LEGISLATIVE COUNCIL

Wednesday 10 October 1990

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

DEATH OF DR V.G. SPRINGETT

The Hon. C.J. SUMNER (Attorney-General): I move:

That the Legislative Council expresses its deep regret at the death of the Hon. Dr V.G. Springett, former member of the Legislative Council, and places on record its appreciation of his meritorious public services, and that as a mark of respect to his memory the sitting of the Council be suspended until the ringing of the bells.

Dr Victor George Springett was a member of the Legislative Council during one of the most substantial periods of change in South Australia's constitutional, political and social history. Dr Springett entered Parliament in June 1967 to fill the vacancy left by the retirement of former President, Hon. L.H. Densley, M.L.C. Dr Springett retired from politics and the Legislative Council at the July 1975 election.

Dr Springett had a record of professional and community service outside of politics. He was born in London and migrated to Australia in 1950, and resided at Murray Bridge where he was the surgeon in a group medical practice. Dr Springett was medical adviser to the Anti-Cancer Federation at the University of Adelaide—as it then was. He was on the State Executive of the Good Neighbour Council and he was involved with the Red Cross. He was elected as the Anti-Cancer Foundation's Chairman in 1973. As a member of a number of Red Cross teams, he provided medical aid and assistance in Nigeria, Ethiopia and East Timor. He received Red Cross awards for his work in Nigeria and, again, for his assistance during the Ethiopian famine in 1974.

In his first speech to this Council, Dr Springett referred to a number of matters which remained important to him during his Parliamentary career and which carried over from his private profession, that of medicine. These included health and the basics of public health, namely, sanitation and water, as well as public hospitals. These were issues on which he had both an international and a local perspective. Also included was the matter of migration and the need to attract to South Australia people with outstanding qualifications and experience, as well as ensuring that South Australia was able to attract a significant proportion of immigrants to Australia. The sentiments that he expressed are as relevant in 1990 as they were 23 years ago, in 1967, when Dr Springett gave his first speech in this Council.

Dr Springett is survived by his wife, Violet, a son, Michael, and a daughter, Ruth. I offer to the family and to Mrs Springett in particular both the Government's and my own sincere condolences on the loss of Dr Springett. He made a significant contribution to his adopted country in a wide variety of public and private ways. It is with regret that we mark his passing and we pay respect to his contribution and to his memory.

The Hon. R.I. LUCAS (Leader of the Opposition): Mr President, on behalf of Liberal members of the Legislative Council—although other members will speak—I second and support the motion. As the Attorney-General has indicated, Dr Victor Springett was a member of this Chamber from 1967 until 1975, representing the Legislative Council southern district of that time. Perhaps it is an indication of the rapid turnover of members that in the Legislative Council this afternoon there is only one member who served with Dr Victor Springett at that time and that is my colleague the Hon. John Burdett.

My personal contact or experiences with Dr Springett were limited, although I met him on a number of occasions, as a relatively young man in the early 1970s. I commenced work for the Liberal Party in 1973 and met Dr Springett, as indeed I met other members of the Liberal Parliamentary Party, through my work during the period that Dr Springett served as a member from 1973 to 1975. I have not been able to check the detail, but I suspect that the preselections that my Party conducted in the lead-up to 1975 to replace Dr Springett and others were perhaps my first experience with preselections within the Liberal Party.

On the occasions on which I met Dr Springett, I found him to be a quiet and reserved man and, above all, a gentleman in every sense and respect of that word. In talking with some of his contemporaries, I have heard Dr Springett described as a 'remarkable and very articulate man with a subtle and dry wit' who commanded the respect of all his colleagues. They said that he was a friend to all on both sides of the Parliament of that time. The Attorney-General has already mentioned his service not only to the Parliament, but in other areas, so I will not cover that ground again. I am told that Dr Springett's election to the four-member Southern District was a significant achievement within the Liberal Party at that time as it was a break from the traditional practice of electing people with a rural background.

Dr Springett's contemporaries at the time described him as a man with a 'clear sense of his political philosophy'. One of his colleagues, now retired, described Dr Springett as an example of what an ideal Upper House member should be: studious, considerate and conscientious—perhaps a lesson for us all. I am told that quietly spoken Dr Springett never indulged in the rough and tumble of political in-fighting. This, together with his well prepared contributions to debates, made him well respected and held in high esteem on both sides of the Council. I am told that on a human level his colleagues described him as gentle and thoughtful, with a highly developed sense of right and wrong. One retired Liberal member of the Council told me that Dr Springett was a person who 'mastered the old English custom, seldom seen these days, of wearing a small rose in his bottonhole'.

Naturally, with his professional background, Dr Springett spoke frequently in this Chamber on health matters, but he also had an interest in community welfare and a wide range of other issues as well. I am told that his decision to resign from the Council was the result of a self-diagnosis of his own medical condition. Despite this, even after retirement from the Council, he continued his community service and headed a Red Cross medical team that went to war-torn Portuguese Timor, and he also found time after retirement to devote his energies to the work of the Anti Cancer Foundation. On behalf of Liberal members in this Chamber, I offer our condolences to Mrs Springett and his family.

The Hon. J.C. BURDETT: I support the motion. As the Hon. Robert Lucas said, I am the only present member of the Council who had the privilege of serving with the late Dr V.G. Springett, known as David to his friends. I came to the Council at a by-election—we used to have by-elections for the Council in those days—in 1973, and I shared a room and a bench with the late Dr Springett. I especially remember him for his kindness to a new member. He could not have been more kind and helpful, and I am grateful to him for that. As the Hon. Robert Lucas said, he was truly

in every sense a gentleman, and I remember his habit of always wearing a pale grey suit and having a rosebud in the buttonhole.

He did make a very good contribution to debate in this Chamber. He was meticulous in his use of the English language and frequently brought his colleagues on either side of the House to order on this subject. I remember that, after having been persistent for a number of years, he was instrumental in changing the titles of the then pieces of legislation relating to flammable liquids and flammable clothing instead of inflammable liquids and inflammable clothing and, of course, he was quite right in this regard: the correct term is flammable when you are talking about things that will catch fire.

As the Attorney-General and the Hon. Robert Lucas have said, he devoted a great deal of his time to charity, and not only his time but also his medical skills. The Attorney has been through that list so I will not repeat it. I do, particularly, remember the time when he went with the Red Cross to Ethiopia during the Ethiopian famine. That was while I was in Parliament. I do pay sincere tribute to the memory of the late Dr. Springett and join with the other members who have spoken in extending sympathy to his widow, Violet, and to his family.

The Hon. K.T. GRIFFIN: Mr President, I wish to join with the other speakers, the Attorney-General, the Hon. Robert Lucas and the Hon. John Burdett, to make just a few remarks about Dr. David Springett. I support all that has been said and I share the sentiments expressed by the three members who have spoken. I came to know Dr Springett when I was the State President of the Liberal Party in the early 1970s and, whilst at that time members of the Legislative Council were believed to be somewhat aloof (that was not so in practice), Dr David Springett had characteristics which endeared him to not only members of the Liberal Party but to the community at large. He was a sensitive man, courteous and generous with his time and his efforts. He was always prepared to advise and to assist either members of the Party or the community. He was a clear thinker. He was highly respected in his local adopted community at Murray Bridge and he was well-recognised for the level of his community service in South Australia and for his overseas service which included Portuguese Timor and Ethiopia.

In later years he suffered a serious disability, which he bore with great fortitude. It was, in many respects, a great sadness to see him deteriorate in physical condition after years of very active and healthy lifestyle and service. From my own personal association with Dr Springett in those years in the Liberal Party and in subsequent years when I kept in touch with the family, I want to add my sincere condolences to his widow and family and to commend the motion to honourable members.

Motion carried by members standing in their places in silence.

[*Sitting suspended from 2.30 to 2.37 p.m*]

PETITION: SELF-DEFENCE

A petition signed by 2 070 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 was presented by the Hon. K.T. Griffin.

Petition received.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following Questions on Notice that I now table be distributed and printed in *Hansard*: Nos. 2, 3, 31, 34, 37 and 38.

TOURISM PROJECTS

2. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Tourism: Further to the references in the speech by His Excellency the Governor at the Opening of Parliament on 2 August that tourism projects totalling more than $650 million are either under construction or in the planning stage:

1. What projects have been included in the list;
2. What is the value of each of the projects; and
3. What is the status of each project in terms of construction or planning?

The Hon. BARABARA WIESE: There are a great many projects listed in the $650 million and I propose to confine my response to those valued at $5 million or above.

In the construction stage there are the following projects:

	$m
Royal Adelaide Hotel, 92 rooms	13.5
West End Apartments, 144 serviced apartments	20
Grand Hotel, Glenelg, 264 units	80
Adelaide Entertainment Centre	41.7
Hotel Victor, Victor Harbor, 34 rooms	6.5
Island Navigator (K.I. Ferry)	5
Wombat Hill Station Resort, 70 units	5
Planning stage:	
Adelaide Casino, introduction of electronic games	16
Granite Island re-development	12
McCracken Country Club Estate, Victor Harbor, 72 motel/units	8
Wilpena Station Resort	50
Mount Breckan Country Estate, Victor Harbor, 146 suite hotel	9
Upgrade Franklin Street Bus Depot and build 120 room budget hotel	40
The Savoy Hotel, 130 units, Gilbert Place, Adelaide	10
St Michaels Tavern Restaurant and Exhibition Centre, Mt Lofty	15
Bay Hotel Motel, 8 units and conference facilities, Glenelg	10
Henley Beach, serviced apartments, restaurant, conference facilities and speciality shops	10
Escourt House Resort, Tennyson, 150 units	27
Barossa Country Club Resort, Rowland Flat, 250 units	150
Lyndoch Valley Country Club, Lyndoch, 118 units	75
Marananga Retreat Hotel, Marananga, 40 rooms	5

Goolwa Historic Wharf Development includes 60 unit motel restaurant, Goolwa	6
Crown Hotel, Victor Harbor, 85 units	8.5
Tandanya Resort, Kangaroo Island, 116 units and cabins	10
	633.20

ROAD FUNDING

3. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Local Government: As the Minister of Transport has repeatedly stated in recent weeks that he and the State Government had no choice but to accept the Federal Government's '10 point black spots/road safety package', including a lowering of South Australia's blood alcohol limit from 0.08 to 0.05, in exchange for $5.4 million this year and some $12 million over three years—

1. At any time during the negotiations on the package did he seek confirmation that South Australia's general purpose road funds would not be cut by at least $5.4 million this year and some $12 million over three years, thus wiping out any benefit South Australia could anticipate receiving from the 'black spot's' funding?

2. What level of funding is the State Government required to outlay in each of the three years of the package?

3. What 'black spot' sites have been identified by the various divisions within the Department of Road Transport and what is the estimated total cost of work required at such sites to meet road safety standards?

4. What conditions of funding has the Federal Government defined for the granting of approval for work on individual 'black spots', for instance, a requirement that no work exceed a sum of $200 000?

5. Does the Minister still consider that the following sites are recognised 'black spots' and are such sites eligible for consideration for funding under the conditions of funding established by the Federal Government—

Belair, at the junction of Upper Sturt and Hawthorndene roads;

Seaton, at the junction of Frederick Road and Brebner Drive;

Gawler, at the intersection of Angle Vale, Gawler and Baker Roads;

Mile End, at the meeting of East and Railway Terraces;

Berri, at the intersection of Kay Avenue, Wilson Street and Thorne Terrace;

Norton Summit Road, which will receive guard railing; and

South Road, intersection with Maslin Beach Road, to get a climbing lane?

6. Has the Minister forwarded a list of 'black spots' to the Federal Government for approval for funding for this year and over the three year period and if so what is that list, and has he received a response or when does he anticipate receiving a response?

The Hon. ANNE LEVY: The question of the black spot proposal is still under consideration by the Government.

ADELAIDE CONVENTION CENTRE

31. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Tourism: Does the Adelaide Convention Centre pay sales tax on goods purchased or has it received an exemption from the Australian Taxation Office?

The Hon. BARBARA WIESE: The Adelaide Convention Centre has exemption from sales tax from the Australian Taxation Office for goods purchased as non-re-saleable items only. All re-saleable items incur sales tax.

NORTH TERRACE PUBLICATION

34. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Tourism: In relation to the publication 'Adelaide's North Terrace—A Vision of Economic and Cultural Excellence', launched by the Minister during Tourism Week—

1. How many copies were printed and at what cost?

2. What was the target audience/groups?

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

1. 2 000 copies of 'Adelaide's North Terrace—A Vision of Economic and Cultural Excellence' were produced at a production and printing cost of $15 000 jointly funded by Tourism South Australia, Department for the Arts and the Corporation of the City of Adelaide.

2. The publication was aimed at persons or organisations that have interests, connections or that impact on North Terrace.

3. At this stage the publication has been distributed to workshop participants from the Cultural Tourism Committee and members from a number of key commercial and institutional interests on North Terrace.

4. The publication has achieved its first stage objective of providing the impetus and common vision for the establishment of a business led group. The North Terrace Action Group will now use the publication selectively as a tool for seeking sponsorship for specific initiatives to market and enhance North Terrace as Australia's pre-eminent cultural, leisure and festive boulevard.

BIZARTS

37. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister for the Arts: In relation to the publication *Bizarts* edited by Ramsay and Roux and published by the South Australian Department for the Arts—

1. What is the annual cost to the department?

2. What are the contractual arrangements, particularly in terms of departmental oversight of content and quality?

3. What is the size of the distribution list?

The Hon. ANNE LEVY: The replies are as follows:

1. The annual cost to the department for the production of *Bizarts* was $5 800 (that is, cost per issue). Two issues of the publication were produced, in November 1988 and September 1989.

2. The Department for the Arts engaged Arts Consultants, Ramsay and Roux, to further involve the corporate sector in arts sponsorship. The publication was one aspect of the program. The Department for the Arts had input into the content of the publication.

3. Two thousand copies of each issue of *Bizarts* were printed. Copies of each issue were circulated widely in both the corporate sector and the arts industry.

COURT COMPUTERS

38. **The Hon. K.T. GRIFFIN** (on notice) asked the Attorney-General: In relation to the introduction of computers in the courts—

1. What is the cost to 30 June 1990 of the computers, software and programs introduced into the Supreme Court, District Court and Local Court respectively?

2. To what extent has computerisation been introduced in each of the courts referred to in paragraph 1 above and what functions have been computerised?

3. What is the program and the projected cost to the remainder if any proposed computerisation?

4. What staff and other savings have been achieved or are expected to be achieved by the computerisation program?

The Hon. C.J. SUMNER: The replies are:

1. To June 1990 the Court Services Department has spent a total of $8.8 million on computers, software and programs used in relation to its 'Courts Computerisation Program'. It is not possible to apportion these costs individually to the Supreme Court, the District Court and the Local Court.

2. Three applications: the Civil Registry System, the Criminal Case System and the Fines Accounting System, have been developed.

The Civil Registry System was first implemented on schedule in July 1988 in the Adelaide Local Court. Since then it has been progressively implemented into the District Court Registry and the Supreme Court Registry. It is now used for all civil cases lodged in the Central Business District, the metropolitan area, Port Lincoln and Whyalla.

The Civil Registry System supports the central storage and management of Civil Case records including information on case participants, case events history and case outcomes. In effect it provides a computerised version of the old 'Plaint Book'. An automatic by-product of the system is the preparation of enforcement documents.

