have an impact upon the nature of teacher exchanges and the nature and classification of this position.

3. Not applicable.

4. Not applicable.

CURRICULUM OFFICERS

91. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Have the positions of five curriculum research officers in the Education Department been vacated?

(b) If not, why not?

(c) If yes, what positions are now held by the affected officers?

2. *(a)* Have the functions formerly performed by these officers ceased or are they being performed on a commission basis?

(b) If it is on a commission basis, who has been appointed, and at what total cost?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* Yes.

(b) Not applicable.

(c) One retired, one assisting the Gilding Inquiry, and the rest assigned to vacant substantive positions within the Directorate of Studies.

2. *(a)* The functions have ceased.

(b) Not applicable.

92. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Have the numbers of Curriculum Officers in the Studies Directorate of the Education Department been reduced by three since August 1986?

(b) If not, why not?

(c) If yes, what positions are now held by the affected officers?

2. What former functions performed by these officers have not been eliminated and what functions have been transferred to Areas?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* Yes.

(b) Not applicable.

(c) Two have retired and one is Principal of a school.

2. All former functions have not been eliminated. No functions have been transferred to areas.

ANGLE PARK SCHOOLS

93. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Have the Angle Park Computing Centre, Music Branch and Physical Education Branch of the Education Department been reconstituted as schools?

(b) If not, why not?

2. *(a)* Have the number of ED1 positions in these units been reduced by eight and ED2 positions by one since August 1986.

(b) If not, why not?

(c) If yes, what positions are now held by these affected officers?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* No.

(b) The functions carried out by the Angle Park Computing Centre, Music Branch and the Physical Education Branch are currently under review in terms of determining the most appropriate structure for the future provision of such services to schools.

2. *(a)* No.

(b) Transitional roles designed to provide continuity of service to Area Offices and schools in the general areas of computing, physical education and music are being undertaken until the final structures referred to in 1 *(b)* above have been decided.

(c) Not applicable.

MANAGEMENT AND SCHOOL SERVICES

94. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. *(a)* Has the position of Assistant Director (Management and School Services) in the Education Department been vacated?

(b) If not, why not?

(c) If yes, what position is now held by this officer?

2. How is the work, previously undertaken by this officer, being undertaken by the Education Department now?

The Hon. BARBARA WIESE: The replies are as follows:

1. *(a)* Yes.

(b) Not applicable.

(c) Retired from Public Service.

2. By distribution among other officers.

ACCIDENT REPORT FORM

103. **The Hon. R.I. LUCAS** (on notice) asked the Minister of Tourism:

1. On what date was the new accident report form for schools introduced?

2. What were the reasons for the introduction of the new form?

3. Does this form have to be completed for every accident, no matter how minor?

4. Has the department received complaints about the time required to complete the new form?

5. Is the department reviewing the format of the new form?

The Hon. BARBARA WIESE: The replies are as follows:

1. 27 April 1987.

2. The accident/injury report ED 155 was introduced to meet the requirements of the Occupational Health, Safety and Welfare Act (1986) and to monitor accidents and injuries to students as required by the Education Department's Administrative Instructions and Guidelines.

3. The form must be completed for every accident to employees. Accidents and injuries to students are only expected to be reported on the form when the student loses class time (for example, sent home or hospitalised).

4. No.

5. The Education Department's Advisory Committee on Occupational Health, Safety and Welfare is assessing the effectiveness of the form in monitoring accidents and injuries to employees and students. No change in the format of the form is anticipated before 1989.

DEPARTMENTAL AMALGAMATION

106. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Community Welfare: Further to the Minister's

admission during the Committee stages of the Appropriation Bill on 22 October:

1. Who provided the 'significant coaxing' to ensure that Department for Community Welfare came to accept the concept of amalgamation with the South Australian Health Commission; and

2. What information was supplied or action taken to 'coax' the department to believe amalgamation was in the department's best interests?

The Hon. J.R. CORNWALL: Both parts of the question are based on a failure to read what the Minister said in the Council on 22 October 1987. He said '... the department, with significant coaxing, got its act together and got quite bullish.'

The coaxing, and it came mainly from the Minister, was not about the idea of better integrated health and welfare services. The department's senior management has been enthusiastic about that all along. The coaxing was to speed up and organise the process at central office, regional, and local levels. This has happened, as explained at the Estimates Committee, and the department has done more than its fair share of championing the cause of amalgamation in recent months.

It is probably true that in the early stages, some DCW people were concerned about being 'swallowed up' by the Health Commission without getting an adequate chance to influence the way it happened. Because of that, the Minister made it quite clear that it was a negotiation between equal partners. The honourable member can be assured that DCW has more than risen to the occasion.

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Port Adelaide Railway Museum,
Whyalla Technology and Enterprise Centre.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

By Command—

Review of the Role, Effectiveness and Efficiency of the Government Computing Centre, South Australia—November 1986.

Pursuant to Statute—

Industrial Relations Advisory Council—Report, 1986.
Rules of Court—Supreme Court—Supreme Court Act 1935—Time Limits and Granting of Leave.

By the Minister of Consumer Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Builders Licensing Board—Report, 1984-86 and Auditor-General's Reports, 1984-86.
Report of the Commissioner for Consumer Affairs, 1986-87.

By the Minister of Health (Hon J.R. Cornwall):

By Command—

Australian Agricultural Council—Resolutions of 126th and 127th Meetings, 5 June 1987 and 14 August 1987.

Pursuant to Statute—

Australian Barley Board Staff Superannuation Fund—Report, period ended 31 July 1986.
South Australian Egg Board—Report, 1986-87.
SAMCOR Contributory Superannuation Plan—Financial Statements, 1986-87.
State Transport Authority—STA Superannuation Scheme and STA Pension Scheme—Report, 1986-87.
Waterworks Act 1932—Regulations—Meter Fees.

By the Minister of Tourism (Hon. Barbara Wiese):

Pursuant to Statute—

Aboriginal Lands Trust—Report, 1986-87.
Ethnic Schools Advisory Committee—Report, 1987.
Flinders University of South Australia—Report, 1986 and Statutes.

By the Minister of Local Government (Hon. Barbara Wiese):

Pursuant to Statute—

South Australian Waste Management Commission Act 1979—Regulations—Prescribed Wastes.

MINISTERIAL STATEMENT: AMBULANCE DISPUTE

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. J.R. CORNWALL: The purpose of this statement is to inform the Council and the people of South Australia about the dispute over plans to integrate paid staff and volunteers in the South Australian ambulance service. At the outset I want to make clear that I strenuously deny certain claims attributed to the Chairman of the South Australian Ambulance Board, Dr J.F. Young, in today's *Advertiser* newspaper. In particular, it is not true that I have sided with the career staff against the volunteers. That is a line which was peddled in this Parliament by the Leader of the Opposition, the Hon. Martin Cameron—

The Hon. L.H. Davis: Is that a ministerial statement—

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —in a disgraceful and irresponsible attempt to sabotage the talks which were taking place in the Industrial Commission to try to resolve the dispute. I believe that the public statements made by Dr Young demonstrate both naivety and a lack of understanding of the role of the South Australian Ambulance Board. As Minister of Health, I have acted properly in these negotiations. I have faithfully pursued a course which reflects the findings of the all-Party select committee of the Legislative Council which investigated and reported upon the ambulance service and the legislation which stemmed from the committee's work.

Let me remind members that the select committee specifically recommended (at page 18 of its report) that the Ambulance Board 'investigate the practical implications of integrated ambulance crews'. The committee said that integration of paid and volunteer officers had occurred in the metropolitan communications centre and in the country services. It said flexibility had existed in the metropolitan service at the change of shifts and 'there is potential for increased integration within the metropolitan service'. That was the unanimous report of the all-Party select committee. After making some further comments the committee, with some foresight, noted:

> Successful integration can only occur if there is goodwill on the part of both paid and volunteer ambulance officers.

The Ambulance Services Act 1985 provided for a licence to be granted to the St John Council by the South Australian Health Commission subject *inter alia* to its establishing an independent Ambulance Board of South Australia. I stress that the State Ambulance Board was established to run a State-wide ambulance service and not to operate as an arm of the St John Council. To be precise, the Act provides for the council to 'delegate and commit to the Ambulance Board the whole of the management and administration of the St John Ambulance Service'. It says, futhermore, that, as a condition of licence, the Ambulance Board shall develop,

in consultation with the council, policies for the efficient management and administration of the St John Ambulance Service, including policies covering a number of matters. One of these is—and again I quote directly—'the appropriate balance between employees and volunteers in the ambulance service'.

It is against this background that the rather extraordinary public statements by Dr Young should be viewed. I was telephoned late yesterday evening by an *Advertiser* reporter who indicated that Dr Young was aggrieved that a letter I had written to him as Chairman of the Ambulance Board had not remained confidential. I must say that I laughed out very loudly because—

Members interjecting:

The Hon. J.R. CORNWALL: Let me repeat. I was telephoned late yesterday evening—I was wondering where my glass of water that I asked for 10 minutes ago had gone to—by an *Advertiser* reporter who indicated that Dr Young—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Leave was given for a ministerial statement.

The Hon. J.R. CORNWALL: I was telephoned late yesterday evening by an *Advertiser* reporter who indicated that Dr Young was aggrieved that a letter I had written to him as Chairman of the Ambulance Board had not remained confidential! I must say that I laughed out loud because it was such an amazing proposition that I, as Minister, had somehow organised a leak of the letter to none other than Mr Martin Cameron. That was the proposition that was put by Dr Young to the *Advertiser* reporter. It is, of course, absolutely ludicrous to suggest that I would have provided the Leader of the Opposition—who is notorious for his cynical political opportunism—with information which I regarded as confidential to the Ambulance Board and the parties before the Industrial Commission. I said when Mr Cameron was on his feet on that day, 'You have compromised our position within the Industrial Commission.'

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

The PRESIDENT: When I say 'Order', that includes you, the Hon. Mr Davis.

The Hon. J.R. CORNWALL: The fact is, Ms President, that my letter was written following a telephone call I received from Dr Young. He rang me specifically to seek my views on the extent and degree of integration that was industrially acceptable. In response to his request and the recommendation made by Commissioner Cotton during a compulsory conference in the Industrial Commission on 18 November 1987, I set out in writing my views following examination of the proposals which were to be considered by the Ambulance Board. Briefly, these concerned the operation of the Echo System on an approximately 50-50 basis by paid ambulance officers and volunteers and the introduction of a long-term plan, with specific goals over various periods of time, for the integration of paid ambulance officers with volunteers. I undertook to seek Cabinet approval for the provision of an additional $462 000 required for costs in a full year for the operation of the Echo System on a 50-50 basis by paid ambulance officers and volunteers.

To characterise my action as 'extreme political pressure' is ridiculous. Commissioner Cotton had before him a range of options which could have cost between $140 000 and nearly $1.6 million in a full year. It is also quite fanciful to suggest the Ambulance Employees Association got everything it wanted. In the discussions on the proposal which I had agreed to endorse, Dr Young himself said in the Industrial Commission on 25 November, 'Clearly there is a recognised need for shift by everybody.' I must say that that clear acknowledgment of the position which had been reached—and which subsequently was the basis of the Commissioner's recommendation to the Ambulance Board—is completely at odds with the claims now advanced by Dr Young through the *Advertiser*.

Let me apprise the Council and the general public of other remarks made by Dr Young at the Industrial Commission hearing. He said he would like everyone in the court room to know how anxious he was to have the matter resolved with honour for all parties. To quote him exactly, he said, 'In general principle, there is acceptance by the board of the need for integration. There is an acceptance by the board of a roughly 50-50 sharing of shifts.' Dr Young said the board would have to make a decision on the exact way in which this would be done and that this decision would be taken the following night. It had not been taken the previous night because the volunteers had not had an opportunity to make a presentation in the Industrial Commission.

It is important to remember that Dr Young had received my letter and knew perfectly well that I had agreed to recommend Cabinet approval for the necessary funds. He went on to say in the Industrial Commission:

> Clearly, in this sort of issue the decision will not please all the parties, but the general principle that I would like everyone to be aware of is that the board is committed to a mixed ambulance service in the foreseeable future. We fervently desire and hope that the volunteers can stay as an integral part of our service but we are also aware that we run a State service and not two disparate services; we acknowledge the aspirations of career staff to have access to other shifts. We acknowledge the career aspirations of ... staff in other areas as well.

Mr Young told the Commissioner quite specifically:

> We are also, as a board, acutely aware of the necessity of maintaining a first class ambulance service and in this regard the issue of Echo coverage is now clearly an important one and is being addressed by the issues before you.

There was no mention on this occasion—or in a subsequent telephone conversation with me—of 'extreme political pressure'. If Dr Young was under any illusions about my position as Minister of Health he would have to have been deaf as well as blind. I have always supported the position taken by the select committee and I have always stressed the need for the Ambulance Board's responsibility to act in line with that position and its obligations under the Act—an Act which was passed unanimously by the Council. The plain truth is that the AEA had withdrawn all bans, and negotiations were being conducted in good faith in the Industrial Commission. The threat to services—and therefore to patients—was not a reprehensible action undertaken by the unions but one made by elements among the volunteers. I stress that the threat to withdraw labour came from elements among the volunteers. I do not condone that threat—I condemn it.

The Hon. C.M. Hill: Put the boots into the volunteers.

The Hon. J.R. CORNWALL: I will certainly put the boots into anyone who threatens to withdraw their labour from an essential service like St John.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The AEA at no stage has threatened to withdraw its labour and, in fact, it had withdrawn all bans.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: You can't even hear. You must have been doing something to excess, because you have become deaf.

The Hon. Barbara Wiese: What about blind?

The Hon. J.R. CORNWALL: He is obviously blind, as well, as my colleague says. I repeat: I condemn the withdrawal of labour from this essential service, whether by a small group of volunteers or by ambulance officers. In this case, at no time has the Ambulance Employees Association threatened to withdraw its labour. It has been a small group of reactionary volunteers—and I hope it is a small group—who has threatened to withdraw its labour. Let us be clear about that.

It is patently false to construe my statement or my position on the proposed settlement of the dispute as siding with the unions. I have said time and time again that I recognise and support the excellent and invaluable work done by volunteers in the Ambulance Service. Just for good measure I say it again: the Government acknowledges the crucial role of the volunteers and, as it has always done, supports their continued participation in the provision of ambulance services to the people of South Australia.

It is clear from the transcript of proceedings in the Industrial Commission on 25 November that those representing the volunteers persisted in their view that the proposal under consideration would not work but indicated they would not call evidence to show why it would not work. I also note that a press statement released by the Ambulance Board the following day also contained statements by the Commissioner of Volunteers, Dr Brian Fotheringham, who said that the board had been placed in an invidious position in that it was charged with making a decision on a delicate matter when 'under the duress of a public written statement from the Industrial Commissioner, Mr Cotton, and a letter directed to the board by the Minister of Health, Dr Cornwall'.

Dr Fotheringham said he believed that the board had acted responsibly and that it had produced a statement that catered for the needs of the paid staff while at the same time preserving the role of the volunteer. I point out to members that Dr Fotheringham made no suggestion that volunteers should contemplate taking industrial action such as withdrawing services. In fact, he said:

> It is vitally important to preserve a strong volunteer component and the complete board statement ensures that this will be achieved.

Dr Fotheringham urged all volunteers to read and accept the complete statement, and to continue with their important role. He said a statement would be sent out to all volunteer members, and a meeting called within seven days to explain the details of the Ambulance Board's decision. On the eve of the Ambulance Board's decision Commissioner Cotton said he was concerned about reports to the press. Before closing the proceedings at the 25 November hearing he directed that no reports be given to the press or the media as a result of the conference.

Once the board had made its decision, he said, the parties could say what they wanted. As members are aware, this direction was flouted by Mr Martin Cameron in the Legislative Council the next afternoon when he read parts of transcripts from earlier hearings into the *Hansard* record, together with the text of my letter to Dr Young. Under the circumstances, it is extraordinary that Dr Young feels that the breach of confidentiality can in some way be attributed to me. The fact is that Mr Cameron has made a mockery of the select committee system in this Council. He consistently ignores the unanimous findings of a select committee of the Legislative Council which worked long and hard to try to resolve problems which have plagued the South Australian Ambulance Service for a decade.

In pursuit of some perceived political advantage he repudiates the position endorsed by Liberal Party members of that select committee, Mr John Burdett and Dr Ritson. He voted for the establishment of the committee as did everyone opposite and he supported the legislation which was based upon the committee's findings. Yet today the *Advertiser* reports his statement that integration 'has the potential to cause the destruction of the volunteer component of the Ambulance Service'. That is at very strange odds with the position taken by members opposite in 1985 when the Act was passed. I reject Mr Cameron's cynical opportunism, and I deplore his attempts to bring about the destruction of the ambulance service.

QUESTIONS

COUNTRY SCHOOL DENTAL CLINICS

The Hon. M.B. CAMERON: I could say that I rest my case, but I will not bother. I seek leave to make an explanation before asking the Minister of Health a question about country school dental clinics.

The PRESIDENT: On what?

The Hon. M.B. CAMERON: On school dental clinics.

The PRESIDENT: I thought you said 'country'?

The Hon. M.B. CAMERON: Well, whatever, they are all school dental clinics, Madam President.

The PRESIDENT: I did not hear: sorry, but I want the title of your question.

The Hon. M.B. CAMERON: School dental clinics.

Leave granted.

The PRESIDENT: I would suggest to the Hon. Mr Cameron that if he turns his head towards me I will hear more readily than when he presents me with the back of his head.

The Hon. M.B. CAMERON: Madam President, at that stage I did not present the back of my head to you.

The PRESIDENT: Yes, you did.

The Hon. M.B. CAMERON: I was looking straight at you. Last month in this Council I brought up the issue of the closure of several school dental clinics around the State. At the time, the Minister defended the planned closure of one of these clinics at Penola, at the end of the present school term, on the basis that the 789 students now using the service would simply have to travel 48 kilometres once or twice a year to Mount Gambier, in order to receive dental treatment. No-one would be disadvantaged, the Minister informed us. It seems that the Minister should have a word with some of the irate people in the South-East of this State, particularly in the Penola and Keith areas who have been unable to have access to dental services this year and who do not have the option of going to a local private practitioner.

The reasons given for the closure of the two clinics were, first, the clinics were underutilised; secondly, it was stressful for clinic staff to have to travel from Bordertown or Mount Gambier a couple of times a week to the two outlying clinics; and thirdly that the clinics buildings will apparently need expensive maintenance in the near future if they are to have an ongoing use. The Minister has already defended the travel stress issue by saying that he sees no hardship in students having to travel a mere 48 kilometres between Penola and Mount Gambier once a year to get dental treatment.

It seems the argument of underutilisation obviously does not hold water for either of these clinics. I am informed that 23 per cent of students attending Penola Primary School have been unable to get dental treatment this year simply because the clinic, which is open only twice a week, has been unable to handle all appointments. At Keith I am told the position is worse. Twenty-seven per cent of students

attending that town's area school have not had dental appointments this year, again because the clinic is open only twice a week.

Clinic staff are needed at Bordertown on the other three days. The Keith clinic last week began consulting five days a week in a bid to remove the backlog, and at Penola dentists had to begin extra consultations in a bid to clear the waiting lists. That figure of 27 per cent at Keith, incidentally, does not take into account the 75 kindergarten children who have missed out because the clinic was too busy, or local pensioners or students in the Tintinara area who also use the services of the Keith clinic. Like Penola, Keith has no private dental practitioner to whom these people can turn if they are unable to obtain appointments with the public dental service.

What are the cost savings of shutting down these clinics? I am told that the SADS expects to save about $6 000 annually from shutting each clinic or, in the case of the Keith clinic, about $8 a student. But I am told that the cost each year of transporting students to and from Bordertown from Keith will work out at about $35 a head for just one annual visit.

On 19 November the Director of School Dental Services, Dr P. Telfer, addressed a public meeting at Penola about the clinic closures, and I understand he undertook to seek a special meeting of the board of the service to allow it to review the decision to close the clinics. I also understand that Dr Telfer will recommend that both clinics remain open until the issue has been resolved satisfactorily. I note that Dr Telfer also acknowledged at that meeting that, because the board did not have any country representation, it might not have appreciated fully the effect of closing the clinics in such small rural communities. My questions are as follows:

1. How can the Minister justify the closure of school dental clinics at Penola and Keith on the grounds of underutilisation when both clinics have been unable to meet the demands of appointments this year?

2. Will the Minister immediately reverse the decision to close the clinics in view of the fact that the financial savings gained from such closures would be more than outweighed by additional transportation costs?

The Hon. J.R. CORNWALL: It is pretty obvious that the Hon. Mr Cameron, in trying to pump up an artificial case, has destroyed it. Does he seriously suggest that it would cost $35 per student to transport the minibus from Penola to Mount Gambier and return? That is quite ludicrous.

The Hon. M.B. Cameron: That is what the SADS said.

The Hon. J.R. CORNWALL: That is not the advice I have received from the South Australian Dental Service. Given the present cost of bus travel, a person can travel from Adelaide to Melbourne for little more than $35, so to suggest that it would cost $35 per child in a fully occupied bus to travel from Penola to Mount Gambier and return is quite ludicrous, and Mr Cameron's case clearly falls to the ground on that basis alone.

The Hon. M.B. Cameron: Your own staff—

The Hon. J.R. CORNWALL: Oh, be quiet, you stupid fellow. Let me also point out that, as I said in this Council only a couple of weeks ago, only 30 per cent of all schools in the State have dental clinics. The undertaking is to provide services to every child in the State, not to provide a dental clinic on site in every primary and secondary school campus in the State. That would be a quite ludicrous proposition. We do not do it in the city, in the suburbs, in the provincial areas or in the country; 30 per cent of schools have fully staffed dental clinics, for the obvious reasons of capital and recurrent costs. It is about administrative efficiency and, wherever possible, cost savings.

One of the reasons why we have been able to ensure that by the end of next year every child in this State up to and including the year in which they turn 16 will have access to the School Dental Service is that it is a very well run service, which has continuously sought within virtually standstill budget positions over the past three years to extend its service. It has been able to do that because of the significantly improved dental health. At one time it was necessary to examine children (and I refer to the early days of the service in the 1970s) twice as often as they are now examined, and the fact that we have been able to extend that service throughout the secondary system up to and including the year in which children turn 16 is an enormous credit to the very good administration of the South Australian Dental Service.

As I have said previously in this place, six clinics were closed: one at Keith, one at Penola, one at Whyalla, and three in the metropolitan area. It is significant that the only people who have tried to make any sort of an issue from this, political or otherwise, are those at Keith and Penola. We hear continuously the cry that we must have less taxes; that we must have small government; that people in rural areas particularly feel oppressed by the alleged ravages of taxation; and particularly the mythology that we are somehow or other a highly taxed State. You cannot have it both ways. If you want administrative savings and cost savings and efficiency—

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: —we must continually look at our operations. Mr Cameron wants to repudiate the position of the select committee. He wants to get back to the ambulance thing. I should have thought he would keep his head down. Let us hear what his colleagues—

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: Exactly.

The Hon. M.B. Cameron: You interfered.

The Hon. J.R. CORNWALL: No. Let us remember that the board is independent; it is not a creature of the Minister and is not subject to the direction or control of the Minister or, indeed, the Health Commission. The Chairman of the board, Dr Young, rang me and asked for my personal opinion in the matter during the negotiations, and he asked me to commit it to him in writing. I did just that. I should have thought that that was a perfectly reasonable proposition for all the cynicism, giggling and rolling about with which the Hon. Mr Cameron carries on, with his vested interest in destroying health services wherever he possibly can. We are about good management.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: Certainly—40 nursing home beds and a transfer of 15 hospice beds to the best hospice accommodation in the country when it is completed at Daw House.

The Hon. L.H. Davis: It is destroying a voluntary network.

The Hon. J.R. CORNWALL: It is not at all destroying a voluntary network. The position is that the people involved in the Southern Hospice Association, now that the full package has been finally concluded, are very happy with the proposition. However, I do not wish to be diverted. Let me say—

The Hon. C.M. Hill interjecting:

The Hon. J.R. CORNWALL: Talk to the blue rinses in the eastern suburbs about it. That is where all the kerfuffle comes from.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The people in the southern suburbs are perfectly happy, thank you very much.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: With a few people like Legh Davis.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! This is a question on school dental clinics. I fail to see why we are wandering all over the health field.

Members interjecting:

The PRESIDENT: Order! The Minister has the floor.

The Hon. J.R. CORNWALL: The decision to close those six dental clinics was not taken lightly. From memory, they involved a capital saving of $70 000 and a recurrent saving of something in the order of $40 000. It was a decision which I could have taken myself but, because of the potential sensitivity of that decision, I took it to Cabinet. It has full Cabinet ratification and, until such time as somebody sees fit to change that Cabinet ratification, I have no intention whatsoever of reversing my decision.

POPULATION

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in the Council, a question about South Australia's population growth.

Leave granted.

The Hon. L.H. DAVIS: Recently published figures from the Australian Bureau of Statistics indicate that for the year ended 30 June 1987, South Australia's share of net overseas migration was only 4.9 per cent or only 5 095 of an estimated total of 103 659 migrants to Australia who chose to come to South Australia in the 1986-87 financial year. I have examined the Australian Bureau of Statistics migration figures, and I am startled to find that South Australia's share of migration to Australia was the lowest in any year for at least 40 years.

Although South Australia has 8.6 per cent of the nation's population, the fact that it received only 4.9 per cent of the overseas migration in 1986-87 shows that it is falling behind other States in attracting migration to South Australia. Our rate of population growth has consistently been the lowest of any mainland State in recent years. South Australia also has the lowest fertility rate of any State of Australia, and it has the highest percentage of its population over the age of 65. The 30 June 1986 census indicates that 11.7 per cent of our population is over the age of 65 compared with a national average of only 10.6 per cent. Indeed, South Australia has the lowest percentage of its population in each of the age groups 0-4, 5-9 and 10-14 of any Australian State.

The Attorney-General will remember that in September 1982 the then Labor Opposition and the Leader of the Labor Opposition (Mr Bannon) took out full page advertisements in the State's daily papers pointing out that Western Australia's population had surpassed the population in South Australia in that month—September 1982. The Labor Party at that time claimed that population was an important item on the economic agenda, yet the recent Australian Bureau of Statistics data shows that in the past five years Western Australia's population has shot ahead of South Australia's by over 100 000. At 30 June 1987, Western Australia's estimated population was 1 496 100 compared with South Australia's 1 393 800. In fact, in the last financial year, Western Australia's population growth was 2.5 per cent, more than three times the growth rate of .81 per cent in South Australia.

First, does the Government accept the fact that South Australia's share of migration to Australia in 1986-87 was the lowest for at least 40 years, and does that reflect a perception that the South Australian economy is falling behind and that employment opportunities are limited? Secondly, is the Government concerned that South Australia's population growth has been consistently lower than all other Australian States in recent years, given that the Labor Party in 1982, when in Opposition, emphasised that population growth was an important economic indicator?

An honourable member interjecting:

The Hon. L.H. DAVIS: It is your rules that I am playing to, not mine. You said it was important back in 1982.

The Hon. C.J. SUMNER: The answer to the first question is 'No'. The answer to the second question, with respect to concern about population growth, is that the Government, as I have explained before, is attempting to put in place policies which will ensure that the sorts of difficulties which South Australia has had economically are lessened by trying to ensure that the ups and downs of the economic cycles which traditionally have hit South Australia more heavily than Eastern States are smoothed out.

That has been the basic approach that the Government has taken by attempting to diversify the State's economy, by attempting to get a more outward looking approach by people within the State, and by trying to overcome what I believe in the past have been insular and protectionist attitudes that we have had in South Australia and, indeed, in the whole of Australia.

The reality is that we are now part of the Australian market and that Australia is now part of a world market; we must learn to live with that. We can no longer rely on agricultural exports for our wealth. We can no longer rely on mining exports for our wealth. We can no longer rely on traditional manufacturing production in South Australia for our wealth exclusively. The Government has attempted, I believe with some success, to set about what is a long-term project, obviously, of diversification of the South Australian economy. What we are doing in South Australia is what has to be done throughout Australia.

The policies of the Federal Government, with deregulation of the financial system and the floating of the Australian dollar, have been designed to ensure that Australia as a nation does diversify and does get into areas of activity, manufacturing or otherwise, which it can do well and which it can use to create export opportunities.

The Government has been involved in developing an infra-structure for tourism through, for instance, the Formula One Grand Prix and the development of the Adelaide Railway Station and environs with the hotel and convention centre (which, I think, certainly as far as the convention centre is concerned, is the only facility of its kind in Australia and is enjoying considerable success in terms of bookings). That is one area of traditional diversification that South Australia is pursuing, as indeed is the rest of Australia.

We have given considerable attention to the pursuit of specialist high tech industries through the support of Technology Park. We have established a Centre for Manufacturing and, of course, secured, as a result of some pretty heavy bargaining and hard work by the Government, the submarine construction program for this State. All those are examples of what the Government and I see as the long-term objectives for this State.

It is interesting to note that a survey that was done by the Australian Chamber of Manufactures, in a guide for

investors that was recently reported in the *Australian*, indicated, contrary to the doom and gloom that members opposite insist on trying to spread at all possible opportunities, that the disposable household incomes of South Australians rose much faster than in any other State, to wit by 59 per cent. It indicated that South Australia was attracting more than its proportionate share of business and, in its summary of South Australia, it described it as the surprise State and went on to talk about some of the things that I have mentioned, but also the industrial harmony that exists in South Australia compared to the other States. The chamber survey said:

> In terms of total working days lost, South Australia recorded the largest fall between 1981-82 and 1985-86 re-enforcing the State's reputation of having the best labour relations of any State.

The article indicated that as this was coming from an employer body it was fulsome praise indeed. I merely indicate that to the honourable member and the Council to show that, despite the impression that the honourable member wishes to create in Parliament and in public, if he can possibly do it—that is, an impression of doom, gloom and depression—the reality is that the South Australian Government has set in place policies that ought, in time, to produce long-term benefits.

Of course, no-one deludes themselves that the Australian economic situation will be resolved overnight. What we have in South Australia is a situation that we share in common with the rest of Australia. However, there are peculiar problems with this State's economy that have existed, I guess, since its foundation. The Government's long-term objective is to try to diversify and overcome those structural problems that have existed for many years.

Obviously, one of the areas that attention has been given to by the State Government is the area of migration, and the Department of State Development has an active policy of attempting to attract business migration to South Australia. The honourable member pointed out that the fertility rate in South Australia, for whatever reason, is lower than that in other States and that, too, has an effect on population growth. It is easy for members of the Opposition to attempt to spread an atmosphere of gloom about the community. I do not believe that that is shared by the community. I believe that the community is prepared to accept and support the Government's initiatives of diversification in getting greater economic activity in our State.

THIRD PARTY INSURANCE

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about compulsory third party bodily injury insurance.

Leave granted.

The Hon. K.T. GRIFFIN: Nearly 12 months ago the Government introduced legislation to limit the cover provided under the Motor Vehicles Act for claims arising under third party bodily injury insurance. That legislation was passed notwithstanding reservations about aspects of it that were expressed by the Opposition. In the legislation the limitations on cover against liability were limited to death or injury arising out of the driving or parking of a vehicle or the vehicle running out of control. It was designed, as I understand it, to deal with some of the more outlandish claims, such as injury arising from the unloading of a stationary vehicle. However, after that nearly 12 months of operation, it is clear that it does have a much wider ranging impact.

A number of inquiries have been received by me about the changes, drawing attention to the fact that a vehicle owner or driver may now be sued and forced into bankruptcy in some instances and a seriously injured person, on the other hand, may be unable to recover compensation from a person without adequate assets who is outside the cover provided under the Motor Vehicles Act. One constituent has said his son was riding along a busy main road on his pushbike when a car door was opened and the cyclist was unable to avoid hitting it. Fortunately, he sustained minor injuries (that is, cuts and bruises and a sore shoulder). However, when a claim was made on third party insurance, the constituent was informed that this sort of accident was not now covered. I think that one can also indicate that if the accident was not covered then the owner or driver of the motor vehicle that was stationary who actually opened the door would have been personally liable and not received the indemnity of any insurance cover.

At the time of the debate on the Bill, the Attorney-General said that some publicity would be given to motorists that their cover is now limited. The Attorney-General has informed me that the publicity was limited to a press release by him and two advertisements by SGIC in the daily papers on 14 and 15 February 1987. Those advertisements dealt with all of the changes in the package of legislation, and at the end was probably the most significant statement, as follows:

> A change in the definition of 'use of a motor vehicle'. Previously, injuries arising from use of a motor vehicle, many of which were more applicable to workers compensation than third party (such as loading or unloading a truck) came within the CTP area. Now, the injury must arise as a result of either the driving of the vehicle, parking the vehicle, or the vehicle running out of control.

There was no effective and easily understood explanation and nothing has gone out with, for example, notices of renewal of motor vehicle registrations as one may have expected in order to draw attention to the desirability of motor vehicle owners ensuring adequate additional insurance cover against the risks that were no longer covered under the Motor Vehicles Act. The matter is of serious concern from the number of inquiries that I have received, and I am sure that the Attorney-General, or at least the SGIC, would have received a similar number. My questions to the Attorney-General are as follows:

1. Does the Government intend to review the limitations placed on motor vehicle third party bodily injury insurance as a result of the experience of the past 12 months?

2. What action will the Government take to ensure that motor vehicle owners and drivers are fully informed of the limited cover available and of the desirability of arranging supplementary insurance?

The Hon. C.J. SUMNER: As the honourable member has indicated, I am aware of the issue that he raises. It has been the subject of correspondence with the Insurance Council of Australia, and has been given some prominence in the press. The Government intends to examine the situation to see whether any legislative amendment is necessary and I intend to discuss with the insurance industry the second question to see what further action can be taken to ensure that people are fully informed of changes to the law and thereby can negotiate additional coverage if necessary. Those actions will be taken during the Christmas break, and, if any amending legislation is indicated, it will be introduced upon the resumption of Parliament.

AUSTRALIAN FAMILY ASSOCIATION

The Hon. R.J. RITSON: I seek leave to make an explanation before asking the Minister of Health a question about the Australian Family Association.

Leave granted.

The Hon. R.J. RITSON: On 12 November in this Chamber the Hon. Dr Cornwall set up a dorothy dixer to answer concerning the Australian Family Association, which had been in correspondence with the Department for Community Welfare to seek the funding of a delegate—

The Hon. Diana Laidlaw: It only wanted $600.

The Hon. R.J. RITSON: —to a conference in Queensland. Yes. The correspondence behind this matter consists of an argument in writing about availability of funds and the date of application. Finally, the department declined the funding because of the lateness of the application, amongst other things, but nowhere is it suggested in that correspondence that the conference is unworthy of funding because of its philosophical content.

In writing to the department the association argued that it had made application as long ago as November last year. I want members to remember that: the association claimed that it had written on 24 November 1986 with details, and listed the guest speakers. Nonetheless, the department claims not to have received that letter and correspondence in July and August, and resolved the matter against the funding for the reasons I have stated.

Something moved the Minister, because he came into this Chamber after it had been accepted that the letter of November last year had been lost and when it had been accepted that the arguments about funding had been lost, and of his own volition launched what was an attack by necessary implication upon the speakers. He began by stating that a Mr B.A. Santamaria, the National President of the Family Association, was to be present. Mr Santamaria is not the National President of that association, and he was not at that conference.

An honourable member interjecting:

The Hon. R.J. RITSON: No, he was not. The Minister then proceeded to list other speakers, such as, Dr Katherine West and Dame Leonie Kramer, and he threw in a gratuitous quip about Mr John Fleming, a defector, and some criticism of the conservative wing of the Catholic church—quite gratuitous. I assure the Council that John Fleming is awaiting an apology.

There are two interesting facts here: the exact sequence of listing of these people appears nowhere in any of the correspondence except the letter dated 24 November 1986, which was supposed to have been lost, but is quite clearly the Minister's basis for answering the question. Furthermore, as I said, Mr B. A. Santamaria was not present—Dr John Santamaria, who is a medical practitioner, was a guest speaker at that conference on the topic of reproductive technology. If Dr Cornwall is going to allow the Freudian bit in his small brain stem that remembers the DLP to bring him into this Chamber with what is, by implication, an attack on the philosophy of these people, all of them eminent people, then I really wonder what the world is coming to.

I ask the Minister what form of particular prejudice caused his eye to read Dr John Santamaria as Mr B.A. Santamaria? I ask him whether, because of his obvious political dislike of the philosophical package of ideas that he listed, he interfered and said 'There will be no grant'. In view of the fact that late application was given as an important reason for refusal, and that the department denied receiving the correspondence of 24 November 1986, why is that letter so obviously the basis of his reply in this Chamber, if it never arrived?

The Hon. J.R. CORNWALL: The letter was not the basis of my reply at all. I had the transcript of at least some of the proceedings and some of the addresses and, if anyone cares to refer to *Hansard*, I read into it some of the more extraordinary statements that were made by Professor William Marshner, professor of theology at Christendom College, Virginia, United States of America.

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order! You have asked your question.

The Hon. J.R. CORNWALL: In that particular publication he was described as 'our president'.

The Hon. R.J. Ritson: Not John Santamaria.

The Hon. J.R. CORNWALL: In that particular publication, which was by and large—

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I have the document. I do not have it in my bag, but I can produce it at any time. In the transcript of these proceedings there was a copy of his address and several other addresses, and Mr B.A. Santamaria was described as 'our president'. Based on its public statements and membership, the Australian Family Association is quite clearly a right-wing organisation, and sits in the right wing of the right wing. I was advised by the department that it did not consider the conference to be one for which we ought to pay the expenses of a delegate.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: I took the department's advice—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I took the department's advice, but let me make one thing very clear: it has never been my practice to give succour to the enemy, and it never will.

The Hon. Diana Laidlaw: But you encourage your friends.

The Hon. J.R. CORNWALL: Indeed you do: you always encourage your friends. This is not kiss-in-the-ring; this is politics.

The Hon. Diana Laidlaw: Playing politics with community welfare funding.

The PRESIDENT: Order! The Hon. Mr Elliott.

COUNTRY FIRE SERVICE

The Hon. M.J. ELLIOTT: I seek leave to make an explanation before asking the Attorney-General, representing the Minister of Emergency Services, questions about the CFS.

Leave granted.

