LEGISLATIVE COUNCIL

Thursday 6 September 1990

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

PETITIONS: SELF-DEFENCE

Petitions signed by 5 718 residents of South Australia concerning the right of citizens to defend themselves on their own property and praying that this Council will support legislation allowing that action taken by a person at home in self-defence or in the apprehension of an intruder is exempt from prosecution for assault were presented by the Hons K.T. Griffin and Diana Laidlaw.

Petitions received.

PETITION: ASH WEDNESDAY BUSHFIRES

A petition signed by 729 residents of South Australia concerning the events leading up to and after the Ash Wednesday bushfires of 1980 and praying that this Council establish a select committee to inquire into matters relating to those bushfires was presented by the Hon. J.F. Stefani.

Petition received.

MINISTERIAL STATEMENT: WILPENA RESORT

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to make a statement, which was also made in another place by the Premier.

Leave granted.

The Hon. BARBARA WIESE: I wish to advise the Council that the Minister for Environment and Planning will today give notice of a Bill for an Act to facilitate the development of the Wilpena resort and associated infrastructure.

In 1983, the plan of management for the Flinders Ranges National Park noted the desirability of adding the adjacent Wilpena Station pastoral lease to the park as a site for the location of visitor and interpretation facilities. The station had been used for over 130 years as an agricultural and grazing property.

In 1985, the Government purchased Wilpena Station. The purchase was made in order to relocate the existing resort which was unsatisfactorily sited at the entrance to the pound. In line with the 1983 plan of management, the area was added to the Flinders Ranges National Park in 1988, as the Government believed that this was the best means of ensuring strict management control.

The Government believes that the Wilpena project is crucial to the effective management of the Flinders Ranges National Park and to the control of visitors and their impact on the Flinders Ranges. It will allow quality facilities to be provided to the ever increasing number of visitors to the area in a way that manages the environmental impact of those visitors. The project will also allow the closure and rehabilitation of the existing resort and camp site astride Wilpena Creek in the Wilpena Pound entrance area. The project has successfully completed a prescribed planning process and an environmental impact assessment that included wide community input and discussion.

The Hon. J.F. Stefani: Where's the statement?

The Hon. BARBARA WIESE: What statement?

The Hon. J.F. Stefani: The environmental impact statement.

The Hon. BARBARA WIESE: Which planet have you come from? It is publicly available, and has been for a very long time.

Members interjecting:

The PRESIDENT: Order! The honourable Minister.

The Hon. BARBARA WIESE: The Government's planning process for the project has been the subject of court action by opponents of the developments. The validity of the Government's approach has been endorsed by the South Australian Supreme Court. Opponents, however, have continued the action on further appeal to the High Court on a technical planning question. The same opponents have foreshadowed to the Government possible further litigation in relation to new issues they now want explored concerning the development and associated infrastructure.

While the courts have not ruled against the project, the continuing uncertainty associated with current and proposed court action is damaging confidence in the project and investment in South Australia. The Government has received strong representations from local government and the Aboriginal community urging that the project proceed forthwith. The Government believes that the project will allow for the rectification of longstanding and worsening environmental problems and will also provide a major boost to the region and to the State's economy. As Minister of Tourism I have already announced the Government's support for the provision of a new airport at Hawker and the undergrounding of a section of the proposed powerline to the project. These will be encompassed by the proposed legislation but will remain subject to the established environmental impact assessment procedures.

The Wilpena project has been the subject of discussion and debate for some time. I am also aware that the Opposition has had the project under consideration by a special committee. Consequently, I hope that the legislation can be dealt with in a bipartisan manner, and the Premier has asked the Minister for Environment and Planning and me to consult with the Opposition on the form of the legislation before it is introduced in the Parliament.

MINISTERIAL STATEMENT: GOVERNMENT VEHICLE PURCHASE

The Hon. ANNE LEVY (Minister of Local Government): I seek leave to make a statement.

Leave granted.

The Hon. ANNE LEVY: A question was raised in the other place yesterday about Australia's vehicle manufacturers supplying vehicles to the State Government for the next two year period. As every honourable member would know, every State in Australia has abolished State purchasing preferences. Instead, all Governments give preference to goods manufactured in Australia. State Supply buys vehicles from the five manufacturers: GMH, Mitsubishi, Ford, Nissan and Toyota.

The State Government will spend nearly $75 million on its fleet of about 4 700 vehicles, varying in size from small cars, like the Ford Laser, to the Mitsubishi Magna, the Holden Commodore and the Toyota commercial vehicles. This contract expires in August 1992. No one car manufacturer could supply the varying range of vehicles required for all the differing requirements of Government departments and statutory authorities. In the contract procedure GMH Ltd offered Nova and Barina for small, sedan hatchback and notchback categories, Apollo sedan and station

sedan in the medium category, VN Commodore for large sedan and station wagon categories and Calais, Statesman and Caprice for the executive sedan category.

After extensive negotiations with tenderers had taken place, the State Supply Board considered the revised offers of all Australian manufacturers, taking into account purchase price, estimated resale prices, life-cycle costing and technical acceptability. The board also considered statistical information relating to the estimated overall market share for each manufacturer of the South Australian Government passenger fleet for the next two years, including police patrol vehicles.

The board noted that even though GMH would not be successful in the whole of this contract, it would still gain an equitable market share of total Government vehicle business. This is due mainly to its current contract with the South Australian Police Department for the supply of Commodore patrol vehicles, which expires in June 1992 (estimated at 730 units). GMH did not submit a tender for either the panel van or the utility categories. Ford was the sole tenderer for these vehicles.

GMH was successful with the Calais vehicle in the executive sedan category. In the case of the VN Commodore, the board considered that in relation to offers from Ford and Nissan the Holden was more expensive, after taking into consideration purchase price, estimated resale prices, whole of life costs and technical acceptability. In the case of other vehicle classes, the tendered prices from GMH were also higher. In general, its prices were three per cent to five per cent higher than those of the recommended tenderers.

GMH was given substantial opportunity to offer competitive prices during the negotiation phase of the tendering process. If its vehicles had been selected in all the classes it tendered, the extra cost to the taxpayer over the two year period of the contract would have been $1.1 million. The breakdown from the State Government of the market share for the five car manufacturers is as follows: Toyota 18.75 per cent ($15.9 million); Ford 31.1 per cent ($26 million); Mitsubishi 11.6 per cent ($9.9 million); Nissan 19.8 per cent ($16.8 million); and GMH 18.7 per cent ($15.9 million).

It is absolute nonsense to suggest that the State Government is turning its back on South Australia's two vehicle manufacturers. As stated, GMH supplies all the vehicles, which are Commodores, for the Police. Manufacturers need to stand on their merits and compete, and State Supply must look for the best price to ensure that it is getting the best value for the taxpayers' dollar. We should not buy a particular vehicle just because it is made in South Australia, when it may not fit the requirements of the users, or may be more expensive than other similar Australian-made vehicles.

What the Opposition fails to realise is that that reintroduction of State preference agreements would mean that our car manufacturers would have access only to the small market of the South Australian Government fleet. South Australia produces nearly 30 per cent of the country's vehicles, but we do not have 30 per cent of the requirements of Governments around the country. By abolishing State preference agreements, as was done by agreement amongst all States several years ago, our car manufacturers have access to the total market of all Governments in Australia. All Governments give fair access to producers in every part of the country, and this means better opportunities for the South Australian industry, which also supplies 40 per cent of the nation's automotive components.

On this issue, the left hand of the Opposition does not seem to know what the right hand is doing. On the one hand, the Opposition Leader in another place in his budget reply speech, says that a Liberal Government would implement comprehensive contracting out and competitive tendering to achieve savings. On the other hand, the member for Bragg is objecting to State Supply getting the best value for the taxpayers' dollar by competitive tendering. He is also objecting to the fact that State Supply is operating on a commercial basis, and saving for the taxpayers of this State by charging those who use the service of Government contracts. Was not the Opposition Leader talking the other day about 'the bottom line of economic efficiency and taxpayer benefit'?

Members interjecting:

The Hon. ANNE LEVY: They don't want to listen; they don't like what I am saying.

The PRESIDENT: Order! The honourable Minister has the floor.

The Hon. ANNE LEVY: State Services is bringing in an up-front commission to cover the costs of contract administration. As present, Government agencies are charged an annual fixed fee by State Supply for access to Government supplies contracts covering a wide range of items. This is inequitable because every fee does not reflect the level of usage by the agencies involved.

The $50 commission for motor vehicles is aimed at achieving a more equitable allocation of costs. The supposed 'up-front' commission, which is in fact paid quarterly, based on the actual supply of vehicles, was included in the price of the vehicles, and suppliers were given the option of increasing their tendering prices to compensate. This follows the lead of the Commonwealth and Tasmanian Governments which have already introduced such a system, and other State Governments are expected to follow suit in the near future. GMH was the only supplier to raise any objections to this charge, and in fact some of the other manufacturers have chosen to absorb this cost, thus providing further savings for the taxpayer.

It is true that Mitsubishi is supplying only half the number of vehicles it supplied for the previous contract. Last time Mitsubishi tendered both the Colt and the Magna, but the Colt is no longer produced and, therefore, their market share has been affected accordingly.

The member for Bragg in another place also claimed that the Government wanted a guarantee that prices for the cars would not rise during the two-year period of the contract. This is simply not true. The contract allows prices to vary in accordance with the supplier's retail price list. It is the discount rate applicable to the retail price which is fixed for the period of the contract.

I suggest that the next time the member for Bragg attempts to enlighten us on the car industry he gets his facts straight first.

QUESTIONS

CONCERT PROMOTION

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister of Consumer Affairs a question on a code of practice for concert promoters.

Leave granted.

The Hon. R.I. LUCAS: Some time ago I raised the issue of concert standards in South Australia. Specifically, I highlighted that there were no safeguards to ensure that, once a person has bought a ticket to see a concert, they obtain a reasonable view of that performance. Secondly, there appeared to be no advice provided at the time of purchasing

the ticket of the expected duration for a concert performance. I raised the matter because a number of disgruntled concert-goers had contacted my office, disappointed about music concerts they had attended.

At one concert, for example, ticketholders were given seats actually behind the concert stage and only saw the head of the performer (a pianist) when he stood up. Other complaints involved concerts of excessively short duration. While it is generally an unwritten rule that most acts visiting Adelaide usually perform for between one and two hours, on one particular occasion a visiting act had played for a mere 45 minutes. Some suggested that was about the duration of their musical ability. If people are prepared to pay for a 45-minute performance, that is their decision. However, there was no indication on the ticket (nor, indeed, in its pricing) that the act would perform for such a short period of time.

There have also been many other concerns about conditions that concert-goers must endure to watch a performance. While the new Entertainment Centre will resolve some of the problems, major overseas acts like Mick Jagger and the Stones have indicated, through their possible promoters, that it will be too small a venue and they would still have to play outdoor concerts at places such as Football Park.

Two years ago I received a reply from the then Minister of Consumer Affairs admitting that some refunds had been necessary after a concert at the Convention Centre because of public complaints about poor siting of seats. The Minister said the centre's management had amended its contract for the hire of the building to ensure that the centre had the final say on concert seating plans. The Minister also said that while the Government would not impose standards on the concert promotion industry—indeed, I was not seeking that—the Minister and the Government would support an industry move towards a voluntary code of practice. To date I am unaware of any developments in that direction.

I know that the Minister has more than a passing interest in contemporary music and could even be described by some as something of an audiophile. But, as there are still no standards in South Australia guaranteeing some protection for concert goers, who are paying $40 to $50 to see overseas acts, I ask the Minister the following questions:

Will the Minister initiate discussions with concert promoters with the aim of their drawing up a voluntary code of practice—I stress 'a voluntary code of practice'—for the staging of concerts in South Australia? If not, will the Minister indicate what measures she will take to ensure that future concert-goers receive consistent value for money; seating affording the best view, or a view, of the performance; ticketing which clearly indicates the obligations of the concert promoter and performer in staging a performance, and clearly informs patrons when a concert will be of shorter duration than customary; and arrangements for refund or partial refund in the event of a concert having to be cancelled either before or during its performance?

The Hon. BARBARA WIESE: I certainly recall the issue of complaints being raised some time in the past about people attending a concert at the Adelaide Convention Centre and problems about seating arrangements and other things. As the honourable member has indicated as a result of that the Convention Centre management adopted new procedures that have been in place since then and, to my knowledge, there have been no further complaints about the Adelaide Convention Centre, because it now keeps a close eye on the matter.

As the honourable member has indicated, it has final say about the way in which the seating is staged for these concerts. It may be that the same responsible approach should be taken by others who are organising concerts in South Australia. I am not aware of discussions that have taken place within the Department of Public and Consumer Affairs on this matter since the honourable member raised it with my predecessor, but I will certainly seek a report on it and ascertain whether or not discussions have taken place since then with representatives of the industry and whether any progress has been made on the question of a voluntary code of practice in this area.

Like the honourable member, I would be reluctant to look at any mandatory regulations in this area, but there may be some way of at least encouraging the industry to self-regulate and adopt a reasonable approach to these matters. I will make some inquiries and bring back a report for the honourable member on progress that has been made or on action that should be taken for the future.

RESIDENTIAL TENANCIES FUND

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about the Residential Tenancies Fund.

Leave granted.

The Hon. K.T. GRIFFIN: The Auditor-General's Report tabled this week indicates that the Minister has approved the payment of $768 000 from the income accruing to the Residential Tenancies Fund, of which $400 000 was paid out in 1989-90, leaving the balance to be paid out this year. The Council will remember that the fund comprises all of the security bonds that tenants are required to pay when they enter into tenancy agreements. The interest received by the fund may be paid out on research and capital projects approved by the Minister.

That provision was inserted in the Act several years ago when the Government sought to use some of the income to the fund on projects for the International Year of Shelter. At that time it created some controversy. There was no power to do it and the legislation was enacted, although the Opposition expressed reservations about it and sought to implement some sort of controls on the way in which the discretion in the Minister was exercised. The amount paid out on that occasion also ran into six figures. Can the Minister indicate what are the research or capital projects covered by the $768 000, which the Minister has approved, and when did the Minister approve those projects?

The Hon. BARBARA WIESE: Off the top of my head, I am not able to provide the information that the honourable member has requested, but I will certainly provide it at a later time.

CENTRAL BUS STATION

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism a question about the Central Bus Station.

Leave granted.

The Hon. DIANA LAIDLAW: The Central Bus Station in Franklin Street is widely recognised to be a third rate, shabby depot. Its facilities for bus operators and passengers are a disgrace. The interior of the depot is bleak and pokey, with passengers from both intrastate and interstate being forced to put up with a limited supply of uncomfortable seating, out of date luggage collection arrangements and no catering or eating facilities.

Earlier this year it appeared Adelaide had finally gained a top-class bus station when Venture Corporation had the

foresight to incorporate a depot as part of its tender plans for the new Australian Taxation Office in Adelaide. However, the ATO chose not to accept the Venture Corporation's tender initially, nor did it accept that tender after the ATO's two preferred developments fell through some months later.

I understand that Adelaide City Council, and in particular Lord Mayor Condous, has been vigorously lobbying both the Federal and State Governments to secure a new bus station for Adelaide. I agree with the Adelaide City Council that it cannot be expected alone to finance the entire project. Meanwhile, bus operators have told me that they also, alone, do not have the financial capacity to fund the development, and private developers do not see the project as one that is commercially viable in its own right. Therefore, I ask the Minister:

1. Does she agree that, if Adelaide is ever to gain a bus station that meets the State's intrastate and interstate transit and tourism needs well into the next decade, a co-operative financial arrangement is required between the Adelaide City Council, the State Government and possibly the Federal Government, bus operators and a private sector developer?

2. What, if anything, is being done to explore such a financial arrangement so that Adelaide can gain an improved Central Bus Station?

3. Why is there no reference in the draft South Australian Tourism Plan 1990-93 issued in July 1990 to the need for a top-class bus station for Adelaide to replace the current Central Bus Station?

The Hon. BARBARA WIESE: I am absolutely astounded that the Hon. Ms Laidlaw, who is usually such a strong defender and advocate of private enterprise, should ask me a question of this kind today in this Parliament about the Adelaide bus station and suggest that State and Federal Governments should in some way provide financial assistance for the provision of such a facility. Perhaps I can provide some background information for the honourable member on this matter, because she clearly has not completed her research in preparing for this question. In fact, for many years it has been of concern to me, as Minister of Tourism, and I know to my predecessor, that the facilities in Adelaide are inadequate for passengers who are arriving in and leaving from Adelaide by coach.