The first stage of the Criminal Case System was initially implemented on schedule in the Port Adelaide Court in February 1990. About two weeks later, a companion system, the Fines Accounting and Tracking Enforcement System was also implemented at the Port Adelaide Court. These two systems have since been extended to all metropolitan courts with the exception of Para Districts. The system has also been extended to two country courts.

The Criminal Case System records criminal court file information, including hearing dates and outcomes and supports on-line inquiries. At the conclusion of a case, pecuniary penalty information is transferred to the Fines Accounting System.

The Fines Accounting System records payments and automatically disburses moneys to the respective suitors. The system also automatically implements enforcement processes including the production of a number of documents in the case of overdue penalties, that is, reminder notices and warrants.

3. The remaining work, which is expected to cost a further $8.9 million to 1992-93 will largely be completed next year. Naturally, once each system has been developed, the department must ensure suitably trained and experienced staff are available to maintain and modify those systems as needs arise. The major work remaining comprises:

- Extension to the department's terminal network to incorporate the remaining non-metropolitan court locations.
- Continued implementation of the Registry and Fines Accounting Systems to all remaining court locations.
- Substantial development of Stage 2 of the Criminal Case System to support receipt of charge data from the South Australian Police Department in electronic form; recording of case outcomes; transfer of case outcome details to the JIS; enforcement of criminal case penalties; management of exhibits; automatic production of case documents; statistical reports for use by CSD and OCS staff; and, capture of data in the courtrooms.
- Development and implementation of a District Court Case Management System.
- Continued development of judicial support systems designed to assist the judiciary and magistracy in areas including Case Law and Judgments, Procedural Research, Standard Terminology and Remarks, Statute update and access, Trial Transcript and Research.
- Implementation of a library information system to provide electronic access to catalogue information for both the Supreme Court Library and the Way Library.
- The conduct of a 'pilot' study to assess the business and technological implications of providing Cause List and case information directly to members of the legal profession on a commercial basis.

4. The projected savings to 1992-93 are described as follows:

- Direct staff savings have been valued at $1.7 million. Associated budget reductions amount to $452 000.
- Savings expected to be achieved in other agencies amount to $1.2 million.
- The introduction of the Office Automation Systems has enabled greater productivity in the Government Transcription Service area and a reduction in contract transcription costs which would otherwise have been incurred amount to $600 000. Budget reductions to date amount to $312 000.
- Revenue increases related to changes in existing fees and the introduction of new fees for secondary processes, reminder fees, etc., will raise a further $6.5 million. Additional revenue received up to 30 June 1990 amounted to $2.55 million.
- Improved productivity associated with office automation, simplified procedures, accessibility of relevant information to judicial representatives, etc., is estimated to facilitate the avoidance of future costs amount to $7.2 million. The amount assumes modest improvements in the overall productivity of clerical and secretarial staff and a reduced necessity for future additional judicial appointments.
- A further budgetary reduction of $69 000 on goods and services has been achieved through savings in expenditure on the old fines accounting system used in the Adelaide Magistrates Court and savings resulting from improved jury management.

PUBLIC WORKS COMMITTEE REPORTS

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

Cleland Wildlife Park—Redevelopment,

University of Adelaide—Ligertwood Building Extension and Upgrading.

PAPERS TABLED

The following papers were laid on the table:

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

Reports, 1989-90—

Industrial Court and Commission of South Australia
South Australian Metropolitan Fire Service
The Parliamentary Superannuation Scheme
S.A. State Emergency Service
Commissioner of Police

Justices Act 1921—Rules—Fees.

Rules of Court—
Supreme Court—Criminal Law Consolidation Act 1935—Criminal Proceedings.
Supreme Court Act—Applications in Criminal Proceedings.
Local Court—
Local and District Criminal Courts Act 1926—Warehouse Liens.
Regulations under the following Acts—
Harbors Act 1936—Fees.
Lifts and Cranes Act 1985—Recreational Applications.
Local and District Criminal Courts Act 1926—Fees.
Marine Act 1936—Houseboats.
Occupational Health, Safety and Welfare Act 1986—Commercial Safety—Manual Handling Repeal.
Industrial Safety—Manual Handling Repeal.
Supreme Court Act 1935—Fees.

By the Minister of Tourism (Hon. Barbara Wiese)—
Reports, 1989-90—
The Advisory Board of Agriculture
Electricity Trust of South Australia
Department of Mines and Energy
Racecourses Development Board
South Australian Timber Corporation
Technology Development Corporation
South Australian Totalizator Agency Board
Veterinary Surgeons Board of S.A.
Architects Board of South Australia—Report, 1989.
Pipelines Authority of South Australia—Report and Statement, 1989-90.
Parliamentary Standing Committee on Public Works—63rd General Report.
Regulations under the following Acts—
Chiropractors Act 1979—Registration Fee.
Controlled Substances Act 1984—Pest Controllers.
Food Act 1985—Prawn Colouring.
Public and Environmental Health Act 1987—Notifiable Diseases.
Retirement Villages Act 1987—Residence Contracts.

By the Minister of Consumer Affairs (Hon. Barbara Wiese)—
Regulations under the following Acts—
Liquor Licensing Act 1985—Liquor Consumption—Port Adelaide.
Trade Standards Act 1979—Care Labelling.

By the Minister of Local Government (Hon. Anne Levy)—
Report on the Operations of the Auditor-General's Department, 1989-90
South Australian Institute of Languages—Report, January 1989-June 1990
Reports, 1989-90—
Department of Local Government
Local Government Finance Authority
Metropolitan Taxi-Cab Board
Murray-Darling Basin Commission
Outback Areas Community Development Trust
Department of Road Transport
State Transport Authority.
Regulations under the following Acts—
Industrial and Commercial Training Act 1981—Declared Vocation.
Local Government Finance Authority Act 1983—Local Government Community Services Association.
Local Government Act 1934—Ticket Dispensing Machines.
Motor Vehicles Act 1959—
Accident Towing Fees.
Registration Fees and Charges.
Rates and Land Tax Remission Act 1986—Pensioner Remission.
Road Traffic Act 1961—Permits and Fees.
Planning Act 1982—Crown Development Report—Aberfoyle Park South Primary School.
City of Tea Tree Gully—
By-law No. 4—Swimming Centres.
By-law No. 6—Dogs.
By-law No. 8—Bees.

By the Minister for the Arts (Hon. Anne Levy)—
Reports, 1989-90—
Department for the Arts
Eyre Peninsula Cultural Trust
Northern Cultural Trust
South East Cultural Trust
South Australian Museum Board
State Theatre Company.

LEGISLATIVE COUNCIL EXPENDITURE

The PRESIDENT: It has been drawn to my attention that on Tuesday 11 September, at a House of Assembly Estimates Committee, questions were raised regarding the expenditure of moneys from the Legislative Council vote and the running of select committees of the Legislative Council. We operate in a bicameral system, whereby both Houses act in an independent manner in relation to their proceedings and expenditure, neither being subject to scrutiny by the other House. This does not preclude scrutiny by the Treasurer, Treasury officials and the Auditor-General, as occurs with all other governmental appropriations.

I view the matter with grave concern that the independence of this Chamber could be weakened if it has to be subject to the political scrutiny from another House of equal status. On inquiry, I have ascertained that no other Houses of the Australian Parliaments have been subject to such scrutiny, and this development in South Australia has been viewed with considerable concern. In order to retain the complete independence of this Council, I feel it is my duty to draw this matter to the attention of members of this Chamber and, in doing so, in no way take away the right for proper scrutiny of this Council through legitimate channels.

MINISTERIAL STATEMENT: RURAL ECONOMY

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to make a statement on behalf of my colleague the Minister of Agriculture.

Leave granted.

The Hon. BARBARA WIESE: Mr President, recent media reports have focused on the state of agriculture and the economic climate that it is now facing. There has been talk of a 'rural crisis' or 'rural depression'. These terms are dramatic and, while they may end up being true, also create the risk of a self-fulfilling prophecy. Nevertheless, the rural economy is facing a difficult economic future. The State Government cannot on its own solve the rural downturn, but we will help this vital sector through these troubled times. But, just as important is the fact that the rural community needs the bipartisan support of this Parliament. It does not need politicians trying to score points out of people's problems. Furthermore, South Australia's farming sector needs a realistic response based on sound economic principles.

In 1989-90, the gross value of agricultural commodities produced in South Australia was $2.6 billion. It now appears that the various commodity sectors of South Australian agriculture can all expect major reductions in income in the year ahead. Despite prospects for an average to good season in output terms, income receipts look set to fall.

Wheat values are likely to fall by 47 per cent, a drop in 1989-90 from $501 million to $265 million in 1990-91. Barley values will fall by around 29 per cent, a drop in 1989-90 from $241 million to $171 million in 1990-91. Wool production is expected to decline by 25 per cent in 1990-91, and the farmers' wool cheque will drop by more than 25 per cent in 1990-91 because the wool levy has been

increased from 8 per cent to 25 per cent, and may be increased further.

Similarly, other commodities such as citrus are facing major falls in income. While it is true that agricultural commodities have cycles, there are some extraordinary factors presently having an impact. The present low level of real prices for many commodities is the result of production levels in competitor countries (including subsidies to produce), loss of some sales opportunities (such as caused by the Middle East crisis) and the relatively high value of the Australian dollar.

Alongside falls in real returns, there has also been an escalation in costs of production. High fuel costs coupled with the high cost of money have added to the financial problems facing producers. There are no quick fix solutions. Some of the problems being faced are determined by international market factors largely beyond this country's control; others by policies determined at the national level. The role of a State Government is therefore somewhat constrained. However, within those constraints, this Government is determined to provide realistic assistance.

With respect to the cost of fuel, the most recent State budget maintained the favourable treatment accorded rural areas in terms of State petrol franchise licence fees. The State Government will be calling on the Federal Government to investigate how any increase in tax receipts gained from rising petrol prices can be used to finance costs involved in finding new markets for our commodities and in providing compensation for some of the losses incurred by producers. The State Government and the United Farmers and Stockowners will meet soon with financial institutions to consider options to the problems facing the farming community.

On the matter of interest rates, there are two avenues of assistance from the State Government. The first, the Rural Adjustment Scheme, has offered support for producers. In response to present circumstances, we will vary the loan limits on debt reconstruction loans and the interest rates that apply. Loans up to $100 000 will continue to be available at 10 per cent per annum (moving to a commercial rate, presently 15 per cent per annum after three years). In addition, a new limit will be available for this type of loan up to $150 000 at an interest rate of 12 per cent (with the same move to a commercial rate after three years).

Aside from rural adjustment, the Rural Finance and Development Division of the Agriculture Department presently offers a commercial rural lending scheme to producers. The rate, which presently stands at 15.2-15.8 per cent, represents a significant reduction on rates used by alternative sources of finance, and there are no fees and charges on this scheme. Therefore, the commercial rural loan rate not only offers a direct saving to those producers who use such loans, but also applies downward pressure on the rates being charged by competitors.

My colleague has also asked that at a national meeting of Agriculture Ministers in November the Commonwealth consider a future long-term commitment for the level of lending for the new Rural Adjustment Scheme.

The State Government also accepts its responsibilities in the social justice area. The involvement in rural counselling and business analysis services, its training and information services for women and rural youth and its support for rural groups are all aimed at assisting farm families cope with the pressure of change.

We have also introduced sheep management measures such as culling strategies and feeding. The Agriculture Department, together with local government, is also offering advice on the humane and environmentally safe disposal of surplus stock. We are awaiting further advice from the Federal Government as to the details of the decision to consider funding assistance for schemes for the orderly and humane slaughter of sheep.

The State Government believes that consideration should be given to using some of the available funding to assist in finding alternative markets for mutton as well as prime lamb. Furthermore, we believe that further research should be done on finding economic ways of processing sheep for use as part of Australia's aid program. My colleague has asked the Department of Agriculture to prepare, as a matter of urgency, a research brief on the matter of the drying of sheep meat to enable its use in the poor food storage conditions and varied diets of many aid-recipient countries. A key issue being faced by many commodity sectors is the issue of unfair trading.

While the South Australian Government accepts that in an ideal market place free trading is a reasonable goal to aspire towards, it is quite clear that present international trading does not represent a free trade environment. Subsidies to producers by EC, countries along with the Export Enhancement Program of the United States combined with both tariff and non-tariff barriers to entry, are causing major losses in returns for producers.

What we want and what we know producers want is no more than a 'fair trading' environment, a level playing field. The South Australian Government has proven its support for this concept by actions such as those undertaken with the dried apricot industry and the dumping of imported orange juice concentrate.

The Government will continue to pursue this line and in order to improve the immediacy of our approaches to the Federal Government, a Trade Watch Committee is to be established. My colleague will invite producer organisations and representatives of the food processing sector to provide representatives to join with officers from the Department of Agriculture and the Department of Industry, Trade and Technology to form this committee. This committee, which will be provided with research assistance, will seek out evidence of unfair trading practices by competitor nations or markets that we are seeking to sell into and recommend the best courses of intercession that can be taken by the Government.

On a positive note, the Department of Agriculture has embarked on a major program of working with industry in developing new production opportunities and markets. My colleague has travelled throughout rural South Australia recently, and he remains impressed by the resilience of the rural community. They realise these difficult times will not be corrected by quick-fix bandaid measures. I can assure the Council that, with this Government's commitment to the rural sector, agriculture will continue to play a key role in the South Australian economy.

QUESTIONS

UNEMPLOYMENT

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister of Small Business a question about unemployment.

Leave granted.

The Hon. R.I. LUCAS: Members will be aware of an article in today's press headed 'Dire Warnings on SA Jobs' which reports that both key employer and union groups have warned of massive job losses in South Australia by Christmas due to a worsening economic slump. One of the

employer commentators has predicted a further 5 000 South Australians could be out of work by Christmas, adding to the State's already unacceptable unemployment total of 45 200 (8.2 per cent of the State's workforce compared to about 7 per cent nationally) unless there is an easing of interest rates. Even the United Trades and Labor Council predicts that there is almost certainly going to be a rise in unemployment. The UTLC's Secretary, John Lesses, says it is young workers who will be worst affected by job losses.

Further evidence of a major slump in this State's employment has come from the Engineering Employers Association, which recently conducted a survey of 25 companies in South Australia employing more than 12 000 people. The survey found depressed conditions appear to be widespread across all sectors of the industry and could represent a leading indicator for the rest of the economy. That indeed is an ominous statement. The survey found that the overall number of jobs fell a further 2.5 per cent in September, representing a 3.4 per cent reduction on the September 1989 employment figures. It also found that 52 per cent of the companies surveyed were expecting to shed further labour this month. The survey also said and I quote: 'an alarming 76 per cent of respondents expect slow or very slow conditions' during this month.

All this does not augur well for either employment or business prospects in South Australia. These clear indicators of a rapidly slowing manufacturing industry, together with the gloomy forecasts of other employer groups, and even unions—as I said, with Mr Lesses at the forefront—make a mockery of claims by the Federal Treasurer that Australia is not headed for a recession. They also make a mockery of statements made by the Minister in this Chamber. In April this year in this Chamber I asked the Minister of Small Business what she and the Government were going to do about predictions made then by the National Institute of Labour Studies that unemployment could rise by more than 4 000 in South Australia. The Minister said that South Australia was better placed than most other States 'to be able to weather these storms'. As to the effects of the economic downturn, she said that South Australia would probably fare as well or better than other parts of Australia. In view of the comments made in the past 24 hours, my questions to the Minister are:

1. Does the Minister believe that the statement she made in April is still correct?

2. Does she accept that unemployment levels in this State are now at a disturbingly high level and that if the prediction of a further 5 000 people joining the unemployment ranks is realised uemployment will reach unacceptable levels?