The Hon. M.J. ELLIOTT: Many rumours have been flying around for some time in relation to the CFS, and I think some of the matters need to be aired and clarified. In relation to the checking and defecting of CFS vehicles that occurred recently, a claim was made that one-third of the vehicles broke down on Ash Wednesday 1983. Some people have asked me the question, 'Why on earth did it take four years before they decided to check all the vehicles to find out if there was a problem?' Allegations have been made to me that the defecting had more to do with a document entitled 'The Standards of Fire Cover', which was first produced in the sixth month of 1986. I understand that some fire cover decisions were made as to how many vehicles were needed in different areas, and that it was on the basis of that that some vehicles were defected about 18 months ago.

The Standards of Fire Cover document has never been made public. It has been suggested to me that, when difficulties arose for the CFS when an attempt was made to cut off funding, it should look for an alternative mechanism,

and that the defecting of vehicles mechanism was a handy way to get vehicles off the road in the Hills where, in fact, something like 100 vehicles were proposed to be removed under the Standards of Fire Cover document. Coincidentally, the defecting may have achieved that proposal. A number of matters raised with me relate to equipment bought for the CFS and, in particular, pumping equipment. I believe that those people who have worked in the CFS for some time and have worked with high pressure pumping equipment find it far superior to the low pressure pumping equipment, for a number of reasons that I will not go into now.

I understand that in 1986 the Public Accounts Committee recommended that a technical subcommittee be set up within the CFS—and that was accepted by the Minister. I have been told that the technical subcommittee was never consulted as to what pumping equipment should be placed on vehicles: that is interesting because pumping equipment would be the most important part of a fire service vehicle. On advice given to me the pumps chosen to go on all new CFS vehicles were no cheaper than the alternative, and they were certainly not cheaper than the high pressure equipment that many experienced CFS people claimed should have been used. My questions are as follows:

1. Why did it take until four years after Ash Wednesday to check the roadworthiness of these vehicles?

2. Will the Minister immediately release the Standards of Fire Cover document?

3. Why was the CFS technical subcommittee bypassed in consideration of suitable pumping equipment for CFS vehicles?

4. Who made the recommendations upon which the Government Supply Board made its tender decisions?

The Hon. C.J. SUMNER: I will refer the honourable member's questions to my colleague in another place and bring down a reply.

RYE GRASS TOXICITY

The Hon. PETER DUNN: I seek leave to make an explanation before asking the Minister of Health, representing the Minister of Agriculture, a question about rye grass toxicity?

Leave granted.

The Hon. PETER DUNN: It was reported recently in the *Stock Journal* that a property had lost more than 200 sheep as a result of one outbreak of rye grass toxicity (RGT). I point out that such a loss would be valued at about $4 000. RGT is widespread and is increasing in this State, and occurs in all areas that have annual rye grass as a pasture plant. All herbivores are at risk, particularly sheep and cattle, and more of these animals are dying each year, and they die very rapidly. One cannot detect visually when an animal will die from this disease or whether it even has the disease until it is disturbed, driven or excited in some way. It then dies very rapidly causing huge economic losses, as Western Australia will testify.

In South Australia I believe that only one person is doing research on this disease—Dr Alan McKay. He is the only specialist working in this area within the Department of Agriculture. My questions are as follows:

1. What action has the Minister of Agriculture and the department taken to overcome this problem?

2. Does the Minister intend to allocate more resources to this problem in the near future?

The Hon. J.R. CORNWALL: I shall be pleased to refer those questions to my colleague in another place and bring down a reply.

COALESCENCE

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister of Community Welfare a question on coalescence or amalgamation.

The Hon. R.I. Lucas: Or whatever it is called this week.

The Hon. DIANA LAIDLAW: Yes, whatever it is. I must admit that I did not quite know how to address this topic.

Leave granted.

The Hon. J.R. Cornwall: Have you read the committee's statement?

The Hon. DIANA LAIDLAW: No, I have requested copies from the department but have not yet received them. So it is difficult to read it, if I have not been provided with a copy. I refer to a paper released last Sunday entitled 'Health and Welfare, working together—Options for the future'. The paper canvasses options for the physical integration of Health Commission and DCW staff, and I understand it outlines three preferred options: a continuation of the coalescence program for the voluntary coordination of health and welfare agencies at all levels; a boosted coalescence program by appointing five regional coordinators to work full time on developing integrated programs; or full amalgamation of the South Australian Health Commission and the Department for Community Welfare.

In an *Advertiser* article the following day the Minister stated that he preferred the third option, which is full amalgamation. However, in the same article the Minister conceded that, 'there is no point in us going further down that track unless there is going to be even better services'. However, the three preferred options do not include the *status quo* as an alternative; and nowhere, I understand from one person to whom I have spoken who is familiar with the paper, is this option canvassed. It would appear that the Minister has already made up his mind that South Australia is to gain the dubious distinction of being the first State in Australia to combine its health and welfare sectors at a time when similar approaches that have been tried elsewhere in the world have been rejected; and elsewhere in Australia we have a situation—for instance, in the Commonwealth and Victorian Parliaments—where the community welfare sector is being strengthened by transferring responsibilities to community welfare from health.

Will the Minister confirm whether the proposed consultation program will be confined to the three preferred options and, noting that the Minister's preferred option is for full amalgamation, has he closed his mind to any argument that the process of coalescence or amalgamation (or whatever it is now called) should not proceed further? I also raise a second question because it has been raised with me in the past two days; that is, will the Minister define what he means by 'consultation' so that all who are concerned or involved in the community welfare/health sector can be confident that the process of consultation will not be a farce?

The Hon. J.R. CORNWALL: The answer to the honourable member's first question is 'No'; the answer to the second question is 'No'; and the answer to the third question is that the consultation process has been clearly spelt out.

The Hon. Diana Laidlaw: I didn't ask that.

The Hon. J.R. CORNWALL: You did. You asked whether or not it is confined to the three options—the answer is 'No'. As to whether or not I have a closed mind, the answer is 'No'. As to whether I will define what consultation involves: that is clearly spelt out in the Green Paper. I suggest that the honourable member obtains a copy of the green paper from either the Health Commission or the department.

BUS AIR-CONDITIONING

The Hon. J.C. BURDETT: Has the Minister of Health, representing the Minister of Transport, a reply to the question I asked on 5 November about bus air-conditioning?

The Hon. J.R. CORNWALL: The reply is as follows:

1. Samples of water from operating units are taken weekly. The water is then tested by the Institute of Medical and Veterinary Science and results advised to S.T.A. The objectives of the tests are to:

(a) identify the presence of legionella bacteria as soon as it appears,

(b) confirm that treatment if the water is effective,

(c) determine an optimum treatment pattern.

2. The tests are conducted by the S.T.A. in conjunction with the South Australian Health Commission and Institute of Medical and Veterinary Science.

3. Evaporative coolers in 272 buses with the most modern units were put into service on 10 November 1987. The blowers of all remaining buses will be used to provide forced ventilation only.

4. Buses currently being delivered to S.T.A. are equipped with the latest development of the evaporative cooler unit. These units operate in an effective and efficient manner. Only this type of cooler will be operated at this time.

5. The super trains are equipped with refrigerative type air-conditioning. There is no danger from legionella bacteria when using the equipment in service on these railcars.

RADIOACTIVE HERBS AND SPICES

The Hon. T.G. ROBERTS: Has the Minister of Health, representing the Minister of Agriculture, a reply to the question that I asked on 10 September about radioactive herbs and spices?

The Hon. J.R. CORNWALL: The reply is as follows:

1. The sale of goods for consumption by man that have been either intentionally of accidentally exposed to ionising radiation is currently not permitted in South Australia. However, in the light of the Commonwealth screening program at the point of entry, it is not considered necessary or efficient to carry out random checks of food at retail level for radiation.

2. There is insufficient evidence to support the replacement of products grown in affected parts of Europe on this basis of health risks. Australia imported 1 551 tonnes of herbs and spices in the year to June 1987, worth $6.49 million (value for duty). This is not a large amount, as herbs and spices are only used in small quantities and Australia is a small market. As well, the wide range of different types of herbs and spices involved means that Australia's import requirements for particular types are relatively small.

Individual Australian farmers are producing particular herbs and spices such as coriander, fennel, fenugreek and cumin. However, the small Australian market can be easily oversupplied with a particular herb or spice. Thus any substantial industry has to be based on export markets rather than import replacement.

In this regard, South Australia has been particularly successful with the export of 3 063 tonnes of coriander in 1986-87 worth $1.98 million. The S.A. Seedgrowers Cooperative has been a major impetus behind this export effort. I congratulate it on its success.

FLINDERS CHASE NATIONAL PARK

The Hon. I. GILFILLAN: Has the Minister of Health, representing the Minister for Environment and Planning, a reply to my question of 3 November about Flinders Chase National Park?

The Hon. J.R. CORNWALL: The reply is as follows:

1. No. Any facilities will be provided as part of a lease issued under section 35 of the National Parks and Wildlife Act.

2. The area will not be alienated from national park purposes.

3. Conceptual proposals only are being sought. No decisions will be made until public comment is received on a final detailed proposal (including environmental impact) that may be submitted.

4. The Conservation Council will have full opportunity for comment in the event of a firm proposal coming forward for detailed consideration.

BICYCLE SAFETY

The Hon. I. GILFILLAN: Has the Minister of Health a reply to the question that I asked on 21 October about bicycle safety?

The Hon. J.R. CORNWALL: The Minister of Transport shares your concerns for bicycle safety. Since 1985 this Government has been involved in the promotion of helmets which are considered to be the most effective injury prevention measure for cyclists. The effectiveness of these efforts are indicated in the helmet wearing trends. Since October 1984, that rate of helmet wearing amongst commuters has increased from around 3 per cent to 40 per cent in September 1987. Helmet wearing in children has also increased from around 3 per cent to 15 per cent over the same period. It has been predicted that universal helmet wearing in South Australia would save nine fatalities and some 200 injuries per year. Unfortunately, the Minister of Transport does not necessarily agree that all of your proposals would result in increased safety to cyclists and other road users.

Proposal 1: Box Turn

The advisability of the 'box turn' whilst contained in the national code is the subject of debate at a national level through the Road User Trauma Advisory Committee. The Minister of Transport will await the outcome of these considerations before considering the need to introduce the 'box turn'.

Proposal 2: Dual use of Footpaths

Shared use of footpaths is also contentious and has met with criticism from a number of areas. Unfortunately there is little evidence to demonstrate the effect of allowing cyclists on footpaths. To overcome this problem the Road Safety Division has commissioned a consultant to advise on the design of a suitable study for assessing the net road safety benefit of such a proposal.

Proposal 3: Bicycle Equipment Standards

As you may be aware, a standard for bicycle lighting is currently in preparation. The Minister of Transport is aware that the British standard is being closely considered. As enforcement is a critical component of proposal 3 *(b)*, the Minister of Transport has referred this proposal to the Minister for Emergency Services for comment.

The majority of new bicycles available for sale in South Australia have pedal, spoke, front and rear reflectors as you recommend. Many popular bicycles also have front and

rear brakes. Consequently, the Minister of Transport does not consider that it is necessary to legislate on these matters.
Proposal 4: 40 km/h Speed Limit on Residential Streets.

Experience indicates that the imposition of speed limits less than 60 km/h on residential streets by speed restriction signs alone is ineffective. However, the utilisation of physical speed reducing devices and speed restriction signs on an area-wide basis has been found to be effective in lowering operating speeds.

The procedure is a natural extension of the residential street management exercise that was recently completed by the Department of Transport, and it is anticipated that the Traffic Management Branch of the Road Safety Division will soon be investigating such an approach in conjunction with local councils. The foregoing information has been forwarded to the President of the Cyclist Protection Association.

VEHICLE REREGISTRATION

The Hon. PETER DUNN: Has the Minister of Health a reply to the question I asked on 15 October about vehicle reregistration?

The Hon. J.R. CORNWALL: Any costs involved in amending vehicle and ownership records are similar, regardless of the type of vehicle, the period of registration, or whether or not a concession on the registration fee is granted. The registration establishment fee applies both to vehicles on which registration has lapsed and a different owner is applying for registration, and those where the registration has lapsed for a period in excess of 30 days and the same owner is applying to renew the registration.

In both cases, clerical and computer processing time is needed to amend the records and the establishment fee was prescribed to offset these costs. The Minister of Transport believes this charge is a more acceptable alternative than the method adopted in some other States where a full registration fee is payable and the registration is backdated to the previous expiry date, regardless of when the renewal payment is made or of the registration period remaining.

FOOD ACT

The Hon. M.B. CAMERON: Has the Minister of Health a reply to my question of 15 October regarding the Food Act?

The Hon. J.R. CORNWALL:

1. The matter of recovery of fines and fees by local government authorities in respect of prosecutions undertaken by them is being addressed in amendments to the Local Government Act that currently are being prepared. It is proposed that councils will be entitled to recover penalties so imposed in respect of prosecutions undertaken by them under any legislation that they administer.

2. On the proclamation of the Food Act 10.3 staff, including 3.3 clerical staff transferred from the Metropolitan County Board to the Health Commission. This number did not include one health surveyor who, on transferring, was granted leave without pay to take up another appointment, and another health surveyor on workers compensation at the time of transfer.

3. The annual report on the administration of the Food Act to be tabled shortly in Parliament shows that in the year ended 30 June 1987, 2 094 food samples were taken for chemical analysis or microbiological examination. Of that total, 1 898 were trial samples for monitoring purposes and 196 were official samples. Of the official samples, 50 were determined to not comply with prescribed standards, resulting in 35 warnings and legal action in the remaining 15 cases.

RURAL INTEREST RATES

The Hon. PETER DUNN: Has the Minister of Health a reply to my question of 21 October about rural interest rates?

The Hon. J.R. CORNWALL: The possibility of an interest rate subsidy scheme has been considered in South Australia under provisions of the Rural Adjustment Scheme. States are provided with two options under the scheme. The first is to apply Commonwealth allocations of funds as a direct subsidy against farmers commercial borrowing costs. The second is for the State to borrow funds for on lending to farmers and to use Commonwealth funds to subsidise State borrowings.

The second option has been used in South Australia since 1985-86. This has allowed the State to borrow $48 million for on lending to farmers bearing an initial interest rate of 10 per cent per annum. Commonwealth and State funds are not currently available to introduce an interest rate subsidy scheme. Negotiations are currently being carried out with the Commonwealth in an effort to obtain additional Commonwealth support during 1987-88.

MARKET RESEARCH

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Health a question about market research and related matters.

Leave granted.

The Hon. R.I. LUCAS: Ms President, members will be aware that the last annual report of the Government Management Board made a reference to market research, and I want to quote from that report, as follows:

> The board has argued for testing the public acceptability of the standard of service provided by Government agencies. The Government intends during 1987-88 to replace some of the *ad hoc* consumer surveys carried out by individual agencies with a survey program conducted by a reputable market research firm. The board's role will be to provide a framework for the identification of subject areas, and to ensure that the results are correctly interpreted and acted upon.

Further to that, members will be aware that on 24 October the Adelaide *Advertiser*—surprise, surprise—carried the story that the Bannon Government had appointed the Labor Party public opinion poll firm ANOP—Mr Rod Cameron's firm—to carry out all Government research. The Minister of Health will be familiar with the work of Mr Cameron and ANOP, given his previous experience with ANOP and the conducting of Labor Party market research through the Health Commission budget. Therefore, my questions to the Minister of Health are:

1. Was the Minister consulted with respect to this decision and did the Minister support the proposal to centralise all market research?

2. Will the Health Commission be paying a proportion of its market research budget to underwrite the cost of the Government Management Board survey to be done by ANOP? If the answer is 'Yes', how much underwriting will be done by the Health Commission in 1987 and 1988?

3. What will the market research budget of the Health Commission be in 1987-88 and what is the comparative figure for 1986-87 (the Minister might like to take this question on notice)?

The Hon. J.R. CORNWALL: First, let me say with respect to the gratuitous remarks of the Hon. Mr Lucas that an independent board or panel was established, expressions of interest were called nationally from various organisations and companies that were experienced in the field. A short list was prepared and, although I cannot recall the details of all the companies involved, there were certainly a number of them. ANOP in its submission and interview with the independent panel was awarded the Government contract completely on merit. No-one has seriously contested that, nor could they.

As to whether I was specifically consulted—if that means whether the Premier talked to me for an hour as to what might be the best way of going about it or whether the Chief Executive Officer of the Department of Premier and Cabinet sought audience with me to draw on my vast experience and so forth—the answer is 'No'. I was not consulted at any stage.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Obviously, as a member of Cabinet I was aware of the generality of the proposition and certainly, like every other member of Cabinet, I was apprised of the decision and the scrupulous procedures that had been followed in allocating the contract. As to whether I support the decision, yes, I most certainly do. I think that if any Government wishes to stay in touch with the people and with public thinking, it is absolutely imperative that market research be done on a regular basis. There is no point in putting up the wet finger into the breeze to find out what you think people are requiring, any more than it is acceptable for Governments or departments to be paternalistic in deciding, as has been the case on many occasions in the past, that they know best—that the professionals know best what communities need. One of the reasons for using intelligent market research is to ascertain the real needs of the community.

One of the reasons for our proposal to set up district health and welfare councils is to consult widely with local communities and to have them tell us, as we did, for example, in establishing the Dale Street Women's Health Centre, what the real needs of the women in that area were *vis-a-vis* what the professionals might have thought they were. So, that is really all about good government.

As to any requirement to underwrite costs, I cannot comment specifically on that, nor on what the particular budget is. However, regarding all the proposals to conduct market research, whether it is about trying to get a window onto the street scene with illicit drug use, for example, there is a proposal at the moment that I believe has gone to be assessed. That is just one example of a number that will be forthcoming from the commission as well as from many other agencies during the year. That is currently being assessed, but they will all be approved centrally. It is a formal and very proper process.

As to what the cost might be to the Health Commission directly or indirectly, at this stage I could not answer that accurately, but I would be very pleased to take that question on notice and write to the member during the break.

The Hon. R.I. LUCAS: I desire to ask a supplementary question. Will the Minister prevail upon Mr Cameron to pop in a freebie on top of the Government's research to see how many people like him?

The Hon. J.R. CORNWALL: That is a silly question, and I do not deign to dignify it with a response.

KINDERGARTENS AND CHILD PARENT CENTRES

The Hon. M.J. ELLIOTT: I seek leave to make a brief statement before asking the Minister of Tourism a question about kindergartens and child parent centres.

Leave granted.

The Hon. M.J. ELLIOTT: In response to questions that I asked earlier this year, I was told that the number of children attending CPCs and kindergartens had increased by 700 on last year, while the number of staff had been reduced by 11. In the last four or five days I have had quite a few kindergartens approach me about cut backs that they have had in staffing. In asking the Minister the following questions, I hope that she will be able to provide me with the answer in a couple of days, as they are simple questions:

1. What number of children are anticipated to begin in kindergartens and CPCs next year?

2. What will happen to the number of staff as compared to this year?

The Hon. BARBARA WIESE: I shall be happy to refer those questions to the Minister of Children's Services in another place and bring back a reply.

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 November. Page 2052.)

The Hon. K.T. GRIFFIN: This is a controversial Bill, which is really designed to try to provide a way of overcoming difficulties that have been experienced arising from the Minister of Housing and Construction in January this year making a public statement that the Government would make available from the Residential Tenancies Fund $1.4 million for projects under the International Year of Shelter for the Homeless.

A few weeks ago the Minister of Housing and Construction was asked whether he had consulted with the Attorney-General, who, as Minister of Consumer Affairs, has the responsibility for the administration of the Residential Tenancies Act and whether the Attorney-General had been consulted and had approved the use of that money for that purpose. The Minister of Housing and Construction said in the other place that he had consulted with the Attorney-General about that matter. However, the Attorney-General in this place, when asked a question in that regard, said that he had not been consulted, so someone is not telling the truth. I suspect that the Minister in the other place, who has no responsibility for the administration of this Act, was trying to cover his tracks and had decided that he would assert that he had had some consultation with the Attorney-General to try to get the bunny off his own back.

It was surprising that in January this year the Minister of Housing and Construction, who has no responsibility for the Residential Tenancies Act at all, should say that the income from the fund was to be used for this purpose. The Residential Tenancies Fund comprises bond money, which is paid by tenants through landlords to be held, in effect, on trust, and it depends very much on the state of the premises and the state of a tenant's payment of rent whether or not at any time in the future that bond will be called upon to meet arrears of rent if the tenant departs or part of the cost of repairing damage that may have been caused to the landlord's premises.

The fund also comprises moneys received by way of income, and in the 1986-87 financial year income to the fund amounted to $2.298 million, compared with $1.931 million in the previous financial year. In the last financial year income of $1.604 million was paid to Treasury for administration costs, that is, the cost of administering the Act, compared with $1.072 million in the previous year.

In the last financial year the administration costs jumped by more than 50 per cent, and that was then paid into consolidated revenue. Very little was paid out by way of compensation for damages or arrears of rent. Very little other income was received; I believe that a small amount was received from the sale of abandoned goods. It is in those circumstances that the Government has introduced this Bill to seek to broaden the Minister's power to approve the payment of funds to particular projects upon the recommendation of the Residential Tenancies Tribunal.

It is on that basis also that some doubt has been cast as to the scope of present section 86 and whether the Minister can in fact approve payment to three projects that have been approved so far for the International Year of Shelter for the Homeless. I must say that the money in the Residential Tenancies Fund is not Government money; it is essentially tenants' money upon which landlords may have some claim in the future for arrears of rent or damages. However, very little money is paid out to meet arrears of rent and very little money is paid to landlords to compensate for damage to premises, even where the damage has been caused during a period when the Residential Tenancies Tribunal has given tenants an extension of time to stay in premises, and even when that extension is given no rent is paid.

In those circumstances, very little money goes to landlords; it is essentially tenants' money, not Government money. Although there is a provision to allow the cost of administering the Act to be appropriated from the fund, the other bases upon which money can be used are very limited. Section 86 provides:

> Any income derived from the investment of the fund under this Act may be applied—
>
> *(a)* in such circumstances and subject to such conditions as may be prescribed, towards compensating landlords under residential tenancy agreements in respect of damage caused to premises by children whom the landlords were required by this Act to permit to live on the premises;
>
> *(b)* in such circumstances and subject to such conditions as may be prescribed, towards compensating landlords under residential tenancy agreements in respect of damage caused to premises by tenants or persons (including children) permitted on premises by tenants;
>
> *(c)* towards the costs of administering this Act;
>
> or
>
> *(d)* for the benefit of landlords or tenants in such other manner as the Minister, on the recommendation of the tribunal, may approve.

Members can see that some fairly strict limits are placed on the way in which the income may be used. Quite obviously, I would have argued that the money was not available for the sorts of project that the Government has approved for the International Year of Shelter for the Homeless. That is a very worthy objective, but the objective does not necessarily justify the means by which it is reached or the funds that might be used. The Attorney-General in an interview on the Philip Satchell show on 12 November admitted that there were some legal difficulties that might require legislation to enable the Government's objectives in financing projects for the International Year of Shelter for the Homeless to be met. As a result of those considerations, the Bill comes before us.

I do not believe that in principle we can say that the money in the Residential Tenancies Fund should be or could be paid towards these projects. No matter how worthwhile the objective, the legal constraints of the fund do not allow the income to be used for those purposes. On the other hand, as I have said, the objective is worthwhile.

The Liberal Opposition is prepared to support the second reading to enable more limited amendment to the Bill that will, on a once-off basis for 1987, allow the Residential Tenancies Tribunal to recommend that the Minister approve payments of amounts that in aggregate do not exceed $400 000 to the three projects that were referred to in the Minister's second reading explanation, and that is that.

However, that support is conditional upon two other amendments. The first is to provide that the income may be applied in payment of interest on bond money at a rate to be prescribed from time to time. It has always seemed to me to be inconsistent that, on the one hand, tenants are required to deposit bonds through landlords and, on the other hand, the income that is earned on those bonds does not belong to them.

The Hon. C.J. Sumner: To whom?

The Hon. K.T. GRIFFIN: To the tenants. All I am saying is that there should be a specific power for interest to be paid on bonds at a rate to be prescribed. I know that that will mean that the Government of the day need not prescribe a rate and that that is therefore not effective. On the other hand, however, I think the principle needs to be recognised.

Even if the interest is at a low rate to accommodate the cost of administering the fund and other liabilities properly incurred on the fund, nevertheless that is still something more that tenants might expect than they get at present. We talk about pressure on tenants and the concerns about tenants and yet, for some of them, the deposit of $400 or $500 by way of bond money which is not earning any income at all is, I think, a hardship which they ought not be required to suffer. Any interest which might be paid on the bond would certainly go to alleviating their difficult financial circumstances.

The other amendment which I will be proposing, which is as yet to be drafted—so we will perhaps have to report progress during the Committee but we will still consider it today, I hope—is that there ought to be a more flexible provision which will enable landlords to be more readily compensated for arrears of rent and for damage to premises where they can demonstrate to the Residential Tenancies Tribunal that they have taken reasonable steps to pursue a defaulting tenant and to recover from the defaulting tenant. The information I have at the moment (and it is quite clear from the Auditor-General's Report on the residential tenancies fund) is that very little at all is awarded to landlords by the Residential Tenancies Tribunal to compensate for damage, even, as I said earlier, in circumstances where the Residential Tenancies Tribunal gives a defaulting tenant further time to find alternative premises; even though the defaulting tenant does not pay any more rent and remains in arrears; and even though that tenant may damage the premises in the time during which the Residential Tenancies Tribunal has allowed the defaulting tenant to remain in those premises. Even in those circumstances, very little sympathy is shown for the landlords. I think it is time that their right to recover some form of compensation from the fund ought to be recognised.

I know that the Attorney-General and others say that that is a normal cost of being in business and for making premises available for rental purposes. However, I would not, with respect, regard that as a satisfactory answer to the very real problem which many landlords are experiencing where, no matter how reasonable their approach to the Residential

Tenancies Tribunal might be, and no matter what steps they have taken to pursue a defaulting tenant and pursue recovery action, they cannot get any joy from the Residential Tenancies Tribunal which, in effect, says that you almost have to be destitute before you can get anything out of the fund.

That was never the intention of the residential tenancies fund. It was always intended that there would be some opportunity for landlords to be compensated in those circumstances where they had made reasonable attempts to recover and that those reasonable attempts had not borne fruit. If it is good enough for the bond money in certain circumstances to be paid over, and in circumstances where it may only meet portion of the arrears of rent or the cost of repairing damaged premises, it is good enough then to ensure that there is at least an opportunity for the landlord who suffers that loss or damage to make an application to the Residential Tenancies Tribunal.

That will require an amendment to section 86 of the Act. Subject to that amendment being carried and the amendment relating to interest at a rate to be prescribed also being carried, we are prepared to support a limited provision which makes up to $400 000 maximum in aggregate available under the sorts of strict supervision referred to in the Minister's second reading explanation to the three projects so far approved for the International Year of Shelter for the Homeless. If our amendments on those other two matters are not accepted, we will have no alternative but to adhere to the strict principle of the legislation and say that no moneys ought to be made available from income which is essentially that derived from tenants' money and on projects which are not strictly within the terms and conditions of section 86, and we will have to oppose the third reading of the Bill.

We would regret having to do that, because the projects which have been approved are worthwhile and desirable of community support, but it is not for this fund to be used as a milking cow for the payment of moneys to satisfy rather hasty and ill-considered promises made by the Minister of Housing and Construction in January of this year, obviously without any proper consultation or any consideration of the provisions of section 86 of the Residential Tenancies Act. Subject to those matters, the Opposition will support the second reading.

The Hon. C.J. SUMNER (Attorney-General): The support for the second reading from the Hon. Mr Griffin and the Opposition is, as he said, subject to certain matters that he has raised. The matters that he raised place qualifications on his support which make that support virtually of no effect. The honourable member has, on the one hand, conceded that the objective of using these funds for housing projects for the International Year of Shelter for the Homeless is reasonable. I would have thought that, having got to that point, he would be a little more enthusiastic in his support for the measure.

I have said, and I say now, that there have been some legal difficulties raised with respect to the power of the Residential Tenancies Tribunal to make recommendations to the Minister for these projects within the terms of the existing Act. However, I would point out that the Residential Tenancies Tribunal has delivered an opinion recommending to the Minister that the first three projects, $400 000-worth, should proceed. So, the tribunal and I believe prior to that, the Commissioner for Consumer Affairs and others advising on this matter were not under any doubt that this recommendation made by the Residential Tenancies Tribunal was proper. So, we have a recommendation from the Residential Tenancies Tribunal to the Minister to approve these payments. However, it is fair to say (and, as the honourable member points out, I did indicate this on the Philip Satchell radio program), that some queries were raised by the Crown Solicitor whether the recommendations made by the Residential Tenancies Tribunal were within the power of that tribunal.

In the light of those concerns I brought this legislation into the Parliament. I repeat that the Residential Tenancies Tribunal has considered the issue and has made the recommendations to the Minister, believing that those recommendations were within the power that exists in the Act at present.

The Hon. Mr Griffin has said that, while believing that these are reasonable objectives, he does not believe in the principle that these funds should be used for these purposes. The question that must be answered by those who oppose the use of surplus funds for such things as these housing projects is what would they have us do with the substantial amount of bond money currently in the Residential Tenancies Fund—some $13 million. Would they prefer it to be invested badly so that it did not accumulate a surplus, or do they have some alternatives as to what should happen to the surplus that is produced as a result of this investment?

If one goes back to the history of the legislation, one will see that the shadow Attorney-General's Government in 1981 decided that the interest should be used to fund the administration of the Act, and when it introduced that legislation there was no suggestion that the propositions that the honourable member is now putting forward should be seriously considered. I believe that the point needs emphasising, that this is tenants' money essentially—it is money paid by tenants and invested.

A number of uses of the money have been referred to, and they are in the Act now, including the use of the surplus funds to provide for the cost of running the residential tenancies scheme—and the honourable member opposite supports that. I believe that it is also worth mentioning that when this Act has come before the Parliament on previous occasions this issue of whether any surplus funds should be used for low cost or welfare housing was addressed. It is interesting to note that on 21 February 1978, when it was introduced and debated in the House of Assembly, Mr Stan Evans—

The Hon. R.I. Lucas: Ten years ago!

The Hon. C.J. SUMNER: Maybe. At that time there was a move to restrict the Minister's capacity to deal with these funds, and Mr Evans, after going on to say that he felt that the money should be used for the benefit of landlords or tenants, said that the original proposition in the Bill was too wide a power, but then in pursuit of his amendment said:

> The Minister may say later that he wishes to provide welfare housing. That opportunity would still be there.

Mr Stan Evans, when moving an amendment to restrict the Minister's capacity in 1978, specifically left open the question of a surplus in the fund being used for welfare housing when certain other things were done.

The Hon. R.I. Lucas: He is not in our Party.

The Hon. C.J. SUMNER: That is quite right, but he was the official spokesman at the time. When talking to the amendment that he moved at the time he said that the opportunity for welfare housing would still be there. In the same debate Mr Evans further said:

> If we do that and still have a reserve in the fund—

that is, if we use the money for other purposes such as compensating landlords and the like—

I would have no qualms that the reserve should be used for welfare housing.

That is the Liberal official spokesman in the House of Assembly in 1978. In 1981, when this Act was before the Parliament for further consideration, I asked questions about the use of income from the fund. I asked whether it could be used to fund initiatives in low income housing, particularly initiatives from housing consumer groups operating on a non-profit basis. The Hon. Mr Burdett, then the Minister, said:

At present the Act provides that this income can be used to compensate landlords for damage to premises caused by tenants or their families or guests, towards the costs of administering the fund and for the benefit of landlords or tenants in such other manner as the Minister on the recommendation of the tribunal may approve. On this final ground, the income could be applied—

and this is important for the Hon. Mr Griffin and indeed for the Hon. Mr Gilfillan to listen to—what the Hon. Mr Burdett said about the capacity of this fund in 1981—

The Hon. I. Gilfillan: Has this history got anything to do with it?

The Hon. C.J. SUMNER: It has, because it indicates the intentions at the time. He said:

On this final ground the income could be applied as Mr Sumner suggests.

That is, for low income housing. So, Mr Burdett conceded at that time that the existing legislation provided the capactiy for the surplus in the fund to be used for low income housing, just as Mr Stan Evans had done in 1978.

The Hon. R.I. Lucas: But you disagree with that.

The Hon. C.J. SUMNER: No, I don't disagree with it.

The Hon. R.I. Lucas: Didn't you say legal opinion said that there was a problem.

The Hon. C.J. SUMNER: I don't disagree with it. I said that some legal problems have been raised with it.

The Hon. R.I. Lucas: You must disagree if you are bringing legislation in.

The Hon. C.J. SUMNER: I don't disagree with it.

The Hon. R.I. Lucas: You can't have your cake and eat it too.

The Hon. C.J. SUMNER: Well, I can. I can say there is doubt about it, and that is why the legislation has been introduced. Mr Burdett went on to say:

However, interested parties must first apply to the tribunal which may then recommend suitable projects to the Minister.

On the two occasions that the Act was previously before the Parliament, in 1978 and in 1981, the official Liberal spokesmen (Mr Stan Evans in 1978, and then Mr Burdett) both conceded that the surplus in the fund under the legislation could be used for the purposes of low cost housing.

Given the history of that, I think that it is difficult to see the basis for the Hon. Mr Griffin's opposition. All I can say about his amendments is that he is simultaneously attempting to keep every group that has an interest in this matter happy. He is trying to keep the IYSH people happy, and the people who support the use of the money for these projects, by providing that up to $400 000 is all right. Secondly, he is trying to keep the tenants happy by saying that the interest that is earned on the bond money can be paid back to the tenants. Thirdly, he is trying—

The Hon. R.I. Lucas: What's wrong with keeping people happy?

The Hon. C.J. SUMNER: The problem is that he can't keep them all happy. Thirdly, he is trying to keep the landlords happy by providing them with greater compensation. Unfortunately, those three objectives are mutually incompatible.

The Hon. K.T. Griffin: They are not.

The Hon. C.J. SUMNER: Well, if you decide to help the tenants and provide an interest rate that is basically the interest rate that the fund earns—

The Hon. K.T. Griffin: I didn't say that.

The Hon. C.J. SUMNER: Well, you could—

The Hon. K.T. Griffin: But I didn't say that that was the way.

The Hon. C.J. SUMNER: All right—then the money all goes back to the tenants and you don't have anything for the landlords or for the administration of the fund, which was your objective in 1981 when you introduced the Bill—

The Hon. K.T. Griffin: I didn't introduce it.

The Hon. C.J. SUMNER: Well, the Hon. Mr Burdett introduced it on behalf of the Government, and you were a member of the Government. The Bill was introduced to provide the power for the fund to be used to cover the costs of the administration of the Act. Therefore, even if you took your proposition to pay back the interest to the tenants, that could not be provided for if you went the full way and said the full rate of interest.

The Hon. K.T. Griffin: You're distorting what I said.

The Hon. C.J. SUMNER: I'm not distorting it. Logically, if your amendment is passed, then you can provide that the full amount of the interest goes back to the tenant. You want to keep the landlord happy by providing greater compensation to him and at the same time you want to provide $400 000 to the IYSH projects. It is not possible to give full effect to all those projects and still maintain anything in the fund. My proposition is that this Bill should pass, but before I speak on that I should say that in New South Wales and Victoria similar funds have been established. In New South Wales the Rental Bond Board, after covering its operating costs from the investment of bonds which it holds, generates about $16 million a year which it makes available for a wide range of housing and housing assistance projects and programs.

In Victoria, surplus funds from the guarantee fund maintained by the Estate Agents Board are diverted towards housing assistance and housing education programs through the Department of Housing. It is estimated that about $25 million has been made available in this way over the past three years. So, it is not unusual in other States, nor, I submit, is it unusual in terms of the history of this legislation, for surpluses in this fund to be used for these very worthy purposes.

I suggest that the Bill should pass in its existing form. I note the Hon. Mr Gilfillan's comments and I am prepared to give the Council certain undertakings with respect to the payment of surplus funds for the IYSH projects, such that those payments will be limited to projects that are approved this year. While I accept that there is no difficulty in principle in broadening the sorts of purposes to which the fund can be put, the Hon. Mr Griffin has a problem with it, as does the Hon. Mr Gilfillan, and I am therefore prepared to give an undertaking that the use of these funds for this purpose will apply only to certain IYSH projects approved this year. In fact, that is already in the legislation: it is limited to projects approved this year. I assure the Council that the International Year of Shelter for the Homeless Secretariat will not submit to the Residential Tenancies Tribunal any proposals for allocating funds from the surplus of the residential tenancies fund other than for the projects that I will list.

Proposals inviting the Residential Tenancies Tribunal to consider recommending allocations to these projects have already been forwarded by the IYSH Secretariat on behalf of the organisations identified in the following list. With the exception of item number 1 each proposal seeks a

contribution from the residential tenancies fund to the direct capital costs of constructing the contemplated accommodation. The projects at issue are:

1. For the Division of Housing, Department of Housing and Construction—a research project into the needs of boarders and lodgers.

2. For the City of Noarlunga—a youth boarding house for 16-20 young people.

The Hon. R.I. Lucas: Do you have the individual amounts?

The Hon. C.J. SUMNER: No. I have the total amount, but I can obtain the individual amounts. Project details continue:

3. For the Schizophrenia Fellowship of South Australia—a facility providing semi-independent accommodation, supported by a qualified caregiver, for seven people.

4. For the Salvation Army, Salisbury—addition of three self-contained units to the existing Burlendi Youth Shelter, to provide semi-independent transition accommodation.

5. For the Housing Advisory Council Industry Committee—three projects: to provide emergency accommodation for 10-12 homeless women in the city of Adelaide; to provide accommodation support for homeless young people at Mile End; and to provide boarding-style accommodation for 12 homeless people at premises in Glenelg.

6. For the Hindmarsh Builders Group—a joint project with other local organisations to provide three accommodation units, using alternative building approaches, on the site of the Hindmarsh City Farm.

7. For St Joseph's Mitchell Park—a project to build six further two-bedroom units to add to the existing St Joseph's crisis shelter facilities at Constable Court.

All of these proposals were submitted to the tribunal on the understanding that there was ample power within section 86 *(d)* of the Act for the tribunal to deal with them. Honourable members will be aware that the procedure provided in that paragraph, and duplicated in the present clarifying amendment, is that there can be no disbursement of funds under these headings unless there is a favourable recommendation from the tribunal itself and a subsequent approval by the Minister. On behalf of the Government, I give my undertaking that the Minister (who is, under the present administrative arrangements, me) will not approve payment out of the residential tenancies fund under the powers in the amendment for any capital works of a housing nature other than the projects identified in the list I have just given.

