LEGISLATIVE COUNCIL

Wednesday 27 September 1989

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

MARINELAND

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about Marineland.

Leave granted.

The Hon. K.T. GRIFFIN: Information in the possession of the Opposition records the concerns of Zhen Yun and a senior officer of the Department of State Development and Technology with the role of Mr Virgo, the Chairman of West Beach Trust, in the negotiations for the redevelopment of Marineland and its ultimate scrapping. This includes recorded comments by Mr Lawrence Lee of Zhen Yun on 30 January this year about difficulties in negotiations with Mr Virgo over the rental Zhen Yun would pay for use of the Marineland site administered by the Trust. I quote Mr Lee's words:

> It is ridiculous. When you are in business and you negotiate with one person and you ask for one dollar and somebody gives you two dollars and he suddenly jumps to four dollars.

This was a reference to Mr Virgo's habit of constantly shifting his negotiating position.

There are also comments by Mr Henry Oh of the Department of State Development and Technology on 11 February this year, when he said of attempts to get the agreement of the West Beach Trust:

> We had a meeting yesterday with Mr Virgo who couldn't agree with the latest offer—negotiations have always been difficult.

These difficulties are likely to have played a significant part in the Marineland debacle. Will the Minister support an independent investigation into the scrapping of the Marineland redevelopment so that the role of the Chairman of the West Beach Trust, Mr Virgo, can be examined along with the many other areas of concern about that decision?

The Hon. ANNE LEVY: I fail to see any reason why I should take any action whatsoever in this regard. The Chair of the West Beach Trust is doubtless a shrewd negotiator who was trying to get the best possible deal for the West Beach Trust in any negotiations which were taking place with Zhen Yun. Despite what the Hon. Mr Griffin has said, the negotiations were obviously successful. There was and still is an agreement between the West Beach Trust and Zhen Yun which, according to my information, is ready to be put into effect as soon as the company has access to the site.

I have no information other than that. It would seem to me undesirable to suggest that the Chair of the West Beach Trust should not do the very best for the trust in any negotiations in which he is involved. I would have thought for the benefit of the West Beach Trust and of South Australia that the best possible deal should be struck. I am sure that the Chair of the West Beach Trust has done his utmost in this regard to the complete satisfaction of the West Beach Trust.

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Local Government a question about Marineland.

Leave granted.

The Hon. M.B. CAMERON: Today's *Advertiser* carries a report that the receiver of Tribond Developments, Mr John Heard, says that the pregnant dolphin, Buttons, will not be moved for at least three months. Obviously this means even further delays in the redevelopment of the Marineland site. It raises the important question of whether Zhen Yun Australia Hotels Pty Ltd is to be compensated for the further delay. On page 452 of the Auditor-General's Report there are the following comments and notes forming part of the financial statements in respect of the West Beach Trust:

Land

> The land comprising the recreation reserve was transferred to the trust for no monetary consideration and, with the exception of the land leased to Zhen Yun Australia Hotels Pty Ltd . . . is not reflected in the accounts . . . Effective from 1 April 1989 for a term of 50 years, the trust leased land valued at $2 169 000 . . . to Zhen Yun Australia Hotels Pty Ltd. The land comprises 5.69 hectares of the reserve, including the area occupied by the former Marineland complex.

It then goes on to give some conditions. Does work on the proposed hotel have to be commenced by a particular date and, if so, when? Is compensation payable to Zhen Yun for any delays in the commencement of work? Under what conditions was this land leased for a 50-year period? Was one of the conditions that work had to commence by a certain date? Has the Government any power under the lease to revoke it, or have we lost control of this area regardless of whether or not the Marineland area is developed?

The Hon. ANNE LEVY: The information which the West Beach Trust has given me and which was given in the Estimates Committee last week is that construction will begin as soon as the company has access to the site. I do not know whether the question of compensation is included in the lease or its conditions. The lease, which is a legal document, has been drawn up. As I understand it, it has not been registered at this stage. I am told that, until the lease is registered, its conditions are not public information. All possible steps are being taken to effect registration of the lease, but there have been several hitches along the way.

An honourable member interjecting:

The Hon. ANNE LEVY: No, that has nothing to do with the registration of the lease; it is a legal matter relating to the registration of the lease. There are some legal hitches that the West Beach Trust is attempting to resolve. As soon as that is done, the lease will be registered and will then be a public document like any other lease. I will certainly have discussions with the Chair or the General Manager of the West Beach Trust to ascertain whether some of the questions that have been asked can be made public prior to the registration of the lease, but as yet I assure members that it is a confidential document and I, along with everyone else in this place, have not seen it.

The Hon. M.B. CAMERON: By way of supplementary question, in view of the statement from the Auditor-General that this land has been leased to Zhen Yun Limited, will the Minister provide forthwith a copy of the lease so that this Council and the people of South Australia can have some idea of the conditions that have been placed upon Zhen Yun Limited and ascertain whether or not the public of South Australia will be up for compensation for any delays? Surely that matter should be made public.

The Hon. ANNE LEVY: The West Beach Trust has signed a lease with Zhen Yun Limited. Once that lease is registered it is a public document.

The Hon. M.B. Cameron: How long ago did they sign it?

The Hon. ANNE LEVY: The lease was signed in April. It has not yet been registered because of legal hitches that are beyond the power of the West Beach Trust to resolve

entirely on its own. It requires negotiations with other parties.

The Hon. M.B. Cameron: What—after the lease is signed?

The Hon. ANNE LEVY: Yes. I am assured by the Chair of the West Beach Trust that the lease will be a public document as soon as possible, namely, when it is registered. He is trying his utmost to get it registered so that it can become a public document. The lease that was signed was a commercial matter between the West Beach Trust and Zhen Yun Limited. The West Beach Trust is set up by legislation under this Parliament. It is an autonomous body; it receives no Government funding whatsoever and it undertakes commercial activities for the benefit of the people of South Australia. There is no criticism of the West Beach Trust in the Auditor-General's Report, and the Auditor-General has had access to the complete records of the West Beach Trust this year, as in all previous years. It is 29 years since there was any financial involvement by the Government with the West Beach Trust.

JUVENILE COURT CASE

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question about the presence of journalists in the Supreme Court in cases involving juveniles.

Leave granted.

The Hon. I. GILFILLAN: This morning's *Advertiser* contained an article covering a case in which reporters were excluded from a hearing involving a juvenile. The article states:

> A Supreme Court judge has acknowledged that laws governing the media's right to be present at juvenile court hearings are not very clear. Justice Legoe yesterday made his comments before ruling that two journalists could not stay to hear a matter regarding a juvenile who was before him in the Supreme Court to make a plea.

The two journalists, Mr Porter and Miss Lenkic, are mentioned. The article further states:

> Mr Porter said he and Miss Lenkic were seeking exemptions under section 92 of the Children's Protection and Young Offenders Act 1979, as amended. The section states that 'any person who is a genuine representative of the news media may be present at a sitting of a court when the court is dealing with a child under Part IV of this Act'. Part IV gives a Supreme Court judge the power to decide to hear a charge against a child.

Some further confusion is referred to in this article, and I quote an opinion given by the defence counsel, Mr Abbott:

> My submission would be that the court, as defined under the Act, is not sitting, therefore, they (the media) have no right to be here under section 92. They must go.

The article further states:

> Justice Legoe also called for opinions from the crown prosecutor, Mr Brenton Illingworth, who said his understanding was that section 92 (1) and (2) gave the media the right to be in the court. He pointed out that section 93, which restricted what the media could report, also had to be observed. Justice Legoe said, 'It's not clear, is it?'

Further on, the article states that Mr Justice Legoe said:

> On the balance of subsections (1) and (2) of the Act, subsection (1) seemed to have 'wider prohibition than the discretionary admission in subsection (2)'.

It is then reported that Mr Justice Legoe then asked the two journalists to leave the room. In the light of that confusion and in the aftermath of the previous concern expressed by the media in this State in the matter suppression orders and lack of ability to report court activity, I ask the Attorney-General, first, whether he believes that genuine representatives of the media have a right to be present in the court when the court is dealing with a child. Secondly, does he agree with Mr Justice Legoe that 'it is not clear'? Finally, does the Attorney-General believe that the relevant legislation should be amended and, if so, when and how, and if not, why not?

The Hon. C.J. SUMNER: The answer to the first question is 'Yes' and the answer to the third question is 'Yes' if there is doubt about the situation. I suppose I have to take note of Justice Legoe's view that the situation is not clear. However, I must confess that I was surprised by the ruling. The fact is that journalists can be present in the Children's Court; that is clear. The whole policy rationale for referring juveniles to the Supreme Court is that they can be heard as adults, and one would therefore expect that in an adult court there would be no less restriction on journalists being present or on publicity than would apply in the Children's Court. In fact, one would expect that there would be more restrictions on the presence of journalists or on publicity in the Children's Court than in circumstances where children were being dealt with in the Supreme Court as adults. That is clearly the policy position. If a child is dealt with as an adult, there is no rational, and certainly no policy, reason why there ought to be more restrictions on the presence of journalists or on publicity.

That is why I say that I was surprised by the ruling. However, the judge had the benefit of counsel to debate the matter before him and has come to the conclusion that the situation is not clear and therefore he excluded the journalists. From what I have already said in answer to the honourable member's questions, that situation is clearly not satisfactory and will be amended if it is unclear. I will certainly get the Crown Solicitor's advice on the ruling to see whether or not the Crown Solicitor agrees that it is unclear and that the judge acted in accordance with the legislation. If any action can be taken by the Crown Solicitor to clarify the matter, I will instruct that that action be taken.

However, I point out that I expect to release shortly a report on the Children's Court. One of the terms of reference of the committee examining the operation of the Children's Court related to publicity and the presence of individuals in the court. The future of that issue can be addressed by Parliament when that report is released. Irrespective of the results of that report, it is quite clear that there should be no greater restriction on the presence of journalists or the reporting of proceedings in an adult court than is the case in the Children's Court. That at least must be remedied either by seeking an interpretation from the Full Court if that is possible, or by legislative action, if that is the only way that it can be done.

CREDIT OVERCOMMITMENT

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about young people's use of credit.

Leave granted.

The Hon. CAROLYN PICKLES: At a recent youth affairs seminar in Adelaide the audience was told that young Australians aged between 15 and 25 spend about $4 billion on consumer items each year, and most of this involves credit. Apparently, the trend in this age group is for credit to be used not for the accumulation of assets but, rather, for durable items such as clothes, entertainment and paying bills.

A survey conducted in Victoria discovered that last year a quarter of bankrupts were under the age of 25. The survey also discovered that one-third of those under 25 years in that State were not asked to provide details of their income

when applying for credit cards and only one-tenth had been asked about other debts. Yesterday, I was somewhat appalled to receive in the mail from the ANZ Bankcard the following advice:

> ... we now regret that we have to bring the credit card rate into line with other interest rate movements. As a result, your present rate of interest of 23.25 per cent per annum will increase to 24.84 per cent per annum from 22 December 1989.

My question is: will the Minister please say what steps are being taken to help young people avoid over extending their credit?

The Hon. C.J. SUMNER: I note the matters raised by the honourable member. The question of credit overcommitment has been of concern to the community for some time. Just recently a draft Uniform Credit Bill was released for public discussion. This had been prepared for the Standing Committee of Consumer Affairs Ministers. It has been agreed in principle by them and will be released for discussion. The establishment of uniform credit legislation throughout Australia has been an aim now for some considerable time but, because of the complexities of the issues involved, it has not yet been achieved.

However, some progress has been made and members who are interested in this topic may wish to peruse the Bill that has been distributed publicly with explanatory comments. There is no doubt that considerable pressure is applied to young people to take out credit and to use that credit for various purposes, including durable items. The Government has established a committee to investigate the question of overcommitment, and that committee has investigated the matter over the past year or so.

The Hon. Diana Laidlaw: And you've had the report for ages.

The Hon. C.J. SUMNER: Well, I have not had the report for ages; that is not correct.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The honourable member interjects out of order. I will be releasing that report shortly, and it contains a number of recommendations to deal with the question of overcommitment. It deals with a number of issues, including the issues raised by Senator Bolkus in his Bill dealing with credit reference agencies, imprisonment for debt and so on. So, when that report and the Government decision on the matters that are contained in it are made public, the honourable member and other members of Parliament will be able to decide whether or not to support that committee's recommendations .

MARINELAND

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister of Local Government a question relating to Marineland and the West Beach Trust.

Leave granted.

The Hon. J.C. IRWIN: I am informed that, before the building of Marineland can be demolished to make way for the proposed hotel, there will have to be a major and costly asbestos removal program. The need for this removal was identified last year in a report prepared by Amdelcare. That report has identified that the office block, the entrance building and the roof of the film and acquarium hall contain a significant amount of asbestos. The report also indicates that the installation of this asbestos did not comply with legislation applying at the time—and I am referring to work done at Marineland over the past 10 years. My questions to the Minister as the Minister responsible for the West Beach Trust are as follows:

1. Is the Minister aware of the presence of asbestos in the Marineland buildings?

2. What is the estimated cost of the asbestos removal program?

3. Who will meet that cost?

The Hon. ANNE LEVY: I am aware that asbestos has been found in Marineland. Most buildings built at that time contained asbestos, and Marineland is certainly not alone in having asbestos removal problems, as it seems such problems are common throughout the metropolitan area. I do not have the detailed information on asbestos removal costs, but I will certainly obtain it and bring back a reply.

HELICOPTER SEARCH EQUIPMENT

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Emergency Services, a question about helicopter search equipment.

Leave granted.

The Hon. R.J. RITSON: The acronym FLIR stands for 'forward looking infra-red'. The system consists of a heat sensor, a data processor and a visual display screen. I have seen the equipment demonstrated and it is particularly good, showing clearly recognisable human forms under conditions of poor to zero visibility on land or at sea.

Members may recall a canoeing tragedy in which lives were lost at Lake Alexandrina. On that occasion visibility was extremely poor and it was luck rather than design that the Commanding Officer at Edinburgh Air Base was located late at night and was able to open the airfield and put an RAAF Iroquois into the air. That aircraft had infra-red search capability and, in fact, found some survivors in the small hours of the morning. The condition of the survivors and the weather conditions were such that, but for the Air Force intervention, they would not have been found alive. However, the Air Force programs its opening and closing of airfields according to its operational training and leave requirements and does not maintain an around the clock search and rescue service.

Less fortunate than the surviving canoeists was an occupant of a light aircraft which ditched in waters a short distance off the metropolitan coast some 18 months ago. All the occupants escaped from the aircraft without major injury, but one of them left the area of ditching and attempted to swim ashore. He was never found. Had FLIR equipment been available it is likely his life would have been saved.

At the time of both these incidents, the FLIR equipment was available in a hangar at West Beach airport, and had previously been demonstrated to police. The cost of the equipment was of the order of $300 000, but under the then Minister of Emergency Services, there were no funds to purchase and install this equipment in any aircraft. In view of a recent *Advertiser* report that the Government intends to upgrade search and rescue services, will the Government provide the police with a FLIR search capability? If so, when?

The Hon. C.J. SUMNER: I will refer the honourable member's question to the appropriate Minister and bring back a reply.

HELICOPTER

The Hon. R.J. RITSON: Has the Attorney-General an answer to my question of 9 August about Government procrastination?

The Hon. C.J. SUMNER: The Minister of Emergency Services has provided me with the following answer:

1. An amount of $393 200 is allocated in the budget in 1989-90.
2. The particular model has not been determined.
3. Delivery date is not known.
4. Direct operating costs have not been determined.

The Hon. R.J. RITSON: I have a supplementary question. Is the Attorney aware that $393 000 is approximately the cost of the present contract, and does he really think that that amount of money is an allocation for a new aircraft, or is it merely a perpetuation of the present services?

The Hon. C.J. SUMNER: Clearly, that amount of money, on its own, is not adequate to purchase a new aircraft. Obviously, I cannot say whether it is sufficient to service the cost of an upgraded aircraft. However, I will direct that supplementary question to the responsible Minister, along with the honourable member's original question, and bring back a reply.

MULTICULTURALISM

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about equal opportunity and multiculturalism.

Leave granted.

The Hon. DIANA LAIDLAW: In South Australia today there are increasing numbers of people who were born overseas and who are using their intimate knowledge of their home country in order to develop prosperous export and import businesses, amongst other types of business enterprises. I note that earlier this year, the National Australia Bank determined that it was keen to recognise and acknowledge the efforts of businessmen and women with non-English speaking backgrounds who had overcome language barriers and the new environment to succeed and prosper in business. This year, the bank launched an award, which was presented in June, and which attracted hundreds of entries from all over Australia. The final of the competition was shown live on SBS. Unfortunately, South Australian businesses were not permitted to enter what was hoped to be a national award, because an application by the bank to the Equal Opportunity Commission for an exemption under the Act was denied by the tribunal. That decision has been a matter of great regret to the bank and also a number of South Australian business people who, despite the fact that they were not eligible to apply, did in fact apply and found that their application was not eligible for consideration.

Based on the enormous success of the award it is certainly the wish of the bank to sponsor the award again next year and that South Australian small businesses will be eligible to participate in 1990 so that the award will have a truly national basis. Is the Minister aware of the decision by the Equal Opportunity Tribunal earlier this year to refuse the application of the National Australia Bank, and can he advise the Council of the grounds upon which the application was rejected? In addition, does the Minister agree that the concept of the award presents an exciting opportunity to acknowledge the success of business enterprises operated by people from non-English speaking backgrounds? It would be appreciated by many of those business people if they were allowed to participate in the award next year.

The Hon. C.J. SUMNER: I am not aware of the decision of the tribunal. However, I agree that, as a matter of policy, it would be desirable for local businesses in this category to be able to participate in the national award. However, I have not seen the decision of the tribunal that apparently prevents this participation. I assume that the decision of the tribunal was made only on the basis that the participation would have conflicted with the Equal Opportunity Act and that it did not feel that an exemption was justified. However—

The Hon. Diana Laidlaw interjecting:

The Hon. C.J. SUMNER: The honourable member interjects again.

The Hon. Diana Laidlaw interjecting:

The Hon. C.J. SUMNER: It is not insensitive in the least. The honourable member interjects and is replied to. I can understand the feelings that the honourable member has expressed in this Chamber and, as I have already said, I agree that, as a matter of policy, local businesses in this category should be able to participate. So, I will refer the matter to the Commissioner for Equal Opportunity for a report and bring back a reply for the honourable member.

RARE EARTHS PLANT

The Hon. M.J. ELLIOTT: Has the Minister of Local Government a reply to my question of 3 August about a rare earths plant?

The Hon. ANNE LEVY: A notice of intent has been submitted by SX Holdings Pty Ltd, to the Department of Mines and Energy, outlining details of the company's proposed development of a rare earths extraction plant in Port Pirie. This notice was prepared in support of SX's application for a mining lease over the former uranium tailings dams and treatment works in Port Pirie, and has been circulated to all appropriate Government departments and the Port Pirie council for comment.

A decision on the granting of a mining lease will be made in the light of the responses of these agencies. The proposed development is staged as follows:

Stage 1: Retreatment of the uranium tailings currently stored in Port Pirie, resulting from the processing of Radium Hill concentrates from 1955 to 1962. Initially this retreatment will be by *in-situ* leaching and processing of the soluble fraction for rare earths. At some time in the future, physical mining and additional processing of the tailings may be a possible second phase of tailings retreatment.

Stage 2: Construction of a concentrates plant for separating rare earths from imported non-radioactive concentrates.

Stage 3: Construction of a monazite and/or zenotime cracking plant. However, as this would involve the transport and handling of considerable quantities of radioactive materials, the Government has made it clear that an environmental impact statement will be required before any decision is made on its establishment.

The Government has not required an environmental impact statement to be prepared on stages 1 and 2 by SX Holdings Pty Ltd because the Department of Environment and Planning is satisfied that there are adequate statutory procedures in place to enable the issues associated with these earlier stages to be adequately assessed and determined. Environmental issues related to the initial tailings retreatment and imported rare earths concentrate plant will be addressed in a statement of environmental factors submitted to the Minister for Environment and Planning. There will be minimal disturbance of the tailings during the initial retreatment phase of stage 1 and minimum environmental impact is anticipated during the development of stages 1 and 2.

In addition, the Minister for Environment and Planning has given a commitment that the statement of environmental factors will be made publicly available when it is received. She has also made a commitment to hold a public information forum on the project so that the public can be given a better appreciation of the issues and the safeguards that will be put in place for the project.

The notice of intent submitted by SX is primarily concerned with the initial phase of the stage 1 development for which the mining lease referred to earlier is required. This notice is only an overview of the development proposal. Aditional detailed operational and environmental information will be required when the detailed mining plan is submitted for approval and when the necessary licences and approvals under the Radiation Protection and Control Act are sought. No mining can commence until these approvals are obtained.

ENERGY EFFICIENT LIGHTING

The Hon. M.J. ELLIOTT: Has the Minister of Local Government an answer to my question of 9 August about energy efficient lighting?

The Hon. ANNE LEVY: My colleague, the Minister of Mines and Energy, has advised me that a number of 'high efficiency fluorescent globes' or 'electronic lamps' are readily available on the South Australian market, including lamps by Siemens, Philips, Osram, and Thorn. They can be used to replace standard incandescent globes. They are relatively new to the commercial market. To be cost-effective at their present price the lamp would need to be operated for at least 3 000 hours per annum. They are particularly suited to the hospitality, health, retail and accommodation industries as well as some industrial areas.

The electronic lamp uses only about one-quarter of the energy of an equivalent incandescent lamp and in doing so generates about 80 per cent less heat. Their cooler operating temperatures can be used to advantage in areas where low heat loads are important or where high levels of lighting, such as in retail/hotel applications, can cause problems for air-conditioning plant. The electronic lamp has two additional advantages—first, a much longer operating life (of up to 8 000 hours depending on brand), and, secondly, a lighter weight in comparison to some other energy efficient lamps. The relatively compact size and form of electronic lamps gives them the convenience of an incandescent lamp together with the operating cost efficiencies of a fluorescent lamp. They are available in several wattages including those equivalent to the 40, 60, 75 and 100W incandescent (rose bulb) lamp.

The Government Energy Management Program (GEMP) operating from the Office of Energy Planning has already used electronic lamps as replacement lamps in projects associated with the Northfield Women's Prison and the State Library. They are currently being considered for other projects and the GEMP will continue to specify them where it proves cost-effective to do so.

Electronic lamps are being marginally economic in a few applications in the home where existing incandescent lamps remain switched on for long periods such as passage lights or 'night' lights. They could also replace the standard fluorescent tube fittings in some applications at the 'end of life' of the original fitting.

With regard to the honourable member's specific questions the following information is provided:

1. While at this stage the Government would not propose to underwrite the use of high efficiency fluorescent globes in private dwellings, it will continue to publicise the advantages of these globes where appropriate.
2. Under the GEMP the Government is already taking initiatives to reduce the cost of lighting to Government. While some of this work involves the use of the electronic lamps, the Government is also concentrating on the extensive use of lighting controls. For example, in the financial year just ended the GEMP group administered the installation and commissioning of a large scale demonstration of lighting controls in 21 primary schools in the Adelaide area. Over 300 individual classrooms were affected. This project is an extension of an earlier GEMP trial demonstration program. It is hoped to establish from this larger project the extent to which costs can be reduced through larger scale purchase of lighting control equipment, to establish the nature of user reaction to lighting controls and to monitor the performance of the installed equipment.
3. While the establishment of such a new industry in South Australia may not be able to be justified on an economic basis at present, the Office of Energy Planning will review the situation with the Department of State Development and Technology.
4. The Minister of Mines and Energy (Hon. John Klunder) will pursue the matter of sales tax being removed from electronic lamps with the Federal Government and report to the honourable member at a later date.

REGIONAL DUMPS

The Hon. M.J. ELLIOTT: Has the Minister of Local Government an answer to my question of 22 August about regional dumps?

The Hon. ANNE LEVY: My colleague the Minister for Environment and Planning has provided me with the following information in response to the honourable member's questions:

1. Regional solid waste depots developed mainly for the disposal of domestic wastes and building, demolition and commercial wastes are not regarded as projects of sufficient impact to warrant full environmental impact statements as specified by the Planning Act 1982. However, all new solid waste depot proposals, either regional or local, are required by the South Australian Planning Commission to include identifications of potential environmental impacts, if any, and the commission may impose conditions for the control or avoidance of those impacts as part of any approval granted.
2. Recycling has been a feature of the South Australian community for generations. We achieve very high return rates for commodities such as glass and aluminium as a result of deposit legislation. There are over 200 organisations involved in recycling, many being viable businesses providing local employment. The Government recently established a community based Recycling Advisory Committee to address the problems associated with the more difficult commodities such as paper and plastics. This committee will make recommendations on processing and new product opportunities as well as market development and incentives for recycled materials.
3. Funding of the Waste Management Commission by directly imposing costs on the waste producers ensures that the principle of 'polluter pays' is maintained. Funding the commission from general revenue would not only increase the burden on taxpayers, but would remove the focus on the polluter, who at present is also paying for the commission's programs of recycling and waste minimisation, public education and awareness, monitoring and enforcement.

FINNISS SPRINGS PASTORAL LEASE

The Hon. M.J. ELLIOTT: Has the Minister of Local Government an answer to my question of 23 August about the Finniss Springs pastoral lease?

The Hon. ANNE LEVY: The Minister of Lands has advised that officers of her department are discussing the future leasing arrangements of Finniss Springs Station with the lessees. The Minister has given a categorical assurance that the Arabana people will be provided with an appropriate long-term tenure to enable them to continue operating the land in a traditional manner.

WATER RATES

The Hon. M.J. ELLIOTT: Has the Minister of Local Government a reply to a question I asked on 24 August about water rates?

The Hon. ANNE LEVY: My colleague the Minister of Water Resources has advised me that Mr Grosse's situation has been reviewed both in response to representations to her from the member for Chaffey in another place and from Mr Grosse himself. On each occasion the Minister was satisfied that the rating situation was correct and no alteration was made. That situation has not changed and therefore does not warrant reconsideration. To assist the honourable member's understanding of this matter and for the benefit of the Council I believe a brief explanation is warranted.

In 1974 Mr Grosse was issued with an annual diversion licence which permits him to draw water from the Murray River for domestic purposes. When the licence was first issued there was no mains water available; nor could it be provided, as his property was above the level that could be served by the reticulation system in the Paringa township. Moreover, there was no necessity for the Engineering and Water Supply Department to service the area as land use zoning then precluded land division which would justify a town supply.

In 1981, the authorisation of the District Council of Paringa's supplementary development plan rezoned the area to the north-west of the Paringa township along Murtho Road as an area that could be developed into country living allotments and a land division proposal was submitted. A water supply scheme was subsequently installed to serve the area following consultation between the land developers, the district council and representatives of the Engineering and Water Supply Department. That scheme passed Mr Grosse's property. Once that water main became operational, water rates were payable by abutting landowners, irrespective of whether or not a property is connected.

The Minister assures me that in examining Mr Grosse's claims she took great pains to ensure that all aspects of the case had been considered to satisfy herself that her response was absolutely correct. Rather than the 'sheer bloody mindedness' asserted by the honourable member, the Minister's attitude demonstrates a desire to make sure Mr Grosse's concerns received a detailed and just hearing.

CITY FARM PROJECT

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General a question about the city farm project at Brompton.

Leave granted.

The Hon. J.F. STEFANI: A great deal of concern has been expressed to me in recent weeks about the operation of the Hindmarsh Housing Association, the Bowden/Brompton Group and the City Farm Group, which are all located at Brompton. All these organisations have been heavily subsidised and funded by various Government departments and have received substantial sums of money and preferential treatment over a number of years. Will the Attorney obtain and make available to this Council the latest financial report of the city farm project? Will he also obtain and table the annual report for the Hindmarsh Housing Association for the years 1987-88 (which is still outstanding) and 1988-89?

The Hon. C.J. SUMNER: I will refer that question to the responsible Minister and bring back a reply.

MARINELAND

The Hon. K.T. GRIFFIN: My questions are addressed to the Minister of Local Government. First, what are the legal hitches preventing the registration of the lease to Zhen Yun from the West Beach Trust?

Secondly, what other parties are involved in the negotiations (upon which registration depends) to remove these hitches?

The Hon. ANNE LEVY: I will obtain a detailed report on this matter and bring it to the Chamber. I am not a lawyer. I very much hesitate to try to explain legal matters without having a detailed briefing from legal sources before doing so.

AUSTRALIA DAY HOLIDAY

The Hon. L.H. DAVIS: Has the Minister of Local Government a reply to the question I asked on 16 August about the Australia Day holiday?

The Hon. ANNE LEVY: The Government has not taken the significance, pride nor pageantry out of Australia Day. Australia Day is actually celebrated on 26 January each year, but the public holiday to commemorate it in 1990 will occur on Monday 29 January, as required by the Holidays Act. My colleague the Minister of Labour has reiterated that employer and employee associations consider that the productivity and efficiency of industry is reduced when the pattern of business is disrupted with a sequence of days on-off-on-off. This would be the case were the Australia Day public holiday to occur on Friday 26 January. Retail industry, in particular, suffers a loss of turnover during such disrupted sequences, a loss which is never recouped. Retail employees, too, have a right to commemorate Australia Day with an uninterrupted holiday break as much as any other employee.

In addition, interstate business with Victoria and Western Australia would be impossible on Friday 26 and Monday 29 January if the public holiday were to occur in South Australia on Friday 26 January. We would be open when they were shut and *vice versa*. In the interests of the South Australian economy and the rights of all South Australian workers to commemorate Australia Day with an uninterrupted holiday break, the public holiday will occur on Monday 29 January in 1990 as recommended by the Industrial Relations Advisory Council. The State Government does not have any plans to switch Anzac Day to the nearest Monday because clause 3a of the Holidays Act specifies 25 April as the Anzac Day public holiday except where that date falls on a Sunday.

ORPHANAGE STAFF SAFETY

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Labour, a question about staff safety at the Orphanage.

Leave granted

The Hon. R.I. LUCAS: The Orphanage is the Education Department facility on Goodwood Road. I have notes of a staff meeting held at the Orphanage last Wednesday in relation to the considerable concern of staff in respect of their own safety and work conditions at the Orphanage. I want to raise with the Government some of the concerns listed at this meeting.

Some of the concerns raised by the staff include wires on the floors and under desks, wires hanging down over the verandah and frayed cords (in a dangerous condition) all over their workplace. There is also an extraordinarily high level of dust. I am advised that in the early weeks there was some blasting, and as a result there were high concentrations of lead dust in the workplace. The noise levels are extremely high, particularly in the chapel section of the Orphanage. At times staff have complained of the excessive noise in relation to the hammering and other construction work going on. Staff have complained about building access and the changes that are made every day, making it difficult to find the safest way across the courtyard (although it is supposedly between the flags).