3. What new strategies, not already outlined by the Government, are the Minister and the Government going to undertake to try to stem the potential rise in unemployment in South Australia?

The Hon. BARBARA WIESE: As far as I am concerned—and I am sure that I speak for all members of my Party—any level of unemployment in this State is unacceptable. One of the reasons for our Party's coming into existence and for our fighting so hard in the Parliaments of Australia over some 100 years has been to ensure that, to the extent it is possible for Governments to have an influence over our economy, we provide job opportunities for any person in our community who wants to work. That is one of the fundamental—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —objectives of the Party that I represent in this place. So, certainly, it concerns me very considerably that unemployment levels in Australia seem to have risen in recent times. The statements I made earlier this year indicating that South Australia was in a better position than were most other States to weather these storms—and certainly in a better position than we were during previous economic downturns of the past decade—still stand.

I believe the reason for that situation is that during the past decade this Government, as a matter of deliberate policy, has sought to create new industry and diversification in industry so that at times like this, when there are difficulties in our economy nationally, there would be a broader range of employment opportunities than has previously existed in South Australia. Previously we relied too heavily on a very narrow range of economic activity. So, to the extent that we have been able to achieve diversification in our economy, we have improved on what might otherwise have been the situation for South Australians at this time, in view of the current economic conditions.

In referring to my comments last April, the honourable member did not indicate that one of the things I also said was that if the South Australian economy were to deteriorate--and there were some predictions to this effect—there could very well be an increase in unemployment in South Australia. I said that at the time.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: I said that at the time and, indeed, it would appear that that situation is coming about. However, in examining the unemployment figures in South Australia it is also important to examine the participation rate in the State. As I understand it, one of the reasons for our unemployment rate appearing to be very high is that there is also an extremely high participation rate in our economy.

Over time, if the community feels that job opportunities are reducing, we often find the participation rate falling. All available indications in Australia, with job vacancies advertised and other things, indicate that there is a likelihood of greater unemployment occurring in Australia generally, and South Australia cannot expect to be insulated from the effects that are taking place in other sectors of the economy.

The South Australian Government is continuing to do all that it can to ensure that our economy has as broad an economic base as we can possibly manage. To the extent possible, we have tried to reduce costs in charges and taxes that may otherwise impact on small businesses. In fact, the most recent budget package specifically tried to create revenue and expenditure measures that would, to the maximum extent possible, favour families and people in the small business sector. However, many of the issues that affect businesses in Australia are beyond the control of State Governments; they are very much dependent on national policy and international impacts as well. There is very little that a State Government can do to change some of those matters. Certainly to the extent that it is possible for the South Australian Government to provide support to enable businesses to withstand the current economic downturn, we are attempting to do that. The statement that I have just given, on behalf of my colleague the Minister of Agriculture, is an indication of the sort of measures which are being taken by this Government to assist businesses in trouble.

The Hon. R.I. LUCAS: Does the Minister accept that decisions taken in the State budget to increase taxes and charges on small business and business in general will increase unemployment in South Australia?

The Hon. BARBARA WIESE: I believe that the package of measures that was put together by the State Government in the most recent budget was responsible and reasonable,

and there have been reductions in some areas in costs to small business. I find it extremely difficult to believe that State Government taxes and charges alone would be responsible for the creation of unemployment or, indeed, severe business distress in South Australia. As the honourable member knows, or at least should know if he is to ask questions about such issues, the factors affecting the success or failure of businesses are complex and numerous. To single out a Government tax or charge and suggest that that alone will be responsible for the creation of major unemployment is ludicrous.

CHILDREN'S COURT PENALTIES

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question on the subject of Children's Court penalties.

Leave granted.

The Hon. K.T. GRIFFIN: At the end of August a 16-year-old youth was convicted in the Children's Court of assault, possessing a dangerous firearm and possessing an unlicensed firearm, but no penalty was imposed. On unrelated housebreaking charges heard on the same day the youth was fined $499, given a nine-month suspended sentence and released into the custody of his grandfather.

The youth was arrested because he pointed a double-barrelled shotgun at neighbours, and when police arrived he aimed the shotgun at the police in a threatening manner. The youth has a string of convictions for other offences. The police are reported to hold the view that the youth needs psychiatric help before he kills someone. The police are outraged at the youth's discharge without penalty on those three charges of assault and firearms-related charges. When asked about an appeal, a newspaper report quotes the Attorney-General as saying that an appeal was unlikely and that in any event the time for appeal had expired. My questions are:

1. Did the Attorney-General seek advice on an appeal before the 28-day appeal period expired, and, if not, will he indicate why not?

2. What was the basis for any advice that there was 'little chance of an appeal being successful'—a quote in the newspaper which was attributed to the Attorney-General?

3. Does the Attorney-General agree that the offences on which no penalty was imposed were serious offences, and does he agree that no penalty is a grossly inadequate response?

The Hon. C.J. SUMNER: The answer to the first question is that I did not seek any advice whether an appeal should be lodged in this matter before the time for appeal expired, because I was not aware of the case; neither was anyone in the Attorney-General's Department, as far as I am aware. The matter was not brought to my attention or to the attention of the Attorney-General's Department; it was handled entirely within the Police Department and within the prosecution section dealing with juvenile offenders in particular.

The police prosecutors who handled the matter did not feel that it should be referred to the Crown Solicitor, the Crown Prosecutor or the Attorney-General for further advice. The advice which I have from the juvenile offenders prosecution section, which provided advice to my office after this matter was raised, was that it did not feel that an appeal was appropriate and that, furthermore, it would not succeed. In any event—

The Hon. K.T. Griffin: That was a police prosecutor.

The Hon. C.J. SUMNER: That was a police prosecutor's advice to my office. In any event, it was out of time—only because the matter was not referred to the Attorney-General's Department. Obviously, the police prosecutors did not feel that this was a matter which required referral to a higher court, so it was not drawn to my attention nor, as I understand it, to anyone else's attention in the Attorney-General's Department. The matter was not at any stage handled by the Attorney-General's Department; it was handled exclusively by the police.

The individual was charged with common assault and also some breaking offences. There was no suggestion nor, indeed, any possibility, because he was not charged with indictable offences, that the matter should be referred to me to make an application for the individual to be dealt with by an adult court.

The press comments have been inaccurate in that they have suggested that there was a recommendation by the Department for Family and Community Services that the offender be detained by the State, but that is not the case. The recommendation of the Department for Family and Community Services and its social workers was that there be a four month period of detention suspended upon certain conditions and, as can be seen, the penalty imposed by Mr Gumpl, SM, was significantly in excess of that. He gave a nine month suspended sentence on strict conditions regarding a curfew, treatment for substance abuse, treatment for alcohol abuse and participation in community service orders of 240 hours, so there were significant conditions imposed on this offender as a result of the court order which included treatment for what were identified as problems of suffering from substance abuse and alcohol abuse.

Furthermore, it was suggested that the police were angry about the matter. As I have already said, the prosecuting police officer made no representations about the matter and did not draw it to anyone's attention so I suspect that that was not accurately reported, either. As to whether the police supported a custodial sentence, I am further advised that, after hearing submissions, the police prosecutor agreed that detention in this case would not have helped the situation, so, in the final analysis, it does not appear that there were strong representations made by the police for a custodial sentence. As I have said, contrary to the media reports, no such submissions were made by the Department for Family and Community Services.

The most recent media report which appeared in the *Advertiser* on 6 October says, 'Lock up dangerous boy, says grandfather.' That is not accurate either, as in his submissions to the magistrate, the grandfather, who I assume is the same grandfather who is reported in the *Advertiser*, pleaded with the magistrate that the offender had learnt his lesson. So again, it would appear that the parents did not say in the court, 'Lock him up.' From the information that I have obtained, the grandfather did not say to the court 'Lock him up', but pleaded with the court on his behalf. Again, this does not seem to be an accurate reflection of the circumstances in this case. The Children's Court, where there are two or three matters before it, usually deals with one matter and may take other matters into account.

The penalty was a nine month suspended sentence on strict conditions. I am not suggesting that the offences were not serious but, as I understand it, the gun was not loaded. The police knew that it was not loaded and in fact the police prosecutor provided that information to Magistrate Grumpl. The offender was only charged, in any event, with common assault, not a more serious indictable offence. So, Mr President, they are the circumstances which, I hope, have corrected some of the misconceptions which have

appeared in the media about this case, but in the final analysis there was no consideration of an appeal because the matter was not drawn to my attention. It was a matter that was handled by the police. The police prosecutor clearly did not feel that an appeal would be successful and made no recommendation to that effect.

NORTH TERRACE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for the Arts a question about North Terrace.

Leave granted.

The Hon. DIANA LAIDLAW: The employment section of the *Advertiser* on 29 September featured an advertisement for the position of Executive Officer for the North Terrace Action Group, a group headed by Keith Conlon, recently formed to promote North Terrace as a major cultural and tourism focus for the city and the State.

First, can the Minister confirm that this year both the Department for the Arts and Tourism South Australia have contributed $20 000 each for the appointment of this Executive Officer? Secondly, how is it envisaged that the Executive Officer's responsibility—and these were noted in the advertisement—for the development of a business plan and marketing strategy relate to the current role, functions and responsibilities of the cultural institutions along North Terrace? Thirdly, recognising that the Art Gallery, Museum, History Trust and also the Library are all struggling—and that is their term—financially to maintain current programs, let alone pursue new initiatives, what commitments or reassurances has the Minister been able to provide to these institutions and to the Action Group that their endeavours to revitalise North Terrace will be matched by efforts from the Government to revitalise the operations of the cultural institutions along North Terrace?

Finally, will the Minister relate the North Terrace cultural and tourism initiative, including the appointment of this officer at some $40 000, to the following: *(a)* to the fact that the Government's grant to the Art Gallery for the acquisition of works of art is the smallest of all mainland State and Territory art galleries; *(b)* to the fact that the Government severely cut this grant to the Art Gallery by $50 000 two years ago and has failed to restore the level in subsequent years despite pleas—and I have copies of letters from the board and the former Director containing those pleas—to the Minister for the restoration of that $50 000 grant, and it was not in this current budget; and *(c)* to the fact that the Government refuses to provide the Museum with any funds at all to establish an acquisition fund?

The Hon. ANNE LEVY: Could I first ask the honourable member if I could have a copy of those questions? There are at least half a dozen questions and I was not able to get them all down. I am happy to provide answers but, without having them in front of me, it is rather difficult when there are six questions instead of one. I can confirm that the Executive Officer is to be jointly funded by the Department for the Arts and Tourism South Australia, and will be the Executive Officer for that North Terrace Action Group, as indicated by the honourable member.

I think the honourable member wanted to know what comments I had made to the North Terrace Action Group. I can say that I have made no comments at all; I have had no direct contact with that group at all, at this stage, which does not suggest that I will not have contact with it. However, until it has established itself and got itself under way, it would seem rather premature to have discussions with its members.

The honourable member talks a great deal about the difficulties that are facing the North Terrace institutions, and she asks what reassurances have been provided to the action group that its efforts will be matched by a Government determination regarding the operations of our North Terrace cultural institutions. I point out that all these North Terrace institutions have their own boards; they receive a Government grant; and, to a large extent, the policies followed by those institutions are the responsibility of the boards, which, I am happy to admit, are appointed by the Government. However, the policies followed by the institutions and the priorities that they set are largely for the institutions themselves to determine, within the budgetary constraints that apply to all sections of our community at the moment. I do not imagine for a minute that the honourable member would suggest that the arts community should be treated differently from any other section of the community at the moment.

I agree that the acquisition grant specifically earmarked for the Art Gallery was reduced two years ago and it has not been increased in the recent budget. However, the honourable member must not ignore the enormous and extremely worthwhile efforts that are being and have been made by the Art Gallery Foundation in raising considerable sums of money for the purposes of acquisition by the Art Gallery.

The Art Gallery Foundation is very much to be commended for its efforts in this regard, which have made an enormous difference to possible acquisitions by the Art Gallery of South Australia. The South Australian Museum has not had acquisition funds specifically earmarked but again, the priorities established by the Museum, with funds made available to it by the Government, are a matter for the board of the Museum to determine. The Museum has benefited from a number of bequests and the Waterhouse Club has been established for it: this is a group of individuals who are devoted to the purposes of the Museum, who undertake many different functions and who have raised considerable sums for the benefit of the Museum. This group is very much to be commended for the strenuous efforts it makes on behalf of the Museum, for which the Museum and the Government are very grateful.

In today's financial circumstances, it is not possible for institutions such as the Art Gallery and the Museum to receive all the funds that they would like to receive or, indeed, that the Government would like to provide to them. We recognise the extreme worth of these institutions but, like many other organisations today, they need to top up the substantial Government contributions by other means, such as the worthwhile activities of the Waterhouse Club and the Art Gallery Foundation.

I am sure indeed that all the members of the Art Gallery Foundation and the Waterhouse Club work enthusiastically at raising money for the institutions, which they hold very dear, and that they are pleased indeed to be able to contribute in this way to improving and maintaining the high standards of the institutions along North Terrace.

The PRESIDENT: I would take the point raised, namely, that I have noticed lately that questions are turning into five or six questions in one question. It would make it easier for the Minister and the person asking questions if they were kept brief and relevant.

WOMEN IN ENGINEERING

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister representing

the Minister of Employment and Further Education a question on women in engineering.

Leave granted.

The Hon. CAROLYN PICKLES: The number of women entering engineering courses is rising. However, the numbers of women represented in those courses is still alarmingly low. The University of Adelaide Women in Engineering Project is currently under way in 13 South Australian schools, working to inform girls about the varied and exciting options within engineering so that more girls will consider engineering as a career for women and not just for men.

I am sure members are aware of the importance of working to increase the numbers of women engineers, not just for women, but also for the future of this State. It has been predicted that by the year 2000 Australia will need more than 95 000 engineers, yet only 1.5 per cent of Australia's 65 000 practising engineers are women.

The Faculty of Engineering at the university is working hard to correct this deficit of female engineers, and its program of encouraging girls into engineering is very commendable. Female enrolments at the university are now rising by 1.5 per cent a year, and about 14 per cent of first year engineering students are now women. However, with no guaranteed funding for the university's Women in Engineering project past February 1991 there can be no long-term goals.

The two-year project is wholly supported by the engineering industry and the tertiary institutions of South Australia. No DEET or State funding has been provided. The project will not be able to move into phase three unless funding is available past February next year. Could the Minister please advise what action he can take to support the university's case to assist this important project into its third phase?

The Hon. ANNE LEVY: The honourable member had given an indication of her question to the Minister of Further Education, who has provided me with a reponse so that I need not refer the question to him. It is certainly the case that the participation rates of women in engineering are very low. There is no doubt that, to achieve a significant increase in the participation rate of women in the engineering occupations, strong initiatives and successful strategies are necessary if the proportion of women in engineering is to approach that which is found in other faculties at the university.