I give a further undertaking that the power to approve funding of other projects in substitution for those on the list is being proposed only as a technical device to avoid arguments about whether a subsequent variation of a project as it develops can be properly characterised as a variation of the original project or should be seen as a different project. The power will only be used, if at all, to deal with adjustments and alterations that are related to the intent and scope of the original proposal as listed. I give a further undertaking that the Minister will not approve funding from the Residential Tenancies Tribunal for the above projects in excess of a total of $1 118 500.

The total cost of those projects is estimated at $1 118 500, and the Government believes that they are worthwhile projects. I think projects 1 and 5 have already been approved by the Residential Tenancies Tribunal and, indeed, by me. The other projects still have to go before the tribunal to be assessed and then approved by the Minister. There is already a procedure in place that will ensure that the matters are dealt with properly.

The undertakings that I give ensure that the only projects that will be considered are those that I have listed, and that the total amount of call on the fund will not exceed the amount of $1 118 500 to which I have referred. I think that is a reasonable compromise between the Government's position, which is that there is no objection in principle to making these funds available for low cost housing or welfare housing, and the position of the Opposition and the Democrats, which is that the money ought not to be for that purpose, although they concede that is a change from the earlier position that the Liberal Party has adopted.

Nevertheless, their present position is that it should not be used for that purpose. While both the Opposition and the Democrats concede that it is a worthy objective, my proposition is a compromise which enables this amount to be spent on these specific projects in this International Year of Shelter for the Homeless, but allows it to go no further.

Finally, the specific questions raised by the Hon. Mr Griffin about what should happen to the interest for tenants, or the introduction of more flexible provisions to enable landlords to be compensated, may be able to be considered in the future. If the honourable member wishes, I am happy to examine those matters further, but I do not believe that the passage of this Bill should be held up while those issues are addressed, given the nature of the projects that I have indicated the Government wishes to see supported from the residential tenancies fund.

Bill read a second time.

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 1936.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill which is essentially designed to deal with interest that can be derived and paid to the credit of the Agents Indemnity Fund and to enable a regulation to be made that prescribes an account in the name of an agent approved by the commissioner at a bank or other prescribed financial institution to be the account which may be maintained by the agent or broker in which all trust moneys are placed.

It also seeks to deal with the educational qualifications required for the purpose of licensing as an agent and to enable the Commercial Tribunal to make a common rule as to the educational qualifications acceptable to it. The Commercial Tribunal will have the responsibility for approving particular educational qualifications. That gives more flexibility than is permitted at present, where educational qualifications are prescribed by regulation.

The Opposition has no difficulty with the Bill, although several aspects need to be clarified by the Attorney-General. The first relates to the capacity for the Commissioner for Consumer Affairs to approve an account in the name of the agent at a bank or other prescribed financial institution. The Commissioner may approve the account if he is satisfied that it carries interest at a rate considered satisfactory by the Commissioner. Such account then becomes the trust account of the agent. One of my concerns about that is that there is a potential for the Commissioner for Consumer Affairs to put pressure on banks and financial institutions to increase their interest rates to what the Commissioner may regard as acceptable, thereby playing off one financial institution against another.

This matter was raised during debate on the Legal Practitioners Act some years ago when the then Attorney-General (Hon. Peter Duncan), as I recollect it, sought to provide that trust accounts could be kept by legal practitioners only

with banks that paid an interest rate prescribed or approved by the Commissioner for Consumer Affairs or, I think, the Minister. That provision opened up the prospect of the Government of the day, through the Minister or the Commissioner, bargaining with banks. At that time it was the State Bank that was proposing to pay a high rate of interest: thus every legal practitioner was required to keep his trust account with the State Bank.

I object most strenuously to that sort of objective, although I do not suggest that that is the objective behind this amendment. It is quite clear from the second reading explanation that the Bill is designed to allow greater flexibility in the approval of accounts. However, I would like an undertaking from the Attorney-General that this provision is not to be used to play off one bank against another, and ultimately to prevent some banks from holding trust accounts because they cannot pay a rate of interest that might be different from, say, the State Bank.

I would still want to see agents being able to make a choice as to which bank will hold their trust account. I would have thought that, if a bank said that it could pay only 10 per cent and another said that it could pay 11 per cent, notwithstanding the capacity to play off one bank against another, the difference in banking practice could probably be reasonably accepted as a basis for the differential in the rates that may be paid. In addition, it must be pointed out that the State Bank has a Government guarantee and the Commonwealth Bank has a Commonwealth Government guarantee; and some banks will have more money on deposit through savings accounts than others. So there will be different banking practice and different banking background which will account for different interest rates, and I think that that should be accommodated. I would like the Attorney-General to indicate the extent to which banks will be played off against each other.

The second reading explanation indicates that appropriate guidelines will be set for the Consumer Affairs Commission on the manner in which the negotiations are completed. I would like the Attorney-General to indicate what those guidelines are likely to be. I would also like him to indicate what other financial institutions are likely to be prescribed. Traditionally, banks have held trust moneys. However, I know that building societies, for example, have sought an opportunity to hold trust accounts for lawyers and others. Will the Attorney-General indicate what other financial institutions are either to be prescribed or may be prescribed at some time in the future?

The only other matter relates to educational qualifications. It seems that, with the increased flexibility provided in this Bill, the sort of certainty that the regulation provides will no longer apply. The Australian Institute of Valuers has written to the Commissioner for Consumer Affairs, and has responded to my contact with it, to the effect that it would like to be assured that no existing qualifications will be eliminated or substantially varied.

It would like an undertaking—and I think this is appropriate—that any changes in educational qualifications for valuers—and I would also suggest the Landbrokers Society in relation to brokers and the Real Estate Institute in relation to agents—should be the subject of consultation before application to the Commercial Tribunal; and that there be an undertaking that, prior to application being made to the Commercial Tribunal for a common rule, the relevant industry group is consulted and has an opportunity to make representations to the tribunal on this subject.

I hope that that would be the case because I think it is important that educational qualifications are recognised by not only the Government of the day but also more particularly by the industry itself, because the way in which the industry serves the public depends very much on the extent to which it is motivated by goodwill and is prepared to administer a certain level of its own self-regulation. Subject to those matters being satisfactorily dealt with during the Minister's reply or in Committee, the Opposition would have no difficulty in supporting the Bill.

The Hon. C.J. SUMNER (Attorney-General): Basically, the Hon. Mr Griffin raised two issues. The first deals with the question of the Commercial Tribunal being empowered to set the educational qualifications in lieu of those being prescribed by regulation, which is the procedure in the Act at present. First, it is important to remember in relation to this issue that section 97 of the current Land Agents, Brokers and Valuers Act already allows the Commercial Tribunal the discretion to accept educational qualifications not prescribed by regulation before issuing a licence.

The tribunal needs to be given discretion to accept non-South Australian qualifications, for instance, interstate qualifications if they are comparable to the standard of qualifications set in South Australia and, in fact, already has that discretion and exercises it. Further, the amendments do not alter the qualifications themselves; they simply alter the mechanism by which they are set and in fact enable greater industry input to ensure that the standard is adequate and appropriate for this State.

The proposal that the Commercial Tribunal be given the power to set educational qualifications was taken from the system which operates in the travel industry. This system has operated well and the travel industry has closer input to the qualifications than under a system by which the department sets the regulations. This is because the travel industry is represented on the tribunal, can make submissions to the Commissioner for Consumer Affairs who makes submissions to the tribunal on current qualifications and can make (and does so regularly) direct submissions to the tribunal on the qualifications.

Further, since the tribunal is responsible for applying the licensing criteria it becomes aware more quickly than the department when they become inadequate or produce anomalies. Currently under the Land Agents, Brokers and Valuers Act where such a situation arises, the tribunal must request the department to act to change the regulations. This requires an investigation by the department and then a process to be set in train to draft and gazette new regulations. Meanwhile, an applicant for a licence may be unreasonably denied a licence or registration or an unsuitable applicant required to be given a licence or registration.

For example, the Commercial Tribunal has encountered some difficulties with the qualifications for sales representatives set out in the regulations. The prescribed educational qualification for registration as a sales representative is, *inter alia*, the degree of Bachelor of Applied Science and Property Resource Management awarded by the South Australian Institute of Technology. It has been brought to the tribunal's attention that there are two streams in the Bachelor of Applied Science and Property Resource Management course. One stream is a valuation stream, and the institute has argued that those who complete this stream do not have the qualifications to be registered as salespersons. However, given the terms of the regulations, the tribunal has no discretion to refuse an application if all the other requirements are satisfied and the person has the requisite degree. In such a case, either the regulations must be amended or the course name would have to be changed. If the Commercial Tribunal were setting the educational qualifications it could respond to this situation immediately.

The proposed amendments simply extend the discretion that the tribunal already has in relation to qualifications under existing section 97, I think, to all qualifications and allows the procedure by which qualifications are set to involve greater input from industry and consumers and to respond efficiently to the need to alter them when required. They do not mean that the qualifications in the current regulations will be abandoned. It is envisaged that the tribunal will publish a common rule based on the existing qualifications after proper consultation with and submissions from all interested parties.

The proposed amendments ensure that there will be proper consultation with and input from the relevant industry organisations by requiring the procedure by which the tribunal sets educational qualifications to be prescribed. The amendments also allow the tribunal to publish the qualifications. The questions asked by the Hon. Mr Griffin were raised with the Real Estate Institute and the Australian Institute of Valuers, who expressed some concerns (those which the Hon. Mr Griffin has expressed in his speech), about the amendment to allow the tribunal to set qualifications, and that this may allow different qualifications to those currently set or a lack of industry input in relation to the qualifications that the tribunal sets.

As a result of submissions from those bodies, the original draft of the Bill was revised to ensure that the tribunal could only set qualifications in accordance with procedures prescribed by regulation, and both associations have been advised that the common rule for qualifications set by the tribunal will use the existing qualifications; that they are free to make submissions to the tribunal at any time on what the rule should contain; and that there will be close consultation with them in developing the procedures by which the rule is made. I understand that on this basis both associations have no objection to the Bill in its present form. I am pleased to provide those explanations on the public record for them and for the honourable member.

Regarding the second issue that the Hon. Mr Griffin raised, namely, the policy of the Commissioner with respect to the direction of trust moneys into particular accounts, it may be suggested that the provision gives the Commissioner too wide a discretion to determine the accounts in which agents can keep trust money; or allows the Commissioner to prevent accounts being kept at a particular class of institution, such as banks, if they are unable to offer rates of interests considered acceptable. In response, I state that it is imperative that the indemnity fund be as viable as possible and maximise its income if it is to withstand current claims, future claims and fund other proposals such as educational programs which the real estate industry wishes it to fund. It is not available at present because of the calls on the fund as a result of certain well known and well publicised failures of land brokers. To expand the use of the fund, trust moneys need to attract the best interest rate that financial institutions can offer.

One of the problems with the current fund is that only one rate of interest can be prescribed, and that tends to be at the lower end of the scale because of the need to set a level that most institutions can offer. This deprives the fund of the higher rate that some institutions are prepared to offer and has contributed to the problems of viability of the current fund.

There is no intention to prevent any individual institution or class of institution from holding trust moneys or to unreasonably restrict the type of account in which they can be held. As a safeguard I have already stated that guidelines will be set for the Commissioner for Consumer Affairs on the manner in which the negotiations with financial institutions are completed, including an obligation to keep me as Minister informed of the results of those negotiations.

The amendment proposed is based on similar provisions governing agents' trust accounts in Western Australia and solicitors' trust accounts in Victoria. These provisions have been important in maximising the funds established from the interest on such accounts. Once again, the Real Estate Institute has no objection to this proposal and, indeed, I believe it supports it.

The Hon. K.T. Griffin: What are the principles of the guidelines that you indicate will be set?

The Hon. C.J. SUMNER: They still have to be detailed but, to answer the honourable member's specific questions, I point out that it is not intended that this shall be used to direct or to require all trust accounts to be with the State Bank. The provision will not be used to play one bank off against another. The Commissioner will be responsible but, obviously, subject to the direction of the responsible Minister, and guidelines will be laid down as to how the Commissioner is to exercise his responsibilities in this area. The negotiations will not be conducted in a confrontationist manner and, obviously, as I said, the Minister will be consulted.

I repeat: similar arrangements have apparently operated in Western Australia and Victoria, and have operated quite satisfactorily. The other financial institutions with which negotiations could occur include building societies and, possibly, credit unions, but the extent to which that will occur, of course, depends on the circumstances. The credit unions cannot take trust money, so obviously that is not something which at present would be available, but organisations other than banks that can take trust moneys would be considered for negotiations. I trust that that answers the questions raised by the honourable member.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Entitlement of corporation to licence.'

The Hon. K.T. GRIFFIN: Will the Attorney-General clarify whether my perusal of the many and varied amendments to the principal Act is correct? I understand that this provision will not interfere in any way with the amendment that we made several years ago to enable a company in which husband and wife might be directors to continue to be licensed where one of the directors is licensed as a manager and one may be licensed as a sales person.

The Hon. C.J. SUMNER: Yes, this does not affect that situation.

Clause passed.

Clauses 5 to 7 passed.

Clause 8—'Trust money to be deposited in trust account.'

The Hon. K.T. GRIFFIN: This clause deals with the approval of various accounts in which trust moneys may be deposited. The Attorney-General has indicated some of the things that the guidelines to the Commissioner for Consumer Affairs might incorporate. Will the guidelines be made available publicly when they have been drafted?

The Hon. C.J. SUMNER: This matter has not been given specific consideration; all I can say is that I will consider whether that is appropriate. Personally, I cannot see any objection to the principles that apply being made public, but in discussion I may be persuaded otherwise.

The Hon. K.T. Griffin: I would have thought that, given the commitment to freedom of information—

The Hon. C.J. SUMNER: Quite right. That is my personal view, but one is not always one's own master in these matters.

The Hon. K.T. Griffin: It is a question of who is in control in government.

The Hon. C.J. SUMNER: That is true. Many books have been written about that, and there have been many theories. The honourable member could probably get a doctorate in that area if he decided that he had had enough of politics and returned to academia. Personally, I cannot see any problem. All I am trying to say in a flippant manner is that I would like to consider the matter further but, on the face of it, I cannot see any problem.

The Hon. K.T. GRIFFIN: Will the Attorney notify me (as I have asked the question) when the decision has been taken and, if there is any reason why he is subsequently advised that the guidelines cannot be made available, will he indicate the reason by letter to me?

The Hon. C.J. SUMNER: Yes.

Clause passed.

Remaining clauses (9 to 11) and title passed.

Bill read a third time and passed.

CROWN PROCEEDINGS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 25 November. Page 2048.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill. I suppose it really creates something of a record that the Crown Proceedings Act should be amended so frequently in one year. The amendment passed earlier this year with our support related to proceedings being served on a Minister of the Crown in particular, and a provision that instead of such service, it was deemed to be good service when it was made upon the Crown Solicitor.

This Bill seeks to provide that if the Crown has briefed out a particular matter, and the Crown Solicitor has notified the party on the other side of the name of that solicitor who has been so briefed, that service of proceedings should then be made on those solicitors. It is quite a sensible amendment in the light of the briefing out which may occur from time to time of matters to which the Crown is a party, and I believe that it will facilitate service. It therefore has our support.

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

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 25 November. Page 2049.)

The Hon. K.T. GRIFFIN: The Opposition welcomes this legislation and supports the second reading of the Bill. It seeks to broaden the requirements for brokers and agents to maintain trust accounts and to ensure that any moneys received by a broker or an associated financier are paid into a trust account which is then subject to the audit and other requirements of the Land Agents, Brokers and Valuers Act. Obviously, this legislation has been prompted by the number of significant defaults which have occurred among agents and brokers where they have been acting as finance brokers and have been fiddling the trust accounts and paying money destined for or designated to a trust account, to other accounts. The most recent celebrated case, that of Hodby, which, I gather, is still before the court, quite clearly demonstrated the way moneys were received and adjusted to other accounts when in fact they should have all been paid to the credit of the trust account which was subject to audit. In that instance, I had been critical of the Government because, in Hodby's case, there was no audit report for about 2½ years, yet renewals of the licence to carry on business as a broker were granted.

The Hon. C.J. Sumner: Not renewed, but not cancelled.

The Hon. K.T. GRIFFIN: They were allowed to continue.

The Hon. C.J. Sumner: The system you introduced.

The Hon. K.T. GRIFFIN: There was no surveillance of the trust account or the question whether or not Hodby had had his accounts audited. It may be that, even if they had been audited, either the defaults may not have been so easily detected—although I would be surprised if that were the consequence—or it may not have been possible to remedy a lot of the problems which had occurred prior to the completion of the audit. The fact is that the audits should have been conducted, that moneys paid to Hodby in trust should have been paid to a trust account, and that there should have been adequate surveillance of the trust account.

With the amendments which were passed at the end of last year to establish the agent's indemnity fund and to provide for more extensive audit, and with this Bill, a lot of the difficulties will be overcome. It still requires a diligence on the part of the Department of Public and Consumer Affairs in particular to ensure that, if there is any sign of difficulty, an audit is conducted. One of the advantages of the Legal Practitioners Act system is that there can be spot audits, that the Law Society is very much involved in the administration of the legislation and in the decisions to make audits—spot audits in particular—and for the appointment of managers of practices and trust accounts, and the profession is very much involved in the policing of the requirements of the Legal Practitioners Act for lawyers to keep trust accounts and to have them properly audited and maintained.

Whilst not casting any aspersions on the Department of Public and Consumer Affairs, I would suggest that a higher level of motivation and involvement in the monitoring of agents and brokers in respect of the way they carry on their businesses and the way they keep trust accounts might be achieved if there were a much higher level of involvement of responsible agents and brokers in the administration of the audit provisions of the legislation. While this is not the appropriate place to make more definitive statements about that, I would hope that the department might more effectively involve the agents and brokers in a larger measure of self regulation in the way in which this audit legislation is administered.

As I say, I do not make any criticism of the department in respect of that at present, although I am critical of the system which allowed a lot of the major defaults to occur, leaving a lot of pensioners and older people severely disadvantaged as a result.

The object of the legislation is clearly to overcome to some extent or as much as possible that particular problem, and I give my wholehearted support to it. I sent the Bill to a number of finance brokers and others at the end of last week, and there are still one or two matters I would like to have the opportunity to look at before we pass it through the Committee stage, although I hope that we will be able to do that this evening after I have been able to get out of the Council and make a couple of quick phone calls.

I will raise some questions. I give notice of them now so that the Attorney-General might be able to consider them prior to dealing with them in the Committee stage. The first

question relates to clause 4, which deals with interpretation. The definition of 'associate' provides:

(2) A person is an associate of another if—
(a) they are partners;
(b) one is a spouse, parent or child of the other;
(c) one is a body corporate and the other is a director of the body corporate;
(d) one is a body corporate and the other is a person who has a legal or equitable interest in 5 per cent or more of the share capital of the body corporate;
(e) a chain of relationships can be traced between them under any one or more of the above paragraphs.

Because of the time involved and because of many other legislative pressures that bear down on one at this time of the session, I have not had an opportunity to think through the full consequences of this definition in so far as it may relate to businesses carried on by trusts. Trusts have trustees, either an individual, two or more individuals, or a body corporate. In those circumstances, however, the trustee is not acting in his, her or its own right, but as trustee. In some instances the distinction is blurred and I wonder whether there is some loophole in the definition, since no reference is made to any business which might in fact be carried on by a trust. I would like the Attorney-General to consider that.

I would also like him to consider the definition of 'fiduciary default' which means:

... a defalcation, misappropriation or misapplication of trust money occurring while the money is in the possession or control of:

(a) an agent or an associated financier;
or
(b) a firm of which an agent is a member;

In that context I raise the question as to what is envisaged by the description 'a firm'. I presume that it is a partnership, although I suppose that it may be a joint venture. I think it needs to be appropriately clarified. The definition of 'financial business', provides:

... the business of providing (as principal or agent) loans secured by mortgage over land:

That is broad enough, I suggest, to include the banks and other financial institutions that are acting as principals in the business of providing loans secured by mortgage over land. I am not sure whether it was intended that that definition should be so broad as to cover them, and I would like consideration given to the implications of including banks and other financial institutions in the definition of 'financial business'.

Under clause 6 there is a provision for the audit of trust accounts. Proposed new section 68 (4) provides:

Where an agent fails to lodge the auditor's report, or the declaration required by subsection (2), within the time allowed under this section, the Registrar may, by notice in writing require the agent to make good the default and, in addition, to pay to the Registrar the amount prescribed by the regulations as a civil penalty for the default.

I would like clarification of what is intended both as to the amount and also the effectiveness and implications of the requirements to pay as a civil penalty an amount prescribed by the regulations. I presume that it is akin to a penalty—and expiation fee—for failing to lodge the auditor's report. Proposed new section 68 (8) provides:

An agent is not liable to both a civil penalty and a criminal penalty in respect of the same default under this section; hence, payment of the civil penalty exonerates the agent from liability to a criminal penalty and payment of a criminal penalty exonerates the agent from liability to the civil penalty.

I would like to know the mechanism by which that is to be determined. One would presume that any prosecution would not be launched by the Registrar but would be launched by the Crown Prosecutor, although I may be wrong on that presumption. If the Registrar does not initiate the prosecution, how is there to be a liaison or communication so that the Registrar does not levy the civil penalty and thus preclude a prosecution where a prosecution might be more appropriate?

The other question that I have not had time to explore is whether the mere failure to lodge the auditor's report is, in itself, a basis for suspending the licence. As I interpret proposed new section 68, the Registrar is to give the notice requiring the lodging of the audit report, and if that is not lodged within 14 days after service of the notice the licence is suspended. What provision is there for more urgent action to be taken? I have not had an opportunity to refresh my memory on the provisions we passed last year in relation to the agent's indemnity fund and audit, but the Attorney-General might be able to indicate whether the failure to lodge the auditor's report in itself might be a basis for the Registrar or the Commissioner to arrange immediately for a spot audit of an agent's or a broker's account.

The Bill derives from the report on the finance broking industry to the Minister of Consumer Affairs, which he released towards the end of October this year. A number of other recommendations contained in that report have not been addressed in the second reading explanation, and I wonder whether the Attorney-General, whilst replying or at some other appropriate time during the Committee stage, might be able to indicate what is proposed with respect to the other recommendations of the working party. I know from the second reading explanation that he has indicated that a code of practice is to be prescribed under the Fair Trading Act to deal with finance brokers in general, but that deals with only one of the recommendations of the working party. Will he indicate what is likely to happen to the balance of those recommendations?

As I say, the Opposition supports the Bill. We hope that it passes through both houses of Parliament this week, but, as there are several matters that I would like an opportunity to pursue, I therefore ask the Attorney after he has replied if the matter could be put on motion to be concluded hopefully later this evening.

The Hon. C.J. SUMNER: I thank the Opposition members for their support of this Bill. I will be happy to deal in the Committee stage later this evening, if possible, with the questions that have been raised.

Bill read a second time.

RIVER MURRAY WATERS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 26 November. Page 2122.)

The Hon. J.C. IRWIN: The Opposition supports this Bill, and members will be pleased to hear that I will be brief in saying something about it. In 1915, the River Murray Waters Agreement was ratified by the Commonwealth and the States of New South Wales, Victoria and South Australia. Under this agreement the River Murray Commission was constituted in January 1917. The total Murray system, including the Darling and Murrumbidgee rivers and tributaries, drains over one million square kilometres or one-seventh of the total area of Australia. It accounts for approximately 46 per cent of Australia's agricultural production, and contains approximately one-quarter of the national cattle herd, one-half of the sheep flock, one-half of the crop land, and three-quarters of the nation's irrigation area.

The resources of the area support, directly and indirectly, two million people, with the total value of primary and

secondary production estimated to be in excess of $10 000 million a year. South Australia is particularly dependent on the Murray for its water. Adelaide alone receives between 20 and 80 per cent of its water from the Murray, depending on climatic conditions. The Murray supplies 49 per cent of South Australia's domestic and industrial requirements and almost all the water for irrigation.

The purpose of this Bill is to ratify the Murray-Darling Basin Agreement of 1987 for the purpose of broadening resource management and encompassing the total catchment management concept, following the 1982 amendments to the River Murray Waters Agreement which were achieved by the Tonkin Government. In essence, the Bill changed the name of the River Murray Commission to the Murray-Darling Basin Commission. It formalises the establishment of a ministerial council of 12 Ministers and increases the number of commissioners from four to eight.

It is a pleasure to acknowledge my colleague in another place, the member for Chaffey, who, it is said, has River Murray water pulsing in his veins. I say that because the honourable member has brought to this Parliament over a long period of time—in fact, since 1968, with the exception of a short period between 1970 and 1973—firsthand knowledge of the River Murray, its requirements, the need for it to be cleaned up and its value to South Australia's future, in relation not only to the metropolitan area but also to the State's agricultural and, more particularly, horticultural areas.

The member for Chaffey, as a former Minister of Water Resources, was able to demonstrate his knowledge of the river by getting across to a number of people within the system a message which was practical and, I am advised, appreciated by many people. Certainly, the information that he was able to give to seminars in the United States of America in relation to water control and irrigation matters was the subject of a very worthwhile document presented to Parliament as portion of an overseas study tour report.

As I said earlier, the Liberal Tonkin Government took on in the courts the Government of New South Wales, which was a fellow member of the River Murray Commission. This action was finally negotiated out of court, but the message was brought home to New South Wales that it should control the use and pollution of waterways, many of which flow into the great River Murray which flows through South Australia. With those few words, I indicate that the Opposition supports the Bill.

The Hon. M.J. ELLIOTT: I want to make a very brief contribution to this debate. The Australian Democrats support the Bill, and, having spent eight years living along the Murray—two years in Swan Reach and another six at Renmark—and having been an irrigator on a fruit property for a couple of years, I have come to appreciate the River Murray perhaps more than many citizens of South Australia, particularly those based in the metropolitan area. Most certainly, I think that the average citizen of South Australia does not appreciate how important the River Murray is to the very existence and future of this State.

I took note of a question asked by the Hon. Mr Davis earlier today about the population of South Australia, and I think that, in part, he displayed his ignorance about the Murray River by asking such a question. Anybody who is looking for massive growth in the population of South Australia does not realise the sorts of problems that we have, particularly in relation to water resources. To be seeking extra migration to increase the population of South Australia may be one of the most foolhardy things that I have heard in quite some time. That is certainly the way I interpreted the question of the Hon. Mr Davis.

In 1982 South Australia was only months from a serious disaster because of water shortage. The Murray had stopped flowing for quite some time, all upstream storages were virtually dry, and there may have been something like only two months supply of water left. If it was not for an unseasonal break in the season, South Australia may indeed have been in very serious problems, or if the drought, which had been going on for a couple of years at that stage, had continued for one more year we would have been in very grave difficulty.

There are many problems in relation to the river, but unfortunately we have been very slow to move on them. The Hon. Mr Irwin mentioned an earlier Minister, Mr Arnold, saying how wonderful it was that he had actually gone to court fighting for South Australia's rights. In fact, the Government went to only a couple of land courts, as I understand, going against a couple of water allocations in New South Wales, and it was beaten soundly.

Some people, such as Justice Millhouse, have said that it was about time with South Australia being in such a dire position that it went to the High Court of Australia to seek an injunction against the upstream States for some of the things that they have been doing, particularly in relation to water allocation. The South Australian and succeeding Governments did not take such action. They decided that the best way to go was by way of negotiation. This Bill is an outcome of those negotiations, and many people would say that clearly it does not go far enough and is too late.

The River Murray system is still in a great deal of trouble for all sorts of reasons. Far too much water is being drawn out of it and there are grave problems in relation to salination, soil and other detritus finding its way into the river. There are serious problems, and this Bill tries to address them. It is probably not enough and is probably too late, but nevertheless the Democrats support it.

The Hon. J.R. CORNWALL (Minister of Health): I thank honourable members for their contributions and urge the Council to effect the speedy passage of this constructive legislation.

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

AGRICULTURAL CHEMICALS ACT AMENDMENT BILL

In Committee.

(Continued from 26 November. Page 2179.)

Clause 4 passed.

New Clause 4a—'Prohibited chemicals.'

The Hon. J.C. IRWIN: I move:

Page 1, after line 31—Insert new clause as follows:

4a. The following section is inserted after section 7 of the principal Act:

7a. (1) A person must not—

(a) sell;

or

(b) use,

an agricultural chemical that contains a chemical or a chemical of a class set out in schedule 1.

Penalty—

—if the offender is a body corporate—$40 000;

or

—if the offender is a natural person—$20 000.

(2) In this section—

'sell' includes—

(a) advertise for sale;

(b) offer or expose for sale;

(c) possess for the purpose of sale.

This is the first of five proposed Opposition amendments aimed at isolating prohibited and restricted use chemicals

from the rest of the Bill. It is important that I refer to some matters including the Minister of Health's reply last Friday to explain to the Committee why the Opposition has moved this amendment. The Opposition made it clear as long ago as 22 October and again on Friday that we were waiting for an assurance from the Minister as to how the Bill would work. So, indeed, have the grower bodies—United Farmers and Stockowners and the Horticultural Association—been waiting, and they have been furnished with a copy of the Minister's reply.

I think I can specify at least four areas that have been alluded to over and over again. These and other matters have been taken up by the Horticultural Association and the UF&S directly with the Minister of Agriculture, as I mentioned before, or with his advisers and the Opposition. The four areas are: first, using less chemicals than specified on a label; secondly, mixing two or more chemicals; thirdly, using chemicals on a crop which has not been specified on a label; and, fourthly, a trace back system that will identify any real culprit if chemically contaminated produce is found (and that would relate especially, but not exclusively, to horticultural produce).

To say the least, I am very disappointed with the Minister's response to the points raised by the Opposition. The majority of growers take their responsibilities seriously. They view the ramifications of the Bill in its present form as quite serious for them. The Minister's response was so offhanded and blase as to be offensive to the industry. The Minister's explanation does nothing to allay the fears of growers.

Let us take the most simple response first. The Hon. Peter Dunn and I both raised the problem of using less chemicals than the amount specified on a label. The Minister's reply was to the effect that the Bill would in no way inihibit anyone from using a prescribed chemical at less than the amount specified on a label. During his reply the Minister referred to clause 9 of the Bill, which inserts a new section 11. New clause 11a (1), in part, provides:

> . . . and must not remove the chemical from the package except to the extent required for an authorised purpose.

New section 11a (2) defines 'authorised purpose' as:

> *(a)* A purpose stated on the label under which the chemical was sold (whether or not the registration of that label is still in force) . . .
>
> *(c)* A purpose authorised by the Minister.

New section 11b (1) *(b)* provides:

> In accordance with any directions applicable to that use—
>
> (i) stated on the label registered in relation to the chemical . . .

Anyone who has seen a chemical label knows that it contains a lot of information and instruction, including how much chemical should be applied per hectare. Sometimes a high and low range of chemical is recommended. It is all very well for the Minister to tell us that we can disregard the recommendations on the label in relation to the amount of chemical, but he does not have to pay the $20 000 or $40 000 fine. If we can disregard that part of the Bill, why must we have this type of provision in the first place?

If this Bill passes in its present form, farmers and horticulturalists will have to pay a fine if they are caught breaking the law. There may well be a good scientific reason for not spraying less than the amount specified on the label. We are dealing with a very precise subject. The simplest approach would be to place the words 'up to' on a label along with the minimum or maximum recommended amount. However, we do not know that and we do not know whether that will happen. Neither the Minister of Agriculture nor the Minister of Health have bothered to address this point seriously.

We just have the Minister's simplistic answer to break what could be the law. I take it now that the Minister's simplistic answer to the first point of under-use of chemical can be applied by logic to the second point, that is, mixing two or more chemicals. Provided they are used at or below the strength of chemical recommended for each chemical, there is nothing in the Minister's words to stop the mixing, even though strictly there could be some undesirable effects or incompatibility.

My third point relates to using a chemical on a crop for which it has not been registered. Certainly, new section 11a (2) *(c)* allows a purpose authorised by the Minister of Agriculture. We have now sorted out all the committees that were canvassed in the public debate. In his reply, the Minister of Health said that it was envisaged that the Minister of Agriculture would approve such off-label use by means of a permit system established by regulation under the Act. It would perhaps have been a great help if the Minister of Agriculture, through the Minister of Health, had spent some time in explaining exactly what he had in mind for this permit system.

Until we have that we have to react to what we have and to what we have been given, which is not much. The Minister said that under the proposed permit system it will be permissible to grant permission for use. Applications for off-label use would be assessed in similar ways to registration, that is, by specialist Department of Agriculture officers with reference to the Health Commission. They would be assessed on a priority basis to suit the need, taking into account factors such as health, the environment and probably efficacy, field trials under the guidance of field staff and consultation with health authorities and interstate Departments of Agriculture.

I can certainly accept that lengthy and pretty well all embracing procedure if a brand new so-called wonder chemical arrives on the scene in Adelaide but, if 20 crops are mentioned on a label as safe registered uses and a twenty-first comes along, I can see no reason why a simple test and an analysis could not be initiated. The industry has told me pretty clearly that the Registrar of Chemicals should be the arbiter in this case and have appropriate flexibility to act.

As the Hon. Mr Elliott said, and the Minister agreed, we will not have an inspector sitting on everyone's shoulder. Similarly, unless the Minister of Agriculture can afford otherwise, we will not have an army of people testing for residues in every crop or paddock sprayed. If we are not to have an army of inspectors or laboratory people doing extensive testing, why do we need the sort of legislation outlined in the Bill? That would be in excess of what is already the testing procedure that I explained in the second reading debate. Already in existence is a reasonable amount of raw and cooked produce being tested for residue in the food chain.

Perhaps that is not enough, but it is doing a pretty good job at the moment. The Minister has the power now to remove a chemical from sale. He has done that already with DDT and it has taken about 50 years to do that. I acknowledge that there is movement to restrict and prohibit some other chemicals. The simple fact is that the user industry is, with proper advice, regulating itself and in the main it is being responsible. Draconian and unwieldy legislation at the user end will not get rid of the irresponsible element. The Minister has made no attempt to address or explain a traceback system for those offending in the horticultural or broadacre sectors.

This question has arisen on a number of occasions and there could be some serious problems. Similarly, the Min-

ister has not addressed the question of superphosphate as an agricultural chemical. Many people want to know whether there is a hidden agenda to restricting the use of superphosphate. As I said in the second reading debate, the almost total lack of consultation by the Minister of Agriculture has brought about a reaction from those practising agriculture and horticulture, hence the reaction to the Bill by the Opposition.

This lack of consultation has been counterproductive to the Minister, I suggest, because industry reaction and anger has undoubtedly swamped any good points in the Bill. I have only been hearing the bad points and not hearing about what are undoubtedly the good points. My amendment provides schedule 1. Any chemical appearing on schedule 1 will be prohibited from use. DDT is already prohibited from sale. The purpose of this amendment and the following four amendments is to include two schedules in the Act. I have already mentioned schedule 1 and the purpose of schedule 2 is to include chemicals for restricted use.

In the second reading debate I mentioned majority support from the industry for the two schedules. If the amendments are supported, all other uses of chemicals already allowed under the present Act will and can continue, and that is the purpose of the amendments: to produce the two schedules, particularly schedule 1 about which I am now talking. As I have already said in the second reading debate, we have done this to allow the Minister and industry to consult further and, if a further sensible tidy-up of the Act is needed so far as chemical use is concerned, the Minister can bring back another Bill to make further change. I notice in the press today that a seminar has been jointly sponsored by the Minister of Agriculture and the UF&S and others to talk over many of the ramifications of chemical use. I suggest that that would have been a very useful instrument to use before bringing in this Bill, rather than bringing it in after it has been through the House. I urge the Committee to support the first amendment.

The Hon. J.R. CORNWALL: I can be very brief. The Government opposes this amendment. I must say that I am very surprised to see the Hon. Mr Irwin taking a consistent line in this whole debate that would be to the detriment of the industry in which he is supposed to be one of the leaders. He is trying to protect the right of primary producers to use a whole range of chemicals that would be detrimental to their own industry and particularly detrimental to the export industry. We oppose the amendment for three basic reasons. It appears to be unrelated to section 7 of the principal Act, which deals with compliance with registration requirements, that is, products being true to label with respect to the level of ingredients, effectiveness, and so forth.

Secondly, this amendment restricts the control of sale and use to DDT only. This is the only chemical listed in schedule 1. Thirdly, schedule 1 would need to be amended each time other chemicals require control, whether they be other insecticides or some herbicides. That will make it very cumbersome and ineffective, and it will certainly not fit within the spirit and intent of the Act. We oppose the amendment vigorously.

The Hon. PETER DUNN: I want to get something straight, and I made this comment in the second reading debate. If this provision is adopted, it will solve the problem that occurred not through any fault of the Government or farmers or anyone else. This problem has resulted because other nations decided that chemical content was too high in our export industry products. The Minister will agree. This situation is being used as a trade sanction. Therefore, we must restrict the use of those dangerous chemicals. As to the rest of the Bill, because the Minister of Agriculture saw that he would be able to restrict dangerous chemicals under the Bill, he decided he would add to that all these other little knick-knacks that he thought would tidy up the use of chemicals throughout the State. The Minister has it wrong.

This Minister and the Minister of Agriculture have to realise that they have it wrong because they have not thought the situation out. This matter has been handled too quickly. The Bill was rapidly and poorly conceived and was not given the thought that it should have been given. This amendment effectively restricts those chemicals that we all agree have to be restricted. We agree on that, but we do not want to have them limited in every way—particularly DDT, which is not acceptable, and other chemicals that have restricted use—and have them put in schedules as suggested in the amendment. We should look at the rest further down the track.

Later, the Bill restricts the use of chemicals to the uses stipulated on the label. That is not acceptable today. As I explained in the second reading stage (and I will not go to great lengths now) chemicals have been used outside the areas stipulated on the label for a number of years and no problems have arisen, particularly with herbicides. If uses are to be restricted to those stated on the label there will be problems. Some chemicals are not even registered for use in this State. We will do a great deal of harm to the horticultural and agricultural industries. I suggest that members support the amendment.