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Very little concern is being shown by the supposed representatives of the union and the working class for fellow comrades of the Education Department having to work under very stressful conditions.

The PRESIDENT: Order! I suggest the honourable member gets to the point of the question.

The Hon. R.I. LUCAS: Mr President, I am under attack for wishing to defend.

An honourable member interjecting:

The Hon. R.I. LUCAS: I have.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Mr President, I am responding to the invitation to approach the safety representative. The safety flags are sometimes not moved to mark the new access. The strong paint odours have caused staff to go home with headaches and migraines, and a number of days have been lost due to illness as a result of those odours and the inability to open windows to allow fresh air into the building.

The Hon. T. G. Roberts interjecting:

The Hon. R.I. LUCAS: I am just about to refer to what your comrades have been doing. There is a range of other less serious complaints but nevertheless of concern to the staff who work there. As interjections from the Hon. Mr Roberts and Mr Weatherill have indicated, the staff contacted their union, the PSA, and as a result the Occupational Health and Safety Officer of the PSA went out and inspected their conditions on site. The Occupational Health and Safety Officer, I advise the representatives of the unions and workers in this Chamber, recommended the staff to declare an immediate cessation of work. In the opinion of the Occupational Health and Safety Officer, the building is a construction site and is, in the PSA's opinion, illegal in all respects and contravenes most provisions of the occupational health and safety legislation.

These are the matters that members opposite were treating with some hilarity. That is the view of the Occupational Health and Safety Officer of the Education Department staff's own union, the PSA. Before the staff were required to move to the Orphanage from other Education Department facilities such as Wattle Park and elsewhere, they were given certain undertakings by a committee known as SERGE (and I must confess I do not know what that acronym stands for). SERGE is a group within the Education Department that oversees the movement of staff from Wattle Park and other facilities to places like the Orphanage. I have been provided with notes of a SERGE meeting of 25 May 1989, as follows:

> Once the ground floor is completed and staff have moved in the only work expected to be carried out on the first floor is some painting and finishing off etc. This is not expected to cause any noise or dust problems with staff on the first floor.

It was a matter of concern to the staff that they would not be required to move into a new facility such as the Orphanage when dangerous working conditions existed, and they were given undertakings by the department, through SERGE. Will the Attorney urgently investigate these claims and ensure that Education Department staff at the Orphanage are able to work in safe working conditions?

The Hon. C.J. SUMNER: I will obtain a report and bring back a reply.

LONG SERVICE LEAVE (BUILDING INDUSTRY) BOARD

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Labour, a question about the Long Service Leave (Building Industry) Board.

Leave granted.

The Hon. J.C. BURDETT: At the recently held Royal Adelaide Show I spent some time staffing the booth of the Liberal Party and right opposite the booth was the Long Service Leave (Building Industry) Board booth, which had written on it 'Long Service Leave (Building Industry) Board, Department of Labour'.

I was on our stand for a total of four hours and observed the stand of that board. I was there for two hours on one Saturday and two hours the next Saturday. On both occasions I noticed that the booth was staffed by two officers, with sometimes only one being in attendance. It appeared that two were staffing the booth and presumably being paid penalty rates. I did not see any member of the public approach the booth. At times I was occupied and it could have happened, but I did not see any person enter that booth in over four hours. I wondered why it was there. What was the cost of providing that booth at the Show in terms of rental and wages paid? One assumes that the officers must have been paid penalty rates for working on a Saturday morning. What did the department or the board expect to achieve from having the booth at the Show? It seemed a most strange sort of booth to have there, anyway.

The Hon. Anne Levy: That sounds like an opinion.

The Hon. J.C. BURDETT: Nobody went there, so it was not only my opinion. I did not see any member of the public enter the booth. What was the purpose of its being there?

The Hon. C.J. SUMNER: It would seem that not many people detained the honourable member at the Liberal Party booth either because he apparently had four hours on two separate Saturdays in which he was able to give his undivided attention to the Long Service (Building Industry) Board stand which was apparently directly opposite the Liberal Party stand. I commend the honourable member on his diligence. I am sorry that he did not have anything more to do at the Show on behalf of the Liberal Party. I will refer his question to the appropriate Minister and bring back a reply.

COUNTRY ROADS

The Hon. PETER DUNN: Has the Minister of Local Government an answer to my question of 17 August on country road funding?

The Hon. ANNE LEVY: Further to the honourable member's question, my colleague the Minister of Transport has provided the following information which relates to only the Elliston-Lock and Kimba-Cleve Roads, as the Cummins-Mount Hope Road is a rural local road under the care and control of the District Council of Lower Eyre Peninsula.

In addition to routine maintenance, grading of both the Elliston-Lock and Kimba-Cleve Roads, a program for upgrading to a good open surface by sheeting with natural rubble has commenced. This financial year, it is intended that a further three sections of the Elliston-Lock Road (measuring approximately 13 km in total) and a further six sections of the Kimba-Cleve Road (approximately 11.5 km in total) will be resheeted.

If the condition of these roads is affected by prevailing weather, the sections to be treated are agreed upon each year after a joint inspection by council and Highways Department officers. My colleague is unaware of the information referred to by the honourable member which indicates that no further sealing of country roads will be carried out unless a road has a traffic flow in excess of 200 vehicles a day.

Unsealed rural arterial roads are selected for construction to a sealed standard on the basis of State-wide priorities, which depend upon consideration of a combination of factors, including traffic volumes, safety records, length remaining to be sealed (and hence cost) and the function of the road in the road network as a whole. Three of the five unsealed roads currently earmarked for such construction, in fact, have daily traffic volumes less than 200 vehicles per day. On a State-wide priority basis, construction to a sealed standard of the Elliston-Lock and Kimba-Cleve roads is not anticipated for many years.

YOUTH TRAINING CENTRE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister representing the Minister of Community Welfare a question about the youth training centre.

Leave granted.

The Hon. DIANA LAIDLAW: Yesterday I received a reply to a question on notice about the Government's future plans for the construction of the youth training centre. In part the reply stated:

> The Government does intend to proceed with the establishment of a secure care complex and is currently canvassing options for alternative sites before considering a short list.

I add that the Government has been considering some 20 sites since May of this year, and one should have thought that a short list would be established by now. Certainly that impression was reinforced in the answer given by the Chief Executive Officer during the Estimates Committee to questions on this subject. Ms Vardon stated:

> We are very pleased to report that we think that we have a block of land. It is still, of course, subject to Cabinet approval and a whole lot of other things. It does not have any neighbours and we know that Sacon is ready to start. A significant amount of money, in fact, $10.7 million, has been set aside this year in the capital budget for our organisation, and we are hoping to turn the sod and get going this year.

Perhaps she was referring to a former Minister—she has had so many in recent times, some of whom have been quite critical of her administration. Will the Minister clarify whether the Government has assessed alternative options and now has a short list? Has one block of land been settled upon, as Ms Vardon seemed to suggest two weeks ago during the Estimates Committee? Can we expect an answer or a decision to be made by the Government on this matter before an election is announced, or does the Government believe that it will be again in a Labor seat and cause controversy among residents, it therefore being too scared to make a decision on the matter?

The Hon. ANNE LEVY: I will refer the question to my colleague in another place and see that a reply is brought back, either by me or by the Minister in this place representing the Minister of Community Welfare.

PRISONER DEPORTATION

The Hon. K.T. GRIFFIN: Has the Attorney-General a reply to my question of 17 August on prisoner deportation?

The Hon. C.J. SUMNER: On 17 August 1989, the Hon. Mr Griffin asked two questions in respect of Mr Farrow, the first of which related to whether I would pressure the Federal Government to have Farrow deported. The matter of deportation rests with the Commonwealth, which may act by virtue of section 12 of the Migration Act 1958. If a person is convicted of any offence carrying a penalty of imprisonment for not less than one year provided that other criteria regarding citizenship and length of residence in Australia are met, his deportation may be requested. Upon the sentencing of an offender, the Department of Immigration liaises with the South Australian Police Force regarding the penalty handed down by the court. When Mr Farrow is sentenced, the question of his deportation will be considered.

The honourable member also asked what steps I could take to allow a court at an early stage to freeze an offender's assets which might become subject to a claim for compensation or restitution. The only power the Attorney-General has in respect of criminal matters to seek orders preserving assets of an offender arises under the Crimes (Confiscation of Profits) Act. Pursuant to section 6 of that Act, the Attorney-General may make an application for a sequestration order over property which is liable to forfeiture under that Act. Property is so liable where it is acquired for the purpose of committing a prescribed offence or is used in connection with the commission of a prescribed offence or where it has been acquired with the proceeds of a prescribed offence.

In relation to the matter under consideration, the provisions of the Crimes (Confiscation of Profits) Act had no application. The Attorney-General has no power to affect a freezing of the offender's assets where they might become subject to a claim for compensation or restitution.

COPPER CHROME ARSENATE PLANT

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

> That this Council strongly urges the Minister for Environment and Planning to ensure the relocation of the copper chrome arsenate plant currently proposed to be established at Compton near Mount Gambier to a more environmentally sound location.

This copper chrome arsenate plant is causing increasing concern, particularly for people who live in the general region of Compton, but also for farmers who live downstream of the plant in relation to underground water. The location of the proposed plant is over a cave system or a joint system in the underlying limestone rocks, and there is

very real concern that, should there ever be any sort of spill, the copper chrome arsenate would rapidly find its way to the water table and that it would disperse relatively rapidly through the system. The scale of that rapid dispersal may not be picked up early enough to enable any proper action to be taken.

I have visited the general locality of the site and there is no doubt, from visual evidence, that there are a large number of caves, solution tubes and so on in the general area. On every side for an area of several square kilometres there is a large number of cave systems, and there is some evidence to suggest that there is a solution tube on the site itself. The site is a large depresssion which at one stage was used by many people to dump large rocks that had been collected from their paddocks. This suggests that the area may be precisely the sort of area where you would never want a spill to occur.

In relation to the early history of this plant, copper chrome arsenate is used for the treatment of pine to stop attack from insects and various microbes and fungi. It is highly toxic, and that toxicity does not relate merely to the type of things that we are trying to stop causing timber to decay but also to humans, except that we tend not to chew on the logs very often! However, a spill of somewhat the same material at Gillman caused grave concern here in Adelaide a couple of years ago, yet we appear to have been relatively blase about the use of that material in the South-East. There is evidence now to suggest that copper chrome arsenate has been generally abused in the South-East, that waste from plants have been dumped or kept uncontained and that there may already be some contamination of ground waters in a number of locations.

Until now, copper chrome arsenate has been blended in Geelong, brought to Mount Gambier in tankers and taken directly to timber plants. The present proposal is for a blending plant to be set up at Compton, at a site which was used relatively recently as a very small scale timber operation and has in the past also been used for canning rabbits and other purposes. However, by no stretch of the imagination could the location be called an industrial zone. It is the only industrial site within quite a few kilometres in a fairly densely populated rural zone. There are quite a number of people on small properties in that area. In fact, one house is situated within 40 to 50 metres of the proposed plant.

When the proposal first came before the Mount Gambier District Council, the council did not approve of the plant going ahead. It felt that it was an inappropriate site for such a development. Before it gave its approval, the council was required under the Planning Act to notify the Minister for Environment and Planning about the proposal, because of the sort of material with which it was working and, after giving that notice to the Minister, the council received a response from the Department of Environment and Planning which ran to all of three paragraphs and which suggested that the E&WS Department and the CFS should also respond. The E&WS Department response ran to four very short paragraphs and that from the CFS was marginally longer. However, it would be reasonable to say that all those responses were totally inadequate.

There is no suggestion that any possible environmental implications of installing the plant at that location were considered. That may not necessarily be the fault of the employees of the various departments; it may simply be that they do not have adequate resources to follow through adequately what is probably a multitude of proposals that come before them. Regardless of the reasons, it is plain that the responses were grossly inadequate, and I am prepared to show those responses to anyone who wishes to see them.

After it had received those responses, which suggested that there was not much of a problem, although certain Australian standards might need to be complied with, the district council decided that the plant would still not go ahead and that it was a consent use in that area. The proponents of the plant appealed to the tribunal, which then looked at what evidence it had, to decide whether or not the plant was suitable for that location. The only evidence it had were those three brief responses from the Department of Environment and Planning, the Engineering and Water Supply Department and the CFS. It had manifestly inadequate information to go on, but nothing in that evidence indicated a problem, so the tribunal said that it could go ahead.

The tragic mistake was the relatively blase treatment of the original application that came via the district council. The residents have become extremely active, as I am sure a number of members in this Chamber would be aware, in seeking a relocation of the plant. It is a reasonable proposal; it is inappropriate for any industrial development to go into that location, let alone an industry which is working with a highly toxic substance where a spill could result in very grave, virtually irretrievable, contamination of underground water in that area. So far, the Minister for Environment and Planning has tended to hide behind the skirts of the Tribunal and say, 'There is nothing I can do about it; everything has been above board.'

I would suggest that the Minister could still do a number of things. As I understand it, even the proponents themselves would be willing to relocate, but they have already expended some moneys. However, they have spent nothing like the money that has been spent at Marineland, and what Marineland is costing us in a week would be sufficient to have this copper chrome arsenate plant relocated to a better site. I implore the Government to look very seriously at general industrial locations in the South-East. There is no doubt that, following the discovery of gas—and the South-East appears to have a large supply of gas—quite a number of other industries will wish to set up in the South-East.

It would be very sensible to have a form of zoning that will confine the industries to particular zones that are relatively secure. When I say 'relatively secure', I am referring to it from a geological perspective. If we have any accidents, the plant should be so located that they can easily and properly be contained.

If monitoring is to be set up to ensure that there is no pollution at the various plants, when industries are located adjacent to each other, then bores can very easily be set up and they could monitor what is happening at those plants. It would not be sensible to set up a system of monitoring bores around every plant in the South-East.

As I understand it, the cost of relocating the plant is about $120 000. The Government allowed the present siting of the plant because of inadequate attention to the original proposal. It should admit that it made a mistake, and it should be willing to pay what is a relatively low cost for relocating that plant. I urge members to support the motion.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

CURRICULUM GUARANTEE

The Hon. R.I. LUCAS: I move:

That this Council:

1. Expresses its opposition to the education implications of the Bannon Government's supposed 'curriculum guarantee' package.
2. Calls on the Bannon Government to take urgent action to make significant changes to its policy so that an educationally better curriculum guarantee package can be introduced.

For some months, through his own special brand of humour, a bloke by the name of Con the Fruiterer has brought much laughter to Australians.

The Hon. T.G. Roberts: Almost as much as the Liberal Party.

The Hon. R.I. LUCAS: No, not nearly as much. South Australia has its own version in the form of Con the Premier. Sadly, Con the Premier is not bringing laughter to the South Australian education community but, rather, he is bringing anger, dismay and resentment, in particular to South Australian country areas, about the supposed curriculum guarantee that he and his Government are trying to foist upon the South Australian education community. Some South Australians naively believed the words of the Premier, the Minister of Education and other representatives of the Bannon Government when the initial concept of a curriculum guarantee was first floated 12 to 18 months ago and, I suppose, moved into overdrive in early 1989.

When I travelled to schools in South Australian country areas I detected hope amongst families, parents and students that, if achieved, the curriculum guarantee would bring to fruition what they have fought for over many years and that is for country students to have equal opportunities, when compared with their city cousins, in relation to curriculum choice and particularly in relation to the senior secondary years of years 11 and 12.

I suppose that, given the record of Premier Bannon and the Government in the education area generally, it was naive of country families and those families in the education community in the metropolitan area to have believed anything that Premier Bannon and this Government promised in relation to education. There has been a long list of broken promises. Perhaps the best remembered and most notorious was the promise during the 1985 election campaign to maintain teacher numbers and education spending in spite of declining enrolments.

Very few South Australians would now not know that the sad record of the Bannon Government over the past three budgets has been the cutting from the education budget of about 700 school teacher salaries. If one were to look at that situation *pro rata* and perform some calculations, which I have not yet done but which I will do soon, it rivals any of the cutbacks in teacher numbers that might have been made by other Governments, both Liberal and Labor, elsewhere in Australia.

This afternoon I want to address my comments particularly to country schools and to canvass three or four broad areas. First, I will refer to the cuts in basic staffing for country schools, in particular area schools and small high schools in country areas. Over the past few weeks I have been contacted by many representatives of schools, whether they be principals, members of staff or members of the parent community. Those people indicated their concern about the Bannon Government's proposed staffing cutbacks for their schools for next year.

During the past two weeks one particular group of schools has met in the South-East and made their own calculations in relation to what the new formulae will mean to staffing in their own schools. They have discounted their calculations in relation to the effects of any declining enrolment which some of the schools may be suffering, so they are genuine comparisons of the old and new formulae under the supposed curriculum guarantee and indicate the effect of both those formulae on the staffing of these schools.

The following figures were calculated: the Allendale East Area School will lose 2.3 staff; Keith Area School, 1.2; Kingston, 1.4; Bordertown, 1.4; Lucindale, 1.3; Penola, 0.7 (and Penola suffers a double disadvantage in that it will lose two to four staff because it is losing staff as a result of not only the Bannon Government's supposed curriculum guarantee but also declining enrolments will mean displacement of teachers from that school); and, finally, the Kangaroo Inn Area School will lose 1.8 staff.

Other schools such as East Murray could lose up to four staff. Schools such as Lock, Snowtown and Ardrossan are further examples of the very many schools that believe they will lose staff under the Bannon Government's supposed curriculum guarantee. For some months now we have raised this issue and the effects of the supposed guarantee on area schools and country students. Sadly, it is like talking to a brick wall when one tries to argue with the Bannon Government on behalf of country students and country people in general.

When this issue was raised in the Estimates Committee, the Minister and the Director-General of Education fell back on their usual trite responses to what are genuine concerns being expressed by these schools. They said that those schools were jumping at hurdles which were not there, jumping at shadows, and that they should not be concerned. They said that this was just the first part of the staffing process, and that all would be right in the end. I might add that these schools are led by experienced principals. They are aware of the two components of the staffing formula: the tier one and tier two staffing levels.

They have had discussions with the appropriate departmental officer from the eastern area, and in their calculations they have included an estimate of both tier one and tier two staffing from the eastern area. So, it is not correct—as the Minister sought to do—to try to dismiss these criticisms as irresponsible, and as I said, jumping at shadows, and to say that they ought to wait for the tier two staffing levels to be advised to the particular schools. These principals have made those calculations, they have discounted for the effects of declining enrolments. Those figures that we have placed on the record in this Chamber are their very best estimate of how they and their students and families will be affected by the supposed curriculum guarantee of the Bannon Government.

I have received dozens of letters from people in country areas. I will read some portions of a letter that I received from the representatives of the Salt Creek Rural School council and the Salt Creek Parents and Friends Association. A copy of that letter was sent to Dr Boston, and a copy sent to myself. It states:

> We write on behalf of the Salt Creek Rural School Council and Parent and Friends Association to express in the strongest possible terms our concern and alarm at the proposed cut in our staffing for 1990 from 2.0 to 1.5. Never before has an issue so united our whole community. We are completely opposed to a move which we all believe is a backward step and damaging, if not life-threatening, to our school and community.

It continues:

> We now face a situation where there will be only one teacher in the classroom at any one time to cater for the needs of a minimum of 17 reception to year 7 students, in which group, there are new pupils, reception students, special education needs, behavioural problems, etc. If, as seems likely, parents reject this and seek a better education for their children elsewhere, the whole community will suffer economically and socially. The very future existence of our school will be threatened.
>
> Is this part of the Education Department plan? How does this conform with the social justice strategy and its stated aims of redressing disadvantage and inequality and the provision of care to those with greatest need?

It continues:

In the face of only one classroom teaching position in 1990, the following points cause us great concern.

1. Safety—both in the playground and classroom, especially in the absence of ancillary staff.
2. Supervision—telephones, visitors, parental queries, etc., require the teacher's presence in school hours.
3. Crisis care—what happens in the case of a medical or other emergency?
4. Protection of the teacher—difficulty of interpreting possible false or misleading accusations when no other staff member is present.

We ask, in the interests of social justice for small rural communities, that the current level of staffing at least be maintained. We believe our students have a right to a quality education equal to that offered in city schools.

That letter continues to explain in further graphic detail the grave concerns that parents of Salt Creek Rural School students have in relation to the effects the supposed curriculum guarantee has on their children.

In relation to the issue of special education, this afternoon I really want to address only its relationship to staffing in country schools, and on another occasion I would like to address its effect in relation to metropolitan schools. The seven schools to which I referred earlier in the South-East of South Australia, at their meeting some weeks ago not only calculated the effects of the basic staffing formula on their schools but also calculated the effects of the new special education staffing formula on their schools. When they did their sums they established that amongst those schools they actually had an increased number of students classifed by the Education Department as requiring special education assistance, yet under the new formula, with the increased demand for special education, those seven schools were to lose a total of 3.4 special education salaries.

In the past 12 months, I have visited a number of those schools and heard and seen their genuine concern about what they saw as the then inadequate level of special education staffing for their students in 1988 and in the early part of 1989. They were angry. They believed that they were not able to provide the quality of education for their students that students in city schools were receiving, and that was with the level of special education staff then available for 1988-89. Therefore, I can fully understand their fury and deep resentment of Premier Bannon and his Government when with what they saw as an inadequate level of staffing in the first place is to be reduced even further by a reduction of 3.4 special education salaries for those seven schools.

Again, from the dozens of letters I have received, I will read from one letter from a staff member at the Lucindale Area School about her concerns at the cuts in special education time. This letter is addressed to me, and states:

It was with deep regret and great concern that I learned this morning that special education time in our school for 1990 had been reduced from 0.8 to 0.2.

It continues:

Presently, we have nine identified students requiring assistance. Added to this is [another young girl] whose family I work with in the form of family support. The school being geographically situated as it is, there are four additional students—

the students are named—

who require and presently do benefit from alternative programs. We are an isolated community, where resources and services are limited, and students such as the above mentioned rely on teachers expertise to provide them with programs suited to individual needs and equip them with real life skills.

At all levels, these students need one to one or small group teaching to develop self esteem, confidence in their own abilities, social skills and numerical language basics. With reduction in time, these students are going to be totally disadvantaged and yet we speak of considering disadvantaged children.

Where is the equity between city and country schools and why should we be disadvantaged because we are an area school?

The letter concludes:

When this reduction in time becomes common knowledge, both school and local communities will be frustrated at yet another obstruction to education in the country. I request that urgent consideration be given to the situation concerning special education at the Lucindale Area School for 1990.

The situation in relation to assistance at Lucindale Area School is not the only example I have, because that letter is but one of many submissions that have been made to me and my colleagues in the Liberal Party about the effect of cut-backs in special education on special education students in all parts of country South Australia.

The Minister of Education and the Director-General responded, and when that response becomes widely known in those communities, it will enrage even further those parents, students and staff of the schools affected. When the matter was raised in the Estimates Committee by my colleague the Hon. Harold Allison, the response from the Minister of Education was as follows:

First, the contacts that have been made to lobby for additional resources for schools are not only irresponsible but premature in every sense of that word, because the staffing process has not been concluded... People are wanting to predict the worst scenario for their particular circumstances without looking at the system as a whole and what is in the best interests of our system. We are trying to allocate salaries on an equitable distribution according to criteria which have been established to ensure that those most in need receive resources which are above the standard formula provision. We need to consider these matters in an environment that goes beyond the circumstances of each school. We must look at the system more as a whole and our responsibilities within that system.

That is an appalling response and an abdication of responsibility by a Minister of Education who is sadly out of touch with the education community generally, but, in particular, one who is sadly out of touch with what is going on in the country areas of South Australia and in our area schools.

The Minister of Education and Premier Bannon are safely closeted away in their ivory towers on Flinders Street and in Victoria Square. They do not understand or comprehend the enormous frustration and anger of parents of students in country areas who require additional special education assistance. That response from the Minister accuses parents of being irresponsible and premature because they seek to raise these issues with the alternative Government. As I said, when that unfortunate response from the Minister of Education, on behalf of Premier Bannon, is more widely distributed in those areas enormous anger will be directed towards the Bannon Government.

I now refer to open access salaries. One thing the Bannon Government can do is invent new jargon and new buzz words, and it can certainly dress up old policies in new clothes and make them sound attractive. Over the past few years, we have seen the development of what we originally knew as correspondence education, through to what was then known as distance education, and we now have the new buzz word—open access education. As the Opposition has indicated publicly, the Government is about to announce the formation of an open access college which, in effect, will be the old correspondence school and which will be moved from Flinders Street to a site like Kidman Park High.

In relation to open access, the supposed curriculum guarantee documents outline new formulas of assistance under the heading 'Open Access Salaries'. The first curriculum guarantee document issued by the Government on 18 July 1989, states:

Students in some small secondary schools, as a result of school size, have comparatively less access to a range of curriculum options. The support required to provide a wider range of curriculum options to students will be provided by additional resources which will allow either for the erection of additional classes for

direct instruction or through the delivery of instruction by alternative modes, including distance education.

The document then outlines the formula for the allocation as a statistical table. I seek leave to have that table, which is of a statistical nature, incorporated in *Hansard*.

Leave granted.

Enrolment Cohort 8-10	Cohort 11/12	Open Access Teacher Salary
54- 66	50- 61	0.7
67- 80	62- 74	0.6
81- 93	75- 86	0.5
94-107	87- 99	0.4
108-120	100-111	0.3
121-134	112-124	0.2
135-150	125-150	0.1
150	150	0.0

The Hon. R.I. LUCAS: The table outlines the open access teacher salary formula. It shows that, if one has between 50 and 61 school or high school students in years 11 and 12, one will get 0.7 of an open access teacher salary: that is, 3.5 days a week for a teacher to look after open access teacher education. If one has between 62 and 74 students at that level, one will get 0.6; if one has between 75 and 86, the figure is 0.5; and it drops away as the school becomes bigger, up to an enrolment of over 150 in years 11 and 12. There is also a formula for the enrolment cohort of years 8 to 10 which operates on a very similar formula.

The supposed curriculum guarantee document goes on to state:

> The formula will provide additional support to smaller secondary schools which will include the opportunity to appoint a student counsellor teacher to ensure students at such schools are not disadvantaged in their subject and career choices. This present formula does not provide as wide a choice of subject in small schools as is possible in larger schools. It is therefore seen as desirable to provide expert assistance to these schools to help students plan their courses of study to ensure maximum career opportunities ... It should be noted that the teacher may be deployed in a number of ways, including any of the following:
> - as a teacher to provide greater curriculum flexibility;
> - as a coordinator of distance education courses;
> - as a teacher to assist students in making subject choices;
> - as a teacher to increase the school/industry links;
> - as a counsellor as part of the normal counselling duties.

This concept of open access teacher salaries is a fine idea. However, the immediate question that springs to mind, and the question that has sprung to the mind of principals, staff and parents of children who attend small country high schools is why the very small schools (those with less than 50 students in years 11 and 12) are not being provided with any assistance at all for distance education.

The idea of distance education or open access (as the Government wants to call it now) was that students in small and isolated country communities would be given the opportunity to take up subject choices at years 11 and 12 that would not be available through face to face teaching in the classroom. In other words, the small and isolated community with less than 50 students in years 11 and 12 and small number of teachers. If those students want to complete year 12 and go on to higher education or further education study, they would not be able to undertake, through distance education or open access, the wide range of courses that are offered by SABSA or the Adelaide College of Technical and Further Education. That was always the goal of distance education and open access, and even the old correspondence classes (which was the term 10 or 20 years ago).

What we have from this fraud of a Government and, as I said, this giant con termed a curriculum guarantee is a situation where the Government, Premier Bannon and the Minister of Education want communities to accept that those schools that have the greatest need for distance education and open access teaching will not be provided with any assistance at all by the Education Department. Yet, in the metropolitan area small schools such as Thebarton High School will receive open access teacher salary assistance. Country principals do not begrudge that assistance going to small metropolitan high schools, but they quite rightly point out that, if one cannot do what one one wants to do at Thebarton High School, one can hop on a bus and travel two kilometres or whatever up the road to another school such as Findon, Woodville or a range of other schools in the western suburbs, or to Adelaide High School.

One can achieve one's curriculum choice or one's subject options at a variety of metropolitan high schools. But what opportunities are available to students in isolated areas such as Lock, East Murray or Kangaroo Inn if they cannot study the subjects of their choice at their school? They cannot hop on an STA bus or the O-Bahn and go two or three kilometres up the road to another high school or area school. Their school at Kangaroo Inn, East Murray or Lock is the only option they have within easy travelling distance of their home. It sometimes means that they have to sit on a bus for an hour or more in the morning and an hour or more in the evening, but at least it is their school and it is roughly in their local community.

This fraud of a Government has put out this fraud of a document, this supposed curriculum guarantee. One has only to look at the formula to see that these schools and students will be further disadvantaged. Some members will be aware of South Australia's wide reputation, and indeed the reputation Australia-wide of schools like Kangaroo Inn, in moving to the forefront of distance education technology through the use of interactive computers etc within South Australia to provide opportunities for students. On occasions the Director-General and other leading luminaries within the Education Department visit Kangaroo Inn to look at what is being done in relation to distance education. Yet what the Minister and the Government are doing to schools like this, which are trying to provide as close to equal opportunities as they can for their isolated students, is to cut them off at the knees by refusing to provide them with any assistance at all for distance education.

What is the Government's hidden agenda, and that of the Premier and the Minister of Education, with changes like this? It is clear that the hidden agenda is the forced closure of many small area schools and small high schools within country South Australia. It is quite clear that the Bannon Government, and Premier Bannon in particular, is to close down a number of these schools. The Government will deny those schools assistance by way of open access teachers and other assistance that ought to be provided to them and to the students in those schools. The Government is putting the screws on those schools and families and students and it will force those students by hook or by crook into bigger regional schools or into boarding options in metropolitan Adelaide. Through the snide and underhanded use of formulae such as these the Bannon Government seeks to achieve its ends in relation to the closure of small country high schools and area schools in South Australia.

When the original concept of the curriculum guarantee was floated it was seen as something which would improve educational opportunities for country students. It was to provide students in country schools with a wider choice. However, this supposed curriculum guarantee means that country schools now have to fight to retain what they already had prior to the introduction of the supposed curriculum guarantee. Gone is the forlorn hope of improving educational opportunities for country students. Country schools are simply fighting to hold onto what they had prior

to the curriculum guarantee. The Bannon Government is saying, 'Look, don't worry about these concerns; we have formed another committee and we will guarantee you for one year, for 1990. You will have the same curriculum choice in your school as was the case in 1989.' The Government does not say that there will be the same level of staff, because there is no doubt that it is trying to close down some schools. Further, the Government wants to phase out face-to-face teaching in some country schools and place a greater reliance on distance education or open access technology.