The University of Adelaide, as a publicly funded organisation, has clearly accepted its responsibility to allocate its resources in ways which, while serving its main purpose, promote equity and access to its programs. Thus, it is fulfilling what should be a normal part of any institution's operations—to promote its courses in ways that, as fully as possible, inform potential clients of the available opportunities. The Women in Engineering Project is one area where the university is providing a specific focus to its recruitment efforts, and I wish to commend it thoroughly for doing so. I am sure that all members would join with me in congratulating the university for its initiatives in this area.

The TAFE colleges are also keen to direct their resources towards taking up this challenge. Two engineering programs for women where women comprise the entire class are being offered next year. One of these will lead to an associate diploma and the other to an advanced certificate, with both of them, as I am sure all members would be aware, leading to very attractive job opportunities. Sensible timetabling of lectures, the availability of child-care and scholarship support provisions are services which are, and certainly need to be, provided to ensure the success of these programs.

Having made these more general comments, I think that members would be aware that the State is not generally involved in the funding of higher education. Nevertheless, I am aware that both last year, which was the first year of the program, and this year, the E&WS Department and ETSA have contributed funds towards these programs. At the Federal level, I am told that sources of special funding are available to higher education institutions for initiatives of this kind. I think particularly of the Higher Education Equity Program and the National Priorities Reserve Fund. I would have thought that the University of Adelaide project ought easily to fit within one or both of those programs, and the Minister has indicated that he would be happy to lend his full support to the university's efforts in attracting funds from those possible sources. The University of Adelaide might in fact like to consider strengthening its argument by developing a joint proposal from the three universities, as all three will be involved in engineering courses.

NATIONAL CRIME AUTHORITY

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question about the National Crime Authority's Adelaide office.

Leave granted.

The Hon. I. GILFILLAN: Members will be aware that there is currently a debate about privilege in relation to the Federal committee and the NCA. The *Australian* of 2 October states:

> The Solicitor-General, Dr Gavan Griffith, and the Clerk of the Senate, Mr Harry Evans, have produced directly conflicting opinions on the extent of parliamentary privilege applying to the Parliamentary Joint Committee on the National Crime Authority.
>
> Internal controversy has broken out repeatedly during the committee's operations, with NCA officials refusing to answer questions from its members on a wide range of issues.

It is because of this frustrating inability to have access to information that I feel obliged to raise this matter here in this Council in the hope that the truth will come to light.

In April this year there was serious discontent in the staff of the South Australian office of the NCA when industrial action was threatened, and this in turn threatened the proper and efficient operation of the South Australian office. Allegations circulated at the time as to the reasons for discontent, and I wrote to the then Acting Chairman of the NCA, Mr Julian Leckie, and was asked in the letter not to comment publicly about the issue. The letter states:

> While the staff in the Adelaide office are concerned at some recent events which have involved Mr Mengler, they have not taken any industrial action. Nor have they threatened to do so.
>
> Discussions with the staff and with Mr Mengler are continuing, and the authority is hopeful that the matters which have given rise to the concern will be resolved shortly. In this context I seek your assistance. The authority's view is that resolution of the difficulties would be aided were public discussion of those difficulties reduced. The authority would accordingly be grateful if you could see your way clear to avoid commenting publicly on the matter at this stage.

That letter is dated May 1990, and still no satisfactory explanation has been made to me or, I believe, to members of this Council.

It is widely held that the reason for the dissatisfaction in the South Australian office was the treatment of the recently resigned former head of operations, Mr Carl Mengler, by the NCA's current South Australian Chairman, Mr Dempsey. Upon Mr Dempsey's appointment in South Australia, he rented the house of a senior police officer in South Australia whose department the NCA was allegedly investigating, and this raised some concern in itself.

Then, in April this year, a bomb was thrown into Mr Dempsey's driveway and his car was damaged. I am advised that allegations were made by Mr Dempsey and others that Mr Mengler himself threw the bomb into Mr Dempsey's drive. Also, I was advised that Mr Dempsey ordered, and was present at, the forced opening of Mr Mengler's private safe without Mr Mengler's consent or knowledge. The reason for this conflict between the South Australian Chairman and the then Chief of Operations was given as disagreement over priority of certain operations and the treatment of the report into Operation NOAH over the hand of the previous Chair of the NCA, Mr Justice Stewart.

I am advised that Mr Mengler is taking legal advice, and considering suing Mr Dempsey and others for defamation. I ask the Attorney: did he see media reports or have knowledge of the conflict in the authority's Adelaide office earlier this year? Did he make inquiries or receive any information regarding the conflict in the authority's Adelaide office earlier this year? If so, will he indicate what information he was given? If not, will he ask for a report from the recently appointed Federal Chairman of the NCA, Mr Justice Phillips, and report back to this Parliament?

The Hon. C.J. SUMNER: Matters of the operation of the National Crime Authority are matters for the authority, for the Chairman of the authority and, in appropriate cases, for the intergovernmental committee comprising Federal and State Ministers, and of the joint parliamentary committee. I do not believe that I can provide any information to the honourable member on this matter without referring it to the Chairman of the National Crime Authority, and I can only suggest that I refer the honourable member's question to the Chairman of the authority for whatever reply the Chairman considers appropriate.

PERSONAL EXPLANATION: VIDEO GAMING MACHINES

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to make a personal explanation.

Leave granted.

The Hon. BARBARA WIESE: On 20 September 1990, in Estimates Committee A, in response to a question asked of me by Mrs Kotz concerning video gaming machines, on two occasions I inadvertently referred to the Casino Supervisory Authority instead of the Casino Inspectorate. This reference appears on page 492 of the parliamentary debates. I wish to set the record straight so that there is no misunderstanding.

REPLIES TO QUESTIONS

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

Leave granted.

VEHICLE SECURITIES REGISTER

In reply to **Hon. L.H. DAVIS** (21 August).

The Hon. ANNE LEVY: My colleague the Minister of Transport has informed me that the Vehicle Securities Register was established as a separate computer system in 1987 and was not intended to be compatible with the Motor Registration system. Responsibility to submit accurate data to the Registrar, when registering a security interest, rests with the credit provider. As an added service to credit providers, software was established to enable the data to be checked against the Motor Registration master file thus highlighting any discrepancies. This check is not critical to the operation of the Vehicles Securities Register.

Future development of software will enable the validation of data to be re-established under the new drivers system. There is no question of additional hardware being purchased for this purpose.

The validation of data supplied by credit providers will be re-introduced when programming resources permit, but this matter is not regarded as a high priority and has little impact on the successful functioning of the Vehicles Securities Register.

TREE DEPOT

In reply to **Hon. PETER DUNN** (22 August).

The Hon. ANNE LEVY: There have been considerable efforts to investigate the use of local nurseries to provide trees and shrubs for the current dust suppression program. However, the nurseries either did not have the stock or were not interested in participating in the proposed developments. The areas of most recent plantings are highly saline and the groundwater, which in places is less than a metre from the surface, is as saline as sea water. Therefore, highly salt tolerant plant stock is required and there is no established nursery in Port Pirie capable of meeting the objectives of the current program.

Allender Nurseries and the Woods and Forests Department provided the most recent plants and while both of these nurseries are recognised specialists in providing salt tolerant species, there has been considerable plant mortality, even of these seedlings. It is because of this that a nursery is being established by the Environmental Health Centre of the SA Health Commission on the advice of the Department of Environment and Planning. Its specific objective is to enhance the quality of existing plantings by genetic selection of, and propagation from, plants already performing well under the severe conditions.

The nursery cannot be seen as one in conflict with private enterprise. The plants to be raised are not ornamentals; they will be solely raised for their ability to withstand high levels of salinity (which is not common to many other areas of Port Pirie); and no plants are to be provided to any private individuals. As a result of this initiative it is intended to employ two people very shortly and it is hoped that the appropriate people are available in Port Pirie to fill these two positions. These two people would be employed to maintain existing plants, replant or plant where necessary and, under suitable supervision, develop the new seedlings for future planting programs.

The two employees will be expected to spend around 20 to 25 per cent of their time in the nursery and the balance on maintenance and planting. The nursery is a small part of an overall program for greening for dust suppression which has a budget allocation of $100 000 for this financial year. This budget will cover the cost of the nursery plus the maintenance and enhancement of planting to date.

The infrastructure for the nursery including site preparation, propagating shed with office, hot house, salinity troughs and growing out facilities will cost approximately $9 000. Another $6 000 will be absorbed in the first year of operation to purchase tubes, soil, tools, etc. In total, including labour, the nursery will cost $27 000 in its first year and 20 000 tube stock will be raised. Subsequent expenditure will be significantly less, with the same output, and it is expected that after three years 60 000 tube stock will be propagated at an estimated cost of 80c per seedling.

While the nursery continues to have an element of experimentation about it, it is not possible to hand the propagation of plants over to a commercial outlet. Further investigation of the applicability of using local suppliers is therefore unnecessary. However, it is expected that the information gained within the next few years can be passed on to private individuals and at that time it might be possible to call for outside tenders to raise any trees and shrubs required.

MID NORTH RAILWAYS

In reply to **Hon. I. GILFILLAN** (4 September).

The Hon. ANNE LEVY: My colleague the Minister of Transport has advised that the issue of the closure of the Balaklava to Gulnare and Brinkworth to Wallaroo rail lines is still being discussed with the Commonwealth Government.

The situation to which the honourable member referred was drawn to the attention of Australian National and the pulling of good sleepers from these two lines has ceased.

PORT ADELAIDE COUNCIL

In reply to **Hon. J.C. IRWIN** (4 and 5 September).

The Hon. ANNE LEVY: Officers of the Department of Local Government have discussed the matter of the Port Adelaide Flower Farm with staff of the Port Adelaide council. I understand that proper council procedures were not disregarded in this matter. The resolutions put to the council were in order, and the resolution of the ordinary meeting on 27 August is not a contradiction of the resolution of the meeting of the Finance and General Purpose Committee on 6 August. The resolution of 6 August, whereby the council 'disapproved of' the Chief Executive Officer and/or the Mayor undertaking an investigation/promotion tour relative to flower farm sales, cannot be construed to mean they were forbidden to go. It was, however, potentially very wide in its application. The second motion clarified council's attitude on the matter, confirming the responsibility of the board of the flower farm in this matter.

The Mayor did not chair the relevant part of the meeting on 6 August at which the resolution was passed. The minutes clearly show she left the meeting at 7.59 p.m. having declared an interest in item 13.098—'Port Adelaide Flower Farm', and resumed her place at 9.15 p.m. after the resolution was passed.

The Mayor was, however, present at the ordinary meeting on 27 August, but, as the resolution before council did not involve a body of which she was a member, or payment by council, she considered that no interest, in terms of the Act, was involved.

Section 41 of the Local Government Act, concerning delegation of authority, does not apply in this case. The flower farm was established as a section 383a scheme. This section of the Local Government Act has been repealed. Section 199 now covers these matters, and controlling authorities under this section have delegated authority to receive and expend revenue. This power has been properly exercised by the council.

It is correct that no comprehensive budget for the flower farm was included in the council budget adopted on 4 June 1990.

Council did, however, adopt its budget knowingly and with a view to issuing rate notices as early as possible. As the flower farm budget made no demands on council general revenue, it did not affect the rate declared.

Technically, the process is incorrect as regulation 6 (4) of the accounting regulations under the Local Government Act requires budget adoption to be for total expenditure, income from sources other than rates, and the required revenue from rates.

I consider this to be a technical breach, motivated by a desire to have early income from rates, which could have been significantly delayed by the need to await the return of the farm consultant in order to finalise the flower farm budget projections. In the circumstances, I see no need for action on my part.

The matter of the validity of the flower farm's expenditure in the period between 1 July and 6 August, on which date the flower farm's budget was adopted, was also questioned. Such expenditure is similar to that of many councils which do not adopt their budget until late in August, as provided for under the Act. In fact it is similar to State Government expenditure prior to the passing of the Supply Bills. The flower farm's authority under section 199 of the Act enables it to continue to operate normally in this period.

The Port Adelaide Residents Association has in the past raised a number of questions relating to the Port Adelaide council and received replies to its correspondence. The Department of Local Government has, in the past few days, received correspondence from the Ombudsman on the association's dissatisfaction with these replies. The Chief Executive Officer of the department will respond directly to the Ombudsman.

With regard to the rate setting procedure of the Port Adelaide council for the 1990-91 financial year, the claim of reversal of order in setting the rate and adopting the valuation is not confirmed by the minutes of the ordinary meeting of 4 June 1990. These minutes show that the council adopted its financial estimates, adopted the Government assessment of capital values and declared its rates, in that order.

As to the periodic budget reviews, these were conducted three times in the financial year as required. The first was conducted in December 1989, the second in April 1990 and the third was considered in conjunction with the consideration of the 1990-91 estimates in May 1990.

I am aware of the issue of the Port Adelaide harborside project. I have, however, not had a formal involvement to date as decisions by me under the Local Government Act have not yet been necessary.

This matter has not been raised with me by the Minister for Environment and Planning and there is no record of the matter being raised formally with my predecessor.

Council borrowings for this project were not 'hidden'. They were shown in the overdraft, which is a separate entry in the balance sheet, and therefore were properly revealed in the council's financial returns.

There was no need for ministerial approval on this borrowing, irrespective of the method used by council to fund the purchase of the land. It was council's expectation that the land would be resold very quickly, and therefore it chose to use an overdraft. Under the former provisions of the Act, under which this purchase proceeded, section 449 (1) required ministerial approval if an overdraft exceeded one-half of council revenue. At the time, revenue from rates alone was in excess of $7 million. The overdraft was $1.8 million.

The accounting practice in this matter was quite proper. My opinion or approval of the manner in which a council manages its borrowings is not relevant unless the level of

borrowing is such that ministerial approval is necessary. In this case it was not.

WESTSIDE BICYCLE PROJECT

In reply to **Hon. DIANA LAIDLAW** (16 August).

The Hon. ANNE LEVY: My colleague the Minister of Transport has advised that the Westside Bikeway project is part of an ambitious program to form a network of metropolitan arterial bike routes which will assist in encouraging bicycle use and improving bicycle safety.

Location of the bikeway will provide a direct commuter route linking the Glenelg area with the city. It will supply an alternative to Anzac Highway, which is not suitable for cycling in peak traffic conditions, and which has been the subject of concern and complaints from cyclists for a number of years. The widening which would be required on Anzac Highway to furnish road space for cyclists is prohibitively costly.

The bikeway is also intended to provide for joggers, for wheelchair use as the flat grades make it ideal for this purpose, and other recreational uses. The route takes advantage of existing traffic signals at major road crossings and also of the cycling space provisions which were planned and built into the Hilton Bridge/Burbridge Road entry into the city. It is designed to cater for a range of cycle trips and cyclist ages.

Issues such as pedestrian/cyclist crossings with push button lights and median refuges have been addressed and incorporated into the project. Installation of new signals and modifications to existing signals, including cyclist activated controls account for over $120 000 of the project budget.

As a matter of course, the Department of Road Transport considers the needs of cyclists in all road upgrading projects. The ongoing upgrading program includes such treatments as wider kerbside lanes, push button signal facilities, cycle activated detector loops and cycle lanes. The cost of these cycling components is significant and is included in general road construction costs and not isolated as specific cycling expenditure.

Both the Cyclist Protection Association and the South Australian Touring Cyclists Association, as representative members of the State Bicycle Committee, were involved in discussions concerning development of the bikeway for some months prior to the announcement.