The Hon. M.J. ELLIOTT: I must confess that I really do not have a handle on the real value of this amendment. I foresee problems. It fails to recognise that the use of many chemicals will result in problems or the potential for problems. For instance, already about 100 000 organophosphates have been trialled for various uses. People usually make them and experiment to see what they will kill and what they can get away with. I doubt whether more than 50 of the tested 100 000 organophosphates have found their way into the market to this time. There is nothing to say that any of the others may not be brought onto the market and what their effect may be. I believe that the schedules are rather short. Literally, hundreds of thousands of chemicals could be listed under one or both schedules. I do not see the sense in listing and thus isolating some chemicals when we really should be precluding many others. I cannot see myself supporting this amendment.

The Hon. J.C. IRWIN: As I said previously, the Opposition has been appalled by the lack of consultation. This Bill was passed in the other place very rapidly, with only a short amendment about inspectors. Then it came to us.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. IRWIN: I know it has, but all these things have come up.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. IRWIN: Many things have come up that should have been dealt with by the Minister and the industry consulting with one another. Why was there no consultation? Why did the Bill come from a Minister's office without going through the Department of Agriculture, the Advisory Board of Agriculture or any of the normal sources? It suddenly lobbed in the House of Assembly, and the industry has its back up. We considered proposing a select committee because this is such a complicated issue and because we could perhaps obtain a lot of advice via submissions to a select committee. We considered other methods of doing something, and we have come up with the two schedules. That is at least a start.

I take the Hon. Mr Elliott's point: we have had problems in trying to find wording that will identify chemicals so that people cannot find ways around the provision and manufacture something else, perhaps using a bit of DDT, aldrin or dieldrin. I believe we have come to a reasonable compromise that will allow DDTs to be taken out of production and use totally—and they are already precluded from sale. It has taken about 50 years to get to this stage with DDT, so it is not as though chemicals will be put on the market or taken off every day. I understand that aldrin, dieldrin and other chemicals may be placed in the totally restricted category one day, but at present there are uses for aldrin and dieldrin as long as they are under registered use and they are used for specified purposes.

I am sorry that the Democrats will not support this amendment. It provides two schedules for prohibited and restricted uses and for all other uses and that situation would apply until the Minister has finished consulting properly with the industry and they come up with a sensible compromise with which everyone is happy. This is a big and important industry.

The Hon. J.R. CORNWALL: The Opposition's attitude to the Bill was aptly summarised by Mr Dunn, who said that the presence of organochlorins in export beef really was not a matter of any consequence (or that was implied by what he said); it was a trade sanction, not a matter about which we ought to be concerned at all. I believe that that is an appalling attitude. May I suggest that we get on with the Bill, reject this amendment and all the other amendments proposed in the same spirit by the Hon. Mr Irwin.

New clause negatived.

Clauses 5 and 6 passed.

New clause 6a—'Person not to sell prescribed chemicals without permit.'

The Hon. M.J. ELLIOTT: I move:

Page 2, after line 12—Insert new clause as follows:

6a. The following section is inserted after section 9 of the principal Act:

9a. (1) A person must not—

(a) sell, or offer or expose for sale an agricultural chemical to which this section applies;

or

(b) have possession of an agricultural chemical to which this section applies for the purpose of sale,

unless that person is authorised to sell the chemical by permit granted by the Minister.

Penalty—

—if the offender is a body corporate—$40 000;

or

—if the offender is a natural person—$20 000.

(2) The Minister may attach such conditions to a permit as the Minister thinks fit and may vary a condition or attach further conditions to a permit at any time.

(3) The Minister may revoke a permit for contravention of or failure to comply with a condition attached to the permit.

(4) This section applies to an agricultural chemical that contains the prescribed amount of a prescribed chemical or a chemical of a prescribed class.

I intimated my intention to move such an amendment in the second reading stage. It seems to me (and the Hon. Mr Irwin reinforced my view in his comments on another clause) that quite clearly we will not have inspectors hanging over everyone's shoulders. What is important is that people become as educated as possible in the proper use of chemicals. This clause requires people who sell particular prescribed chemicals—in other words, those that will probably be dangerous to either the user or the consumer—to have an appropriate qualification, or whatever.

As I see it, the Minister would probably, by regulation, gradually change the requirement such that at this stage the requirement would not be a high qualification but I hope that within a decade or so the people selling the more dangerous chemicals will have a qualificaton so that they can give extremely sound advice on the use of chemicals. We cannot afford to have people who do not know what a chemical does, go into a store and buy a chemical from a person who does not know exactly what it does. That is the present situation, and it will not be until we have educated salespeople and users at different levels that we will really overcome the problems of misuse of chemicals.

The Hon. J.C. IRWIN: It is a pity, in a way, that the Hon. Mr Elliott's first amendment, which related to a provision before clause 4, was not discussed by him publicly before we got to this point, because I am not quite sure without discussion with him what he had in mind. I am looking forward to hearing what he has to say. The Opposition supports the intention of the amendment but will not support it being part of the Bill at this stage. There are a number of reasons for that. The Agricultural Veterinary Chemicals Association of Australia (AVCA) has negotiated with the Department of Agriculture and TAFE to implement a national training scheme for resellers. One of its publications states:

Reseller/distributor training scheme. Implement a national training scheme for resellers, distributors and industry personnel to cover the important aspects of safety, use recommendations, storage, handling, emergencies, etc., for farm chemicals.

- Continue liaison with South Australian TAFE for course implementation, course development and lecture material.
- Provide input via advisory committee for the course.
- Consult with the Public Affairs Committee for input to the course curriculum and eventual accreditation.
- Ensure widespread information about course availability, scope, importance and encourage enrolment from AVCA members, resellers and distributors on a national basis.
- Monitor the introduction of the course in July 1988 following evaluation of the pilot program to be undertaken in February 1988.

There is a certain amount of deregulation and, at this stage, this is preferable to more legislation bringing in more regulations for the industry with more departmental people to administer the permit system. I understand that, if after sufficient time has elapsed after the implementation of this AVCA course and chemical resellers refuse to comply, the agricultural chemical wholesalers will refuse to supply them with chemicals. I can see this having some ramifications, as I can see the Democrats' amendment also having some ramifications.

If the Committee supports the amendments to the Bill that set up the two schedules (which it obviously will not, because it has already knocked out one), thus allowing other uses to go on as at present, this should be the end of the matter as we have already said. We have said that the Minister of Agriculture and the industry, including users and sellers of chemicals, should consult and come back to the Parliament. The Hon. Mr Elliott's first amendment, which we have not yet heard, and if explained to our satisfaction, may help with this.

The Opposition sees the intention of this amendment as one that should go through the consulting stage so that any problems can be ironed out before it comes here. After all, both the Minister of Agriculture and the Minister of Health have set up committees to look at the whole question of agricultural chemicals. The Minister of Health's council set up under the Controlled Substances Act has, I understand, a subcommittee looking at agricultural chemicals, and it has not even met during the agricultural chemicals debate. Perhaps it should meet. The Minister may be able to inform us whether he has directed that through his council, following the publicity the other day.

The Minister of Agriculture has set up a committee which was referred to by both the Minister of Health and me in the second reading debate; this was set up during the debate.

It would be useful if that committee thrashed out some of the ideas. The Democrats' amendment has honourable intentions, and we support the thrust of those intentions. However, there are a number of things we would like to think about and examine before supporting its inclusion in legislation. We would like to see what regulation the Minister has in mind to cover permit conditions.

How many people and what cost would be required to administer the permits? Would the permits need annual renewal? What would be the main requirements to gain a permit? Who would check on the permit holders? What would be the time frame for implementation? Would a permit apply to a business or each person who handles at the point of sale? Does the permit system apply to people selling agricultural chemicals in the city? If the Minister revokes a permit which could, I suggest, put a person out of business, what right of appeal would apply, if any?

I suspect that the Minister and his advisers gave the permit system some thought when drawing up the Bill. As the permit system is not provided in the original Bill, the Minister of Health may like to add something to what I have already outlined as discussion areas. I have certainly found a measure of support for a better point of sales service so far as the technology is concerned. Rather than supporting this measure now, I suggest that the Minister of Agriculture and the industry come up with the best solutions. We do not support the amendment.

The Hon. J.R. CORNWALL: Could I make three points clear: first, the matter to which I have referred to the Controlled Substances Advisory Council is the question of what effect a total ban on aldrin and dieldrin would have, not the agricultural use, because that is already being handled by my colleague the Minister of Agriculture. I have asked the council what effect a total ban might have in relation to its use as a termiticide, domestically and in every other way. Among other things, and given the specific problems that we have in the South Australian environment with termites, I have asked it to further advise me on the prospect of biodegradable insecticides being available within the foreseeable future which might control the problem.

I have expressed a very serious concern that we have to use aldrin at all. I do not take the view that if you cannot see it and you cannot smell it and you cannot taste it, then it is not there. Was it not Henry Bolte, a former Premier of Victoria, who said that pollution was all in the mind? That seems to be a line espoused by the Hon. Mr Irwin and the Hon. Mr Dunn. That is the first point. With regard to the advisory committee—

The Hon. Peter Dunn: What has that to do with it?

The Hon. J.R. CORNWALL: It has a great deal to do with it. With your gung ho attitude, despite the fact that your industry is in very great trouble with export beef markets in particular, you still want to retain the use of as many insecticides as possible. That seems to me to be a very strange approach indeed.

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: No. What you are literally saying is that, as far as you are concerned, you have used these insecticides for 25 years and a few residues have turned up in beef; everybody knows that it is a trade sanction, but it really has nothing to do with the damage that things like aldrin and dieldrin do, but we have to go through some of the motions, the minimum motions, because we have to get rid of these so-called trade sanctions. That is really a remarkable statement, so I just had to highlight it. I would like to see aldrin banned altogether, but I take into account that one has to strike a balance in these things, and I will wait on the report from the Controlled Substances Advisory Council.

With regard to the advisory council that has been established by the Minister of Agriculture, he has done that, as I recollect, on an administrative basis. It is a very broadly based advisory committee. It is not established by statute, in my recollection. It does not replace any of the technical committees which are already available to advise the Minister on technical matters, but it is a broadly based committee, including consumers right across the board who are able to give commonsense advice to the Minister on a regular basis.

I do not like this amendment very much at all, for a number of reasons. It seeks to licence sellers of agricultural chemicals but it does not specify which chemicals are to be covered. The amendment if accepted (and let me say that I am still thinking on my feet) would duplicate provisions to license wholesalers and retailers of chemicals under the existing drugs legislation, so we would have duplication. Schedule 7 of the poisons regulations under the drugs legislation covers toxic insecticides such as parathion and other chemicals dangerous to human health. The listing on schedules under the poisons regulations requires all wholesalers and resellers throughout the State to be licensed in order to sell these substances so, in a sense, it not only duplicates but in that circumstance clearly would appear to be unnecessary.

The condition of licensing under schedule 7 is that detailed records be kept of all sales, including the name and address of the purchaser, the reason for purchase, the amount purchased, the date and signature. Under schedule 7, particular controls over sale and use can be specified. Further, schedule 6 under these regulations includes herbicides such as acephate and diquat. The chemical industry is currently attempting to self-regulate by training wholesalers and resellers through courses offered by TAFE. Further courses are planned for a wider audience which will be aimed at increased awareness of requirements for the safe handling and use of chemicals.

In the case of agricultural chemicals specifically, as I think Mr Irwin pointed out, self-regulation is being led by the Agricultural and Veterinary Chemicals Association in conjunction with the TAFE college at Thebarton, and it is our view, broadly, that it is desirable that this self-regulation be supported and encouraged since it is likely to be far more effective than regulations through legislative requirements.

I think there are about 11 sound reasons why Mr Elliott should be prepared to reconsider his amendment. At this stage I had not had an opportunity to discuss it in depth with the Minister of Agriculture. If he does wish to persist with it, I think our best course to expedite passage would be to support it on the clear understanding that, if the Minister of Agriculture has any major objections to it when it goes back to the other place, they will have to be ironed out at that time.

The Hon. M.J. ELLIOTT: At this stage I will address two points. First, both the Minister and the Hon. Mr Irwin mentioned that AVCA is requiring its people to be involved in courses. I believe that the Horticultural Association is doing similar sorts of things. The suggestion is that self-regulation is a good thing. We need to recognise the problem we have had in relation to DDT and exports. This problem has been caused by a handful of people who have not been doing the right thing. It is not good enough that the Horticultural Association, AVCA and various other groups do the right thing; it only takes one or two people to do the wrong thing and they undermine the whole system.

We must concede that there are certain times when regulations become necessary. People who say the fewer regulations the better, without looking at each regulation individually, are getting bound up in some sort of strange philosophy. The point is that it is the people who do the wrong thing that we need to be careful of. When people are selling chemicals to be used on products that are clearly dangerous to either the user or the consumer, we cannot rely on self-regulation. I think that we need to put certain requirements on people.

The only question that needs to be addressed is whether or not the other licensing arrangements to which the Minister alluded are sufficient. I admit to not being an expert on these licensing arrangements. The Minister said that they were conditional. I do not know whether or not those conditions apply to all sales people and whether or not under that licensing arrangement as it now exists we will have the capacity to apply special conditions on those who are selling chemicals for agricultural uses—conditions that I would hope some years down the track would require the sorts of qualifications that AVCA and the Horticultural Association require their people to hold. I am not sure whether such conditions would be available under the licences to which the Minister alluded in relation to other legislation; I suspect not. These are the things I was hoping we would have seen come about in due course under the application of this clause.

The Hon. M.B. Cameron: Could you have some discussions over the dinner break?

The Hon. J.R. CORNWALL: Yes. Although I indicated possible support I am increasingly concerned about the implications of this amendment. As I said, I listed at least 11 reasons why the Government had some concern about it, and I do not think in the circumstances that it is good enough for me to allow it to pass in this place and then let the Minister take it on board when it goes to the House of Assembly. I think that I ought to take wise counsel during the dinner adjournment.

[*Sitting suspended from 6 to 7.45 p.m.*]

The Hon. J.R. CORNWALL: Apart from discussing the *Island Seaway* with the member for Alexandra at great length over the dinner adjournment, I also took some advice as to the proper course of action that the Government should take in this matter. As I said, one of the 11 points that I made in explaining why the Bill would make life potentially difficult, and while it could lead to an unnecessary duplication, was made at point 2, where I said, 'The amendment does not specify which chemicals are to be covered by the section.' The advice I have received since is that the Minister will be able to specify which chemicals are to be covered by the section. Therefore, I feel that the amendment is probably workable, albeit a little awkward, and my advice is that in the circumstances the Government is able to accept the amendment.

New clause inserted.

Clauses 7 to 9 passed.

Clause 10—'Powers of inspectors.'

The Hon. J.C. IRWIN: I move:

Page 4, line 32 to 37—Delete subsection (6) and substitute the following subsection:

(6) A person must not decline to answer a question put by an inspector under subsection (5), but where, before answering, the person objects on the grounds of self incrimination, the answer is not admissable in proceedings against that person except in proceedings for an offence against this section.

The amendment is, I understand, similar to provisions in the Associations Incorporation Act. The Opposition believes that the section would read better in the way that it proposes.

The Hon. J.R. CORNWALL: This amendment is consistent with all the strange amendments that have been moved by Mr Irwin to date on the basis that, if you cannot see it, you cannot smell it and you cannot weigh it, it is not there. If, in fact, this amendment was accepted, there would be no way of prosecuting an individual under any other sections of the Act.

The Hon. K.T. Griffin: That is not so.

The Hon. J.R. CORNWALL: It is so. With great deferential respect to my learned colleague, the former Attorney-General, my information and advice is that it is so, and in those circumstances it is an offence, or should be offensive, I imagine, to primary producers everywhere. The Hon. Mr Irwin, and his colleague the Hon. Peter Dunn, in attempting to defend the interests of their rural constituents, have really gone too far. While their intentions may be good—and I question neither their intentions nor their integrity—I question the outlook formed by both of them during the 1950s. It is a typical 1950s mentality.

I can remember very clearly when DDT was hailed as the saviour of the nation and the world, and we threw it about like it was going to go out of fashion. I was in veterinary practice for a very long time, and I can remember with great clarity the way that insecticides were used during the late 1950s and early 1960s. Even when it became obvious that these chemicals were quite clearly hazardous and, in some cases, very toxic and had a deleterious effect on the food chain, you would still see people spraying things like aldrin and dieldrin around the place—

The Hon. J.C. Irwin: And Lindane.

The Hon. J.R. CORNWALL: And Lindane.

The Hon. J.C. Irwin: That is being used. What are you doing about that?

The Hon. J.R. CORNWALL: —without any protection at all. You are not acting in the best interests of your constituency at all. If you do not have the good sense to see that, I feel a little sorry for you, if I might return to addressing my remarks through the Chair—in the same way that Mr Irwin battled hard to keep the Keith Hospital as a private hospital, and still sees it as sort of a feather in his cap. He is doing the wrong thing because he simply is acting out of pique, and we oppose this amendment very strongly indeed.

The Hon. M.J. ELLIOTT: I noticed that by way of interjection the Hon. Mr Griffin made the comment, 'That is not so' in relation to the assertion by the Minister about proceedings against offences in other sections. I wondered if he wished to expand upon that interjection because, without obtaining better legal advice than I have at this stage, I am tempted not to support the amendment.

The Hon. K.T. GRIFFIN: With respect, the response that the Minister gave is not correct. The amendment proposes that a person is not liable to self incrimination. From time to time there are exceptions to that and there are provisions in various Acts which provide that, if a person objects to answering a question, the answer is still required but cannot be used in evidence against that person. That does not prevent other evidence being gained from other persons or from observations which can be used in any prosecution against the person who has been questioned.

The Associations Incorporation Act provides that, if you object to answering on the ground that it might incriminate, you are protected from self-incrimination. However, the question must still be answered and the evidence can be used against other people. It can be used as a basis for ascertaining other information which might lead to a con-

viction but, if you are asked the question or you take the objection, it cannot be used against you if it tends to incriminate you. That is basically the format of the Hon. Mr Irwin's amendment. I would not see it in any way as preventing prosecutions against individuals based on other evidence. For the Minister to make the very broad statement that no individual would hereafter be prosecuted is, with respect, wrong.

The Hon. PETER DUNN: I will extend this a bit further.

The Hon. J.R. Cornwall: You are protecting the guilty, and that is not on. You have a small number of people who have brought the export meat industry in this country into grave danger, and you lot, who represent a rural constituency, are trying to protect them. It is amazing.

The CHAIRPERSON: Order! The Hon. Mr Dunn has the call.

The Hon. PETER DUNN: The Minister is prattling on in his normal manner, saying that we are protecting those people who export livestock. We are—

The Hon. J.R. Cornwall: You are not protecting them at all. You are putting them in danger.

The Hon. PETER DUNN: Yes, we are, because we are putting those chemicals into a schedule.

The Hon. J.R. Cornwall: Because you've been spraying your lucerne with aldrin all these years and you want other people to be able to go on doing it.

The Hon. PETER DUNN: If you can prove that, come outside and say it. You cannot because I have never done that, and I will say that outside as many times as I like. I have never used DDT apart from one occasion when I used it for Tarlis scrub. The Minister would not understand that; he is too ignorant to know what it is all about.

The Hon. J.R. Cornwall: Are you prepared to say that you have never used aldrin to spray a crop of any description?

The Hon. PETER DUNN: I am prepared to say that I have never used aldrin—yes, for sure.

The Hon. J.R. Cornwall: Never to spray a crop?

The Hon. PETER DUNN: It's never been used to spray broadacres, anyway.

The Hon. J.R. Cornwall: Only DDT?

The Hon. PETER DUNN: That demonstrates the Minister's ignorance, because aldrin has never been used as a broadacre spray.

The Hon. J.R. Cornwall: DDT has.

The Hon. PETER DUNN: DDT has, but not aldrin. The Minister said aldrin. Have a look tomorrow morning. If we return to clause 9, does this mean that someone who uses a chemical contrary to what the label dictates is then liable for prosecution? In his second reading reply the Minister said that that would not occur. Can the Minister further explain this point in more detail?

The Hon. J.R. CORNWALL: It is playing with words, and the Hon. Mr Dunn is wasting the Committee's time. In my second reading reply I pointed out that, if Mr Dunn or his neighbours or anyone else on the West Coast (or anywhere else for that matter) continues the practice that the Hon. Mr Dunn explained whereby he uses things at one-tenth the recommended strength and because he uses some other agent as well—like urea, which is relatively harmless in terms of contamination at least, or nitrogen fertilisers generally—then of course it is not the spirit and intention of the legislation that he would be prosecuted—nor would he be.

I do wish that the Hon. Mr Dunn would enter a little more into the spirit and intent of the legislation generally and not try to protect the unscrupulous primary producers—a relatively small number—who have jeopardised a $700 million export market. That is what the legislation is about. It is not some plot that has been introduced by the Minister of Agriculture. It has not been introduced on ideological grounds. In fact, it is very similar to legislation that is either on the statute book or has been, or is being introduced right around the country. It is a response to a very serious situation which has arisen in the export meat market because of the actions of a small number of primary producers either through ignorance or because of their wrong headedness. I lived with and worked for primary producers for a very long time and, possibly, I understand the background to this legislation better than any other member on this side.

It is quite wrong headed to try to protect the guilty and, in my view and in practice, that is basically what this amendment is about. I think that members opposite should show a bit of commonsense and stop trying to score a few cheap political points. Members opposite should stop trying to protect the very small number of irresponsible or ignorant primary producers who have jeopardised the export meat market, which is vital to the well-being of all of us in this country. Let us get on with the business of passing legislation which will work and which will reassure the export trade that we are doing the right thing.

As I said earlier, Mr Dunn rather declared his hand when he said that this was really not a matter of any importance in terms of contamination and that it was really all about some underhanded way of providing trade sanctions. Quite frankly, anyone who approaches the debate from that point of view is bound to run off the rails. I fear that that will happen unless we return to the real world very quickly.

The Hon. K.T. GRIFFIN: The Minister is really debasing the argument about civil liberty. His Party has been saying at least that it is a proponent of civil liberties, and it has attempted to ensure that there are adequate safeguards to protect those liberties. One of those traditional liberties is that a person is not required to incriminate himself or herself. It is not a matter of protecting the baddies or doing anything of that sort; it is a matter of recognising that basic principle.

I suggest that, if the Minister looks at present section 24, he will see that it allows an inspector to enter land, to examine and purchase and take without payment as a sample for analysis a quantity of chemical, examine any process of manufacture, or to do any act or thing required or permitted by regulation to be done. It does not deal with the question of requiring answers to questions.

The proposed new section sets out a much more comprehensive provision dealing with the powers of inspectors to enter premises. They cannot enter premises used as a place of residence unless authorised by warrant issued by a justice. Then, an inspector can inspect premises, examine books and do a whole range of other things which are not, I suggest, all included under present section 24. Under proposed new subsection (5) an inspector may require any person to answer questions relevant to the enforcement of this legislation to the best of that person's ability. Then there is protection against self-incrimination, but the answers may still be required. However, they are not admissible except in civil proceedings or in proceedings for an offence against this legislation.

What the Hon. Jamie Irwin proposes is not inconsistent with the principle that is embodied in a whole range of other legislation. In this measure in particular this broader exception to the general rule against self-incrimination is included. That is what he is focusing on. I suggest that it will not prevent anyone being prosecuted under this legislation. It will merely require someone who is required by

an inspector to answer questions to answer those questions but, if an objection has been taken against answering on the ground of self-incrimination (and that ultimately becomes a matter for the court if there is a prosecution), there is a protection which is consistent with the traditional protection against self-incrimination. That is what it is all about. It is not a desire to protect anyone, other than to maintain what I thought was a principle that the Labor Party would espouse.

The Hon. M.J. ELLIOTT: I have been supporting this Bill strongly and I am no apologist for those people who are doing the wrong thing with agricultural chemicals. When I asked my question on this clause earlier I was seeking some explanation from the Minister and from those originally proposing it about why they did or did not support it. As we are here on a matter of law and the principles of law, I ask the Minister to address those aspects of the law being raised here, the question of self-incrimination, because that is what will sway me and not general tales about nasty users of chemicals.

It is also worth noting that a similar amendment was put into the Barley Marketing Board legislation in this place not long ago and I believe that it is being returned to us for further consideration. I was interested that the UF&S on the advice of the board does not want such a provision included. It is an interesting position where some primary producers who are being offered protection by the Liberal Party are saying that they do not want that form of protection for other reasons.

The Hon. Peter Dunn interjecting:

The Hon. M.J. ELLIOTT: Nevertheless, the principle that we are debating is the same: the question of self-incrimination.

The Hon. J.R. CORNWALL: This is not an unusual provision. It occurs in several other Acts, as the Hon. Mr Griffin well knows, where there are special circumstances, and I think from memory that the original National Parks and Wildlife Act, would be one of them. Certainly, I would immediately seek wise counsel and advice from the Hon. Mr Davis on the National Parks and Wildlife Act because he has discovered it for the first time in his life. The reason for doing it, while it may be exceptional as compared to a number of other areas, is that we need to get that evidence.

This is so important that it would be quite ludicrous to interview someone who claimed exemption—that nothing said could be taken down and used as evidence against him. That is a reverse onus situation for a start. In other words, anything that might lead to a successful conviction cannot be used on the basis of the initial interrogation of an alleged defendant. Anything else he says while dobbing in his neighbours, friends or enemies or talking at large can all be taken down and used, but what he might say about his own practices is not admissible as evidence.

In the circumstances and having regard to the important area about which we are talking, and the relatively small number of offenders and scoundrels whom we are trying to run to earth, I think the clause is quite unexceptional and I seek the support of the Committee for it.

The Hon. PETER DUNN: I thank the Minister for his cooperation in saying that under this clause people will not be prosecuted if they use a chemical at other than the recommended rate, whether it be a herbicide or a pesticide. What about chemicals which are unregistered in this State and which are essential for celery and rock melon or cantaloupe growing? Will those chemicals put someone in the soup if they are used, or will we have to put up with the Minister's cynical know-all attitude?

The Hon. J.R. CORNWALL: Madam Chair, I rise on a point of order.

Members interjecting:

The Hon. Peter Dunn: You would be the greatest know-all I have ever seen.

The Hon. C.M. Hill: You can dish it out, but you can't take it.

The Hon. J.R. CORNWALL: No, I just like to get them all on the record. I ask for a withdrawal and an apology. I have been described as a cynical know-all. Not only is that a total misrepresentation of the facts, but also it is an abuse of the privileges of this Parliament and I ask for a quite unqualified withdrawal and apology.

The CHAIRPERSON: I do not believe that those words are unparliamentary use of language.

The Hon. PETER DUNN: It was a good try, Madam Chair. The Minister has abused me and some of the people that I represent. You have—

The Hon. J.R. Cornwall interjecting:

The Hon. PETER DUNN: You said I was protecting people.

The Hon. J.R. Cornwall interjecting:

The CHAIRPERSON: Order!

The Hon. PETER DUNN: We wanted to amend the Bill to take out of use those chemicals that the Minister and I agree are not acceptable. We had an amendment on that, but the Minister did not accept it. The Minister has an all-encompassing Bill here that takes everyone to the cleaner. I am pleased that the Minister is putting in *Hansard* that we can use chemicals at other than the recommended use rate.

The Hon. J.R. Cornwall: Provided they are below strength, let's be clear about that. You can always get a permit.

The Hon. PETER DUNN: The Bill does not say that. Clause 9 provides:

> (2) Subject to a declaration by the Minister under subsection (3), an authorised purpose is—
>
> *(a)* a purpose stated on the label under which the chemical was sold (whether or not the registration of that label is still in force);
>
> *(b)* if the registered label has been altered by the Minister under section 19—a purpose stated on the registered label as altered;
>
> *(c)* a purpose authorised by the Minister;.

One can use chemicals only under those criteria, which indicates to me that we cannot use chemicals other than by following the registered label. That is clear in the Bill, yet the Minister has just said that we can use them at less than the recommended strength. What about unregistered chemicals now used in limited amounts for celery and some specialised crops in this State? Is it legal to use such chemicals for that?

The Hon. J.R. CORNWALL: I will go through it again and speak slowly for the benefit of the Hon. Mr Dunn. I have made very clear in regard to paragraph *(c)*, that the Minister quite obviously can authorise by permit the use of those substances to which he refers. Whether that is for a special class of use or crop or whether it is for experimental purposes, I made that clear in my second reading reply and it is a great pity that the Hon. Mr Dunn did not pay attention.

The Hon. PETER DUNN: What about experimental purposes? For instance, the Western Australians have been doing an enormous amount of work and much work is being done around the State by farmers using different rates of mixes. Must they be permitted before that can happen, using very much lower strengths than normal? Are we allowing lindane to be used in a super mix for the control of cockchafer, and so on?

The Hon. J.R. CORNWALL: I have already answered that question and I do not intend to repeat it for the fourth time. With regard to lindane, the Minister has written to

the companies and it will not be permitted after 30 June next year.

The Hon. K.T. GRIFFIN: I wish to respond to the Minister that no provision in the National Parks and Wildlife Act reflects the provision included here. I relate that in all of the legislation that has some fairly serious implications, such as the Companies Code, the Associations Incorporation Act and a variety of other legislation, there is a protection against self-incrimination and in the legislation which was dealt with in this session, there is an absolute protection against self incrimination. There is no exception as provided in this Bill.

The exception in the Companies Code and Associations Incorporation Act and other similar legislation requires the person being questioned to answer the question but, if an objection is taken on the grounds of self incrimination, then it may not be used in prosecution against that person, although it can be used against others and it can, of course, be the basis of other investigations. Therefore, what is being proposed in this Bill, as the Hon. Mr Elliott has indicated in the Barley Marketing Act, is something which is out of the ordinary.

The Hon. M.J. ELLIOTT: I tend to accept the arguments being put by the Hon. Mr Griffin at this time. I think that what the Government would need to do to convince me otherwise would be to produce an extraordinary case for the need for the clause as it is currently worded. I am not a beast that says that you have to be absolutely consistent with a theme throughout if there are overriding considerations. What I really need to know is what are the overriding considerations; I am not sure that they are there. I know it is a serious matter and it is for that reason I have supported what some people have called draconian clauses in other parts of the Bill. I have been willing to support them because I have taken the matter as a whole seriously, but I really have not been convinced at this stage that there is any overriding reason why the right not to self-incriminate should not exist in this Bill.

The Hon. J.R. CORNWALL: It is a question of whether you want to protect the irresponsible few or not. You can have your civil liberties arguments all day, and you can have the arguments of the learned lawyers all day, but when the $700 million export industry is in jeopardy and you have the unholy alliance of the Hon. Jamie Irwin—about the most reactionary person to have been in this place for 20 years and he who poses as one of the true libertarians of our time—

The Hon. J.C. Irwin: This is anti farmer legislation!

The Hon. J.R. CORNWALL: It is not anti farmer legislation at all. You are trying to protect the fools and the crooks.

The Hon. J.C. Irwin: Well, you're going to have them all the time.

The Hon. J.R. CORNWALL: Well, that is a reflection on your colleagues, the farmers and graziers of the nation. There are very few farmers and graziers, in my experience, who are fools, very few indeed. Even fewer of them are crooks, despite the fact that you label them fools and crooks. But the reality is that a very small number are there nonetheless and you do not want them to incriminate themselves when they have been acting either as fools or crooks. Apparently you will get the support of that strange fellow, Mr Elliott.

The performance of the Democrats in this session of Parliament is even more cynical and opportunistic than I can ever remember. Agreements mean nothing; they go out the window. We agree to accept the strange amendments of Mr Elliott, under some protest I might say. Let me also indicate that I will be recommending to the Minister of Agriculture that when this goes back to the House of Assembly he reconsider the amendment because it is a very very cumbersome amendment. Despite the fact that we have tried to meet the Democrats in the middle, they now knock us over on an important clause which makes it very much more difficult to obtain evidence for a successful prosecution of that very small but very, very, irresponsible, and indeed criminal, element among primary producers who would jeopardise a $700 million meat export industry. I regard with contempt those who would aid and abet them, like Mr Irwin and like Mr Elliott.

The Hon. M.J. ELLIOTT: This has taken far longer than it should have. Regardless of the outcome, insults and threats get us nowhere. As far as the suggestion that any deals had been made in terms of getting one for another, I certainly did not have any impression that the clause I proposed was being accepted on the proviso that I then accept all the Government ones. I have given no such undertaking to anybody.

The Hon. J.R. Cornwall: You speak a different language from me apparently.

The Hon. M.J. ELLIOTT: I do not know whether the Minister thought he was projecting that, but I certainly never said any such thing. If the Minister read that from anything I said, then he really has a strange understanding of language. I am listening to the arguments on the basis of best intent, and I do not think insults and innuendo are constructive in this place whatsoever.

The Committee divided on the amendment:

Ayes (11)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, C.M. Hill, J.C. Irwin (teller), Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (8)—The Hons G.L. Bruce, J.R. Cornwall (teller), T. Crothers, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. M.B. Cameron. No—The Hon. G. Weatherill.

Majority of 3 for the Ayes.

Amendment thus carried.

The Hon. J.C. IRWIN: I move:

Page 5, line 4—After 'does not comply with the notice' insert 'within 14 days after service of the notice'.

This amendment has the intention of providing 14 days after the service of the notice before the fodder is destroyed. We think it is only fair to allow some time for a person suspected of having contaminated fodder either in seed form, standing crop or pasture, to appeal against the notice and/or seek another scientific test of the fodder in question. After all, new section 24 (8) that we are now debating provides:

> Where in the opinion of an inspector fodder is contaminated with a prescribed agricultural chemical and the level of contamination exceeds the level prescribed in relation to that chemical, the inspector may, by notice in writing, direct the owner of the fodder—
>
> *(a)* to destroy or treat it in accordance with directions set out in the notice.

It is pretty draconian if the inspector can demand that the fodder be destroyed. We do not know what scientific background the inspector will have. We do not know what sort of directions will be set out in the notice. Until we know these answers, we believe it is only reasonable to provide at least 14 days for an appeal. I urge support for the amendment.

The Hon. J.R. CORNWALL: We oppose it.

The Hon. J.C. Irwin: What, no appeal right at all?

The Hon. J.R. CORNWALL: You force me to speak to what is a very dangerous amendment. The way in which the Hon. Mr Irwin is trying to change the clause, no matter what the circumstances, there would be 14 days during which the person with the allegedly contaminated fodder could continue to feed it to stock. As I said, it seems to me that there is a whole series of amendments designed to protect that very small percentage of fools and crooks in primary production to the detriment of the 99.8 per cent, or arguably even higher, who want to play the game. I just find that quite extraordinary. I will not go on at any length. If Mr Irwin wants to persist with a situation that puts the export meat industry in jeopardy because he wants to protect a tiny minority of people who will not play the game, all I want is that he be on the record.

The Hon. J.C. IRWIN: I cannot accept that explanation. This proposal is not put to the Government in an antagonistic mood. The Minister said quite clearly that there are no uneducated fools out there in the agricultural sector, and I agree with him, but I believe that there are some irresponsible people, and I have said that. He has heard me say that at least once in this debate. The inspector will decide that that fodder needs to be destroyed, that it contains more than the amount of a prescribed chemical. Can the Minister answer how that will be tested? What procedure will be gone through to test it, or will it be at the whim of the inspector who comes onto the property? Are there proper forms to be gone through by that inspector, who could be pretty wet behind the ears, straight out of school, to decide whether that fodder has to be destroyed?

Under new section 24 (8) *(b)*, the inspector may direct the owner of the fodder not to use it for a period stated in the notice. Could not the notice stipulate something concerning the period in which fodder cannot be used for anything else until it is destroyed or something else happens to it? We are simply asking for 14 days for the person who may have a paddock of standing crop or standing pasture or fodder for his pigs or whatever; he ought to be able to have it tested again by an independent authority. We are asking for 14 days for that to happen before this fellow can be put out of business by having to destroy all the fodder that some inspector thinks is contaminated.

The Hon. T.G. ROBERTS: I point out to the Hon. Jamie Irwin and those who are connected with the industry that it is also possible for contaminated feed to be sold during that period—

The Hon. J.C. Irwin interjecting:

The Hon. T.G. ROBERTS: It is possible. It has been done with footrot sheep. The Hon. Martin Cameron has been affected by it.

The Hon. J.R. Cornwall interjecting:

The Hon. T.G. ROBERTS: Or not affected by it, depending which way one looks at it. I suggest that the clause tightens up the area and throws a responsibility back on the farmer to ensure, through the testing procedure, that nothing happens to that fodder—that it is either destroyed or it rests on the property on which it lays. If there are too many time delays and appeal mechanisms put into play, that fodder can be trucked away and sold to farmers who do not have the ability to test or to even consider it be tested, and they then end up with contaminated fodder.

The industry needs to protect itself, and the Bill goes part way to self-regulation. If one looks at various American State systems in relation to some of the procedural matters and the legislation and compares them with the Bill, one sees that this legislation is easy on the industry rather than hard. I suspect that people in the industry have looked at the American system, and I think that the honourable member, rather than taking this attitude, should be grateful that the Bill is drafted in this form.

The Hon. PETER DUNN: Can the fodder be destroyed only on the opinion of the inspector?

The Hon. J.R. CORNWALL: It would be on the opinion of the inspector and based on the initial test. I think that protecting our export industry is so important that one could compare it to foot and mouth, where the initial diagnosis is made by a veterinarian who then takes samples and sends them away. Would anyone seriously suggest, when there is a suspicion of foot and mouth, rinderpest or any other serious exotic disease, that the property should not be quarantined immediately? What you are saying here is that it is based on the opinion and the first test, or pending the first test, that that fodder, crop or whatever, ought literally to be quarantined.

I think that that is a most unexceptional proposition when one is dealing with the meat export industry. You might as well say that you should not quarantine a property because a veterinarian suspects that there is foot and mouth disease. That is what you are arguing. You are prepared to put the industry in jeopardy and give someone 14 days in which to continue to feed the fodder, in whatever form, or to dispose of it (as the Hon. Terry Roberts said) in the interim. Frankly, that is grossly irresponsible, because that is the net effect of what you are attempting to do.

The Hon. M.J. ELLIOTT: I understand the points that the Hon. Mr Irwin is trying to make, but I do not believe that his amendment anywhere near adequately addresses the problem. I am sorry that this debate has to be an 'us and them' type argument—they are trying to get us and we have to get them—and it almost sounds like that at times. A significant point can be made; if there is potentially foot and mouth and if a property is quarantined, all the stock is not shot and burnt on the spot.

The Hon. J.R. Cornwall interjecting:

The Hon. M.J. ELLIOTT: You can't trade, but the economic repercussions could be relatively slight if it proves to be negative by comparison with the situation where a person might have an extremely valuable fodder crop destroyed, perhaps wrongly.