There will be less one-to-one, face-to-face education in country schools and there will be greater reliance on open access or distance education technology. The Government will try to lie its way through the next election campaign by making this promise: 'We guarantee that your curriculum choice for 1990 will be the same as 1989.' When the Government is asked why this guarantee, which was supposed to apply for two to four years, is not a guarantee of subject and curriculum choice for country students for two to four years, it responds, 'We do not know what is going to happen after the next 12 months, and you can't expect us to give any guarantees.' The Government is ripping out its pound of flesh in relation to concessions from teachers and schools in other areas, and that will continue from here onwards (if it is in Government), and yet, on the other hand, it will only offer a supposed guarantee for 12 months and not for the duration of the curriculum guarantee.

The Hon. R.R. Roberts: What did you say you were going to do?

The Hon. R.I. LUCAS: We will solve it, full stop.

The Hon. R.R. Roberts: How?

The Hon. R.I. LUCAS: In response to the Hon. Mr Roberts, John Olsen, the Liberal Party and I have already said from February of this year that there will be an increase of 200 teacher salaries in our first budget to try to redress the cutback of 700 teachers that the Hon. Mr Roberts Government has inflicted on schools such as Port Pirie and others in the Iron Triangle cities over the past three years.

The Hon. R.R. Roberts: What about enrolments over that period?

The Hon. R.I. LUCAS: I would like the Hon. Mr Roberts to stand up in this debate and defend the cut of 700 teachers that his Government has inflicted on schools in the past three years. Mr Roberts lamely interjects 'What about enrolments?' True, there have been declining enrolments.

The Hon. G. Weatherill: Which Mr Roberts?

The Hon. R.I. LUCAS: The Hon. Ron Roberts. I will not malign Terry. The Hon. Terry Roberts would be too astute to make an interjection like that. The promise made by Premier Bannon and the Minister of Education at the last election was that there would be no cutbacks in teacher numbers, despite declining enrolments. It is not something new; declining enrolments have been going on for 10 years. The Government knew that when it made its promise in 1985. It knew that there would be declining enrolments, and it said that there were many unmet needs in education that would be redressed by the Bannon Government through the retention of those teacher salaries. That was a blatant broken promise which will come back to haunt this Government when those in the education community cast their vote at the forthcoming election. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

AUSTRALIA DAY HOLIDAY

The Hon. L.H. DAVIS: I move:

That this Council strongly supports the Australia Day holiday in South Australia being celebrated on 26 January each year.

It gives me no pleasure to have to move this motion today. It is a matter that one would have hoped would be addressed by this Government in view of the growing and quite strident criticism of the Government for refusing to recognise the importance of Australia Day and its continued refusal to ensure that Australia Day is celebrated on the day. This side of the Council has for two or three years at least been quite vocal on this matter. It makes a mockery of our national day to celebrate it on the nearest Monday to 26 January. There is no rhyme or reason for having a celebration not on the day when we recognise quite readily the importance of other days such as Anzac Day, which is always celebrated on 25 April.

I will look briefly at the history of Australia Day and at the persuasive arguments in favour of South Australia falling in line with the increasing number of States and Territories that recognise Australia on the correct day. In 1988 we celebrated Australia's bicentenary. That event focused on European settlement at Sydney Cove. The First Fleet took eight months and a day and made a 15 000 mile journey from England to arrive at the settlement at Sydney Cove. It included 1 030 people—736 of them convicts and 211 marines—seven horses, six cattle, 29 sheep, 12 pigs, a few goats and fowls. On 26 January, the transport and store ships attended by the *Sirius* finally evacuated Botany Bay and in a very short time were assembled in Sydney Cove. I now refer to an extract from the diary of the voyage of Governor Phillip to Botany Bay, published in London in 1789, as follows:

In that evening of the 26th the colours were displayed on shore and the Governor, with several of his principal officers and others, assembled round the flag staff, drank the King's health and success to the settlement, with all that display of form which on such occasions is esteemed propitious, because it enlivens the spirits, and fills the imagination with pleasing presages.

That was a fairly colourful description of the events of 26 January 1788.

The fact that so few people recognise the importance of the day was reflected in an Australia Day quiz that I conducted in January 1987. In a survey I conducted in Rundle Mall, I asked 50 people, 'What historic event does Australia Day commemorate?' The correct answer was the landing of the First Fleet at Sydney Cove in 1788. Only 18 people or 36 per cent answered correctly. Sadly most thought it commemorated Federation in 1901 or the day that Captain Cook discovered Australia. More than one of the respondents thought that it was just an excuse for a holiday. One of the reasons why so few people understand the significance of Australia Day is that we do not celebrate it on the day. It was not until 1988—200 years after first European settlement—that Australia came together to celebrate Australia Day on the day.

If each State celebrates Australia Day on a different day, what sort of national celebration is that? It is not a national day. It is not a day of pride or celebration but simply a weak excuse for a holiday. In 1988 for the first time we came together as a nation to celebrate Australia Day. The highlight of the day was the unforgettable spectacle on Sydney Harbor, but the really important aspect of the 1988 Australia Day was that communities around Australia in capital and regional cities, towns and small country centres came together to celebrate the 200th birthday of European settlement in Australia and to reflect on the history of their city or region. On that day almost 17 million people in this

vast continent were united, proud to be citizens of a free and democratic nation. But, what happened in 1989 and what will sadly happen again in 1990? Next year New South Wales, the Northern Territory, the ACT, the Commonwealth and Queensland will all celebrate Australia Day on the correct day—Friday 26 January.

Queensland is doing this for the first time; it is falling into line with other States in celebrating it on the correct day. Western Australia, Victoria and South Australia are committed to supporting the notion of the national day being celebrated on the Monday nearest 26 January. Next year, that will be Monday 29 January. Tasmania is yet to make up its mind as to what will happen. I suspect that Premier Field has enough on his plate already without having to address a matter such as this.

Mr Bannon has refused South Australians the right to celebrate Australia Day on its correct day and has forced the public holiday to be taken on the closest Monday. To its credit, the Australia Day Council in South Australia has for many years been fighting hard to celebrate Australia Day on the correct day. It has been doing this against enormous odds. Imagine the difficulty that the Australia Day Council has, trying to arrange celebrations on Australia Day, 26 January. When it is not a public holiday; it means very little pagentry. It is very difficult to arrange for bands or mass celebrations when it is not a public holiday. All the evidence points to the fact that, when it is celebrated as a public holiday on a Monday, there is very little recognition of what that holiday is for. Quite clearly, as long as we continue to celebrate it on the nearest Monday, practical difficulties will arise as people will not be able to participate in city and country celebrations because of work commitments on 26 January.

Australia Day should not be another excuse for a long weekend. It should be a day of celebration and pride. No other country in the world that I can think of does not celebrate its national day on the day. Can members imagine some States of America being asked to celebrate Independence Day on the Monday closest to 4 July or for the French to celebrate Bastille Day on the Monday closest to 14 July? It is hard to imagine that happening, is it not? Yet, that is exactly what happens in Australia. The nation is split right down the middle on the very day when it should be most united.

As I have already mentioned in recent questions to the Government in this Council, I cannot think how the Anzacs and returned servicemen would react if the Government suddenly amended the Holidays Act to ensure that Anzac Day was held on the Monday closest to 25 April. I resent Mr Bannon and his Government's taking the pagentry and pride out of Australia Day and turning it into another excuse for a long weekend. About 96 per cent of Australians now recognise that Australia Day is our national day. They do not necessarily know why it is our national day. That can only be corrected over time, by education and by taking the day more seriously than we do now. Surely, if it is good enough to celebrate Australia Day on the correct day in 1988, it is good enough to do so in 1990.

I want to look briefly at the history of Australia Day and to the development of the concept. Certainly, the foundation of Australia is not associated with great events in history such as Bastille Day, (the French national day) or 4 July, which was the focal point for America in the battle for independence. Rather, European settlement in Australia came about as a means of relieving the crowded convict ships in Britain. There was no noble thought, either of a great southern continent which was to be populated with great cities, or of developing what were at that stage unknown and valuable natural resources. It was an act of convenience, very much centred on the growing difficulties with the American colonies, which had previously been useful for depositing unwanted convicts.

As I have said, the public holiday commemorates the landing and commencement of settlement in Sydney Cove on 26 January 1788. For many years after that, the day was called by different names in the various States; it was called Anniversary Day or Foundation Day and, in 1931, Victoria gave the lead in adopting the name 'Australia Day' which had been advocated for many years by the Australian Natives Association. So, the day owes its initial honour to the Australian Natives Association, with which the Foundation Day holiday, as it used to be styled, originated as far back as 1885. In 1931, Victoria called it the Australia Day holiday and subsequently the other States came into line. Then, in 1946 another important development occurred in recognising our national day.

In 1946 the Australia Day Council was formed in Melbourne to foster national appreciation of the significance of the day. The Lord Mayor of Melbourne called a meeting of organisations ranging from the League of Women Voters to the Royal Horticultural Society which drew up articles of association and incorporated the council. The Australia Day Council has as its chief objective to foster national appreciation of the significance of the day. As the *Australian Encyclopaedia* of 1958 records:

> With this purpose in mind, efforts have been made from time to time towards having the celebration observed on 26 January of each year, and not necessarily on a Monday.

In other words, that battle has been going on for some time. The encyclopaedia continues:

> It appears that 26 January was first proclaimed a public holiday in 1838, the 50th anniversary of the founding.

Ever since that time, that date of 26 January has been observed as an annual holiday. However, there is some evidence that celebration of the day had been held previously, and the *Australian Encyclopaedia* notes that there was a notice in the *Sydney Gazette* on 1 February 1817 referring to a dinner party given for the purpose of celebrating the institution of the colony. The encyclopaedia states:

> On 24 January 1818 Governor Macquarie ordered that on the Monday following (26 January) a salute of 30 guns shall be fired from the battery of Dawes Point, Sydney, in honour of the 30th anniversary of the first landing. Governor Macquarie also directed that:
>
> The artificers and labourers in the immediate service of the Government be exempted from work on Monday next, in honour of the memorable occasion; and that each of them receive an extra allowance from the Government.

So, I suppose in some ways we can lay the blame for falling into the trap of holding our national day on the Monday on the shoulders of Governor Macquarie. From what we can gather, it was he who first suggested that our national day be celebrated on the following Monday. Over time, legislation was introduced in various colonies to regularise Australia Day, which, under various names, had been made a statutory holiday. That is an interesting history of Australia Day.

Over many years, the Australia Day Council has fought hard to have it recognised on the day. In 1961 the Chairman of the Australia Day Council stated:

> Australia Day is now greater than the occasion it commemorates, for it is a day which looks forward as well as back.

Then, using some rich verbiage, he stated:

> Australia in 1961 is pregnant from time and teeming with promise for posterity.

It is interesting to note that in 1961, that same year, the first Australian of the Year award was made by the Australia Day Council and it was won by a scientist, Sir Macfarlane

Burnet. That award was one of the council's most successful ideas for persuading Australians to recognise on Australia Day the contributions of Australians.

In 1974 the Whitlam Government was in office and the very colourful Minister for Immigration (Al Grassby) was critical that Australians continued to ignore Australia Day and he said:

> If Australians continue to ignore Australia Day, then it would be better if the day is buried decently.

Mr Grassby claimed that 'only a handful of the nation's 900 local government areas' acknowledged the national day. He stated that very few councils had citizenship ceremonies namely, on the day and that Australia Day Councils 'had borne the major burden of recognition of the national day'.

His comments were attacked by the then South Australian President of the Australia Day Council, Sir Thomas Eastick, who made a point that was as valid then as it is today, that the Australia Day Council had unsuccessfully sought Federal Government aid in promoting the day for many years and that nothing had been done about it. He was very critical of the fact that the Federal Government criticised the non-observance of Australia Day but it had done nothing to promote the day.

Even more interestingly, in 1974, the then Minister of Development and Mines (then Mr Hopgood) made a speech on the occasion of the Australia Day commemoration service at the Carl Linger Memorial on 26 January 1974. Carl Linger is a name almost certainly unknown outside South Australia but he is best known for his composition 'Song of Australia', which was one of the options given in the referendum to determine the preferred national anthem. 'Song of Australia' along with 'Waltzing Matilda', 'God Save the Queen' and 'Advance Australia Fair' were voted upon in 1977. It is history now that 'Advance Australia Fair' was a clear winner, but 'Song of Australia' received very strong support in South Australia. At this annual commemoration service for Carl Linger, which still takes place even today, the then Minister of Development and Mines (Mr Hopgood) and now the Deputy Premier of South Australia in the Bannon Government said:

> I for one think it lamentable that we in Australia do not pay greater homage to our forebears on this our national day. These national days are traditional throughout the world. They commemorate great blood-stirring events and recall the names of citizens whose deeds are written in the history of a nation. This is the sort of national pride we as Australians should generate. I hope the day is not too far distant when we as a nation will shed our apathy, when we will realise that we have the cultural and intellectual capacity to proclaim ourselves a people and country worthy of our inheritance and worthy of our national day.

That is stirring stuff from Dr Hopgood, and certainly the sort of stuff with which I could not disagree. However, let me quote the same Dr Hopgood 15 years later on 25 January 1989. Dr Hopgood was in fact the Acting Premier of South Australia when he made these remarks reported in an article in the *News* of 25 January 1989, as follows:

> Using Australia Day to have a long weekend made perfectly good sense, the Acting Premier, Mr Hopgood, said today.
>
> He hit back at the New South Wales Premier, Mr Greiner, who criticised States which did not celebrate the nation's birth on the day it fell and chose instead to juggle the calendar for the sake of convenience...
>
> 'It's about time we bloody grew up and decided to celebrate our national day on the day it falls, rather than on a Monday,' Mr Greiner complained. He was genuinely angry and amazed other States still were preserving the 'long-weekend syndrome'. But Mr Hopgood said South Australians appreciated the long weekend. The arrangement was less disruptive to industry and caused less reduction in productivity.

There we have the two faces of Dr Hopgood—the versatile Dr Hopgood; the indecisive Dr Hopgood; and the Dr Hopgood who on the one hand says that Australia Day should be a focus of national pride but on the other hand states, 'Let's have a good weekend.'

Then we have the most remarkable of all statements composed by Sir Humphrey Someone in answer to a question I asked the Minister of Local Government only recently and that simply was whether the State Bannon Labor Government would recognise the swelling support for celebrating Australia Day on 26 January. The answer which I received only this afternooon was:

> The Government has not taken the significance, pride nor pageantry out of Australia Day. Australia Day is actually celebrated on 26 January each year, but the public holiday to commemorate it in 1990 will occur on Monday, 29 January, as required by the Holidays Act.

What sort of an answer is that? It is simply saying that everyone goes to work on 26 January, but we still have the significance, pride and pageantry of Australia Day, even though we are all at work. We cannot celebrate it, but it is still there. What nonsense is that?

The point that I have made in this Council and have repeated publicly is that one cannot seriously observe a national day when half the States and Territories observe it on the correct day and the other half, including South Australia, steadfastly refuse to celebrate it on that day. One cannot have support for a national day and a proper focus on national pride and celebration if people are working and cannot celebrate it on the proper day. The Monday following the proper day is not, and never has been, a day when Australia Day events take place.

I pay a tribute to the persistence of the Australia Day Council, SAFM and the State Bank Sky Show for ensuring that these events are held on the day when they should be celebrated and that is 26 January. However, to continue with the answer that I received this afternoon, it states:

> In addition, interstate business with Victoria and Western Australia would be impossible on Friday, 26 and Monday, 29 January if the public holiday were to occur in South Australia on Friday, 26 January. We would be open when they were shut and *vice versa.*

Is that not impeccable logic? Surely what is said there is right, but what is not said is equally relevant. What about the ACT, Queensland, the Northern Territory, New South Wales and the Commonwealth which all celebrate the day on 26 January? Why did the Minister in her answer not mention that? There is a tendency and undeniable trend to celebrate Australia Day on the correct day and I certainly hope that Tasmania, if not South Australia, will fall into line in 1990. The answer further stated:

> In the interests of the South Australian economy and the rights of all South Australian workers to commemorate Australia Day with an uninterrupted holiday break, the public holiday will occur on Monday, 29 January in 1990, as recommended by the Industrial Relations Advisory Council.

We are very good when talking about the rights of workers to commemorate Australia Day, but they are not commemorating it on the day; they are having a long weekend if they did commemorate it on 26 January 1990 because 26 January is a Friday: they would still have a long weekend in 1990. Then, finally, the daddy of them all; the answer states:

> The State Government does not have any plans to switch Anzac Day to the nearest Monday because clause 3 *(a)* of the Holidays Act specifies 25 April as the Anzac Day public holiday except where that date falls on a Sunday.

The Government says that Anzac Day must be celebrated on the day, because the Act says so. That is very true. However, the point I am making is that the Act is equally capable of being amended to ensure that Australia Day is celebrated on the day, 26 January.

I am ashamed to be an Australian and to find that we cannot celebrate our national day on the correct day. There

are no other countries in this world of ours where the national day is not celebrated on the correct day. In no other country is there a long weekend to celebrate the national day: there is no other country in the world where half the states of that country celebrate it on the correct day, and half do not. There is no other country in the world where a national day—which can be a focus of national pride and a focus on renewal of vision, of determination to meet the economic problems head-on—is so urgently needed.

It is high time for this Government to stop taking the easy way out and to recognise the support for Australia Day being celebrated on 26 January. I indicate to the Government and also to the Australian Democrats that, in view of the urgent nature of this debate, perhaps it may be possible to have a vote on it on the next Wednesday of sitting, which is just a fortnight away, because I believe it is high time we faced up to the fact that the community does support this. It was reflected very much in the 12 000 plus named petitions presented on Parliament House steps the other day. It was supported by a growing number of employers. It is also undoubtedly supported by local government in South Australia and throughout Australia. I commend the motion to members.

The Hon. M.S. FELEPPA secured the adjournment of the debate.

LAKE BONNEY

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

That this Council requests that—

1. A detailed chemical and biological study of Lake Bonney in the South-East be carried out as a matter of urgency.
2. A detailed study of the impacts of releases of water from Lake Bonney into the marine environment be made.
3. The impact of effluents to Lake Bonney from the paper mill and other sources be assessed.
4. A plan be developed to return Lake Bonney as nearly as possible to its natural condition.

I will begin by reading a report I was given recently. It is prepared by Annette Lever, a student at the Adelaide University, who was studying environment and planning law. In and particular it considers indentures and pollution in relation to Lake Bonney. She has made an excellent summary of the basic issues. Her paper states:

Lake Bonney is the largest permanent, naturally occurring freshwater lake in South Australia. It is situated in the South-East of the State near Millicent and Mount Gambier in a region which was once a vast area of wetlands. The two pulp and paper mills, APCEL Limited and Cellulose Australia Limited, have the right, under the schedule of the Indenture Agreement of 1958 made between them, the District Council of Millicent and the South Australian Government.

> ... To discharge all effluent from the said mills into the Snuggery drain ... and to cause such effluent to flow into Lake Bonney ...

The schedule to the 1958 Act also states that the effluent from the APCEL mill:

> ... is expected to exceed in quantity a million gallons a day and will contain dissolved and suspended solids both organic and inorganic and will have a high biochemical oxygen demand a dark colour and a smell but will not be disease bearing ...

This indenture Act was passed to bypass the 1939 Indenture Agreement between the District Council of Millicent and Cellulose Australia Limited which prohibited the discharge of poisonous chemicals or other poisonous matter or any filthy or unwholesome matter into Snuggery Drain. A further indenture Act in 1964 excluded APCEL, any person or authority from liability for the consequences of discharging effluent. Of the two mills, APCEL's activities have been the more harmful to the environment. Cellulose Limited manufacures unbleached products using a mechanical grinding method. After filtration the effluent is colourless and non-toxic. APCEL, however, uses a sodium bisulphite process, chlorine and sodium hydroxide for bleaching. It is also using hydrogen peroxide in the bleaching process. The report continues:

The waste from APCEL 'is highly coloured' (usually dark brown but occasionally other colours due to discharge of dye wastes) and toxic to some aquatic animals. Both mills discharge finely suspended material, which causes a 'relatively high turbidity'.

The precise nature of chemical effluent being discharged into the lake is uncertain. The manifestly inadequate E&WS Lake Bonney Ecological Study of 1975 identifies at most seven differnt types of chemicals. However, Greenpeace's international pulp and paper compaign director stated:

> Up to 1 000 different chlorinated compounds, only 300 of which have been identified, are formed during bleaching and discharged with the effluent.

Recent alarm has been raised by concerned residents of the area and politicians about the presence of organochlorines. In the US, the connection has recently been uncovered between dioxins and paper mills.

The author then goes on to discuss dioxins at some length, which I will not do. I believe that recent testing has suggested that no dioxins are there. The report continues:

Even if dioxin is not found in the effluent, it is almost certain that other equally toxic organochlorines will be found. The state of the fish alone in the lake would suggest the presence of some highly toxic, carcinogenic substances. The E&WS report found tumour-like growths on fish in the lake, and the egg masses inside the overies of some had 'an unusually dry, almost crystalline texture'.

It appears that all stages of the food chain have been affected to a dramatic extent by the effluent. In addition to chemical pollution, physical matter has played a large part in destruction at the lower end of the food chair at least. Turbidity from the suspended material, and the dark colour effluent has been responsible for a low plankton algal count in the lake. Higher up the food chain, many species of fish and birds which were once plentiful, have disappeared.

There is also extensive and unsightly accumulation of wood pulp, containing plastic and other waste matter in the lake. One commentator has called Lake Bonney 'one huge cesspool'.

In 1958 in response to fears expressed by the Port MacDonald council about Lake Bonney flodding over the sand dunes, or (more likely), in order that the mills effluent could eventually be discharged to sea, using Lake Bonney as a stabilizing lagoon, a Channel was cut from the south-western corner of the lake to the sea. This interference caused the lake to become tidal for a short period, and the lakes waters to run almost entirely out to sea.

The result of this trama was to dry out all the surrounding wetlands and some former smaller lakes, and to exacerbate the already polluted lake, because it became stagnant. Another channel was cut and a regulator installed in 1972 to maintain the lake level. Ron Meyers [a local] has remarked that:

> When the water is released through this channel into the sea ... the dirty brown stain is only seen by a few salmon fishermen.

Thus the pollution extends to the sea. Land clearance and drainage of swamps for agricultural and pastoral use has reduced the former wetlands by over 92 per cent. Sewage from Millicent is also carried into the lake and although that is not the focus of this paper, it will need to be addressed if the mill pollution is investigated.

The lake was chosen to store logs from the 1983 Ash Wednesday bushfires because it was already degraded. Since then the lake has been drained to facilitate the recovery of the logs, with the effect that the lake will be stagnant again for several years until it fills up again. Thus the effluent is now entering a stagnant lake.

In relation to action taken so far, the paper states:

Mild protests about the state of the lake were voiced in the 1950s and in the 1960s. In response to public outcry, the companies took some steps towards lessening the pollution and beautifying the area. Though the fine suspended material from the mills has been reduced and the consolidated pulp and other debris from pevious years is gradually disappearing, the lake remains in a highly polluted condition.

The paper then goes on to explore legal avenues for cleaning up the lake, but that is not the intent of my speech today, so I will not quote any further from the paper. The paper gives a good background to what has happened to the lake. The most recent biological survey of the lake was in 1975, so we have had another 14 years of effluent entering the lake, particularly from the Apcel mill, which is causing the

greatest contamination. In fact, for something like over half the time that effluents have been going into the lake from Apcel, biological surveys have not been carried out. A biological survey is quite clearly very much overdue.

The 1975 E&WS study, as I have already said, commented that it really was not adequate. The biological experiments conducted were extremely limited. The study team took several species of animals, including tadpoles and put them in the lake water for a couple of weeks and noted whether or not they died. That was the basis of the decision that the water was not too bad. What needs to be recognised when one works with organochlorins is that there are two issues: first, the short-term impact, that is, straight toxicity effects, what level of organochlorins are tolerable before things are killed outright; and, secondly, what are the long-term effects and a large number of those effects have been directly linked with cancers and mutations. Therefore, the experiments carried out in 1975 were limited, even in terms of toxicity studies, and they are now 14 years out of date. In respect of the long-term impact of organochlorins in the lake, nothing was done and action is most certainly very much overdue.

The issue is creating urgency for a number of reasons. First, there is a plan to double the size of the Apcel paper mill by building a large plant to produce fluff for babies' nappies. That plant will double the log intake. It is reasonable to say that that will double the amount of effluent coming from the mill. At this stage, there has been no indication from the company that it intends to stop using chlorines. There is an indication that it will reduce chlorine usage. Even in the present mill, it is suggested that by May next year the company might reduce the level of chlorine use, and one therefore presumes that organochlorin output will be about 40 per cent of the present level. However, when contact has been made with the company, it has not been willing, at this stage, to give an undertaking that there will be a further reduction.

In a meeting with me and Senator Coulter, the company admitted that the mill is putting organochlorins into the lake—that is beyond dispute. However, it has refused point blank to say exactly what quantities of organochlorins are going out. It suggested that that information was commercially confidential because other companies could work out how much product the company was producing by the level of organochlorin going into the lake. I suggest that that is really stretching things a little too far.

So far, the Government has been very tardy in tackling this issue. It must be about 12 months since I first started asking questions on this issue in this place. Originally, I concentrated on testing for dioxins, but, following advice from people in the United States who have experience with problems related to paper mills, it was suggested that it would be a very real mistake to concentrate on dioxins. The report I read out earlier suggested that these mills maybe putting out 1 000 different organochlorins. The major reason why dioxins have been of such interest is, that they are the most studied of all the organochlorins. They are not necessarily the most dangerous, but they are the most studied.

For those who may not be aware, dioxins were the substances implicated both as Agent Orange as having caused problems for returned servicemen and also Vietnamese people. Because of the allegations in relation to Agent Orange, there have been major studies of dioxins. There is no suggestion that dioxins are the most dangerous of the organochlorins. The organochlorins are an immense family of compounds, many of which are little understood. In fact, it is only in the past couple of years that we have really tackled aldrin, dialdrin, heptachlor and other well known organochlorins. Of course, DDT and chloroform are organochlorins. Quite clearly, they are harmful substances and we know a bit about them.

In this Chamber, and by way of correspondence, I have pursued the State Government on testing for organochlorins generally and not just dioxins in particular. The Government resisted this for quite some time. An article in the *Advertiser* suggests that the Government has finally tested for organochlorins, but there has been no public confirmation. The results in the *Advertiser* suggested that organochlorins were found in Lake Bonney at between 1 and 2 milligrams per litre, which is about one part per billion. However, there is no indication as to whether or not that reading was made in the sludge at the bottom of the lake or whether it was made in the water itself. There is a significant difference: organochlorins are not highly soluble in water. In fact, if one takes trihalomethanes as one example, they are only about one per cent soluble. Therefore, whatever the level in the water, in the sludge below it is 100 times as much, if not more. The Government really has not provided information about the number of tests, where they were conducted and under what conditions and the precise findings.

I am afraid that the implication that has been drawn by some people is that the Government's testing program has been very superficial, but one has no way of knowing. Certainly, another group who have been concerned about the impact of organochlorins is the professional fishermen of the South-East because, of course, the lake water eventually goes into the marine environment and into an area which apparently is an important larval settlement area for crayfish. Fishermen are fearful that there may be a dramatic impact on the crayfishing industry. In fact, even crayfishermen in Tasmania have protested about the possible implications.

When the Government recently announced its intention of releasing lake water into the marine environment, the professional fishermen, by way of the South Australian Fishing Industry Council (SAFIC), pushed the Government to delay the release so that SAFIC could be involved in the setting up of an adequate testing program. The Government has set up a testing program, and some of its components have been described to me. I express my concern that something like the E&WS study of 1975 is not really detailed enough to give us any degree of confidence as to whether or not there is an impact on the marine environment. Some of the tests being done are irrelevant and some of the necessary experiments are not being conducted.

SAFIC's chief executive officer, who has training in marine biology, is concerned about what is happening. If he is concerned, we all should be concerned. I am quite certain now the Government will respond by saying, 'We are doing tests in the marine environment, and we are testing Lake Bonney.' The Government really needs to publicly release all that it is doing and all that it intends to do. For goodness sake, I hope it does not tell us that it is setting up another committee. There have been so many committees set up in South Australia in the past two months that it is impossible to keep up with them.

The Hon. Peter Dunn: Is Ms Lenehan a member of the committee?

The Hon. M.J. ELLIOTT: I believe many of the committees are being set up predominantly so that, if one dares to say that something is going wrong, the Government can say, 'We will refer that to the committee.' It is a way of silencing those people who are concerned. The public has an absolute right to know what is going on, and whatever

the Government is doing should be released. By various means I have been able to get some idea of what is happening and, if the explanations given to me are accurate, it is quite clear that it is nowhere near enough.

The professional fishermen, through SAFIC, were sufficiently concerned that they conducted their own tests of the lake. I have been told that the water they tested from the Apcel outfall into the lake contained organochlorins of 274 000 parts per billion, which is considered to be a frighteningly high level. Even at the point where the water leaves the lake to flow into the sea there are still 1 500 parts per billion, which is 1.5 parts per million or about 1½ grams per tonne. One can do calculations to work out how much organochlorin is sitting in the lake. By my calculations the implication is that there is a minimum of 200 tonnes of dissolved organochlorin in the water itself and, if one assumes that most organochlorins are highly insoluble in water, which is accurate, the amount of organochlorin in the sludge of the lake is indeed quite a frightening figure.

One can also do calculations on exactly how much has been released into the marine environment. At the moment I suspect that each day about 2½ tonnes of organochlorins go out to sea. Admittedly, some of that is 'back of the envelope' calculations but, unless the Government is willing to give us absolute figures, we are left to do some guess work. Certainly the results of the SAFIC investigation suggest that there is very real cause for concern.

We had the largest natural fresh water lake in South Australia in Lake Bonney. The E&WS report of 1975 admits that it has been used as a settlement pond for the paper mill. One might say, 'They did not know better in those days and we are much wiser now.' It concerns me that so far the State Government has not shown any willingness to reconsider the indenture legislation to put more stringent conditions upon what we are doing to that lake. In the early days the lake had shacks beside it and it had a picnic beach (which was known as such). People sailed on it and fished in it. Mullet were caught in it; not any more. It was indeed a very beautiful lake on all accounts. I did not see it in those years, but certainly the older people from the area remember it as a very beautiful lake and we, the people of South Australia, have killed it.