Cyclist representation on the State Bicycle Committee is considered appropriate. Of the 15 person committee, three are ardent cyclists, three regular commuter/recreational cyclists, three casual cyclists, while one other is from the bicycle industry. The composition is balanced to avoid any tendency toward a cycling club approach while at the same time having personnel with access to Government departments and other organisations for the best actioning and delivery of business.

MOTOR VEHICLE REGISTRATION

In reply to **Hon. DIANA LAIDLAW** (22 August).

The Hon. ANNE LEVY: My colleague the Minister of Transport has informed me that Paxus was advised prior to installation of the new drivers system that vehicle registration data would not continue to be supplied in the same format as previously.

Data for the months of July and August will be supplied to the company this month. This data will not be in the same format as previously supplied but will enable essential monthly statistics to be extracted.

ALCOHOL ADVERTISING

In reply to **Hon. DIANA LAIDLAW** (23 August).

The Hon. ANNE LEVY: My colleague the Minister of Transport has informed me that the State Transport Authority is unable to provide the amount earned from advertisements featuring alcoholic products, as the contract does not specify that earnings from any particular group of advertisements be quantified. The STA earns approximately $1.5 million per annum from all forms of advertising.

The STA allows the advertising of alcohol on its vehicles and premises in accordance with Government Policy.

ROAD USE CHARGES

In reply to **Hon. DIANA LAIDLAW** (23 August).

The Hon. ANNE LEVY: My colleague, the Minister of Transport, has advised that the recommendations of the Inter-State Commission (ISC) report on 'Road Use Charges and Vehicle Registration: A National Scheme' formed part of the discussion on land transport reform conducted at the special meeting of the Australian Transport Advisory Council (ATAC), held on 7 September 1990 in Hobart.

The South Australian Government considers that ATAC is the appropriate venue at which to convey its views on the ISC proposals. As the honourable member will be aware the public comment phase for the ISC report was very short and the Government was reluctant to submit anything but a considered view, based on submissions received from interested State parties.

The Director-General of Transport did, however, provide a technical response to the issues raised, in the context of discussions held with Mr Ted Butcher, President of the Inter-State Commission, who conducted the public comment phase for the ISC report. The final Butcher report, released on 23 August 1990, comments on many of the matters raised in the Director-General's letter which was based on responses from a number of Government Departments.

The Minister of Transport announced on 28 August 1990 a State Cabinet decision to oppose the ISC's proposals. Concerns included the severe adverse consequences for South Australian industry and rural communities, and the potential impact on road and general finances. In short, South Australia could end up paying more to receive less.

The Minister of Transport has received a number of alternatives to the ISC recommendations from South Australian road transport industry organisations. The Commercial Transport Advisory Committee, the Committee which advises the Minister on road transport issues, made a very detailed submission listing a number of alternative charging proposals.

In rejecting the ISC proposals, the State Government does not wish to be seen as attempting to thwart reforms in this area, and will continue to cooperate fully in identifying a new approach to charging for road use and for financing road construction and maintenance.

The Minister of Transport put these views strongly to the September ATAC meeting. It is clear that alternatives to the ISC proposals will need to be developed with the cooperation of all the States and the Commonwealth.

RURAL EDUCATION

In reply to **Hon. R.I. LUCAS** (23 August).

The Hon. ANNE LEVY: My colleague the Minister of Education has advised that the Area Director's report on senior secondary education facilities at Gladstone has not yet been formally considered. The Director-General of Education will make a statement in due course.

The Area Director's use of the word community in this context referred to an entire town, Gladstone, where opinion was fairly uniform. Elsewhere, restructuring may have to take into account conflicting community interests. Dr Were's statement was fair comment in the context in which it was made.

PROTECTIVE BEHAVIOURS PROGRAM

In reply to **Hon. CAROLYN PICKLES** (22 August).

The Hon. ANNE LEVY: My colleague the Minister of Education has advised that the decision to use the protective behaviours program was based on research undertaken by Victorian police.

An evaluation conducted by the Child Protection Advisory Committee in 1986-87 led to a recommendation that this program be endorsed for use in South Australian schools.

An independent evaluation by Ms Freda Briggs of SACAE showed that 100 per cent of Adelaide parents in her sample of 560 wanted protective education programs to be used in schools. In her latest research, Ms Briggs has confirmed that parents who are aware of the program are 100 per cent supportive.

Her work showed that the best results came from the most committed teachers and that students exposed to some sessions showed superior problem solving skills to those who had not been exposed to the protective behaviours program.

RAIL CONCESSIONS

In reply to **Hon. T.G. ROBERTS** (22 August).

The Hon. ANNE LEVY: My colleague the Minister of Transport has informed me that Australian National have advised that as long as the Mount Gambier bus service is a replacement for the rail service, concessions will remain the same.

INTELLECTUALLY DISABLED

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Family and Community Services, a question about accommodation services for intellectually disabled adults.

Leave granted.

The Hon. M.J. ELLIOTT: I have recently been approached by a family which has fostered an intellectually disabled person for 17 years. The fostered person, Kym, turns 20 in February next year. Because of Education Department policy, he must leave Minda school where he has been spending his days. The foster mother says that, although she loves Kym and has dedicated 17 years to looking after him, she cannot cope with having him 24 hours a day. The family's dedication to Kym has caused severe stress in the family. One psychologist's report regarding the foster mother says:

> I am concerned that . . . [she] has reached a desperation point, and her reserves of energy have reached a fairly critical level, and unless something is done the consequences appear to be very severe indeed.

As Kym is legally a ward of the State, the family has approached the Government to find alternative, specialised and supervised accommodation for him as a matter of urgency. Although physically and sexually a 19-year-old, Kym has the social skills and conscience of a seven-year-old. It is the opinion of his foster mother that, without proper care, he would end up destitute on the streets and possibly in gaol. Following representations to the Minister, the family was given verbal assurances that something would be found for him. At the time of the 1990 State budget, the Minister of Family and Community Services announced a $1 million boost in funding for, among other things, increased accommodation for the intellectually disabled. The Minister's media release on the issue claims that '. . . up to 100 families in crisis will benefit from the funding initiatives'.

Kym's foster family has been told by the Intellectually Disabled Services Council that he is very high on their urgent accommodation waiting list within the Southern Region. However, they have also been told in a letter that, although there was only a limited amount of new funds for accommodation made available this year, efforts were being made to find something suitable for Kym by the end of the year. The family is understandably anxious that a more definite proposal for Kym's future is offered at this late stage, confused at the differences between the Minister's announcement and the realities of accommodation placings and disappointed that finding alternative accommodation for Kym should be so traumatic given that he is a ward of the State and they have voluntarily spent 17 years caring for him. My questions to the Minister are:

1. Can he give this family a written guarantee that funding for suitable accommodation for Kym is available?
2. How many permanent accommodation places are available for intellectually disabled adults in South Australia?
3. How many extra places will be provided by the additioal funding announced at the time of the budget?
4. Given that there are up to 250 people on the urgent waiting list for permanent accommodation, and many more on the non-urgent waiting list, what is the average waiting time for suitable placings?

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

COUNTRY RAIL SERVICES

Adjourned debate on motion of Hon. I. Gilfillan:

1. That, as a matter of urgency, a select committee of the Legislative Council be established to—
   - *(a)* inquire into Australian National's conduct of South Australia's country rail services and:
     - (i) to investigate previous management and future plans for passenger services intrastate;
     - (ii) to investigate previous management and future plans for freight services intrastate;
   - *(b)* consider the role of the Federal and State Governments in the provision of rail services in South Australia;
   - *(c)* make any recommendations considered effective in improving rail passenger and freight services to the people of South Australia.
2. That Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.

3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence or documents being reported to the Council.

(Continued from 5 September. Page 671.)

The Hon. DIANA LAIDLAW: The Liberal Party supports the motion moved by the Australian Democrats to establish a select committee to inquire into past management practices and future management plans for intrastate passenger and freight rail services. I have to admit that this issue has not necessarily been an easy one for the Liberal Party. It is very clear to me that the Federal Government has a great deal of responsibility in this matter. Certainly, the State Government has had less responsibility since 1975 when the Federal Government purchased the railways from this State.

One could argue that, because it is a Federal Government responsibility, a Federal parliamentary committee would be a more appropriate body to inquire into this matter. Certainly, that is an argument that I have pursued with Federal members of Parliament. However, from the answers that I have received, in particular from Labor members, it is quite clear that there is no interest federally for having such a committee established at the Federal level. I suspect that that is because federally they are just not interested in what is happening to our intrastate rail services.

There has been a most dramatic decline in passenger facilities and services since we sold our railways in 1975. There have also been questionable practices in terms of freight rail transport. In 1975, in most controversial circumstances, the State agreed to sell our railways to the Federal Government for a very substantial gain. However, the service was also sold under terms and conditions set out in the Rail Transfer Agreement and subsequently through Acts of Parliament, both Federal and State. There were sections which guaranteed, or which at least sought to guarantee, that the condition of our lines and services would not only remain at the existing standard at the time of the transfer but, hopefully, would be improved in accordance with economic considerations. Also, it is stated very clearly in section 7 that the commission:

> . . . will pursue a program of improvements which it considers to be economically desirable to ensure standards of service and facilities at least equivalent, in general, to those at any time current in respect of the remainder of the Australian National Railways and the railways of States other than South Australia.

It would seem to me that, with the applications lodged by Australian National in August, I understand, to close three lines in South Australia (to Mount Gambier; Port Pirie, Port Augusta and Whyalla; and Peterborough and Broken Hill) there is a clear breach of section 7 of the Railways Agreement.

If the Federal Minister agrees to the closure of those three intrastate passenger services, South Australia will be the only mainland State without such passenger services. No member in this place could argue that that situation was anticipated when we sold the railway services to the Federal Government—not only for great financial gain but also with goodwill. I do not believe that at that time anyone thought that 15 years later we would be facing the prospect of having no intrastate passenger services, and particularly at a time when there is reason to encourage a reduction of traffic on our road systems. This is not only because of the road crash situation with buses and passenger vehicles in general, but also because of pollution and environmental issues, efficiency of travel, and also the costs associated with constructing and maintaining road surfaces, particularly when they are subject to heavy loads from freight vehicles and passenger coaches.

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: Well, I think that that is a very interesting interjection. I would argue that in my view there is hardly any reason today to increase taxation. I believe there is very strong reason to look at the way in which the Government distributes the funds that it has at its disposal at present, particularly at a time when the Federal Government is receiving such windfall gains from petrol excise. Perhaps it could be argued that, because those funds are windfall gains (and if the Government is not going to cut the excise) those funds could be put into rail infrastructure, which would at least return to the States and to the nation some benefit from the huge gains being derived from petrol excise at the present time.

I would be the last to argue for an increase in taxation. I think that the Labor Governments, both Federal and State, have taxed Australians really to the point of exasperation. However, at present there is plenty of money available to the Federal Government to put, if it so chose, into capital infrastructure, both for lines and maintenance and for the replacement of rail carriages. However, the Federal Government has chosen not to do that and we now come to this very sorry state where we may be the only State without passenger rail services.

Of course, we have not heard a whimper from our State Minister of Transport about this matter. It is concern about that, together with the deterioration of our rail services, that has prompted the Liberal Party to support the establishment of a select committee. It is very important, in our view, that the Federal and State Governments and Australian National are brought to account for what has happened to rail services in the past.

It is also important that the State Minister of Transport brought to account for what we consider to be a further breach of the agreement, that further breach being to section 9 (1) of the railways agreement, which reads:

> The Australian Minister will obtain the prior agreement of the State Minister to *(a)* any proposal for the closure of a railway line of the non-metropolitan railways or *(b)* the reduction in the level of effectively demanded services on the non-metropolitan railways, and failing agreement on any of these matters the dispute shall be determined by arbitration.

Our concern is that the Minister has talked about protest in part and seeking arbitration in terms of the Mount Gambier line, but he has not at any time talked about protesting or seeking arbitration in respect of the reduction of demanded services in the non-metropolitan area. The only arbitration about which he has talked has been in terms of the closure rather than the reduction of services. Those options have been available to the Minister under this agreement—to protest and to seek arbitration as regards the reduction of services—but he has not chosen to pursue that course. The Liberal Party strongly believes that the State Minister of Transport should be brought to account for that fact.

Another matter that the select committee must look at is what I see as a contradiction in policy between the Commonwealth and the State and even within the State transport sphere on the provision of public transport services. The Federal Minister for Transport has clearly argued that AN must be economically and commercially viable. That is a goal that we support, particularly in the freight area, and AN has made some commendable changes in that regard, to which I will refer later. That same commercially viable proposition for passenger services, if it is to be pursued for country users of rail services, for consistency should also be pursued in respect of metropolitan public transport services.

That would be the logical extension of the argument of the Federal Government, which the State Government has

also found acceptable, that for country users there should not be subsidised public transport services by rail. However, in the metropolitan area, where the Labor Party thinks it needs and surely gets most of its electoral support, it is happy to see public transport services subsidised to the tune of $130 million this financial year. I hope that not only the blatant contradictions, but the blatant hypocrisy of the Labor Party in this regard, will be explored and exposed by the select committee.

I mention briefly the frustration of the mayors of various regional areas in South Australia at what has been called the arrogance, lack of interest, care and commitment by the Federal Government and the State Minister in terms of their concern about country rail services. Mr McDonnell, as mayor of the City of Mount Gambier, wrote to the *Advertiser* on 2 October indicating in part his concern about the appalling way in which the system has been allowed to deteriorate. He notes that rolling stock is of the mid-1950s vintage and that frequent breakdowns are almost guaranteed. He says that there is a total lack of commitment by AN to pursuing passengers. In fact, in Mount Gambier it is putting passengers on a rival commercial bus service. There is frequent lateness, booking problems and concerns about the quality of service. AN has strategically downgraded the service over the years by removing sleeper cars and refreshment services to discourage patronage.

Mr McDonnell says that the fact that the frequency of the service is often not related to demand or known requirements means that scheduling is being used to discourage patronage as well. In fact, Australian Railways Union secretary, John Crossing, earlier this year said that rail users would have to be masochists to continue using the Mount Gambier service, so bad had it become as a result of AN's neglect.

With respect to this letter from Mayor McDonnell, one issue I would take on is the fact that I do not believe that he can justly attribute all the blame to AN's neglect. The Federal Government and the State Government should be answerable in this regard. We provide the framework, the Act and the agreement under which AN must operate and we also, as taxpayers, provide the funds. The Federal Government and the State Government must be accountable in this regard. I also note that the City of Port Augusta has sought representations and has written countless letters to the Federal Minister of Land Transport about council's concerns in regard to the deteriorating service provided on the line from Adelaide to Whyalla via Port Pirie and Port Augusta.

In a submission to the Minister for Land Transport dated 1 June 1990 the City of Port Augusta notes that there have been very successful operations for regional rail travel in all other States. The Australind service between Perth and Bunbury in Western Australia is a classic example of marketing and operating an excellent commodity, and it is submitted that this same enthusiasm and endeavour does not exist with the operation of the Iron Triangle Limited for a variety of reasons. I would support the statements that in all other States there has been a concerted effort by the respective Governments and authorities to upgrade passenger services. I have been lucky enough to travel in Canada, the United States of America, Europe and England. Train travel in those places is automatically assumed to be the means by which one will travel and, in a country as huge as Australia, one should automatically be able to assume that rail transport will be the means by which many of us, for business and tourism reasons, will travel. We should be promoting those services as such.