Because I was concerned about that, in about 1986, through my efforts and those of officers of Tourism South Australia, we initiated a committee, which comprised representatives of the Adelaide City Council and the users of the bus terminal to try to encourage these people to reach some sort of agreement about the way in which facilities in Adelaide could be upgraded for the benefit of tourists visiting this State. I remind the honourable member and stress the point that the bus terminal land is owned by the Adelaide City Council and, primarily, it is a matter for the the Adelaide City Council as to how this matter progresses. However, in order to initiate action to encourage the players to do something that would be appropriate not only in their own interests but also in the interests of tourists, a committee was established and work commenced on investigating the opportunities that may exist.

For one reason or another—and I will not go into the details of it now because it is quite a complex issue—no agreement emerged from that committee, primarily because the users of the terminals could not agree on what would be an appropriate outcome. All that revolves around money and the concern of users that their own costs would be increased by any of the options that were being put forward by people who were keen to see some resolution of this matter.

As I understand it, approximately three years ago a proposition was put to the Adelaide City Council by a proponent for the development of a bus terminal, hotel and other facilities. The Adelaide City Council chose not to give an exclusive period for that proponent to work out their proposal but, instead, chose to put the matter to tender.

Through that process, which was a quite long and exhaustive one, the Adelaide City Council chose a particular developer and gave that company a period of exclusivity. It has not been able to achieve what it suggested it would be able to achieve, so the matter has lingered on and on. I repeat: it is essentially a matter for the Adelaide City Council as to how this issue is handled. Whether or not I agree with the approach it has taken over time is beside the point.

The fact is that the actions that have been taken have led to these very lengthy delays in the redevelopment of the bus station site. I would hope that these matters can be resolved in the near future. I do not believe that it is necessary for either State or Federal Governments to make a financial contribution to the redevelopment of that site. I believe that it is within the wit of entrepreneurial people within the private sector to be able to put together a proposition—

The Hon. Diana Laidlaw: It is not a commercial venture.

The Hon. BARBARA WIESE: If you are so narrow in your view that you think it should only be a bus station, certainly it's not a commercial venture.

Members interjecting:

The ACTING PRESIDENT (Hon. G. Weatherill): Order! I ask the Minister to address her remarks through the Chair.

The Hon. BARBARA WIESE: No-one is suggesting that a bus station alone will necessarily be a commercially viable venture. That is not the point, and it is certainly not the issue that has been addressed by others when this matter has been considered over a number of years. The fact is that in any of these situations, where a particular service is to be provided and where that service itself is not likely to be commercially viable, any entrepreneur worth his or her salt would be in a position to dream up other components which will be commercially viable and which will support the essential service around which it is developed. It is a matter of finding the right entrepreneur and the right kind of proposition. I believe it ought to be possible for a company in the private sector to put forward such a proposal. Hopefully, in future when such proposals come forward the Adelaide City Council will be in a position to recognise good ideas and implement them expeditiously.

STATE PRINT

The Hon. CAROLYN PICKLES: I seek leave to make a brief statement before asking the Minister of State Services a question about State Print.

Leave granted.

The Hon. CAROLYN PICKLES: This week the Leader of the Opposition made some reference to measures that a Liberal Government might take—in the unlikely event of member's opposite ever winning Government. He referred to the privatisation of the State prisons, forests—

Members interjecting:

The ACTING PRESIDENT: Order! There is too much audible conversation in the Chamber.

The Hon. CAROLYN PICKLES: The Leader of the Opposition referred to the privatisation of the State prisons, forests, the Moomba pipeline, and even the State Bank. He also revealed a plan to implement the comprehensive contracting out and competitive tendering of day-to-day Gov-

ernment services, such as printing. In the past the Opposition has said that it would close down State Print altogether. Will the Minister explain the current working practices of the Government Printer and the efficiencies achieved by State Print?

The Hon. ANNE LEVY: I am delighted to be able to do so. I can assure you, Mr Acting President, and the Council that State Print is run entirely along commercial lines. It receives no Treasury funds at all; it is entirely self-funded. It has completely reversed its financial position in the past 12 months. In the 1988-89 financial year it recorded a loss, but in 1989-90 this had been turned around to a profit. It is now operating on a completely viable basis, and in fact last year it had a turnover of $26 million.

State Print has a charter which indicates clearly that it provides printing, publishing and associated services to the Parliament of South Australia, Government agencies, public funded organisations and statutory authorities. Any spare capacity that it might have is offered to the commerical printing and publishing industry at commercial rates. In so doing it is able to make use of its spare capacity during what are called 'trough' times, which is largely when Parliament is not sitting.

On the other hand, there are times, particularly when Parliament is very busy, that State Print is not able to cope entirely with the work required, and it then passes on the work that it cannot handle to the local printing industry and subcontracts out some work. In fact, last year this extra work that was contracted out was worth over $1 million to the local printing industry.

The Hon. L.H. Davis: Have you got shares in it?

The Hon. ANNE LEVY: We all have shares in it. It belongs to the taxpayers and so we all have shares and we all benefit from it.

The Hon. L.H. Davis interjecting:

The ACTING PRESIDENT: Order!

The Hon. ANNE LEVY: I have told the honourable member that State Print is running at a profit.

The Hon. L.H. Davis interjecting:

The ACTING PRESIDENT: Order, the Hon. Mr Davis!

The Hon. ANNE LEVY: State Print employs a large number of people, about 350 people at the moment. It pays payroll tax and operates on a fully commercial basis. It has a wages bill of about $11 million a year. In fact, so competitive is State Print in its competitive tendering that it recently won a contract from the New South Wales Government to print 700 000 examination books for the New South Wales high schools. The contract was worth $76 000. It is interesting to note that the New South Wales Government has preceded what the Leader of the Opposition in another place has threatened to do, should he ever have the opportunity. The New South Wales Government sold its printing operation last year, with the result that 700 jobs—

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. ANNE LEVY: When the New South Wales Government closed its State printer last year it resulted in a loss of 700 jobs, so all its work now has to be put to tender. It is interesting that it is not the private sector in New South Wales that is benefiting; it is the Government sector in other States.

State Print in South Australia is not the only Government printing office that has won contracts from the New South Wales Government. Other State Print bodies have done likewise, on a purely competitive basis, running entirely as commercial operations.

Members interjecting:

The Hon. ANNE LEVY: I am stating facts, Mr Acting President. It is quite obvious that members opposite don't like the facts.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. ANNE LEVY: These are the people who want to sell off State Print, which is doing such an excellent job to the great benefit of all taxpayers in South Australia. It is able to more than stand on its own and win contracts on a straight commercial, competitive basis against the private sector throughout the country. Its winning of contracts from the New South Wales Government is really a feather in its cap.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. ANNE LEVY: I understand, too, that New South Wales is having enormous problems with regard to having to contract out all State Government printing, including *Hansard*. It is now taking over twice as long for *Hansard* to be produced and members are having to wait for up to four weeks before they can get their weekly *Hansard*. Also, law firms in New South Wales are tearing out their hair. They have great difficulty in obtaining copies of Bills or Acts. The production of regulations, gazettes and statutes are months behind, and this is causing extreme concern to the legal profession, amongst others, in New South Wales. I repeat: State Print is doing extremely well in South Australia. It is something we can well be proud of, and it is utterly irresponsible for the Opposition to suggest that it should be sold.

RAIL SERVICES

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Transport, a question relating to Australian National and South Australian rail services.

Leave granted.

The Hon. I. GILFILLAN: I recently informed my colleagues in the Council of the intention of Australian National to close all intrastate passenger services in South Australia. Federal Transport Minister Bob Brown admitted in the Federal Parliament 10 days ago that he had received an application from AN to close our three main passenger services. The services in question are the Blue Lake between Adelaide and Mount Gambier, the Iron Triangle from Adelaide to Whyalla, and the Silver City Limited between Adelaide and Broken Hill.

I have been informed today that Australian National is about to reduce staff numbers on the interstate services of the Ghan, which travels between Adelaide and Alice Springs, and the Indian Pacific, which travels between Sydney and Perth, via Adelaide. I understand that AN will be reducing staff from 21 to 15 on the Ghan, from 21 to 17 on the westerly journey of the Indian Pacific and from 19 to 18 on the easterly route, a drop of more than 20 per cent on both services, something that will undoubtedly impact on the long-term viability of those services as passenger comfort and personal services deteriorate.

The Hon. M.J. Elliott: That is how they started on the Blue Lake.

The Hon. I. GILFILLAN: Yes, exactly. Once again, AN is travelling down a familiar track as it openly follows a policy of reducing passenger services right across the country. Yesterday the State Transport Minister, Frank Blevins, finally acknowledged that he would be prepared to call in

an independent arbitrator to examine the issue of the closing of the Mount Gambier passenger service if the Federal Government granted AN approval to do so. However the Minister, once again, claimed he is unable to do anything about proposed closures to the Iron Triangle and Silver City Limited services.

He claims that the Railways Transfer Agreement of 1975, which handed over the running of South Australia's non-metropolitan services to Australian National, prevents him from taking the matter to arbitration. His defence is that passenger services did not exist on those lines at the time of the agreement and were introduced by AN outside the terms of the agreement in the early 1980s. However, passenger services did exist before the agreement was signed in 1975; for many years there had been a passenger service to both Whyalla and Broken Hill. The problem was over the difference in rail line gauges that existed which caused lengthy delays when passengers had to change at Port Pirie and Peterborough.

Eventually, the services were discontinued in the early 1970s after a lack of promotion by rail authorities and a general fall off in patronage. The lines to both Whyalla and Broken Hill were standardised, however, prior to the transfer agreement with the purpose of eventually reintroducing passenger services. The impending sale of the network to the Federal Government prevented the local authority from reintroducing those services at that time. It was not until the early 1980s that Australian National reintroduced passenger services to Whyalla and Broken Hill, which currently run three times a week. Let me emphasise the term 'reintroduce', because the services currently running are not new; they are reintroductions of previous services.

I have received legal opinion from one of Australia's leading firms of solicitors which suggests that the State Transport Minister, Frank Blevins, has a legally enforceable right to challenge any threats of closure to any passenger services in South Australia. That opinion says the intent to reintroduce passenger services that resulted from the standardisation of the rail lines in question qualifies those services for inclusion under the terms of the agreement, even if introduced post 1975. It is that intent, based on historical anecdotal material, that carries as much legal weight as the words contained within the framework of the transfer agreement. In addition section 9 (1) *(b)* provides the State Transport Minister with the right to arbitration if there has been a '... reduction in the level of effectively demanded services'. The definition of the word 'services' contained within the Act does not differentiate between freight or passenger services; it applies to all aspects associated with providing rail services and, therefore, it does not matter if passenger services were introduced by AN after the agreement because they, too, would constitute 'services', and once again the Minister has a right to challenge any reduction in those services.

Legal opinion says that a Government, State or Commonwealth, has a duty to ensure that its citizens are properly provided for and no agreement, Act or contract can take precedent over that duty. It does not matter what the original purpose of the transfer agreement was; in this case it was presumably financial. The South Australian Government has a duty to ensure that all services affecting people living and working in this State are maintained to an acceptable level, even if introduced after 1975. I ask the Minister:

1. In the light of this legal opinion, will the Minister seek a full and proper clarification of the right to challenge the transfer agreement's terms, as it refers to all intrastate passenger services, and if need be seek clarification in a court of law? If not, why not?

2. If it is determined that the Minister can challenge any rail closures or halting of services, will he give an undertaking to seek arbitration on all matters contained within any submission to the Federal Government by Australian National to close any intrastate services?

3. In any matter which does go before arbitration, will the Minister urge the independent arbitrator to consider all aspects equally, as is included in the legislation, including that contained in section 23 (2) of the transfer agreement, that 'deliberations take into account... social and community factors'?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place and bring back a reply.

SHEEP BURIALS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about burying sheep on Lower Eyre Peninsula.

Leave granted.

The Hon. PETER DUNN: Some unusual circumstances have occurred in South Australia due to the drop in the value of sheep. Combined with the very late start to the season and the fact that it has now become very wet there, many sheep in this State are totally valueless. It becomes very unprofitable to cart them for any distance. These sheep are mainly ewes and wethers that are not sound in the mouth. Their value ranges from nothing to $2 at the maximum.

Members interjecting:

The PRESIDENT: Order!

The Hon. PETER DUNN: Broken mouth sheep certainly bring nothing at all. Also the Government has increased from $2.50 to $3.70 the freight on stock from Port Lincoln to Kingscote. As the farmer has to cart those sheep to Port Lincoln, the cost comes out to about $5 or $6. This prohibits the sheep from going to the only feasible outlet on Kangaroo Island.

In fact, there is in Port Lincoln a digester which makes meat meal. Owned by Lincoln Bacon Specialists, it has the capacity to process about 500 sheep per week. However, the sheep cannot be put into the digester whole; they must be skinned, and the process costs $460 per tonne of meat meal. When the meat is sold it only gets $400 per tonne, so those 500 sheep are not disposed of. The Department of Agriculture, having been asked by local government at Cummins whether it could assist, said, 'We are sorry, but you will have to fix it up yourself. You have the health inspector, and you will have to abide by those regulations.'

Another factor is involved in relation to Lower Eyre Peninsula. Due to the fouling of the underground water in the water catchment area the E&WS Department has not allowed the burial of sheep south of Wanilla. The sheep have to be buried deeper than two metres, which involves a hole of, perhaps, three metres deep. That then involves the South Australian Occupational Health and Safety Commission because the hole has to be shored up, which is another cost.

The Hon. T. Crothers: Just take them out to sea.

The Hon. PETER DUNN: That is an interesting comment. I notice that the Government is giving money for a survey of sharks in Spencer Gulf which eat most of the fish there (it also appears that they eat a couple of fishermen a year, too). Perhaps that would be a good way to get rid of them: take them to sea and feed them to the sharks. However, that does not appear to be acceptable.

Before the sheep are buried, they must have their throat cut and their abdomen opened, which is another cost. The cost finishes up at about $1.50 per head to bury those sheep. This puts the Lower Eyre Peninsula District Council in a very difficult position. Should it charge to have those sheep buried, or should it accept the cost itself? There is a supplementary development plan for the area which does not allow—

The Hon. Diana Laidlaw: Mass graves?

The Hon. PETER DUNN: It does not allow mass graves—not in an area below Wanilla. It says that there will be no intensive piggery, no poultry, no intensive beef, and no intensive application of nitrates or fertilisers, so there can be no horticulture, vineyards, or irrigation. Also there can be no burying of animal products. So, the council is fairly snookered when it comes to getting rid of these animals, which will therefore have to be carted a little farther north.

About 10 days ago I attended a meeting in Cummins at which it was estimated that 15 000 animals will have to be destroyed and buried in this fashion. So, if each head is multiplied by $1.50, it involves about $22 000, and someone must pick up that cost. Would the Minister make a grant to assist the Lower Eyre Peninsula District Council to cover the cost of burying the stock?

The Hon. ANNE LEVY: I am not quite sure whether the question is directed to me in my capacity as Minister of Local Government, Minister for the Arts or Minister of State Services. I do not quite see that it comes under any of my portfolio responsibilities. I know, as Minister of Local Government, that I am Minister responsible for cemeteries, but I was not aware that that extended beyond human cemeteries to those for other species.

I am not aware of any source of funds through my portfolio where such assistance could be granted. I believe it is more properly a matter for the Minister of Agriculture or, perhaps, the Minister of Health, through health inspectors. The questions do seem to relate to health and agriculture because sheep are involved. Certainly, I would be happy to refer the question to those two Ministers, although I do not happen to represent either of them in this place. I am unaware of any source of funds in any of my portfolios through which assistance could be granted to assist in the burying of sheep. However, as I said, I will be happy to refer the honourable member's question to other Ministers who may have sources of funds available.

MULTIFUNCTION POLIS

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Acting Leader of the Government in the Council, representing the Premier, a question about the multifunction polis.

Leave granted.

The Hon. T. CROTHERS: On page 16 of today's *Advertiser* appears an article written by Bruce Hogben on the MFP containing comments by Professor Gavin McCormack of the Australian National University's Department of East Asian History. I am sure that members of this Council will be interested to know that in March this year he wrote that MFP promoters had failed to come up with an agreed motion of what the MFP might be, even after three years and over $4 million had been spent. In making statements such as that, and statements of similar kind, he was regarded nationally as a key former critic of the MFP concept. However, in the past six months since March of this year, he has changed his mind and now regards himself as a keen supporter of the MFP project. He now says:

> It is clear that North-East Asia, including Japan, Korea, Taiwan and Singapore, is becoming more important to Australia than any other region.

He goes on to say that one of Australia's most important international relationships is with Japan. The MFP's concepts originated there. Further, he says:

> Australia was poised between tribal memories of Japan of yesteryear and a desire to establish a relationship for the future.

Further, he says:

> The MFP now has an all-Australian management committee—

and that bears repeating: an all-Australian management committee—

> and Japanese direct influence at present was minimal or nil.

This, he says, totally contradicts what people have been saying about the MFP project. Just to conclude my statement, he also says:

> But the South Australian Government really has to get its act together because the scale of the project was bigger than anything ever attempted here. Who knows if South Australia can pull it off.