It is amazing that this has not been a bigger issue in South Australia. Certainly, I think it is probably the third or fourth largest environmental issue in the State. It has been hidden away in the South-East of the State. Not many people see it; out of sight out of mind. If we are not willing to do something about our largest fresh water lake and seek to restore it to its natural state, we really do not deserve to be in this place representing the people of South Australia. I urge all members of this Council to support the motion.

The Hon. I. GILFILLAN secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (No. 3)

The Hon. I. GILFILLAN obtained leave and introduced a Bill for an Act to amend the Constitution Act 1934. Read a first time.

The Hon. I. GILFILLAN: I move:

That this Bill be now read a second time.

I intend to speak briefly to this Bill and to a Bill that I will introduce immediately following this which should be dealt with cognately. The Bills link together in the Democrat move for establishing fixed four-year terms. It is an argument which has been before this Chamber previously by way of amendment from the Democrats. It is unfortunate that, for reasons of their own and I believe their own political vested interests, both the Government and the Opposition have, up to date, shown little enthusiasm for picking a fixed election date. As honourable members will note, my Bill stipulates the second Saturday in March every four years.

There have been strong and pursuasive arguments over the years for a fixed date, and many of them were incorporated in the debate when we originally amended the Constitution Act to fix four year terms in a way which secured the first three years but allowed flexibility in the final year. The arguments which applied to fixing that first three-year period apply equally strongly for a fixed four-year term. The advantages in planning, predictability, programming and the removal of the disadvantages of uncertainty, wasted months of polemic and political point scoring all add up to, in the Democrat view, an irrefutable argument in favour of fixing a four-year term.

We believe also that the public wants such a measure introduced. It would give that clear indication, if the issue were put to a referendum in a question that the public understood. The question proposed is a simple one: do members of the public support a fixed four-year term? As will be noticed in the next Bill that I intend to introduce, the wording of the question must refer to this Bill, which seeks to amend the Constitution Act. At the next State election we could have a referendum with two questions, the first to the legislation that the Hon. Trevor Griffin is moving, coupled with the question on the matter I am raising in these two Bills. It would be a sensible time for the issue to be considered and it would be economically expedient. It would be a relatively cheap and effective way of getting these questions before the public of South Australia. They are not contentious issues as far as conscience or political policy is concerned.

I do not intend to argue the point at length. The time has come for members to review whether we add to the political contribution of this State by having uncertainty about the election date drawn out over 12 to 18 months in which the Premier of the day can pick an election date. If members are honest they would admit that there is no advantage but, in fact, a substantial disadvantage. Although the media gets a lot of editorial mileage out of conjecture on election dates, I am sure it could find more interesting and stimulating matters to deal with.

I urge members to support the Bill, recognising that it would, coupled with the Bill I am about to introduce for a referendum question, be beneficial. If there is support for this Bill, as I believe there should be for members in this Parliament in both Chambers, there will be no need for a referendum. Anyone who asks people they meet socially or casually how they feel about it will realise very quickly that the public overwhelmingly support having a four-year term on a fixed date. I urge honourable members to support the measure in conjunction with the referendum matter so that the question can be put to the people of South Australia. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 6 of the principal Act. This amendment is consequential to the amendments effected by clause 3 of this Bill.

Clause 3 repeals sections 28 and 28*a* of the principal Act and substitutes a new section 28. Subsection (1) provides

that a general election must be held on the second Saturday of March in the third calendar year after the calendar year in which a general election was last held. Subsection (2) provides that the Governor may, by proclamation, direct that a general election be held instead on either the first or third Saturday of that March if an election for the Parliament of the Commonwealth is to be held on the second Saturday. Subsection (3) fixes the expiry of the House of Assembly on the twenty-eighth day of February immediately preceding the date on which a general election is to be held or such earlier date as may be fixed by the Governor by proclamation (but not more than three months before the date of the election). Subsection (4) provides that the Governor cannot disolve the House of Assembly unless the Governor is acting in pursuance of section 41 or a motion of no confidence in the Government has been passed in the House of Assembly and no alternative government has been formed within seven days after the passing of that motion. Subsection (5) provides that the section does not apply for the general election of members of the House of Assembly of the Forty-Seventh Parliament.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

REFERENDUM (ELECTION OF MEMBERS OF THE HOUSE OF ASSEMBLY) BILL

The Hon. I. GILFILLAN obtained leave and introduced a Bill for an Act to provide for the holding of a referendum of electors relating to the general election of members of the House of Assembly. Read a first time.

The Hon. I. GILFILLAN: I move:

That this Bill be now read a second time.

I have explained in my remarks on the previous Bill that this Bill facilitates the question of fixed four-year terms to be put to a referendum. It is the Democrats' preferred position that the referendum be held in conjunction with the next State election. Having canvassed the argument, albeit briefly, of the advantages of a fixed four-year term in my explanation to the previous Bill to amend the Constitution Act, I do not intend to repeat them in this explanation. However, I belived that a referendum is necessary because the Government is not prepared to pass the Constitution Act Amendment Bill, I have been advised, to fix four-year terms. I understand that that attitude also applies to the Opposition. I hope that I am wrong in both cases. I hope that both Liberal and Labor Parties will see the justice of the democracy of our system in referring simple questions such as this in a referendum to the people, and I therefore urge support for the Bill. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 is an interpretation provision. Clause 3 provides that this measure applies to the referendum at which the Constitution Act Amendment Bill (No. 3), 1989, is submitted to electors for the House of Assembly.

Clause 4 requires the Electoral Commissioner to conduct the referendum. Clause 5 subclause (1) sets out the question to be asked at the referendum. Subclause (2) requires an elector to register a vote at the referendum. Subclause (3) provides that ballot papers will be in the form determined by the Electoral Commissioner. Subclause (4) sets out how an elector is to register an affirmative or negative vote.

Clause 6 provides that the Electoral Act 1985 will, with necessary adaptations and modifications, apply to, and in relation to, the referendum. The clause sets out some of those adaptations and modifications and provides for further adaptations and modifications to be made by regulation by the Governor. Clause 7 requires the Electoral Commissioner to declare the result of the referendum by notice published in the *Gazette*.

Clause 8 provides for the moneys required for the purposes of this measure to be paid out of money provided by Parliament for those purposes. Clause 9 empowers the Governor to make such regulations as are contemplated by, or as are necessary or expedient for the purposes of, this measure. Clause 10 provides for expiry of the measure on the first anniversary of publication in the *Gazette* of the notice declaring the result of the referendum.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

SELECT COMMITTEE ON ENERGY NEEDS IN SOUTH AUSTRALIA

The Hon. M.S. FELEPPA: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 18 October 1989.

Motion carried.

FISHERIES ACT REGULATIONS

The Hon. PETER DUNN: I move:

That regulations under the Fisheries Act 1982, concerning exotic fish, farming and diseases, made on 18 May 1989 and laid on the table of this Council on 3 August 1989, be disallowed.

This is the third time that these regulations have been before the Subordinate Legislation Committee and, indeed, the third time I have had the honour of moving disallowance. It is becoming a bit boring. Whilst the Government continues to peddle it, we will continue to try to knock it out, as it impinges on the rights of people to sell fish in this State. The plain fact is that no exotic fish have escaped into South Australia and caused a problem to the fishing industry. We do have one example of an exotic fish in our fisheries, namely, the European carp, but it did not escape in South Australia.

The regulations that have been introduced by this Government have nothing to do with that. Indeed, these regulations seem to be in reverse order. Under paragraph 6A of the fisheries regulations, the Director of Fisheries is empowered to grant a permit to keep exotic fish. He has a schedule that indicates which fish may be sold. He has it back to front; he should have a schedule which sets out those fish which cannot be sold because, by doing it the other way round, the Director is limiting the number of fish that he may allow pet traders to sell. A committee has been set up by the Department of Fisheries following negotiations with the traders, and this committee is looking at which fish are and are not suitable for sale in this State.

However, the problem is that the committee is unable to consider all the fish in Australia and determine whether they are suitable or unsuitable for sale in this State. In the meantime, the regulations that have been gazetted put an enormous restriction on those fish that have ordinarily been sold in this State; furthermore, a number of those fish have been traded between people. How are we to check on those at this stage? I quote Finlaysons, who have been asked to give an opinion to Mr Arthur Datodi (the Chairman of the

fish subcommittee and the Pet Industry Joint Advisory Council). Amongst their comments they say:

We understand that for a second time the department has procured the re-gazetting of proposed amendments to the Exotic Fish Regulations which, by repealing paragraph 6A as it currently stands, and replacing it with a clause stating that 'the Director may not grant a permit for the purposes of section 49 of the Act in respect of any fish other than the fish of the species set out in schedule 5' would remove any power for the Director to grant a permit for fish which have not been scheduled, even if he is totally convinced they are harmless.

In other words, the criteria for whether or not a fish should be allowed to be kept in South Australia would not be whether or not it posed a risk to the South Australian environment, but merely the arbitrary test of whether or not it had been placed on a schedule. As the schedule is not fixed by an administration act but instead by delegated legislation, the inclusion or removal of fish on that schedule is not subject to challenge in the courts.

Accordingly, if the current amendments are not disallowed, the position will be that even if the advisory committee advises that a fish is harmless, and the information supplied by it to the Director of Fisheries clearly shows that the fish is harmless, such that if the matter was subject to judicial review the Director might be compelled by the court to grant a permit, he will be able and indeed will be obliged to refuse any application to keep such fish if the fish is not on the schedule, and there will be no legal obligation upon him to add such fish to the schedule.

So, it is quite clear that the method by which the department has introduced this regulation has a very restrictive effect on those people who wish to trade in fish. For those reasons and all those which have applied on the two former occasions that we have attempted to disallow these regulations that I ask for the support of the Council.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

PINNAROO AREA SCHOOL

Adjourned debate on motion of Hon. M.J. Elliott:

That this Council urges the Government to retain the secondary component of the Pinnaroo Area School with the provision of adequate teaching staff.

(Continued from 6 September. Page 730).

The Hon. T. CROTHERS: When the Hon. Mr Lucas entered this debate, once again he ignored reality in his comments about enrolment decline and its effects on school curricula. He dismissed the enrolment decline with the usual airy wave of the hand without acknowledging the size or significance of the decline. I am sure that honourable members will be interested in the facts, and the facts are that, for demographic reasons, there has been a decline of 23 000 in student numbers over the past six years.

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: The Hon. Mr Davis interjects (he is the master of hyperbole) and asks me to repeat my remark. The argument put forward by the Opposition could, it seems to me, as a member of the Government back bench, best be described as as a lie and a half. The fact is that number of students over the past six years has declined by 23 000, and honourable members should bear in mind that the population of this State verges on 1.25 million people. The projected decline in student numbers from this year to next year is about 2 000 students.

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: The Honourable Mr Davis says, '1.4 million', and he may well be right. However, he did not get his question right yesterday when he said that airline pilots were on strike. In fact, they have all resigned from their employment, so I do not attach any great degree of credibility to the Hon. Mr Davis's remarks after he asked that question yesterday. The decline will free up 130 teacher positions, which will be kept at a cost of $4.55 million. That move will bring to 980 the number of freed-up teachers kept in the system since 1983, despite the 23 000 drop in student numbers. In his contribution to this debate, the Hon. Mr Lucas clearly telegraphed how the Liberals would handle the enrolment decline. They would close schools, but they would do it by stealth. This is the hidden agenda behind the Hon. Mr Lucas's references to educational choice.

Under the pretence (and I note that this is yet another pretence) of presenting options for country students, Mr Lucas is trying to have two bob each way. He said there could continue to be upgrading at Lameroo Area School, but he also supports retention of the option of the Pinnaroo Area School. He said he would abolish any zoning and give families a choice between the two schools. This is yet another example of the kind of mismanagement we would see under a Liberal Government.

Mr Lucas admitted that small schools are not viable. Earlier in this debate he said:

It is impossible for many smaller area schools and country high schools to provide the wide choices that are available to students in larger metropolitan schools.

In spite of acknowledging the difficulties that schools such as Pinnaroo face in providing a sufficiently broad curriculum, Mr Lucas's proposals would in fact exacerbate the problem. Already there are simply not enough students to go round. Mr Lucas would have two schools competing for the same finite number of students, a number which he admits is not sufficient to keep one school viable, let alone two. That is what I meant when I referred to the Liberal Party's technique of 'closure by stealth'. Rather than take a difficult decision, it obviously would let one or other of the two schools slowly strangle to death, and perhaps both. Rather than make a difficult but necessary decision which might not be to the liking of some people, Mr Lucas would avoid making any decision.

This is the kind of management style preferred by the Opposition. Instead of making difficult decisions for the long term good of students, Mr Lucas advocates a 'hands off, wait-and-see' approach. Instead of taking definitive action to address a real need, Mr Lucas would try to buy favour with all interested parties by adopting a 'do nothing' attitude. Mr Lucas's approach to problem-solving seems to be 'ignore it and it will go away'. It might work for a short while, but very soon it would become apparent that a scarce resource—students—had been spread even more thinly than before and, instead of the problem being solved, it would have multiplied.

By trying to offend no-one in what is an election year or an election mode of Parliament, Mr Lucas would eventually disadvantage everyone—students, parents and the local community. In my view, this is not a management style that will help take us through the 1990s and into the twenty-first century. Mr Lucas exemplifies the Liberal Party's failure to understand change and to manage change responsibly. Its approach would be a series of *ad hoc* responses to whatever seemed to be the issue of the day. It has no coherent plan—just reflex reactions to immediate stimuli. It has no vision beyond whatever is politically expedient today, and no sense of responsibility, Mr Dunn—

The Hon. Peter Dunn: Who wrote this?

The Hon. T. CROTHERS: You didn't; you can hardly read, never mind write—for the future consequences of its actions. The Bannon Government has a sense of responsibility. It recognises its responsibility to provide an education that will take students into the twenty-first century. Mr President, for all the obvious reasons, I oppose what the Hon. Mr Lucas is trying to do. In my view, he tries to

maximise the electoral chances of his Party in the forthcoming electoral fiesta—

The Hon. Peter Dunn: Is that wrong?

The Hon. T. CROTHERS:—to the detriment of all. It is certainly wrong, Mr Dunn, when it damages the system and the people who represent this State's future, that is, the students who are supposed to be given the best education that this State can provide. Given that we are entering an age of technology and tertiary educated students—an age when South Australia will benefit more than most by being to the forefront, as we already are under the present Bannon Government, of new technologies—it will certainly not do the cause of students one iota of good. I oppose the motion for the electoral farce it will prove to be and, in my view, has already proved to be in respect of the teaching community in general.

The Hon. L.H. DAVIS secured the adjournment of the debate.

PERSONAL EXPLANATION: PILOTS DISPUTE

The Hon. L.H. DAVIS: I seek leave to make a personal explanation.

Leave granted.

The Hon. L.H. DAVIS: I claim to have been misrepresented by the Hon. Mr Trevor Crothers, who referred to a question which I asked in the Council yesterday and claimed that I referred to a pilots strike. I think that *Hansard* shows quite clearly that I did not: I referred to a pilots dispute, and there is all the difference in the world to Mr Crothers. It may be semantics, but I wish to clarify that point and can only suggest that a leprechaun has somehow crept into the Hon. Mr Crothers' hearing aid.

NURSING HOME STAFFING

Adjourned debate on motion of Hon. Diana Laidlaw:

That the regulations under the Health Act 1935, concerning nursing home staffing made on 22 June 1989, and laid on the table of this Council on 3 August 1989, be disallowed.

(Continued from 6 September. Page 731.)

The Hon. M.J. ELLIOTT: The Democrats support this motion and in fact we have a similar motion on the Notice Paper. I have been approached by a number of people involved in nursing homes, particularly from those homes run by church groups, who have been gravely concerned about the possible implications of this change in the regulations.

As I understand it, the changes in regulations were in response to a change in the way the Federal Government was funding the staffing of nursing homes, and South Australia has lost out badly in that regard. The ratios in South Australia have changed such that the staffing in nursing homes will be reduced significantly and, of course, consequently the care now given in those homes will be reduced by that Federal action. It appears that the standards originally required under the State legislation were more rigorous than funding from Federal Government allowed. Consequently, nursing homes would have been financially gravely effected, and, in fact, many of them simply could not have coped. The State Government has now recommended the regulations such that it says staffing needs to be adequate. 'Adequate' has no definition, and is very much open to interpretation.

The Hon. Diana Laidlaw: How will they enforce it?

The Hon. M.J. ELLIOTT: First, who will enforce it? It will be the local boards of health, one presumes. What standard will they use to decide what is and what is not adequate?

The Hon. Diana Laidlaw: How will they assess that in terms of recent grants?

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: The sorts of questions that are being proposed by the Hon. Ms Laidlaw are the exact questions being asked by the nursing homes themselves. They are fearful of possible interpretations that could be made on the word 'adequate' and what the implications would be for them. What would they do if a particular local board decides that their staffing is not adequate? I must say that, to some extent, they would argue it is not adequate because they are losing staff. I think they believed that what they had before was nearer to adequate. So, they have concerns about the interpretation of that word.

They also believe that when States do have a formula which defines staffing levels and what 'adequate' means, that puts at least some sort of formal argument up against the Federal Government, should it consider making further cuts to the funding of nurse staffing here in South Australia. One group I spoke with argued that an attempt should have been made to incorporate the formula at present being used by the Federal Government into the State regulations. In that way, we have a direct link between the two, and certainly know what 'adequate' means. Hopefully some sort of message would go to the Federal Government that we really do not want the funding cut further. So we would have tackled both problems. As I understand it, Parliamentary Counsel stymied this by saying it could not be done. Of course, I have not had an opportunity to discuss it with counsel myself, but I am not pursuaded that such an amendment to the regulation could not have been achieved.

Nevertheless, even if one accepted, for the time being, the argument that a regulation could not take into account the Federal formula, it has been suggested to me by others that, at the very least, we should be attempting to insert a minimum staffing level. One submission made to me suggested that, as the national average hours funded under CAM are 18 per week per resident, this could be adopted. They are saying that they are not happy with the 18 hours, but at least that is what the national average hours are. Sensibly, if we put that in at least it puts some sort of a floor and gives a definition of 'adequate'.

Mindful of the concerns of these various nursing homes, the Democrats will support the motion for disallowance. Some concern was expressed by one or two homes. They said, 'What if we lose this regulation, and the old regulation is in place? Are we expected to fund the difference?' I argue that is not of concern. I believe the State Government could immediately bring in an amended regulation, unless it decides that it wants to be bloody minded. I hope and expect that that would not be the case. At the very least, if the Government wants to dig its heals in, I suppose it could return the regulation which has just been disallowed. However, I believe two options are being moved by nursing homes, both of which are reasonable, and I would hope that State Government would accept one of those. The Democrats support the motion.

The Hon. M.S. FELEPPA secured the adjournment of the debate.

BRIDGEWATER RAIL SERVICE

Adjourned debate on motion of Hon. M. B. Cameron:

That this Council calls on the State Government to reintroduce a rationalised rail service to Bridgewater with the aim of providing an effective commuter facility plus support for the tourist industry in South Australia.

(Continued from 6 September. Page 734.)

Motion carried.

FREEDOM OF INFORMATION BILL

Adjourned debate on second reading.

(Continued from 6 September. Page 738.)

The Hon. M.J. ELLIOTT: The Democrats support this Bill. I believe this is the third or fourth occasion on which we have debated a private member's Bill for freedom of information. Naturally, on this occasion I will keep my contribution brief.

The Bill has been on the political agenda for at least 10 or 11 years, and has been often promised and never delivered by both major Parties. Recently, the State Government has introduced privacy by way of administrative guidelines, and said, 'We have now addressed freedom of information'. Anyone who cares to study the Labor Party policy, which suggests that it will legislate for both FAI and privacy, will see that even the Labor Party has seen those as being two separate issues, although obviously closely related. As has already been pointed out in this place, even the privacy guidelines are simply administrative and have no real force.

Let us consider freedom of information. The most important part is public access to information about the way their State is being run. Privacy matters are second, but an important concern. The State Government has tried to hide behind the cost of freedom of information. The experience interstate and federally is that the cost of freedom of information has been declining rapidly. If one looks at the cost in total terms, it is not a high price to pay for its value in reinforcing democracy. Democracy means that all have a right to have a say. If one is to have a say, the first thing one needs is information. How can one make up one's mind on things if there is not enough information. Unfortunately, Governments are loath to release information. They find all sorts of ways of hiding behind commercial confidentiality, and we have seen just recently with the Marineland episode.

The Hon. C.J. Sumner: That wouldn't be changed by freedom of information.

The Hon. M.J. ELLIOTT: No, I am saying that in general terms you characters like hiding behind commercial confidentiality.

The Hon. C.J. Sumner interjecting:

The Hon. M.J. ELLIOTT: I am just making a comment in general terms. The Government has been unwilling to release all sorts of information. Even during Question Time in this place, there has been a refusal to supply information and, at times, misinformation has been provided at Question Time. There are cases in point: for example, when the Government was questioned in this place about organochlorin contamination of foodstuffs and it was denied that there was any contamination. However, it was found recently that there was contamination of foodstuffs. And, more importantly, I have had conversations with former employees of the Department of Agriculture who have indicated that it was known all along that it was occurring, but there was a lack of will to chase it along.

For whatever reason, whether it was a Government decision or that certain bureaucrats were hiding the information from Government, the information should have been available; the public had a right to know. If we had known about it much earlier, perhaps the Americans would not have discovered it before we did and perhaps our trade would not have been threatened in the way it was when organochlorins were found in Australian foods; and South Australian meat was affected, as well.

There was a similar situation when I asked questions about cadmium. Once again, the initial response was a denial; there was not a problem. However, I had NH&MRC documents, which suggested quite clearly that it was occurring. It took about 12 months before it was conceded that there was a problem and that, indeed, it was necessary to stop the export of certain meats to the United States and other countries. In fact, certain meats were withdrawn from the domestic market as well.

A matter that I am interested in now is one that we debated only recently; that is, Lake Bonney in the South-East. The Government has apparently done tests. What were the results? No-one will give us a direct answer. What precise experiments were carried out? No-one will tell us. Do members of the public have the right to know? One would say that, in an open and democratic society, the public have that right—but the Government is refusing it. I fail to understand why. It would seem to me that, in the long-term, freedom of information legislation would make it easier for Governments, rather than harder. One of the major problems facing the Government is that if a mistake is made, even if it is made by a bureaucrat, it must be covered up and, if the mistake continues to compound, the cover up continues.

If there are problems in our society that need to be addressed, the people need to know. If there are problems with the funding of hospitals, if there are problems with waiting lists, one solution is to spend more money. Perhaps one way that the money could be found is to not supply the tax cuts that some people are asking for. I would argue that, if some people were aware of the problems we have, the pressure for tax cuts might actually be taken away. How can that occur if people have no real idea of the problems? I believe it is important that our community owns the problems and that they are not just an issue for the Government. Because, while the Government owns the problems, it tends to try to cover them up and the informed argument that should take place never does. As I said, this matter has been debated on so many occasions now that very little can be said, other than to indicate that the Democrats very strongly support this Bill and we hope that not only will it pass in this place but also the Government will eventually see its way clear to support it in the other place.

The Hon. M.B. CAMERON (Leader of the Opposition): I do not wish to delay the Council. The introduction of this Bill is becoming monotonous, given that once it passes this place it goes nowhere. The Government has a lack of resolve to pass what I believe is a very sensible piece of legislation.

The Hon. K.T. Griffin: You will find that it will support it in Opposition.

The Hon. M.B. CAMERON: Wholeheartedly. That is the shame of this. Before long, we will be the only State—apart from Queensland (and that State is heading in another direction at the moment)—without freedom of information legislation. I doubt that we will see this kind of legislation in Queensland, in spite of the desires of people who really believe in democracy. However, New South Wales is now headed in that direction, Victoria has it, the Commonwealth

has it and I understand that Tasmania is now considering it. Although we can no longer be the leader in this field, we have the opportunity to get the legislation up and running before anyone else. It is a shame that the Government appears unprepared to take the opportunity. It is a pity that the Attorney-General, who I think underneath what he has said so far, does support it, but somehow the rug has been pulled out from under him.

An honourable member interjecting:

The Hon. M.B. CAMERON: Yes, he does not have the numbers. He has not been able to persuade the Party. I have indicated not only here but at a meeting the other night, that I do not pretend to be the author of this legislation. The report was drawn up under the instructions of the Attorney-General. The Bill is based entirely on a report by a group set up by the Attorney-General. I am quite prepared again to make the offer to him to take over this Bill and to make it a Government Bill. I certainly would retreat from it, but not from the concept of freedom of information.

This is a matter that should not be the subject of political debate. Of course, politics always comes into debate in this Chamber but, nevertheless, it is far too important a matter in the long run to be the subject of argument between the Parties in this House. It is one of the most important parts of a constant move towards people having a greater say in Government. This would give people the opportunity of knowing what Governments are doing and the reasons for their doing it. There is an indication from the Hon. Mr Crothers, who has become the Government spokesman on this matter, that somehow, because in my Bill there is an exemption for Cabinet documents, that cuts right across freedom of information. Without being unkind to the Hon. Mr Crothers, because he is a comparatively new member in this place, I do not think he understands the concept of freedom of information, if he takes that point of view. If he had taken the trouble to read my Bill and not to read just the speech prepared for him, he would have seen that the Bill exempts Cabinet documents and materials.

The only exemptions from disclosure are the actual opinions given to the Minister by the Public Service. However, the material used in preparing those opinions would be subject to freedom of information, so people could check on whether or not the final decision of Cabinet or of the Minister is correct by going back to the original material. There is a sharp distinction between what is considered material for Cabinet's eyes only and what is material that can be used and be subject to freedom of information.

Victoria was the original author of FOI in Australia but, somehow they have become very sensitive about it and have attempted to restrict access to material by declaring matters to be 'Cabinet material'. However, that problem was sorted out when, on appeal, the Premier and the Victorian Government were told, 'No, that is not Cabinet material and, therefore, it must be disclosed.' In spite of many appeals, eventually FOI has triumphed over attempts to use the restrictive clause relating to Cabinet material. I note also that the Hon. Mr Crothers states that Parliament is the final check within a democracy. I agree with him, that is the case. But Parliament can be muzzled by a lack of information. That is the very reason for FOI, because Parliament cannot operate in darkness in a vaccum. Unless it has the necessary information to assess what a Government is doing, Parliament is not the final check and cannot be, because it cannot understand and cannot have a full knowledge of what is occurring within the system.

It is with some sadness, almost, that I move this Bill again because it is fairly clear what its fate will be again, and that is a shame. I am certain there are members opposite who support FOI in their hearts but, unfortunatly, their hearts are guided by the pledge they signed when they come into this place to obey, no matter what they really think. This is the sort of matter that should be the subject of a conscience vote so that we can actually get a true opinion. I appeal to members opposite to take that course. If they like, I will seek leave to conclude my remarks later and give them the opportunity of taking it back to Caucus. Perhaps the real democrats opposite can persuade their colleagues to give them a conscience vote. The people of principle on the other side who are committed to democracy, and who are not frightened of Government, should be prepared to go back to Caucus to get permission to vote according to their true conscience. The Hon. Mr Roberts I know would be one of those.

The Hon. Diana Laidlaw: They have no conscience.

The Hon. M.B. CAMERON: I do not say that. I think they probably have because it is a very important matter which ought to be considered very seriously by people opposite and which should not be the subject of a Party decision. It is not a matter of money. I do not believe for one minute that the Government cannot afford freedom of information. What is the Government spending on feeding dolphins at the moment? That would not be any more costly than FOI. The Government can find money for the dolphins and for a million and one things around the State, but it cannot find money to assist in providing democracy.

The Hon. Anne Levy interjecting:

The Hon. M.B. CAMERON: If the Minister of Local Government does not support FOI I would be very surprised. I have known the Minister for a long time and I know that she is a true democrat underneath the exterior that we see in the Council. I do not believe for one minute that she does not support FOI.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: The Minister makes decisions in other matters on some very shallow bases, I know, but underneath it all I am certain that she does support FOI. How on earth can one say that a figure of $800 000 a year, which is the figure provided by the committee, is too much in order to make sure that Governments are held accountable? The only people frightened of FOI are Ministers of the Crown or people within the system who have made decisions that they do not want to come into the public arena. That is the fact of the matter. One does not have to be frightened of FOI if one has done everything right.

The only time that FOI is a problem is when one has done things that one knows will get one into trouble publicly. The best way not to get into trouble publicly is to have FOI, because then everybody is very careful about their decisions and from then on we will get good decisions. It will improve Government because the public servants and other people will no longer be able to hide behind a veil of secrecy and confidentiality. I urge members opposite to support this Bill and to bring about, finally, this very excellent concept which will bring into this Parliament and into this State a little bit more of true democracy.

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

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 9 August. Page 107.)

The Hon. CAROLYN PICKLES: I oppose the second reading of this Bill. It would waste a lot of the Council's time to go into detail dealing with statements made by the Hon. Mr Cameron on 9 August in introducing his Bill amending the Local Government Act. Mr Cameron's argument lacks sound reasoning and consists largely of numerous mis-statements and politicisation of the whole boundaries debate. He shows little understanding of the issues and probably never will. For example, when he says that there would be no guarantee the Minister of Local Government would be influenced by a strong poll, he totally misses the point. It is not the Minister who decides these boundary matters. The legislation was carefully designed, with the full support of the Local Government Association, to leave such judgments to the advisory commission. It is therefore the advisory commission that must be influenced by public opinion, however it is obtained—by letter, poll, public meeting or other means.

If it were the Minister who had to be convinced or influenced, this would entail a return to the bad old days of select committees and Party politics in local government matters, and nobody wants that anymore. The process of determining changes to local government boundaries is a more complex one than Mr Cameron suggests. It is easy to talk about polls and the people's voice, but this needs to be qualified.

The Hon. Mr Cameron says that only the people of Blackwood Hills should be heard in a poll on boundaries in the area. Even Mitcham council refuses to accept this: it is polling its entire population, two thirds of whom are not in Blackwood. What about the people of Happy Valley, who would also be part of the City of Flinders if it was finally concluded that Flinders should get the go-ahead? How much weight should be given to polls? How should the question to be submitted to voters be worded? Who should conduct the polling? What sort of majority should be necessary? What level of turnout should be required? These are just some of the questions that the Hon. Mr Cameron has avoided dealing with.