There is a valid point. Since this Bill has to return to the other House I ask the Minister whether he will undertake to have the Minister in that place consider what the Hon. Mr Irwin is attempting to do, fairly clumsily. I think the amendment will need a very clear outline that the fodder could not be fed to animals or sold, and perhaps that time period is too long. Will the Minister undertake that it be given further consideration? I cannot accept the clause as it is, because it is far too open and open to abuse, and for that reason I will not support it. However, there is an important principle underlying what the Hon. Mr Irwin was trying to achieve.

The Hon. J.R. CORNWALL: The clause as it exists—and I think the Hon. Mr Elliott probably meant that he would not be supporting the amendment when he said that he would not be supporting the clause—

The Hon. M.J. Elliott: Yes.

The Hon. J.R. CORNWALL: I do not need to give any undertakings, because an opportunity is provided; what amounts to virtual quarantine is accepted, and the owner can ask for a second test. In the meantime, pending that second test, he cannot do anything with the fodder.

An honourable member: Where is that?

The Hon. J.R. CORNWALL: It is in the clause.

The Hon. PETER DUNN: I appreciate that. That is practically, I guess, what will happen, I hope that that will happen. The Minister's analogy between contagious disease

in an animal that can move and hay or a fodder crop that is stuck in the ground is an awful analogy. He knows that, if an inspector puts a notice on it that says one cannot sell it, nothing can be done about it and it will stay there. I guess that that is the practicality of it. However, the provision of 14 days means that he cannot order anyone to burn or destroy it immediately, and I guess that burning is the only way one would get rid of it other than plowing it in. That 14 days provides some elasticity. Nothing will happen to it. It will not go anywhere. The Hon. Terry Roberts says that people might sell it, but they are already under an order. How can they do that? They will be breaking the spirit of the Act and will be before a magistrate in a flash if that happens. The inspector knows how much is on the property. He will have observed that. That was a foolish statement by the Hon. Terry Roberts.

The Hon. J.R. Cornwall: It is not foolish; it is dead accurate.

The Hon. PETER DUNN: You say that people will deliberately break the law when they are told in the notice that they cannot move it? It is provided that they cannot use it for the period stated in the notice.

The Hon. J.R. Cornwall interjecting:

The Hon. PETER DUNN: Then make that clear to everyone. You are sillier than you look when you say that they can sell it when they are subject to a notice that they cannot use it for the period. That is crazy. Think about it. Who will move it once they have been told they cannot use it? Who will buy it? I think that allowing 14 days is sensible.

The Hon. J.R. Cornwall interjecting:

The Hon. PETER DUNN: Because there might be a mistake. There could be a vindictive inspector. For heaven's sake, be reasonable.

The Hon. J.R. CORNWALL: The way it will operate—and if members read the clause it is obvious—is that, if there is a suspicion or a preliminary test which indicates that the hay, the crop or the fodder in whatsoever form is contaminated, there will be a notice saying that it is; you cannot dispose of it or sell it or feed it to stock, but you can ask for a second test. You can ask for a second independent opinion. That is the way it will work and that is—

The Hon. Peter Dunn: Where does it say—

The Hon. J.R. CORNWALL: It is in the clause, if you read it.

The Hon. Peter Dunn: Show me. Read it out to us.

The Hon. J.R. CORNWALL: I cannot help those who are unable to help themselves. What the Opposition is proposing is that, despite the fact that there is either a strong suspicion or a proof that the crop or the hay is contaminated, there has to be a stay of 14 days during which it can be sold to some unsuspecting character across the border.

The Hon. Peter Dunn: You just said it can't be sold.

The Hon. J.R. CORNWALL: Who said it could not be sold? You said it could not be sold.

The Hon. Peter Dunn: You just said that if he gets a notice he can't sell it or—

The Hon. J.R. CORNWALL: Who said?

The Hon. Peter Dunn: You did.

The Hon. J.R. CORNWALL: No.

The Hon. Peter Dunn: You look at *Hansard* tomorrow.

The Hon. J.R. CORNWALL: No, no. Under what we propose it cannot be sold, that is for sure; under what you propose in this strange amendment the cocky has 14 days in which to sell it and, if he can find somebody who is foolish enough to buy it or who doesn't know the score, that is what can happen. I find it amazing that you could put up such an amendment. You are not protecting anyone except the very tiny number of rogues. You are not protecting the industry; indeed, you are jeopardising the industry. We are not here arguing the principles of free enterprise versus social democracy or the ideology that underpins the two major political Parties of the State and the nation. None of that at all.

We are talking about what is practical, what protects the industry and what is the best thing for primary producers generally. The Government feels very strongly about it and knows that this is the right way to go about it. I am not giving any undertaking on behalf of the Minister that I will aid and abet the Liberal Party in allowing shonks to go about doing as they will with what is almost certainly contaminated foodstuff.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: There is an undertaking (and it can be enforced under the Bill before the Council) that if somebody strongly contests a decision they can have a second sample taken provided that in the meantime they do absolutely nothing—do not attempt to sell or to feed the stock the suspect fodder. That is about as reasonable as one can be, and it as far as the Government is prepared to go.

The Hon. J.C. IRWIN: I wish the Minister would take up the spirit of what Mr Elliott said, because he has not been able to answer the question put by the Hon. Mr Dunn or me earlier. Proposed new section 24 (8) provides as follows:

> Where in the opinion of an inspector fodder is contaminated with a prescribed agricultural chemical and the level of contamination exceeds the level prescribed in relation to that chemical, the inspector may, by notice in writing—

that is immediately, as I read it; there may well be a need to act immediately—I am not saying that there is not—

> direct the owner of the fodder—
>
> *(a)* to destroy or treat it in accordance with directions set out in the notice;.

The notice may well say to destroy immediately. In new subsection (9) all we ask, if a person on whom notice is served under subsection (8) does not comply with the notice, is that a period of 14 days be inserted, so that a person who has been caught with this so-called contaminated fodder can get a second opinion or make some other arrangements under the notice that is served on him. If the service of the notice says that that fodder must not be moved, sold or fed to anything, that is surely a legal notice, and we ask that, before the fodder is totally destroyed, some time should be allowed. We say that it should be 14 days rather than having some young, enthusiastic inspector, fresh out of school, rushing around the countryside asking for a person's livestock or fodder and livelihood to be destroyed. We cannot understand your attitude.

The Committee divided on the amendment:

Ayes (10)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, K.T. Griffin, C.M. Hill, J.C. Irwin (teller), Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (11)—The Hons G.L. Bruce, J.R. Cornwall (teller), T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, T.G. Roberts, C.J. Sumner, G. Weatherill, and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived; clause as amended passed.

Clause 11 passed.

Clause 12—'Responsibility for offences by bodies corporate.'

The Hon. J.C. IRWIN: I move:

Page 6, lines 2 to 4—Delete 'unless it is proved that the director or manager could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate' and substitute 'if it is proved that the director or manager could, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate'.

The purpose of this amendment is to take out the reverse onus of proof and make the prosecutor prove that the director or manager of a corporation could have prevented the offence by the body corporate. I have a question for the Minister generally on the subject of corporations to which I alluded in my second reading speech. Is it the intention of the Act to catch incorporated sporting bodies which use agricultural chemicals? I refer to football, golf, tennis and bowls clubs, all of which, at one time or another, use chemicals but not, in any case that I can think of, for an agricultural purpose or for agricultural production.

Some rural sporting bodies do receive income from running cropping programs of one sort or another, but I would see that in a totally different light to caring for their playing surfaces. I ask the Committee to support the amendment to delete the reverse onus of proof, which is included in more and more legislation these days, and I ask the Minister whether sporting bodies that use agricultural chemicals can be caught intentionally.

The Hon. J.R. CORNWALL: The advice I have received from the Parliamentary Counsel is that this clause is now standard in virtually all Acts where it is appropriate. The Government opposes the amendment for the simple reason that the amendment changes the onus of proof under the Act from the director or manager to the inspector. A consequence of that is that it would be very difficult, if not impossible, to successfully prosecute under the amended terms. Therefore, the Government very strenuously opposes the amendment.

As to whether sporting clubs would be prosecuted or penalised, I believe that I will need to take that question on notice. I am happy to send a written reply. However, it does not in any way alter the Government's vehement opposition to the amendment.

The Hon. M.J. ELLIOTT: The Democrats will not support the amendment.

Amendment negatived; clause passed.

Clause 13—'Regulations.'

The Hon. J.C. IRWIN: I move:

Page 6, line 7—Delete '$5 000' and substitute '$1 000'.

This amendment reduces the new penalty in the Bill from $5 000 to $1 000. Section 32 of the Act provides the power to make regulations. Paragraph *(g)* prescribes penalties for offences against the regulations. The old penalty was $100. No reason has been given for lifting the penalty to $5 000. We do not support such an enormous lift in penalty for an offence against the regulations, and I ask the Committee to support the amendment.

The Hon. J.R. CORNWALL: The Government opposes the amendment quite strongly. It is a maximum penalty and a court would take into account the circumstances of a particular offence once proven. However, I submit on behalf of the Government that the level of penalties must be sufficiently high to be an effective deterrent not only to individuals but also to corporate bodies which deliberately misuse chemicals or flaunt the legislation.

Again, I regret that I cannot help getting the impression that all these amendments have been designed, whether by intention or by default, to protect the guilty. Again we have a situation where, even if we were able to successfully prosecute for a major breach of the legislation—legislation which I have said a dozen times is there to protect our extraordinarily valuable meat export market—the Opposition, it appears, now wants to limit the maximum penalty to $1 000. Quite frankly in 1987 that is a joke in bad taste.

The Hon. M.J. ELLIOTT: I believe that a maximum penalty of $5 000 is not unreasonable in the light of the seriousness of the matters that are currently before us.

Amendment negatived; clause passed.

Title passed.

Clause 2—'Commencement'—reconsidered.

The Hon. M.J. ELLIOTT: I move:

Page 1, after line 14—Insert the following subclause:

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

I believe that when the Government sits down and starts doing the paperwork associated with this Bill it may find that the task is far more daunting than it first appeared. While the Government may be very keen to proclaim the Bill because of the power that it contains to enable DDT and other chemicals to be controlled, and because it wants those powers put in place urgently, it may create problems in other areas. I believe that it would be a valuable tool for the Government if it could proclaim this legislation in stages, if that was necessary. That could even apply to the new clause that I had inserted earlier in relation to the registration of sellers of chemicals. The Government may not wish to act on that provision immediately and proclamation of the Bill in stages would allow that provision to be implemented later.

The Hon. J.R. CORNWALL: We accept the amendment on the ground that it is innocuous.

The Hon. J.C. IRWIN: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Bill reported with amendments.

Bill recommitted.

New clause 6a—'Person not to sell prescribed chemicals without permit'—reconsidered.

The Hon. J.R. CORNWALL: As the Committee would know, I was very ambivalent at best about this amendment and, from memory, I outlined 11 quite substantial reasons why the Government had reservations about it. My initial position was to accept the amendment and to have it sorted out by the Minister of Agriculture and my Government colleagues in another place. However, having reconsidered yet again, and in a sense having behaved a bit like a Democrat because I have changed my mind three times, I now believe that it is a very cumbersome amendment.

The Hon. I. Gilfillan interjecting:

The Hon. J.R. CORNWALL: I have stayed in the Chamber so I suppose that differentiates me from the Democrats, who go off to dinners without valid pairs. In other ways I have acted a little like a Democrat, for which I apologise to the Committee, and I hope that it never happens again. I have had this provision recommitted so that the amendment does not have to be considered by the other Chamber. It is a rather cumbersome amendment. After agonising over the amendment for some hours I believe that we should throw it out.

The Hon. PETER DUNN: I find it difficult to support the amendment because I think it encompasses everyone including every Tom the Cheap and other small outlets. They would all have to spend hundreds of dollars to be educated in the field just to sell very small quantities of chemicals. It may have been better to limit the quantity of

chemicals permitted to be sold. I agree that there should be good education for those who sell bulk quantities, that is, Elders and other large retailers.

This encompasses home use, and I can understand the Hon. Mike Elliott's opinion because he was caught in the Riverland buying chemicals from a cooperative. I think in the long term AVCA will see that these people are fairly well informed under the self regulation scheme. The fact is that 99 per cent of these chemicals are fairly innocuous and not harmful. Weedicides such as Roundup, and so on, are very useful chemicals that save us quite a lot of money in the long term. I think it is unnecessary to include all these chemicals when we could have picked up the two or three that were causing concern if we had provided for a schedule. They could have been included in the schedule; that would have made it quite clear and we would have known exactly where we were going. However, because we did not do that we are now in this bind.

The Hon. M.J. ELLIOTT: I think that we are in a farcical position. The Minister had prepared some time last week a green paper which provided some reasons that were put together rather quickly, and he has now become the fount of all wisdom on this matter. I do not claim to be that, but I have spent several weeks talking to many people about this Bill and I have given it a fair degree of earnest consideration. It is my honest belief that it is only through the education of the sellers and users of chemicals that we will solve this problem.

Many of the other clauses in the Bill are largely a waste of time unless we have inspectors sitting on people's shoulders or unless we have an adequate testing system of the produce. We do not have that in this State and I have no reason to believe that the position will change. In the end, it will only be by education and people knowing what they are doing that we will solve the problem. We cannot leave it to self regulation, because it is the occasional dill who has caused the problems that we already have. We now have the Minister in some fit of pique claiming there was a deal done and, because he did not get what he thought the deal was, he wants to recommit the clause. It is a farcical arrangement.

Since I first moved the amendment many people have considered it. Both the Horticultural Association and the UF&S support it. I believe that today the UF&S contacted the Minister's office but that the message did not get to the adviser now sitting beside the Minister. Now this clause is being knocked out in a fit of pique and ignorance, and that is not the way that legislation should be dealt in this place. That is the way that some people obviously operate.

The Hon. J.R. CORNWALL: I do not respond to personal abuse and I wish the Hon. Mr Elliott would not lower the standard of debate in this place. God knows, I try hard enough to keep it at an appropriate level.

The Hon. J.C. IRWIN: What I said before is well remembered, and I do not want to go over all that ground again. It is not the ambivalence of the Minister but rather pique that we are talking about this amendment again. I have some regard for the Democrats because I know what the Hon. Mr Elliott has done with us—but separately—in the consultation process which should have been undertaken by the Government and the Minister of Agriculture and which obviously was not done because the legislation was plotted and hatched in the office and not with his department or senior people out in the field who have to use these chemicals. That is what makes it so difficult for us on this side, because we have spent weeks doing this sort of work instead of getting on doing other things.

I know what the Hon. Mr Elliott has been through and he, as we have, has tried to help the passage of this Bill one way or the other. Probably, I have some slight difference with my colleague the Hon. Mr Dunn because it will come eventually one way or the other; there will have to be better service at small or large outlets, urban or rural, particularly urban. A great problem confronts the Government about how it will deal with the urban sale of chemicals in the same way as it has imposed this problem on the main productive sector of this country. If this amendment is not accepted, we should let this industry work with the Government and the Minister to bring in a better system of service delivery and qualification at the point of delivery. The Opposition supports the intention of the amendment, but we will stay consistent. We unlike the Government, we will not support the amendment now.

The Committee divided on the new clause:

Ayes (19)—The Hons G.L. Bruce, J.C. Burdett, M.B. Cameron, J.R. Cornwall (teller), T. Crothers, L.H. Davis, Peter Dunn, M.S. Feleppa, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, Carolyn Pickles, R.J. Ritson, T.G. Roberts, C.J. Sumner, G. Weatherill, and Barbara Wiese.

Noes (2)—The Hons M.J. Elliott (teller) and I. Gilfillan.

Majority of 17 for the Ayes.

New clause thus negatived.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a third time.

The Hon. PETER DUNN: I wish to make a couple of brief comments on the Bill. I am disappointed that we did not include the schedules in the Bill for one specific reason. It would have demonstrated to the people to whom the legislation is applying—the rural community—what chemicals were banned. The Minister will include them in the press, but it will not be the same. If we had included the schedules in the Bill, they would have been specific, everyone would have known about them and there would not have been any bother. Under the Bill, the Minister's office will receive 9 000 or 10 000 permit applications to use chemicals other than as registered on the label and the Minister will be snowed under.

In addition, because he will be slow because he will not have enough staff to cope in the interests of cost cutting, permits will not be issued and for that reason the legislation will be a farce. The situation will be even more of a farce than it is now. The legislation now in force is not being amended as it should be, but this will make it a bigger farce because people will want to use chemicals other than as on the label. There will be uses for chemicals that are not registered in this State. The Bill forbids that strictly, unless the Minister can give a good reason, I can assure the Council that there will be many applications by individual farmers in that regard.

According to this Bill every farmer who wants to use chemicals, other than by the registered label, will have to seek a permit to do so. For this reason I believe that it is a total farce and I am disappointed that the Minister did not accept the Hon. Jamie Irwin's original amendment to create a schedule of chemicals that are strictly banned. And they should be banned. Nobody is disagreeing with that, even if the Minister says that I am trying to protect farmers; I have never said that during the entire debate. Those chemicals must go and we had a chance to put them on a schedule and make them go. Under this Bill, the Minister

can please himself what he does with those chemicals, and he may not even get it right.

The Hon. J.R. CORNWALL (Minister of Health): I will respond very briefly to the honourable member. What the honourable member says is a lot of nonsense. I regard this as a very progressive and a very important piece of legislation. I say that as one who has worked as a veterinarian among rural communities for a decade. I have been around long enough to see the development of sophisticated insecticides; and been through a period where I, like a lot of people, believed that they were a boon to mankind. I have lived long enough to realise that in most instances, the harm that they did, on balance, was far greater than the good that they did. In the interests of the human species and, in this particular case, the interests of the very great and important meat export trade in this country (and this is still predominantly a country which earns most of its export income from primary production, albeit that that is going to go into better balance in the future), I think it is a very significant and most important piece of legislation. The amendment and the objections raised to the Bill by members of the Liberal Party have been quite specious and, on occasions, appeared to be verging on the irresponsible.

Bill read a third time and passed.

APIARIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 1831.)

The Hon. PETER DUNN: Madam President, the Liberal Party supports this Bill. We will suggest some amendments that I think will go through fairly quickly because I believe that the Government agrees with them in principle. There is one amendment on which we may have to exchange some verbal contact before we can sort it out completely. The industry in South Australia is relatively small. There are only about 1 300 beekeepers, but there are a number of private individuals other than those in the industry, who use bees as a hobby, a hobby in which they get very engrossed.

A lot of schools keep bees as a hobby. I understand that the Premier keeps bees as a hobby. I guess he has an interest in this legislation as well. With the bee industry being small, like the fishing industry, sometimes there is difficulty legislating for it because there are no clear guidelines. For instance, I cite the fact that it was generally agreed—

Members interjecting:

The Hon. PETER DUNN: I have some competition here, Madam President.

The PRESIDENT: I can hear you.

The Hon. PETER DUNN: There have been hiccups in the legislation dealing with bee keepers and I particularly refer to the time when it was generally agreed by the other agricultural industries that the control of salvation Jane, as it was called, by biological means was deemed by the beekeeping industry not to be in its best interests. People fought very hard, in fact so much so that they had a stay put on the release of the vector which would have controlled salvation Jane. So, even though the bee industry is small, it has demonstrated its ability to have some clout. The industry has looked at this Bill and has made a few suggestions to it. I think we can generally agree that those suggestions are in its interests.

The bee industry is important, not only for the collection of honey, but also in the pollination of some of our species of plant that do not pollinate readily, probably the exotic species introduced into the country such as lucerne. A much higher fertility rate and a much better seed set is obtained with pollination by bees. The lucerne plant has a trigger mechanism on the flower, and every time a bee sticks his nose into the flower, he gets a belt in the ear from part of the flower which knocks the bee around. That is just an aside, but it demonstrates the other use of the bee industry.

As I have stated, it is a big hobby industry. A lot of people run bees and, therefore, we will see as we go into Committee that my few amendments really try to help the hobby industry as much as anything. Some of the fines that have been included are rather severe, particularly as it involves the hobby industry. Some of the periods of notification need slightly changing. The Minister has indicated his interest in those matters and his general support. We will see what happens in Committee but, in effect, I support the Bill.

The Hon. J.R. CORNWALL (Minister of Health): I thank the honourable member for his contribution. I might say that in this matter, I share his interest and his concern for those who keep bees as a hobby. They are licensed, of course, and I have had the benefit in this matter of being able to take some advice, at least, from probably the State's best known hobby beekeeper, so I am sure I will be able to make some intelligent contributions.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Registration as beekeeper.'

The Hon. PETER DUNN: I move:

Page 1, lines 25 and 26—Delete clause 4 and insert new clause as follows:

4. Section 5 of the principal Act is amended by striking out from subsection (1) 'Penalty: Five hundred dollars' and substituting:

Penalty:
—for a first offence—$500.
—for a second or subsequent offence—$5 000.

The effect of this amendment is to reduce the penalty because, as I see it, there would be a problem with the registration of beekeepers. There always has been a problem, and to ping some person or a school in relation to a hobby up to $5 000 for a first offence is fairly severe. We suggest $500 for a first offence, and if someone continues to repeat that offence, a penalty of $5 000 is quite reasonable.

The Hon. J.R. CORNWALL: We think it is most unlikely that the court would impose the maximum penalty for a first offence, even on such a well-known beekeeper as the Premier. However, we do not want to cavil about the spirit and intent of the legislation and, because I am feeling quite generous at this stage, I am prepared to accept the amendment on behalf of the Government.

Clause negatived; new clause inserted.

Clause 5—'Beekeepers to notify presence of disease.'

The Hon. PETER DUNN: I move:

Page 1, line 29—Delete 'within 24 hours' and substitute 'within 48 hours'.

This amendment extends from 24 hours to 48 hours the period within which a beekeeper must report a notifiable disease. This relates purely to weekends. It may be for the comfort of the department, I guess. I do not think an extra 24 hours would make much difference in terms of the disease. If someone discovered on a Saturday morning that their bees had a disease, at least they would have until the Monday morning to report that disease.

The Hon. J.R. CORNWALL: I am still feeling expansive and generous. The Government again accepts this amendment.

Amendment carried; clause as amended passed.

Clauses 6 to 8 passed.

Clause 9—'Limits to compensation.'

The Hon. PETER DUNN: I move:

Page 2, line 30—Delete 'for at least two months' and substitute 'for at least three months'.

This amendment extends from two months to three months the period for which compensation is sought after a disease has been discovered. In many cases bees go into hibernation during the winter period and diseases are not immediately identifiable. Sometimes people will pack up their beehives and take them to a distant area, usually near a dam (because the Act distinctly provides that water must be within 200 metres). We are endeavouring to give just a little more elasticity to the beekeeper, because he may have the bees away for that winter period. If he does not go within two months, then under the Act he is liable for a severe penalty. By extending the period from two months to three months we are allowing a little elasticity. It was not provided in the Act; it is relatively new. It is reasonable to extend the time limit to three months, because in a long winter bees hybernate for at least three months.

The Hon. J.R. CORNWALL: My generosity comes to an end at this point, because this matter is far too important. We cannot compromise here at all. There are a number of very good and compelling reasons, and I will go through them. First, prompt notice of the suspected presence of disease is essential for the control of American foul brood which, of course, is a very severe disease affecting bees. Secondly, unlike other diseases of bees, this disease cannot be treated and hives that are affected must be destroyed to stop the spread of the infection, so it is literally controlled by destruction.

Thirdly, the industry is very concerned about this disease and it made very strong representations to us that it wants to see it controlled to protect its livelihood. Fourthly, it is most certainly reasonable to expect beekeepers to check their hives regularly to ensure, amongst other things, that bees have access to water. Therefore, they do not need three months.

Fifthly, there is clear evidence—and we admit that bees hybernate—that American foul brood can be detected by any average, reasonable beekeeper after two, not three, months. This disease is in the form of a specific pathognomonic scale that forms on the frames in the hives, so there is no need to provide three months. Finally, extending the period beyond two months very much increases the chances that disease will go undetected and, therefore, spread to other hives.

I think the reasons for two months *vis-a-vis* three months, given the life cycle of the bees and the course and the spread of American foul brood, are such that two months is quite compelling on logical and scientific grounds. We strongly oppose this amendment. Might I say, lest somebody thinks that this is opposition for the sake of opposition, that I can give notice now that I intend to accept the next five amendments that have been placed on file. However, this one we must oppose most strenuously and I will certainly call for a division, if necessary.

The Hon. M.J. ELLIOTT: While the arguments about the winter and dormancy may be somewhat relevant, I think the more important thing to be taken into account is that during the peak of activity—during the summer months—two months is more than adequate. We have to look at it at the time when they are most active and when the disease can spread rapidly. For that reason we must accept the two months provision.

The Hon. PETER DUNN: I am not a beekeeper or highly skilled in looking after bees. However, we spoke to some beekeepers who have been at it for quite some time and they have suggested that three months would be a better period.

Amendment negatived; clause passed.

Clause 10 passed.

Clause 11—'Offences.'

The Hon. PETER DUNN: I move:

Page 3, line 30—Delete paragraph *(c)* and substitute the following paragraph:

(c) by striking out 'Penalty: Five hundred dollars' and substituting:

Penalty:

for a first offence—$500;

for a second or subsequent offence—$5 000.

This amendment decreases the penalty for a first offence from $5 000 to $500, but then provides that the penalty return to $5 000 for second or subsequent offences.

The Hon. J.R. CORNWALL: The Government accepts this amendment.

Amendment carried; clause as amended passed.

Clauses 12 and 13 passed.

Clause 14—'Prohibition of keeping other than Ligurian bees on Kangaroo Island.'

The Hon. M.J. ELLIOTT: This clause seeks to protect Ligurian bees on Kangaroo Island. I am not up with what that term means, but I am aware that they are seen to be genetically different from bees on the mainland. Apparently, they are seen as an important resource for the mainland industry in that they may supply genes for breeding at various times in the future. I recognise that this clause amends something that is already in the Act, but it is one of the few cases we have seen in South Australia of any positive attempt to maintain genetic diversity. I have raised this matter in questions in this place on several occasions, and it is something I am glad to see is being addressed in the Bill. I hope that the Government addresses the question of genetic diversity more often when the opportunity arises.

The Hon. J.R. CORNWALL: I, too, have a great deal of expertise in the area of Ligurian bees. I thought, initially, until I read more about it, that the only bees we had to worry about on Kangaroo Island, given the vote I got when I ran for Barker in 1972, were Liberal bees. There are Gilfillan bees, too, of course.

The Hon. C.M. Hill: There are no queens among them!

The Hon. J.R. CORNWALL: I think that that is probably a fair observation. Ligurian bees, I am told, are a quiet non-aggressive species. If other bees—

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: Not like Liberal bees or even Labor bees, that is true. If the normal bee that is used commercially were to be introduced on the island, I understand that they would quickly dominate and there would be a danger that the Ligurian bee would succumb to this dominance. The Hon. Mr Elliott is quite right; it is important that we keep them as a specific subspecies or variety. I support his comments.

Clause passed.

Clause 15 passed.

Clause 16—'Bees to be kept in frame-hive.'

The Hon. PETER DUNN: I move:

Page 4, lines 1 and 2—Delete clause 16 and insert new clause as follows:

16. Section 13aa of the principal Act is amended by striking out 'Penalty: Five hundred dollars' and substituing:

Penalty:

for a first offence—$500;

for a second or subsequent offence—$5 000.

I move this amendment for reasons previously stated.

The Hon. J.R. CORNWALL: The Government accepts the amendment.

Clause negatived; new clause inserted.

Clause 17—'Hives to be branded.'

The Hon. PETER DUNN: I move:

Page 4, lines 3 and 4—Delete clause 17 and insert new clause as follows:

17. Section 13a of the principal Act is amended by striking out 'Penalty: Five hundred dollars' and substituting:

Penalty:

for a first offence—$500;

for a second or subsequent offence—$5 000.

This amendment again concerns the same matter. The clause concerns the branding of hives. It is easy to miss branding a hive. In fact, I know of a hobby hive that I do not think is branded.

The Hon. J.R. Cornwall interjecting:

The Hon. PETER DUNN: I am not certain, but I do not think it is branded. It is a hobby for some children whom I know, and I guess that $5 000 first up would be a bit severe.

The Hon. J.R. CORNWALL: Let me say a little reluctantly now that we have had a confession that there are potentially at least two lawbreakers on the other side of the Chamber, that I am not sure that the full rigour and vigour of the law should not be applied. However, in the spirit and intent of the legislation it would be a little foolish. I know that neither the Hon. Mr Dunn nor the Hon. Mr Cameron would deliberately want to flout the law and that they need only a little time to put their houses, or their beehives, in order. So, I am happy to accept the amendment.

Clause negatived; new clause inserted.

Clause 18—'Beekeeper to provide water.'

The Hon. PETER DUNN: I move:

Page 4, line 10—Delete 'Penalty: $5 000.' and substitute:

Penalty:

—for a first offence—$500;

—for a second or subsequent offence—$5 000.

The Hon. J.R. CORNWALL: The Government accepts this amendment.

Amendment carried; clause as amended passed.

Clause 19—'Regulations.'

The Hon. PETER DUNN: I move:

Page 4, lines 11 and 12—Insert new clause as follows:

19. Section 19 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) A regulation under this section may create an offence punishable by a fine not exceeding for a first offence $500 or for a second or subsequent offence $5 000.

The Hon. J.R. CORNWALL: The Government accepts the amendment.

Clause negatived; new clause inserted.

Clause 20 and title passed.

Bill read a third time and passed.

ABORIGINAL HERITAGE BILL

Adjourned debate on second reading.

(Continued from 10 November. Page 1781.)

The Hon. M.J. ELLIOTT: The Democrats support some of the principles of the Bill but express grave reservations about the Bill as a whole. Before I address the actual wording of the Bill, I think it should be looked at in the present context. We in South Australia have only just had our sesquicentenary and Australia's bicentenary is approaching very soon. It is understandable that many people in Australia wish to celebrate, and have a giant party. However, I think it would be tragic if we fell into jingoism and did not use it as a time to reflect on where we have been, what we have done and what we plan for the future.

It is inevitable that any appraisal would include an examination of what has happened to the Aboriginal population of Australia. Australia has a black history in two senses. Aborigines have been on this continent of Australia for 30 000 to 40 000 years. They have their own history, a history well beyond 200 years. When Europeans arrived, a fully developed mature culture existed, and who would dare to say today that one culture is superior to another?

The Aboriginal culture did not include writing; there were no titles over land; and they did not keep domesticated animals, other than dogs, so there were no fences. It did not have sophisticated weaponry, so it had no firearms. The land was claimed by Europeans because 'it had no owners'. Aborigines were shot and poisoned and died of introduced diseases, and perhaps the greatest sin—a sin of equal significance with any of those—was committed: their culture was largely destroyed.

Aborigines were put into missions to 'save their souls'. There was a commonly held view that the Aborigines would die out and social Darwinism (the survival of the fittest) held sway. I think there are people today who still believe in social Darwinism. There are those who say that in history there have always been the victors and the vanquished and simply shrug their shoulders.

In South Australia today Aboriginal health is no better than in Third World countries. The chances of an Aborigine being imprisoned is 28 times greater than that of a white person. In fact, South Australia has the worst record in the Commonwealth of Australia in relation to Aboriginal imprisonment. While there are in South Australia some good signs such as the Aboriginal task force, the Aboriginal TAFE, the Aboriginal Community College, and the development of an Aboriginal media, we really have a very long way to go.

I have cause to reflect on what happened in the United States in the late 1960s and early 1970s when the black power movement arose. The black people, who were not indigenous to the United States but had been forcibly brought in from Africa, had been through something of a similar experience: their own culture had been completely demolished and they had no real chance of getting it back. However, we did see the rise of the black power movement—the Black Panthers. Many converted to Islam as they saw that as a religion of Africa.

We saw terrorism and the like occur, and there are times when I fear that similar sorts of things could happen in Australia as the black people rebel against what has happened to them and seek their own identity. It is not something that I want to happen, but I think that, although people may disagree with what Michael Mansell says, if they do not reflect on what he is saying and why he is saying it, we are inviting the same things to happen here.

The rise of black power eventually led to something more important, namely black pride. People were not ashamed to be black and, although the American Negro is still more likely to be unemployed and to be imprisoned, there has been a great deal of progress, to the point that a black person has even been suggested as a potential presidential candidate. All that has happened quite rapidly over the past 15 years.

There is a desperate need for pride to develop in the Australian Aboriginal community. It certainly is there to some extent, but I believe that we will see that growth only if their heritage and cultural roots are recognised and if being an Aborigine is not something to be ashamed of. I do not believe it is, but that is the way that our culture has had them believe.

That is what putting them into missions was all about, and that is why children were taken away from Aboriginal parents and placed with white families. They could then be

brought up in the European way because that was 'the right way to live'. That happened only a generation ago. I agree that times change, but I think also that there is no reason why anyone should have to deny their own cultural heritage. Many people in this place have different cultural heritages, albeit European heritages.

The Hon. J.R. Cornwall interjecting:

The Hon. M.J. ELLIOTT: I think that the Italian migrants, the Greek migrants and various other ethnic groups now in Australia all have their own vibrant culture, and we see it displayed on various festive occasions. There is a pride in being Italian, Greek, Yugoslav, Croatian or whatever. That same sort of pride should exist in the Aboriginal community. I think we owe it to the Aboriginal community to allow that culture to flourish.

I hope that the thrust behind this Bill is exactly that and that it is not aimed only at Aborigines in the North-West away from the cities, where it does not matter to us. It is just as important for Aborigines in Adelaide, Murray Bridge or in any of the more developed areas of the State. Their heritage is just as important to them as is the heritage of the people in the Maralinga or Pitjantjatjara lands.

This is one of the most appalling Bills that I have seen in my life, particularly in view of what I said earlier. The Labor Party subscribes to self-determination, but not one iota of self-determination is provided in the Bill. All power is vested in the Minister, and I think he rates a mention 109 times; and the word following his name on 100 of those occasions is 'may'. While there are quite substantial powers in the Bill, they are entirely discretionary. The Bill amounts to, very largely, a blank cheque. The present Minister may tell us how he intends the Bill to operate, but there is absolutely no guarantee that it will operate that way at all.

There are a number of international agreements, to which the Australian Government has given its assent, relating to the handling of cultural materials belonging to minor cultures. For these reasons, we need to carefully consider our actions in making plans for Aboriginal cultural sites and objects. We need to establish a group of Aborigines with whom we can consult. At present the Bill has a concept of a committee chosen by the Minister. The committee could comprise only Uncle Toms (or I suppose potentially Auntie Toms). In fact, I could just about guess exactly who the likely members of the committee will be as a result of the lobbying that I have received. One is able to predict who is likely to say the things that the Minister wants to hear, so I think there is a great danger in this area.

We are trying to uphold Aboriginal heritage with a white Minister who appoints a committee decided by him to advise him. The Minister does not have to do what the committee says—he simply puts them there and he can sack them at any time if they ever look like causing any problems. The Minister decides who will be on the committee and whether or not he will listen to them. I think that we should turn it around. We should ask all Aboriginal communities and groups to nominate a member or two who have their confidence. That group could then elect a committee of 12 members to represent them.

Under the Bill, we expect to tell the committee what information, explanation and cooperation will be required and then expect it to attempt to meet our needs. Would we treat any other group this way? Most other groups operate from a powerful western economic base. To afford the Aboriginal committee the same advantage it must be funded. When the Aborigines challenge us and are critical of our methods we will know that our investment is paying dividends. However, if there is no disagreement and no difference of opinion we will know that we are maintaining control over them. Perhaps we should turn around the control provided in the Bill. We should give the committee much more control. It should be advising the Minister and, where the Minister chooses to veto its rulings, there should be an appeal process.

Let us allow members of the committee to institute proceedings where an offence has been committed. At the moment the Minister decides whether or not to proceed with a prosecution. At the moment an Aboriginal item can be damaged in some way and an Aborigine who has an interest in that item or area has no opportunity whatsoever to proceed against the person responsible for the damage—that is entirely at the Minister's discretion. Let us give the committee the job of considering the much wider issues of culture. It could perhaps continue to recommend to the Government that there be an Aboriginal Heritage and Resource Centre—the same one which the Government considered in 1983 and which is still the subject of talks. Perhaps it could also look at language, drama, Aboriginal media and other matters of Aboriginal interest. I venture to suggest that many health and welfare problems would evaporate at very little cost if we followed this path for the next few years.

I believe that the best way of obtaining a representative structure which could properly represent Aboriginal people—and I will be proposing amendments along these lines—is to look at an Aboriginal council that is represented by all communities. The council could be a large body comprising 100 to 150 members. Quite obviously it could not meet regularly—possibly only once a year. That council, representing all communities, could then choose a committee of about 12 members and it could be responsible for those things that are presently vested in the Minister under this Bill. So, it would be an Aboriginal body that was interested purely in Aboriginal culture and Aboriginal heritage. It would be responsible for ensuring that Aboriginal culture and Aboriginal heritage were protected. If there was any fear that the committee might step over the bounds of what was right and proper—and that is arguable—there would be no problem with giving the Minister the power of veto. Admittedly, in the legal sense, the Minister would under this Bill probably have power equal to that, but there is an important difference. If the Minister had to veto the committee, which would no longer be a tame committee, he would use that power sparingly and only when there was good reason for doing so.

I have been placed in a difficult position over the past couple of months. Having been interested in this Bill since the beginning of the year, I sent a submission to the Minister in, I think, February or March this year on an early draft of the legislation. I have been considering the Bill for some time and we must now vote on it. I think the Bill is deplorable. It replaces legislation which went through in 1965 and which was largely toothless. Since 1965 there have been two other attempts to get a Bill through. One lapsed because of an election and a second one passed both Houses of Parliament but was never proclaimed. So, the Aborigines have been waiting for an awfully long time—22 years in fact. They are impatient and are not very trusting. They fear that if this Bill does not go through now they may not get another chance. Having looked at the last two attempts to get a Bill through, I can understand their fear and reluctance in not wanting this Bill to proceed. As I said, it really amounts to a blank cheque.

Whether or not you trust the Hon. Dr Hopgood and whether or not he will work the Bill to look after Aboriginal heritage, we must consider what the next Minister and the Minister after that will do. This legislation could be in place

for another 22 years. I really do not like legislation which is open-ended when you really do not know how it will operate, and that is exactly how the Bill is drafted at the moment. The Minister has had his minions travelling the State assuring communities that he will delegate all powers to them. But there is nothing in the Bill which gives any assurance that that delegation will be made; and there is no assurance that some future Minister will delegate or, having given a delegation, will not overturn it.