In the light of the foregoing quotes made by that Professor of Asian Affairs, himself a former critic of the MFP now turned supporter, I direct the following questions to the Minister:

1. Does the Minister support Professor McCormack's view that 'the multifunction polis proposed for Adelaide's Gillman area will be a lever for a vast new Australian trade and development activity with North East Asia?'
2. Does the Minister believe that the Premier of South Australia, in the light of the difficultues alluded to by Professor McCormack, would welcome a bipartisan political approach to help develop the MFP to its maximum potential in the future interests of South Australia and its citizens?
3. Is the Minister aware whether any such bipartisan approach has been forthcoming from the Opposition?
4. If no such approach has been forthcoming, could the Minister inform the Council of the Liberal Party's present attitude to the MFP?
5. Does the Minister think that the Opposition's present attitude is based on future electoral enhancement and opportunism?

The Hon. BARBARA WIESE: It has been stated many times, and particularly eloquently by the Premier, that the multifunction polis project has the capacity to be the biggest thing that has ever happened to South Australia, and, in fact, to provide enormous opportunities for this State to develop new industries and opportunities for people within the State, and, of course, for Australia generally, that would otherwise not occur in this country. It will provide the catalyst, if we are able to achieve the level of support within Australia that is required to make something of this kind successful, and have the capacity to attract investment, migration and interest in Australia from key people and countries all over the world. The Government is fully committed to this project and will be doing all in its power, working with the Federal Government, to bring it to fruition.

As to the Liberal Party's attitude to this project, I think the honourable member would have to direct his questions to the Liberal Party because, to this date, I have not seen any statements emanating from the Opposition which throw very much light on the question at all. It seems to me that the Liberal Party is adopting something of a fence-sitting approach to this project. One can only assume that the Liberal Party is having a bob each way.

It seems to me that it would be highly desirable for Opposition members to support fully the MFP concept. I can appreciate that Opposition members, as with many people in South Australia, would want to reserve opinions

on certain aspects of the concept, because, as has been freely acknowledged, there is much work yet to be done. In order for the idea to have the best possible chance of coming to fruition, it would be highly desirable for there to be very general support for it within the South Australian community. If that could be expressed by way of bipartisan support for such a proposition when it is being discussed nationally and internationally, I believe it would add to its chances of success. I hope that the Liberal Party will very soon take a much more positive stand on this question and join the Government in helping to bring it to fruition.

AIDS

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Labour, a question on AIDS, care givers and spouses.

Leave granted.

The Hon. R.J. RITSON: It is not too many years since people were saying that no Australian health workers had contracted AIDS in the course of their duties. Prior to the two recently publicised incidents involving Correctional Services officers, 20 care givers had been treated with AZT in an attempt to abort the onset of AIDS, but not always successfully.

Some recent American studies have shown that, after eliminating all known risk factors, there is a statistically valid higher rate of AIDS of no known origin amongst care givers than there is in the general community. The obvious conclusion is that, in countries with a big enough pool of infection to get statistical validity, care givers are at risk—a small, but measurable risk—of contracting AIDS without realising it without needle stick or other identifiable incident. The size of the risk depends on the size of the pool of infection in the community. At the moment the pool is still fairly small in Australia, but this risk will increase and so will the numbers of people infected in this way. I include not only nurses, doctors, laboratory technicians and ambulance people, but also police officers and, as we saw in the papers recently, Correctional Services officers.

In the case of a worker who is infected as a result of an identifiable incident, provided that person recognises the risk straight away and informs his or her spouse that they are hereby condemned to indefinite celibacy (as an aside, I would not count condoms as an option because in my medical practice over the years I have seen many fine bouncing babies born with the aid of condoms), I suppose the best possible scenario is indefinite celibacy, perhaps to risk death for love or to change spouses. What does that matter if it is a risk that affects only a trifling number of people in a category in which most people do not work? However, in the case of a worker who is infected without realising it, the spouse may already have been condemned to death.

My question concerns WorkCover in relation to the spouse because, provided that there was an absence of an obvious cause extraneous to work, I think the claim against WorkCover would succeed for that worker. But what is the situation in the case of the spouse? I think that there is a strong case for tampering yet again with the WorkCover legislation to provide some suitable remedy, after the exclusion of other causes, for AIDS victims who are the spouses of workers with occupationally contracted AIDS. I am sure that the wife of the prison officer who has become HIV positive—or, if he has not got a wife, all the girls who would have liked to marry him—has suffered some loss. Perhaps there ought to be some compensation for the severe psychological and social disruption to the family, even if AIDS is not transmitted from the infected worker to the wife.

Will the Minister consider this problem and consider bringing forward legislation to give some measure of remedy to the small but potentially increasing number of people who will have their lives shattered as a consequence of being married to a policeman, a prison officer, an ambulance person, a nurse or a surgeon? I hope that the Minister in the reply demonstrates some caring for those groups of people and does not trivialise it by saying, 'But, yes, the chances are tiny and it will only happen to one or two people.'

The Hon. BARBARA WIESE: I will refer the honourable member's question to my colleague in another place and bring back a reply.

REPLIES TO QUESTIONS

The Hon. ANNE LEVY: I seek to have inserted in *Hansard* the following replies to questions.

Leave granted.

WATER AND SEWERAGE RATES

In reply to **Hon. L.H. DAVIS** (15 August).

The Hon. ANNE LEVY: The Minister of Water Resources has advised that churches and charitable institutions are exempt from normal rating on the improved capital value of properties for both water supply and sewerage services. Instead, a base charge is made and, in respect of sewerage, the charge is dependent upon the number of water closets connected to the sewerage system. In 1990-91 sewerage rates were generally increased by an average of 6.7 per cent.

The increases from $36 to $42, that is 16.7 per cent, and $49 to $57, that is 16.3 per cent, respectively, to which the honourable member refers, represent the cumulative total for both the rate increase and the 10 per cent environmental levy which was introduced this year. Water and sewerage rates are set each year and apply for the full financial year, therefore the 1990-91 rates will not be reviewed. The environmental levy applies to all customers rated or charged under the Sewerage Act and is proposed to continue for five years.

OPAL PROSPECTING

In reply to **Hon. PETER DUNN** (21 August).

The Hon. ANNE LEVY: The Minister of Lands has advised that the combined provisions of the Mining Act, The Pastoral Land Management and Conservation Act, and the Soil Conservation and Land Care Act are sufficient to adequately protect the interests of the pastoral lessees in this instance. There are no known cases of unlicensed access.

A leaflet explaining the obligations relating to opal mining on the Lambina pastoral lease has been prepared by the Department of Mines and Energy. The publication is made available to all prospective miners on application for the obligatory 21 days notice of entry. Negotiations are also proceeding with the Lambina pastoral lessees for the setting aside of a designated area for camping by miners.

TAFE COMPUTER COURSES

In reply to **Hon. R.I. LUCAS** (14 August).

The Hon. ANNE LEVY: The Minister of Employment and Further Education has advised that there is no dispute between Elizabeth College of TAFE and Adelaide College of TAFE concernig plans by the Elizabeth College to establish computer courses in the central business district of Adelaide. The two colleges have been negotiating for several weeks over the possibility of a joint venture to provide computing training for corporate clients at the site of Training Services Australia in Currie Street, the Adelaide College, or other city locations. These negotiations are in accord with established practices for inter-college co-operation.

TAFE guidelines in respect to entrepreneurial activity are designed to ensure flexibility and responsiveness in the provision of programs to meet demand. If, as a result of a particular proposal a course is likely to be conducted by one college in the locality of another college, then full consultation between colleges occurs.

TANDANYA

In reply to **Hon. DIANA LAIDLAW** (9 August).

The Hon. ANNE LEVY: An amount of $139 000 was made available to Tandanya, the Aboriginal Cultural Institute, in addition to the 1989-90 allocation of $540 000. The additional funds were provided solely to offset a revenue shortfall which occurred on account of lower than budgeted visitor numbers.

Prior to Tandanya's official opening, it was envisaged that attendances would total 70 000 per annum. Tandanya has now revised its revenue estimates to take into consideration the actual experience of the 1989-90 year, which saw approximately 15 000 people visit Tandanya over the eight months it was open to the public.

The abuse referred to by the honourable member was not associated with expense allowances. It related to the unauthorised use by a former employee of a Cabcharge book. In total it appears the amount involved was of the order of $150. The management of Tandanya has implemented new procedures which ensure that all Cabcharge books are now in the direct control of Departmental heads. This should ensure that no further abuses occur.

The State Government has not made a specific contribution to the cost of overseas travel. Tandanya received sponsorship from Qantas for a portion of air fares, and also received some Commonwealth funding from the Aboriginal and Torres Strait Islander Commission. It is anticipated that the balance of costs of the travel will be met from commisions generated from the sale of art works.

I have not sought a report on the recent resignation of Mr Steve Kennett. As I understand it, Mr Kennett had only limited knowledge of the exhibition proposal and his resignation was not associated with exhibition difficulties. For the information of the honourable member, the anti-racism poster exhibition. was opened by my colleague, the Minister of Education, on 31 July 1990 and will end on 30 September 1990. In the *Advertiser* it was implied that Tandanya was curtailing the exhibition in an effort to save money. This is not the case. The majority of funding was provided by other Government agencies, including the Education Department, with Tandanya merely providing the exhibition space.

APPRENTICES

In reply to **Hon. CAROLYN PICKLES** (15 August).

The Hon. ANNE LEVY: The Minister of Employment and Further Education has advised that at the time the question was asked by the honourable member, it was known that the Commonwealth was contemplating removing CRAFT off-the-job subsidies, that is, Commonwealth Rebates for Apprentices in Full-Time Training.

Significant representation was made to John Dawkins, Federal Minster of Employment, Education and Training on the adverse effects a withdrawal of this subsidy would have on Group Training Schemes.

In the event, the Commonwealth has heeded those representations, and, in the Federal Budget brought down on 21 August, Group Training Schemes are to be exempt from the withdrawal of this subsidy.

Officers of DETAFE participated in a meeting with a national working party in Sydney on 23 and 24 August to begin negotiation for new arrangements to cover Group Training Schemes in this State. As a result, the Department of Employment, Education and Training is now prepared to fund the Off-the-Job Training Subsidies for group training schemes when they receive the appropriate submission from group managers.

In consequence, no apprentices employed in a group scheme should have their employment terminated as a result of these changes, although there may be some delay before the funds are forthcoming.

PASTORAL LAND

In reply to **Hon. PETER DUNN** (9 August).

The Hon. ANNE LEVY: The Minister of Lands has advised that it is anticipated that the Valuer-General will make determinations on individual properties by the end of September 1990 and that rent notices will be sent in November 1990 for payment in February 1991. In response to questions 3, 4 and 5 from the honourable member, the Minister has advised that the answer to each question is 'No'.

RAIL SERVICES

In reply to **Hon. I. GILFILLAN** (16 August).

The Hon. ANNE LEVY: The Minister of Transport cannot guarantee that any passenger travelling between Mount Gambier and Adelaide will not be disadvantaged by the loss of passenger rail services. However, surveys have shown that the private bus services between Mount Gambier and Adelaide have sufficient capacity to carry all existing rail passengers.

It is likely that service improvements would increase passenger demand for intrastate rail. The predominant mode of transport for travel between Adelaide and Mount Gambier is by private car. Bus, rail and air, although approximately equal in the number of passengers using these three modes, play only a minor role.

As yet, no approach has been received from the Federal Minister seeking the Minister's concurrence with the cessation of this service. The Minister is prepared for the matter to proceed to arbitration, as provided in the Transfer Agreement, if necessary. Should that situation eventuate the Government will certainly consider convening a meeting between all interested parties to discuss the future of the Mount Gambier passenger services. Although it is easy to

identify representatives from pressure groups and the union movement, identifing representatives from users of the service may prove to be very difficult.

The answer to the honourable member's fourth question is 'No'.

The South Australian Railways did not extend as far as Whyalla; this link was built and operated by the Commonwealth Railways. At the time of transfer to Australian National, no SAR intrastate services were operated to Broken Hill. The present AN 'Iron Triangle' and 'Silver City' services cannot therefore be seen as an extension of pre-existing SAR services.

RECYCLED PAPER

In reply to **Hon. M.J. ELLIOTT** (14 August).

The Hon. ANNE LEVY: The Minister for Environment and Planning has advised that she is aware that stationery made from recycled paper currently carries a higher price than stationery made from virgin pulp both at the wholesale and retail level.

However, prices have been falling since introduction of Australian-made recycled papers and industry advises that prices will continue to fall as volumes rise through increased demand and manufacturing efficiency and productivity is improved. There are no mechanisms currently available for intervention. Office stationery is not subject to price control under the Prices Act.

SOUTH-EAST RAIL SERVICES

In reply to **Hon. M.J. ELLIOTT** (7 August).

The Hon. ANNE LEVY: The Minister of Transport has advised that direct approaches have failed to obtain a response from Australian National about the future of rail services in the South-East. However, efforts will continue, to try and obtain a clear statement of Australian National's long term intentions.

The information that Australian National holds relating to these services is commercial-in-confidence. Australian National's permission would be needed before it could be publicly released.

The State Government has clearly indicated that it is prepared to go to arbitration if Australian National decides to close the line in the South-East. The Minister of Transport's objection to the withdrawal relates only to those services operated by the former South Australian Railways. The State Government will not conduct its own inquiry into the closure of country rail services by Australian National.

WASTE RECYCLING

In reply to **Hon. M.J. ELLIOTT** (8 August).

The Hon. ANNE LEVY: The Minister for Environment and Planning has advised that she assumes that the honourable member when referring to a city-wide waste system means a system where each household separates all its waste into recyclable and non-recyclable components which would then be collected separately. These schemes have been investigated in detail and a number are in place in some areas. They all require a subsidy and none is self-supportive.

The Waste Management Commission receives information from a number of sources both in Australia and overseas. Its officers regularly attend recycling seminars which in the past have featured keynote speakers from countries heavily involved in kerbside recycling.

The net costs associated with such schemes are in the order of $40 to $700 a tonne depending on the type of material being recovered. ACI Petalite and ICI are having to pay collectors of their products $700 a tonne for a kerbside collection service.

Ultimately the cost of providing a kerbside service will depend on the value of the materials collected. The cost of providing such a comprehensive service would not be covered by the value of the material recovered.

The problem of low material prices is at the heart of the Government's proposed recycling strategy, a strategy which the Greenhouse Association dismissed at its recent seminar.

All submissions, including the submission from the Greenhouse Association, have been accepted by the Recycling Advisory Committee, and will be taken into account when the proposed recycling strategy is reviewed. The committee did not respond to the Greenhouse Association in the manner suggested by the honourable member.

At a recent seminar conducted by the Greenhouse Association, where the city-wide waste system was proposed, the Chair of the Recycling Advisory Committee, who was also a speaker, suggested that the proposal needed costing before further development. The Waste Management Commission would be happy to provide the Association with further information, if asked.

The issue of waste minimisation and the reuse of materials was dealt with only briefly in the strategy because it was the Recycling Advisory Committee's view that recycling is the first step that needs to be taken. Recycling is a relatively straight forward concept for the community to become accustomed to. Yet experience has shown that a great deal of education and promotion is required if it is to succeed.

Once domestic recycling has been successfully implemented, the next step to be taken is to promote the reuse of products. This involves complex issues such as refillable versus non refillable containers, standardisation of containers and packaging in general. Such issues are best addressed at a national level and progress is being achieved through the Australian New Zealand Environmental Council. Waste minimisation is the third and most important step to take. This is an important issue for industry as well as the consumer because it involves producing more durable goods and more efficient production methods.

As disposal costs increase and consumers turn away from disposable products, manufacturers will respond to these changed circumstances. It is for these reasons that the Recycling Advisory Committee has chosen initially to concentrate on recycling in the strategy. Once recycling has been successfully implemented, waste minimisation and the promotion of reusability will be much easier to achieve.

MULTIFUNCTION POLIS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking a question of the Minister of Tourism, representing the Premier, about the MFP.

Leave granted.

The Hon. M.J. ELLIOTT: The Government has promised full consultation on the MFP proposal. On 23 August an advertisement in the *Advertiser* invited public relations and marketing consultants to tender to work on the MFP project. The brief sent to prospective applicants stated:

It is expected the successful tenderer will deliver a comprehensive public relations and marketing program in close association with the MFP-Adelaide Project Team.

Key objectives of the program included general public acceptance and support for the MFP-Adelaide concept. The brief told prospective tenderers:

> The MFP project has received some media attention which has polarised attitudes to some extent largely as a result of preconceived and inaccurate ideas about the MFP project. The project organisers have been seen as not keeping the public informed. Indications are that the resistance of the MFP project centres on: Japanese involvement, foreign ownership, environmental impact and social impact.

In other words, the successful tenderer would be required to sell the MFP concept to the public and dispel any public concerns.