A committee of review has been set up to examine the possibility that the method of assessing electors opinions be revised, in the light of the Mitcham experience. The Minister has explained this at length, but it may be necessary to go over the main points again. Every recommendation of the advisory commission set up as a result of our 1984 legislation has automatically been accepted by the Government. The moment a government declines to accept a recommendation, we are back to Party politics in local government matters. In the case of Mitcham, with the first metropolitan boundary change dealt with by the advisory commission, evidence emerged that the public consultation procedures might not have been adequate. Evidence emerged that there was sufficient opposition to the commission's decision, faithfully endorsed by the Government, to ensure that the new City of Flinders would start on a very rocky basis, if it was able to start at all.

So, what was the Government to do? Should it cancel the proclamation for the new city, as Mr Cameron proposes? What would that do for the commission's position as independent arbiter? The only conceivable course was the one which the Government and the Minister took, acting on legal advice within the constraints of the Local Government Act.

The Government asked, in effect, whether the commission could have another look. Could it examine whether, in fact, public opinion had been sufficiently tapped and assessed? In the meantime, all other pending cases are to be kept on hold, including the Henley-Woodville-West Torrens proposals that seem to have taken Mr Cameron's attention. Is he suggesting that we should blithely go ahead with Henley when there is some question about the adequacy of consultation with metropolitan electors? Is he really concerned about Henley or is he just playing his usual political game, in the interest of Alderman R.J. Randall, who just happens to be the Liberal candidate for Henley Beach?

The 22 proposals for boundary change or adjustment, currently awaiting finalisation before the commission, will rightly await the results of the committee of review, expected before the year's end. The Opposition is playing a destructive game in all this. Some, like the member for Mitcham in another place, disgracefully suggested that the advisory commission is a political instrument of the Government.

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: That's what your colleague in another place said. Others, like the Hon. Mr Cameron, who has been in the business rather longer, realise the perils in this kind of mindless rubbish. They do not directly impugn people on the advisory commission who made the Flinders recommendation—people like Bert Taylor and John McElhinney—because such an attack would rebound against them in the local government community, where these people are highly respected, and rightly so. However, the thrust of what the Opposition has been saying does carry this imputation, does smear these people and does suggest they are in fact part of some discreditable plot.

The Minister's statement in this Chamber on 23 August fills in any gaps in the argument I have been propounding. That statement itself is sufficient reason to have the Bill before the Council seen as out-of-date, divisive, unnecessary and, therefore, to be rejected. The Hon. Mr Cameron is presupposing the result of the review set up by the Minister instead of waiting to see what its considered opinion might be. He has not consulted with the local government community before rushing in with this measure.

The Local Government Association does not support this proposal, and the people most affected have not been asked their opinion. On the other hand, the review is being carried out by those concerned in this matter of boundary change, with representatives of the Local Government Association playing the important role they should, and local government being adequately consulted. I believe that we should wait for the results of the review. I oppose the second reading.

The Hon. J.C. BURDETT secured the adjournment of the debate.

ANTARCTICA

Adjourned debate on motion of Hon. Carolyn Pickles:

That this Council strongly supports—

1. The principle of Antarctica becoming a world heritage wilderness park and opposes the notion that Australia should become a signatory to the Antarctic Mining Convention.
2. The Federal Government's proposal to negotiate a comprehensive environmental convention for Antarctica.

to which the Hon. Diana Laidlaw has moved the following amendment:

Paragraph 1—After 'park' insert 'under the auspices of the Antarctica Treaty':

(Continued from 6 September. Page 740.)

The Hon. CAROLYN PICKLES: I thank honourable members for their contributions to this debate. I am pleased to note the unified support for the subtance of the motion. I am happy to support the amendment to the motion along the lines proposed by the Hon. Ms Laidlaw. However, I note a clerical error in relation to the amendment: 'Antarctica treaty' should read 'Antarctic treaty system'. I have checked that with the office of the Federal Minister, Senator Richardson, and have been assured that that is the correct wording. I trust that, when the amendment is put, it will be treated as a clerical error and the correct title of the treaty will be inserted.

It is the intention of the Commonwealth Government and the French Government to seek the establishment of a wilderness park within the Antarctic treaty system rather than a world heritage wilderness park, as such terminology relates to a program of conservation within territorial boundaries. In a recent joint Australian-French initiative our Prime Minister, Mr Hawke, and the French Prime Minister, Monsieur Rocard, agreed to promote the protection of the environment in the Antarctic. Both Prime Ministers indicated that mining in Antarctica is not compatible with the protection of the fragile Antarctic environment. The continuing existence of a moratorium on mining in the Antarctic was recognised.

Under the agreement reached between the Australian and French Governments, the two countries, pursuing the work accomplished by the Antarctic Treaty System, will be proposing at the next Antarctic Treaty Consultative Meeting that the treaty parties negotiate a comprehensive environment protection convention, which will turn the Antarctic into a wilderness reserve. Such a convention could lay down principles for regulating and prohibiting human activities which are harmful to the environment in the treaty area. It could also establish preventive measures and intervention and monitoring procedures and create special institutions competent in environmental matters, in keeping with the responsibilities of the parties to the Antarctic Treaty. These institutions could be assisted by research scientists of international repute.

Not only is the Antarctic environment extremely fragile, but also it plays a specific and important role in global changes affecting the future of this planet. Such a convention as that proposed by the Federal Government in conjunction with the French Government, would provide a framework that would cover every aspect of the protection of the fragile Antarctic environment and associated ecosystems. It is very pleasing to me that there is unanimous support for the substance of the motion together with the amendment removed by the Hon. Ms Laidlaw. I thank honourable members for their support.

Amendment carried.

Motion as amended carried.

EQUAL OPPORTUNITY ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 6 September. Page 741)

The Hon. M.J. ELLIOTT: This may be a near record short speech. It is impossible to justify people being denied opportunities of various sorts on the basis of age and, on that basis alone, the Democrats support the Bill.

Bill read a second time and taken through Committee without amendment.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a third time.

I would like to take this opportunity to say a few words which perhaps I should have said in summing up the second reading debate. I am pleased that this Bill has the support of the majority of members in this place, and I hope that when it moves to the Lower House there will be an opportunity for it to be debated there. I recognise, however, that, since April of this year, the Government has been talking about a Bill that it proposes to introduce. A Bill is circulating in the community at the moment which is causing considerable consternation amongst a whole range of groups representing various ages and occupations, including the UTLC, employers and other representative groups. I doubt that we will see that measure introduced in this place during this session, despite the Government's stated objective to support age discrimination legislation, and its stated reasons in April of this year for opposing an earlier Bill that I introduced. I refer, of course, to its forthcoming legislation which is merely a matter of discussion in the community at present. I note that no Government member spoke to this Bill before its passage this evening. I thank the Hon. Mr Elliott for supporting this measure on behalf of the Democrats, and I hope that the Lower House will consider the Bill on its merits.

Bill read a third time and passed.

SOUTH AUSTRALIAN NURSING HOMES

Adjourned debate on motion of Hon. Diana Laidlaw:

That this Council deplores the lowering of standards in South Australian nursing homes as a result of deliberate policies set in place during 1988 by the Hawke Labor Government and which have seen a lowering of morale amongst service providers, a lack of flexibility in staffing and funding and a diminishing of standards in the provision of quality care to the aged.

(Continued from 16 August. Page 309.)

The Hon. M.S. FELEPPA: This motion refers to the Commonwealth Government's decision to introduce new staffing guidelines and funding arrangements for nursing homes from 1 July 1988 as part of their aged care reform package. This package has involved new planning guidelines for nursing homes and hostels aimed at providing 100 residential care places per 1 000 residents, along with expanded assessment services and increased capital and recurrent funding or hostels; the introduction of specific quality of care/quality of life requirements for nursing homes; more flexible funding arrangements for hostels; the introduction of national uniform staffing standards in nursing homes and associated monitoring arrangements; the phased reduction in residents fees to no more than 87.5 per cent of their pension; and greater concern about residents' rights.

Subsequent components of the package will cover quality of care requirements for hostels. Concerns about the differences between and within States in the level of Commonwealth funding for nursing home residents has been raised in a number of reports including the Nursing Homes and Hostels Review and the Auditor-General's Report on an efficency audit of the Commonwealth administration of nursing home programs.

For example, under the previous arrangements Victorian residents received on average of $418 per week in nursing home benefits compared with $282 in Queensland, and $357 in South Australia. Staffing levels in deficit funded homes were often considerably higher than those in private nursing homes without any significant variations in residents, needs.

Under the new arrangements introduced from July 1988, the new staffing standards for nursing and personal care staff are based on a categorisation of residents into five groups on their relative service need. Each group is nominally allocated a set number of nursing and personal care hours per week as follows:

Category	Hours/Week of nursing and personal care
1	27
2	23.5
3	20
4	13
5	10

The categorisation arrangements were the subject of significant consultation with the nursing home industry during 1987-88.

The Hon. Diana Laidlaw made a great deal of, in her view, the Commonwealth's intention to bring all nursing home staffing hours to a standard 17.12 hours per resident per week. In fact, this was never the intention: on 1 July 1987 the average hours per nursing home bed in Australia was 17.12 hours. At that time the South Australian average was 20.16 hours. In introducing the new arrangements, the Commonwealth announced it was providing an additional $65.7 million over three years to provide almost an extra hour per resident per week to lift the national average to 18 hours per resident per week. So much for a cost neutral exercise!

In fact, the current actual staffing hours are considerably higher than those proposed in 1989. The most recent data provided by the Commonwealth show that for nursing home residents admitted since 1 July 1988 the national average is 18.7 hours and, in South Australia homes, 19.3 hours. While this is marginally less than the 20.16 hours which existed in 1987, it is nowhere near the 17.12 hours which the honourable member claimed during her debate.

The individual resident classifications determine the absolute level of hours for each home, but do not predetermine either the actual number of hours of care delivered to each resident, or the mix of nursing, therapy and personal care staff used in the home. Therefore, these arrangements provide more flexibility in staffing, although sometimes within less hours. The new standards also require at least a registered nurse on duty at all times, and make provision for the Director of Nursing to spend time in nursing management and education.

I have spent some time on the details of the new arrangements and the outcome in terms of hours of care in order to correct some of the views expressed earlier in this Chamber. This should not be taken to mean that these arrangements had the wholehearted support of the South Australian Government at that time. In fact, the then Minister of Health (Hon. John Cornwall) protested vigorously to the Commonwealth that these arrangements could erode the high standards in this State. It was largely due to his efforts that the Commonwealth provided the additional $65.7 million to allow for an extra hour of care per resident per week.

It is true that a small number of homes, namely, those who have less dependent residents or homes with 20 or less beds, will receive funding under the new arrangements which would not allow them to meet the minimum staffing requirements previously stipulated in regulations under the South Australian Health Act. The Government has, therefore, amended the regulation to ensure that the nursing home has to provide adequate numbers of staff to care for the residents, where 'adequate' is understood to mean the level funded by the Commonwealth.

The Hon. Diana Laidlaw: Was this speech vetted by the Minister; was it checked by the Minister?

The Hon. M.S. FELEPPA: I did not consult with him.

The Hon. Diana Laidlaw: It just seems to be so contrary to the Minister's public statements.

The Hon. M.S. FELEPPA: I discovered this through my research. I believe that the disallowance of the regulation under the Health Act concerning nursing home staffing will mean that some homes will have to impose higher residents' fees. The State Government would have to make a grant to each home, or the homes would have to operate outside the law. In my view, none of this is acceptable.

As part of the new funding arrangements, the Commonwealth has also commenced a process whereby fee levels charged by nursing homes will be adjusted so that by 1991 no resident will have to pay more than 87.5 per cent of the standard rate pension plus rent assistance. I believe that this move will also have the support of most members.

A number of other issues were also raised by the Hon. Diana Laidlaw upon which I want to comment briefly. The honourable member referred to the Home and Community Care program, which is a cost-share program between the State and Commonwealth Governments aimed at maintaining frail and disabled people at home. Last year was a period of consolidation for the HACC program after a series of growth years. The South Australian Government is currently negotiating with the Commonwealth with the objective of providing the maximum expansion funding for the HACC program for 1989-90. The Commonwealth budget has provided for a 20 per cent increase in funding to South Australia, compared with 15 per cent nationally.

The South Australian Government will also negotiate for the provision of the State's maximum entitlement of any additional funds available under the Commonwealth's unmatched funding program. It should be noted that under this program the State is entitled to a maximum of $3.1 million in 1990-91, The State has already obtained a commitment of $1.981 million in recognition of its level of funding during the first three years of the program. The remaining $1.1 million will be negotiated.

It therefore appears that the Hon. Ms Laidlaw agrees with the principle of equity of care, but she wants to lift all nursing homes to the South Australian level. I believe that this is admirable. However, it should not be difficult to understand that members of the Liberal Party cannot have it both ways on this matter. Under the old arrangements, residents in Western Australia and New South Wales received 15.6 hours, compared to 20.2 in South Australia. She also claimed that the new arrangements are less flexible than the old ones. However, prior to 1988 there were only two categories of residents—high and low dependency—while under the new arrangements there are five categories as I outlined before. The Commonwealth does not require that each resident receive exactly the hours relevant to their dependency, but rather it encourages homes to arrange their staffing arrangements to best suit the needs of all their residents.

This motion cannot be supported by the Government. While the new nursing and personal care staffing arrangements introduced by the Commonwealth in July 1988 have resulted in reductions in the hours per resident per week in some South Australian nursing homes, this has to be seen in the context of increases in the number of hours in other South Australian homes and interstate equity in nursing home standards. The Government would have preferred the Commonwealth to provide sufficient funding to raise all States to the South Australian level, but we acknowledge the practical reality that this was not possible. The Com-

monwealth should rather be commended for the comprehensive package of reforms in the nursing home areas. I cannot support the motion.

The Hon. J.F. STEFANI secured the adjournment of the debate.

COUNCIL BOUNDARIES

Adjourned debate on motion of Hon. J.C. Irwin:

That this House censures the Bannon Government and the Minister of Local Government for their inept and undemocratic handling of the Mitcham debate which led to the proclamation of the City of Flinders. The Minister's performance on behalf of the Bannon Government has done great damage to local government to people's perception of what is fair and undermined the democratic process.

(Continued from 23 August. Page 532).

The Hon. I. GILFILLAN: I move:

To strike out all words after 'Flinders'.

The Democrats will support the amended motion. The circumstances surrounding the issue of the local government boundaries of Mitcham and Happy Valley is rather a sorry saga, and it will be some time before confidence is restored in the local government world in relation to boundary alterations. This is unfortunate, because apart from those who wish to use the situation for their political advantage—and both Labor and Liberal have done that—there is a lot to be said for having flexibility in local government boundaries. The eventual growth of the local government tier of government will depend on constructive and rational alignment of boundaries to embrace more than just parochial self-vested interest, but areas of common interest, areas of a size that will encourage and fund the sorts of services and developments which local government will be taking more and more as its responsibility.

It is well known that the Democrats support the evolution of local government up the ladder of significance. We deeply regret the failure of the previous Federal referendum to have recognition of it in the Constitution. It is somewhat hypocritical that we hear so much parrot talk from so many Liberals in regard to protection of local government, yet they spuriously took political advantage of that referendum to argue for its defeat. This motion is important. I accept that it has been moved substantially with the constructive motive of pointing out that certain ostensible irregularity has occurred—but if not irregularity, certainly the procedure and its aftermath have been such that the confidence of the local government in the commission, the Minister and the Government, is sorely shaken. However, the reason for my amendment is that I consider that the second sentence in the motion really goes over the top. With due respect to the eloquence and rhetoric of the Hon. J.C. Irwin, I believe he has gone a touch too far. The constructive purpose of the motion can equally be achieved with more dignity in the first sentence. I hope it becomes a warning—as I believe this motion will be passed—to whatever Party is in power that the handling of local government boundaries will demand the most sensitive and democratic processes.

I believe it is of interest that we have had a move by the Leader of the Opposition to introduce a Bill for a poll of ratepayers of a local government area when that area is under question for a merger. It has been the subject of quite long and detailed debate. The Democrats successfully passed a Bill in this place, which actually did require a poll of ratepayers—if it was called for by a complaining council—to determine whether a merger should go ahead. At that time, I argued that that poll should embrace all ratepayers and the actual results should be aggregate, rather than (as was certainly put forward by the Opposition) for separate piecemeal determination. If any one area voted against it, that would scotch the proposed merger. I do not intend to canvass that argument: it may come up in some other debate. However, I believe the Democrats' Bill was the most effective. It provided for a democratic expression, but it left the opening for possible mergers and amalgamations to take place.

The Hon. Anne Levy interjecting:

The Hon. I. Gilfillan: I am quite convinced that the Liberal proposal for a poll, which would be a piecemeal approach, is on the Notice Paper and if we are fortunate, or unfortunate enough to be sitting for another Wednesday, it may well be debated then. However, with the success—

The Hon. T.G. Roberts interjecting:

The Hon. I. GILFILLAN: I would have it every second Saturday in March every four years—no problem. That way one knows exactly what one is doing.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: That is a somewhat innane interjection from the Minister of Local Government who does not realise that we do not have a Festival every year. Anyone who is designing this program—

The Hon. Anne Levy interjecting:

The PRESIDENT: Order! I think the honourable member would be better served if he got back to the motion.

The Hon. I. GILFILLAN: An election every four years would be staggered so that it did not clash with the Festival year. If successful with this amendment, the Democrats will support the motion. However, if we are unsuccessful with the amendment, the wording of the motion's second sentence is inappropriate and we would, somewhat reluctantly, vote against it. I urge honourable members to support my amendment and, if it is carried, we will support the motion.

The Hon. ANNE LEVY (Minister of Local Government): I rise to speak against the motion. It seems to me that members of this Council are keen to hear their own voices but not to take any notice of what anyone else has said. The substance of the motion has been dealt with at great length on numerous occasions in this Council. I made a comprehensive ministerial statement that dealt with most of the matters that have been raised by members of the Opposition but, quite obviously, they have chosen not to hear; they certainly have not answered the comments that I made. This motion is political opportunism at its absolute worst. We have an Opposition member who purports to censure a Government that has, in every respect, acted quite properly in accordance with the law and with full respect for local government. The Government has stated on numerous occasions, and I will state again, that politics should be kept out of local government boundary issues. It is not an area where Party politics should intrude. It is fairly obvious to anyone who has been following this matter that there is no question as to who is putting Party politics into council boundary issues. As I have explained on numerous occasions, the Local Government Advisory Commission was established by this Parliament, with the support of the Hon. Mr Irwin, to be an independent body to deal with proposals for local government boundary changes. All Parties in this Parliament agreed to the establishment of this body. The Local Government Association, which speaks on behalf of the local government community, also agreed to its establishment and has followed its activities ever since it was established.

Some of the snide remarks from some members opposite have cast considerable doubts on the integrity of members of the Local Government Advisory Commission. There have been slurs on the members, either individually or collectively. I have heard people say, 'Oh well, we know who appoints the Local Government Advisory Commission members.' In saying that, there is a suggestion that the members are not independent and that, in some way, they are the tools of Government. I deny that most categorically and most emphatically. The membership of the commission is comprised of one nominee from the Local Government Association, and I have yet to hear anyone suggest that that body is a tool of the Government. The commission is chaired by a completely independent legal person and, likewise, to suggest that such an eminent individual with such broad experience in local government could be in any way the tool of the State Government is an insult. A public servant from the Department of Local Government is also on the commission, and it is equally insulting to his integrity to suggest that as a member of the LGAC he is in any way a tool of the State Government.

The Hon. Mr Irwin raised the question whether, in his capacity as a member of the commission, that person was free to act independently. I can assure the Hon. Mr Irwin that he is, always has been and always will be. He certainly does not regard his position on the commission as in any way being answerable to me or any Minister of this Government. He behaves in a completely independent and impartial manner. The United Trades and Labor Council also has a nominee on the commission. Likewise, that member is certainly not chosen by the Minister but by the UTLC, which does not accept direction in any sense from the Government as to who it selects for membership on the commission. There have been particularly slanderous attacks on this member of the LGAC. I insist that he, like every other member of the LGAC, has the complete confidence of the Minister and the Government.

The fifth member of the commission is a ministerial nominee. That person alone could be accused of being beholden to the Minister's views. However, I refute that utterly. The current ministerial nominee is, I am sure, well known to the Hon. Mr Irwin, as he is the ex-Chair of the Tatiara District Council and as such is unlikely to share my political views—

The Hon. C.J. Sumner: Who is it?

The Hon. ANNE LEVY: I am not mentioning any names.

The Hon. I. GILFILLAN: Point of order, Mr President.

The PRESIDENT: There is no point of order, as the Minister is not answering interjections.

The Hon. ANNE LEVY: I have never discussed Party politics with any member of the commission in their role as commissioners, nor would I expect to and I am sure they would not expect it, either. I can only repeat that I have complete confidence in the integrity, impartiality and expertise of every member of the LGAC. It is an independent body. It is not possible for me to instruct it to undertake any course of action, and I would not propose to do so.

The commission dealt with the three proposals before it relating to the Blackwood Hills area in exactly the same way that it dealt with each of the 34 preceding proposals for local government boundary change in South Australia. It dealt with it according to the law and followed the procedures which it followed on 34 previous occasions. It came to its conclusions which it presented to me, as Minister, and I accepted those recommendations, as did all previous Ministers in the 34 preceding cases. I took the matter to Cabinet, which in turn accepted the recommendations of the independent commission just as it had done in the 34 preceding cases. I acted according to precedent and according to the law. Is the Hon. Mr Irwin suggesting that I should have rejected the commission's recommendations? This would be an action totally without precedent, an action which would have allowed political influence to override the independent commission's considered view, an action which would have undermined the commission, which would have insulted local government, and which would have completely undermined the value of our independent commission in determining local government boundaries.

To suggest that my actions have in some way undermined the commission is ridiculous. Had I followed the action that the Opposition seems to be suggesting and gone against the commission's recommendations, I most certainly would have been undermining the integrity of the commission and would have destroyed local government's faith in it. I can assure honourable members the Government takes the independence of the commission very seriously; in contrast, apparently, to the view taken by members opposite who are quite prepared to go against the recommendations of the commission and allow Party politics to intrude again into local government boundary decisions.

The commission was established, as I said, to deal with local government boundary proposals which, I stress, come from local government. There is no Government grand plan for council boundaries; contrary to what the Hon. Mr Irwin stated. As Minister of Local Government, my responsibility is to see that there is in existence an efficient method for changing local government boundaries when it is appropriate to do so because no-one can take it that existing local government boundaries are for ever immutable. There must be a system which permits change when it is appropriate. My responsibility is to ensure that there is an efficient means of changing local government boundaries, but it is not my responsibility to determine those boundaries.

Boundary changes are for the benefit of local government and should be local government driven and local government organised. This is why we have the independent system which I have outlined. Certainly, the commission is the expert body which deals, at considerable length and with thoroughness, with the very complex range of issues which are involved in council boundaries. It listens to councils and it listens to electors of councils. Was I to overturn its expert, independent and carefully formed opinion at the stroke of a political pen? On what possible basis could I have done so without intruding Party politics?

The Hon. J.C. Irwin: Mr Bannon must not have told it.

The Hon. ANNE LEVY: Told it what?

The Hon. J.C. Irwin: That it had made the wrong decision.

The Hon. ANNE LEVY: This is another example of someone who refuses to listen to what is stated in this Council. The letter that the Premier and I sent to the Local Government Commission has been tabled in this Council. No-one has the excuse of misquoting it and twisting its meaning to suit their purposes. If they care to look at the tabled document, they will see that that is not what the letter stated at all. The letter which the Premier and I sent to the LGAC asked it to consider the fresh proposal as speedily as possible within the constraints of the law in order to satisfy the people in Mitcham who wanted a reconsideration of the matter and a speedy decision.

The Hon. J.C. Irwin: You said it hadn't done its work.

The Hon. ANNE LEVY: This is unbelievable. The honourable member keeps stating that we said something in the letter which is just not there. It has been tabled in this Council. It contains no suggestion that the Premier and I indicated that the commission had done a wrong job or had

not done its job properly. Any attempt to read that into it is totally eroneous.

I hardly need to go through the history of the whole saga, but I will just remind Opposition members, since they seem incapable of hearing what is said in this place. Following the proclamation of the City of Flinders, which was in accordance with the recommendations of the commission, there certainly arose a considerable ground swell of concern in the Blackwood and Belair areas, and a large number of people in those areas questioned the wisdom of establishing a new council. They made it quite clear that it was not the form of local government which they wished. They called on the Government to prevent Flinders coming into effect. Many people in the area claimed that they had not had an opportunity to state their views. The fact that there had been a period of 18 months during which time they could have expressed their views seemed to have escaped their attention. I am certainly happy to accept that, although they had the opportunity to express their views, many of them may well have been unaware that the opportunity existed and certainly had not taken advantage of it. They did not make their views known before the advisory commission reported; only afterwards.

I took the correct action, which was to listen to the concerns which were being expressed. I realised that, unless the matter could be resolved in some way, the new City of Flinders was likely to become totally unworkable if there was very concerted opposition to its existence. The most appropriate means by which remedial action could be taken was to refer the matter back to the commission for further consideration.

I am happy to call it a technicality of putting a further proposal to the commission, but the Hon. Mr Irwin seems to object to this procedure having been undertaken as a means of enabling the commission to have a further look at the question and to ensure that the views of residents can be heard. I am not sure what the Hon. Mr Irwin would have wished to happen. He objects to what we call a legal technicality. If he had not been prepared to employ such a device, I am not sure what he would have expected the Government to do. Certainly, in response to our request (and request only, I emphasise) the commission is looking at the new proposal as speedily as possible within the constraints of the law.

Under the current law it must advertise the calling of submissions for one month. This it has done. The time for submissions closed on Friday last. The commission has called for public hearings on 4 October. It has been having discussions with some of the interested groups in the matter on how the proceedings can best be expedited. I have no doubt that the commission will determine its views on the new proposal as speedily as it can whilst still acting responsibly. I reject any suggestion that it is acting other than completely responsibly in this matter.

The Hon. Mr Cameron quoted some member of the Poll for Justice Committee or the Save Mitcham Committee, who apparently told him that the commission would reach a decision within a fortnight and that the Premier and I had said so. I do not know who is dreaming. Neither the Premier nor I said that to anybody. It is impossible for the commission to reach a decision in a fortnight, as it has a statutory obligation to advertise for at least a month. We pointed out to the people of Mitcham who came to see us that statutory time limits had to be observed and that neither we nor, I hope, anyone else in this place would suggest that the commission should act other than according to the law.

I have certainly acted in accordance with the law and in accordance with precedent. I have acted to keep Party politics out of local government boundary decisions to ensure that the commission makes the decisions in these matters. There is no guarantee what the decision of the commission or panel that is hearing the new Mitcham proposals will be, and that is accepted by the Mitcham council. The material that has been widely distributed within the Mitcham council area from the Mitcham council makes very clear that it does not take as a *fait accompli* that the commission will recommend the abolition of the proposed City of Flinders. Mitcham council itself says that it is an open question, and it is urging residents of Mitcham to add their voice to the commission to persuade it to accept the proposal that I have put before it.

For anyone to say that it is a foregone conclusion because we have told the commission what to do is utter nonsense. I suggest that members opposite who say that should talk to the Mitcham council, which obviously does not hold with that point of view and is well aware of the current situation. One other matter raised by members opposite (and I quote from the Hon. Mr Irwin) was as follows:

> The Mayor of Unley and Mitcham council workers knew the results of the proposal months before Mitcham council was told.

I cannot imagine where this flight of fancy comes from. The Local Government Advisory Commission does not make its recommendations known to anyone before reporting to the Government. There is no suggestion that it informed anybody of what its recommendations would be. There may have been good guesses on the part of some people, but anyone can make guesses without information. I suggest that many members opposite are doing that a great deal of the time.

To further suggest that the Mitcham council workers were not guaranteed jobs, as were the council workers at Happy Valley, is utter nonsense. People who perpetrate such nonsense are despicable. It has always been made very clear in any council boundary changes (and we have had many of them since the commission came into existence) that not one council worker will lose their job or suffer any disadvantage. The commission this time made exactly the same promises as it has made on all previous occasions of council boundary changes. This was no exception. There was no suggestion of any disadvantage to any worker of any council involved in amalgamation. It is utterly irresponsible to suggest that that occurred in this case.

A great deal more could be said about the matter. I mention briefly that I have set up a review committee to look at the procedures adopted by the commission before it comes to its decision on local government boundaries. I stress again—as I stressed in making a statement to the Council—that this does not imply a criticism of the commission for the procedures it has adopted to date. It has followed exactly the same procedures on 35 different occasions. On 34 of those occasions no problems resulted. It is apparent that on the thirty-fifth occasion many people who wished to state their views felt they had been denied an opportunity to so do. It is noteworthy that this is the first of the 35 proposals that relates to a metropolitan council. All the previous proposals and recommendations of the commission have referred to country and rural councils.

I can well imagine that in rural communities the spread of information, by word of mouth or by reading the local newspapers, is much more thorough than it is in metropolitan areas. For this reason the procedures followed by the commission may be perfectly adequate for rural areas but less so for metropolitan areas. I am not saying that that is necessarily the case but I am suggesting that it is a possible

reason why the same procedures of consultation did not apparently satisfy people in this first metropolitan case, compared to the previous 34 rural cases.

It is for that reason I have set up a review committee to look at the procedures which are followed by the commission. This expert committee, with strong representation from local government, will report to me and it is free to suggest changes in procedures or to legislation regarding the procedures of the Local Government Advisory Commission. I await the committee's report with great interest. Until it is received, as a considered view from people with great expertise in local government matters, I think it would be foolish to persist with the sort of legislation the Hon. Mr Cameron has brought into this place, which presupposes a particular result of the review committee. Further, the honourable member has put forward this proposal without any consultation with local government. Members opposite have said that we do not respect local government; however, we are the people who consult with local government, who ensure the independence and integrity of the Local Government Advisory Commission, and who do our utmost to keep Party politics out of local government boundary changes. It is the members opposite who rush in without consultation with local government and who bring Party politics into it, and who certainly do not even try to find out the views of local government, before rushing in and trying to change the procedures and undermining and criticising the independent and autonomous commission.

A great deal could be said on this topic, but it seems to me that if members opposite are not prepared to listen to facts there is not much point in repeating them. There are none so deaf as those who do not wish to hear. It is obvious that members opposite have not taken any notice of the ministerial statement that I made in the Council. They keep repeating what is obviously falsehood—

The Hon. Peter Dunn: What's that?