One need only look at Labor policy to see that it has been overturned rapidly on a whole range of matters. I believe that GMH made an approach to the Labor Party after it did a U-turn on uranium policy and wanted modifications patented to put in their cars. With the turn-around of such an important conscience issue as that, how confident can Aborigines be that any assurance given is worth anything at all?

Surely there has been enough in the history of South Australia and Australia to show that European people have not been terribly reliable concerning Aborigines. So, I have Aborigines lobbying me strongly to support the Bill because they trust the Government. I have had another group of Aborigines lobbying me just as strongly that they believe the Bill is unamendable. At this stage I have drafted extensive amendments to which I have already alluded. If those amendments were passed, the Bill would be a good one. Whether or not the Government can come up with other amendments which are workable is open to debate at this time.

I share the fears of people who are concerned that, if the Bill disappears now, we might not see it again. If I had more confidence in the Opposition, that it had a little bit of spine in this matter, I would be willing to delay it. I do know that there are members of the Liberal Party who have a genuine concern about Aborigines, their culture and their heritage.

Unfortunately, I am aware that there are quite a few Liberals who take the social Darwinist view toward Aborigines. I believe that they hold sway in the Party and that, if we have a delay, there is a real fear that the Bill might get worse rather than getting better concerning Aborigines. I will see what amendments are accepted and what other amendments the Government proceeds with, and the decision whether the Bill will proceed at this time will rely entirely on that. I support the second reading with a great deal of reservation in the belief that perhaps with amendment it may be made workable.

The Hon. PETER DUNN secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 5 November. Page 1706.)

The Hon. DIANA LAIDLAW: Essentially, this Bill deals with the powers and duties of councils concerning their functions and the raising and expenditure of revenue. It condenses, reorders and revises the financial provisions, softens the doctrine of *ultra vires*, meaning to act beyond permissible legal power, simplifies technology and provides for the use of gender neutral language. It also accommodates recommendations for change proposed by the Local Government Association (LGA).

The Liberal Party is inclined to support the second reading but to reserve its decision on whether or not to support the third reading. We have a number of fundamental objections to the Bill's provisions. If amendments that we propose to move are not successful, we will not support the passage of the Bill. The matters of concern to the Liberal Party range from providing councils with the prerogative to set a minimum rate and to levy differential rates determined on the use of land or locality, to curtailing the very large number of external approvals from the Minister under this Bill. In pursuing these basic objections to the Bill we are confident that we have the endorsement of the majority of councils in this State. Certainly, until a few days ago, we also understood that we had the undivided support of the LGA. This has dissipated somewhat following action by the Minister over the past week to pressure the hierarchy of the LGA to reach some behind-the-scenes last minute compromises that are at odds with the expressed wishes of its membership.

At this stage I am not certain whether the Minister's actions were prompted either by panic or whether they were part of some grand rather cynical exercise at the eleventh hour designed to bully the LGA and this Parliament to do what the Government wants, or else potentially put at risk the implementation for next financial year of the smattering of positive initiatives incorporated in the Bill. After all—

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: That is something they will have to settle themselves. After all, the Minister announced on 20 October last year that she would be introducing this Bill the following month—November 1986. Therefore, she has had plenty of time to negotiate an acceptable package and introduce a Bill that is in the interests of strong local government in South Australia. Certainly, that was the impression that the LGA President had in the report he presented to the annual general meeting of the LGA last month. Under the heading 'Local Government Act' in his report, he stated:

> The detailed consultations by the LGA and the Government and the work of Charles Muscat, Executive Officer, Policy and Legal, have ensured that a well refined Bill will enter Parliament.

Yet we have here today, exactly one year later, a situation in which we are confronted with an unworkable piece of legislation in the dying hours of the session. Those were the words of the LGA—not mine. We also face a situation in which the Minister intends to introduce comprehensive amendments to change some of the basic and central provisions in the Bill.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: That is my understanding. The Liberal Party will have no part of the games that the Minister appears to be playing with local government in this State. The Bill is far too important and too much is at stake. Instead, we want to provide councils with an excellent framework so that they can cater for the interests of their local communities well into the next century. After all, it is 50 years since the current Act was reviewed. Therefore, we intend to move with care and caution in respect of the Bill. We will not be bullied by threats and pleas of urgency.

If the Bill does not pass this Council or Parliament before we rise, the onus will not be on the Liberal Party; it will rest fairly and squarely on the shoulders of the Minister, who has had plenty of time to introduce it. I repeat that the Minister indicated in October last year that she intended to introduce this legislation. The Minister has had plenty of time to introduce the legislation and she has had plenty of time to ensure that she introduced well-considered and workable legislation. The fact that she has opted not to do so is her problem. It is not a situation that the Liberal Party has engineered. Indeed, the Liberal Party believes that the range and gravity of the amendments proposed by the Min-

ister, the fact that we have not yet seen them, that they have not been seen or canvassed by councils to date, and the fact that our amendments have not yet been prepared on this matter, all lead to a situation where it would be desirable that the Bill was held over until next February.

In fact, our position in this respect is that it would be preferable, in the circumstances, for the Minister to withdraw the Bill, and the amendments that she has apparently reached in some compromise with the LGA should be incorporated in a new Bill that should be introduced in the next session.

The Hon. M.B. Cameron: And sent out to councils.

The Hon. DIANA LAIDLAW: And certainly sent out to all councils. It should be noted that the Minister has not sent this Bill to all councils in this State. A draft Bill was sent out last May and this Bill differs substantially. We now find that there is also a range of additional amendments which everybody is talking about in the LGA and other circles—draft amendments which everybody is talking about but which nobody has seen—and yet the Minister continues to suggest that we should be able to get this Bill through in the coming session. She must be living in a dream world. Since the introduction of this Bill key provisions have incurred the wrath of local government across this State.

The Hon. Barbara Wiese interjecting:

The Hon. L.H. Davis: Did you hear that? She says that they are lucky to have seen a draft.

The Hon. DIANA LAIDLAW: Who is lucky? We are?

The Hon. Barbara Wiese: Bills are introduced into Parliament, not circulated to the LGA.

The Hon. L.H. Davis: Not with a Bill as wide ranging as this.

The Hon. Barbara Wiese: That is not necessarily so.

The Hon. DIANA LAIDLAW: That just confirms the arrogance of the Minister.

Members interjecting:

The Hon. DIANA LAIDLAW: The Minister's interjection simply confirms the arrogance that is so evident in this Bill.

The Hon. L.H. Davis interjecting:

The Hon. DIANA LAIDLAW: Mr Davis, you will have your turn soon. Members should be aware that on Tuesday of last week the Local Government Association called a special meeting of their executive to canvass their concerns. This special meeting represents the first time long standing members of the executive can recall such a meeting being convened. Certainly, no such meeting of the executive was called for or held in 1972 following the release of the report by the Local Government Act Revision Committee into the powers, responsibilities and organisation of local government in South Australia. Yet, this committee had nominated many councils for forced amalgamation, a recommendation which was met with bitter opposition. Nor was a special meeting of the LGA executive called for, or held, in 1984 when the first of the current series of five Bills to rewrite the Act was introduced. Yet, this Bill also generated intense opposition because of the imposition of new electoral procedures and provisions that insisted all meetings be held in the evening. In these circumstances, the fact that the LGA deemed a special meeting of the executive was warranted following the introduction of this Bill clearly demonstrates the depth of the shock and horror that has reverberated throughout local government circles in recent weeks.

Government members laugh. It is just so sad to see how in this place they reinforce their arrogance and insensitivity towards the value and work of local government in the community. Certainly, if they were in touch with local government they would have heard the same things as we on this side have heard in recent weeks. These expressions include incensed, shocked and stunned reactions. They have been repeated to me on countless occasions over recent weeks. Mr Acting President, this Bill—

The Hon. Barbara Wiese interjecting.

The Hon. DIANA LAIDLAW: No. Bad luck Minister, you will not get away with that. Mr Acting President, this Bill is the second in a series of five Bills to revise and update the Local Government Act in this State. Since the Act was introduced in 1934, there have been numerous *ad hoc* amendments resulting in a cumbersome piece of legislation.

Perhaps the only distinction that the Act now enjoys is that it is the largest. The current process of review was initiated by the former Liberal Minister of Local Government (Hon. Murray Hill) in 1980. At that time I was working with Mr Hill and I vividly recall his intention that the process be undertaken over a decade. Today, however, seven years later, we have before us only the second of the five Bills. At the present rate of progress, one can only hope that by the time the fifth and final Bill is completed, the first in the series will not be out of date.

The delay so far is an indictment on the Bannon Government and successive Labor Ministers of Local Government. The delay has not been due to intransigence on the part of individual councils or the LGA. Indeed, it has been my observation over these years that councils have not only fully backed the revision process but have extended themselves beyond reasonable expectations to accommodate the whim of the Government and to be available for consultation and negotiation whenever required. If one needs evidence of the LGA's willingness to accommodate the parameters set by the Minister, it is amply demonstrated, but rather pathetically so, I suggest, in a copy of a letter I received last Friday from the President of the LGA, Councillor Price, outlining the compromises reached at a meeting the previous day with the Minister. I shall deal with this matter shortly.

In the meantime, this background in relation to the revision process helps to explain the strong sense of betrayal and injustice that is rife throughout local government since the introduction of this Bill. The Bill provides for some additional powers, but it also increases the range of matters that will require the approval or consent of the Minister. It incorporates many unanticipated features that are contrary to earlier understandings. This Bill includes numerous changes compared with the previous Bill that was circulated in May for comment.

The Bill certainly does not reflect the hours upon hours which the LGA spent in negotiations with the Minister and her representatives. It does not reflect the general expectation that this Bill would enable councils to respond to and be accountable for the needs of local residents and ratepayers well into the next century. It does not reflect the Minister's commitment to providing councils with greater flexibility and autonomy. And it certainly does not reflect the Minister's repeated assurances in this Chamber over the past 18 months that, in the interests of local government, an understanding would be reached on as many matters as possible before this Bill was introduced. In fact, as recently as 14 October the Minister stated in this Chamber:

> By and large, all of the major issues of concern and interest to local government have been agreed upon.

Today, it is obvious—

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: I do not want to be sidetracked by the Minister's rather peeved interjections, but if

she honestly believes that local government and the Government have reached a compromise on all the agreements, she should reread the letter from the President of the Local Government Association of last Friday. It indicates that compromises have been reached on a number of matters, but there are at least 17 further matters, I understand, on which they are still seeking the help of the Liberal Party and the Australian Democrats to redress some of the unsatisfactory aspects in this Bill.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: The letter was written to you, Minister. It is addressed to you and, if you have not received it, there is something astray in your department. I will certainly provide you with a copy, because a copy was sent to me.

Members interjecting:

The Hon. DIANA LAIDLAW: Last Friday. If the Minister is not reading her correspondence, it is quite clear that she is not in touch with what other local governments are saying to her.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: Why do you not read your correspondence, and you will find that compromises were reached, apparently, on about six issues and at least 17 are outstanding.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: Well, I would not believe what they say but I would read what they put in a letter and what they signed. Anyway, the Minister indicated on 14 October that 'by and large, all the major issues of concern and interest to local government had been agreed upon' and today it is more than obvious that this statement was a blatant untruth. The reality is that this Bill destroys council discretions; it repudiates earlier commitments; it incorporates new clauses that have never been canvassed; and without forewarning it imposes on councils and the people they serve the Labor Party's hang-ups in respect to local and individual responsibility.

When one reads this Bill, one finds it difficult to relate the provisions with the most admirable sentiment expressed by the Minister a mere month ago on 30 October at the AGM of the Local Government Association. At that time, she said:

> These challenging times call for a new maturity in our relationship, recognising that our ability to overcome our difficulties rests on leadership, mutual trust and respect.

I certainly strongly endorse that sentiment and I believe that all elected and appointed local government officers would do likewise. Therefore, it is a matter of profound regret that, when put to the test, when determining the final form of this Bill, the Minister for her part has not been prepared or able to exhibit these same fine qualities of leadership, trust and respect.

However, I suspect that further analysis of the Minister's address at the AGM should have alerted all who are interested in the status and well-being of local government that trust and respect for the role and function of local government would not be the underlying theme of this Bill. The Minister's address contained not one positive reference to local government, and this fact was pointed out to me by local government, and I confirmed it upon reading the speech. There was no recognition of the enormous and invaluable contribution which the 124 councils in this State make to our economic and social well-being.

The Hon. L.H. Davis: It was a patronising speech.

The Hon. DIANA LAIDLAW: It was worse than patronising. The Minister elected to chastise and undermine local government, focusing at all times on the lowest common denominator. Her diatribe surprised all present (and the Minister would be able to confirm that), but few were aware that this display of ministerial arrogance signalled the authority that the Minister would seek unto herself in this Bill. For the interest of members I cite but a few of the Minister's statements at the last AGM of the LGA. First, she stated:

> It is perfectly proper for local government to call for greater flexibility, less regulation, wider scope for local action, and so on. But local government must recognise that it derives its powers and authority from the legislative acknowledgment of the State, and that ultimately the State is responsible for its performance.

Secondly:

> Strident calls of 'undemocratic' and 'interference', whenever the State exercises its responsibilities, are unrealistic rhetoric and do not help the cause of local government.

Further, she stated:

> There are problems in local government that still need to be addressed. We must do something about those councils whose performance is unacceptable. Examples of inefficiency, poor decision making, insensitivity, poor public relations, ineptitude or worse reflect on councils which do perform well and make it more difficult to convince Parliament and the community that local government is sufficiently responsible and competent to exercise the flexibility and freedom I have talked about.

Members on this side of the Council do not need to be convinced that 'local government is sufficiently responsible and competent to exercise flexibility and freedom'. Therefore, one can only assume that the Minister was referring to her own colleagues, and I have reason to believe that this assumption is sound. Thus, it is a sad reflection on the Minister (in fact, it is far worse—it is a tragedy) that in this undertaking she has not been successful. She has not been able to convince Cabinet or Caucus that local government in this State can be trusted with increased responsibility.

Accordingly, this Bill is littered with the Labor Party's ideological hang-ups and platitudinous handouts. It is based on the assumption that local government is not capable of doing the right thing, that it must be checked, supervised and made accountable to the State Government for every step it takes rather than to the local community it is elected to serve.

A close reading of the Bill will confirm that this Government deems local government to be a rather tedious level of government, merely to be tolerated. If one was to be brutally frank, this acknowledgment should not come as a great surprise. After all, the platform of the ALP is based upon the belief that the State alone knows best and that the State is the desirable end in itself, not merely the means of encouraging and promoting opportunities for individuals or groups of individuals to develop and achieve their own goals.

This most centralist, restrictive, paranoic, philosophical base pervades the whole Bill. The Local Government Association, in its first submission on the Bill, noted that the Minister's second reading explanation makes it clear that the Government's attitude is that local government is there only to exercise delegated powers from the State Parliament and that in some way the State Government is to be the arbitrator of what are appropriate standards to be maintained in local communities.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: Amendments that the Minister should have accommodated in the first place. Indeed, in her second reading explanation the Minister stated:

> Local government in Australia is subordinate, not sovereign.

In a very narrow legal sense I concede—

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW:—that that is correct. As legal entities, councils are subordinate. However, the statement ignores the evolution of local government in this State and nation, its essential role in our democratic system of government and the strong ties individuals traditionally have developed in relation to their local communities. In the Liberal Party we prefer to respect local government not as subordinate or as an agent to State Government but as a vital component in our democratically elected—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: It is so interesting to hear how upset Government members are when they cannot—

Members interjecting:

The PRESIDENT: Order! I call the Council to order. These interjections from both sides of the Council must cease.

The Hon. DIANA LAIDLAW: I will respond to the last interjection from the Attorney. One gets rather used, on this side of the Council, to being dismissed as not knowing what one is talking about when the Attorney or other Government Ministers cannot either take what is being said or cannot answer what is being alleged.

The Hon. C.J. Sumner: You don't know what you're talking—

The Hon. DIANA LAIDLAW: There he goes again. You're so tedious. If you had read the Bill you would realise that what I am saying is sound. The Advisory Council for Intergovernment Relations addressed the subject of local government's formal relations to the State in its 1984 Report 7 which was entitled 'Responsibilities and Resources of Australian Local Governments.' I have been told by senior people in local government that this is essentially their bible concerning their relationship to the State. It states:

> 10.2 Local government . . . like departments and public authorities is subject to the laws of the State, and subject to being changed if the Government of the day so desires. Like those other bodies, its role is to assist in the government and administration of the State. The manner in which local government currently does so reflects the issues and conditions that have shaped its historical development. The State-to-State differences are revealed in both the types and range of responsibilities of local government, and the nature of the supervision exercised by the State.
>
> 10.3 However, there are two significant differences between departments and public authorities, on the one hand, and local government, on the other. In every State, local government is a multifunctional body created to serve local needs. Unlike public authorities, its 'directors' are elected by the public.
>
> 10.4 The Redcliffe-Maud Royal Commission gave expression to both of these ideas when it said:
>
> > The importance of local government lies in the fact that it is the means by which people can provide for themselves; can take an active and constructive part in the business of government, and can decide for themselves, within the limits of what national policies and local resources allow, what kinds of services they want and what kind of environment they prefer . . . Local government . . . by its nature, in closer touch than Parliament or Ministers can be with local conditions, local needs, local opinions . . . is an essential part of the fabric of democratic government.
>
> 10.5 Given this rationale, local government serves to assess local needs, provide and protect community services and facilitate interaction between the elected representative and the local public: all in the interests of the balanced development of the local community. It also serves to be sensitive and responsive to the needs of the families and individuals who are its residents or ratepayers.

How different is that definition and recognition of local government than that provided by the Minister in her speech when she simply stated that it is subordinate? The Liberal Party strongly concurs with this assessment of the role and value of local government and it is our intention to ensure that this Bill reinforces these important characteristics, thereby generating greater local community interest and involvement, encouraging more responsible local management and enhancing the overall capacity of councils to respond to local aspirations and needs well into the next century.

We have assessed each clause of this Bill against this positive framework. Our conclusion is that, despite all the Government's propaganda about providing councils with greater flexibility and autonomy, the Bill does not empower councils on behalf of their local communities to meet their individual needs or create their own future. This Bill contains many technical provisions and it will, therefore, be appropriate that the majority of the Liberal Party's concerns ranging over a broad spectrum of matters be confined to the time when this Bill—or if the Minister sees the wisdom of withdrawing the Bill, which we believe is the preferred option—or a further Bill is before the Council. At this stage I will canvass a number of matters. My remarks are necessarily limited to the Bill and not to amendments that the Minister proposes, because I am not aware what they are.

The Hon. R.I. Lucas: I don't think she knows, either.

The Hon. DIANA LAIDLAW: It wouldn't appear, from earlier comments, that she is aware of the amendments that she will be moving. The first issue I will address is discretionary powers and duties. The Minister's second reading explanation speaks of striking a balance between the legitimate scope of local government activity, the rights of individuals and groups governed by local authorities, and the overall responsibility of Parliament for the system of local government. The Minister also makes reference to greater autonomy on the part of councils, increased responsibility of councils and maintaining flexibility in the system. After considering all these matters, the submission by the Local Government Association concluded:

> However, a careful reading of the Bill clearly indicates that the balance is still very much weighed toward ministerial control.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: I did not catch the Minister's snide interjection, but perhaps it is best that it is not recorded. This conclusion reached by the LGA can readily be substantiated by scanning clauses 152 to 200 of Part IX of the Bill which deals with financial management. Eighteen, or over one-third, of these 48 clauses require either ministerial approval, consent, consideration, investigation or some action according to conditions that the Minister sees fit. I seek to incorporate into *Hansard* the clauses of part IX that require ministerial approval. This is statistical and meets the guidelines that I received this morning.

Leave granted.

Part IX—Financial Management

Sections which Require Ministerial Approval, etc.

157 Investment
158 Accounts and reserves
159 Estimates
161 Financial statements
162 The auditor
164 Reporting of certain irregularities
169 Basis of rating
174 Declaration of general rates
176 Basis of differential rates
177 Service rates and service charges
184 Payment of rates
185 Remission and postponement of payment
188 Procedure where council cannot sell land
190 Minimum amount payable by way of general rates
191 Recovery of rates not affected by an objection, review or appeal
193 Rebates of rates
196 Various projects that may be carried on by a council

197 Procedures to be observed in relation to certain activities

The Hon. DIANA LAIDLAW: Although the number of clauses that require ministerial oversight or direction is by any reasonable conclusion excessive, this imposition upon the basic integrity and daily management practices of councils is aggravated by the nature of the area in which the Minister seeks to intrude. In both instances, the Minister, on behalf of the Government, seems to presume that the Government has some divine monopoly on accountability.

The LGA has taken strong exception to this point, and I certainly endorse its views in this regard. I am also very conscious that the Department of Local Government's accountability and administration has been questionable in recent times. It is certainly far from infallible and, in this context, the saga earlier this year involving Thebarton Development Corporation Proprietary Limited comes readily to mind. Members will recall that following questions in this Chamber and after seeking legal advice the Minister was forced to admit that she had erred in granting approval to the Thebarton council to establish the corporation under section 383a of the Local Government Act.

In her ministerial statement on 6 August last, the Minister said in part:

I believe that the previous advice of my officers may have been deficient in that the activities which the company was to be empowered to undertake were perhaps too broadly defined.

Following this revelation, agreement was reached between the State Government and the council to dissolve the Thebarton Development Corporation.

Another and more recent example that reflects badly on the department involves a submission by the Adelaide Hills residents group known as the Blackwood Hills Policy Group to secede from their local council and form a separate council. In the *News* of 17 November, an article by Tony Brooks related that the submission signed by almost 4 000 residents had been referred to Crown Law following concern that it might not meet the guidelines for secession set out in the Local Government Act. The article noted:

Rejection of the documents by Crown Law solicitors would seriously embarrass the Local Government Department, because its officers helped the Hills Policy Group frame the submission.

So, here we have a further instance of dubious advice emanating from the department. Neither the experience of the Blackwood Hills Policy Group nor the Thebarton Development Corporation instils confidence that the Minister and her department have matters under control when administering their responsibilities under the current Act. Yet this Bill proposes a radical increase in the powers and responsibilities of the Minister in the day-to-day operations of local government in this State.

To add insult to injury, clause 49 provides that the Minister may delegate any of his powers or functions under the Act. However, it does not limit the delegation to certain senior officers within the department. The delegation is left open-ended, and any Tom, Dick or Harry or the female equivalent (perhaps Barbara) could be delegated the considerable powers that the Minister has assumed unto herself—powers that legitimately should remain in most cases within the discretionary province of local government. The Liberal Party together with local government finds this proposition totally unacceptable.

Related to this issue, we also question the wisdom of inundating councils with a major paper shuffling exercise in an effort to obtain the host of ministerial approvals, consents and directions that are stipulated in the Bill. Form filling and letter writing seem odd priorities to set for local government at a time when local government faces so many human services and social justice issues.

Indeed, such an exercise represents a gross waste of limited time and resources, not only for councils but also surely for the department. As an upshot of this Bill, the Department of Local Government will be swamped with paper from 124 councils around the State. To process all the correspondence, budgets, plans and forms that require ministerial attention by a person to whom the Minister will delegate her authority, it can be envisaged that many more staff will be required by the department if undue delays are to be avoided and if we are not to see a repeat of the Thebarton Development Corporation or Blackwood Hills Policy Group (as my colleague the Hon. Mr Lucas suggests quite correctly) fiascos. At a time when funds are scarce at all levels of government the appointment of more public servants simply to process forms is an outrageous proposition. If more money is to be found for local government purposes in this State it should be channelled back into local communities.

The Hon. L.H. Davis interjecting:

The Hon. DIANA LAIDLAW: That is what I said earlier: it is all about State control. If more money is to be found for local government purposes in this State it should be channelled into local communities to build up local assets and to develop programs to meet local needs, but not into swelling the State bureaucracy.

The second major issue that I wish to address is the Government's intention to abolish the so-called minimum rate, although this issue is also related to the council's discretionary powers and duties. Currently sections 223a and 228 of the Act empower councils to fix a minimum amount payable by way of rates. This amount, known as the minimum rate—although that term is rather a misnomer—has helped to ensure that all property owners pay at least a minimum amount, so that everybody contributes to basic services and administrative costs from which everyone in the local community benefits. It is proposed that these sections be repealed and provision made in a new section 190 to phase out the rate over the next two years and thereafter to be applied only with the Minister's approval.

Before I commenced speaking I understood, following interjections from the Minister—although this may not be so—that some agreement has been reached that this phasing out period is to be extended from two to four years. Whether or not that is the case it remains a fact that, whether it be two or four years, it amounts to the same thing, namely, abolition. The Liberal Party is opposed to this proposition. We aim to allow a council the option to strike a minimum rate if it so wishes. I concede that there may also be some merit in providing that the minimum rate be based on the facilities and services that a council offers for the benefit of its community.

The history of the minimum rate dates back to the mid 1920s, when it was introduced to ensure that councils covered the administrative costs of serving rate notices. Increasingly, however, councils have tended to set the rate at a higher level and to increase the proportion of assessments upon which the rate has been levied. Today there are a number of overzealous and possibly excessively greedy councils that have set their minimum rates at between $300 and $400 a year and/or determined that 70 to 80 per cent of rate assessments will be set at the minimum rate, as opposed to the rate set according to property values. For these few councils there is no doubt that the minimum rate has become a major source of revenue and in the process has distorted local government's principal and traditional rating system based on property values.

The Government has deemed this practice to be unacceptable, and the Liberal Party agrees with this analysis. In

fact, the Minister has even suggested that it is illegal, although it should be noted that the Government has never seen fit to take any so-called offending council to court. However, we do not agree that distortion of the spirit or the intention of the minimum rate option by a limited number of councils requires or justifies abolition of the minimum rate provision.

Neither did the Minister, I hasten to add, when she addressed the annual general meeting of the LGA in 1985. I know that the Minister has been reminded of this statement on many occasions in this Council in the past, but it is worth repeating. She said at that time that there is no suggestion whatsoever that the ability to levy a minimum rate should be removed. However, less than six months later she was proclaiming the exact opposite, that there was no reason whatsoever that the ability to levy a minimum rate should be retained. It is an amazing 180 degrees turnabout. Quite frankly, since misleading local government in 1985, the Minister's response to the challenge to explain her dramatic change of heart has been woeful. I understand that this aspect will be pursued by my colleague the Hon. Legh Davis when he speaks to the Bill and, therefore, I will not dwell on it further.

The Hon. C.J. Sumner: Well, get on with it.

The Hon. DIANA LAIDLAW: I will take as much time as I wish, as much time as I think local government deserves and much more time than the Government spent looking at the Bill. Basically, the Liberal Party supports retention of the minimum rate provision on three grounds: first, we believe as a matter of principle that local government should be entrusted with a variety of rating alternatives, including the minimum rate, from which it can choose the best and most appropriate rating policy for its particular circumstances. The usefulness of each rate will vary from council to council and be subject to valuation variations within a council area. However, the judgment of what is best for a local community in terms of rating systems should not be dictated by State Government but rather determined by the council—a decision for which it will be ultimately accountable.

Secondly, we recognise that councils throughout South Australia have expressed overwhelming support for the retention of the minimum rate—not only at present in representations to the Liberal Party but for many years. This is indeed LGA policy, and over the past three years in particular it has fought strenuously and courageously to convince members of Parliament of the value and benefits that flow to a community from a council's right to charge a minimum rate.

In a press statement of 3 February this year, the President of the LGA, Councillor Price, even resorted to urging all ratepayers to contact their State MPs to urge them to oppose the Government's plan to abolish the rate. I am advised that two weeks ago, at the Southern Hills Regional Local Government Association meeting, and again last Friday at the Riverland Regional Local Government Association meeting, Councillor Price stated and restated the association's stand in demanding retention of the minimum rate.

Thirdly, the State Government has yet to put a convincing argument to councils and to Parliament as to why the minimum rate should be abolished. We recognise that removing the power for councils to use the minimum rate would benefit real estate speculators holding vacant land, and it would certainly save the South Australian Housing Trust tens of thousands of dollars at a time when the Federal Government has ruthlessly cut State funds for housing. But we see no other real winners. Research undertaken by the LGA has identified two scenarios which would follow the abolition of the minimum rate. First, if the minimum rate is abolished, and if councils are to maintain their current levels of services, they will still require the same income to undertake the same works programs. Therefore, councils will have no choice but to increase the general rate to return the same funds. Across the State many more people pay a general rate rather than a minimum rate, so most people will be required to pay more in rates, with pensioners and small business in general and new home buyers in the outer metropolitan areas in particular being hardest hit by this rise.

An honourable member: The workers.

The Hon. DIANA LAIDLAW: Yes. It is just a further example of people who have traditionally supported the Labor Party being neglected by this Government. I seek leave to incorporate in *Hansard* a purely statistical table which identifies the impact of the abolition of minimum rates on a sample of councils in metropolitan and country seats. I note that it includes council areas in seats held marginally by the Labor Party, so perhaps Government members might care to look not only at the percentage increase but the dollar increase and the percentage of pensioners who will pay more as a consequence of the abolition of the minimum rate.

Leave granted.

IMPACT OF ABOLITION OF MINIMUM RATES ON SAMPLE OF COUNCILS (METROPOLITAN AND COUNTRY)

Council (min. rate)	% increase	$ increase (average)	% of pensioners paying more
Port Adelaide ($230)	5.7	15-20.00	24
Glenelg ($259)	10	33.00	67
Woodville ($245)	7.58	18.50	18
West Torrens ($173)	—	—	—
Salisbury ($285)	3.6	12.00	
Elizabeth ($273)	15.5	47.00	—
Prospect ($250)	9	26.00	75
Marion ($291)	36	108.00	79
Unley ($216)	2.7	9.00	10.7
Walkerville ($240)	4	18.00	95
St Peters ($230)	1.4	6.00	—
Whyalla ($252)	24	74.00	—
Port Pirie ($288)	—	—	—
Port Augusta ($306)	52.6	160	50
Mount Gambier ($240)	15.5	40.00	33
Clare ($250)	13.6	—	—
Gawler ($225)	Site 1.8 Capital 8.43	Site 8.8 Capital 25.47	85
Spalding ($125)	34.4	70.00	68
Kapunda ($200)	Rural 28 Town 49	—	—
Tea Tree Gully ($250)	1	3.00	34
Noarlunga ($248)	12.2	32.57	40
Henley & Grange ($265)	12.5	37.00	88.5
Burra Burra ($230 Town)	23.0	53.00	60 to 70

1. Shows estimated per cent increase for ratepayers not on the minimum if the minimum were abolished.
2. Shows estimated average dollar increase for ratepayers not on the minimum if the minimum were abolished
3. Shows the percentage of pensioners who would pay more in rates if the minimum were abolished.

The Hon. DIANA LAIDLAW: The second scenario identified by the Local Government Association was incorporated in its submission on the Bill some two weeks ago, as follows:

It is quite clear that if the minimum rate is abolished many councils will have to cut back on many of the services they provide as the maximum levels of rates will be too high to sustain when simply applying the general rate. As a result those people who may benefit from the abolition of the minimum rate in

monetary terms will lose the services that they benefit from. If people have to pay rates based strictly on the general rate as related to the property value, councils will be pressured to spend more on property services rather than human services.

Both scenarios presented by the LGA paint a dismal picture for the most financially vulnerable people in our community. New home buyers struggling with mortgage repayments and small businesses struggling with falling retail sales and increased costs will be required to pay more in general rates to ensure the maintenance of current services. Alternatively, services, for which, as members would be aware, low income families have the greatest need and on which they place the greatest demand, will be cut.

Neither of these outcomes rests easily with the Minister's statements that the abolition of the minimum rate is a matter of fairness and equity. She repeats that endlessly but never produces any figures or facts to prove the case. It seems to be yet another instance of Government rhetoric. Nor does the abolition of the minimum rate rest easily with the Government's professed enthusiasm for social justice. Indeed, in relation to pensioners, I have taken a great interest in this matter as shadow Minister of Community Welfare and I am only too well aware of agitation. It is a pity that the Minister yawns on a matter of social justice but I take a great interest in the welfare of pensioners. If members opposite did likewise, they would be well aware of agitation by representative groups such as SACOTA, VOTE and the South Australian Consultative Council on Retired Persons and Pensioners for the Government to address this question of local government rate concessions.

Retired persons and pensioners who own their own home do not seem to be of much interest to the Government. Certainly, lower income people who may be in trust accommodation are a different matter but retired persons and pensioners who own their own homes are finding it increasingly difficult to meet rising rates. I have received correspondence from time to time from retired trade union members on this matter.

Their problems, however, would not be relieved by the abolition of the minimum rate; they would be aggravated. Either pensioners will pay more in general rates or lose vital community and home based services. Not surprisingly, their efforts, according to all representative groups to which I have referred, have been directed at the Government's refusal to address the value of local government concessions available through the State Government. The value of the concessions has remained unchanged since July 1978. It stands at 60 per cent of the rate up to a maximum of $150. If the value of the concession was updated, using all groups CPI Adelaide, today it would be worth $311.85. Since 1978 the loss in value of local government rate concessions amounts to $161.85, or 51.9 per cent.

Redressing the loss in value of the State Government concession is the one measure that would really help pensioners meet their rates bill. Abolition of the minimum rate will not do so. I would also suggest that the Minister look at further studies by the Local Government Association which show clearly that abolition of the minimum rate will increase the general rates of pensioners. One should realise that more than 50 per cent of pensioners in many council areas will be paying more.

I also make the point, on the subject of pensioner concessions, that the Bill provides that councils can have some discretionary power to offer additional concessions to low income groups where rates are high. Yet I remind the Minister that this provision in the Bill is really more an opt out for the Government. While the Government does not increase pensioner concessions, it tries to suggest that local government should be doing so and taking up this role. Yet, by the abolition of the minimum rate, most pensioners will be paying more and the pressure on pensioners will be greater. At the same time, there will also be less money in local government coffers unless the general rate is increased. It is unlikely in those circumstances that local government will have the flexibility to provide the concessions which the Minister would suggest will be available in the future through amendments contained in the Bill.

It is no wonder in these circumstances that press statements by the LGA over the past two years have repeatedly emphasised that the Government's proposed changes to the rating system have been devoid of any understanding of their impact on the community. This accusation has been made in relation to both the proposal to abolish the minimum rate and the proposal to replace the minimum rate with a minimum charge. The so-called minimum charge or service is not provided for in this Bill, but I understand the Minister may be again seeking to incorporate such provisions in amendments that are yet to be placed on file.

However, when the Minister has canvassed the issue of a service or minimum rate in the past, it was initially enthusiastically damned by the LGA. I quote from a press release dated 6 May 1987 in which the President of the LGA, Councillor Price, stated:

The Government has demonstrated with their proposal for a minimum charge that they have no understanding of its impact on the local community. To insist that councils need only charge a minimum charge based on its administration costs is to overlook the fact that local government is now involved in a comprehensive range of services to the community from sport and recreation facilities to libraries, gardens, parks, health and community support services, such as child care and day care for the aged.

A month later, however, the LGA resolved that it could support the introduction of a service charge only if it was an option in addition to the power to set a minimum rate. The LGA gave its qualified support to a service levy concept, not as an alternative to the minimum rate but rather as a further option to councils. It considered that both the rate and the levy had merit and has been seeking since July this year that both should be included in this Bill to enable an individual council to determine which, if any, to use.

The Bill introduced by the Minister abolishes the minimum rate but does not incorporate a provision for a service levy. This situation is unacceptable to the LGA, individual councils and the Liberal Party. However, in the view of the Liberal Party, the absence of these key provisions in the Bill did not warrant a decision last Friday by a few select members of the executive on behalf of the LGA to abandon the principles and longstanding policies—and it would be my view also the integrity—and reach compromises with the Minister, central to—

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: Well, that is an issue that will be taken up by members of the executive in other council matters. I just make the point that the absence of those features in the Bill in my view did not warrant select members of the LGA abandoning policies, principles and integrity, nor the longstanding fight on this issue to obtain the minimum rate. The Minister mentioned earlier that she might not have seen the letter from the President of the LGA which was forwarded to her last Friday, so I will read part of it. This letter was in fact sent to Dr Eastick, and it states:

On Thursday 26 November 1987 the honourable the Minister of Local Government and the Local Government Association held further discussion on the substantive issues in the Local Government Act Amendment Bill now before Parliament. An understanding has been reached after several days of negotiations. While some issues remain unresolved—

yet the Minister suggested earlier that there were none—

we believe that it will be in the best interests of all parties to support the proposed amendments arising from the above negotiations and thus enable the Bill to pass. Your support is sought and your good offices would be much appreciated. Attached is a list of the proposed amendments.

1. Rating.
   1.1 The minimum rate will be phased out over four years (two councils elections).
   1.2 Those councils who have high levels of minimum rating will be able to go beyond the sunset period by the consent of the Minister providing that the council has agreed to a phasing out program.
   1.3 Councils may declare a minimum charge payable by way of a rate based on fixed administrative costs.
   1.4 The differential rate may be applied on the use of the land. 'Use' is to be determined in the regulations after consultation with the LGA.

The letter continues:

During the discussions with the Minister, other issues of concern were raised and remain unresolved. These issues include—

I will not read the next three pages, but I indicate that they cover areas such as valuations, controlling authority and certainly extensive matters under ministerial consent. Seventeen areas are noted here but, as I indicated earlier, they are simply the major unresolved issues; however, they are not by any means exhaustive.

I do not understand what possessed some senior members of the executive of the Local Government Association to cave in last Friday on the issue of the minimum rate. It seems to me that, by doing so, they have undermined a fundamental principle that councils should be empowered to choose the rating system or combination of rating systems most appropriate to their individual communities. There is no doubt that circumstances of councils across the State, whether it be Le Hunte, Murat Bay to Mount Gambier, the Riverland councils or inner metropolitan councils, all vary and, accordingly, these councils should have at hand the widest range of rating options to suit their needs.

I am uncertain how the LGA will now explain to its members the decision, which I believe was an unnecessary decision, to succumb to pressure to abolish the minimum rate. From letters and phone calls that I and my colleagues on this side of the Council and also in the other place have received in recent weeks, it is abundantly clear that the individual councils in this State want to maintain the minimum rate.