The brief went on to suggest that there was a second phase, which would provide a very substantial reward, while the reward for the first stage would be $150 000. Here we have public consultation. The Government is getting consultants whose key role is to sell the project to the public. Concern has been expressed to me that the Government is employing a promotions team before a feasibility study of the project has been completed and while the much publicised public consultation is still awaited. It is certainly a novel way of proceeding.

Concern has also been expressed to me about the difficulty many people have in obtaining accurate information about the present condition of the site in reports that are known to exist. An article in the *Adelaide Review*, September edition, states:

> The Department of Environment and Planning naturally takes some interest in these matters. According to one very persistent rumour, their contribution to the new Jerusalem was a report which said 'we oppose any residential development at Gillman'. The Premier's Department felt that this was unhelpful, and asked the DEP to reconsider. DEP replied: 'we are absolutely opposed to any residential development at Gillman'. They were then told to keep quiet. Similar noises apparently emanated from the Health Commission, with similar consequences.

The allegation that certain Government departments with concerns about the project site are being silenced has resulted in several calls to my office. My questions are:

1. Does the Premier deny the existence of such reports?
2. Why have they not been released?
3. How can proper and informed public debate take place when vital information is being suppressed?
4. Will all reports on environmental and health matters be publicly released?
5. How can the Premier defend the integrity of public consultation in the light of the employment of marketing and public relations consultants with a clear brief to achieve public acceptance and support for the MFP?

The PRESIDENT: Before calling on the Minister of Tourism, I draw the attention of the Council to the time.

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place for a reply. I point out to the honourable member that it is very difficult to provide information to members of the public about aspects of the project unless there is an avenue for doing so.

The PRESIDENT: Order! I call on the business of the day, the time for questions having expired.

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL

The Hon. Anne Levy, for the **Hon. BARBARA WIESE (Minister of Tourism)** obtained leave and introduced a Bill for an Act to amend the Land Agents, Brokers and Valuers Act 1973. Read a first time.

The Hon. ANNE LEVY: I move:

That this Bill be now read a second time.

The Land Agents, Brokers and Valuers Act 1973 regulates the activities of the real estate industry in South Australia.

One important function of the Act is to require prospective purchasers of land or small businesses to be given information about a wide range of possible encumbrances on land, and financial information about businesses.

The required information is prescribed in detail in the regulations, and set out in the prescribed forms (Forms 18 and 19 of the second schedule to the Land Agents, Brokers and Valuers Regulations 1986), which must be served on a prospective purchaser of land or a small business. Over 60 000 of the forms are used per annum.

Forms 18 and 19 came into operation in 1986, but most of Form 19 was almost immediately withdrawn following serious criticism by the Real Estate Institute of South Australia Incorporated ('the REI') and a new date set for its operation, while an attempt was made to resolve the difficulties with the form. The date has been extended several times, and is currently set at 1 January 1991.

In late 1987, after the Department of Public and Consumer Affairs ('DPCA') received a detailed submission from the REI on problems with both forms and the Local Government Association of South Australia Incorporated ('the LGA') also expressed concern, the Commissioner for Consumer Affairs set up a working party to review both forms and formulate alternatives.

The working party was convened by DPCA and comprised also representatives of the REI and LGA (when available) and later, the Department of Lands which has responsibility for the 'LOTS' System on which information about land is stored, and the Office of Parliamentary Counsel.

The working party concluded that the currently prescribed Forms 18 and 19 were out of date. The information to be disclosed on them needed to be updated and expanded, particularly to reflect additional factors that can affect the enjoyment of land, including legislative changes.

To ascertain how this could be done, the working party consulted widely with Government departments and agencies that will need to provide information to be disclosed on the form. The Lands Department held its own consultations about arrangements for placing information from departments and agencies onto the LOTS system.

To make the proposed changes, Part X of the Act must be amended to make it possible to require the wider range of factors to be disclosed on the forms to be prescribed in the regulations.

The most significant of these additional factors are:

(1) Prohibitions or restrictions under the Aboriginal Heritage Act 1988.

(2) Mining tenements and private mines under the Mining Act 1971.

(3) Past use of land as a waste depot (for example, to avoid health risks involved in building on or occupying such land, as has occurred at Alberton and Bowden in South Australia, and in Queensland and New South Wales). This applies particularly to toxic wastes.

(4) Details of water allocation for irrigation purposes, including transfers of water allocations.

(5) Disclosures concerning restrictions on the height of buildings imposed under Commonwealth legislation relating to civil aviation or defence.

(6) Information relevant to farmers and graziers concerning:

- clearance of native vegetation,
- destruction or control of animals or plants,

- transportation of animals, plants or soil,
- fruit and plant protection,
- agricultural chemicals,
- stock diseases.

The purpose of such disclosures is to prevent situations in which purchasers of agricultural or grazing land suffer economic loss because they are unaware of restrictions on the use of the land, or unwittingly contribute to the spread of animal or plant diseases.

(7) Directions under the Food Act 1985 prohibiting use of unclean or insanitary premises or equipment.

(8) Unambiguous and more comprehensive financial information than that which would be provided on the currently gazetted Form 19.

The amendment of the Act also presents an opportunity to make other changes which remove ambiguities in current provisions and practices, and to streamline procedures.

In particular, it is proposed:

(1) That the financial information relevant to a small business must be verified by a qualified accountant. This step should help to increase the likelihood that information disclosed is accurate.

(2) To bring the legislation up to date with modern technological developments, by allowing service of cooling-off notices and Forms 18 and 19 by facsimile ('fax'), where a party accepts this method of service.

(3) To allow service of a cooling-off notice by giving it to the vendor's agent, at the agent's registered office or nominated branch office.

(4) To limit the right to cool-off on a contract by:

(a) not allowing cooling-off where a person who bid at an auction for a property which was not sold, buys the property on the same day;

and

(b) limiting the right to cool-off where a purchaser excercised an option to purchase or bought by tender not less than five clear business days after the grant of the option or submission of the offer, and not less than two clear business days after the vendor's statement is served.

These steps will close loopholes which have been used by commercially sophisticated purchasers to take advantage of cooling-off periods.

(5) To define 'encumbrance' to include any easement other than a statutory easement for the supply of electricity, gas, water, sewerage or telephone. The absence of clarity in the current Act on this point has the possible effect that a purchaser has a right to avoid a contract if a Form 18 or 19 that omits such easements has been served.

(6) Resolve ambiguity as to the status of a form containing a slight inaccuracy by specifying that the vendor's statement must be accurate at the date of service on the purchaser. Further, the Bill specifies that if information disclosed changes prior to the purchaser signing the contract, a notice of amendment will need to be served.

(7) To delete sections 90 (12) and (13) and 91 (5a) and (5b) which are ambiguous and can be read to conflict with sections 103 and 104. These sections concern remedies available under other Acts.

(8) To require a vendor of land or a small business to serve, or cause to be served, a statement in the prescribed form (Form 18 or 19) on the purchaser, and make it an offence to fail to do so. This overcomes the problem with the Act at present that can arise when a vendor who is selling land or a small business without an agent, and who fails to serve a form, does not commit an offence. It is also proposed, however, that where an agent acts on behalf of a vendor, the agent is still required to make the prescribed inquiries and certify the completeness and accuracy of the statement. It is further proposed that the certificate must be endorsed on, or attached to, the vendor's statement.

(9) To remove the requirement that an agent make not only prescribed inquiries, but also 'such other inquiries as may be reasonable in the circumstances' from the Act. The Code of Conduct, which agents are required to comply with, already requires agents to make such inquiries. Courts have also held that such a duty exists.

(10) To expand the rights of a purchaser of land or a small business who wishes the purchase to proceed quickly, to waive not only cooling-off rights but also the right to the period of ten clear days in the case of land and five clear business days in the case of a small business, after receipt of Form 18 or 19 and before settlement, if independent advice is received from a legal practitioner and that practitioner signs a certificate in the prescribed form. Section 92 of the Act will need to be amended to achieve this.

(11) To provide a means of determining the value of land to be sold in fee simple in pursuance of a contract for the sale of a business, where the vendor and purchaser have not agreed as to the value of the land. It is proposed that the value be the capital value determined under the Valuation of Land Act 1971.

(12) To not require an agent acting for a purchaser to make the prescribed inquiries and prepare and serve a statement and certificate if there is already an agent acting for the vendor.

(13) To require councils and statutory authorities to provide the required information within seven clear business days of receiving an application for it (after the prescribed fee and documents are received) and enable a fine to be imposed for non-compliance. This would provide incentives to avoid unreasonable delays.

(14) To clarify the amount of the deposit which a vendor may require a purchaser of a small business to pay by specifying the deposit to be 'ten per cent of the total consideration for the sale specified in the contract'. This should enable parties to agree in advance on the anticipated value of stock.

(15) To give courts power to make a wider range of orders when determining disputes concerning vendors' statements. This follows judicial criticism of the current situation under which the remedies of rescission and damages are in the alternative, rather than both being available.

(16) To expand the range of defences to a charge of an offence or to civil proceedings, to bring the defences more into line with those set out in the Fair Trading Act 1987.

(17) To rearrange and rationalise the provisions of Part X of the Act.

These proposed changes are supported by the Real Estate Institute. The passing of the Bill will be beneficial to purchasers of land in this State by giving them access to a wider and updated list of disclosures. The expanded disclosures, however, need not involve extra work for vendors or agents. This is because the LOTS system of the Department of Lands will be able to supply most of the information required to be disclosed on the forms, at a cost lower than that of making inquiries with each of the individual departments and agencies. The remaining information will need to be gathered from councils, the vendor and, in the case of a strata unit, the strata corporation.

It is also envisaged that the regulations will free the persons filling in the forms from the requirement to answer all questions (many of which may not be relevant to any particular property) by presenting a 'core' of items which must be answered in every case but requiring remaining parts of the forms to be served only if they refer to matters that apply to the particular case. The Bill will also benefit the real estate industry generally, by streamlining procedures and resolving uncertainties with which its members have had to contend. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3 inserts an interpretative provision, new section 87a, into Division II of Part X of the principal Act.

Subsection (1) defines various words and phrases used in this Division.

'Purchaser' and 'vendor' were previously defined in sections 88 (5), 90 (9), 91 (8) and 91a (8). The definitions of these words remain unchanged except that 'vendor' now includes a prospective vendor and 'purchaser' now includes a prospective purchaser.

The terms 'section 90 statements' defined in section 88 (5) and 'section 91 statements' defined in section 91a (7) have been substituted by 'vendor's statement', defined to mean the statement that the vendor of land or a small business is required to serve under section 90 or 91 and to include all certificates that are required to be endorsed on or attached to the statement.

A definition of 'qualified accountant', a new term used in new section 91, is included. A 'qualified accountant' is a person who has qualifications in accountancy approved for the purposes of this definition by the regulations or a person experienced in accountancy who is approved by the Commercial Tribunal as a fit and proper person to exercise the functions of a qualified accountant under Division II of Part X of the Act.

'Encumbrance' was previously defined in section 90 (9). The only change to the definition is that 'encumbrance' does not now include a statutory easement relating to the provision of electricity, gas, water, sewerage or telephone.

'Small business' was previously defined in section 91 (6). The only change to its definition is that the upper limit of total consideration currently fixed in the Land Agents, Brokers and Valuers Regulations 1986 at $150 000 is now fixed in the Act and the provision contained in section 91 (7) has been incorporated in the definition.

Subsection (2), a new provision, states that for the purposes of the definition of 'small business', the value of any land sold or to be sold in fee simple in pursuance of a contract for the sale of a business will be taken to be the value agreed in writing between the vendor and purchaser, or in the absence of such an agreement, the capital value determined under the Valuation of Land Act 1971.

Clause 4 repeals section 88 of the principal Act and substitutes a new provision. Previously section 88 set out the cooling-off rights with respect to the sale of land and section 91a set out the cooling-off rights with respect to the sale of a small business. The new section 88 combines the old sections 88 and 91a. The substantive changes are found in new subsections (2) and (7).

Subsection (2) provides for the following additional methods of service of a cooling-off notice:

1. By giving the notice to the vendor's agent personally at the agent's registered office or a registered branch office nominated by the agent for the purpose of service of the notice.

2. By leaving the notice for the agent, with a person apparently responsible to the agent, at the agent's registered office or a registered branch office nominated by the agent for the purpose of service of the notice.

3. By transmission of the notice by facsimile transmission to a facsimile number provided by the vendor or the vendor's agent.

If the notice is faxed it is taken to have been given at the time of transmission.

The subsection places the onus of proving the giving of a cooling-off notice on the purchaser.

Subsection (7) sets out those cases in which there is no right to cool-off. The changes from old sections 88 (4) and 91a (6) are as follows:

1. The purchaser of a small business no longer has a right to 'cool-off' if the purchaser is a body corporate.

2. A purchaser of either land or a small business no longer has the right to cool-off if the land or business is offered for sale, but not sold, by auction and a person by whom, or on whose behalf, a bid for the land or business was made at the auction enters into the contract on the same day as the auction is held. Previously the right to cool-off was lost only if the person who bid at the auction entered into the contract on the same day for a price not exceeding the amount of the bid.

3. A purchaser of land or a small business no longer has a right to cool-off if the sale is by tender and the contract is made not less than five clear business days after the submission of the offer and not less than two clear business days after the vendor's statement is served on the purchaser.

4. A purchaser of a small business no longer has a right to cool-off if the contract is made by the exercise by the purchaser of an option to purchase the business and the option is exercised not less than five clear business days after the grant of the option and not less than two clear business days after service of the vendor's statement on the purchaser. Previously the right to cool-off was lost only in the case of land acquired by the exercise of an option not less than seven days after the grant of the option and not less than two clear business days after service of the vendor's statement on the purchaser.

Clause 5 repeals sections 90, 91 and 91a of the principal Act and substitutes new provisions.

New section 90 is different from the old section 90 as follows:

1. Some of the matters in relation to which prescribed particulars must be supplied by a vendor of land (that is, strata units and building indemnity insurance) will be prescribed by regulation. Other matters will be able to be prescribed by regulation as the need to include them arises.

2. Old subsections (2) and (2aa) have been removed.

3. The substance of old subsection (2a) has been re-enacted in subsection (2).

4. Old subsections (3), (4), (4a) and (4b) have been removed.

5. The substance of old subsection (5) has been incorporated in section 91f.

6. The substance of old subsection (5a) has been re-enacted in section 91e.

7. The substance of old subsections (6) and (7) has been incorporated in section 91g.

8. Old subsection (8) has been removed.

9. The substance of old subsection (9) has been re-enacted in new section 87a (1).

10. The substance of old subsection (9a) has been re-enacted in subsection (3).

11. Old subsection (9b) has been re-enacted in section 91c.

12. The substance of old subsection (11) has been re-enacted in section 91d.

13. Old subsections (12) and (13) have been removed from the Act as they are inconsistent with sections 103 and 104.

14. Old subsection (14) is now part of new section 90 (4). Section 90 will now apply only to the sale of land where the interest being sold is an estate in fee simple or leasehold interest granted by the Crown in pursuance of statute.

New section 91 is different from the old section 91 as follows:

1. A qualified accountant will be required to serve a certificate in relation to the financial particulars disclosed in the vendor's statement.

2. Old subsection (1a) has been removed.

3. The substance of old subsection (1b) has been re-enacted in section 91c.

4. The substance of old subsections (2) and (3) has been re-enacted in section 91g.

5. Old subsection (4) has been removed.

6. The substance of old subsection (5) has been re-enacted in section 91d.

7. Old subsections (5a) and (5b) have been removed from the Act as they are inconsistent with sections 103 and 104.

8. The substance of old subsection (5c) has been re-enacted in section 91 (1) *(c)*.

9. The substance of old subsection (6) has been re-enacted in new section 87a (1).

New section 91a requires an agent acting on behalf of a vendor of land to make the prescribed inquiries into the matters as to which particulars are required by the vendor's statement and to certify that the responses to those inquiries confirm (subject to any stated exceptions) the completeness and accuracy of the particulars contained in the statement. The vendor is required to ensure that the certificate is endorsed on or attached to the vendor's statement at the time of service on the purchaser. Where there is no agent acting for the vendor but there is an agent acting for the purchaser, the requirements to make prescribed inquiries and give a certificate must be carried out by the purchaser's agent. The purchaser's agent is required to serve the certificate or cause it to be served on the purchaser.

New section 91b deals with variations in particulars in a vendor's statement. Subsection (1) requires a vendor's statement to be accurate as at the date of service on the purchaser. Subsection (2) provides that if after service of a vendor's statement but before the purchaser signs the contract circumstances change so that if a fresh statement were to be prepared there would have to be some change in the particulars contained in the statement, the vendor's statement will be regarded as defective until a notice of amendment is served and when such a notice is served it will be presumed that the vendor's statement was served, as amended by the notice, on the date of service of the notice.