My parents recently returned from Canada, and one of the things they had heard about for many years before travelling to that country was the train trip through the Rocky Mountains from Vancouver to Banff in the glass-topped train, and the sight of the autumn leaves. My mother had been talking about this trip for years. I kept telling her about the service to Bridgewater. I said, 'Honestly, if we had a glass-topped train up to Bridgewater, there would be nothing more beautiful,' and yet we do not even have a service. My mother talks about what happens in Canada and how tourism is promoted there by the imaginative use of railways.

There are many issues that I am very keen for this select committee to explore. Notwithstanding the fact that AN is a Federal Government responsibility, there are many concerns which relate directly to business and community life in South Australia and which should be explored by this select committee. I believe that AN will welcome the opportunity to participate in this select committee. It has achieved considerable gains in efficiency in railway services, particularly in the freight area. These matters were canvassed by members of this place some six or eight weeks ago when speaking to a motion I had moved calling on AN to be the operating manager of the national freight initiative and for Adelaide to be the headquarters of that national freight system in this nation. AN, in my opinion, strongly deserves such credit. It deserves to be the operator of that freight service.

That then brings into question how it will efficiently and effectively operate our intrastate freight services and, hopefully, how it will continue in some form to operate passenger rail services in South Australia in future. That matter must also be explored by the select committee.

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

TOBACCO PRODUCTS CONTROL ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 August. Page 454.)

The Hon. CAROLYN PICKLES: The Government opposes this Bill. One hardly knows where to begin, Mr Acting President, in responding to this Bill and the honourable member's comments when introducing it. While she was at pains to describe a number of legislative amendments she had considered and then rejected for various reasons, one cannot help but speculate that in fact she was unable to gain support from her own Party for most of what she had been proposing. Whatever way she attempts to dress it up, what has finally emerged seems to be something of a face-saving exercise, and a most unusual and undesirable attempt to direct the activities of the Public Accounts Committee.

Foundation South Australia is subject to audit by the Auditor-General. As the honourable member herself has acknowledged, the Public Accounts Committee, under its own legislation, has considerable powers to inquire and report on matters. To seek to require that the committee must, in respect of each financial year, review the operations and activities, policies and practices of the Foundation is both an unreasonable and undesirable attempt to fetter the discretion of the committee. One could almost go as far as saying it is a reflection on the committee, its members and its ability to carry out its functions.

The honourable member seeks to justify her proposal by describing the Foundation as a unique body charged with extraordinary powers and responsibilities, including the distribution of millions of dollars of public funds and a charter that is not compatible with freedom of artistic expression and endeavour. I do not propose to deal with the arts—specific comments of the honourable member—my colleague, the Minister for the Arts, will deal with those. However, I would just like to point the honourable member in the direction of the Victorian legislation, the Victorian Health Promotion Foundation's funding guidelines for arts and culture and the section on arts and culture in the 1988 annual report of the Victorian Health Foundation. There are obvious similarities in the charters of the Victorian and South Australian Foundations. Health messages have been an important element of Victorian Health's successful sponsorship of arts and culture.

I turn now, Mr President, to the functioning of Foundation South Australia. It cannot be assumed that every detail or direction of the Foundation's activities necessarily coincide with what the Government sees as the most desirable in all the circumstances. However, that is the nature of the legislation. The legislation does not establish strong ministerial or governmental control and direction, but independence, something which the Opposition, of course, was at pains to assure was enshrined. The Ministers having a role under the legislation meet with the Chairman and General Manager on a number of occasions throughout the year. Indeed, I understand similar briefings are held with the Opposition and with the Australian Democrats. The budget approval process is subject to close examination. Where the Government has felt the need for a change in emphasis, for example, a higher profile for health messages and less exposure of the Foundation's name, this has been suggested and the Foundation has been responsive.

Returning to the honourable member's Bill, one cannot help but see some confusion in her comments and proposal. She wants greater parliamentary scrutiny over Foundation South Australia's operations. The Foundation is already required to prepare an annual report which must be tabled to Parliament. It is already required to be audited by the Auditor-General, whose report is tabled in Parliament. It is already open to inquiry and report at any time by the Public Accounts Committee, which reports to Parliament. She seems to believe that by trying to direct the work of the Public Accounts Committee she will somehow achieve greater accountability of the Foundation. The Government believes that the mechanisms for accountability are already in place, and this imposes an unnecessary intrusion into the affairs of the Public Accounts Committee. I oppose the second reading of the Bill.

The Hon. ANNE LEVY (Minister for the Arts): I support the remarks of the Hon. Ms Pickles in opposing the second reading of this Bill. As already mentioned by the Hon. Ms Pickles, the Hon. Ms Laidlaw in introducing her Bill cited a lack of accountability for the operations of Foundation SA to this Parliament as her reason for its introduction. It is interesting to note that the Liberal Party seems to have greatly changed its tune from its position at the time that the Act was first passed. I would like to make a few quotations from the Legislative Council *Hansard* of 30 March 1988 (pages 3728 and 3729, if anyone cares to check the references). These quotations appear to sum up the Liberal Party's view at the time regarding ministerial control and ministerial responsibility for Foundation SA. The Hon. Mr Martin Cameron said:

> There follows a series of amendments which try to ensure that the trust is not subject to any influence from the Minister, I am not saying this Minister—I am saying the Minister, whether it be now or some time in the future. It is very important for the sake of the independence of this trust that we ensure it is free from any potential influence. My amendment would ensure that the trust could not be directed in any way of its activities and that it functions of its own accord.

Later he said:

> If the Minister, as he has indicated makes the appropriate appointment of responsible and good citizens of South Australia, I do not see any reason for the Minister to be involved in this situation . . . the trust surely must be trusted to make grants from the fund for this purpose without having to go through this process.

'This process', refers to any influence, guideline or direction from the Government. The Hon. Dr Cornwall, in summarising the Government's intention with the new legislation, made the following statement in *Hansard*:

> I make perfectly clear that we have been at pains in drawing up this legislation to ensure that the trust is not subject to the direction and control of the Minister . . . I and the Government want the trust to be seen as independent. There must be some measure of accountability and the requirement for consultation is surely a reasonable one.

Dr Cornwall also said:

> There is a clear requirement for an annual report, and there are accounts and audits. I have not given it a great deal of thought, but I am advised that the schedule provides that the trusts shall be audited by the Auditor-General . . . Every amount of money that it allocates will be required to be in the annual report and form part of its budget. There is no way in which the trust, whether or not it wanted to, could be involved in anything which was not subject to total public scrutiny.

The above quotations make two points very clear. From the Government side, it attempted to make Foundation SA as accountable as all other statutory authorities, by ensuring the requirement for an annual report and the auditing of its accounts by the Auditor-General.

Although not mentioned in the quotations, the Act also provides that the Foundation's budget must be approved by the relevant Ministers. Furthermore, the Public Accounts Committee can now investigate Foundation SA, if it wishes. This Bill is certainly not necessary to enable that to occur.

The Liberal Party, on the other hand, from its point of view appeared to want the Foundation to be quite independent of ministerial control for its operation. Despite the Foundation's requirements for audited reports which are published as part of the Auditor-General's Report, the requirement for an annual report which is laid before the Parliament, and the power of the Public Accounts Committee to conduct an investigation into Foundation SA if it so wishes. Ms Laidlaw's proposed amendment is somehow based on a view that the Foundation is not accountable.

I would agree, Mr President, that there has been, over the past few months, some criticism of the Foundation's approach to the marketing and funding arrangements. Some of the criticism, particularly in the marketing area, appeared to be justified at the time. I am aware that the Foundation has taken this on board and has now changed its approach. It now places emphasis on its health message profile at sports and arts events that it is sponsoring. It must not be overlooked, however, that when the Foundation was first established it felt it needed to become known and to develop a series of health messages.

At the time the independent board of the Foundation decided that it was appropriate to market its name to expose the organisation and its functions to the general public. The board of the Foundation—the independent board—is satisfied that this goal now not been achieved. The independent board, Mr President, has also during this period developed a series of health messages and has now substituted these messages for its previous formal, more general marketing approach.

There can be no doubt that the establishment of Foundation South Australia has significantly increased both the number and the quality of public health campaigns in South Australia while at the same time providing significantly increased financial support to both the arts and sport. While the Opposition appears to be bogged down with the term 'sponsorship', the Act appears to have been established for exactly this purpose. On page 3813 of *Hansard*, the Hon. Gavin Kenneally stated during his second reading explanation:

> The trust has a charter to go wider than simply replacing lost tobacco sponsorship. It can fund any sporting, recreational or cultural event that has a nexus with health or that can deliver a health message through sponsorship. It is hoped that the trust will assist those who have refused tobacco sponsorship and the less publicised but popular sports in the community such as netball and little athletics. The trust has the opportunity to assist smaller sporting and cultural events that have never attracted tobacco industry sponsorship . . . There is the scope for sponsorship and assistance to be spread widely by the trust, through the community, rather than concentrating on a few high profile events . . . It is anticipated that the trust will work closely with sports and cultural bodies in developing a sponsorship package that presents a valuable health message while blending with the event sponsored.

I am sure all members will agree that, since it was formed, Foundation SA has certainly sponsored sporting and cultural events which would never have attracted tobacco sponsorship and that it has spread its range of sponsorships and support for both sporting and cultural events through a very wide section of the community.

I would like to quote some of the sponsorships in the cultural area that Foundation SA has recently announced. These come from the Foundation SA news-sheet for September-October of this year, and I concentrate on the cultural side as being the area in which the Hon. Ms Laidlaw was most critical. I quote:

> Recent sponsorship approvals for arts and cultural projects cover a diverse range of activities from large scale national events to localised rural celebrations. The Australian Dance Theatre has received $45 000 sponsorship funding for its 1990 and 1991 seasons. Another exciting project is the Royal South Australian Society of Arts 1992 Festival project, which will receive $20 000 in sponsorship. The society is developing and planning a major exhibition entitled, 'The History of South Australian Theatre Design' to coincide with the 1992 Adelaide Festival. This promises to be a fascinating and comprehensive exhibition providing a bonanza of visual interest for historians and theatre lovers.

I was delighted to read of this event and look forward to seeing it at the 1992 festival. The article continues:

> Theatre 62 has received a $10 000 sponsorship to conduct the Adelaide School Drama Festival. This festival will provide opportunities for children to gain invaluable experience and direction in live theatre. During the Labor Day long weekend in October, the community of Penong will celebrate its centenary with support from Foundation SA.

I point out that this type of general cultural event would not be funded under the Arts Development Project grants through the Department for the Arts. It is a general cultural event, not specifically an arts event, so it does not fall within the guidelines of an arts development grant from the Department for the Arts. However, it is eligible for the broader cultural range of projects that Foundation SA will consider. The newsletter continues:

> Another important regional sponsorship is for the Riverland Multicultural Festival in November. In December, the Australian Estonian Society will host the 14th National Estonian Festival, a major cultural and sporting celebration of that country's heritage. Foundation SA is pleased to be contributing sponsorship of $2 000 towards this event.
>
> The Australian National Band Championships will be staged in Adelaide during the 1991 Easter weekend, and the Foundation will be a major sponsor. Meanwhile, the Harvest Theatre Company has also received sponsorship of $13 000, enabling the company to tour the highly renowned play *The Double Bass* to regional cultural centres.
>
> Campbelltown High School's dance group, Moving Parts Dance Company, has received sponsorship to tour its latest repertoire of works to country and community groups on Eyre Peninsula. This will be the company's tenth annual tour, and Foundation SA is pleased to be associated with this project, which will allow audiences in the Eyre Peninsula centres to enjoy one of Adelaide's leading young dance companies.

That is just a small sample of the projects in the area of cultural activities that Foundation SA has been sponsoring, and I very much doubt that the Hon. Ms Laidlaw or any member opposite would query in any way the worth or desirability of sponsorship for these activities from Foundation SA.

The Hon. Diana Laidlaw: I only want accountability.

The Hon. ANNE LEVY: They have complete accountability. With respect to the foundation's support for arts and cultural events, the amounts provided for 1989-90 reveal that a total of 269 applications were received, of which 143 were approved. The total funding, including forward commitments for these 143 projects, was $2.4 million. Of this amount, $1.15 million was actually expended in 1989-90. We must remember that this expenditure compares to approximately only $150 000 which would have been received under the old arrangement with tobacco companies, and most of the projects funded by Foundation SA would never have received money from tobacco companies.

It is clear from these figures that funding within the arts and cultural area has become very competitive and, accordingly, there will be occasional complaints from unsuccessful applicants. This in itself is not a reason for a major review of operations. Rather, it shows a healthy measure of activity within the cultural area of the foundation and ensures that the highest quality events and projects are supported. Indeed, if more funds were available, more worthwhile arts and cultural activities could be supported, as the 50 per cent who are not successful include many projects which members of the committee consider worthy of support if more resources were available.

For the 1990-91 year, the foundation's budget maintains the three-to-one-to-one ratio of funding for sports, arts and health. From the arts and cultural view, and based on the number of applications and the value of those applications in the 1989-90 figures, a case can be made for increased funding going to arts and cultural activities from the foundation. I do not believe that the amendment proposed by the Hon. Ms Laidlaw will achieve the goals that she expects it to achieve. Certainly, the Bill bears very little relationship to her second reading speech which did make a number of pertinent comments about Foundation SA but which never justified yearly inquiries by the Public Accounts Committee or even attempted to do so.

A mechanism is already in place for accountability on the part of Foundation SA (and I refer to the presentation of annual reports to the Parliament and the publishing of audited statements to the Parliament through the Auditor-General) by which Ms Laidlaw can scrutinise in Parliament the operations of the foundation.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The honourable Minister.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: The Hon. Ms Laidlaw is saying that she wants accountability on policy but, as has clearly been indicated, the Liberal Party wanted the foundation to be completely independent in terms of setting its policy decisions.

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: No, not just of ministerial control—completely independent.

The PRESIDENT: Order! I ask the Minister to confine her remarks to the Chair, and I would ask the Hon. Ms Laidlaw to cease her interjections. It is not a private debate; it is a parliamentary debate. The honourable Minister.

The Hon. ANNE LEVY: I am pointing out that when the Bill was passed the Opposition insisted that Foundation SA should be completely independent in terms of setting its policies, and now the Hon. Ms Laidlaw, by means of noisy and frequent interjections, suggests that she does not want it to have this independence in determining its policies.

The Hon. Diana Laidlaw: You distort everything.

The PRESIDENT: Order!

The Hon. ANNE LEVY: She has clearly stated that she does not want it to be independent in determining its policies, despite the comments by numerous members of the Liberal Party when the Bill was originally passed by this Parliament.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! There are too many interjections. The honourable Minister has the floor. The honourable Minister.

The Hon. ANNE LEVY: I am trying to speak, Mr President, through these frequent and noisy interjections. As I have stated earlier and, indeed, as the Hon. Ms Pickles stated, the Public Accounts Committee can already investigate Foundation SA, should it wish to do so, and it would be a great waste of its time to make such investigations mandatory for four successive years. The Public Accounts Committee does have many other important things to do, and I am sure that none of its members would welcome this intrusion on their investigative powers in relation to other agencies and functions of the Government. It would be an utter waste of their time.

The Hon. Diana Laidlaw: What accountability for taxpayers' money?

The Hon. ANNE LEVY: Foundation SA is accountable and, quite obviously, as the current debate shows, its operations can be debated in Parliament. I am sure that Foundation SA will take note of what is being said in this debate and consider its policies in the light of the comments which are made in Parliament. However, the Bill is totally inappropriate in the circumstances, and I urge all members to oppose it at the second reading stage.