I will not read those letters but, rather, I will cite those that have been sent to me. As I said, other members have received their own. The letters that I received include letters from the city of West Torrens, the Enfield council, the Prospect council, the city of Elizabeth, the District Council of Kapunda, the District Council of Mannum, the District Council of Murray Bridge (and that letter included also a submission from the South Australian Local Government Regional Development Association), two letters from the District Council of Loxton, the District Council of Waikerie and the Whyalla city council. The ones that I received ranged from metropolitan to country councils and provincial cities such as Whyalla.

We have received also very strong submissions from the Chamber of Commerce and Industry which indicated its support for the retention of the minimum council rate, and a letter from the Elizabeth Chamber of Commerce on the same matter. There is no doubt that the retention of the minimum rate is a topic about which the majority of councils in this State hold most passionate views, but the Liberal Party also takes exception to many other important matters. The first includes the differential rate. We believe very strongly that the provision which was contained in the draft Bill that was circulated in May and which provided for differential rating according to both use and locality, or a combination of use and locality, should be included in this Bill.

We believe also that, in respect of new sections 170 (valuations) and 184 (payment of rates), once a council determines a system of valuation or a method of payment of rates, it should be able to reverse such a decision. The Minister has, for some inexplicable reason, provided in this Bill that a council cannot change its mind on either of those matters. This is extraordinary when it would appear that a decision made by one council in one set of circumstances may be totally irrelevant to the circumstances and the views of a council elected some years later. The Liberal Party finds that proposition totally unacceptable.

There are many other matters to which I cannot refer because not all the Liberal Party's amendments have been drawn up. Also, we do not have the advantage of knowing the Minister's proposed amendments. Although, as I stated earlier, she has had three years to look at this matter, she is introducing major amendments during the dying hours of the session. The Liberal Party finds that totally unacceptable. In those circumstances, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 2)

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Insertion of new ss.49 to 49e.'

The Hon. C.J. SUMNER: I move:

Page 1, lines 21 and 22—Leave out 'things in action and other'.

As originally drafted, this Bill referred to a 'thing in action', which was the plain English translation of a 'chose in action'. The end result is that we decided, in the interests of plain English, to use neither phrase. My amendment gives effect to that so that the definition will refer to personal property except intangible property. We use the plainer English of 'intangible property' rather than 'thing in action' or 'chose in action'.

The Hon. K.T. GRIFFIN: I will not oppose the amendment. It seems to me that the provision really ought to stay in, but I do not feel so strongly about it as to formally oppose it or to divide. It seems to me that it is relevant to leave it in the Bill and I must say that I am surprised that it is being deleted.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 2, after line 32—Insert subsection as follows:

(3a) A second-hand dealer is not required to comply with subsections (2) and (3) in relation to second-hand goods imported into Australia by the dealer but the dealer must, in relation to those goods, maintain a record that accurately describes the goods and includes the date on which they entered Australia.

This seeks to accommodate the position of the Antique Dealers Association of South Australia, which put to me a view that most of its members import most of their second-hand goods from overseas and that in those circumstances it would not be necessary to apply all the requirements of proposed new section 49a (2) to those second-hand dealers. However, my amendment provides that those dealers must maintain a record that accurately describes the goods and includes the date on which the goods entered Australia, and for them that would be adequate. Of course, if further proof was needed that could be obtained fairly easily from the goods manifest, which I understand ordinarily accompanies goods imported into Australia.

The Hon. C.J. SUMNER: The Government has no objection to the amendment. These records that accurately describe the goods, including the date on which they enter Australia, could presumably be such things as suppliers' invoices or bills of lading. The honourable member's amendment is broad enough to pick up whatever form of record accurately reflects details of the goods that were imported and the date on which they entered Australia.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 4, line 11—Leave out '(being a period of not less than 12 months)'.

During the second reading debate I raised the question of why a minimum period of suspension should be provided in proposed new section 49d, which provision is really the key element of the negative licensing aspect of this Bill. I think my question gains added significance if one considers that proposed new section 49d (1) provides:

> ... the court may, in addition to any other order it makes, by order prohibit the offender from carrying on the business of buying or selling, or otherwise dealing in, second-hand goods (either as principal or agent) for such period ... as the court thinks fit.

There is a discretion for the court whether or not it makes such an order, and in circumstances where it does make such an order I do not see any reason why a minimum penalty ought to apply. The court ought to be given maximum discretion, and that is why I seek to delete the stipulated minimum period in this provision.

The Hon. C.J. SUMNER: I am not opposed.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 4, lines 30 to 35—Leave out section 49f and insert the following section:

Offence by directors of bodies corporate

49f. If a body corporate is guilty of an offence against this Division and it is proved that a director of the body corporate could, by the exercise of reasonable diligence, have prevented commission of the offence by the body corporate, the director is guilty of an offence and is liable to the same penalty as is prescribed for the principal offence.

This deals with offences by directors of bodies corporate, and I made the point during the second reading debate that I was becoming increasingly concerned about this sort of section being included, almost without exception, in legislation. Four or five years ago it was used only in those cases where it was believed essential to the administration of the legislation that there be a reverse onus clause which provided that directors of bodies corporate would be guilty of an offence if the body corporate of which they were directors was convicted, and they would have a defence which is a reverse onus if they could show that they could not, by the exercise of reasonable diligence, have prevented the commission of the offence.

It seems to me that it is important to start thinking about the principle of such a provision, and that is why, on several Bills we are now considering during this part of the session, this issue is being raised. It does not seem to me to be an essential part of the administration of this legislation that we do have such a reverse onus provision in relation to directors of bodies corporate, and it is for that reason that I prefer to put the liability of directors of bodies corporate into the positive, in that they are guilty of an offence if the body corporate is guilty of an offence and if it is proved that the director could by the exercise of reasonable diligence have prevented commission of the offence. That is proof beyond reasonable doubt, and I know that that makes it more difficult to obtain a conviction but it seems to me to be the fairer way of dealing with this problem.

The Hon. C.J. SUMNER: I point out that the clause in the Bill is the clause that has been accepted by this Parliament universally until the present time. If the Hon. Mr Griffin's amendment is accepted, we will be changing for this Bill a provision that hitherto has been accepted as being appropriate when dealing with offences against companies. I would very strongly argue that the track which the Hon. Mr Griffin is going down is completely mistaken. It is not proper to characterise this clause which is in the Bill as drafted as providing a reverse onus of proof. It depends from what point you start, and it seems to me that the appropriate point from which to start is that the directors ought to be responsible for the actions of the company.

If we start from that point then, *prima facie,* the directors of the company ought also to be guilty if a company is found to be guilty. After all, what is the company in that sense? It is the directors directing the company. What the honourable member wants to do is make the company responsible and let the directors, that is, the company itself as a corporate entity, be criminally responsible, and what that means is nothing, because the corporate entity cannot go to gaol. All the corporate entity can do if it is a serious offence is pay a fine.

Of course, if the corporate entity is such as to have arranged its affairs so as to be in liquidation, no-one gets anywhere and the directors get off scot-free despite the fact that they are responsible for the operation of the company.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: If they do not act honestly and diligently; but I am talking about whether an offence is committed by a company. I say that, *prima facie,* if the company is guilty of an offence then the directors are also guilty of that offence, unless they can establish what we have provided for, namely, that they could not, with the exercise of reasonable diligence, have prevented that offence. That seems to me to be the most appropriate way to go about it. This clause that the honourable member now seeks to introduce is a departure from the universally accepted practice in this Parliament and it ought not be agreed to. What he is trying to do—and what this amendment does—is to, in effect, ensure that the corporate veil applies in the criminal area.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: That is basically what you are saying. You are basically trying to say that the corporate veil applies in criminal offences. The corporate veil obviously exists in terms of civil litigations, such as limited liability and liability on the corporation but not on the directors for the debts that are incurred in general terms. However, it ought not to be lifted for criminal offences.

This is an appropriate formulation in the Bill. It is not properly a matter that can be characterised as a reverse onus of proof situation because, in the first instance, I take the view that if the company is guilty of an offence the directors are also guilty of that offence, because they are responsible for directing the company, unless they can show reasons why they ought not to be landed with the actions of the company. In the criminal area that seems to me to be a pretty fundamental principle.

The Hon. K.T. GRIFFIN: I am raising this matter because I think it needs to be considered. It is only because it is now appearing with such frequency in every sort of legislation—

The Hon. C.J. Sumner: That is reasonable.

The Hon. K.T. GRIFFIN: It is not reasonable. You really need to look at what the liability of directors might be, and it is, in fact, a reverse onus provision. As I say, the Companies Code provides that if a director does not act honestly

and diligently in the conduct of the affairs of a company an offence is created. It seems to me that that is an appropriate way to deal with this whole issue, and I want to highlight that I think it is used so frequently as to warrant some consideration of the principle and the way in which it can be more fairly applied and dealt with in the context of this sort of legislation.

The Hon. I. GILFILLAN: I appreciate the fact that the Hon. Trevor Griffin has raised this matter. I am uneasy as a matter of principle that directors will be assumed to be guilty in a general sense and then have to establish their innocence one by one. Certainly, I think it is desirable that directors be pressured—if they are unwilling—to feel directly responsible for the actions of the company. So I think certainly that the motive is soundly based.

I do not intend to speak at great length about this matter because I have the impression that the Hon. Trevor Griffin has raised it as an issue of concern rather than a sticking point on which this issue stands or falls. I feel it is inappropriate for us in this context to make an eleventh hour amendment which, according to the Attorney, is so strongly contrary to the Government's wishes in this legislation. However, I hope that we will have an opportunity to look more intently at the direct consequences of this sort of legislation in the field, because it strikes me that there are opportunities for multiple penalties. Not only will the body corporate take the penalty for an offence, but also, depending on the number of directors, the penalties will occur in multiples in effect, by that same corporate entity. I indicate that I am impressed with the Hon. Trevor Griffin's concern but certainly in this instance it is not our intention to support his amendment.

Amendment negatived; clause as amended passed.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

In Committee (resumed on motion).

(Continued from page 2258.)

Clause 1 passed.

Clause 2—'Application of income from investment of fund.'

The Hon. K.T. GRIFFIN: I move:

Page 1—After 'amended' in line 13, insert:

'—

(a) by striking out from paragraphs *(a)* and *(b)* 'in such circumstances and subject to such conditions as may be prescribed,'

(b) by inserting after paragraph *(b)* the following paragraphs:

(ba) towards compensating landlords under residential tenancy agreements for loss arising from non-payment of rent;

(bb) in paying interest, at a prescribed rate, to tenants under residential tenancy agreements on the amount paid by way of security bond;

(c) [The present contents of the clause become paragraph *(c)*].

The amendment reflects the proposal that I put forward during the second reading debate that income from the fund should be more readily available towards compensating landlords under residential tenancy agreements in respect of damage caused to premises by children, whom landlords are required by the Act to permit to live on the premises; towards compensating landlords under residential tenancy agreements in respect of damage caused to premises by tenants or persons including children permitted on premises by tenants; towards compensating landlords under residential tenancy agreements for loss arising from non-payment of rent; and in paying interest at a prescribed rate to tenants under residential tenancy agreements on the amount paid by way of security bond.

The amendment deletes from existing paragraphs *(a)* and *(b)* the description of such circumstances and subject to such conditions as may be prescribed on the basis that it is better to leave the matter more flexible than to seek to have some prescription by regulation and leave the decisions to be made by the Residential Tenancies Tribunal. New paragraphs *(ba)* and *(bb)* are added to deal with compensation for loss arising from non-payment of rent, and some interest to tenants under residential tenancy agreements.

In his reply at the second reading stage, the Attorney-General tried to ridicule the propositions on the basis that no one of them could be fully satisfied. At no stage did I argue that any one of them should be fully satisfied, but that there ought to be a provision which would enable them to some extent to be satisfied as well as satisfying the costs of administering the Act. It seems to me that the propositions that I put are fair and reasonable and still require a decision by the Residential Tenancies Tribunal.

The subsequent amendments ensure that claims under (1) *(ab)* and *(ba)* are not paid out unless the tribunal is satisfied that the landlord has taken all steps reasonably available to him to recover such compensation and has not recovered adequate compensation for the damage or loss. When we get to it, I will deal with the other amendment that limits the amount to be paid out for projects under the International Year of Shelter for the Homeless. It is an important matter to expand the ways in which income derived from the investment of the fund can be used. It seems to me to be eminently sensible and fair that it be expanded in the way that I have indicated.

The Hon. I. GILFILLAN: I put quite clearly on the record our support for the concerns that the Hon. Trevor Griffin has raised. In our comments on the Bill and this issue prior to this occasion, we have made very clear that we believe that the interest on that fund is rightly and legally the property of the tenants. It is their money and I cannot see how it could possibly be argued that the interest does not attach to the contributors to the fund. Under the legislation, the beneficiaries of the fund are the landlords and the tenants and that system has been working, generally speaking, up to this date. It seems to us that it is important that the accumulation of interest in the future, in the first instance, be reallocated to the tenants as being the prime owners of the fund. There is a reasonable argument to say that more money could be made available to compensate landlords who suffer substantial under-compensation for damage sustained or loss of rent received.

Our attitude is that this whole issue has not had time to be addressed properly and to be dealt with in this manner and, unless the Attorney-General feels that these amendments are acceptable in the light of the Government's attitude to the Bill, I would like an undertaking from him that he will consider these issues next year with a view to bringing in some amendment to the Act that is more specific, so that we can feel confident that these areas, which at the moment are left undecided or indeterminate in the legislation, will be addressed in due course.

So, I would like to hear the Attorney's reaction to that suggestion and indicate that the Democrats believe that to deal with this matter as spontaneously as the amendments that the Hon. Trevor Griffin has raised is likely to give us

some problems which, with a little more deliberation, could be sorted out. At the same time I feel that the Bill must go through so that the very worthwhile projects for this year will not be held up.

The Hon. C.J. SUMNER: I oppose the amendments for the reasons outlined in my second reading reply. I certainly agree with the Hon. Mr Gilfillan that to accept these amendments at this time would be legislating on the run without adequate consideration being given to the issues.

The Hon. K.T. Griffin: That's what your Bill does.

The Hon. C.J. SUMNER: It does not. It clarifies the legal doubts that were raised. The tribunal has already recommended the expenditure of $400 000 and has before it applications for up to $1.2 million in all. This Bill clarifies the legal difficulty that has arisen and doubts which did not exist in the mind of the Residential Tenancies Tribunal.

To pass these amendments, I agree with the Hon. Mr Gilfillan, would be legislation on the run. The issues have not been properly addressed and cannot be addressed in this context. It is likely that they will give us problems in the future unless we look at the effect of how it would operate in terms of the future of the fund and the uses to which it is currently put.

I am happy to examine the issue. Whether that will lead to anything, I cannot give any guarantee. As the matter has been raised and the Hon. Mr Gilfillan has indicated his views on the issue, I am certainly happy to have the matter examined. I cannot give any guarantee that legislation will be introduced to give effect to these provisions. Undoubtedly, if members felt that after further consideration an approach such as this was desirable, they could introduce legislation themselves. I am prepared to go as far as saying that I will have the issue examined.

The Hon. K.T. GRIFFIN: The difficulty with a private member's Bill is that, if the Government does not like it, even if it gets through here, it will not get through the House of Assembly.

The Hon. C.J. Sumner: Neither will this.

The Hon. K.T. GRIFFIN: It is fairly important then to tack on to a piece of legislation that the Government wants some amendments which will result in some more equitable distribution of funds from the residential tenancies fund. The Attorney-General has said that he will look at it and that is as far as it goes. The issues have been around for a long time and raised on previous occasions.

The Hon. C.J. Sumner: You did not change them in 1981. You took more money out of the fund to run the scheme.

The Hon. K.T. GRIFFIN: The Attorney was grateful for that. He took an extra $600 000 in the last financial year. It has gone from $1 079 000 up to $1.6 million.

Members interjecting:

The CHAIRPERSON: Order!

The Hon. K.T. GRIFFIN: The proposition I am moving has been around for some time. The Attorney-General says that it is legislation on the run to consider the amendments now. That may be so in the sense that we have two days left in this part of the session. Let us remember that the Residential Tenancies Act Amendment Bill was only brought in at the end of last week and the Attorney-General, even on 11 November, was saying on the Philip Satchell program that it may need some legislative change.

You cannot tell me that his proposition is not legislation on the run, because it is. I feel very strongly that this amendment ought to be accepted and I urge the Hon. Mr Gilfillan in particular, whilst he accepts the desirability of it, to reconsider the way in which he has indicated he will vote.

The Hon. I. GILFILLAN: Despite the extreme pressure being put on me from this side of the Chamber, I have to say I am holding firm and indicate I will not support the amendment. I acknowledge the Attorney's undertaking to have it examined, which I interpret as being that he will initiate an examination of the issue.

The Hon. L.H. Davis interjecting:

The Hon. I. GILFILLAN: I have this sort of naive trust in the spoken word.

The Hon. L.H. Davis interjecting:

The Hon. I. GILFILLAN: I suppose it is my trusting nature. We will oppose the amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, K.T. Griffin (teller), C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (11)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, T.G. Roberts, C.J. Sumner (teller), G. Weatherill, and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. K.T. GRIFFIN: I desire to put my next amendment in an amended form. Therefore, I move:

Page 1—after line 32—Insert paragraph as follows:

'and

(d) by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) No more than $400 000 may be applied from the fund under subsection (1) *(cb)*.'

As I said in the second reading debate, we had been prepared to make a concession to enable the three specific projects which appear to have been approved so far to be funded, although the moneys in the residential tenancies fund would not ordinarily be regarded as appropriately available for these sorts of projects. I recognise from what the Hon. Mr Gilfillan said during his second reading contribution that this amendment is unlikely to be supported, but nevertheless I feel compelled to move it.

The Hon. I. GILFILLAN: The Hon. Trevor Griffin is right: we will not support the amendment. Originally, we identified that it seemed an inappropriate use of the interest of the fund, although we are sympathetic to and remain very supportive of those projects that have been listed. Further, I would have difficulty in supporting the limit of $400 000. I think it is appropriate that, with the amount accumulated in the fund and the projects considered, they proceed and therefore the amount of $1 118 000 mentioned by the Attorney-General in the second reading explanation and his assurance will allow more essential projects in this Year of Shelter for the Homeless to go ahead. I believe that that is the unanimous wish of all members of this Chamber. The Democrats oppose the amendment.

The Hon. C.J. SUMNER: The Government opposes the amendment.

Amendment negatived; clause passed.

Title passed.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a third time.

The Hon. K.T. GRIFFIN: I had hoped that at least some of my proposed amendments would be supported. I recognise that, in relation to those amendments, and now the third reading, the numbers are against me and accordingly I do not propose to call for a division on the third reading.

Bill read a third time and passed.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

In Committee.

(Continued from 26 November. Page 2151.)

Clause 2 passed.

Clause 3—'Interpretation.'

The Hon. J.R. CORNWALL: I move:

Page 1, line 33 and page 2, lines 1 and 2—Leave out 'and includes any species of animal or plant declared by regulation to be an endangered species'.

All of my proposed amendments are related, and I commend them to the Committee.

The Hon. L.H. DAVIS: The Liberal Party has similar amendments on file, and the amendments to this clause have to be taken in conjunction with clause 50. The Minister will remember that at the second reading stage the Hon. Mr Dunn and I expressed concern about defects in the schedules, and investigations showed that the schedules concerning endangered and rare species of animals and plants could not be easily amended. The amendments to clause 3 and clause 50 seek to correct this deficiency by providing more flexibility and giving the Governor power to amend schedules 7, 8, 9 and 10 by either deleting or including species of animals or plants, and that is the fundamental reason for the amendments.

Amendment carried.

The Hon. M.J. ELLIOTT: I move:

Page 2, lines 5 to 12—Leave out the definition of 'mining production tenement'.

When speaking to this amendment I will also discuss my proposed amendment to clause 24, because the clauses are related. My amendment seeks to leave out the definition of 'mining production tenement', as this concept is introduced into definitions only in this particular amending Bill, and it is used in one place, that is, in clause 24, which seeks to amend section 43 of the principal Act. We need to direct our attention to that clause.

Clause 24 is highly complex. To put things very simply, I believe that, in relation to any of our reserves, be they national parks, conservation parks, regional reserves, or in the other two categories, they have been set up in the first instance as areas for conservation. It is intended that even the regional reserves have a conservation status. As such, they are areas which are administered by the Minister for Environment and Planning, and I find it somewhat incongruous to have the current situation, where the Minister of Mines and Energy is put in a position superior to the Minister for Environment and Planning in relation to areas that have been set up for conservation reasons. Therefore, I will seek to delete all of proposed new sections 43a and 43b and to provide a much simpler definition, namely:

A person (including a Minister or other instrumentality or agency of the Crown) must not enter onto a reserve for the purpose of a geological, geophysical or geochemical investigation or survey without the approval of the Minister administering this Act.

This does not contemplate that those activities do not occur. Quite clearly, in the setting up of regional reserves and in other parts of the existing legislation, exploration and mining itself is contemplated. However, I feel that if we have an area that is set aside for conservation reasons it is important that the Minister for Environment and Planning be the person who gives the approval for entry and puts on whatever necessary conditions must be applied to avoid damage. At present, in parts of proposed new sections 43a and 43b there are only requirements that the Minister for Environment and Planning be consulted. I do not really think that that is tenable, and certainly people in the conservation movement generally are not at all happy with the principles as set out in the Act at present or the proposed further provisions in this Bill.

We really do have some very difficult interpretations to be made in this current proposal. For example, proposed new section 43b refers to surveys which 'will not result in disturbance of the land'. The question is: what does or does not constitute disturbance? It seems to me that, rather than having this vague area, it would be much simpler to stipulate that the Minister for Environment and Planning may say that, yes, one may go into a reserve and that one can use certain stipulated techniques to explore in the park and that whatever disturbances may be caused will be acceptable. I think that for the Minister to prescribe the way in which people behave in a park would be more precise than this vague provision which stipulates that activity 'will not result in disturbance . . .', because what one person considers to be a disturbance may not be the opinion of another person. Thus, in moving this amendment I indicate that my amendment to clause 24 is consequential on it.

The Hon. J.R. CORNWALL: This amendment strikes at the entire spirit and intent of the legislation—it goes to the heart of it. It rejects the notion of multiple use, and it is totally unacceptable. If it were accepted then, of course, the spirit in which operators like Santos, which has offered to cooperate in the Innamincka and Coongie Lakes area in the North-East, would simply fall to the ground. That, I submit, would be a tragedy. Either the Hon. Mr Gilfillan—

An honourable member: Elliott.

The Hon. J.R. CORNWALL: Well, they are synonymous—sanctimonious and parsimonious. Either the Hon. Mr Elliott does not understand the Bill or he is quite wilfully trying to sabotage it.

[*Midnight*]

I do put it that strongly, and I do so quite deliberately. We have here a very innovative situation. Already we have almost 7 per cent of the State declared as national parks, conservation parks and game reserves, and here is an opportunity for us to get into multiple use management which does not preclude commercial activity and, therefore, expands the horizons significantly. Remember that, in addition to that 7 per cent which is already national park, something like 18 per cent has been returned to the Aboriginal people through land rights, so it would have to be said that in general South Australia is doing very well indeed.

I am aware that there are still areas in some of the higher rainfall regions where we would like to have some more representative park areas but, in terms of multiple use and particularly in areas of significance like the North-East, I think that this is a most significant step forward by the Government. It has been applauded, let me say, by many people in the conservation movement. It has been applauded by people like Dick Smith, who is certainly not one to pull his punches if he objects to anything from tobacco promotion to anti-conservation issues generally. Very recently he was Australian of the Year, as I am sure people remember. I just think that the indication of how we are likely to vote on this clause is fundamental.

Incidentally, I might indicate that it is nice to see that the Hon. Mr Davis, as I said the other night, has this new found enthusiasm for the conservation of the natural environment. I might also foreshadow that, by and large, we will not have too much difficulty in supporting his amendments, particularly in relation to protecting shovellers, among

other things. I personally have had a deep affection for shovellers for a very long time, but this amendment—

Members interjecting:

The Hon. J.R. CORNWALL: Do not let us ruin this spirit of bipartisanship. I think that we can proceed in a bipartisan way. However, I would be most disappointed if the Hon. Mr Elliott's amendment were supported because, quite frankly, he is trying to turn around the spirit and intent of the multiple use legislation altogether, and he would destroy it.

The Hon. L.H. DAVIS: As I have already indicated in my second reading speech, the Liberal Party accepts the concept of the regional reserve and, for that reason, cannot support the amendment proposed by the Hon. Mr Elliott.

The Hon. M.J. ELLIOTT: Once again, the Minister could not help but start off with an insult. I think he feels that he is not really operating unless he hands out a few insults. He knows very well that I am quite serious about this, and he also grossly misrepresented the intention of these clauses. First, he said that it rejects multiple use. That really seems to be a nonsense, when my amendment itself contemplates geological, geophysical and geochemical investigations and surveys—the very contemplation of that.

The fact that I have already in the second reading debate supported the concept of regional reserves which allow economic activity to occur as well means quite clearly that I have in no way rejected multiple use. That is a blatant distortion of my position to start off with. I have already said that regional reserves allowing economic activity to occur enable us to give greater protection to parts of our natural environment and, as such, with some reservations, I welcome them. Those same reservations have been expressed by many other people.

I think he also grossly misrepresented the position in relation to Cooper Basin operators, because they in fact already have all sorts of assurances under other Acts of Parliament. They are totally assured of their position and I have never suggested at any stage that that should be undermined. While it is true that the conservation movement, generally speaking, has applauded the concept of regional reserves and other aspects of this Bill, it is also true that the conservation movement, not narrowly but broadly, is supportive of the clauses that I am moving. So, I believe that the Minister is responsible for distortion in virtually all of his arguments.

All I am saying, quite simply, is that if we have a conservation area, even though the economic activities, etc., continue, it is sensible that the Minister responsible for conservation should be the person to set the rules by which people operate. Let us not forget, of course, that that Minister is still part of the Government, as is the Minister of Mines and Energy, and we are operating from within the same Cabinet. It seems to me that, in the first instance, the decision should be made by the Minister for Environment and Planning and not by the Minister of Mines and Energy. That decision is a simple one and is supported by the conservation movement. As for Parties who pretend to be conservation minded from time to time, I think that they can stand exposed.

Amendment negatived.

The Hon. J.R. CORNWALL: I move:

Page 2, lines 42 and 43—Leave out 'and includes any species of animal or plant declared by regulation to be a rare species'.

I spoke at large to the amendment at the outset and those remarks apply to this amendment.

Amendment carried.

The Hon. J.R. CORNWALL: I move:

Page 3, lines 31 to 33—Leave out 'and includes any species of animal or plant declared by regulation to be a vulnerable species'.

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6—'Repeal of sections 13 and 14'.

The Hon. L.H. DAVIS: I move:

Page 4, line 17—Leave out this line and insert: sections are substituted:

12a. In every second year the report prepared for the purposes of section 8 of the Government Management and Employment Act, 1985, by the Department must include an assessment of the desirability of amending schedules 7, 8 or 9 or the tenth schedule.

I indicated in the second reading debate that schedules 7, 8 and 9 have been subject to a lot of criticism, particularly from people involved in fauna: ornithologists and people involved in the South Australian Field and Game Association. It really highlights the dilemma when we are classifying fauna and flora as rare, endangered and vulnerable. Certainly there is some subjectivity attached to that classification, but nevertheless it is an important task that shd be reviewed on a regular basis.

This amendment seeks merely to require the department to assess those schedules on a regular basis. The Liberal Party believes that it is not unreasonable to require the department to report on those schedules in every second year. The report, which must be delivered to the Minister and tabled in Parliament by the Department of Environment and Planning, would be the vehicle for that assessment.

The Hon. J.R. CORNWALL: The Government supports the amendment.

Amendment carried; clause as amended passed.

New clause 6a—'Functions of the committee.'

The Hon. M.J. ELLIOTT: I move:

Page 4, after clause 6—Insert new clause as follows:

6a. Section 19 of the principal Act is amended by striking out paragraph *(c)* and substituting the following paragraph:

(c) to investigate and advise the Minister on any matter that the Minister refers to it for advice or on which it believes it should advise the Minister.

At present the council can look only at matters that have been directly referred to it by the Minister. I believe that this council and other councils and committees set up under other legislation not only should be able to investigate and give advice on matters referred to them by the Minister but also should be in a position where they can of their own volition initiate matters and advise the Minister on them.

The Hon. J.R. CORNWALL: The Government accepts the amendment.

New clause inserted.

Clauses 7 to 9 passed.

Clause 10—'Forfeiture.'

The Hon. L.H. DAVIS: I move:

Page 5, line 45—Leave out 'intended' and insert 'likely'.

I prefer the word 'likely' to the word 'intended'. It seems to me that it is very hard to look into the mind of someone who is contemplating committing an offence and to say categorically, as is the case in the Bill at the moment, that an object is intended to be used in the commission of an offence. I think it is much sounder drafting to suggest that an object is likely to be used in the commission of an offence. I am not all that comfortable with the drafting of this clause. I accept that new subsection (3) is a dragnet provision which picks up the point that we are debating in so far as it provides:

If a warden suspects on reasonable grounds that an object is liable to confiscation under this section the warden may seize the object.

I think that the drafting could be tidier.

The Hon. J.R. CORNWALL: It is a minor drafting amendment, and I think that the amendment amounts to a bit of nitpicking. However, by and large, I respect the spirit in which Mr Davis has approached this legislation and, in the true spirit of *entente cordiale* which seems to be prevailing between the Government and the Opposition at the moment—and I hope that it is not too fleeting—I indicate that the Government accepts the amendment.

The Hon. M.J. ELLIOTT: I understand the reason for the Hon. Mr Davis's amendment, but he did say that the sort of situation that he envisaged is likely to be covered under new subsection (3). Importantly under new subsection (3) there is at least the requirement that a warden suspects on reasonable grounds. That offers a legal protection for wrongful actions, whereas the proposed amendment offers no protection at all.

The Hon. L.H. Davis: New subsection (3) covers that.

The Hon. M.J. ELLIOTT: I would have thought that it stood in its own right. Nevertheless, the Government has indicated that it supports the amendment. I thought that there might have been a lack of legal protection, of which I am always a little wary.

Amendment carried; clause as amended passed.

Clauses 11 to 14 passed.

Clause 15—'Constitution of regional reserves by proclamation.'

The Hon. M.J. ELLIOTT: I move:

Page 8, after line 36—Insert new subsection as follows:

(5) The Minister must, in relation to each regional reserve constituted under this Act, at intervals of not more than ten years—

(a) prepare a report—

(i) assessing the impact of the utilisation of natural resources on the conservation of the wildlife and the natural and historic features of the reserve;

and

(ii) making recommendations as to the future status under this Act of the land constituting the reserve;

and

(b) cause a copy of the report to be laid before each House of Parliament.

I have accepted the need for regional reserves which contemplate both economic activity and conservation. During the second reading debate I said that there were possibly two reasons why areas would be proclaimed as regional reserves; first, because they are not of highest conservation value and, secondly, because the Government may be short of cash at times and cannot afford to give them higher status. A third option is that the Government could not interfere with some activities that were already going on. However, it would be worthwhile that the Government, on a regular basis, reassessed regional reserves to see whether the status that was accorded to them should be amended in any way. The Government should also consider the interaction of the economic activity with the natural environment. Such reports should be prepared and tabled in the Parliament at least every 10 years.

The Hon. J.R. CORNWALL: The Government accepts the amendment to the limited extent that it wishes to amend part of it. I therefore move to amend the Hon. Mr Elliott's amendment as follows:

By inserting after new subsection (5) *(a)* (i) the following new subparagraph:

(ia) assessing the impact or the potential impact of the utilisation of the natural resources of the reserve on the economy of the State.

This is a very sensible amendment to Mr Elliott's amendment and, if the two are put together and accepted as such, the Government will be able to support them. The Government does not support the Elliott amendment *in toto*, and for that reason I have moved to amend it.

The Hon. M.J. ELLIOTT: I have no difficulty with the Minister's amendment to my amendment. It is perfectly reasonable, and I should have thought of it myself, but did not.

The Hon. L.H. DAVIS: I would like the Minister to say why he believes that regional reserves should be treated in a different fashion from the other four classifications of reserves. The amendment proposed by the Democrats requires that the Minister must prepare a report at intervals of not more than 10 years. That is a long time span.

Quite clearly, the concept of a regional reserve provides for management of that reserve. With the Coongie Lakes/Innamincka reserve, there has been frequent consultation between the Minister of Mines and Energy and the Minister for Environment and Planning, and specific provision has been made for an agreement to be entered into for explorers and producers in that area. I wonder what the real purpose of this amendment might be? For the other four types of reserves, there is no requirement that the Minister, at an interval of not more than 10 years, must prepare a report and make an assessment of the impact of utilisation of natural resources, and so on.

Certainly they are a different type of reserve and I accept that the regional reserve is unique. However, I suspect the Minister would see the logic of requiring a similar treatment for the other four classes of reserve if he accepts that such a report should be prepared for a regional reserve.

The Hon. J.R. CORNWALL: No, that is to completely misunderstand the nature of the fifth class of reserve proposed under the legislation. We have at the moment national parks, conservation parks, game reserves and recreation parks. Each is different but, in a sense, similar. It is a matter of degrees of significance. We are creating a quite different class of reserve, and it is a multiple use reserve as distinct from any other classification. A national park is a park of national significance and is all about conservation. It is not about multiple use activity at all. A conservation park is all about conservation. A game reserve is self-explanatory; it involves one activity, that is, the hunting or taking of game during narrowly prescribed times of the year as appropriate. A recreation reserve is just that. There are numerous examples but they are not areas in which there is multiple use or any commercial use in the sense of mining or other exploitation. This case is quite different and it is quite appropriate in the circumstances to have periodic reviews. It is a different class of reserve.

The Hon. L.H. DAVIS: I refer my question to the Hon. Michael Elliott. Paragraph *(a)* (ii) requires that the Minister must prepare a report making recommendations as to the future status under this Act of the land constituting the reserve. I do not have strong objection to the idea of the preparation of a report every two years. I do not find that idea at all impractical and I put that on the record. I find it curious that we are debating this be a requirement for regional reserves and not other reserves.

In directing my question to that point under this provision, what could a Minister for Environment and Planning do in real terms if we consider the regional reserve in the Innamincka/Coongie lakes area which includes the Cooper Basin gas and oil production, a long term venture that commenced in the 1960s? It has been operating commercially for over 20 years. We know that gas reserves are assured for at least the next 15 years with confidence that beyond that period further exploration will upgrade those reserves to beyond the year 2005. In looking at the reality of this amendment, I am wondering exactly what the proposal might mean with respect to the Coongie Lakes, Innamincka areas. I accept that it may have a different application

altogether for another regional reserve that may be created subsequently.

The Hon. M.J. ELLIOTT: What it says is what it means. There are a number of possible scenarios in relation to Coongie Lakes. It really depends on how things pan out. One scenario is that having explored that area thoroughly, nothing is found there at all. Pastoralism has continued; it has caused no damage. Everything is adequately preserved. The Minister is quite happy with the present status and it may continue. That is one option.

Another option is that oil and gas have been found and it will be pumped out for the next 10 to 15 years. For those sorts of considerations, it may need to remain a regional reserve. A third option is that those activities have ceased and another activity has started. It might be a three man operation with a bulldozer looking for opal or something like that. They start polluting the lakes and, although it is not producing much in an economic sense, and is supporting very few jobs, it is causing massive destruction, and a recommendation might be that that needs to cease. The honourable member is asking me to gaze into a crystal ball and see the result of various operations. It simply is what it says. Depending on the conditions at that time, a recommendation will be made. Any action really depends upon the Minister and the Parliament.

The Hon. L.H. DAVIS: Could the honourable member envisage a situation where, for instance, the Coongie Lakes area had been explored but nothing had been found? However, in other areas of that reserve, valuable oil and/or gas reserves had been discovered and the Minister may be inclined to say quite clearly that the Coongie Lakes area should be upgraded in terms of its status. In other words, perhaps it should be upgraded to more than a regional reserve. I raise that matter because the Hon. Mr Elliott's proposed amendment refers to the land constituting the reserves. The Minister must make recommendations of future status under this Act of the land constituting the reserve; in other words, the whole of the land. Is the honourable member suggesting that there could perhaps be different recommendations giving different status to different parts of the land within the reserve?

The Hon. M.J. ELLIOTT: It is perfectly feasible that the Minister may decide that a very small section is of such high conservation status that that should be excised and made a national park. We are crystal ball gazing, but that is all possible. The Minister may make whatever recommendations he decides. It is sufficiently open ended. There is no requirement other than the Minister, every 10 years, looking at it, assessing it and making recommendations. I think it is straightforward.

The Hon. PETER DUNN: Who has the control of this regional reserve because, as I understand it, it is still pastoral land, and therefore would be under the direction of the Minister of Lands?

The Hon. J.R. CORNWALL: The long-term objective, as I understand it, is that the pastoral leases will ultimately be resumed but, in the meantime, there will certainly be a working arrangement with the pastoralists. The Act will quite clearly be committed to the Minister for Environment and Planning.

The Hon. PETER DUNN: The Minister says that ultimately it will come under the Minister for Environment and Planning. In the meantime, which of the Ministers is responsible for it, because three Ministers are involved with it as I read it?

The Hon. J.R. CORNWALL: I am not about to foreshadow that at long last we will get some legislation which will consolidate the Pastoral Act and the Crown Lands Act, but that is entirely possible because we were working on it in 1979 when the people of South Australia made the only mistake they have made in the past 25 years and tipped us out of Government. That legislation obviously is in prospect somewhere.

The Hon. C.M. Hill: They made another mistake when they brought you back.

The Hon. J.R. CORNWALL: No, I do not think so. They supported us back and then reendorsed us for a further four years, and that was very sensible.

The Hon. M.B. Cameron: Crown lands and pastoral?

The Hon. J.R. CORNWALL: Yes, but I am foreshadowing that that is somewhere down the track. That was being talked about while I was Minister; certainly while Peter Arnold was Minister; certainly while Don Hopgood was Minister, and, most recently, while Roy Abbott has been Minister. It has had a long gestation period and I expect that, at some stage in the not too far distant future, there will be some fruition. People have been given lots of time to talk about it. I will not explore the detail of that at the moment, but suffice to say that the Lands Department has worked on it for a decade, so I am hardly giving away any secrets. The resumption will be by mutual agreement.