New section 91c restates the requirement previously contained in sections 90 and 91 that an auctioneer offering land or a small business for sale by auction must make the vendor's statement available for perusal by members of the public at his or her office for at least three consecutive business days preceding the auction and at the place of auction for at least 30 minutes prior to the auction and must cause public advertisement to be given in the prescribed manner and form of the times and places at which the statement may be inspected.

New section 91d requires a council or statutory authority that has imposed, or has the benefit of, a charge or prescribed encumbrance over land to provide within seven clear business days of receiving an application for information under this section (accompanied by the prescribed fee and any documents that the regulations require to accompany the application) such information as the applicant reasonably requires in relation to the charge or encumbrance. Previously this requirement was contained in section 90 (11) and section 91 (5). The main changes made in the new section are that the information must be provided within seven clear business days and a council or statutory authority that fails to comply is guilty of an offence.

New section 91e makes a person who gives a certificate under the Division knowing it to be false in a material particular guilty of an offence. Previously this offence was contained in section 90 (5a) as no certificate was required under section 91. This general provision will cover certificates of qualified accountants under section 91, certificates of land agents under section 91a and those given by legal practitioners under sections 88 and 91h.

New section 91f makes a person who contravenes or fails to comply with this Division guilty of an offence and liable to a maximum $2 000 fine. Previously where a requirement of section 90 was not complied with by an agent or person acting on behalf of an agent, the only person who was guilty of an offence was the agent.

New section 91g is a remedies provision. It was previously contained in sections 90 (7) and (8) and 91 (2) and (3). The only change is that a court will now be empowered to award damages and make such orders as may be just in the circumstances where the court avoids a contract, instead of having to choose between avoiding the contract or awarding damages.

New section 91h provides general defences to a prosecution for contravention of, or non-compliance with, a requirement of the Division. It is a defence for the defendant to prove—

(a) that the alleged contravention or non-compliance was unintentional and did not occur by reason of the defendant's negligence or the negligence of an officer, employee or agent of the defendant;

or

(b) that the purchaser received independent legal advice from a legal practitioner in relation to waiving compliance with the requirement, the legal practitioner signed a certificate as to the giving of that advice and the purchaser waived compliance with the requirement by signing an instrument of waiver.

These defences replace the defence of reasonable diligence contained in old sections 90 (8) and 91 (4).

Clause 6 makes a minor consequential amendment to section 92 of the Act.

Clause 7 amends section 105a of the Act to enable notices and other documents required or authorised to be given under the Act to be given by facsimile transmission.

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

BUDGET PAPERS

Adjourned debate on the question:

That the Council take note of the papers relating to the Estimates of Payments and Receipts 1990-91.

(Continued from 4 September. Page 605.)

The Hon. M.J. ELLIOTT: I support the motion. This year's State budget, while receipts and expenditure appear to be approximately equal and the State's affairs appear on the face of it to be competently managed, is not, in reality, a balanced budget, nor is it an example of good economic management. The imbalance is hidden by a number of measures. First, a massive underspending on infrastructure and, to a lesser extent, on services. Secondly, a massive program of asset sales. Thirdly, there have been several large first-time levies from public bodies and, fourthly, there have been transfers of debt from one Government area to another, with the conversion of debts from one body into capital equity held by another.

None of those measures is sustainable in the long term and they have serious implications for the future provision of quality services in South Australia. Despite these measures they have not enabled the Government to avoid significant increases in certain taxes and charges. The Democrats do not object to increases where they are justified and equitable, but that has not always been the case. There is a case for the State to argue for a wider tax base, as essential services provided by the States are put at risk through cuts in the grants received from the Commonwealth. The solution is not, as the Liberal Party would have us believe, to cut tax rates, slash Government services and sell off public bodies. Its apparent lack of concern about the effects of such moves shows a complete lack of compassion, especially for their so-called traditional constituency of rural South Australia.

Let me first take the issue of public infrastructure, and by that I mean roads, sewers, schools, hospitals and the like. According to the Australian Bureau of Statistics figures which were published in 1989, the net capital stock of Australia was $830.5 billion, of which $295.3 billion, or 35.6 per cent, is owned by public authorities.

In relation to South Australia, by March 1989 the total asset value of the State Government was estimated at $32 billion (that figure is from the South Australian Public Accounts Committee, as published in the magazine *Directions in Government* of March 1989). Of that total, around 80 per cent, or $25 billion, is controlled by just eight Government agencies; they are the Housing Trust, ETSA, the STA, Education Department, TAFE, the Health Commission, the E&WS Department and the Highways Department.

That is a sizeable investment held by the State Government on behalf of the people of South Australia, yet the budget papers fail to reveal any indication of the condition of the State's assets. Although the budget papers contain a reference to capital receipts, which covers the sale of assets, there is no reference to infrastructure costs.

It has been estimated—and again these figures come from *Directions in Government*—that by the year 2005 the cost of asset replacement will be equal to the total State's spending on new capital assets. Currently, that is not the case, with the ratio of asset replacement to new capital assets at approximately 30 per cent to 70 per cent of the capital asset budget. By the end of this century, in just nine years, the State Government will need to spend 50 per cent of its asset budget on maintenance of the infrastructure.

In its 1988 report, the Public Accounts Committee pointed out that the average annual asset consumption exceeds cash payments for replacement by an amount of the order of $200 million to $300 million per annum. That committee said that this was an expense which was being incurred, and would eventually arrive in the future as cost of asset replacement, without the Parliament being informed.

To give one case in point: at a recent seminar a representative from the South Australian Health Commission admitted that if all new capital work stopped tomorrow it would take the commission 10 years to catch up on its backlog of maintenance work. Another hint at the size of the problem comes from the Highways Department's Annual Report for 1988-89. It says that at 30 June 1989, the cost of replacing all road and bridge assets was estimated at $3 634 million. Allowing for depreciation, the value of the road network was put at $1 713 million. The report went on to say:

> The long-term average annual cost of road asset consumption is about 2.8 per cent of the total road asset replacement cost.

So, the road asset consumption for 1988-89 was estimated to be $102 million. The department at that time was spending approximately $43 million per year on road asset replacement, significantly less—in fact, much less than half—than the road asset consumption figure.

The main problem when trying to look at the value and condition of the State's assets is lack of information. At present no easily accessible, clear breakdown on infrastruucture exists within Government accounting. The budget papers are at present virtually useless in this area, and annual reports are not much better. Financial reports need to be produced in accrual terms, based on current replacement values for depreciation of assets. Balance sheets would provide early warnings as to the true cost and necessity of asset replacement and maintenance. Underspending on infrastructure cannot continue because it is an accumulating deficit that taxpayers in the future will have to face. This deficit adds to the State's overall debt by anywhere between $100 to $300 billion per year. An exact figure is incalculable because the budget papers simply do not give sufficient information to enable one to do so.

The sale of public assets has been yet another way in which the Bannon Government has managed to mask the real economic difficulties of the State in recent years. Asset sale capital has been absorbed into general revenue for the provision of vital services, enabling the Government to keep tax rates and charges low in the short term. In 1989-90 the State Government sold more than $29.8 million worth of land and buildings, bringing to more than $118 million its sale of land and building assets since 1987. The sale of land and buildings during the 1990-91 financial year is expected to raise more than $60 million for the State Government.

No information or detail on those assets sales is provided within the budget papers. It is impossible to find out what was sold, what price it was sold at and what new assets were purchased as replacement, if any. An asset register, updated each year, could provide such information to the people who provided the funds for the assets in the first place—the people of South Australia. The auctioning of State assets to balance the books will have ramifications in both the short and long term.

I am not arguing that genuine surplus assets should not be sold. However, in a budget context, they can be sold only once and the proceeds used only once. Asset sales cannot be used indefinitely to balance the books. In the short term we have artificially balanced budgets enabling the Government to put forward the impression that they are good managers, despite the fact that infrastructure continues to deteriorate at a faster rate than it is being replaced or maintained. The long-term effect will be a decreasing

asset base. If the real costs of capital maintenance are continually undervalued or ignored, then taxpayers within a few years will be faced with paying more than their fair share, through taxes and charges, to restore capital infrastructure.

As well as a high level of asset sales, and a low level of asset maintenance spending, it is worth noting that South Australia is a low taxing State in a low taxing country. Looking at tax revenue expressed as a percentage of gross domestic product, Australia at 31.4 per cent is below the OECD average of 38.1 per cent. Only Spain, the United States, the United Kingdom, Japan and Turkey are listed below Australia, and their records in social justice areas are not something that we should emulate. South Australia is one of the lowest taxing States per capita in Australia, with only the Northern Territory and Queensland being slightly lower. There seems to be an inbred mental block in Australia, with the failure to see the connection between services provided and taxes paid, and the charge at present to cut taxes which leads to less services, which then leads to people demanding less—

The Hon. Peter Dunn: That is socialism.

The Hon. M.J. ELLIOTT: It has nothing whatsoever to do with socialism. Quite simply, one pays taxes to provide services. There are essential services that the Hon. Mr Dunn complained about today: he asked for money to be spent for the burial of sheep. He was asking for the Government to provide that money. That is not called socialism. It is absolute nonsense.

There is no doubt whatsoever that a number of essential services need to be provided by Governments, and they are paid for by money collected in taxes. The closure of country schools and hospitals is one of the ramifications of the charge that the Liberals have been leading for a cut in taxes. They are now starting to pay the cost, and their own voters are the ones who are being hurt the most by that charge. Part of this problem is due to the structure of the Commonwealth, where we have the Federal Government collecting close to 80 per cent of the taxes but States providing 80 per cent of the services.

Every time Federal grants to the States are cut, it is vital social infrastructure and services, such as health, welfare and education which are threatened. Over the past five years payments to the States have been cut at approximately twice the rate of Commonwealth own-purpose expenditures. In fact, much of the balancing act within the Commonwealth budget has been at the expense of funds which go to the State, while the Commonwealth has maintained its own spending in real terms.

The result is that more and more strain has been placed on State services, leading to cost cutting measures with social justice implications. Any move to trim inefficiencies and duplication from public bodies is to be applauded, but only if the money saved is redirected into areas of funding shortage (and there are many of those) and not offered as carrots to voters in the form of tax cuts. Unfortunately, it is often what I, and many in the community, would view as essential services and facilities which are cut when the public funding axe swings.

It was expressed to me the other day that the Elliston hospital, on the Eyre Peninsula, was faced with closure because of the Health Commission's need to trim 1.5 per cent from its budget. I do not defend the closure of the Elliston hospital but there is no doubt that this push for a trimming of expenditure within the Health Commission is one of the leading causes for that current proposal.

Cutbacks in State services invariably hurt the most vulnerable first. Last year South Australian hospitals ran critically short of funds, while waiting lists for non-essential surgery continued to grow. Despite a new name and office closures the problems within the Family and Community Services Department, formerly the DCW, have not been reduced. I have previously spoken at length here pointing out that it is under-staffed and under-resourced to fulfil its statutory obligations towards the people, especially the children, of the State. Like the hospital system, it is crisis driven, lacking the resources to provide the services required to prevent crisis.

In 1984-85 the Housing Trust built about 14 000 dwellings and had 35 000 people on its waiting list. This financial year, 1990-91, the trust expects to add only 900 dwellings to its stock and has close to 43 000 people on its waiting list. The recent reports of a slight decrease in the waiting list reflect largely a realisation by members of the public that they are virtually on the waiting list forever and, quite simply, many people are no longer applying. The role of public housing in South Australia has changed from a provider of low cost housing to low income earners to increasing a provider of welfare assistance. The percentage of new Housing Trust tenants paying reduced rents has increased from 53.5 per cent in 1984-85 to 72.9 per cent in 1988-89, a real reflection of the crisis of funding in that area.

Rural areas have also been hit hard by funding cuts. Hospitals, schools and welfare offices in many country centres have been closed or downgraded as rationalisation and cost cutting measures of Government departments have occurred. We now have up to 20 police stations in country areas under attack.

Following the heavy-handed approach of the Federal Government towards State grants, the State Government, to maintain its essential infrastructure and services, does have a case to argue for a wider tax base. The general public's understanding of the link between services and taxation must also be lifted. For that to happen, though, the budgetary process must be made readily accessible and comprehensible to the general public. To facilitate public understanding and evaluation of the accounts of the State and the various components of the budgetary papers, their format needs to be changed. Budget papers, as they are currently presented, lack detail as I mentioned before when talking about public infrastructure. They also require a comprehensive knowledge of the changes in the name of departments and programs.

Another way to demystify the Government accounting system to the general public and at the same time make the Government more accountable to its source of revenue is hypothicating taxes directly to important community needs. This idea was outlined and developed in the budget submission prepared by the South Australian Council of Social Services. They suggested, among other things, a 1 per cent to 2 per cent levy on hotel accommodation costing more than $150 per night, with the revenue clearly targeted to programs for the homeless, night shelters and drop-in centres. Another suggestion was targeting a percentage of the receipts from gambling tax for financial counselling services for low income families with serious debt problems. The idea behind the hypothicated taxes is that the budget papers clearly show the link between the money raised and where and how it was spent. Such a system would also require more competent and open management on behalf of the Government and its servants.

It would also put an end to the myriad of clever fund and debt transfers currently being used to balance the State's books. The Auditor-General, in his report for the year ended 30 June 1990, uncovered some interesting once-off new payments from Government bodies to help finance the

budget directly or indirectly by being paid into the South Australian Government Financing Authority. ETSA appears to have donated $47 million to SAFA over and above the $14.5 million it paid as interest on capital. The State Government Insurance Commission this year, for the first time, has paid a share of its profits, to the tune of $28 million, to the State Government.

Those revenue boosting payments have been made with little explanation and no indication as to whether or not they are to become a regular feature of the budget and whether in fact they are sustainable. It is interesting to note that that happened in a year when the State Bank's contribution to the budget is dramatically lower than in previous years. Its contribution last year was expected to be $25 million but in reality was only $13.8 million. The Government is not expecting anything from it in the 1990-91 financial year.

A second trick used by the Government to cover up mismanagement is the transferral of debt from one department into capital equity held by another. One example of this is the relationship between SAFA and the South Australian Timber Corporation. In his report for the year ended 30 June 1990, the Auditor-General says:

> In 1987-88, SAFA converted debt, which it had provided to certain public sector entities, to capital in order to improve the capital structure of those entities. The major authority involved was the South Australian Timber Corporation. At that time, the Government provided SAFA with a portion (16.2 per cent) of the equity in the Woods and Forests Department at 30 June 1989, which was added to by $6 million during 1989-90. In 1989-90 it was determined by the Treasurer and the Minister of Forests that the remainder of the equity in the Woods and Forests Department should be allocated to SAFA. This was effected at 30 June 1990 and the relevant amount was determined by an independent valuation of the department. The valuation did not require an adjustment to the reserve. An independent valuation of the equity in Satco was also undertaken and this required a downward adjustment to the reserve of $3 million.

In simpler words, the debts of Satco were transferred into capital held by SAFA, and $3 million was lost along the way. The previous year $16.9 million was lost when the debt was transferred into equity in SAFA and then held in Satco and adjusted downwards. SAFA now holds 100 per cent equity in Satco with a 30 June 1990 holding value of $29.3 million. Satco owns IPL (NZ), a company with accumulated losses of $7.3 million. When preference shares are paid out on the sale of the company, Satco is almost assured of suffering further losses. These losses will certainly run into several million dollars. Those amounts would no doubt keep several rural hospitals operating for a year or maintain countless other services and facilities being threatened with funding cuts.

I might perhaps reiterate what happened between Satco and SAFA. Satco had serious financial problems. It was not capable of servicing its interest debt to SAFA. In lieu of the debt, SAFA was given equity in Satco. However, the value of that equity was far less than its face value. Eventually, it was written down. It has already been written down to the tune of some $19.9 million. That writing down then is a loss. A loss of $20 million by Satco became a write-down in equity of $20 million by SAFA.

Since SAFA makes such large profits, it is clearly disguised. As an interesting sideline to all this, SAFA, not being completely silly itself, received from the Government part equity of the Woods and Forests Department to SAFA, which is certainly an interesting concept. It is the only time I am aware of where a Government department has equity held by a corporation in South Australia—a novel approach which has been taken further this year, where the total equity of Woods and Forests is now being held by SAFA.

When put alongside the delays and budget blowouts experienced by the scrimber project, the justice information system, the motor vehicle registration computer system and countless other projects in which the Government has recently been involved, the image that Mr Bannon has tried to promote of himself and his Government as good managers looks decidedly shaky.

In summary, the 1989-90 State budget, while appearing to be balanced, has some major flaws with serious long-term ramifications for the State. Underspending on infrastructure maintenance, and to a lesser extent on services, coupled with a massive program of asset sales, puts the State's long-term viability at risk. The budget has been balanced by huge first-time levies from public bodies and transfers of debt from one Government department area to another in the form of equity. An account of assets should be included in State budgets. Taxation reform, aimed at a more equitable taxation system, and a possible widening of the State's taxation base to meet the needs of the services provided by the State are also necessary.