The Hon. ANNE LEVY: The honourable member asks: what falsehood is being repeated? I have detailed in the last 10 minutes at least five falsehoods that have been repeated in this place. The Hon. Mr Dunn has obviously not been listening this time any more than he has listened on previous occasions.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: There is very little point in discussing—

The Hon. Peter Dunn: You can't give me one example; you just proved it.

The PRESIDENT: Order!

The Hon. ANNE LEVY: I suggest that the honourable member read *Hansard* tomorrow, where he will see that I have given numerous examples.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: It is absurd to suggest that I could have acted in any way other than in the way I acted, if I was to keep Party politics out of local government boundary changes and if the independence, autonomy and respect of the entire local government community for the Local Government Advisory Commission was to be maintained. It is extremely important that the integrity and autonomy of this key independent body be maintained and respected. I think the path being followed by members opposite is designed to undermine the commission, and for cheap political purposes. I oppose the motion.

The Hon. J.C. IRWIN: I thank members from both sides for their contributions to this debate. Some members, who have served longer than I, believe that it is one of the longest censure motions they can remember. It has been on the Notice Paper now for seven weeks. Admittedly, not all those weeks were sitting weeks, but at least three opportunities have been available for a reply to be given.

The Hon. Anne Levy: We were waiting for the Hon. Mr Gilfillan.

The Hon. J.C. IRWIN: You do not have to wait for the Hon. Mr Gilfillan. If the Minister wanted to defend her honour and to repudiate what we said in the censure motion, I would have thought that she would have done so the next day. She does not have to hear from Mr Gilfillan. With respect to my colleague and friend, Mr Gilfillan, I do not think that he added much to the debate.

Members interjecting:

The PRESIDENT: Order! There is too much noise. The Hon. Mr Irwin has the floor.

The Hon. J.C. IRWIN: It would probably be simple to ask, after that contribution from the Minister which failed to provide satisfactory answers to aspects of the censure motion, with all her meanderings in an attempt to explain her actions and those of the Government, why did she not insist that the proclamation simply stand? She has changed the rules straight away. Whether 34, 35 or 36 reports were provided by the commission, this is a different situation as was the Henley and Grange matter, so—

The Hon. R.R. Roberts: It's new.

The Hon. J.C. IRWIN: It is not new: we have repeatedly asked about Henley and Grange. If the Minister stuck to what she was saying, and believed what she said to us tonight, she would have allowed the proclamation to stand and would have withstood the pressure from any member of the Opposition or anyone else. It is as simple as that. Her actions and those of the Government have damaged the commission more than has anyone else. The actions of the Opposition, the member for Mitcham or the member for Davenport have not damaged the commission. They have simply followed and reacted to the actions of the Minister. If the Council requires further proof of that, members should look at the decision relating to Naracoorte. I will quote the Premier's letter later, but the volumes of evidence disclosed that the commission refused an amalgamation with the Corporation and the District Council of Naracoorte, because it could see that divisions would occur if such a move was allowed to take place.

Surely the commission, with that sort of experience, could make exactly the same sort of judgment from the volumes of evidence presented in the Mitcham debate, but it did not do that. The Minister has said repeatedly that the commission is quite competent to look at the material before it and to make a decision. It made a decision, but she has now started to change the decision-making process.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Cameron will come to order. The Hon. Mr Irwin.

The Hon. J.C. IRWIN: When I first spoke to the censure motion seven weeks ago, the Minister alleged that I was involved in the decision made by this Council in 1984 when the commission was set up. She made the same allegation tonight, but it is absolute nonsense. If the Minister can recall when the last election was held, it was in December 1985, and I was not in this Council at that time. I do not dissociate myself from what my colleagues did in relation to that legislation.

The Hon. Anne Levy: Then you agree with it?

The Hon. J.C. IRWIN: I was not in this Council: I am just putting the record straight for the Minister. She has had seven weeks in which to investigate it. I replied to her

by way of interjection when she first made the allegation and I will continue to say it. I was not here in 1984: I did not sit in this place until February 1986.

As I said in the censure motion, I worked under the old Act and at the beginning of the new Act in the Keith severance issue which took place around 1984-85, so I have some familiarity with both Acts. A total of 96 per cent of the population of Keith, plus the council itself—and that is reasonably strong—supported severance.

The Hon. M.B. Cameron: And you sought their views?

The Hon. J.C. IRWIN: Of course we sought their views. As I said, 96 per cent signed the petition. They had to read a 40-page document before they could sign it. That is how strong it was. They had to know what they were signing. We had to get it right. Over and over again we were sent back to get it right on the advice of the Department of Local Government. As I said in the censure motion, that did not happen with former Minister Barbara Wiese. Her department did not get it right in relation to advice going to Mitcham or the Mitcham Hills people. Because of a technicality, she put it forward as a proposition which started off the whole debate. Again, that was a first and it has been touched on more than once in this debate and in another place.

The Hon. Anne Levy: Without supporting or opposing it.

The Hon. J.C. IRWIN: I am not getting into that argument. I said the Minister started it off and that was a first. There are many firsts.

The Hon. Anne Levy: I didn't.

The Hon. J.C. IRWIN: The present Minister did not but her predecessor did. That Keith severance issue was one of the 35 judgments made by the commission, and I remind the Minister and the Government that those 2 000 people could not march on Adelaide. Even 1 000 people in Adelaide would make no impression on the Government. Certainly the people of Georgetown, who received exactly the same treatment and did not like what was happening to them, cannot vote with their feet, and the Minister more or less touched on that when she spoke a few minutes ago.

Over 90 per cent of the commission's decisions affect rural areas. The Minister also talked about that a minute ago. They just always have to cop decisions that state, 'You will have to follow the commission's advice.' If Mitcham had been commission finding number 3 and not number 35, I put it to the Minister that the sequence of events would have changed long ago, if voting by feet is the new method of polling people in South Australia. There is certainly a new ball game now, and we all know it. The Minister has broken the sequence because she perceives a political and electoral backlash, not only over the Mitcham decision—

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: You won't even answer an interjection or anything I said about Henley and Grange.

The Hon. M.B. Cameron: What has happened to Henley and Grange?

The PRESIDENT: Order! The Hon. Mr Irwin has the floor.

The Hon. J.C. IRWIN: The Minister kept interjecting before and mentioned again tonight about three proposals to the Mitcham commission hearing, and the people affected could have been polled prior to that final proclamation being made by Cabinet and signed by the Governor. There were four proposals. The Mitcham 'stay as it is' was a proposal. Secondly, that Blackwood Hills form a new council; Happy Valley was the Flinders proposal; and Mitcham council take a proportion of Coromandel Valley and Flagstaff Hill. It is a matter of semantics, but there were four proposals with three being official. The *status quo* situation must be taken as a proposal also. The people could have been polled on all four proposals according to the Minister at $36 000 per poll. What a waste of money! Think about it—what a complete waste of money! When there could have been one—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Irwin has the floor.

The Hon. J.C. IRWIN: The Minister could have had one pre-proclamation poll based on the commission's finding, but even that is in question following advice from the commission. An article a few weeks ago in the local paper circulating in the Brighton area referred to Brighton council's decision to hold a poll over a proposed change to its boundaries. It said that the council would ask voters to mark preferences against three proposals on their ballot-paper, or there might be four now. The Brighton council had originally decided on only one proposal for voters to answer, but changed its poll proposal on advice from the Local Government Advisory Commission representative. I do not know who that was. This is what the report said. However, only one proposal would produce a predictable result, making the poll pointless. The Minister was hell-bent on exposing Mitcham to Unley and moving towards her super council concept, whatever she may try to say in this place.

The Hon. Anne Levy: I have said before and I will say again that there is no grand plan.

The PRESIDENT: Order!

The Hon. J.C. IRWIN: I wonder whether Minister Mayes had a finger in that little game, as he has in so many others, including the Burnside council planning proposal.

The Hon. Anne Levy: He is not the Minister of Local Government.

The Hon. J.C. IRWIN: One seems to wonder. I wonder who is Minister of Local Government. I do not see this Minister ever standing up for local government. Planning proposals are not the direct responsibility of the Minister of Local Government, but it is a local government matter. The Minister of Local Government ought to be defending a council which has spent years getting planning proposals approved by the system, only to have another two Ministers having their fingers in the pie. The Minister has been exposed for what she has done as far as Mitcham is concerned, and Minister Lenehan will be exposed for what she has done.

What an incredible array of Cabinet Ministers Mr Bannon presides over! First, the Minister of Local Government tells the world that Flinders is cut and dried, the proposal is gazetted and the Governor has signed the proclamation. We all know what lurching about has happened since then. On 6 December there is an article in the *Advertiser* headed, 'Minister hijacks plans for council'. Part of the article reads:

> By amending a supplementary development plan that took six years to prepare without consulting the council, the council believes the Minister has badly damaged the relationship between local government and the State. Ms Lenehan said yesterday she was not simply a rubber stamp and she now considers the matter closed since the amended SDP had been authorised by the Governor and it had been gazetted.

That is another cut and dried issue so far as Ms Lenehan is concerned. 'I am not a rubber stamp,' she says, 'and you will do what I and Mr Mayes think is best for you.' Is there not a familiar ring about that sort of arrogant attitude in what we are talking about tonight? The matter is closed, it has been authorised and signed by the Governor and gazetted. There has been not one squeak out of this Minister of Local Government in defence of local government, which, after all, is her responsibility.

The former Minister of Local Government and this Minister have been working overtime to find technicalities in the Act. The whole thing started on a technicality and then it went back to the commission on a technicality. Now we have that second technicality, taking the Flinders proposal back to the commission. All four proposals have been reported on by the commission and a proclamation made. No-one other than the Minister—

The Hon. Anne Levy: Only three have been reported on.

The Hon. J.C. IRWIN: No-one other than the Minister is allowed by the Act to take a proposal to the commission until three years have elapsed. That is another first for the Minister, as I said earlier. The Minister keeps saying that she is not interfering with the commission; she keeps saying that it is independent.

The Hon. Anne Levy: Yes, and I will say it again and again and again.

The PRESIDENT: Order! The Hon. Mr Irwin.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. J.C. IRWIN: Briefly, these are some of the things that the Minister said. She said that the formation of the City of Flinders would go ahead despite protests, the proclamation signed by the Governor was final, and under the law the independent commission could not consider another proposal for that area for three years. That is all advice from this Minister. On 3 August, in reply to the Hon. Trevor Griffin, the Minister said, 'I will certainly not be making a submission to the advisory commission on behalf of the Government.' Further, she said, 'The advisory commission is an independent body. I have no power whatsoever to direct the advisory commission.' You have directed—

The Hon. Anne Levy: I have not directed—

The Hon. J.C. IRWIN: You have already directed the advisory commission to think again. That is a direction that only the Minister can make, not the average ordinary person or the councillor. I will read part of the Premier's letter of 16 August, which has been tabled, as the Minister said, in this Council. I am not selectively leaving bits out: I am putting a block in and I hope that it covers everything. The letter states:

> The Government believes local government boundaries should be determined on the basis of careful analysis of all relevant factors. Within that consideration we believe the views of residents are of particular importance and should be accorded significant weight. It is clear that councils can only operate successfully where they enjoy the support of residents and ratepayers.

Is this not the Government clearly telling the Local Government Advisory Commission that it has not properly considered all the evidence presented to it.

The Hon. Anne Levy: No, it did not have all the evidence.

The Hon. J.C. IRWIN: Oh, didn't it?

Members interjecting:

The PRESIDENT: Order!

The Hon. J.C. IRWIN: You would not hold the poll, so it must have had all the evidence before it.

The Hon. Anne Levy: Why should I hold a poll? Mitcham can hold a poll.

The PRESIDENT: Order! The interjections are getting repetitive. The Hon. Mr Irwin.

The Hon. J.C. IRWIN: It did not have a chance to hold a poll.

The Hon. Anne Levy: It had 18 months to hold a poll.

The Hon. J.C. IRWIN: On what?

The Hon. Anne Levy: On any of the three—

The Hon. J.C. IRWIN: The Premier's letter goes on:

> The commission observed in its report concerning proposed amalgamation of the two Naracoorte councils that elector opposition was so strong that it might prevent the proposed new council from operating effectively. On that basis, the commission drew the conclusion that elector opposition was sufficient to outweigh the benefits of the merger. Following the representation made to us, the Government is particularly concerned—

I do not know why they make representations to the Government and not the commission—

> that opposition to the city of Flinders, amongst residents of Blackwood and Belair, is sufficient for the city of Flinders to be unworkable.

The commission had months and months of hearings and it did not come to that decision. Suddenly, the Premier and the Minister can come to a decision virtually overnight. I remind members that this is before there was any poll at Mitcham. The letter continues:

> We have been told that very little support now exists within the area for the new city and that the retention of the current Mitcham council boundaries is strongly favoured.

That is in a letter from the Premier to the commission. It continues:

> Reference is made to various postal surveys conducted by the Mitcham council, to a poll conducted by the *Advertiser*, to two large public rallies and to a petition signed by 20 000 people as evidence of these views.

If anyone wants to read the commission's report and if they listen to what I and others have said, they will know that the commission has rejected every single one of those polls.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.C. IRWIN: The only poll that the Minister has conducted was at rallies, where the people voted with their feet. Further, by appointing Mr McElhinnay, who is the Chairman of the commission, as chair of the committee of review to look at the Local Government Advisory Commission—his own commission—the Minister again interfered with the makeup of the commission, which is looking at the Flinders proposal. By removing the Local Government Advisory Commission appointed chair from his position, the Minister has created a nice little diversion by having some sort of advisory committee set up to look at the local government commission, and it is chaired by the Chairman of the advisory commission. I am not casting any aspertions on the Chairman, but he is now removed from his chairmanship of the commission and he is now chairing something else.

The Hon. Anne Levy: They don't sit simultaneously.

The PRESIDENT: Order!

The Hon. J.C. IRWIN: I thought the Act clearly said that in the absence of the Chairman his deputy could sit in. If the Minister is saying he is here, why is his deputy sitting in?

The Hon. Anne Levy: Because that was their decision.

The PRESIDENT: Order! The Hon. Mr Irwin.

The Hon. Anne Levy: That has to be part of the reconsideration of Mitcham.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

The Hon. J.C. IRWIN: I say again that the Premier said, 'We have been told that very little support now exists within the area for the new city.' Who told you that, and how was that advice contained? I do not just want to hear interjections across the floor. The Minister has had seven weeks to work out how all this was obtained and get it into *Hansard* so we can look at it. The Commissioner had already rejected as biased all surveys by the Commission and must also reject *Advertiser* polls, rallies and petitions as biased. They cannot be anything else.

What an awful mess this Minister has created! The person referred to by the Hon. Mr Cameron was John Halbert, once a Magarey Medallist and once the coach of Sturt, a person held in the highest regard by everyone who knows

him. I do not know him all that well, although I did play football against him years and years ago.

The Hon. R.R. Roberts interjecting:

The Hon. J.C. IRWIN: The honourable member can say what he likes about Mr Halbert, but I take him as being a person of the very highest repute. He told the third rally on the steps of Parliament House in the presence of the Deputy Minister of Local Government (Hon. Terry Roberts) that he was angry. He went through some facts following his meeting—

Members interjecting:

The PRESIDENT: Order! There are far too many interjection. Everyone has had a fair go in the debate. I ask members to hear the Hon. Mr Irwin in the silence the debate deserves.

The Hon. J.C. IRWIN: Mr Halbert very clearly went through some facts following the meeting, as he was one of the representatives of the Mitcham residents. I made a particular point of listening over and over again on the phone to a tape of what he said to make sure that I had it right. As the Minister knows, Mr Halbert was a member of a small deputation which met with the Minister and the Premier on 9 August, I believe it was. The Premier gave an undertaking that the Flinders decision would be reviewed immediately. He said to the meeting—and this is what Mr Halbert said to the crowd—that in two weeks it would be finalised; it would be fast tracked.

The Hon. Anne Levy: We did not say that.

An honourable member: You did; it was reported in the paper.

The Hon. Anne Levy: That makes it right, does it?

The PRESIDENT: Order!

The Hon. J.C. IRWIN: I have enough respect for the position of a Minister of the Crown to take her word on what was said at that meeting at this point, but I must also say that people like Mr Halbert and others who were there (perhaps other than the mayor, if the mayor was there) do not have much experience with local government or with Acts of Parliament. They would go on an impression as accurate as possible of what was said at that meeting. In the *Advertiser* of 17 August, eight days after that meeting, the Minister is quoted as saying:

> We requested a speedy resolution but we always knew it would be at the end of September at the earliest.

I am simply saying that that is not the impression that was left with the lay people at that meeting with the Minister and the Premier. As far as I am concerned, it is unlikely that the statement was made that it would be the end of September, with all the ramifications of a month's notice and whatever has to take place. It is unlikely that the end of September was mentioned as the time when the commission might be sitting again.

The Minister has a whole department behind her to advise her and the Premier on matters of local government, yet she and the Premier cannot come clean with the Mitcham group. Tonight she has indicated to me that it was certainly stated clearly that it would be up to the end of September before anything was done. That is hardly what I think of as fast tracked and finalised quickly. Further, we read an extraordinary article in the *Advertiser* of 15 September which stated:

> A new look commission appointed to decide the future of Mitcham council boundaries.

Then it says that Mitcham and Happy Valley will meet the commission to decide whether the Mitcham inquiry should proceed now or be delayed pending the outcome of an investigation of the commission's procedures. I might add that this is in direct contrast to the ministerial statement which expressly excluded the possibility of that.

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: It is pretty clear to me that it expressly excluded the Flinders/Mitcham debate as part of the proceedings to be reviewed, in direct contrast to the comment in the ministerial statement. It is reported that Mr Starr, Happy Valley Mayor, met the Premier and the Minister privately. With respect, Minister, I think that that is a dangerous and silly thing to have done in all the circumstances surrounding this debate. The Premier reportedly made it clear to Mr Starr that the Government would not argue that the Flinders decision should be reviewed. That stretches the Premier's credibility to the limit, because I have just read the letter of 16 August from the Premier to the commission, and I intend to quote it a little further.

The Hon. Anne Levy: We met the Mayor of Mitcham, so why should we not meet the mayor of Happy Valley?

The PRESIDENT: Order! There are too many interjections.

The Hon. J.C. IRWIN: In the present circumstances, I am saying that it was silly to do that. I would like to raise a few points that were not properly addressed. First, I refer to the technicality used to start the commission. Originally, we know that the petition was illegal, and we think the department would have been embarrassed to have that knocked back by the commission as not being proper. The Minister's predecessor was the first Minister to initiate a process to the commission, and the present Minister is now the second Minister provided with a referral back to the commission.

Ministerial polls prior to proclamation are a far better provision than a council poll, and I was surprised by the contribution tonight of the Hon. Carolyn Pickles, who referred to the indicative poll which could have been called by the Minister. Either she has bad advice or does not understand the Act. Section 29 (1) provides:

> The Minister may direct that a proposal for the making of a proclamation under this part be submitted to a poll of those who are directly affected by the proposal.

The section then goes on with other ways to conduct the poll. In other words, once the advice is received from the commission, the public and the Minister certainly know what the commission has decided, and the matter can go to a poll. Then the Minister or the Government can make a decision on what the commissioners and the polls advised.

I do not see anything there which directs that every decision has to be made following exactly the same course, nor does the Minister know, that the commission's decision must be followed to the bitter end. Otherwise, as I said at the beginning, why does the Government not proclaim Flinders and leave it proclaimed, A council poll—the other one held by Mitcham—is not as good and can be open to question, as it has already been, and I have alluded to that.

The council sets the questions. No material is necessarily published. The Electoral Commission conducts the poll. A single question council poll is already under question from recent Local Government Commission advice. The Minister did not make any attempt to tell me about the declarations of interest when members of her department are commissioners or secretaries to commissions or when there are other close ties with the department and the Minister. Along with many other people, I would like to know whether there are any areas of conflict of interest.

This motion censures the Bannon Government and the Minister for their inept handling of the Mitcham debate—of the whole saga—from go to whoa. No-one in this Council or outside it has denied or can deny that. There can be no doubt about the Premier's and the Minister's undemocratic handling of this whole saga. The performance of the Government and the Minister has undermined the democratic

process, and I have given numerous examples of that both this evening and previously.

I remind the Minister and members that the definition of a 'democracy' is a Government in which the supreme power is held by the people. We will not forget the Minister's rush to proclaim the commission's decision, then having to rethink it.

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: The people's perception of what is fair has taken a battering.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.C. IRWIN: The Hon. Mr Gilfillan picked up that point tonight. He is not the only one; others have also mentioned it. One only has to listen to the messages coming from the rallies and to note the other examples I have given to realise that ordinary people—council workers, etc.—of all political persuasions regard what is going on now as unfair because they had no great part in it. We will accept the Democrats' amendment. No-one has any valid reason not to support this motion.

Amendment carried.

The Council divided on the motion as amended:

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

Noes (8)—The Hons T. Crothers, M.S. Feleppa, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner and G. Weatherill.

Pair—Aye—The Hon. J.C. Burdett. No—The Hon. Barbara Wiese.

Majority of 3 for the Ayes.

Motion thus carried.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 August. Page 526.)

The Hon. C.J. SUMNER (Attorney-General): At this stage the Government opposes the current form of this Bill and the complementary Referendum (Electoral Redistribution) Bill for a number of reasons. First, important changes to the Constitution should not be rushed. Sufficient time should be allowed for all options to be developed and considered outside the politically charged atmosphere of an election environment. Secondly, the Bill to amend the Constitution Act is technically flawed in that it cannot achieve what the Hon. Mr Griffin claims in his second reading contribution to be his intention. Thirdly, the proposal included in the Bill to allow political or voting intention considerations to effect electoral redistribution is a departure from the apolitical basis of electoral redistribution procedures enshrined in our Constitution.

When the Opposition first mooted changes to the Constitution with respect to the frequency of electoral redistribution and a referendum to coincide with the State election, the Government undertook to consider the proposal but expressed the view that it may not be appropriate to pursue fundamental change to our framework of democracy in the context of the political heat of an election campaign. This concern of the Government has prevailed. The Government has adopted the view that these matters should be dealt with after the election when all options can be considered dispassionately and as objectively as possible.

If a referendum on constitutional change were conducted in an election environment, we would face an unacceptable risk of the issues becoming muddied by unrelated political considerations, as has been the experience federally, particularly with the referendum proposals put up in conjunction with the 1984 Federal election. Furthermore, it is appropriate that all options for addressing these matters be considered and sufficient time allowed for public debate. If adopted, the Bill before the Council would effectively close off the development and consideration of other options. The adoption of this Bill would gag the discussions of alternative options and restrict community debate on them. I will return to the question of other options for dealing with this matter later.

The Government has acknowledged that a number of matters need to be addressed with respect to electoral redistributions. First, under the existing provisions of the Constitution Act dealing with the frequency of electoral redistribution and owing to changes in the length of the term of a Parliament, an electoral redistribution would not be due until after the 1993 election, that is, three elections would be held on the redistributed boundaries. The original intention in 1975, when the relevant provisions were entrenched in the South Australian Constitution Act, was that in normal circumstances three elections would be held on boundaries following a redistribution, that is, with three-year terms—in, for example, 1985, 1988 and 1991—giving a period of six years between the first election and the last election under the new boundaries.

It is worth noting that almost certainly even over that period some seats would be above or below the 10 per cent permissible tolerance, that is, over and above the quota. I will refer to some figures on that later. With the extension of terms of Parliament to four years the situation remains in that in normal circumstances three elections would be held following any redistribution of boundaries—for example, 1985, 1989 and 1993—involving a period of eight years between the first election on the new boundaries and the last election. So, six years under the three-year term situation, compared with eight years under the four-term position. The problem is that the risk of more seats being out of kilter after an eight-year period is greater than after a six-year period.

However, at present the original intention of three elections on any redistributed boundaries still remains, despite the increase in the term of Parliament, but because of the increase in the time between redistributions from, in effect, six years to eight years, the chances of the seats getting out of kilter has been increased. That is due to demographic changes since the last redistribution; the number of electors in certain House of Assembly electorates deviates from the quota of electors by in excess of the tolerance allowed when the boundaries were determined. As I have already said, this will occur to some extent over the life of any redistribution.

Indeed, it is worth noting in the light of some of the assertions made by members opposite that at the time of the 1982 election, in October, when the election was called, in fact 16 seats were out of kilter—10 seats were under the 10 per cent permissible tolerance and six seats were over. In the case of the seat of Newland, the percentage over quota was 32.4, while in the case of the seat of Mawson it was 34.9 per cent over quota. When the Electoral Boundaries Commission started work on redistribution in 1983, the number of seats out of kilter had increased to 18. The over-quota figures in relation to the two seats I have mentioned had increased to 35 per cent in Newland and 37 per cent in Mawson. So, unless there is a redistribution after every

election, in all probability over the period between redistribution, seats will get out of kilter. I suggest that it is not practical, nor indeed desirable, to have a redistribution after every election.

I mention that matter in response to the accusations made by members opposite that many seats are out of kilter and that, therefore, there is something improper in the electoral redistribution process. Clearly, there is not, and in the system of redistributions we have, over time seats will always get out of kilter.

The Hon. L.H. Davis: So you think 13 years is okay, do you?

The Hon. C.J. SUMNER: It is eight years between the date on which an election on new distributed boundaries is held and the third election on those boundaries under the current situation with four year terms. That is a period of eight years.

The Hon. L.H. Davis: 1975 to 1988 is 13 years.

The Hon. C.J. SUMNER: If the honourable member had been listening—

The Hon. L.H. Davis: I'm talking about the period between the election on the new boundaries and the election after the redistribution.

The Hon. C.J. SUMNER: The period is eight years from the first election on the new boundaries to the third election on the new boundaries. That is the fact and members opposite have attempted to exaggerate the situation by taking it from the time of a new redistribution to the last election on which—

The Hon. L.H. Davis: You've got it absolutely wrong. We're talking about the 1985 election which followed the 1983 redistribution, and the next redistribution won't take place until after the 1993 or 1994 election.

The Hon. C.J. SUMNER: Had the honourable member listened to what I said, he should have clearly noted that, in the case of the three-year terms of Parliament, the elections would be held, for example, in 1985, 1988 and 1991. That is a period of six years between the first election on the new boundaries and the last. In the case of a four-year term, for example, the elections would be held in 1985, 1989 and 1993, which is a period of eight years from the first election to the last election on the new boundaries. The situation can be exaggerated by taking it back four years before that and extending it another four years, which is what members opposite have done to suit their particular purposes. All I am saying is that it has gone from a six-year period to eight years: that is clear and there can be no mistake.

However, when considering the timing of any constitutional changes to deal with the problems that I have identified, it should be acknowledged that the existing boundaries are constitutionally valid and were set by an independent commission which reports neither to the Government nor to Parliament. Even under the proposed changes provided in this Bill, the next election would be conducted under the existing boundaries. It should be noted that this would be only the second election on the existing boundaries.

These matters can be dealt with after the election and well in time for the following general election, which is not due probably until late 1993. Also in relation to timing, it is more than a little ironical to note that the Opposition, which brought this matter forward for urgent resolution, was instrumental in defeating the 1988 Federal referendum proposals that would have addressed the issues once and for all. Included in the Federal referendum was a proposal for a constitutional change guaranteeing fair elections, including regular and frequent electoral redistributions. The adoption of the proposal would have avoided the need for a separate referendum in South Australia, which is now advocated by the Liberal Opposition.

In fact, Liberal Leader John Olsen welcomed the defeat of the Federal referendum and claimed, 'This is a victory for commonsense.' Now the Opposition wants a referendum as a matter of urgency at the South Australian taxpayers' expense.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: In his second reading speech, the Hon. Mr Griffin wrongly claimed that the Federal referendum would not have resulted in an electoral redistribution in South Australia. He said:

> A redistribution under the Federal referendum proposal would have occurred only if more than one-third of the seats was under or over the quota by more than 10 per cent. Only 10 seats out of 47 in South Australia are out of kilter, not a third.

The Hon. Mr Griffin and other members should be aware that the Constitution Alteration Fair Elections Act 1988 which was, amongst other things, the subject of the Federal referendum, provided that an election in a State held more than one year after the commencement of the amendment could be held in electoral divisions provided, first, electoral divisions had been determined by fair distribution as defined made after the commencement of the Act and not more than seven years before the election and, secondly, the number of electors in more than one-third of the State's electoral divisions does not exceed the permitted 10 per cent tolerance. To comply with the Federal legislation, had the proposal been approved at a referendum, all three conditions would need to have been satisfied. Contrary to the Hon. Mr Griffin's claim, it would not have been sufficient to have more than two-thirds of the State electorates in kilter to avoid the requirement of a redistribution.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Well, the honourable member could have voted for the Federal referendum and, had he done that, there would have been a redistribution by now and even this election would have been held on the redistributed boundaries, so it would have—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: That would have overcome the problems that members opposite now identify. I merely—

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: I have already said that. I merely make the point that members opposite had the opportunity last September to vote for a referendum which would have ensured a redistribution. If the State election had been held after 1 October 1989—that is, assuming a notional date for the operation of the Act approved by the referendum of 1 October 1988—12 months after the date of the operation of the Federal law, the election would have had to be held on new boundaries. The only way that the Government could have avoided having an election on redistributed boundaries would have been to have the election before 1 October 1989.

So, the Hon. Mr Griffin was quite wrong in saying that there would not have been a requirement for a redistribution, even if the Federal referendum had passed. There would have been a requirement because there was a 12-month cut-off period from the time the referendum legislation was assented to, and that 12-month cut-off period would have been 1 October 1989. Unless the election was held before that time, there would have had to be a redistribution. Following the Federal referendum, the Government would have had to decide whether it was to have an election before 1 October 1989. If it had not decided to do

that, it would have had to put in motion an electoral redistribution in this State. The Hon. Mr Griffin's assertion was wrong. The Hon. Mr Davis interjected and asked whether I support the Federal constitutional change in this area. I did, I clearly do and I believe that it—

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: In this area I prefer national Australia-wide legislation, and I make no bones about it. I voted for the referendum. Had we done that, we would not have the problems that we have in Queensland. They would have had to have a redistribution and we might have got an election in Queensland on fair electoral boundaries at last. The reality is that members opposite—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! I call the Hon. Mr Davis to order.

The Hon. C.J. SUMNER: That is not what I said. The honourable member has not listened to what I have said. I have not said that we are not going to do anything about it. I have said that we ought to consider the matter after the coming election for the reasons that I have outlined. I make the point that honourable members opposite could have resolved the matter in September 1988 by voting for the referendum that was put up at that time. They did not.