The Hon. R.J. RITSON secured the adjournment of the debate.

PARLIAMENTARY REMUNERATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 August. Page 456.)

The Hon. R.I. LUCAS (Leader of the Opposition): It is with much pleasure that I rise to support this very important, far-reaching, far-sighted (and all those other wonderful adjectives) legislation which has been moved by my colleague, the Hon. Trevor Griffin. I think that the Hon. Trevor Griffin has made a very persuasive case—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: I look forward to the other Hon. Trevor's (in this case, Crothers) contribution to this debate on the Parliamentary Remuneration Act Amendment Bill. I am sure that it will be a worthwhile contribution.

The Hon. R.R. Roberts: A conscience vote.

The Hon. R.I. LUCAS: A conscience vote, yes. I do not know whether or not the Centre Left has a conscience, but we will be looking for that from the Hon. Mr Ron Roberts and hoping that that feared number cruncher from the Centre Left, the Hon. Trevor Crothers, has been able to organise—

The Hon. Peter Dunn: That heavy.

The Hon. R.I. LUCAS: Yes, that heavy, that man of great substance from the Centre Left, the Hon. Trevor Crothers. I hope that he will be able to organise the numbers to support this important legislation. Indeed, although the Hon. Terry Roberts is not actually in the Chamber at the moment—he is away on an important telephone call—I hope that he, as convener of the left faction within the Caucus, in a spirit of bipartisanship between the factions of the Labor Caucus, will see fit to organise the numbers to support this important legislation.

As I indicated, the Hon. Trevor Griffin has made a very persuasive case, and I believe it is of interest to all members, not only in this Chamber. I note from my wandering down various corridors of this Parliament that it has certainly created great interest amongst members of all political persuasions, whether they be members of Parties or perhaps members of an Independent persuasion.

In recent months, through a number of business visits, I have had the opportunity to visit Canberra, Sydney and Melbourne and look at the Parliament Houses and the resources and facilities that are available to members and to the legislatures in those cities. I have been able to compare what is available in those legislatures and that which is available in the South Australian Parliament.

Certainly, I think it is a fair description and a fair assessment that it is much more difficult for members, of all persuasions, in the South Australian Parliament to undertake the job for which they have been elected—that is, to represent the views of their constituents in their electorate and also, obviously, to do the important legislative work that is required of members of Parliament in whatever Chamber they may sit. As the Hon. Mr Griffin pointed out, and as other members have pointed out in recent years, there is a particular concern on the part of members on both sides of the Chamber about the conditions, resources and facilities available to members of the Legislative Council.

The Hon. Trevor Griffin has already referred to some of the problems and I will not go over them again in detail. I shall simply highlight some of the concerns that members have had, and still have, on this important matter. Under broad headings, the Hon. Trevor Griffin talked about staff, facilities such as word processors and fax machines and offices for members. I also want to refer to remuneration packages for staff.

In relation to staff, members will be aware that for a long time there has been argument, again from both sides of the Chamber, about the need for more staff for members of Parliament and, in particular, for those who are not Ministers in this Chamber. Again, I will not go over the detail of that; I just want to highlight one example of the problems that we experience even with the very small number of staff that the nine—but soon to be 10—Liberal members of this Chamber in relation to the three staff members provided by the Government for our use.

The 10 members of the Liberal Party have three staff members, I note that the two Australian Democrats have negotiated a position where they have three members of staff. However, we have been told in the past few weeks, that when one of our staff members goes on leave, whether

that be annual leave or sick leave—nothing beyond or outside the award provisions—that Sacon will not pay for replacement staff. For a number of years Sacon has paid for the replacement of Liberal Party staff on leave, as it has done for Labor Party members. We have a number of letters to that effect, well recorded. We have now been told that, in relation to this particular staff member, Sacon will not accept responsibility for a replacement officer while the permanent officer goes on leave. In effect, Sacon is saying that either we must get that money out of the Legislative Council budget, which is already tight as it is, or we must put up with having only two staff members for the 10 members of the Liberal Party.

As I said, this is just one further small example of something that is absolutely unacceptable from my viewpoint as Leader of the Liberal Party in this Chamber, and I raise it as a further example of how the Government and its departments are trying to screw members of Parliament and, in particular, the Opposition in this Chamber, and trying to restrict in every way our access even to the limited amount of resources and facilities that we have.

The Hon. K.T. Griffin: Executive domination of Parliament.

The Hon. R.I. LUCAS: Exactly, as the Hon. Trevor Griffin indicates. I now refer to word processors. As the Hon. Mr Griffin indicated, we do not enjoy the 'joy' of word processors or computers. For example, in the lead-up to the last election, the Liberal Party's education policy documents—some 30 or 40 pages—went through half a dozen drafts and each draft had to be completely retyped. We have been lobbying hard for access to word processors and computers—which equipment all the 47 members of the other place are to receive. We have now been told, and indeed Labor Party members in this Chamber have been told (whether they be centre left or whether they be left of course, we have all been left right out) that we will get these leftover Glass typewriters that the House of Assembly members no longer wish to use. That is what we have been offered. Labor members and Liberal members of the Legislative Council have been told that they can have the leftovers, that which is not being used by members in another place because their equipment has been upgraded to modern computers. However, members of the Legislative Council, both Labor and Liberal, can accept the Glass typewriters.

The Hon. R.J. Ritson: Probably have to maintain them out of our own pockets.

The Hon. R.I. LUCAS: That is a very interesting question. We have now been invited to have a look at these Glass typewriters.

The Hon. K.T. Griffin: Secondhand junk; 'hand-me-downs'.

The Hon. R.I. LUCAS: One of our staff members would like at least to try out the thing to see whether it is as bad as she remembers it from three or four years ago. We are prepared at least to have a look at it. To do that we need something quite as simple and cheap as some floppy discs. When we have requested that the department provide some floppy discs to be slotted into the Glass typewriter, Sacon has refused to provide them to members of the Legislative Council—certainly on this side; I do not know about on the Labor side, although it would not surprise me: they do not seem to worry too much whether it is Liberal or Labor. However, if it is Australian Democrat things are a bit different. We have been refused something as simple, trivial and as cheap as floppy discs to be used in the Glass typewriter so that we can see what the machines can do.

The Hon. R.J. Ritson: That is like England under Charles I, before they cut off his head. It was all over that: was Parliament the tool of the Crown?

The Hon. R.I. LUCAS: The Hon. Mr Ritson makes a very interesting interjection. I do not know whose head he was comparing to Charles I.

The Hon. L.H. Davis: I think the only floppy discs the Government has are in its spine.

The Hon. R.I. LUCAS: That is a very good interjection from my colleague. It really is unacceptable and outrageous for members of this Chamber to have to put up with this sort of situation where, for example, one member of our staff cannot go on sick leave, recreation leave or annual leave because we will have only two staff members for the 10 members of the Liberal Party.

I do not want to provide the personal details of staff members, but there is a very important reason why one of our staff members might need to take leave. I will not go into detail, but that staff member at the moment cannot consider it out of deference to or consideration of the needs of the 10 members of the Liberal Party because of the important October to December parliamentary session that we are in now. It is unacceptable that a Government, which says that it stands up for the workers and that it looks after the interests of staff and which talks about occupational health, safety and welfare, and a Minister like the Hon. Kym Mayes, can take a stance where staff members have to make judgments—again, I cannot go into the detail—as to whether they can take leave for important reasons or not.

In this case, they have decided that they will not leave the 10 Liberal Party members in this Council in the lurch during this October to December period. But let it rest on the collective heads of the Hon. Kym Mayes and other members of the Cabinet—I do not criticise the members of the Caucus here at this stage; and we have the Hon. Anne Levy in the Chamber at the moment—as to what might occur in the case that I have highlighted. These are small but important examples of where this Government, this Premier and this Minister have got it wrong.

We talk about fax machines. I had an argument with the Minister of Housing and Construction and his representatives. They are currently spending I do not know how much on 47 fax machines for 47 members of the House of Assembly. I said, 'Couldn't you buy 49 and give one to the Labor Party and one to the Liberal Party?' Surely, the difference in a bulk order of 47 and 49, given the resources of the Government, would not be too much to ask for. But the response was 'No.'

Members interjecting:

The Hon. R.I. LUCAS: They have given everything else to the Democrats. It would not surprise me if the Democrats have got a fax machine as well. There are other matters—such as members of this Parliament still having to share offices and not having the privacy of their own office to meet constituents—which are unacceptable. Let me give one last example in relation to one of the members of our staff who undertakes a very important job, as they all do, for the 10 members of the Liberal Party. He is undertaking work at least as onerous, and certainly as important from our point of view, as a recent appointment made by the Australian Democrats and funded by the Government. That position, funded by the Government for the two Australian Democrat members, was for a publications and research person. I make no criticism of that person working for the Democrats, but that staff member is paid by the Government a salary of about $42 000 a year.

The staff member who is working for us is doing at least as onerous a task for the 10 members of the Liberal Party.

As part of his original contract with the previous Leader of the Liberal Party in this Chamber he was always required to work for 10 Liberal members doing press and other research. Not only that—we are in the age of multi-skilling downstairs, as I am sure is the case with Labor members' staff upstairs—but this person has to answer the telephone for me, type all my letters and correspondence, handle my diary, as well as doing press and research work not only for me but for the other nine members of the Liberal Party.

I have argued with the Minister for a reclassification of that particular staff member to reflect the recent appointment made and paid for by the Government for the two members of the Australian Democrats, but we have had a flat and bald 'No'. The Minister is not even prepared to consider the position of staff working for members in this Chamber. I am sure that other members can argue equally valid cases in relation to a whole range of other problems that members on both sides of this Chamber have had in relation to the attitude of the Bannon Cabinet, the Bannon Government and, in particular, I am sad to say, the attitude of this Minister and staff working for this Minister. Basically, he is saying to members of the Legislative Council, 'You are not a Chamber that is important at all; you are not a Chamber to which we give any respect; you do not come into our calculations; you can take the leftovers; you can have whatever the House of Assembly members do not want to use. If we happen to have a few leftovers, we might throw them your way.'

It is about time that members in this Chamber within their respective Caucuses stood up for the Legislative Council and for the importance of the work that we all do in this Chamber for our constituents. We are not a Chamber of the restricted franchise of the 1950s, 1960s and early 1970s. I think there are still some within the Bannon Cabinet who think that we go home at 3.30 p.m. or 4 p.m., that we retire to the Adelaide Club for ports and sherries and that we do not work as long and as hard and as often as the members of the House of Assembly. On both sides of this Chamber there are more activitist members of Parliament. It is about time that Minister Mayes, the Bannon Cabinet and the other Ministers in this Chamber listened not only to what their Liberal opponents are saying, not only to what the Democrats are saying, although they have succeeded, but to what their six colleagues on the backbench in this Chamber from both the centre left and left factions are saying and start making some changes so that members of the Legislative Council can be treated as equals in our parliamentary system of democracy.

It is a time for change; it is a time for lateral thinking. I will be frank about it. As I have said in the past, Governments of all persuasions, perhaps to varying degrees, have to accept some responsibility for the problems that we have at the moment. If the Liberal Government of 1979-82 took views and attitudes to which Premier Bannon and the Cabinet took exception, I point out that they have had eight years of extracting retribution. It is about time that Premier Bannon and other Ministers grew up. They have had their fun; they have had eight years of retribution. They have got back, they have got even, and they have played their schoolyard games. Let us now, all of us, think of the institution of Parliament and the role that it ought to be adopting in our Westminster system.

The Hon. R.J. Ritson: It would be good to fund properly the good committee work that we do.

The Hon. R.I. LUCAS: Indeed. This Bill embodies one of a number of changes which I believe the Parliament must consider to reassert its rightful position in our Westminster system of government. There has been growing concern in recent years about the increasing control that the Government has had over the Parliament. Under our Westminster system of government, the Parliament is meant to provide oversight of Government activity; that is, the Parliament is meant to provide a check or a balance on the actions of the Government. What I and other members are saying is that that role is being made impossible to achieve as a result of Government policy and actions. One way of restricting parliamentary oversight of Government actions, as I have indicated and as the Hon. Trevor Griffin has indicated, is to tighten the financial screws on the Parliament and its members. That is the policy that is being adopted by the Government at the moment.

I have already talked about the problems of members of the Legislative Council. I want now to refer to three or four other areas. For example, I want to refer to problems in relation to the operation of select committees. I do not want to make any criticism of current staff members working for select committees—that is, not our own staff, but staff seconded from the Public Service to our current select committees. However, I think it is fair to say that in the past any of us who have served on select committees can tell of occasions on which we have pulled our hair out at the quality of the person being offered by the Government to the Parliament to staff our select committees. Members on this side can tell stories where their dismay—

An honourable member interjecting:

The Hon. R.I. LUCAS: Gorby has more sense than that. Members on this side of the Chamber recall with dispair and dismay the quality of some of the previous persons that have been offered to our select committees, and members in this Chamber have actually had to take over the role of the research officer and do most of the work in the preparation of reports and amendments and back-up material for some select committee reports.

If we are going to be serious about our committee system in this Chamber, whether it be select committees, as we have at the moment, or select and standing committees or whatever, we have to be serious about ensuring that the Parliament is able to provide quality staff to work on our select committees. A lot of good suggestions have been made—not just by members on this side of the Chamber—that we ought to consider. If we intend to work in a difficult area such as the operations of the South Australia Timber Corporation or of the South Australian Government Financing Authority and if a select committee is to do its job it ought to have quality staff working permanently on the select committee. There should be access to consultants by our select committees.

As a Chamber, we ought to have a pool of quality staff to work on our committees and to provide us with assistance and research, rather than having to go at every select committee, cap in hand, to the Government. The Parliament sets up a select committee to oversight a particular Government action and then has to go cap in hand to the Government and say, 'Have you got any spare bods lying around in the Public Service doing nothing at the moment that you can spare for a few months so that we can do the work of the select committee?' The Government of the day perhaps looks at the redeployment list, or a spare bod or two that has been moved sideways for whatever particular reason, and that is the sort of person that, in the main, is being offered.

As I have said, I do not want to make any criticism of the current staff, because I do not know all of them. The one working with the committee I am on, the Marineland Committee—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, there is no criticism of the Parliament. I am talking about the seconded Public Service staff. I have no criticism of the one serving on the Marineland select committee. I have known him from previous work and I have no criticism of him. Each of us knows of previous examples and we ought to have a situation where we do not have to go to a Minister or to a Government and ask, 'Who do you have left over at the moment that you can spare to work on a select committee?' I worked on a South Australian Timber Corporation select committee for some two years. My colleague, the Hon. Legh Davis, worked for the same two years and is still working on this Timber Corporation select committee for different reasons. We worked very hard. Eventually we got an excellent research officer who, after two years, knew of a hell of a lot about the South Australia Timber Corporation. About three months before the committee reported, all of a sudden, for a variety of reasons which I will not go into, we lost our research officer. All of a sudden some poor bloke had to come in and catch up with two years work and try and help write a report on the South Australian Timber Corporation.

An honourable member interjecting:

The Hon. R.I. LUCAS: He did a good job given the difficult task that he had. If that, in the terms of Richie Benaud, is not a big ask I have not seen one. We as a Parliament, trying to provide oversight of an organisation such as the South Australian Timber Corporation, should not have to rely on the whim of the Government or a Minister to provide us with research staff and then to have, in that case, three months prior to the report that staff person being removed from the committee.