Any savings that can be made by trimming inefficiencies and duplication of services, far from being an excuse for tax cuts, should go towards making up the spending shortfalls in other service areas and infrastructure. Without these measures being addressed the State will continue to suffer what are, in reality, deficit budgets of very grand proportions. Future taxpayers will have to pay those debts and make up the funding deficits, and undoubtedly suffer a massive cut in services. I believe in years to come the Bannon years will not be remembered kindly by the same people who at the moment appear to have been conned by them.

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

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 August. Page 35.)

The Hon. K.T. GRIFFIN: This Bill seeks to do a number of things. It provides that regulations and proclamations do not have to be proved formally in any court proceedings, but judicial notice may be taken of them. It also provides for documents converted to computer-retained documentation to be admissible in evidence if the hard copy documentation has been destroyed. It deals also with the obtaining of evidence outside South Australia, and it amends the South Australian Evidence Act to accommodate provisions of The Hague Convention on taking evidence abroad in civil and commercial matters.

Essentially, it is a technical Bill, but there are a few matters which I want to address so that, on his return from overseas, the Attorney-General might be able to take some advice on them, and we can then, on our return after the Estimates Committees, take the consideration of this Bill further.

I have had some advice on aspects of the Bill from practising lawyers. I understand that the Law Society, although it made a submission on the Bill when it was introduced in the last session, has not yet concluded its view on this Bill. This Bill is, essentially, the same as the earlier Bill, but with some alterations which did respond to only several of the criticisms of the Law Society at that time. I hope that after the Estimates Committees I will be

able to conclude my remarks with an official view of the Law Society on the Bill.

There is no difficulty with the first matter to which I referred, that is, regulations and proclamations not having to be proved formally in any court proceedings. The difficulty at the moment is that regulations and proclamations must formally be tendered in court as proof of the regulations or proclamations. I gather from the second reading speech, and also from lawyers I have talked to from time to time, that sometimes the prosecutor in criminal cases in particular forgets to tender the formal regulations, or a proclamation; thus there is a defect in the presentation of the prosecution case. It seems to me inappropriate for that difficulty to continue and, if the regulations and proclamations are made and properly gazetted, there is no difficulty in dispensing with the formal proof of those enactments and actions in court proceedings.

I see no difficulty, either, with the provisions relating to the taking of evidence outside the State, or amending the Evidence Act of this State to accommodate provisions of The Hague Convention on taking evidence abroad in civil and commercial matters.

However, there is a major difficulty with the other provisions of the Bill which significantly amend what is called the best evidence rule currently embodied in the Evidence Act and the common law.

The reason for the Bill addressing this issue is that the State Government Insurance Commission wishes to transfer all its hard copy documentation to computer and then destroy the hard copy. Whilst the Bill is geared towards the SGIC's desire, one must recognise that it will apply not only to the SGIC but also to any organisation which desires to dispose of its hard copy documentation after having put it on computer. We should look at it not only as an SGIC problem, but on a wider basis. In any event, it is not clear from the second reading speech what the reason for destroying the hard copy documentation may be. One can presume it is for the purpose of storage, although that issue does not address a number of outstanding matters.

What happens if the court requires the hard copy evidence to be produced and it has been destroyed? I suppose that is likely in a case where SGIC believes there has been fraud in the completing of a claim form. If the original claim form is no longer in existence, is it possible to establish through a handwriting expert who actually signed the claim form? When statements have been taken from witnesses and the matter gets to court, if a witness becomes a hostile witness the normal requirement is to produce the original statement signed by the witness as justification for having the witness determined to be hostile. If there is no original document with a signature which can be established to be the handwriting and signature of a person who is alleged to be a hostile witness, what happens from there?

I am told that there are some differences between optical character reading equipment which the SGIC proposes to use. Some equipment is hand-held, and it is possible to omit lines, paragraphs or other markings. If a static machine is used and the documentation is fed into it, I am told that there are optical character readers of differing sensitivity which can omit marks in the column of a document. It will not necessarily reproduce accurately the handwriting, if it is in handwriting. There are all sorts of questions which have not yet been explored in the second reading speech but which I would like to have explored in the course of the reply by the Minister and in the Committee stages. We need to know what sort of processes are likely to be used and approved.

In that context, we must recognise that it is not good enough for the determination of what should be an approved process to be left to a notice by the Attorney-General in the *Gazette*. There is no way that that can be checked. There is no way that anyone—even the court—can override the determination of the Attorney-General. At the very least, such a process should be approved by regulation. I recognise that it may not be easy to establish by drafting it into a Bill. Ideally, that is the best place, but a regulation is the next best thing.

In the context of the amendments to section 45c of the principal Act some observations have been made to me, and I want to read them into *Hansard* without at this stage attributing them to any particular author. I hope that on the next occasion on which I speak on this matter I will be able to indicate the source of the commentary, which is a particularly competent one. It is by a good practical lawyer.

In relation to proposed section 45c, this lawyer says that there are several serious defects in drafting and policy, as follows:

1.1 The condition of admissibility is that the document tendered 'accurately reproduces the contents of' the original. There are many features of an original document, apart from its contents, which will often be very material to a case; for example, marked on the original not recorded on the reproduction; different shades, pressures or compositions in the ink or markings of a signature or writing; even the way a document has been folded. None of these features need to be reproduced in a document tendered under the proposed section 45c. In many cases, therefore, the result will be to hinder, not advance, proof, with consequent delay and cost.

1.2 Under the proposed amendment, it does not matter if the original is readily available.

1.3 The court may inquire at large and inform itself as it sees fit in determining 'accurate reproduction'.

(a) There is no requirement that the court disclose to the parties what it has discovered.

(b) There is no requirement that the court disclose to the parties the nature and extent of its 'own knowledge' about processes.

(c) There is no thought given as to how the court might determine whether any person certifying has proper or adequate knowledge or experience.

(d) There is no requirement that the person 'who has compared the contents of both documents and found them to be identical' needs any qualifications to do so.

(e) If a person is in a position to make such a comparison, one may assume that the original is available. If it be said that the comparison is made after the contents of a document have been stored in a computer (for example) but before the original is destroyed, one may doubt that the document sought to be tendered was the document with which the original was compared.

2. The only change to the new draft is the insertion of subsection (6) requiring the court to give reasons for its decision to admit or refuse admission of a tendered document under the section. This appears to be an attempt to cure the criticisms outlined in 1.3 above—

that is, the matters to which I have just referred.

It does not begin to meet most of those criticisms.

3. It now appears that the purpose of the amendment is to enable SGIC to put all its hard paper files onto 'computer retained documentation'. What is proposed by SGIC can, in my opinion, be more than adequately accommodated by the present provisions of section 45a and 45b, probably with some small amendments to the definition of 'the business record' (in section 45a) and 'document' (in section 45b). That is infinitely to be preferred to the perverting of the salutary features of the so-called 'best evidence' rule which, as a principle, has application far beyond the particular needs of SGIC.

4. In any event, I am firmly of the view that any amendment to section 45c should retain the requirement that the original be produced if it is available, and that its unavailability be explained.

Those comments on the proposed section 45c are important because they have a significant impact on issues of justice before the courts. The person who gave me those comments also provided some other observations and, for the sake of completeness, I think I should also read those into *Hansard*

for consideration by the Attorney-General at the appropriate time. In relation to section 35 (2) *(c)*, the author says that he is still unhappy about the phrase 'or other form of subordinate legislation', and he goes on to state:

The section can only be useful as an aid to proof if there is—and can be—no dispute about the identity of the instrument of which judicial notice is to be taken. Otherwise, evidence will have to be called in order to establish that the instrument relied on answers the description. The necessity of calling such evidence defeats the purpose of the proposed section.

It may be that in this State, or in some other States or Territories, there is legislation which identifies or defines 'subordinate legislation'. (See, for example, the definition of 'statutory instrument' in the Acts Interpretation Act (S.A.). Why not use such legislation for the purpose of section 35 (2) *(c)*? To the extent that there is no identifying legislation for some parts of the Commonwealth, section 35 must itself provide the means of identification.

Thus (for example):

'Subordinate legislation' means:

(i) where the law of the relevant State or Territory defines it for general purposes—that definition; and

(ii) in all other cases—[definition of 'statutory instrument' under the Acts Interpretation Act].

Section 35 (2) *(d)*, which also deals with the definition of 'legislative instrument', provides for a proclamation, order or notice published in the *Gazette* or the corresponding official publication of some other State or a Territory of the Commonwealth to be a legislative instrument. The author of the document that I have already quoted goes on to state:

No doubt what is intended by section 35 (2) *(d)* is a reference to instruments by means of which a legislative provision is, by the terms of the legislation, to be given effect to. For example, such-and-such an obligation arises when such-and-such an authority makes this-and-that declaration. The present terms of section 35 (2) *(d)* do not achieve that.

The paragraph invests with the status of judicial notice, any notice to whatever effect provided it is published in the *Gazette*; the 'proclamation, order or notice' is not required, in terms, to be one deriving its legal significance from the provisions of an Act of Parliament. The defect can be cured by adding to the present words of the paragraph the following:

. . . ', pursuant to, and in accordance with, a legislative instrument of the kind referred to in paragraph *(a)* above'.

The author goes on to deal with new section 37, which is in clause 3 of the Bill. It deals with the evidentiary value of official publications. The new section provides:

The *Gazette* or the corresponding official publication of some other State or a Territory of the Commonwealth is admissible in any legal proceedings as evidence of any legislative, judicial or administrative acts published or notified in it.

The author then states:

I remain greatly troubled by the reference to 'administrative acts published or notified in it'. Quite apart from the undesirable uncertainty of 'administrative acts', it appears to me that they are not limited to acts which are effected by their very publication and consequent notification. The phrase 'published or notified' seems capable of applying to acts which purport to have been effected before publication.

Viewed in that way, the section provides a means of creating evidence of 'administrative acts' (whether they occurred or not, or whether they occurred on a relevant date or not) by the simple expedient of notifying it in the *Gazette*.

I share those concerns. The author of that paper has given detailed consideration to the issues here. The Bill is not what one would call a high-profile public and controversial issue but, nevertheless, it is a Bill that deals with matters of substance that can have a significant impact upon the justice of any particular case. For that reason I ask that over the next few weeks (until we sit again) the Attorney carefully examine the matters raised by me and by the paper with a view to either withdrawing the Bill or amending it so that those difficulties which, while in some cases perhaps remote, are nevertheless real and which need to be addressed, recognising that this Bill is to have wide application in relation to the law of evidence generally and not to any specific case.

To enable that consideration to occur and for me to pursue other aspects of the Bill, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

MARINE ENVIRONMENT PROTECTION BILL

Adjourned debate on second reading.

(Continued from 5 September. Page 682.)

The Hon. ANNE LEVY (Minister of Local Government): In concluding the second reading stage of this debate, I want to comment on several matters that were raised by speakers yesterday on the second reading. First, I would mention some matters that the Hon. Mr Elliott raised about which he sought assurances. With regard, first, to the Glenelg council and the Patawalonga, the Hon. Mr Elliott stated that he sought an undertaking that such a regulation be promulgated, that is, a regulation for the activity of the operation of sluice gates on natural waterways.

The Minister is very sympathetic to this request, but the only undertaking that she can give is that she will propose such a regulation to the Environmental Protection Council (EPC). It is for the EPC to put forward regulations, but she would be happy to propose such a regulation to the EPC on the basis of the Hon. Mr Elliott's assurance that this is acceptable to the Glenelg council.

We were under the impression that it was not acceptable to the Glenelg council but if, in fact, it has indicated to Mr Elliott that this would be acceptable to it, the Minister is very happy to give the undertaking to refer a regulation to this effect to the EPC. We should note that several of the sluice gates around the State are operated by Government authorities, and the Government will continue to try to reduce pollutant loads from these installations.

Another point raised by the Hon. Mr Elliott related to clause 11 and the powers which are expected to be delegated to the Marine Environment Protection Committee. It is a fact that the powers of the Environmental Protection Council are quite extensive and, obviously, the final authority for advice is the Environmental Protection Council. However, with regard to the Marine Environment Protection Committee it is expected that the two bodies will have the same chair and the extent of the delegation, which the Environmental Protection Council will delegate to the Marine Environment Protection Committee, will be a matter for negotiation between the subcommittee and the parent body, and this can be referred to the Minister. Obviously, it will be a matter for negotiation once the two bodies are in existence and such negotiation can occur.

Another matter raised by the Hon. Mr Elliott related to clause 12 (4) and his question regarding the minutes of the Marine Environment Protection Committee. The Hon. Mr Elliott sought assurance that these would be public documents that could be copied, circulated, examined and so on. The minutes of the committee will have to be confirmed before they go to the Minister, and the Minister would certainly expect that members of the committee would follow the normal courtesies of all committees in the way that they deal with and handle unconfirmed minutes but, once they have been confirmed and forwarded to the Minister, she is happy to give an undertaking that any minutes that have been forwarded to her will be available as public documents with no constraints at all on their circulation.

In relation to the membership of the Marine Environment Protection Committee, the Hon. Mr Elliott expressed concern that the common membership of this committee and the Environmental Protection Council would mean that the Environmental Protection Council could be weighted down with its marine interests. It is acknowledged by the Minister that the current form of composition as set out in the Bill could create an undue burden on some members of the Environmental Protection Council.

In acknowledging these comments, the Government has considered the amendments proposed by the Hon. Mr Elliott relating to the membership of the Marine Environment Protection Committee and, in the interests of resolving these issues directly, the Government is prepared to accept those amendments and will be happy to do so in the Committee stage.

The Hon. Mr Elliott also raised the question of indentures and more details on this matter are available if Mr Elliott wishes to pursue them. However, it was not the impression gained from his comments that the Hon. Mr Elliott was concerned with great detail on this point. It should be noted that indentures do not establish exemptions for any industry. In fact, the firms which do have indentures in South Australia, that is, BHP and Port Stanvac, have acknowledged their corporate responsibility and willingness to reduce discharges and are actively planning programs for environmental improvement.

Turning now to some of the matters raised by the Hon. Ms Laidlaw, I would like to comment first on the question of disposal of sludge about which she has proposed an amendment. At this stage I indicate that the Government does not accept the amendment. Perhaps I could add that it is disappointing that, after the extensive briefing that members of the Opposition have been given on the practical aspects of sludge disposal, they are nevertheless indicating that they wish to persist with these amendments.

In relation to the sludge disposal from the Port Adelaide sewage treatment works, I would like to quote from a statement prepared by the Engineering and Water Supply Department relating to sludge disposal, which is relevant to this particular matter and it states:

> At the present time treated sludge from the Port Adelaide sewage treatment works is disposed to the marine environment, some 4½ kilometres offshore in the Gulf St Vincent. In an emergency situation, such as a failure of the sludge to sea pipeline, an alternative sludge disposal system is available to allow the transfer of the treated sludge from the Port Adelaide works to the Bolivar sewage treatment works. However, this system is a hybrid which has been created by the judicious use of disused pipeline systems connected together by more recently laid sections. As a result, this alternative sludge disposal system consists of a mix of pipe systems of widely differing ages, sizes and materials, which, along with other factors, provide the basis for significant concerns in the event that this system was to be seriously viewed as being available for continuous operation over a period of two to three years, for the purpose of advancing the actual date by which sludge disposal to sea should cease.

It is not judged to be capable of undertaking such an activity continuously for that period. It should be noted that one of the principal components of this alternative system is a 300 millimetre cast iron main that goes from the Port Adelaide sewage treatment works to the Queensbury pumping station that is nearly 50 years old. This is considered to be the most vulnerable part of the emergency sludge disposal system, since its general condition at the present time is unknown. However, an inference to its condition can be drawn from the knowledge that the use of this main for normal operation was abandoned over 10 years ago following a long history of bursts and subsequent metallurgical analyses, which indicated it was in very poor condition.

Moreover, a second duplicate main of similar age, size and material suffered identical problems, and was abandoned after approximately 40 years of operation. As a result, the structural integrity of the existing main is, to say the least, suspect, and its reliability for use on a continuous basis over a period of two to three years could in no way be guaranteed. Moreover, the consequence of failure of the main resulting in the uncontrolled discharge of sludge in a residential area would be totally unacceptable both socially and environmentally.

Furthermore, the use of the emergency sludge disposal system—and I stress 'the emergency sludge disposal system'—on a continuous basis will also contribute to severe operational problems within the local sewerage system in relation to the generation of odours, particularly in the vicinity of the Cheltenham Racecourse where the Port Adelaide Sewage Treatment Works sludge would be discharged into the waste extremities of the Bolivar sewerage system. Although chlorine injections could possibly be used to reduce the odour nuisance, the high levels of chlorine addition required would exacerbate the rate of corrosion in the old cast iron pumping main.