I am not foreshadowing that somebody will acquire the land forcibly or resume the land without payment of compensation for improvements and so forth. That is a normal part of the deal. But it is envisaged that, if we are talking about this area as the first area where we are likely to have multiple use, then at least some of the properties involved will ultimately be returned for conservation purposes by negotiation, but I stress 'by negotiation'.

The Hon. J.R. Cornwall's amendment carried.

The Hon. M.J. Elliott's amendment as amended carried; clause as amended passed.

Clause 16 passed.

Clause 17—'Objectives of management.'

The Hon. M.J. ELLIOTT: I move:

Page 8, after line 44—Insert new paragraph as follows:

(ab) by inserting the following paragraph after paragraph *(f)*:

(fa) the restoration as far as is practicable of the reserve to its former condition following the destruction of wildlife or the destruction of, or damage to, natural or historic features resulting from human activity on the reserve.

It seems to me that, while we accept that various activities will occur in a park (an open cut mine, which is probably the most destructive form of mining activity in terms of environmental consequences, may occur in a park), one could never hope to return that area to its former pristine condition, but I think that reasonable attempts can be made in terms of revegetation and the like. I think that that should be part of the undertaking that anybody who goes into an area should make.

I do not think that we expect economic activity should be carried out in a park and then wholesale destruction be left behind without any reasonable attempt being made to make up for that. Quite clearly, it was necessary for me to include the words 'as far as is practicable' in my amendment. I know that one can never return anything to its original pristine condition.

The Hon. J.R. CORNWALL: The Government opposes this amendment. If I recall, it provides 'the restoration of the reserve to its former condition'. The Extractive Industries Rehabilitation Fund is used for the restoration of areas after open cut mining or quarrying, as I am sure the Hon. Mr Elliott would be aware. That would apply in an area like this where this is multiple use. The area that comes under the definition of this multiple use park would be managed and, to the maximum extent possible, the flora,

fauna and land forms would be left undisturbed. The suggestion of this fifth classification relating to areas where there is multiple use, one leaves the land literally undisturbed and then restores it (in the event that there has been some disturbance) to its former pristine condition, overall is simply not practical.

The Extractive Industries Rehabilitation Fund arrangements would apply and there would be ongoing management with regard that both the flora and the fauna. I think that that is well within the spirit and intent of the legislation and we really could not accept this amendment, because again it would go significantly to the heart and substance of the Bill and destroy its spirit and intent.

The Hon. L.H. DAVIS: What aspects of preservation would be encompassed by the agreement proposed in clause 20? In other words, in the regional reserve provisions there is an arrangement whereby the Minister for Environment and Planning and the Minister of Mines and Energy will enter into an agreement with the holder of the mining tenement. Clearly, as I read the clause that agreement will be an all encompassing agreement. One would imagine, as a matter of course, that it would include the subject matter that is covered in the amendment.

The Hon. J.R. CORNWALL: The subject matter to which the Hon. Mr Davis refers is obviously still being negotiated with Delhi-Santos. It should also be pointed out that, in relation to that particular and very significant area that we are talking about in the first instance, there is an indenture agreement. If it was not for the cooperation that we are receiving from Santos, this simply would not be possible. One cannot introduce into Parliament an Act that will override an indenture agreement and walk untrammelled across the rights of commercial operators of miners in these areas, otherwise the Delhi-Santos agreement would fall to the ground and there would be no certainty with regard to the future of Roxby Downs, for example.

This is not at this stage a Third World country, despite what Mr Davis sometimes says about the economy. Fortunately, that is refuted by the real facts, not only in our national newspapers but also by the hard, cold statistics produced by my Leader in this place as well as by the Premier. We are a country and a State that honours agreements that have been made with corporations like Santos and the joint venturers at Roxby Downs. I repeat that, if it was not for the goodwill that Santos has shown in this matter, this Bill simply would not be before the Parliament, and it is the mutual respect that is engendered between the private enterprise entrepreneurs in this situation, on the one hand, and the Government, the Department of Environment and Planning and the Department of Lands, on the other hand, that makes it possible. I must repeat that, as someone who has had a keen interest in conservation, particularly of the natural environment for a very long time (I discovered shovelers before Mr Davis knew about them in fact), I find this very exciting legislation.

The Hon. M.J. ELLIOTT: We have got a long way from the amendment that I moved; we have once again got into this deception, or whatever one wants to call it, that there is some suggestion that the Delhi-Santos indenture was under some sort of threat, which is quite simply not the case. Anyone who reads the amendment will know that that is not the case. I am simply suggesting that reasonable efforts be made as far as is practicable to return areas to their natural condition, and that does not seem to be an unreasonable requirement.

The Hon. L.H. DAVIS: I take if from the Minister's reply that he agreed with the proposition that I had advanced, namely, that the provisions of clause 20, together with the Cooper Basin indenture agreement, would cover matters such as the preservation of areas that might be affected by oil and gas exploration. In relation to the Hon. Michael Elliott's amendments, I point out that in fact he is seeking to insert another objective in section 37 of the parent Act, which in some ways would perhaps cut across the provisions in that section, for example, at paragraphs *(h)* and *(i)*. For example, section 37 *(h)* provides:

> The Minister . . . shall have regard to the following objectives in managing reserves . . . the encouragement of public use and enjoyment of reserves and education in, and a proper understanding and recognition of, their purpose and significance.

We should recognise that we are dealing with a regional reserve, which, of course will necessarily mean that it will have multi-purpose use. It will be providing not only for natural resource development and natural resource exploration but also for visitors, and certain destruction will inevitably occur because of that. However, in looking at the other provisions of section 37 it is apparent that one of the other key objectives of the Minister is the preservation and management of wildlife, the preservation of historic sites, objects and structures, and the preservation of features of geographical, natural or scenic interest.

I think that the honourable member's fears are unnecessary. I believe that the legislation already has teeth. I do not accept that this amendment will add anything to the existing objectives that are already set down in the parent Act. I should also point out that this provision relates not only to regional reserves but also to recreation parks such as that at Belair, in relation to which the concept that the honourable member has sought to advance:

> . . . the restoration of the reserve to its former condition following the destruction of wildlife or the destruction of, or damage to, natural or historic features resulting from human activity on the reserve . . .

would be very difficult indeed.

The Hon. J.R. Cornwall interjecting:

The Hon. L.H. DAVIS: The Minister has already made that point. I am not quite clear as to whether the member is seeking to restrict the amendment to regional reserves, or does he intend it to apply to Belair Recreation Park as well?

The Hon. M.J. ELLIOTT: I think we really do not need to spend any more time on this, as I think the vote has been indicated. I must make the point, though, that section 37 is a catch-all provision in trying to put objectives to cover all the different categories of park, and I think there are problems associated with that because, by their very nature, the various parks must be treated differently. However, certainly, when these objectives were drawn up I do not think that the major sorts of activities that will be undertaken in recreation reserves were contemplated. It seems to me quite clear that the provisions in paragraph *(fa)* that I am proposing relate only to regional reserves and to some of the newer national parks, in which mining is also contemplated or, certainly, to continuance of present operations. But it seems reasonable to me to have a provision that, in relation to a strip mining operation going on in a park, an objective of the Minister—and that is all it is—should be that when that strip mining operation is finished a reasonable attempt be made to restore the area. That is not something that goes overboard or that is too draconian. It seems to be perfectly reasonable. However, I will not pursue the matter further, as I think the numbers have been quite clearly indicated.

Amendment negatived.

The Hon. M.J. ELLIOTT: I move:

Page 9, lines 8 and 9—Leave out these lines and insert—

'utilisation of natural resources so far as that is possible without detriment to the wildlife and the natural and historic features of the reserve'.

This amendment stands in its own right. Where we have utilisation of natural resources occurring in a regional reserve, our aim is that, as far as possible, that be without detriment to the wildlife and the natural and historic features. I must stress that it does say 'so far as that is possible'.

The Hon. J.R. CORNWALL: The Government cannot accept this amendment. Again, it tries to alter the general thrust and the spirit and intent of the Bill. It talks about 'without detriment'. That is a simple fact of life that it is not possible to have multiple use, to have mining, in particular, without some detriment to the wildlife or the natural and historic features. They will be preserved to the greatest extent possible. That would not happen if that were still Crown land or if it were a mining tenement. The same sort of requirement would not be on as will be on under this legislation and, again, I think that, when we have achieved an agreement between all parties to create this fifth class of reserve and to take a great leap forward in the conservation of the natural environment in South Australia, it is a pity to try to take three bites more, which would simply undermine the legislation and send us back to start again with the various operators, particularly, in this case, Delhi-Santos. We oppose this amendment quite strongly.

The Hon. L.H. DAVIS: The Opposition also opposes the amendment. We accept the proposed new paragraph *(j)*, which states:

in relation to managing a regional reserve—to permit the utilisation of natural resources while conserving wildlife and the natural or historic features of the land.

We believe that that proposed provision is a much more realistic provision. It recognises the balancing of priorities, of competing interests in the concept of the regional reserve; balancing off the natural resource exploration or production against the necessary conservation of wildlife and the natural or historic features of the land. The suggested amendment of the Hon. Mr Elliott seems to have some difficulty in accepting the multi-purpose spirit of the regional reserve in so far as it suggests that the natural resources should be utilised so far as is possible without detriment to the natural features of the reserve.

I think that is too extreme a statement to achieve in reality; if we are going to explore in the proposed regional reserve in the north-east section of the State, we will necessarily incur some damage to the natural features. The very act of putting down a drill in a sandhill will cause some damage to the natural features. I believe that the proposal under paragraph *(j)* covers adequately the intent of the regional reserve in so far as we are simply stating here, after all, one of the objectives in the management of the reserves in South Australia.

Amendment negatived; clause passed.

Clause 18—'Amendment of section 38—management plans.'

The Hon. M.J. ELLIOTT: I move:

Page 9, line 11—Leave out 'two' and insert 'four'.

I seek to extend from one month to four months the period in which a person may respond, the Government having already proposed that the period be extended to two months. I believe that in many cases representation may be made not by an individual but by an organisation or individual representing an organisation, and as many bodies meet on a monthly basis it is possible that even two months will not adequately allow for organisations to properly address some matters. So, for that reason I believe we should allow an even longer period than the period of two months currently proposed by the Government.

The Hon. J.R.CORNWALL: The Government opposes this amendment. As I recollect, the parent Act provides for a minimum of one month. The Government is amending it to two months but, of course, at the discretion of the Minister the period can be considerably longer, and in any case we would be perfectly prepared to have a look at the parent Act next year. However, at this particular time we are not prepared to accept going beyond the period of two months plus ministerial discretion.

The Hon. L.H. DAVIS: I indicate that the Opposition cannot support the proposal of the Democrats, but it gives the Opposition the opportunity to raise the matter of management plans which are covered by section 38 of the parent Act. Under the Act the Minister is required—in fact it is a mandatory provision—with respect to each reserve to prepare a management plan. I have been concerned to hear in recent days that the resources for the preparation of these management plans have been cut. It is perhaps little more than a Rundle Mall rumour, but I am interested to know if the Minister can respond to that suggestion because, as I mentioned briefly in my second reading speech, and as the Hon. Mike Elliott mentioned in more detail, the management plans are an integral part of the management of the reserves in South Australia. When the parent Act was introduced in 1972, section 38 was given a good deal of weight. The management plan was an integral part of the proper operation of the reserves, whether they be recreational reserves, conservation parks and so on. I would be interested if the Minister could respond to that question.

The Hon. M.J. ELLIOTT: I can add some information to that. Only 13 management plans have been authorised so far of the 222-odd parks in South Australia and that is despite the requirements in the initial Act, which must date back to somewhere like 1972, that all parks should have management plans. So that is the present position.

The Hon. J.R. CORNWALL: Thirteen management plans have been authorised, but currently 70 are under active development. The Rundle Mall rumour, like most Rundle Mall or pub rumours around this town, is subtantially inaccurate.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: Well, I will tell you. The management function has been devolved to the regional officers. There is a good deal more involvement by rangers at this time and the responsibility lies with the regional officers. Without going into further detail at this hour I can say that there has been a change for the better, by decentralisation of the responsibility and administration for the preparation of management plans, but it is not true to say that resources have been reduced in any significant way.

The Hon. L.H. DAVIS: In view of the lateness of the hour, would the Minister undertake to obtain more precise information about that rumour? To what extent have resources been cut back in the division which prepares management plans? Like the Hon. Michael Elliott, the Liberal Party is concerned that only 13 management plans have been produced in the past 15 years. Section 38 of the parent Act, when it was passed in 1972, provided:

The Minister shall, with respect to each reserve in existence at the commencement of this Act, prepare a plan of management as soon as practicable after the commencement of this Act . . .

We are now 15 years down the track and the fact that we have less than 10 per cent of reserves with management plans does not equate with the spirit of the parent Act when it was passed in 1972. I am reassured to hear that at least 70 management plans are in the pipeline. I would like as soon as possible some more information about employment

levels in the area responsible for the preparation of management plans. My mail from Rundle Mall is that there has been a cut in resources in this area.

The Hon. J.R. CORNWALL: One should never believe what one hears in Rundle Mall; one should believe only half of what one sees in Rundle Mall; and one certainly should never be conned by anything that one hears around the pubs of this town, unless independent sources can collaborate the rumours that one hears. I know about these matters because I have been knocking around the place for a fair while and I have a lot of mates. In fact, I have a very good informal network which never ceases to amaze my senior officers in both the Health Commission and Department for Community Welfare.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: I know, I was the Minister for a while. I was going to be quite a distinguished Minister but my career was cut short by the one serious mistake that the broad masses made in 1979 but which they are not likely to repeat for a very long time. It was never really envisaged, certainly in my day, that we would produce 270 individual management plans. At the moment they are literally being produced in a series of regional groupings. I do not want to bore the Committee with all the detail available in this area. I am very conversant with management plans because I made it my business to find out about the practicality of developing them as early as May 1979. I will be happy to have senior officers of the National Parks and Wildlife Service produce a concise and accurate written answer for the honourable member, and we will send it to him with yuletide greetings.

The Hon. L.H. Davis: And I don't have to pay for it?

The Hon. J.R. CORNWALL: No—it was a perfectly legitimate question.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: No, it is not information that is freely and publicly available, and it is a legitimate question. We will be delighted to supply the honourable member with the information. However, the day when the honourable member comes in here looking for 115 replies in relation to annual reports which are publicly available, I most certainly might have to consider reverting to user pays.

Amendment negatived; clause passed.

Clause 19—'Implementation of management plan.'

The Hon. M.J. ELLIOTT: The Democrats oppose this clause, and I foreshadow opposition to clause 20 and a consequential amendment to clause 23. However, if my opposition to this clause is not successful, I will not proceed with the others. It would be easiest to consider these three clauses in totality. Clause 23 seeks to amend section 43 of the principal Act and sets up certain conditions for regional reserves.

The ACTING CHAIRMAN (Hon. T. Crothers): I understand that the member wishes to deal with clauses 19, 20 and 23 which have a corollary, but the test case centres on clause 19. The honourable member may deal with that clause and give an explanation to clause 23.

The Hon. M.J. ELLIOTT: I agree that clause 19 is the test case, but I really need to explain clause 23.

The ACTING CHAIRMAN: The honourable member may explain clause 23, but clause 19 is the litmus test.

The Hon. M.J. ELLIOTT: That was indeed my intention. The Bill as currently structured suggests that section 43 (i) of the principal Act does not apply to a regional reserve. That subsection provides that no rights of entry, prospecting, exploration or mining may be acquired or exercised pursuant to the Mining Act or the Petroleum Act. I am saying in general terms that proclamations of regional reserves should not be different from those of national parks or conservation parks. I think that the Committee has already considered a test case for this, when I suggested that the same sort of conditions should apply to regional reserves as apply to other parks.

In other places I have questioned certain powers that are being given to the Minister of Mines and Energy under clauses 19 and 20, which I propose to be deleted. At times I wonder whether the Minister of Mines and Energy should not be debating this Bill rather than the Minister for Environment and Planning and that an adviser from that department should be sitting beside the Minister, because we consistently address mines and energy matters as higher priority than those of conservation, even though a Bill relating to national parks and wildlife is before the Committee. In view of the lateness of the hour, I will not take the debate any further.

The Hon. J.R. CORNWALL: With this series of amendments, the Hon. Mr Elliott is trying to tie this legislation to section 43 of the parent Act, subsections (2) and (3) of which provide as follows:

(1) Subject to subsection (2) of this section, no rights of entry, prospecting, exploration or mining shall be acquired or exercised pursuant to the Mining Act or the Petroleum Act in respect of lands constituting a reserve.

(2) The Governor may, by proclamation, declare that subject to any conditions specified in the proclamation rights of entry, prospecting, exploration, or mining may be acquired and exercised in respect of lands constituting a reserve, or portion of a reserve, and specified in the proclamation.

Quite obviously, to tie this to section 43 would, to a significant extent, very much alter the spirit and intent of the Act. These various clauses relate to mining tenements and agreements between tenement holders and the Ministers of Mines and Energy and Environment and Planning in relation to regional reserves. Again, the position is that the amendments, which are indeed consequential, would destroy the general spirit and intent, of the legislation and the Government therefore opposes them.

The Hon. L.H. DAVIS: The Opposition cannot support the amendment that has been moved by the Hon. Michael Elliott. It again is a matter of accepting the concept of the regional reserve, which the Opposition does. We believe that the proposal is against the spirit of that concept.

Clause passed.

Clause 20 passed.

Clause 21—'Approval of proposal for constitution of reserve.'

The Hon. M.J. ELLIOTT: I move:

Page 9, lines 41 to 46 and page 10, lines 1 to 3—
Leave out this clause and substitute the following new clause:
21. Section 41 of the principal Act is repealed and the following section is substituted:
41. The Minister must submit—
(a) all proposals to constitute, or alter the boundaries of, a reserve to the Minister of Lands and the Minister of Mines and Energy;
and
(b) all such proposals in relation to land under the jurisdiction of the Minister of Marine to that Minister,
and must consider the views of those Ministers in relation to those proposals.

This amendment is of a similar philosophy to those that have already been moved to section 41 of the principal Act. I fail to see why it is necessary for the Minister for Environment and Planning to obtain the approval of the Minister of Lands before changing the boundary of a park. It seems reasonable to expect the Minister for Environment and Planning to notify the Minister of Lands that changes are intended, but surely he should not have to seek his approval.

I have already touched on the relative powers of the Minister of Mines and Energy and the Minister for Environment and Planning in relation to parks generally. In conservation matters the Minister for Environment and Planning should be the paramount Minister. Finally, in relation to marine reserves, quite clearly it may be necessary to inform the Minister of Marine of such proposals, but to have his acceptance of such I regard as unnecessary.

The Hon. J.R. CORNWALL: The Government opposes the amendment because it destroys the intent of the Bill. Section 41 (1) of the parent Act provides:

(2) Any proposal to constitute, or to alter the boundaries of, a reserve must be submitted to, and approved by, the Minister of Lands.

It does not say that the Minister of Lands, the Minister of Mines and Energy and the Minister of Marine must all have a say in the matter. They do not approve matters, but submit their views to the Minister for Environment and Planning, who must consider such views. For the time being we believe it is most appropriate that section 41 as it stands in the Act should remain. I have no authority whatsoever, nor have I sought any, to support this amendment.

The Hon. L.H. DAVIS: I can only concur with what the Minister has said. The Opposition opposes this amendment also.

Amendment negatived; clause passed.

Clause 22—'Alteration of boundaries of reserves.'

The Hon. M.J. ELLIOTT: I move:

Page 10, lines 4 to 34—Leave out this clause and insert the following clause:

22. The following section is inserted after secion 41 of the principal Act:

41a. (1) The Governor must not make a proclamation constituting or abolishing a reserve or altering the boundaries of a reserve except on the recommendation of the Minister.

(2) At least two months before making such a recommendation the Minister must cause to be published in the *Gazette* and in a newspaper circulating generally throughout the State an advertisement giving details of the proposal and in the case of a proposal constituting, or altering the boundaries of, a reserve—

(a) giving notice of the place or places at which a plan showing the boundaries of the proposed reserve or the alterations to the boundaries of an existing reserve is available for inspection;

and

(b) inviting interested persons to make written submissions to the Minister in relation to the proposal.

(3) The Minister must, before making a recommendation to the Governor, consider the views expressed in submissions made in response to an advertisement under subsection (2).

(4) No parliamentary resolution is required in relation to a proclamation altering the boundaries of a reserve for the purpose of making, or allowing for the making of, minor alterations or additions to a public road that intersects, or is adjacent to, the reserve if the proposed alterations would not—

(a) significantly prejudice the fulfilment of the management objectives contained in section 37 as they relate to that reserve;

or

(b) be contrary to the plan of management prepared in accordance with section 38 in relation to that reserve.

(5) The Minister must, as soon as practicable after a proclamation referred to in subsection (4) has been made, cause a copy of the proclamation to be laid before each House of Parliament.

The significant changes relate to new section 41a(4) where I believe that it should be necessary that:

No parliamentary resolution is required in relation to a proclamation altering the boundaries of a reserve for the purpose of making, or allowing for the making of, minor alterations or additions to a public road that intersects, or is adjacent to, the reserve if the proposed alterations would not... prejudice the fulfilment of the management objectives.

I think that, otherwise, the amended clause is in identical terms.

The Hon. J.R. CORNWALL: On looking at new subsections (1), (2), (3), (4) and (5), I find nothing exceptional in (3), (4), and (5). I wonder why they have been included. It must be something done by Parliamentary Counsel with good intention and, I am sure, with greater knowledge than mine. We certainly oppose new section 41a(1) and (2) because they again change the spirit of the Act. They would require major consultation with various sectors of the community. Once the operation of this Bill has been reviewed, and if it is thought necessary before moving on to other regional parks that there is some need for public comment, then that is something we might consider one or two years down the track. At the moment, it is not necessary, nor is it desirable. Agreement has been reached between the various parties and it would be most regretable if we did not get on with the creation of our first regional park in the north-east of the State as soon as is reasonably possible. We oppose the amendment.

The Hon. M.J. ELLIOTT: There seems to be some misunderstanding. The proposal I have here does not relate to regional reserves in particular but to all forms of reserve. With the lateness of the hour, I am starting to lose track of things. As the Government originally intended it, there was an allowance in new section 41a(1) for minor alterations to be made by proclamation. In particular, it provided for altering the boundaries of reserves for the purpose of allowing for the making of minor alterations or additions to public roads. That concept of minor alterations is included within new subsection (4), but new subsection (1) now relates to proclamations which constitute or abolish reserves or alter them substantially. It is not in any way meant to undermine the regional reserve concept or any other concept. It really tries to differentiate between substantial changes to parks, which I believe need due attention, as compared with the minor alterations to parks which may be necessary from time to time, for instance, for the making of roads.

The Hon. J.R. CORNWALL: This is not the appropriate vehicle in which to try to achieve these goals and objectives. If Mr Elliott would care to take up this matter with the Minister for Environment and Planning in 1988, I am sure it is possible that the Minister may well consider it on the next occasion on which he opens the parent Act. Reasonably soon a number of amendments will be required to the parent Act which are quite unrelated to the matter before the Committee at the moment. Might I suggest that this is an inappropriate time but, given his interest in conservation matters, perhaps he would like to form a harmonious duo with the Hon. Mr Davis, who has become a keen conservation advocate. They might be able to approach the Minister together. He is a very cooperative and friendly person. I am sure that he would not mind those representations. This is just not the right vehicle by which to achieve it.

Amendment negatived; clause passed.

Clause 23—'Rights of prospecting and mining on reserves other than regional reserves.'

The Hon. M.J. ELLIOTT: I move:

Page 11, after line 4—Insert new paragraph as follows:

(e) by inserting after subsection (6) the following subsections:

(7) The Governor must not make a proclamation under subsection (2) except on the recommendation of the Minister.

(8) At least two months before making such a recommendation the Minister must cause to be published in the *Gazette* and in a newspaper circulating generally throughout the State an advertisement—

(a) giving details of the proposed proclamation (including any proposed conditions);
and

(b) inviting interested persons to make written submissions to the Minister in relation to the proposal.

(9) The Minister must, before making a recommendation to the Governor, consider the views expressed in submissions made in response to an advertisement under subsection (8).

Section 43 relates to proclamations involving various activities in parks. The purpose of the amendment is that, if it is the intention that a proclamation be made, be it for mining or whatever reason, before that proclamation is made the recommendation that is to be contained in that proclamation should be published in the *Gazette* and in the newspaper giving details of the proposed proclamation and giving interested persons a chance to make written submissions. If we are to make a proclamation which will substantially alter what is happening in a national park, I think it is reasonable that we allow a public input process. There is no suggestion that the public input overrules what the Minister intends to do, but one would hope that consultation with the public over something so important should happen in a public process. For that reason, I seek the support of both Parties on this matter.

The Hon. J.R. CORNWALL: Again, we oppose this amendment which relates to section 43 of the parent Act. It would not be acceptable to the mining industry nor to the Department of Mines and Energy without a great deal more consultation. Frankly, the effect of it would be to destroy all the goodwill that has existed up to date. In practice it may well sabotage the Bill. Again, this is not the appropriate time, nor might I suggest the appropriate vehicle.

The Hon. M.J. ELLIOTT: It is obviously getting late and the Minister is trying to tar virtually all the amendments with the same brush. This amendment is difficult. All it is asking for is a process whereby there can be public input before a proclamation is made in relation to a national park. I do not see how that undermines the whole intent of the Bill in any way at all. Public input, I would have thought, is a fairly acceptable process in most governments.

The Hon. J.R. CORNWALL: It is a proclamation, as I read it, with regard to exploration or mining, and as such destroys what the Bill sets out to do. We do not accept it.

Amendment negatived; clause passed.

The ACTING CHAIRMAN (Hon. T. Crothers): Order! I ask the jocular duo sitting to the left of the Hon. Mr Lucas to maintain some decorum and order at this late stage of the night.

Clause 24—'Insertion of new ss. 43a and 43b.'

The Hon. M.J. ELLIOTT: It is not my intention to proceed with the other amendments that I have on file, because they are all consequential on other amendments that have already been defeated.

Clause passed.

Clauses 25 to 49 passed.

Clause 50—'Regulations.'

The Hon. J.R. CORNWALL: I move:

Page 20, after line 44—Insert new paragraph as follows:

(e) by inserting after subsection (2) the following subsection:

(2a) The Governor may, by regulation, amend schedules 7, 8 and 9 and the tenth schedule by deleting species of animals or plants from, or including species of animals and plants in, those schedules.

I think that, on a quick reading, this amendment is very similar if not identical to one that is on file from the Hon. Mr Davis. It is self-explanatory and I commend it to the Committee.

Amendment carried; clause as amended passed.

Clause 51 and title passed.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a third time.

The Hon. L.H. DAVIS: As the Bill comes out of Committee I indicate that the Opposition supports it as amended. I am pleased with the bipartisan spirit surrounding the debate of the Bill. A matter about which the Opposition expressed concern during the second reading stage and in Committee related to schedules 7, 8 and 9, attached to the Bill, regarding endangered, vulnerable and rare species of animals and plants.

Examples were given at the second reading stage concerning the Southern Whiteface, the Hardhead, the Black-breasted Buzzard, the Red-chested Button-quail, the Hooded Plover—and one could go on. But the Opposition remains a trifle concerned at the discrepancies between the entries in the List of Vertebrates of South Australia—a well-known publication of 1985—and the classifications accorded under schedules 7, 8 and 9 of this Bill. There are numerous variations, some of them quite dramatic. Whilst the Opposition stopped short of opposing the inclusion of the schedules, because we achieved amendments which will ensure their regular review, I ask the Minister, in the spirit of this new found bipartisan approach, certainly on matters of national parks and wildlife, whether he could indicate if there will be a review of the schedules in the near future. If so, could he ensure that the Minister for Environment and Planning takes into account the wishes of people in the field who have an interest in these matters—people such as Mr Bob Brown and Mr Peter Schramm, in the ornothological world, the people from the South Australian Field and Game Association, and other individuals who have an interest in flora and fauna. There was certainly dissatisfaction with the fact that there was a lack of consultation in the preparation of these schedules. With those few remarks, I support the third reading.

The Hon. M.J. ELLIOTT: Some reference has been made to the bipartisan approach displayed towards this Bill. I suggest that it reflects that the differences between Labor and Liberal are increasingly more a question of posture than of fact. They spend a great deal of time trying to find socialist plots or farmer country plots, or whatever else, in relation to each other, but the reality is, when one gets down to the facts, that the differences between the two Parties are becoming increasingly smaller—in fact the difference is very, very small.

The Hon. M.B. Cameron: Do you realise you should be home in bed by now?

The Hon. M.J. ELLIOTT: I realise that. The honourable member has only just come in from another place, and I am left to imagine where that was. Nevertheless, I have been here trying to clear business, because the Minister is to jet off for the next couple of days.

The Hon. J.R. Cornwall: To talk about Aboriginal health at a national conference of Ministers—let us have that on the record.

The Hon. M.J. ELLIOTT: Is that the one where fingers are being smacked by the Federal Minister, or is that a different one? Nevertheless, let us return to the Bill we are now addressing. The fact is that there has been no essential difference between the Labor and Liberal Parties on this question of national parks, and it has been quite clear that I have been trying to push a slightly different philosophical attitude towards parks. I believe very firmly that the conservation status of parks must be paramount, and it was for that reason that I was moving amendments consistently which gave powers to the Minister for Environment and Planning and making other amendments consequential upon that. I was also seeking, as far as is possible, to reinforce the conservation status. The concept of a regional reserve is one which the Democrats have supported, as has the conservation movement generally. Although the Minister has tried to suggest otherwise, I have at no time suggested that there should not be regional reserves. In fact, the regional reserve concept is a good one, and is the basis of what—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: I never said anything different from that. This Bill could have been an excellent Bill. In fact, what has happened is that we have a good idea which has ended up being somewhat half baked. It is disappointing. Quite clearly, we are coming from different philosophical directions, and the chances of changing the Government's mind will not come about until the Government realises that the community itself is gradually evolving changing attitudes. I think that the other Parties will eventually wake up to that.

The Hon. J.R. CORNWALL (Minister of Health): It is obvious that we come from different directions. The Government, with the support of the Opposition, has put through a Bill in this Council tonight (or in the wee small hours of this morning) that will work, that will be practical and is a major advance, and the amendments that were fought for valiantly by the Hon. Mr Elliott—and I give him credit for that, at least—would have created legislation that would not work, so yes, there is a basic difference; the basic difference between getting out of the Parliament legislation which is practical and will work to the advantage of the environment and for all South Australians, and a piece of airy-fairy nonsense that will not work at all.

Incidentally, *apropos* gratuitous remarks as to my jetting off for two most pleasurable days in Perth, at the Health Ministers conference in Fremantle in March of this year, I, as the South Australian Health Minister, specifically raised my concern that most of the Health Ministers from the States and from the Federal Government were not Health Ministers and that Aboriginal Health tended to fall between two stools, and I sought an undertaking. I moved the motion that there ought to be a joint national meeting. As a result of that, we are meeting in Perth on Thursday.

Members interjecting:

The Hon. J.R. CORNWALL: It is all very well to say, 'Come on'. I do not want my position misrepresented. I am not particularly anxious to spend almost three hours each way jetting off to Perth, as it were, and exhausting myself over two days of conferences, notwithstanding that I am in excellent health.

Members interjecting:

The Hon. J.R. CORNWALL: You should stop peddling nasty rumours, otherwise I will match them and up another two. There are some very nasty rumours around the place at the moment, and they concern a Liberal member, but I will certainly not canvass them.

Members interjecting:

The Hon. J.R. CORNWALL: No. I am not a peddler of malicious rumours at all. You will never hear it from me first, and you will not read it in the *Sunday Mail* first if it does emerge, I might say.

I mentioned the other day the question of endangered, vulnerable and rare species. The definition of those taxis that are endangered, vulnerable and rare is set out very well in the 1985 publication of the South Australian Museum, which was edited, in my recollection, by Heather Aslin, and to which Shane Parker, who was used properly as a significant and senior source of reference by the Hon. Mr Davis, was a major contributor.

That was used as a reference point for fauna. With regard to flora (plants) the State Herbarium was used as the formal and official reference point, and that work was generally coordinated by the survey and research grants of the Department of Environment and Planning. So, that is how it has all come together. I will also give the undertaking that the department, the National Parks and Wildlife Service or the Survey and Research Branch will be only too happy to consult with anyone who wishes to make a submission, and that certainly includes the new found expert in the field, the Hon. Mr Davis.

Bill read a third time and passed.

CITY OF ADELAIDE DEVELOPMENT CONTROL ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

In view of the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The city of Adelaide Development Control Act 1976, presently requires that development which is prohibited by the regulations or is not in conformity with the desired future character statements be referred to the City of Adelaide Planning Commission for approval before it can be approved by council. This means that a double approval is required for prohibited and non-conforming development proposals. In the course of preparing the draft, City of Adelaide, Plan 1987-1991, some of the material previously contained within the regulations (that is, definitions, zone maps and schedule) has been incorporated within the body of the plan. The reasons for this change are two-fold. Firstly, there has been a perceived need to incorporate all controls over development within the one document, so ensuring that the new City of Adelaide Plan is 'user friendly' to lay persons and professionals alike.

Secondly, a judgment handed down by His Honour Judge Ward in August 1984, held that a development which was in conformity with the regulations was by necessity in conformity with the principles. This being the case, a development which did not exceed a quantitative control in the regulations (e.g. maximum height control) would be considered to be in conformity with the principles even though it may not comply with a qualitative statement set down in the principles (e.g. that the scale of a development should have regard to environmental and historic factors).

The incorporation of all the material associated with development control in both the regulations and the principles into the new principles overcomes these problems. Henceforth the regulations will contain only procedural information, for example development application forms, the register of development rights and the City of Adelaide Heritage Register. However, the incorporation of material, previously within the regulations, into the plan, means that it is necessary to amend the City of Adelaide Development Control Act 1976, to reflect these changes and maintain the commission's role of approving prohibited and non-conforming development proposals.

Clauses 1 and 2 are formal.

Clause 3 replaces subsection (1) of section 25 of the principal Act.

The Hon. L.H. DAVIS secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

TERTIARY EDUCATION ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. J.R. CORNWALL (Minister of Health): 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.

Explanation of Bill

This Bill seeks to amend the Tertiary Education Act, 1986, to provide for the establishment of the South Australian Institute of Languages as a statutory body.

The establishment of the Institute of Languages is an important development in promoting cooperative developments in the area of language programs in our tertiary institutions. As an interim measure a committee is already in existence. The committee is responsible to the Minister of Employment and Further Education and comprises representatives of each of the tertiary institutions, the Minister of Ethnic Affairs, the Minister of Education and the Minister of Employment and Further Education. The purposes of the institute are presently:

- to facilitate the introduction and maintenance within the tertiary institutions of as wide a range as practicable of courses in languages;
- to co-ordinate, in consultation with the tertiary institutions, courses in languages offered at the tertiary institutions;
- to promote cooperation between the tertiary institutions in areas such as cross-accreditation and recognition of courses in languages;
- to establish courses for the continuing professional development of language teachers and other professionals in the languages field;
- to promote access for South Australians to courses in languages offered outside of South Australia;
- to promote the development and implementation of languages policy in the South Australian community;
- to provide clearing house and information services about language learning and language teaching at all levels;
- to maximise available human resources to the purposes of the Institute;
- to conduct research as required in order to carry out the above purposes;

and

- to consult with the tertiary institutions and the South Australian and Commonwealth Governments in relation to the purposes of the Institute.

The Government has given some considerable thought to the final form of the institute and has concluded that the nature of the task envisaged for it is such that it requires the degree of independence which would arise from it having its own corporate identity and being clearly dissociated from the existing institutions of tertiary education organisationally although for purposes of accommodation and support it may well be physically located at one of them. To achieve this we are proposing to establish the institute as a statutory body with full juristic capacity under the Tertiary Education Act 1986. This is the Act which deals with matters pertaining to the planning, coordination and administration of tertiary education in this State and so it is appropriate that the institute be established under it.

Whilst the purposes of the institute and its membership are presently as I have already outlined, some flexibility is required to adjust these as the institute gets under way. For this reason it is proposed that they be defined by regulations to provide just such flexibility whilst still enabling scrutiny by the Parliament.

Clauses 1 and 2 are formal.

Clause 3 establishes the institute and provides the power to make regulations as to powers and functions, membership and procedures at meetings.

The Hon. R.I. LUCAS secured the adjournment of the debate.

LEGAL PRACTITIONERS ACT AMENDMENT BILL (No. 2)

Received from the House of Assembly and read a first time.

The Hon. J.R. CORNWALL (Minister of Health): 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.

Explanation of Bill

This Bill amends the Legal Practitioners Act, 1981 to provide for the imposition of a levy on practising certificates. The levy will be used for the purpose of improving and maintaining the Supreme Court Library.

During 1986-87, the devaluation of the Australian dollar created a dramatic shortfall in the spending power of the library for overseas subscriptions and textbooks. The Government provided temporary assistance in that year to overcome the shortfall and to enable the library to maintain its collection. However, the Government cannot continue to offset the full effect of the devaluation.

The role of the Supreme Court Library is to provide a library service to judicial officers and the legal profession. The profession has access to the library collection and may borrow books to use within the Courts. Under the current provisions of the Act no portion of the practising certificate fee is applied to the maintenance of the Supreme Court Library. Whereas, it is common practice in other States (except New South Wales) for the legal profession to contribute towards the maintenance of the court libraries.

The Government is of the view that, as the Supreme Court Library is open to and used by members of the legal profession, it is reasonable to expect the profession to make some contribution towards maintaining the library. The proposed levy will be set by regulation at $35 and it will enable the Supreme Court Library to be funded at a level which will maintain the collection and enable the purchase of essential textbooks.

Clause 1 is formal. Clause 2 amends section 16 (5) of the Act, which provides that an application for a practising certificate must be accompanied by the prescribed fee. The amendment provides that the application must also be accompanied by the prescribed levy.

Clause 3 amends section 95 of the Act, which sets out the manner in which revenue raised from practising certificate fees must be dealt with. The amendment provides that revenue from levies will be applied for the purpose of maintaining and improving the Supreme Court library. Clause 4 makes a consequential amendment to the Governor's regulation making power in section 97 of the Act.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

LANDLORD AND TENANT ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 1.40 a.m. the Council adjourned until Wednesday 2 December at 2.15 p.m.