I now turn to another flaw in the Hon. Mr Griffin's reasons. In the conclusion of his second reading speech, he said:

> There is a provision in the Constitution Act which requires the referendum to be held not less than two months after the day on which a Bill to amend the Constitution Act is passed by Parliament. I really see no need to have that included and, if there is to be a State election this year, as many people expect, it is important that, if we are going to have a referendum at the time of the election, this minimum time period should be removed.

With respect to the former Attorney-General, he is again mistaken. Section 88 (3) of the Constitution Act, which requires a minimum delay of two months from passage to referendum, is entrenched in the Constitution. In other words, this provision cannot be changed before the conduct of the referendum itself. The deletion of the minimum delay can therefore not operate to facilitate the conduct of a general election simultaneously with a referendum, as claimed by the Hon. Mr Griffin. The existing provision will apply.

The honourable member, in his own words, acknowledges that the very provision that he wishes to delete militates strongly against the possibility of a simultaneous election and referendum. The fact that the Hon. Mr Griffin got it wrong simply demonstrates the point that insufficient time, thought and public discussion have gone into this proposal.

On the substantive issue of whether the two months delay should be deleted, there is room for difference of opinion. However, the Government would be reluctant to support a move to delete the requirement altogether, as is provided in this Bill. The delay serves the useful purpose of allowing proponents and opponents of any referendum proposal to put their case to the public. This in itself facilitates informed voting and eliminates the possibility of future Governments with majorities in both Houses or the acquiescence of opposition Parties slipping through constitutional changes with insufficient time for public debate.

I turn now to the introduction of political or voting intention considerations for the process of electoral redistribution. This raises serious questions about the motives of the Opposition in raising constitutional change at this time.

In 1975 the Dunstan Labor Government put in place the current procedures for determining electoral boundaries. These procedures are embodied in the Constitution and cannot be amended without the approval of a majority of the electors of the State at a referendum. The Dunstan electoral reforms of 1975 put the matter of electoral boundaries beyond the Government and, indeed, Parliament. The Electoral Districts Boundaries Commission reports neither to Government nor to Parliament. The commission's decisions are delivered by way of an order published in the *Gazette* and are subject to appeal only before the full court of the Supreme Court.

The Hon. Mr Griffin acknowledges in his second reading speech that the mechanisms for electoral redistribution are fair and independent. The Bill, however, seeks to add a further matter that the Electoral Commissioner shall have regard to in electoral redistribution, namely:

> The desirability of a political Party or group gaining 50 per cent plus one of the two-Party preferred vote at a general election of members of the House of Assembly at which the proposed electoral redistribution would apply should have a reasonable prospect of forming a Government.

The Government considers that the inclusion of such a political criterion in the process of electoral redistribution is, in theory, undesirable and, in practice, unachievable. It should also be stated, that if such a proposal were accepted, there would be significant problems of interpretation and application.

Before dealing with the undesirability of the proposal and its practical difficulties, it is important to debunk the justification offered by the Liberal Opposition for the inclusion of this political or voting intention criterion. The Hon. Mr Griffin claims that the redistribution, although conducted fairly and independently, may nevertheless not be 'politically fair'. The honourable member quoted certain figures which purported to demonstrate that the electoral system penalises the Liberal Party. This is a hackneyed and hollow claim that has been perpetrated since the late 1960s and through the 1970s and 1980s by the Liberal Party, including, of course, a former member of this place, Mr Ren DeGaris. In fact, at the time the 1975 Dunstan electoral reforms were debated in another place, the then Leader of the Opposition (Hon. David Tonkin) and his Deputy (Hon. Roger Goldsworthy) claimed that the Liberal Party was suffering under a system that was politically unfair and yet, in 1979 that very system of which they complained swept them into office.

Indeed, it is worth noting that in every election since 1977 the Party that has gained over 50 per cent of the vote has formed the Government. That was the situation in 1977, when the Labor Party formed Government; in 1979, when the Liberal Party formed Government, and in 1982 and 1985, when the Labor Party formed Government. Therefore, the practical test of the fairness of the current system is that, in every election held under the present system, the Party gaining more than 50 per cent of the votes has formed the Government. That contrasts starkly with the situation that occurred in this State in the 1950s and 1960s, when on more occasions than not the Party gaining the majority of votes did not form the Government. The Liberal Party, with a minority of votes (that is, fewer than 50 per cent) on a number of occasions, and at a number of elections, formed the Government. Clearly, that system was unfair and led to popular agitation for change. In fact, it led to the 1975 proposals, which are currently in the Constitution Act.

The analysis that has led the Hon. Mr Griffin to say that the current system is weighted against the Liberal Party, is flawed. He certainly cannot show that since 1977 that problem has occurred in the practical operation of the Act, because in every election since then the Party with the majority of the votes in the Lower House has formed the

Government. The Leader of the Opposition claims that he needs to gain 52 per cent of the vote to win Government. That claim was dismissed by the well known political analyst, Dean Jaensch, when, on 2 August, he said on the *7.30 Report*:

> Any statement that a Party needs a certain proportion of the votes to win government is really based on a misapprehension. There is, for example, a feeling that the Liberal Party needs 52 per cent of the votes to win government. That is based on a misapprehension, and that misapprehension is quite simple: it is based on the assumption of a uniform swing.

That never happens. I do not intend to canvass the various theories which underlie the argument and which have been summarised on the one part by the quotation from Dr Jaensch. Suffice to say that if we decide we will maintain a single member constituency system for the House of Assembly—(that is, not go to a system of proportional representation), there will always be the possibility—albeit a remote possibility with an independent system—that a Party with 50 per cent of the vote plus one does not gain Government. However, South Australians have decided on single member constituencies in the Lower House, following the House of Commons Westminster system, and a proportional representation list system in the Upper House, more akin to what exists in Continental democracies. Both voting systems are represented in our legislature. There are advantages to both systems, but it is not appropriate to canvass those now.

All I need to say is that the single member constituency system is in place in the House of Assembly, is accepted by at least both major Parties as being appropriate for the electoral system in the House of Assembly, and that if we have a single member constituency system there is the possibility that a Party with 50 per cent of the vote plus one will not achieve government. There is nothing one can do about that possibility except establish an independent commission to redistribute the boundaries and do what, in fact, has been done with the present electoral redistribution system under the Constitution Act.

In other words, to ensure that that theoretical possibility of the Party with 50 per cent of the vote plus one not gaining Government is minimised, we abolish differential enrolment, or a system of rotten boroughs, whereby there can be 40 000 electors in one seat and 5 000 in another. That was the classic Playford so-called gerrymander or 'Playmander' and is, of course, the situation that exists at present in Queensland where there are rural zones with seats with many fewer electors than those in metropolitan zones.

So, we must do away with the possibility of differential enrolment. We have done that by enshrining in the Constitution equality of electorates with, of course, the permissible tolerance of 10 per cent above or below the quota. By enshrining that in the Constitution, there is no chance of boundaries being drawn which have that rotten borough, differential enrolment effect.

The second thing that must be done to minimise the theoretical possibility of a 50 per cent plus one result for a Party not resulting in Government is to ensure that votes are not deliberately locked up in particular electorates by drawing boundaries in a particular way, that is, the classic gerrymander. The word 'gerrymander' came from Governor Gerry in Massachusetts, because the electoral boundaries looked like a salamander. We ensure that that does not happen by ensuring that there is no rigging of the electoral boundaries, no artificial drawing of the boundaries to lock up blocks of votes, by having a system determined by an independent electoral boundaries commission.

It seems that, given we have a single member constituency system in the Lower House, which determines Government, the system that we have to have to ensure that there are not rotten boroughs or electoral boundaries drawn for political purposes is what we now have in our current Constitution Act and what we have had since 1975.

I now turn to the practical problems of giving effect to such political criterion or voting intentions criterion. The matter has been considered by the Electoral Districts Boundary Commission on two occasions. On both occasions the proposition that the commission consider voting patterns in determining boundaries was not favourably received by the commission, irrespective of the question whether it had the power to consider such matters. In its 1976 report the commission—and I remind members that the 1976 commission was chaired by then Justice Bright, who has had one of the State House of Assembly districts named after him and who was considered a person of considerable authority in this area—considered a submission that the commission, having created a distribution in conformity with the criteria, should look to see if despite the conformity the result looked politically skewed and then make alterations to diminish or eliminate that skewing.

In response to that submission the commission found, at paragraph 19, as follows:

> . . . a change in boundaries in some areas in order to create some more marginal seats in some districts will not necessarily bring about the consequence that the Party with the majority of the total votes cast in the election will have the majority of the seats. We suggest that only if the whole State constituted one district for the House of Assembly, as it does now for the Legislative Council, could this result be assured. And even then there could be argument as to the weight to be given to second and subsequent preferences. Voting patterns will, we think, often reflect communities of interest. We think that we should concentrate on communities of interest and let voting patterns follow as a consequence. We are exceedingly reluctant to engage in speculation as to how electors will vote.

That is what the Hon. Mr Griffin and the Liberal Party's Bill is suggesting, that the Electoral Boundaries Commission should do. The 1976 commission went on:

> We give the following reasons:
>
> The Constitution Act which directs our procedures does not refer to Parties. Even in the case of submissions these are made by individuals.
>
> We are not satisfied, after a full consideration of the evidence presented to us, that there is any reliable method of forecasting how electors will vote next time.
>
> We do not regard electors as ciphers. We believe that many of them change their votes in successive elections. We have no means of knowing why they do so but we accept the possibility that they are influenced by their opinion of a particular representative or candidate, or by their opinion of a Premier or Leader, or by issues unrelated to the performance of the existing representative or Government. In view of the relatively small numbers of electors in each district this volatility in voting can be important and sometimes decisive. Again, how are we to allow for the retirement of a popular representative or for the splitting of his district? We have also to remember that there is always change between elections in actual electors resident in any ballot box area.

They are quite significant changes in some areas. The commission goes on:

> Political science in its role of predicting voting patterns in future elections seems to us, with respect, to involve an interpretation of incomplete statistical data, a series of assumptions as to uncounted preference votes, and a measure of oneiromancy [the study and interpretation of dreams]. We accept the evidence which indicates that it is a somewhat inexact science in its forecasting role.
>
> We think that it is unwise for us to allow our own imperfect predicting capacity to influence our careful application of the mandatory criteria.

The commission, in its 1983 report, chaired by Justice Walters, made it plain that it considered it would be distracted from the proper exercise of its functions and duties

if it were to allow voting patterns to have any place in the drawing of electoral boundaries. In paragraph 15 of its report, the commission found as follows:

> Although it may be said that political voting patterns are capable of reflecting a community of interest, the commission regards it as its duty to reach its conclusion uninfluenced by any existing voting patterns, whatever they may be. The commission has deliberately eschewed voting patterns as matters relevant to its considerations in drawing boundaries. Election results are very unpredictable; there is no reliable way of foretelling what influences or issues will affect electors in exercising their right of franchise. The commission is of opinion that it would be distracted from the proper exercise of its functions and duties if it were to allow voting patterns to have any place in the drawing of electoral boundaries. Thus the commission has been at pains to put aside the question of particular voting patterns; they have had no influence on the commission in its application of the mandatory criteria laid down by section 83. The commission has drawn the boundaries of the proposed electoral districts, allowing voting patterns, with all their unpredictability, to follow in whatever way they may.

To summarise, over the years the commission's view has been as follows. Only by having the State constituted as a single electorate can one assure that the Party with a majority of votes will have the majority of seats.

The Hon. I. Gilfillan: That's a good idea.

The Hon. C.J. SUMNER: The Hon. Mr Gilfillan interjects, 'That's a good idea.' That is another debate. All I am putting to him is that at present in South Australia the majority opinion of both major Parties is that there should be a single-member constituency system in the Lower House. If we were to debate the question of having a single-member electorate system in the House of Assembly, a whole range of other considerations would come into play. That is not the debate we are having at present. For the purposes of argument I have accepted what is clearly obvious—that single-member constituencies in the Lower House are the preferred voting system.

I continue with my summary of the arguments of the Electoral Boundaries Commission. The commission should concentrate on a community of interest and let voting patterns follow. There is no reliable method of forecasting how people will vote. Electors are not merely ciphers, and it is impossible to assess the weight of local or idiosyncratic factors in determining their opinions. Political science is not sufficiently precise to enable voting patterns to be evaluated, interpreted and used to make future predictions.

The consideration of voting patterns would distract the commission from the proper exercise of its functions and duties. The notion that the Party obtaining 50 per cent plus one of the vote should be able to form a Government is obviously desirable. However, this is almost impossible to guarantee in the context of an electoral system based on single-member constituencies and would not be any more guaranteed by the Hon. Mr Griffin's amendment.

There is sufficient reason in the reports of the commission alone for dismissing the proposed inclusion of political or voting pattern criteria in the determination of electoral boundaries. I invite members to have regard to some practical issues that might arise if this criteria were included as one that the commission should take into account. The commission, in its argument against considering voting patterns, referred to the question of a popular retiring member and, I think that that ought to indicate to members the problems with having a criterion that refers to voting patterns or political considerations. How does one calculate for the vote of a particularly popular representative which, under the Hon. Mr Griffin's proposal, would have to be considered by the Electoral Boundaries Commission?

For example, if at the time of the redistribution a number of seats are held by longstanding popular members and the Electoral Boundaries Commission takes account of their popularity and makes an adjustment for this in respect of other seats—that is, compensates for the popularity of some members by drawing boundaries differently or in a certain way—what happens when these members retire? What happens if they decide to retire after the redistribution and before the election? Does that make the redistribution invalid? Should the Electoral Boundaries Commission check with all members of Parliament before it makes its redistribution as to whether or not they will retire?

Assuming the commission, in making a redistribution, took into account the popularity of local members—assuming it could be determined, which is another problem with this approach—and compensated for it, and the local members did not then contest the election, it could produce a result where a Party with less than 50 per cent of the vote gained Government because the Electoral Boundaries Commission had overcompensated for the popularity of local members or made an allowance for something that was no longer there. This example alone indicates the problems in such future predictions, and I am sure that members could think of others.

Indeed, let us look at other circumstances. I refer to local issues. A major environmental issue may have occurred in a certain electorate. How do you allow for that in future voting patterns? What if there is an announced closure of an industrial plant and a possible change in the composition of the population of a particular electorate as a result? How do you allow for that in the determination of voting patterns? I refer also to the popularity of a Leader of a Party. If the Leader is universally popular across the State, that may not be a problem. What happens if the psephological evidence is that the Leader is very popular in the metropolitan area, with a 70 per cent approval rating, but in rural areas has only a 40 per cent approval rating?

What happens if the Electoral Boundaries Commission takes that into account in the 1985 redistribution and in an election held three years later that person, as Leader of the relevant Party, does not go to the polls? Clearly the electoral redistribution would be skewed. Should the Electoral Boundaries Commission take into account socio-economic changes in certain electorates? What about the gentrification of inner suburbs? Should it assess what affect that would have on voting patterns and make allowance for it to readjust somewhere else in the redistribution? Should it take into account the fact that in a particular electorate, as opposed to gentrification, a lot of Housing Trust homes are being built? How does one determine what is happening in a rapidly expanding area like Fisher? Do you try to determine whether the houses are all valued at over $100 000 or whether they are Housing Trust houses and take that into account?

The reason for giving those examples is serious. If this amendment is passed, as the Hon. Mr Griffin desires, with this criteria within it, parties appearing before the Electoral Boundaries Commission will seek to call evidence on these sorts of matters.

How can the Electoral Districts Boundaries Commission be expected to predict voting patterns into the future, given all the factors that people consider when deciding which way to vote? In other words, the commission would be being asked to assess political issues, to weigh up and predict how people would vote in the future, and to draw the electoral boundaries taking those matters into account.

As to the way that the Hon. Mr Griffin has included this clause in his Bill (and I suspect that he is doing it for purely political reasons, to make a political point), there is a way of achieving what he wants, but it is certainly not in the way he has gone about it. For the reasons I have mentioned,

what the honourable member is suggesting that the Electoral Districts Boundaries Commission should do could not in fact be done sensibly, on the basis of any reasonable evidence.

It would be submitted to the commission that it consider all these factors, and probably many others that could be thought of—and I have referred in particular to the matters outlined in the 1976 Electoral Districts Boundaries Commission report. I find those arguments quite compelling, and I would have thought that all members of the Council would find them compelling, given the practical examples of the sorts of things that the Electoral Districts Boundaries Commission might be called upon to decide that I have outlined to the Council this evening.

There is another respect in which the Bill is flawed. Technically, it is flawed, in any event. The criterion relies on the term 'two-Party preferred vote', but no definition of 'two-Party preferred vote' is offered. If the additional criterion were to be included, that term would need to be given a sufficiently definite meaning. It is the Government's view that no functional and definite meaning could be found—for obvious and practical reasons. For example, in determining the two-Party vote, how does one take account of electorates which have returned and which continue to return Independent members or members of minor Parties—even Independent members not related to a minor Party, not Independent Labor or Independent Liberal or National Party? What about a popular local mayor, not related to any political Party?

How would these votes be assessed in trying to come to a two-Party preferred position? There is no definition of what 'two-Party preferred vote' means. Surely if this Bill is to go forward that technical flaw would have to be dealt with. What happens, for example, where one of the major Parties fails to field a candidate in one or more of the electorates? How do we compensate for that? Of course, it would be extraordinarily difficult to do that. We would then be asking the Electoral Districts Boundaries Commission to make a guess in a certain electorate as to what the vote for a Party would need to be in order to get to the two-Party preferred position. I think this simply adds weight to the theoretical arguments that I have put against such a proposition.

I suggest that it is not likely that the political scientists and indeed politicians would agree on a suitable definition of 'two-Party preferred vote'. Ultimately, under the Liberals' proposals such political differences would need to be resolved by the independent commission. That would be an entirely inappropriate situation for an independent commission to find itself in. In effect, it would be being asked by Parliament to directly enter the political arena involving the day-to-day issues that decide which way people will vote—because it would have to make predictions about the factors likely to influence a future election.

In view of the strong misgivings expressed by the commission about this issue, it is difficult to contemplate how any future commission could give effect to such a requirement. Similarly, it is difficult to contemplate how the Supreme Court could deal with appeals based on perceived flaws in the commission's determinations when related to the political fairness criterion. In short, it is undesirable to include legislative directions to the commission to take account of vague political factors not capable of being properly administered, or their execution evaluated. If attempted by the commission, that would undoubtedly lead it to consider live political issues.

In conclusion, the Government does not intend to support the legislation at this stage. While mechanisms for commencing electoral redistribution must be reviewed to take account of the longer parliamentary term, this would be done more appropriately outside an election context when more time would be available to develop and properly consider all available options. The current proposal, if adopted, would eliminate that opportunity and the scope for all but politicians to be involved. After the next election, the Government will publicly canvass options to deal with this issue.

Such options could include altering the size of the House of Assembly, providing additional criteria comparable to the Federal referendum proposal to trigger an electoral redistribution if a certain number of seats fall out of kilter, adopting the suggestions of the Electoral Districts Boundaries Commission to alter the frequency of electoral redistributions in view of the longer parliamentary term, and specific proposals to guarantee a redistribution after every second election. A number of undebated and unexplored options are available to deal with the problem.

If one wants to think laterally about the problems of voting intentions of ensuring with single member constituency system that 50 per cent plus one electors gets the Government, one perhaps could think of the West German system, which involves a single member constituency system, but it is topped up to ensure that that result is achieved. That is a more lateral thinking approach to the problem, but I suggest that it is preferable to the Hon. Mr Griffin's approach which, for the reasons I have outlined, would make the situation of the Electoral Districts Boundaries Commission completely untenable.

The Hon. K.T. Griffin: Would you support the West German system?

The Hon. C.J. SUMNER: I have not given that matter sufficient consideration. I merely mention it as one possible option. It would involve a quite radical change to the voting system that we have had for our lower House in recent history. However, a large number of options is available and, if we are to go down this track, those options should be canvassed properly in public debate.

If the Hon. Mr Griffin wishes to push his voting intentions criterion, it should be the subject of more community debate. That has not been the case to date, because it has been debated only in Parliament. I believe that the sort of problems I have outlined condemn that proposal as being unrealistic, not tenable in theory, and impractical to implement.

The Government accepts that a problem has been created by the extension to four-year terms, although it is not as great a problem as members opposite suggest. We believe that the matter should be investigated after the election and out of the context of the heat of an election campaign. The theory and alternative options can be examined then but, in any event, this Bill should not pass the Council in its present form, because it is flawed. In my view, in its present draft form, it could not be implemented.

The Liberal Party has attempted to make much of the savings that would accrue if a referendum were held simultaneously with the next election. I point out again that all costs would have been avoided if the Liberal Opposition had supported the Federal referendum proposal in 1988. Nonetheless, the Government would consider options for minimising the cost of a referendum to the State by, for example, holding it in conjunction with local government elections where election issues are unlikely to be confused with the referendum.

For those reasons, I oppose the Bill at this stage. I do not believe that the Bill in this form should pass the Parliament at this time. In any event, the drafting has a number of

problems. The best course of action for the Parliament to adopt is to recognise the problem, get the election out of the way and canvass the options over a period of time to enable public consideration and then introduce a Bill to deal with the problem once those options have been properly canvassed.

The Hon. I. GILFILLAN: The Democrats will accept that this Bill move through to the Committee stage and therefore we will support the second reading stage, albeit very heavily qualified. In speaking to the Bill, I indicate it has been a source of great interest to listen to the speech of the Attorney-General and realise what a strong argument there is for a dramatic change from the single member electorate structure of the House of Assembly to a form of proportional representation, of which there are several varieties: that again would be a significant improvement for various reasons.

If we were to go to multi-member electorates with, say, seven members in districts, it would be similar to the Hare-Clarke system in Tasmania. It would have the great advantage of removing the urgency, in fact, the relevance of boundary electorate redistribution because of the cushioning effect of such a system. It virtually becomes irrelevant to make changes to the boundaries of the districts and therefore the perceived inequities of the current system just would not prevail.

The second significant advantage is that it allows for a far more democratic representation in a Parliament by the voters of the State. As the Attorney says, that is probably a different debate but, nonetheless, I do not see how the issues can be separated when we are considering this matter. The reason why it is of such concern, apparently, to the Liberals under the circumstances is that they spend so much time arguing how they are disadvantaged in the current state of affairs. It is a sad indictment on the debate if that is the only motive.

The Hon. C.J. Sumner: They have not been disadvantaged since 1977.

The Hon. I. GILFILLAN: I do not want to be drawn into that argument, but the most effective stimulus to bringing forward this matter is that a Party such as the ALP or the Liberal Party sees itself at a distinct disadvantage and therefore takes the high moral ground that democracy is not being properly implemented and the boundaries should be changed. That is an unfortunate background to our dealing with the issue before us and I believe that the debate would be far more profitable and far more constructive if it were looked at as dispassionately and objectively as possible. On that matter, I believe that the Attorney deserves some credit for the content of his contribution in the second reading debate.

I am not persuaded by the Attorney-General who says that the matter should be dealt with after the election. I consider that the two matters on the Notice Paper, as far as alterations to the Constitution Act regarding the electoral system are concerned—the matter that we are debating now, which is electoral areas redistribution, and the matter that I raised in my legislation regarding fixed four-year terms—require wider discussion than just inside this place. Where there appears to be good reason for it—and in both these cases there is—they could go to a referendum.

The question that we are debating as to whether there should be this alteration so that the redistribution can take place more frequently seems to me to be a consequential move on previous amendments to the Constitution Act for extending parliamentary terms. It is not as complicated an issue as are many of the projects and concepts with which Parliament deals and which would be inappropriate to put directly by way of a simple question, or in this case two simple questions, to the electorate.

I should like to divorce from that the other part of the Bill regarding the 50 per cent plus one factor. Without going at length down that track, I am of the same persuasion as the Attorney-General that it brings into play such complicated and obtuse factors that it would be at risk of doing more damage than good if it were to be a compulsory criterion for the commission to take into account in the terms that the Bill proposes.

Obviously, the consent of the Democrats for this Bill to pass the second reading stage does not mean support for the Bill as drafted. It is my intention to urge the Opposition, particularly if it wishes us to look constructively at a proposal for a referendum to take place concurrently with the next State election, to consider the proposal that I moved earlier, bearing in mind that we are only paying the electorate proper respect in putting questions in the form of a referendum, even if there is some misgiving by Parliament about the way in which the questions should more properly be determined. It is an ultimate step of democracy to say, 'Here is an issue still undecided on which there is a dispute, but we consider it appropriate to put it to the electorate at large.'

I consider the fixed four-year term to be a clear example of that. I believe that this question, which is required to vary the Constitution to allow for more frequent electoral boundary redistribution, fits into the same category. But that would require some amendment to the legislation before us and that is where a constructive Committee stage could be useful. I indicate the Democrats' support for the second reading, strongly qualifying that as enabling the matter to be debated in the Committee stage.

The Hon. K.T. GRIFFIN: I appreciate that the Hon. Mr Gilfillan has indicated the Democrats' support for the second reading to enable the issues raised in my Bill to be further explored in the Committee stage. I acknowledge that there are two aspects to the Bill. One is the question of a redistribution to deal with the issue of electorates presently being outside the 10 per cent variation from quota, and the other is the consideration of criteria in determining the basis for a redistribution. The Attorney-General's contribution was disappointing, because he has argued to put off this issue yet again.

He is suggesting that we should consider dispassionately the question of redistribution away from an election environment, and that we should not rush the issue. I think he is saying that we should not put up to the electors a referendum question requiring them to give consideration whether they will vote 'Yes' or 'No', which he fears might be confused with the broader question of a general election and which Party should form the Government.

However, the disappointment is particularly significant, because the Electoral Districts Boundaries Commission wrote to the Attorney-General, to the Premier, to the Leader of the Opposition, to the President and to the Speaker on 14 July 1987—over two years ago—drawing attention to the particular problem that would be caused by the extension of Parliamentary terms to four years.

Notwithstanding questions that have been raised on several occasions in that two-year period, the Attorney-General has not come up with any constructive contribution to the debate on when redistribution should occur. It is not a question of suggesting that we should now put the issue off yet again until after the election; it is a matter of determining when a redistribution should take place.

The other point that should be made is that during the Estimates Committees questions were asked of the Attorney-General, when the committee was considering the Electoral Department's lines, regarding the cost of a referendum held in conjunction with a general election. The answer to that question was 'Another $500 000'. A question was also asked about the cost involved if a referendum were held separately from a general election, and the figure was $2.8 million. Therefore, we are talking about an additional $2.3 million to have this matter considered at a referendum held away from a general election. That is not responsible.

There has been plenty of opportunity since July 1987 to consider this issue and to put it to the people. The Opposition has introduced this Bill to try to force the issue just prior to the election, whenever it is to be held, because the Government has done nothing about it. It is obvious from the Attorney-General's contribution that he really has no constructive contribution to make on this proposition, which is included in my Bill.

Under the Constitution Act, when there were three-year terms, the Electoral Districts Boundaries Commission order made on 22 September 1983 came into effect in the December 1985 election. In ordinary circumstances, with three-year Parliamentary terms, there would have been another redistribution after the 1991 election, and it would have come into effect for the 1994 election; that is, there would be nine years separating the operative dates of the two redistributions. With four-year parliamentary terms, taking into account that the redistribution came into effect at the 1985 State election, the next redistribution is unlikely to be due until after the 1994 State election, to come into effect in 1998—a period of 14 years. That is five years longer than if there were three-year parliamentary terms.

I perceive the Attorney-General to be suggesting that after this election, if this Bill, or the Bill as amended (I acknowledge that it may not gain majority support as it is presently framed, but it may gain majority support in a modified form) does not come into effect, we would be able to deal with it at a cost of $500 000.

But the Attorney-General is suggesting that the Government will not support it in the other place. So, is he suggesting that after the next election we have a referendum separate from the general election? If we do, we have to remind ourselves that the cost is $2.8 million. Two years after the Electoral Districts Boundaries Commission has first raised this issue, are we likely to get any further consideration of the issue away from the current election atmosphere? I can give a commitment that in Government the Liberal Party will give positive consideration to this problem and that we will take further steps after the election. But, if by some quirk of fate—

An honourable member interjecting:

The Hon. K.T. GRIFFIN: No, we will give positive consideration to it. It may be that it is a referendum at the next election after this one, rather than a separate election where we spend $2.8 million going to the people out of an election environment. That is crazy.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: It is rather curious. The Attorney-General has said that we could have had this, in effect, if we had supported the Federal referendum last year. My only response to that, as I have already said in my second reading speech in introducing the Bill, is that that is not an issue upon which we believed all the other States in Australia ought to tell South Australia what should occur. Let me just turn briefly to this question—

The Hon. C.J. Sumner: You've got it wrong.

The Hon. K.T. GRIFFIN: I haven't got it wrong. I said, in essence, that we did not believe that the other States in Australia ought to be telling us when we should have a redistribution: nor should we be telling other States when they should be having a redistribution.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: Yes, I did.

The Hon. C.J. Sumner: You were wrong on that one.

The Hon. K.T. GRIFFIN: I am not sure that I was wrong on that. I checked the Federal referendum Bill, and it was clear to me that we could not even have had a redistribution if that referendum had been carried. But, it was not carried. And it did not just involve only the Leader of the Opposition in South Australia: right across Australia the referendum proposals were rejected by the people. So, one cannot just put the weights on the South Australian Leader of the Opposition; one has to consider that right round Australia the Federal Government made a major mistake in proposing those referendum issues. It was quite obvious that no State in Australia wanted interference in its own electoral systems by other States and the Territories.

Let me turn briefly to this question of voting intention and the two-Party preferred vote. The Attorney-General is saying that, although in Queensland the argument by the Labor Party has not been against the zonal system but that the Labor Party must get 51.4 per cent of the two-Party preferred vote and the electoral system is therefore crook, in South Australia if a Party has to get 52 per cent of the two-Party preferred vote the electoral system is fair and reasonable.

The Hon. C.J. Sumner: You don't have to.

The Hon. K.T. GRIFFIN: We do.

The Hon. C.J. Sumner: It's garbage.

The Hon. K.T. GRIFFIN: It is not garbage. There are debates on both sides, but Dr Jaensch is the only person in Australia who holds the view to which the Attorney-General referred in respect of the so-called uniform swing. He is the only political scientist who holds that view. He is out of step with every other political scientist in Australia, and it is quite clear from all the others that they acknowledge the validity of the argument which I put.

We need 52 per cent of the two-Party preferred vote to win, and in Queensland the Labor Party is saying, 'We have to get 51.4 per cent of the two-Party preferred vote, so the system is crook.' The Labor Party cannot have it both ways. It is as simple as that.