Finally, the introduction of treated sludge from the Port Adelaide works into the Bolivar sewerage system will certainly increase the load on the Bolivar Sewage Treatment Works and will in effect necessitate the re-treatment of the sludge in the Bolivar system. This will not only result in an increase in treatment costs at Bolivar but also may lead to an unwarranted reduction in plant performance at the Bolivar Sewage Treatment Works.

The proposal for removal of sludge from the marine environment involves the pumping of sludge direct to the sludge processing and disposal facilities at Bolivar through an independent pipeline, which will thereby avoid these undesirable operational implications and the associated cost penalties.

It should be noted that the Government has instituted an environmental levy on sewerage rates, which became operational on 1 July this year. This levy will fund the new works and also other works which will have the effect of improving the aquatic environment. That levy has been very well received by the citizens of South Australia, and I would point out that, even with that levy, South Australian sewerage charges are still significantly below the Australian average.

Certainly, the Government will follow the correct procedures for examination of works and costings, and a comprehensive description of the works proposed, with costings, will be examined during the Estimates Committee debates in the next two weeks.

Finally, I wish to draw to the attention of the Council a letter from the Conservation Council of South Australia that was received two days ago by the Minister for Environment and Planning. This letter refers to the Marine Environment Protection Bill, and I would like to quote a couple of comments from it, as follows:

> Further to our discussions 10 days ago, I understand minor amendments will be made to the Marine Environment Protection Bill to require public advertisement for expressions of interest or suggested nominees prior to co-option of members on to the Marine Environment Protection Committee of the Environmental Protection Council. I understand you also intend to include a clause ensuring that at least one member is a woman and at least one member a man.

Further on, the Conservation Council states:

> It is a widely held view that the Bill, as amended, will represent a major step forward, and there will be considerable delight when it passes. The significant changes to the Bill since it was first introduced are partly a credit to the Liberal and Democrat representatives, but most of all to the Government for having the largess to take on such alterations. I and many others believe the

Bill's passage will be an excellent example of democracy at work, and it will be all the more prestigious victory for you to have overseen such a process rather than a routine passage on Party lines.

Yours sincerely, Marcus Beresford, Executive Officer, Conservation Council of South Australia.

From those comments we can see that this Bill is not only a very necessary and desirable piece of legislation, but, as amended and proposed to be amended by the Government, it has wide support throughout the community especially on the part of members of the Conservation Council, as well as all the other people who are very concerned about environmental matters in South Australia. I urge all members to support the Bill.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. DIANA LAIDLAW: I have three queries on clause 1. My first query concerns the consolidation or rationalisation of all environmental legislation, particularly due to the fact that we have a number of environmental protection Bills in this State that deal with the marine area or waters. I recall the Minister in the other place, when there was intense negotiations at the end of last session, talking about the desirability of consolidating and rationalising a lot of this legislation. Since we last debated this Bill, what progress has been made in that area? Is that still a commitment of the Government? The fact is that whatever committee or council structure we end up with as a consequence of this Bill, at present we have three or four committee structures looking at issues relating to the marine environment and matters dealing with waters in general.

The Hon. ANNE LEVY: The honourable member is probably referring to legislation such as the Environment Protection (Sea Dumping) Act and the Pollution of Waters by Oil and Noxious Substances Act. That is legislation that relates to Federal matters, and not much can be done in relation to it, because that is a consequence of Federal legislation. In relation to other matters, there is not much to show for it at this stage, but the Government is looking at the whole question of pollution viewed very broadly through State legislation.

The Hon. DIANA LAIDLAW: I am heartened to hear that the Government is still looking at those issues, because it is certainly my view, and I believe my colleagues feel equally as strongly, that we are developing a proliferation of environmental legislation in this State and that there is a need to consolidate and rationalise that legislation. In relation to the progress that the Minister or Government is making with local government on legislation to address diffuse sources of pollution, this Bill relates to point-source pollution and, when it was debated last in this place, the Minister indicated that discussions would be taking place. How have such discussions progressed? Is it still the Government's view that there will be legislation within about two years on matters of diffuse source pollution?

I raise this question because, like the Hon. Mr Elliott, Liberal Party members have spoken with the Glenelg council in recent times and it was my view that the problems they were grappling with essentially concerned diffuse source pollution. While we may have to address the specific case of the Glenelg council, and possibly some other councils, this issue of point-source and diffuse source pollution is already becoming confusing for councils. What progress has been made on this matter?

The Hon. ANNE LEVY: There have been some discussions with local councils on this matter but it is still at a very early stage. There is no doubt that the intention is to concentrate on point sources and get this legislation cleaned up before moving to the question of diffuse sources. However, the commitment of the Government is very clear. Clause 7 of the Bill clearly states that one of the functions of the Minister is:

> *(c)* To promote and coordinate action by public authorities to control the drainage of surface waters and reduce their contaminant loads to the marine environment;

This ongoing function of the Minister in relation to the question raised is actually written into the legislation, so there is no doubt about the Government's commitment to this point.

The Hon. DIANA LAIDLAW: It was suggested in March that diffuse source legislation would be introduced within possibly two years. Because of the delays encountered with this Bill, has that timetable been extended by, say, six months?

The Hon. ANNE LEVY: The answer is basically 'Yes'. Each time there is a delay, it extends the delay on other matters because the point sources must be dealt with and controlled before other legislation can possibly be considered.

The Hon. DIANA LAIDLAW: I wanted to be clear that the two year deadline was not hinged to a specific event in the calendar and that that difficult issue which must be negotiated with councils would not be rushed through.

Clause passed.

Clause 2 passed.

Clause 3—'Interpretation.'

The Hon. ANNE LEVY: I move:

Page 2, line 13—After 'pollutants' insert 'or quantity or quality of pollutants produced or brought into circulation'.

The definition of 'pollutant' essentially is the same as the previous amendment moved by the Hon. Ms Laidlaw, but without its qualifications. Offences will now be described as an emission etc. of pollutants, rather than an emission of matter.

The Hon. M.J. ELLIOTT: What is meant by, 'or brought into circulation'?

The Hon. ANNE LEVY: It bears on something which appears in clause 15 *(b)*, which deals with the production or disturbance of pollutants. It provides:

> A person must not carry on a prescribed activity in the course of which—
>
> *(b)* any pollutant present on or in the bed of declared inland waters or coastal waters is disturbed and brought into circulation in those waters,

It is a cross-reference relating to not trying to distribute things through water courses.

The Hon. M.J. ELLIOTT: Since this legislation will be returned to the House of Assembly due to amendment, I suggest that the Minister's amendment could be made a little clearer by the addition of a few words, like 'as a consequence of disturbance' or something similar. At present it is not clear what is precisely meant.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5—'Application of Act.'

The Hon. M.J. ELLIOTT: I was listening to the Minister when she gave some assurances in relation to the Glenelg council. I wanted to make sure, though, that I understood it clearly. As I understand it, the Minister said that the Government will, by regulation, exempt the sort of activity that the Glenelg council is currently involved in. Is that so?

The Hon. ANNE LEVY: As I indicated earlier, the Minister is happy to give an assurance that she will recommend to the Environmental Protection Council that there be a regulation in relation to the Glenelg situation at the Patawalonga. Under the provisions of the Act, any regulations must come from the Environmental Protection Council.

However, she is more than happy to assure the honourable member that she will recommend strongly such a regulation to the EPC.

The Hon. M.J. ELLIOTT: I take that as a gesture of goodwill, and it sounds like everything will be okay. However, I would like to make it known right now that, following due process should regulations emerge which do not provide such an exemption, I would view the regulations in totality dimly.

The Hon. DIANA LAIDLAW: I wish to express a similar sentiment. When Liberal members met with Mr Elliott and the members that represented the Glenelg council, and their dilemmas were outlined to us, it was our view that the licensing system suggested by the Minister as a means of accommodating the concerns of Glenelg council was a most unsatisfactory manner in which to be dealing with this issue—one that would be a problem not only for Glenelg council but also, we believe, for the Government itself. The Minister did make reference to some sluicegates. As a person who loves water-skiing down at Goolwa, I have always been interested in the Port Elliot situation with the barrages and what would happen in that instance.

I believe that the licensing option is unacceptable, and I was heartened to hear what the Minister would be recommending to the EPC. I do not want to look as though I am coming down with a heavy hand on the EPC, threatening it, or seeking to directing it in any sense, but I would like the Minister, if it is appropriate, to convey to the EPC that the Liberal Party would look at disallowance of the regulations with respect to this whole marine environment protection legislation if we do not see that this matter is addressed to our satisfaction.

Clause passed.

Clause 6—'Objects.'

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

Page 3, lines 26 and 27—Leave out 'and, where appropriate, disposal of waste to land'.

I indicated during the second reading stage of the Bill that I felt the wording was unnecessary and, in fact, could be deemed as an encouragement for people to see that as the appropriate way of disposing of waste. I do not believe it is the appropriate way of waste disposal. In some cases it may be a short-term solution, but it is unnecessary for the function of the Bill and, as such, should not be there.

The Hon. ANNE LEVY: The Government is happy to accept this amendment.

The Hon. DIANA LAIDLAW: The Liberal Party also supports this amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 3, line 29—Leave out 'Environmental Protection Council, a committee' and insert 'Marine Environment Protection Committee'.

I move the amendment standing in my name with some enthusiasm, However, I realise that the harmony we have just witnessed with the previous amendment will not exist in this instance. The Minister, when summing up the second reading debate, indicated that the Government would support amendments to be moved by the Democrats in relation to a Marine Environment Protection Committee to be established by the Marine Protection Council. That is not the option favoured by the Liberal Party.

In the circumstances, we believe the best option is that which we moved when this Bill was before the Council on the last occasion, and which was debated vigorously in conference between representatives of both this place and another place.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: The amendment I am moving and the speech that I am giving is actually relevant to all my later amendments. That is why I thought I would outline our position at this time.

One of the reasons why the March conference was not a successful exercise was the Government's resolve not to support a specialist committee of the nature we proposed then, and the nature that I again propose. We believe very strongly that there should be a committee separate from the Environmental Protection Council. We continue to have some reservations about the working of that council. We are certainly uncomfortable—and the Hon. Mr Elliott referred to this yesterday—about the doubling-up of workloads of people who should be making a full commitment to the Environmental Protection Council.

A further concern in this matter is the fact that the committee, as the Government proposes, particularly in the early stages of this Bill and also at later stages, would not be specialist in nature. We believe that, because the council will have to tackle the very technical matters that will be entrusted to it by this legislation, it should be specialist in nature.

Also the council that Liberal members are keen to see would have on it defined nominees from various councils in this State, for instance, the Fishing Industry Council, the Chamber of Commerce and Industry and the Conservation Council.

I believe that those specific bodies should be making nominations of people with specialist knowledge, which is not the case, as the Government proposes in this Bill, and we feel that that is a flaw. We are aware that the Conservation Council believes that there should be specialist knowledge and people devoted to the issue of marine environment alone, and not being required to address the overall issues of environmental pollution plus marine environment protection matters.

The CHAIRMAN: I draw to the honourable member's attention that we consider this a test case for the rest of the amendments in line with it.

The Hon. DIANA LAIDLAW: That is correct.

The Hon. ANNE LEVY: The Government does not accept this amendment and maintains that the scheme as set out in the Bill is preferable. When the previous Bill lapsed six months ago, there was still a need for South Australian input to the development of the national water quality guidelines, which is an ongoing matter occurring nationally. If this State had not contributed to that, we could have been left way behind.

In the State of the Environment Report for South Australia, the Environmental Protection Council had reported on marine environmental issues. In evidence, which was forwarded to the House of Representatives Standing Committee on Environment, Recreation and the Arts in October last year, the South Australian Government stated:

An independent statutory body, the Environmental Protection Council of South Australia, publishes regular reports on the state of the environment for South Australia. In 1988 it included overfishing of marine species and marine pollution in its nine significant issues considered to be most severe and in need of urgent attention.

That comment basically summarises 50 pages of that report relating to water quality issues. In the absence of any other body, as the Bill failed in the previous session, the Minister commissioned the Environmental Protection Council to look at matters affecting the environment of South Australia, and she asked the council to report on:

Preparation of receival water quality criteria for the coastal waters of South Australia, and for any inland waters for which complementary criteria should be prepared; suitable codes and other sources of information which may be used to prepare

interim standards where there is insufficient field information to derive a set of criteria; defining beneficial uses of water; nominating desirable beneficial uses of water that are currently considered to be degraded, and possible target dates to achieve those uses; and priorities in dealing with particular classes of pollutants.

The Minister also suggested to the EPC that it could use the following working definitions:

'criteria' means limits or tolerances relating to the effect of pollutants and water quality characteristics on uses of waters:
'standards' means limits or tolerances relating to the quantity, quality or rate of discharges, emissions or deposits of pollutants.

That request by the Minister was made on 30 April this year. The Environmental Protection Council set up a subcommittee to consider these matters. That was obviously necessary, or South Australia would not have been part of the national moves in this area. The EPC set up a subcommittee, which first met on 6 June. So far, it has met three times, and it has largely adapted the draft national guidelines for local consideration.

Members might be interested to know the names of the members of this subcommittee of the EPC which has been looking at the sort of matters that the Marine Environment Protection Committee would have been looking at had it been in existence had the Bill not failed in April. The members of the subcommittee are Mr Geoff Inglis as Chair; Ms Pat Harbison, who is an environmental consultant and an authority on metals in the sea; Ms Jean Cannon, who is completing a Ph.D., mainly on red tides in the Port River; Dr John Rolls, representing the Conservation Council of South Australia; Mr Oleg Morozow, who represents industry and is also a prominent member of the Environment Institute of Australia; Mr Matthew Goode, who represents local government on the EPC; Mr Ted Maynard from the South Australian Health Commission; and Dr Alan Butler, who is an authority on the marine biology of South Australia. This subcommittee is served by a secretary and an executive officer.

In effect, this subcommittee of the EPC has been acting in the same way as the Marine Protection Committee which the Bill proposes. It has been operating without legislative authority, but nevertheless as a subcommittee of the EPC, and no-one can possibly suggest that it has not been doing extremely valuable work. In fact, it has done a South Australian draft of national guidelines. I have a copy of this extremely valuable and constructive document, which is the result of the work of that subcommittee, and I understand that a copy of it has been made available to the shadow Minister. If anyone would like the minutes of the work of this subcommittee of the EPC, we would be happy to make them available.

It seems to me that this demonstrates that the type of structure which is set up in the legislation has been proved to be one which will work. It has been working without legislative back-up in the past six months, and it has been very valuable and productive. Consequently, to suggest that this is not appropriate or that it will not work is demonstrably false.

The Government maintains that this is the best way to continue. We do not want a great plethora of councils and such structures. It is interesting that the Opposition wishes for a pethora of committees, but it is concerned about a plethora of legislation. It is perhaps ironic, but the Government maintains, as it did earlier, that the structure in the Bill is appropriate, and in the intervening six months it has demonstrated that it works.

The Hon. M.J. ELLIOTT: It is worth noting that the original Bill that came before us at the end of last year and earlier this year did not have a Marine Environment Protection Committee. That is something that evolved by way of amendments from both the Democrats and the Opposition in the last session of Parliament. We appear now to be fine tuning that concept further. What the Minister finally set up after the last session largely mirrors the proposal now before us and at this stage we are fine tuning exactly who should be on the committee and how they should get there.

I have certainly had reports of some good work coming out of that committee and it shows how important it was to establish such a committee, which was not originally proposed. Commonsense does appear to be prevailing and we can only hope that as we proceed through the Committee stage that it will continue to do so. The Government intends to support some amendments that I intend to move to fine tune the committee, and I am pleased about that.

It appears that all three Parties in this Chamber are basically moving in the same direction, with some difference in emphasis, but I hope that commonsense has at last prevailed. I will oppose the amendment moved by the Hon. Ms Laidlaw because I will also oppose the consequential amendments, as they conflict with amendments that I will be moving. Those amendments tackle the essential problems that I believe remain, although I do not agree with the sentiments behind what the honourable member is trying to achieve. However, they are all trying to achieve the same thing.

The Hon. DIANA LAIDLAW: When this Bill was before us on the last occasion, I moved these amendments and was at that time supported by the Democrats. I recall that we divided on the issue. The Liberal Party will not divide on the issue now, mainly because of time constraints and our wanting to make some progress on the matter. However, I do not want it considered that, because we are not dividing, we do not feel equally as strongly on this matter as we did on the earlier occasions and when we were arguing in the conference.

Another matter that I want to take up briefly concerns the Minister's earlier reply. We acknowledge the work of the subcommittee in respect to the guidelines referred to earlier. Our concern has always been for the establishment of a specialist committee. The committee to which the Minister referred is essentially such a specialist committee.