The Hon. C.J. Sumner: It's not acknowledged that you need 52 per cent.

The Hon. K.T. GRIFFIN: You do not acknowledge that, but reputable political scientists do.

The Hon. C.J. Sumner: Some do, and some don't.

The Hon. K.T. GRIFFIN: Lynch is the only one—

The PRESIDENT: Order! The Hon. Mr Griffin will address the Chair.

The Hon. C.J. Sumner: What has happened at elections since 1977? The Party with 50 per cent plus one has won government.

The PRESIDENT: Order! The Hon. Mr Sumner. The Hon. Mr Griffin has the call.

The Hon. K.T. GRIFFIN: I do not want to prolong the debate at this hour, but it is interesting that the Attorney is now saying that there are many other alternatives to the proposition that I have presented in this Bill in determining which Party should govern. It is interesting that he raises the West German system, which I acknowledge is a fair system and which accommodates the problem with the single member electorate voting system.

The Attorney has not at any stage previously explored either that option or any other option. It is curious that he is doing it just before an election in response to this Bill. Why has he not done it in the past two years since the Electoral Districts Boundaries Commission first raised this problem? He has not done it.

The Hon. C.J. Sumner: You haven't done it, either.

The Hon. K.T. GRIFFIN: We have.

The Hon. C.J. Sumner: You have never canvassed that—

The Hon. K.T. GRIFFIN: I have canvassed it before.

The Hon. C.J. Sumner: It's not in the Bill.

The Hon. K.T. GRIFFIN: It's not in the Bill, because it is not addressing that issue. You raised it. There will be an opportunity in Committee to consider further the ramifications of the Bill. I am pleased that the Australian Democrats have indicated that, for the purpose of continuing that discussion, they are willing to support the second reading.

Bill read a second time.

REFERENDUM (ELECTORAL REDISTRIBUTION) BILL

(Second reading debate adjourned on 9 August. Page 115.)

Bill read a second time.

STATE OPERA OF SOUTH AUSTRALIA ACT AMENDMENT BILL

The Hon. ANNE LEVY (Minister for the Arts) obtained leave and introduced a Bill for an Act to amend the State Opera of South Australia Act 1976. Read a first time.

The Hon. ANNE LEVY: I move:

That this Bill be now read a second time.

In 1987-88 the State Opera Company faced an accumulated deficit of $507 000. As a result of this financial overrun a plan was developed to repay this sum to Treasury over a three year period. The plan is being efficiently implemented through the reduction of overheads and an aggressive sponsorship and marketing program. For the first year of the three, the company has met its repayment target of $100 000 without curtailing the planned number of productions. The company has been able to maintain excellence in production standards. This proposed revision of the opera Act will assist the company to continue this forward thrust.

The principal object of this Bill is to enable the board of the State Opera of South Australia to increase its coverage of expertise. The means to achieve this are to increase the number of members from seven to eight. The need for expansion of the board without altering the size of the quorum is requested for two reasons. First, there is difficulty at times in obtaining a quorum. On occasions, various members have been interstate or overseas in connection with their own professions, or have been required at short notice to attend to urgent matters. A board of eight members, rather than seven, would permit members to meet their own commitments without the board's function being curtailed.

Secondly, a larger pool of expertise is required by the board to meet its responsibilities at the present time and in the future. A board of eight members would provide this more readily. The other object of this Bill is to clarify the area of accountability and responsibility of the board. Provision of clauses indicating that the company be subject to the general control and direction of the Minister, that all board appointments be made by the Governor and that proper accounting records be kept are recommended. Amendments to the regulations covering the election of subscriber representatives to the board are also recommended. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for commencement on a day to be fixed by proclamation.

Clause 3 amends section 4 of the principal Act which sets out definitions of terms used in the Act. The clause removes definitions of 'appointed member' and 'elected member', which are no longer required as a result of subsequent amendments.

Clause 4 amends section 6 of the principal Act which deals with the board of management. The number of members of the board is increased from seven to eight, all of whom are now appointed by the Governor, including the two subscriber members, elected by the subscribers. Provision is made for a member to be the deputy of the member appointed to chair meetings of the board. The members of the board hold office for three years for a maximum of three consecutive terms. In the event of a casual vacancy, the member filling the vacancy holds office for the balance of the term of the member being replaced.

Clause 5 repeals section 11 of the principal Act and substitutes a new provision. This deals with chairing the meetings of the board. In the absence of the member appointed to chair, the deputy will preside over the meeting. In the absence of both, the members will elect one of their number to preside.

Clause 6 repeals section 17 which dealt with the absorption of the original Opera Company into the State Opera. A new provision which makes the board subject to the general control and direction of the Minister has been substituted.

Clause 7 amends section 23 of the principal Act which deals with the keeping of proper accounts. More detailed requirements relating to the collection and expenditure of money and to budget and audit procedures have been set out.

Clause 8 amends section 26 of the principal Act. This requires the Minister to be presented with the budget for the current financial year on or before 31 August each year.

Clause 9 repeals section 28 of the principal Act and substitutes a new provision. The annual report for the preceding financial year must be presented to the Minister on or before 30 September each year.

The schedule makes amendments of a statute law revision nature with a view to the publication of a reprint of the Act. The opportunity has been taken to increase penalties which have not been changed since the enactment of the Act in 1976. The maximum penalty of $500 fixed for an offence against section 16 (1) (declaration of financial interest by a member of the board) is increased to a maximum of a division 7 fine ($2 000). The maximum penalty of $200 fixed for a contravention of or failure to comply with any provision of the regulations (section 31 (2) *(d)*) has been increased to a maximum of a division 9 fine, $500).

The Hon. L.H. DAVIS secured the adjournment of the debate.

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Judicial Administration (Auxiliary Appointments and Powers) Act 1988. Read a first time.

The Hon. C.J. SUMNER: 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

It amends the Judicial Administration (Auxiliary Appointments and Powers) Act 1988. The Bill allows for a judicial officer to hold concurrent appointments to two or more judicial offices. The provision will enable a person to be permanently appointed to two or more judicial offices, for example, the Industrial Court and the District Court. This will provide greater flexibility in the deployment of judicial resources. It provides for a more formal arrangement than is currently provided for in section 5 of the Act. The new provision will be utilised when it is clear that there is a long term need for judicial resources to be shared between jurisdictions.

Clause 4 inserts the new section 6 which expressly provides that a person can hold concurrent appointments to more than one judicial office. Where a person is appointed to more than one judicial office, the Governor must designate one of the judicial offices as the primary judicial office. The remuneration and conditions of service will be the same as for a judicial officer who holds a single appointment to the primary office.

The Bill also inserts a new section 4 subsection (la) to clarify the powers and jurisdiction of a person appointed to a judicial office on an auxiliary basis. The Chief Justice has expressed concern that the current wording of the Act may enable a judicial auxiliary to exercise jurisdiction at any time during the term of his or her appointment to the judicial pool, that is, including periods when the auxiliary is not required to hear cases. This matter has been clarified by the addition of a provision to restrict the exercise of power and jurisdiction to matters assigned to the person by the judicial head of the court in which the judicial office exists.

Finally, the Bill makes it clear that a person appointed to a judicial office on an auxiliary basis would not normally be entitled to a judicial pension. I commend the Bill to members.

Clause 1 is formal. Clause 2 amends section 3 of the principal Act to ensure that judicial service on an auxiliary basis does not give rise to rights under the Judges' Pensions Act, 1971, unless the person concurrently holds an appointment on a permanent basis to some other judicial office that attracts such rights. In such a case the judicial service on an auxiliary basis will be treated as service in that other office.

Clause 3 amends section 4 of the principal Act to limit the exercise of jurisdiction and powers deriving from a judicial office to which a person is appointed on an auxiliary basis to matters assigned to the person by the judicial head of the court in which the office exists.

Clause 4 inserts new section 6 into the principal Act. Subsection (1) provides for concurrent appointment of judicial officers to two or more judicial offices. Subsection (2) requires the Governor to designate (with the consent of the appointee) one of the judicial offices as the primary judicial office. Subsection (3) provides that the remuneration and conditions of service of a judicial officer who holds concurrent appointments will be the same as for a judicial officer who holds a single appointment to the primary office. Subsection (4) provides that subject to subsection (5), the retirement, resignation or removal from office of a judicial officer who holds concurrent appointments will be governed by the law applicable to the primary office. Until retirement, resignation or removal (or earlier death) the judicial officer will continue to hold all appointments. Subsection (6) enables a judicial officer who holds concurrent appointments to resign, with the approval of the Attorney-General, from one or more offices without resigning from all of them. However, such a resignation will not give rise to any right to pension, retirement leave or other similar benefit.

Subsection (6) provides that the section does not apply in relation to the appointment of a judicial officer who holds a judicial office on a permanent basis to act in some other judicial office on an auxiliary basis

The Hon K.T. GRIFFIN secured the adjournment of the debate.

SOIL CONSERVATION AND LAND CARE BILL

Adjourned debate on second reading.

(Continued from 26 September. Page 853.)

The Hon. J.C. IRWIN: I support the second reading of this Bill and wish to comment briefly in support of the Hon. Peter Dunn, who has covered the Opposition's general attitude to this legislation. I declare an interest as I am a rural property landholder and as such would be affected one way or another by the Bill. As we come to the end of the current Parliament, I reflect on some of the legislation we have had before us which could have and has had an impact on people living in rural areas, in particular on primary producers.

During the life of this Parliament I have had four years to observe the Government's performance and can see the political reality of its actions. I set those observations against my pre-election expectations before 1985. This is not the time or place to canvass the whole spectrum of those observations. Many of my contributions in debate over the past four years have set down my specific views of this State Government and the direction it is taking. I guess that there will be another chance soon in the budget debate to make more observations on the performance of the Bannon Government.

Suffice for me to say now that the short and long-term objectives of this Government fall far short of my expectations for a well run South Australia. If it were not clear to me before I came into this place it is crystal clear now that the path being followed by the Bannon Government is diverging badly from the path that the Liberal Party and I would choose for South Australia for the benefit of the community generally.

The socialist path is well known to us here—an undemocratic path of taking away from the people and investing all power in the Government. The Fabian socialists believe that this can be achieved over time by stealth. The symbol is a wolf dressed up in sheep's clothing, which is apt for a debate of this kind tonight. You can con some of the people some of the time, but you cannot con all the people all the time. Thank goodness the people of South Australia and

Australia will have a chance very soon to exercise their power to throw out Governments which believe that all power resides with them and not with the people as individuals or as families. The people of Mitcham showed recently all too clearly that power does rest with the people and that they will eventually use it when they individually and collectively decide that enough is enough.

I am genuinely embarrassed by the 'SA Great' campaign. 'South Australia is a great State mate'—a fine patriotic inner-glow slogan which everyone wants to support. Many prominent and ordinary citizens who run the campaign must know in their hearts that they are fighting a losing battle. I know in my heart that I cannot go on hiding behind a facade because I know the battle I am waging is being lost to the powerful State machine. The people are being lulled into a false sense of security, and they will eventually regret that. Soon this country will be run by a board in Canberra, with each State having a director. We, the shareholders, will be told what to do and how to do it every minute of the day.

If the people of South Australia want that scenario, so be it. However, I am bold enough to say that South Australians will reject State ownership and increasing State control, just as the people of Great Britain rejected the dangerous trends of the pre-Thatcher Labour Party—and just as the people of Mitcham have rejected State manipulation or direction in their local government affairs. Since coming into this place in February 1986, I have taken part in a number of debates concerning rural producers and generally aimed at deregulation.

Strangely, debates about deregulation were taken off the agenda some years ago. The Government had no real idea about why it was so keen to deregulate, apart from the fact that the boys and girls in the back room had dreamt up that it might put the Opposition under some sort of pressure and create some perceived notion that food prices would suddenly become cheaper for those people on ever increasing wages. Most of the ill-conceived plans of former Minister of Agriculture Mayes came unstuck. The Minister and the Labor Government had forgotten about producers; they were just going to be the bunnies in the argument.

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation.

The Hon. J.C. IRWIN: Even if members of the Opposition do believe in deregulation and orderly marketing to benefit producers, consumers and the world markets, we will not abandon the wealth producers of this State. The playing field has to be level. If the Government helps to reduce the costs of production of primary producers they, in turn, can continue to provide more of the cheapest rural products in the world. I have referred before to details that I have obtained from Library research which show that for every $1 spent on wages in agriculture, forestry, fishing and hunting, $4.55 worth of goods and services were produced. In the manufacturing sector, for every $1 spent on wages, 49 cents worth of goods and services were produced. These statistics are based on 1986-87 ABS figures.

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation. It is making it very hard for *Hansard*, and also for me, to hear.

The Hon. J.C. IRWIN: Those figures should tell us something about the efficiency of production. Some time ago I asked the Library to prepare for me answers to questions concerning food prices and wages. From that inquiry, the Library has published an excellent paper, entitled 'What has that got to do with the price of eggs?' This explains ABS prices and incomes statistics. It is information paper No. 8, and I commend it to honourable members. The data assembled in the paper shows that pre-tax earnings have risen at about the same rate as food prices and food sales, but that household disposable income has risen faster over the period from 1982-83 to 1987-88—a five year period. For instance, the CPI food group has risen 39 points over the five years; average weekly earnings have risen 40 points; average weekly ordinary time earnings (time worked without overtime) have risen 37 points; and retail sales have risen 41 points, from a common base in 1982-83 of 100 points.

However, household disposal income has increased 60 points from that base over that same period. Members may well ask (and I probably should not pose this rhetorical question) how these figures and others I have quoted relate to soil conservation. The CPI food group alone represents more than half the CPI basket and all in that group come from the soil.

We must complete this picture by looking at the other side of the ledger, so to speak, because our methods of production are degrading the soil in one way or another and it is happening more in some areas than in others. The evidence is that we are degrading the soil and no doubt will continue to do so. The situation will worsen whatever this Government or any other Government attempts to do with this type of legislation. I will argue later that far more can be done to slow the extent of soil degradation by various Governments helping to slow the increased costs of production and input costs and, just as importantly, reducing taxes and charges on the land and on land use. It must also reduce the crippling interest rates, the increasing inflation rate and the daily manipulation of the Australian dollar.

Governments of this Government's political persuasion are driven more by envy of rural producers than by good old-fashioned commonsense. If it insists on forcing producers to obtain more and more from the land (and this applies to the pastoral areas just as much as it does to the higher rainfall areas), degradation of the soil will continue to be encouraged. This type of legislation will inevitably lead to expensive bureaucratic structures, directions to people and restrictions that will not improve the quality of the soil. I underline that statement: it will not improve the quality of the soil. The Government intends to remove large tracts of land from production (and this seems to be on the agenda for the pastoral area) and the State will then collectively farm the balance with many restrictions imposed. The Government will then have to inform people about what will happen to their precious cheap food source to which they have become accustomed.

The only evidence that the Minister on behalf of the Government has placed before us about soil degradation was contained in the second reading explanation and in the Committee stage in the other place and that related to a figure of $80 million. I will take some time to read two quotes from the Minister's contribution in the other place:

> In relation to the question as to where the $80 million came from, I will quote from the submission from the South Australian Government to the House of Representatives Standing Committee on Environment, Recreation and the Arts on the subject of land degradation. Under the section 'Land Degradation in South Australia' the report states:
>
> The types of land degradation that can be classified according to their physical causes (water, wind), and changes to the land (salinity, acidification, structural decline).
>
> There are approximately 12.5 million hectares of arable farming land and 48 million hectares of pastoral land in South Australia. The annual estimated losses from degradation is estimated in a draft study by CSIRO/NSCP. It indicates that the losses in potential production through degradation from the following causes during each year are: water $0.82 million, wind $1.17 million,

salinity $4.86 million, acidity $9.4 million, water repellance $1.74 million and decline in soil structure $60.9 million.

The figures are cumulative over time.

That was the Minister indicating the extent of the accumulation of that loss and degradation. It is not only happening in one year but, rather, over a number of years and it is accumulating. My colleague, Peter Lewis, the member for Murray-Mallee, queried the definition of 'soil structure'. I would be interested to establish whether the Minister in the other place has passed on instructions on this matter and whether, as a result, an amendment has been included to define what is meant by 'soil structure'.

With reference to the figure of $80 million, the breakdown is as follows: water erosion—800 000 hectares in South Australian agricultural regions is at risk, and I emphasise 'at risk'; and 260 000 hectares have been contour banked since 1941. In respect of wind erosion, there are 4.5 million hectares of susceptible areas of sandy soils in South Australia, and I guess with the advice of my friend and colleague, the Hon. Peter Dunn, that would be most of Eyre Peninsula. Much of my area of the South-East and many other areas of sandy soils are also susceptible. We have a total of 150 000 hectares of susceptible area in respect of water repellant sands—and a great deal of my farm contains water repellant sand. Dry land salinity costs $25 million annually in lost production. In 1980, 50 000 hectares of South Australia was affected, and in 1988 the figure was 210 000 hectares, distributed throughout the State as follows: Eyre Peninsula, 60 000 hectares; Yorke Peninsula, 400-plus hectares; Kangaroo Island, 4 000 hectares; Murray-Mallee/Murray Plains, 16 000 hectares; South-East, 120 000 hectares; and Mount Lofty Ranges, 2 500 hectares. With respect to soil acidification, large areas have the potential to be affected, as follows: Kangaroo Island, 312 000 hectares; the South-East, 435 000 hectares; and Mount Lofty Ranges, 200 000 hectares. I emphasise, with reference to soil acidification, that large areas have the potential to be affected.

Soil structure decline is a problem in duplex soils of the northern agricultural region. Forty per cent of the arid pastoral areas is degraded as a result of overstocking. Current pressure comes from the grazing of sheep, goats, cattle, kangaroos—and I am glad they are included—and rabbits. Rabbits remain the most difficult to control. Concern over rabbits is currently high due to several good seasons which have allowed them to breed prolifically. The critical period will be following the onset of the next dry spell, and it looks like we need a replacement for myxomatosis to have the dramatic effect it had when it first hit those pastoral areas. Rabbits are estimated to cause reduced production of $6.2 million; and goats are estimated to reduce sheep production by $1.6 million. There is no mention of dandelions, salvation Jane (which some call Patterson's curse), and other weeds. There was a terrific scream from people in the State on the debate over the release of the bug to try to control Patterson's curse, not just—

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: Thank you for your expertise, Minister. These figures really are not good enough to justify this legislation. That is not to say that ways should not be found to address any type of land degradation problem. Ways can be devised and found by cooperation between researchers, Government departments and practising farmers, and that point has been made by the Hon. Mr Elliott, the Hon. Mr Dunn and others. That point of cooperation is most important. It is also important to say how much money producers put into the whole research effort right across the board—for their own benefit obviously, but that flows on through to product benefit and to the end users.

Let me indicate the obvious points arising from those figures of the Minister of Agriculture I have just cited. They do not all relate to actual land degradation but land at risk, and I asked members to contemplate that as I went through them. We are all at risk at one time or another—even now—but it does not mean we will keel over and die tomorrow, within a week or within a few minutes.

If casual uninformed people were to be taken in by the magnitude and meaning of the figures given by the Minister, they may be convinced that South Australian farmers in general do not know their job and are irresponsible and unreliable. Nothing could be further from the truth from my experience of these people and from talking to my colleagues here and in the other place. Many other figures can be produced to show that, and I hope that the Minister and the Government will acknowledge that fact.

The Minister makes clear that the $80 million does not relate to annual degradation but is a figure that has been arrived at over time and is cumulative. I will attempt to put the $80 million into perspective and context as applies to South Australia, again using ABS figures. The annual turnover of crops and livestock in South Australia in 1987-88 was $1.69 billion. The $80 million degradation cumulative figure represents 4.7 per cent of that total. The 1987-88 value of land and buildings on agricultural and pastoral lands is $7.44 billion, and the $80 million represents just 1 per cent of that.

It is extraordinary that we had a rash of deregulation in the first half of this Parliament. Now, with the pastoral legislation and the Soil Conservation and Land Care Bill, we are seeing the opposite: more regulation, more red tape, more committees, more boards and more constraints put on people and their pursuits. Those who look down the path laid out by the Government can see that the grand plans now in store for the areas of this State not covered by the pastoral legislation are advancing towards mirroring what was in that legislation. The Hon. Peter Dunn said it, it was stated in the House of Assembly debate, and I say it now. This legislation will start putting down foundations for telling land-holders how to run their properties. Next time we will have the tax on Crown land lifted to the Valuer-General's calculation of income earning potential for each property. It is plain and easy to see. Much of the detailed argument on this issue has already been put forward in relation to the pastoral legislation. I suggest that people who are interested should look up *Hansard* and read the warnings that were given by members here and in the other place who know something about land management, because they are mirroring the views of thousands of their colleagues in farming who have excellent records in farm management.

Recently the Valuer-General has valued land south of Adelaide on its potential production; that is, open rural land was valued because of its potential to grow grapes. However, I believe it is worse than that. There are suggestions that it should not stop at any old grape; a determination should be made on what sort of grape vine a farmer could plant and the valuation would be applied to that. Of course, that sort of logic does not go far enough when it may affect this Government's future actions. In other words, the Valuer-General does not value the land for its potential for house building. If he did, it would dramatically affect the profit potential of the Urban Land Trust. A farmer who had farmed this historic heritage land—I am talking about areas south of Adelaide around Willunga—for four, five or six generations with little or no degradation might just get a reward for the years of care if he were paid for the land's potential for house building. Where are the dedicated conservationists and heritage lovers when it comes to prime

land being degraded by the building of houses? There is plenty of noise around Adelaide when someone wants to pull down an old building for development, but there is a deathly silence when heritage land is at stake. One is left wondering about the sincerity and consistency of those who claim to be conservationists and heritage lovers in terms of the matters that I have just raised. Over the years, I have consistently said—

An honourable member interjecting:

The Hon. J.C. IRWIN: Well, it is growing quite happily out there; there are many trees growing on it. Over the years I have consistently said in this place, and outside of it, that the soils of South Australia and this continent are the lifeblood of the existence of both rural and urban people. They must go hand-in-hand: one exists with the other. There are truckloads of evidence to support the old saying that Australia lives on the sheep's back. I do not have to prove that to anyone here; it cannot be refuted, in historical or present terms. Of course, one could broaden that saying to include anything on the land. However, if a bogey man was identified who directly or indirectly damages Australian soil, it would be the State and Commonwealth Governments. I have argued previously that this Government has been anti-conservation in its management of parks. The various taxes and charges increasingly imposed on rural producers by Governments puts tremendous stress on the farmers who, inevitably, try to produce more and more and, of course, stress the soil and water resources even more and more. That equation is so simple that I despair how so many people fail to see it. I suppose I could use the quote that the Minister of Local Government cited this evening: there are no people so blind as those who do not want to see.

We try to double the sheep numbers per hectare; we try to double the cattle numbers per hectare; we try to grow a crop every year; and, of course, science, technology and genetics help to produce more and more. We spray and seed and continue to crop paddocks, all in the name of trying to exist and to produce efficiently the cheapest food on earth. Yet, the squeeze goes on and legislation such as this, band-aid measures, are introduced to solve soil problems. Again, we have it wrong: we have the horse behind the cart. We are treating the symptoms but we do not dare deal with the cause. How often have we said this in almost every debate in this place? We throw money at welfare but make no effort to cut out the cause of welfare problems. We create some of the world's richest people but manage to plunge two million people into poverty. When will we ever learn that this is going in the wrong direction?

I confess that sometimes I wish I were an Australian Democrat. I would have no responsibility; I would be able to make nice cosy statements; and I could have that warm feeling that soon everything will be back to the horse and cart days and the banana land that Mr Keating talks about. The farmers who love their land—

The Hon. L.H. Davis interjecting:

The Hon. J.C. IRWIN: The Hon. Mr Dunn and I would be quite happy to grow the lentils for lentil soup. The farmers who love their land and their communities would have no more worries. It would be lovely to go back to the horse and cart days. We could go back to the farm, grow what we want and exist in our communities quite happily. For health reasons, we were told to stop using DDT some years ago. We are forced to use alternative products two or three times more expensive. For reasons of bird protection and off-target destruction, we stopped using one shot 1080 for rabbit control.

The Hon. M.J. Elliott interjecting:

The Hon. J.C. IRWIN: Well, I can drink DDT; it will not hurt me. We stopped using one shot 1080 and we now use—

The Hon. M.J. Elliott interjecting:

The Hon. J.C. IRWIN: Perhaps the Hon. Mr Elliott will tell me what would have happened during the malaria epidemics if we did not have DDT to get rid of the disease. Now we must use a technique, in place of one shot 1080 poisoning, that takes three trails of 1080, and that is obviously three times more expensive. We are not allowed to thin birds which destroy crops and which then go on and kill trees in the Flinders. That is another great piece of protection that occurs in this State; the Corellas are happily tearing the heart out of trees in the Flinders and yet we are not allowed to thin them.

We have to change our dips to alternatives which are much more expensive. We pay levies to research and development for new products so that Australians can have the cheapest food while wages rise for superannuation, 17.5 per cent holiday pay and long service leave. However, farmers have none of these, except in the rise in the value of their properties. They have to sell their properties to realise the generations of work that has gone into them. All our products are sold on the open free market and often must compete with the heavily subsidised products on world markets.

The consumers of rural products do not pay—and I stress this—the producers for the added costs imposed, rightly or wrongly, by society, on some of which I have just touched. The cost of production for rural producers is often increased by having to use products which themselves are heavily subsidised at the point of production. The most effective way to save the goose that lays the golden egg is to stop trying to raise so much revenue to feed the monster Government. A smaller Government is the answer for saving our soil, and the Liberal Party will deliver that sooner than later, both here and in Canberra. This legislation exposes the Government as one which obviously knows little about history, the soil or what is best for the future.

I agree with the Hon. Peter Dunn and the Hon. Mike Elliott about cooperation as opposed to confrontation. The farmer's livelihood is the soil. We are better to devise cooperative measures to help the farmer look after the soil than devise and support legislation which will force the farmer into anything, especially when the average farmer knows more about the soil than those devising legislation and serving on some boards to direct one way or another.

I spoke earlier about the Valuer-General. One can imagine what will happen when those working under the legislation that may flow from what we do here tell a farmer what he can plant here, what sort of stock he can grow there and what paddock should grow native vegetation. That is all dreamtime stuff, but it is on the cards now. Then the Valuer-General comes along and values the land on what the farmer is directed to do. Who will compensate the farmer for bad direction by the boards or by the council? Who will compensate the farmer for being directed to do what he does not want to do and a crop fails? What will happen during drought years?

It is amazing how drought years move out of people's minds when they are not just round the corner, but what will happen during drought years when farmers are at their stressful peak? I do not support soil boards being set up around the State, at least in the form envisaged in this legislation. However, I do support part of what the Hon. Mr Elliott said and his notion that soil boards could and should work with local government pest plant boards.

They are set up already: they can in fact be the same boards. I see no reason at all for any more duplication. The cost factor alone is a stupid waste of money and will increasingly be seen to be so. Despite the time lapse between the release of the Green Paper in February 1989 and now (some seven months later), I am sure that many people involved in rural production do not yet understand the ramifications of this legislation.

The Australian Conservation Council, the National Farmers Federation, the United Farmers and Stock Owners and all Parties in this Parliament support soil conservation and land care management. There is no question about that. But I am yet to be convinced that the producers in rural areas accept this form of legislation as being the best way to achieve an objective of proper soil conservation and care. I am getting the same feeling from the lead up to this debate as I had with the recently passed CFS legislation from people who are out in rural areas.

Most of the people affected are puzzled by the need for this sort of legislation. Most will shrug their shoulders and go about doing what they know best and what they have always done. That is the nature of farming communities and farming people. They cannot really influence Governments, except by appealing to their common sense.

They are not in the marginal seats and, as far as I know, they have never withheld their labour or their products, as many others do. Yet, country people suffer because other people sometimes inflict such action on them.

The Hon. T. Crothers: Unless they are in Queensland.

The Hon. J.C. IRWIN: Perhaps the Hon. Mr Crothers can tell me when they have withheld their labour or products in Queensland.

Following the green paper, which was not widely read by farmers, draft legislation was produced. Few people saw that draft legislation or even the final legislation that is now before us. Even fewer people would have seen the difference between the changes that occurred in another place and the Bill that is now before this Council. Thank goodness for some quick work by a few dedicated UF&S members who were able to advise the Opposition about various shortcomings in the legislation introduced in another place.

This was despite the official UF&S line of general approval signalled to the Minister. To his credit, Minister Arnold accepted many Opposition amendments which we believe have greatly improved the Bill. The blame for conflicting signals from peak producer groups like the UF&S cannot and should not be laid entirely with that organisation, although it highlights the ponderous nature of bodies such as the UF&S and, dare I say it, the Local Government Association.

Because of the very nature of their organisations, which are largely bottoms up and not top down, they need time to go to individual members and for those members to go to local meetings and zone meetings to give advice to their executive so that it, in turn, can advise the Government and the Opposition. Both associations referred to claim to be apolitical and would therefore give similar advice to the Government and Opposition, whatever their persuasion.

I hope that the lines of communication can be improved so that accurate, supportable and sustainable advice can be given to us when we consider legislation which greatly impacts on the everyday life of many people. With those remarks, I support the second reading.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

FISHERIES ACT REGULATIONS

Adjourned debate on motion of Hon. Peter Dunn (resumed on motion).

(Continued from page 914.)

The Hon. M.J. ELLIOTT: I would have hoped that I would not find myself in this position again. The Government has continued to put the same regulation back in place. Obviously, it has not taken much notice of what has been said in this place about the regulation.

I have made it quite clear—and it should have been obvious from the record of the Democrats in environmental matters—that where a Government move was responsible in terms of the environment we would support it. At the same time, other important principles are at stake, principles which the Hon. Mr Dunn touched on.

I was very surprised to find that the Government has decided to reintroduce the same regulation—I think for a third time. I had discussions with officers of the department when the previous motion of disallowance was before the Council, and I hoped that the Government would come up with a regulation that would give the environmental guarantees that the Democrats wanted, while still not being drafted in a dictatorial fashion, as the current regulations are.

I would have liked an opportunity to have further discussions with the Department of Fisheries before having to vote on this matter, but since it is the fourteenth sitting day since the regulations were changed, since it has been mooted that Parliament may be prorogued and so the matter can be dealt with properly, I support the motion. I hope I can meet with representatives of the Department of Fisheries soon and that sensible regulations can be put in place. The Democrats support the motion.

Motion carried.

ADJOURNMENT

At 11.48 p.m. the Council adjourned until Thursday 28 September at 2.15 p.m.