This is the third or fourth try the Minister and the Government have had at coming to some committee structure for discharging the responsibility of this legislation. We now have a specialist committee that essentially comprises the same members as the Environmental Protection Council. While that committee may be doing a great deal of work, it is quite clear from the tabling of the annual report of the Environmental Protection Council last week—a thin and puny document with little content—that the council itself is doing virtually nothing. That remains one of our concerns. We have always wanted to see a specialist committee—but a separate one—that could address these major matters and allow the Environmental Protection Council to get on to the many major environmental issues, beyond the issues of the marine environment, that should be tackled in this State.

The Hon. ANNE LEVY: I do not wish to prolong the debate, but I cannot let pass the suggestion that the EPC is doing nothing else. I can now wave this large, fat, heavy and worthwhile document, entitled 'The State of the Environment Report for South Australia', which has been produced in the past 12 months by the Environment Protection Council of South Australia. To suggest that such work is insignificant is a statement I cannot let pass, because this document clearly indicates the falsity of such a comment.

Amendment negatived; clause as amended passed.

Clauses 7 and 8 passed.

Clause 9—'Additional members may be co-opted.'

The Hon. ANNE LEVY: I move:

Page 4, after line 23—Insert subclause as follows:

(2) No person may be co-opted as an additional member of the council except after publication in a newspaper circulating generally in the State of a notice seeking nominations or applications from any interested bodies or persons and after consideration by the council and the Minister of the persons (if any) nominated or applying in the manner and within the period specified in the notice.

This is a legal way of saying that we propose to advertise for people who would be interested in being co-opted. The amendment is moved as a result of discussion between the Minister and the Conservation Council, when agreement was reached on this matter.

The Hon. DIANA LAIDLAW: The Opposition supports the amendment. I would add to the Minister's reflection on the wordy nature of the amendment. I understood that during International Year of Literacy there would be a greater effort to keep the English language simple. For such a very simple matter as defined in this amendment, it does seem a complex way of expressing it.

The Hon. M.J. ELLIOTT: The Democrats support the amendment, which is one that I know the Conservation Council has been seeking, not just in this legislation but in other legislation as well. However, I might pass a note of caution: I believe that there has been one case where the Government used such a device when it was looking for people to go on a committee to oversee the Coongie Lakes Regional Reserve and, as a consequence, it chose people from the public outside any of the representative bodies. I hope that, when appointing additional members to such committees, due notice is taken of interested parties that represent conservation, industry, etc.

Amendment carried; clause as amended passed.

Clause 10—'Council to establish Marine Environment Protection Committee.'

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

Page 4, line 31—Leave out 'the member of the council appointed as the nominee' and insert 'a person appointed by the council on the nomination of'.

As I indicated in the second reading debate, I am worried about the level of duplication of membership between the EPC and the Marine Environment Protection Committee, particularly where people are working as volunteers, and outside their standard working hours.

It is a very heavy load to be involved in both the EPC and the Marine Environment Protection Committee. Where they are nominees of bodies, it is worthwhile that a body should have an option to nominate different people. In this case it would be unfortunate if a nominee of the Conservation Council with a specialty outside marine environment and no relevant knowledge at all was on the EPC. Mr John Rowles has particular expertise to put him on both committees, but we are passing an Act of Parliament that I expect to be around for many years, so we must take that into account. I have a number of similar amendments. I believe that there is value in some overlap and, as such, I have not attempted to amend paragraphs *(a)* and *(b)* of clause 10 where the Chairman of the council is also chairing the Marine Environment Protection Committee. There is also a duplication in terms of the person on the council who has expertise in matters relating to marine environment and its protection.

There may also be some other duplication, but I think that should be left to the discretion of the relevant nominating bodies (which, in some cases, also may be the Minister), when extra positions on the committee may be being filled.

The Hon. DIANA LAIDLAW: The Opposition supports this amendment with reluctance and acknowledges that the Minister indicated earlier that she would support these amendments. I wish to speak specifically as to line 33, so perhaps I will reserve my remarks until that amendment.

The Hon. ANNE LEVY: As I indicated in my second reading contribution, the Government accepts these amendments.

Amendment carried.

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

Page 4, line 33—Leave out 'the member of the council appointed as a person with' and insert 'a person appointed by the council with the approval of the Minister, being a person who has'.

I do so for the same reasons as the previous amendment.

The Hon. DIANA LAIDLAW: Would the Council, on the run, be prepared to accept an amendment to the amendment? As I indicated earlier, the establishment of a Marine Environment Protection Committee is not the Liberal Party's first option. We did seek to establish an entirely separate body. We received very strong representations from the Chamber of Commerce and Industry on this matter. It was its view that there should be separate representation in respect of the Marine Environment Protection Committee, whatever form it took, because of the very same problem which the Conservation Council highlighted, and which the the Hon. Mr Elliott and the Government have agreed to accommodate. In this case, considering the strong representations from the chamber, would the mover and the Government agree that this be amended to make specific reference to the Chamber of Commerce and Industry. We would then have a committee established with specific reference to the Conservation Council.

The Democrats are moving further amendments to lines 35 and 36 with specific reference to the South Australian Fishing Industry Council. Because of the huge ramifications of this Bill to industry and because of the cooperation that will be required from industry, it is very important that a representative body from industry have a nominee, rather than simply somebody from the general community who may have knowledge and experience in manufacturing or mining.

It is very important that, since we have reference to the Conservation Council and, later, to the South Australian Fishing Industry Council, the same courtesy be extended to at least one of the representative bodies of industry in this State.

The Hon. ANNE LEVY: I am not happy with the amendment that the Hon. Ms Laidlaw suggests to the Hon. Mr Elliott's amendment. My reason really is evident in her last remark. She said that there should be written in a representative of an industry body. We have in this State a Chamber of Manufacturers and we also have a Chamber of Mining. If we write one of these bodies into the legislation and not the other, that will lead to all sorts of difficulties. Because there are two such bodies, it has been suggested that we confine it to someone with a knowledge of and experience in manufacturing or mining. The appropriate person can be chosen, but it is being unnecessarily confrontationist to write in one particular body when there are two possibles.

The Hon. DIANA LAIDLAW: Far from wishing to be confrontationist, I believe very strongly that, in view of the nature of the penalties involved in this Bill and the fact that we wish to gain the cooperation of industry, including the mining industry, it is offensive to industry in this State that there should not be a nominee from a representative body of this State. It is good enough for the Conservation Council and for the South Australian Fishing Industry Council. It may be that we refer to the Chamber of Com-

merce and Industry, or the Chamber of Mines and try to deal with it that way, but I do not believe that it is acceptable that it should be simply a person with a knowledge and experience in manufacturing and mining in respect of industry in this State. The Government and the Democrats find it acceptable that, in relation to conservation and fisheries, those bodies can nominate a person but, in respect of industry, the Minister will nominate someone.

This matter should be sorted out. Because the Democrats, with the Government's support, will enable this clause to pass, and because we do not intend to push this whole Bill through tonight, considering the other two amendments, we may look at some way to accommodate what I think is a very sensitive issue for industry in this State. I would like to think that, rather than being confrontationist, we could explore some way of dealing with this clause and seek to recommit the clause when the Bill is later debated.

The Hon. ANNE LEVY: I would be quite happy to agree to a recommittal of this particular point if the honourable member would wish it. That will be some time down the track. I certainly take the point that the honourable member is raising, but there is only the South Australian Fishing Industry Council; no other body could possibly be considered. Likewise, the Conservation Council represents the conservation movement in this State and there is no 'competition', if you like; it is an umbrella body that can nominate a representative of all conservation groups in this State.

There is certainly no desire to be offensive to the Chamber of Commerce and Industry or to the Chamber of Mines. Quite the contrary. It would seem to me that it could well be viewed as being offensive to one or other of those bodies if one is written into the Bill. The other chamber would feel that a very offensive action had been taken against it. It is for that reason that the Bill is as it is. To write in both of them would still lead to great difficulties. If the two chambers are mentioned, and there is to be one person who comes from one or the other, they would both then nominate a member and offence would be caused to one or other chamber when the nominee selected was put on the council.

However, I am quite happy to undertake that, before the council next meets, the Minister will give further consideration to this matter, and if the honourable member wishes to move an amendment when the Committee next considers this Bill we will certainly support recommittal for its consideration.

The Hon. M.J. ELLIOTT: The sort of amendment being proposed by the Hon. Ms Laidlaw is consistent with amendments I have accepted in the past and have, in fact, attempted to do in this case in relation to fisheries. I do believe it is important that, if you are trying to represent a particular interest and there is a body that represents those interests, they should be the ones who put forward the nominees. There is a very clear peak body in the case of the fishing industry, as pointed out by the Minister, and also a very clear single peak body in relation to conservation interests. There is not in this case, although I would not have thought that there was a problem asking each of the relevant chambers to put forward a nominee such that there would be a panel from which the Minister could choose. Although, we do not have such amendment before us at the moment, if this is to be considered again later I would be more than happy to look at such further amendment.

Amendment carried.

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

Page 4, lines 35 and 36—Leave out paragraph *(e)* and insert paragraphs as follows:

(e) a person appointed by the council on the nomination of the Minister of Fisheries;

(ea) a person appointed by the council on the nomination of the South Australian Fishing Industry Council Incorporated;.

I believe that a committee interested in marine environment protection could gain a great deal from having representatives from the fishing industry. I think there is value in having both professional fishers and the department itself represented on such a committee. If there is any one group that should be aware of the sorts of problems being caused by marine pollution it is this group. I hope there will be support for this amendment.

Amendment carried.

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

Page 4, line 37—Leave out 'the member of the council appointed as' and insert 'a person appointed by the council with the approval of the Minister, being a person who is'.

This amendment is similar to others I have already moved.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 4, line 40—Leave out 'ordinary or co-opted members of the council' and insert 'members of the council or other persons'.

The Hon. M.J. ELLIOTT: This amendment is important because it provides that you can co-opt people directly to the Marine Environment Protection Committee without making them members of the Environmental Protection Council which, as I suggested earlier, can overload the EPC with marine experts and those with marine interests, and that is of no special benefit to that body. I think it is a matter of just tidying it up.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 4, after line 44—Insert subclauses as follows:

(4) At least one member of the committee must be a woman and at least one a man.

(5) No person may be appointed to the committee pursuant to subsection (2) *(g)* except after publication in a newspaper circulating generally in the State of a notice seeking nominations or applications from interested bodies or persons and after consideration by the council and the Minister of the persons (if any) nominated or applying in the manner and within the period specified in the notice.

My moving of this amendment does not mean that I oppose the new subclause proposed by the Hon. Mr Elliott, although it would obviously have to have different numbering. I am happy to number it subclause (3). My proposed subclause (4), that at least one member of the committee must be a woman and at least one a man, is becoming a standard provision inserted in many pieces of legislation. I imagine that in 1990 this is surely not something that I need to justify.

The Hon. DIANA LAIDLAW: The Liberal Party supports the amendment. As to subclause (4), just referred to, certainly times have changed. When I first came to this place some eight years ago, I remember not only the traumas with my own Party in reference to such a provision but also within the Parliament generally—because it did seem to be controversial to some at that time. The only reason for noting this at this time is the fact that times, fortunately, have changed and for the better.

The Hon. M.J. ELLIOTT: It would come as no surprise, coming from a political Party with four of its eight Senators being women, its last two leaders in Federal Parliament being women, its National President being a woman and half the State Presidents being women that we do not even have a need for such clauses anywhere, but since the world outside is not quite so open, we certainly support such an amendment.

Amendment carried.

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

Page 4, after line 41—Insert subclause as follows:

(3) No more than one-half of the total number of members of the committee may be persons employed in the public service of the State.

This is not in conflict with the Minister's amendment. I believe that if the public feels confident that we have a committee which is independent of undue influence that will be a healthy thing.

Amendment carried; clause as amended passed.

Clauses 11 to 19 passed.

Progress reported; Committee to sit again.

PERSONAL EXPLANATION: PAYNEHAM PRIMARY SCHOOL

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a personal explanation on the subject of the Payneham Primary School.

Leave granted.

The Hon. R.I. LUCAS: Today I was attacked viciously by a prominent member of the socialist left of the Labor Party, the member for Hartley (Mr Terry Groom) and I want to place on the record the facts of the situation. I will do so within the bounds of a personal explanation. The member for Hartley said today:

I know that he—

that is me—

got this information from a member of the school council. The information was not reliable. Without checking the reliability or the sources or the facts, Mr Lucas then immediately went into print, trying to play politics with a very serious local community problem. As I understand it, after he issued the press release, Mr Lucas's office, or he, spent a lot of time trying to verify the accuracy of the press release. He could not do that. He was promptly told that the information was inaccurate. It is not accurate.

Mr Groom then went on to say:

. . . whatsoever for the shadow Minister of Education, Mr Rob Lucas, to behave in a way that is quite patently a dishonest press release.

The Hon. K.T. Griffin: That is a reflection on another member, isn't it?

The Hon. R.I. LUCAS: Well, it is a reflection on the member. He further said:

Regrettably, that prediction has proved accurate. I believe that school communities will not fall for cheap political tricks.

He further said:

In conclusion, the shadow Minister of Education (Rob Lucas), notwithstanding the fact that he had been made aware of the untruthfulness of the press release he issued . . .

He thought that the person concerned was talking about some recent advice. In his haste to make political capital out of a serious problem for a local community, he got the time frame mixed up—he was six years out of date and had the wrong Minister.

Sounds like a terrible shadow Minister. It was also suggested that:

It is not fair game to be dishonest in your approach and dishonest about the presentation of the facts, all to make cheap political capital out of a very serious school problem.

Those allegations were made by another member of Parliament about me and I want to place on the record the truth of the situation and deny in every way the allegations made by Mr Groom.

Either yesterday morning or the day before, at least one person—there may well have been more—from the school council of the Payneham Primary School contacted my office and spoke with one of my staff members. That person provided me, as shadow Minister of Education, and my office with information about that person's very strong objection to the Payneham Primary School closure by the Bannon Government. That member of the school council faxed certain information to my office. Mr Groom alleges that the information was incorrect and that I did not check the facts or the truthfulness of that information. I deny that.

At lunchtime yesterday I spoke to Mr Joe Frank, who is the Principal of the Payneham Primary School, to check the accuracy of the information that had been provided by a member of the school's council. I spoke in some detail to him. Mr Frank or the member of the school council who spoke to my office said that the member for Hartley had indicated to the school council and the school community on a number of occasions over previous years that the Payneham Primary School would not be closed if its numbers continued to drop over a number of years below the magic number of 100.

I checked that information with the Principal, and I think I put the question along the lines of, 'Mr Groom guaranteed that the school would not close?' Mr Frank said, in effect, that he did not want to say that Mr Groom guaranteed it because he was the local member, but he indicated to the school community that that was the policy of the Government. I asked the Principal of the Payneham Primary School how recent had been that indication, and my office also sought that information from the school council member. Both indicated that the information was provided by the local member this year and last year in discussions with various members of the school community.

Both the Principal and the member of the school council indicated that it was not six years ago that this information was given to the school community by the local member but that it was given in recent times. The allegation that I had gone to print without checking the information provided by a member of the school council is incorrect. The Principal of the school also indicated that, from February next year, the school will have an enrolment of 100 students. That is expected to grow through the year to 106 students. In other words, next year it will be above the magic number of 100 that appears to be important for Government policy for metropolitan primary schools.

The member for Hartley approached me in the corridors and we had a debate about this matter. We debated the accuracy or otherwise of various figures and the member for Hartley argued that the enrolment for the Payneham Primary School next year would drop to about 90. I checked that with the Principal today and Mr Frank assures me that the official enrolment estimates that have been lodged with the Education Department do not indicate 90 students as suggested by the member for Hartley. Mr Frank says that the school will have 100 students building to 106 students next year. So, I reject those allegations of untruthfulness.

In conclusion, I am very disappointed that Mr Groom, who is a prominent member of the socialist left of the Party, has descended into the gutter of personal abuse on this issue.

PARLIAMENTARY PRIVILEGE

The House of Assembly intimated that it concurred in the resolution of the Legislative Council for the appointment of a joint committee on parliamentary privilege and would be represented on the committee by three members, of whom two shall form a quorum of Assembly members necessary to be present at all sittings of the committee. The members of the joint committee to represent the House of

Assembly would be the Speaker, the Hon. B.C. Eastick and Mr Groom. The House of Assembly also intimated that it concurred in the Legislative Council's resolution to suspend Standing Order No. 396 to enable strangers to be admitted when the committee is examining witnesses unless the committee otherwise resolves that they shall be excluded when the committee is deliberating.

The Hon. K.T. GRIFFIN: I move:

That the members of the Legislative Council on the Joint Committee on Parliamentary Privilege be the Hons G.L. Bruce, M.J. Elliott and K.T. Griffin.

Motion carried.

ADJOURNMENT

At 6.7 p.m. the Council adjourned until Wednesday 10 October at 2.15 p.m.