In relation to standing committees, I know that some members of the Joint Committee on Subordinate Legislation have discussed the need for access for that committee to good separate and independent legal advice and, again, that is a question which I am sure needs to be addressed by this Parliament if we are to strengthen our committee system in the Parliament.

We have a motion on our notice paper to establish an important standing committee of the Legislative Council on statutory authority review, a very important area. However, I suspect that if this Chamber votes to establish such a committee and the House of Assembly agrees with the establishment of that committee, given the record of this Government, it would not surprise me if it said, 'Well, you can staff it and fund it yourself,' because the Government happens to oppose it. That would be par for the course for this Premier and this Cabinet at the moment.

Mr President, in talking with people about the trivial problems this Parliament has had to suffer over the years in relation to facilities and resources, I place on record one of the best stories I have heard, where we had a situation as a Chamber where we wanted to get an extra photocopier, and I am told that after countless letters, requests and arguments backwards and forwards with Treasury—because we have to go to the Treasury, the Government, to get funding over and above budget—we had the situation where the Under Treasurer of the day actually had to visit Parliament and judge whether Parliament should be allowed to have an extra photocopier. The Under Treasurer of the day, a public servant, came down to decide whether the Parliament should be allowed to have an extra photocopier. Recently, we had an argument about providing a shredder for the Legislative Council, and again people would not believe the story if I placed it on the record, anyway.

We should not, as a Parliament, have to go cap in hand to the Government and the Treasury arguing for basic resources and facilities such as photocopiers, shredders and floppy disks, of all things, in relation to the meagre resources provided. We have to consider ways of ensuring that the Parliament has greater autonomy and independence with regard to our own internal arrangements and expenditure.

I want to refer to a 1978 report of the Procedure Committee of the United Kingdom House of Commons and a number of other reports as well. That report, in describing the relationship of the executive and the legislature, described it as the crucial feature of the functioning of our institution of Government. The report went on to describe the balance of the advantage between Parliament and Government and the day to day workings in the following terms:

> This balance 'is now weighted in favour of the Government to a degree which arouses widespread anxiety and is inimical to the proper working of our parliamentary democracy'.

If that was true in the United Kingdom of 1978 it is certainly true in the South Australia of 1990.

The following appears in a 1981 Senate Select Committee report on the Parliament's appropriations and staffing:

> For the majority of the members of the Inter Parliamentary Union, parliamentary budgets are not subject to any executive modification; the financial autonomy of these legislatures is thus guaranteed. The general pattern is that the estimates are drawn up by the directing authority of Parliament, or by a special committee, on the basis of figures prepared by the administrative authorities, and then approved by the Chamber as a whole. As to the involvement of the Executive, typically the Minister for Finance enters the sums required by the Parliament into the national estimates without questioning them or consulting the Government about them.

Further on in that report it notes that in the United States the Congress has exercised such control for 60 years. In Canada, the Senate and House of Commons have had such control for 114 years. In the United Kingdom, such control was established with the enactment of the House of Commons (Administration) Act 1978.

Mr President, I want to refer further to that report of the Senate Select Committee of 1981 in regard to what goes on in Canada in relation to the workings and operation of the Parliament, vis-a-vis the Executive. In relation to Canada, the Senate and House of Commons appropriations I quote from that report at paragraphs 3.34 and 3.35:

> It is important to note the practice that the Minister for Finance incorporates the parliamentary estimates in the composite Government estimates without any modification. The estimates of the House, however, are transmitted to the Minister for purposes of convenience and in order to ensure that they will receive the same parliamentary scrutiny as the estimates of Executive departments.
>
> 3.35 In preparing the estimates for the House, the Speaker, the Clerk and the Sergeant-at-Arms try to follow as closely as possible the general expenditure guidelines and policies set by the Government. The Executive does not attempt to influence the Speaker to amend the appropriation bids.

Further on it notes that the conduct of the internal administrative affairs is similar to that in the House of Commons described above.

In 1984 the House of Commons passed an amendment to the Act to provide for a Board of Internal Economy. The Speaker presides over a board which acts 'on all matters of financial administrative policy affecting the House of Commons, its offices and staff'. The board also consists of the Deputy Speaker, two members of the Queen's Privy Council nominated by the Governor-in-Council, the Leader of the Opposition or his nominee and four other members appointed from time to time.

The estimates are submitted to the Speaker for approval. Upon approval by the Board of Internal Economy, they are forwarded to the Minister for Finance who lays them on the Table with the estimates of the Government.

Mr President, there are similar descriptions of what occurs in the Province of Ontario, under the Legislative Assembly

Act 1980. I will not go into that in detail, but there is a similar provision in that Parliament.

I now want to refer to the section of this Senate Select Committee report referring to the United Kingdom in the House of Commons. Again I quote from that report:

3.7 To control these tasks, the legislation established a House of Commons Commission consisting of the Speaker as Chairman, the Leader of the House, a nominee of the Leader of the Opposition, and three other members of the House of Commons, none of whom shall be a Minister of the Crown. With the Leader of the House being the only Minister on the Commission, the majority party not having a majority on the Commission and with decisions of the Commission not requiring Government approval for implementation, such a balanced political composition is indicative of the Commission's intent to serve the House as a whole in a non-partisan fashion.

3.8 The legislation provides for a real measure of financial and staffing autonomy for the Commission in that the estimate for proposed expenditure covered by the House of Commons (Administration) Vote is presented to the House by the Speaker on behalf of the Commission, not by a Treasury Minister as is the case for all other Votes. It should also be noted that the estimates do not undergo scrutiny and approval by the Treasury before being presented to the House.

This is in direct contrast to the position prior to 1978, when expenditure of the House was subject to direct and detailed Treasury control.

The House of Commons (Administration) vote covers expenditure for departmental salaries and general expenses, select committee expenses including overseas travel by committees, retiring allowances, police and post office services. The Treasury still retains control over some parliamentary expenditure including members' salaries and expenses, their travelling and secretarial assistance and their pensions.

The initial detailed preparation of the draft estimates is undertaken by the officers of the House. The commission then considers the estimates in detail and has the power to amend them. When confirmed by the commission, the estimates are published in the general series of the Government's supply estimates and become subject to the normal supply procedures of the House. There is also provision for supplementary estimates which are published and obtained in a like manner to the supplementary estimates for Government departments.

Finally and briefly, in relation to the United States of America which, as members will be aware, uses a different system, and to Senate appropriations, I note that:

The notable element of this legislation is that the President is required to include the estimates of the legislative branch in his annual budget submission without revision.

In addition to this independence from the Executive, each House determines its own budget. The procedure is for the House of Representatives to pass its own appropriations first and then the Bill is reported to the Senate where the Senate's appropriations are incorporated into the Bill as an amendment. This procedure underlines the independence of the Senate and the House in relation to their respective requirements for funds and staffing.

I indicate again that all the quotes come from the Senate select committee report of 1981, with an update of 1984 so, with that proviso, members ought to accept the information that I have put before them. At the back of that select committee report is a four-page appendix entitled 'The process of preparation and modification of the budgets of members of the interparliamentary union'. Again, I will not go through all of them, but suffice to say that countries such as Denmark, France, Bangladesh, Czechoslovakia and a range of others have, to varying degrees, the power over their own budget appropriations. All I am trying to indicate from that is that various other Parliaments have in various ways tackled the problem that we are addressing at the moment. At this stage, I am not standing before members of this Chamber and saying that any one of these is necessarily the best but, certainly, I think they are heading in the direction in which we ought to be heading.

It is not a view that we in the Liberal Party have yet considered in great detail as a Party, but it is certainly my very strong personal view that we must consider this option, that the Parliament should take control of its own destiny and that we should ensure as a Parliament that we are properly resourced and able to do the job for which we are elected, namely, to provide oversight for Government actions and Government policy.

The Hon. R.J. Ritson: That is what you are not supposed to do, according to the Government.

The Hon. R.I. LUCAS: As the Hon. Dr Ritson indicates, the Government—and I will be fair; perhaps, to varying degrees, Governments of all persuasions—might not like the option I am suggesting here this afternoon, namely, that Parliament should control its own financial destiny. I think the time has come for us to say 'Too bad' about what the Premier and others think about perhaps radical options such as this and the one that we are currently debating in relation to the Parliamentary Remuneration Act. We are seeing a perversion of the Westminster system by what I would call, perhaps unflatteringly, political cheats in the system. I made very specific and direct criticism through my contribution this afternoon of Premier Bannon, Minister Mayes and other members of the Bannon Cabinet, and I do not resile in any way from the criticisms I have made of those members of Cabinet.

Their actions should not be allowed to continue, and I hope that Independent Labor members of another place, Australian Democrat members of this Chamber and members of the Liberal Party of this Chamber and another place will be prepared to consider and take action in the next three years in relation to placing the Parliament in control of its own destiny, along the lines that I have suggested. The political balancing act in both Chambers at the moment means that, if Independent Labor members, Democrats and Liberals are prepared to look long and hard at these options and make a decision that the Parliament take control of its own destiny—indeed, even if Premier Bannon and other members of the Cabinet do not wish it—change can be achieved in these areas.

As I said at the outset, I support very enthusiastically and strongly this Bill of the Hon. Trevor Griffin. I believe it is one small but important step in the long process of strengthening the Parliament as an institution, and in the long term we must look at the further bolder steps that I have outlined in my contribution this afternoon to ensure that the current unsatisfactory situation cannot be allowed to continue.

The Hon. L.H. DAVIS: I join my colleague the Hon. Robert Lucas in supporting the proposal of the Hon. Trevor Griffin to amend the Parliamentary Remuneration Act to allow the Remuneration Tribunal to have jurisdiction to determine staff facilities and services of members of Parliament. I have had some involvement with this subject over recent years, having represented the Liberal Party at the Remuneration Tribunal on several occasions and, indeed, this matter of staff facilities, office space and equipment was put to the Remuneration Tribunal. In fact, the Hon. Ian Gilfillan, the Leader of the Australian Democrats, invited the Remuneration Tribunal to Parliament House to inspect his telephone boxes, which masqueraded as offices. The tribunal made quite clear in its finding in 1987 that, whilst it was very interested in the subject, it simply did not have the power to make a finding with respect to staff facilities, equipment and office space for members of Parliament.

The Hon. Trevor Griffin's proposal is essentially one of common sense. It takes out of the hands of the Executive the power to play politics and to deny the Opposition the fruits of what we all regard as a very democratic process in the parliamentary arena in South Australia. This power enables the Government of the day—in this case, the Bannon Labor Government—to increase its staff by 40 per cent

in the eight-year period since it was elected to office in November 1982 but effectively to freeze the staff supporting Liberal Legislative Councillors. It enables the Government of the day to award itself superior equipment—state of the art technology—to make life much easier for the Ministers of the Government and, incidentally, to provide the flow-on effects to the backbenchers. The point of that should not be ignored, namely, that backbenchers in Government know full well that they have access to their Ministers, that they can get information and that the trappings of Government spill over to the back bench and have a very real benefit, not only for the backbenchers but also, in the case of Lower House members, an electoral benefit as well.

So, whilst I must concede that there has been some improvement in the financial package, and therefore the staff and facilities, of the Leader of the Opposition in another place, the Legislative Council remains the poor House of the Parliament. I hope that the Australian Democrats will support this measure, because I know that the Hon. Ian Gilfillan has been a consistent critic of the lack of facilities and staff. I hate to think that the Democrats would not support this measure because, if they do not support it, the community at large, and certainly the Liberal Party, could very well be forgiven for thinking that they had been bought off. Why could they think that way? It would be simply because, as my colleague the Hon. Robert Lucas has pointed out, the Democrats, with only two, admittedly hardworking, members in this Chamber, have three staff, and the Liberal Party with 10 members—with five times the numbers as the Democrats—also has three staff. Also, the staff of the Democrats are paid more than the staff of the Liberal Party.

The Hon. J.F. Stefani: And they've got computers.

The Hon. L.H. DAVIS: They also have superior equipment. No Government backbench member in this Chamber would believe that that is fair and just. The Liberal Party has inferior equipment and, on a per capita basis, only the same number of staff but five times the number of members and, indeed, its staff are paid less. Can that be just or fair? Of course, it cannot! I know that some Government members are concerned about this situation and cannot believe that this is justice in 1990 in the South Australian Parliament. What the Hon. Trevor Griffin proposes is a correction to this injustice.

Let me now look at some of the particular points which I believe reflect this injustice. First, as my colleagues have already pointed out, two members of the Liberal Party still share offices. No provision has been made for any additional support staff who may come in to work with Liberal Party Legislative Councillors. The fact is that, because of the inadequate facilities provided by the Government, many Legislative Councillors have been forced to bring in their own equipment and, in some cases, they have generously shared that equipment with their fellow Liberal Legislative Councillors. Other members of the Liberal Legislative Council team retain people on a part-time basis to do basic research, basic secretarial work and filing.

I hardly think that the taxpayers of South Australia would be impressed if they attended a Parliament House open day and watched Liberal Legislative Councillors in action—some of them filing, some of them making themselves cups of tea, and some of them perhaps attempting to send a fax. Some members opposite are flippant, but I do not think that this is a cause about which to be flippant—I think it is a very serious matter.

As to the question of office space, I know that efforts have been made to address that situation and some small improvements have been made over the years. We recognise that large costs are involved, but what has annoyed me is that the Government has been contemptuous and imperious in its attitude towards this important matter. There has never been any consultation. Over a period we have said, 'These are our priorities', but the priorities have consistently been ignored. So, sometimes we have received things for which we have not asked. Witness the memorable occasion in month one of the Bannon Government in late 1982 when everyone received a refrigerator in their room. That was the sort of priority of the newly elected Bannon Government so that everyone could have a beer in their fridge.

The Hon. R.J. Ritson: That same week I was refused an interstate phone directory.

The Hon. L.H. DAVIS: In that same week, as my colleague the Hon. Robert Ritson interjects, he was refused an interstate phone directory. I was so short of shelving that I used to store my *Hansards* in my fridge.

The Hon. J.F. Stefani: Keep them cool.

The Hon. L.H. DAVIS: Yes, it made the debate somewhat chilly. As far as the equipment is concerned, we do not have our own fax. We have the spectacle of all members of the House of Assembly about to receive a fax machine. As my colleague the Hon. Robert Lucas observes, in a bulk order a couple of extra fax machines would make very little difference to the total bill. I understand that, even though the House of Assembly is receiving additional faxes, no adjustment has been made to provide for those additional fax machines. In other words, the telephone allowance for a lower House honourable member will remain the same and will have to include the bill for the fax machine. That could be a particular problem for country members—and many of our colleagues in the lower House are country members.

I found it absolutely bizarre when the then Minister responsible for equipment in the Legislative Council, the Hon. Terry Hemmings, decreed that we could have a second-hand photocopier provided that we paid for any repairs. Within a matter of weeks, I think it was, the machine, which in photocopying terms had been around the world several times, broke down. I think the bill was $650 which, split ten ways, meant that each member contributed $65 each. Is this really the way that Parliament works in 1990? Is this the way that a business run, for instance, by Mr Terry Roberts in the private sector would operate? Would he say, 'We have just had the photocopier fixed, fellows; everyone throws in $65 each. I am the boss but you will all share it with me.'

The Hon. T.G. Roberts: Being a socialist, I agree with that.

The Hon. L.H. DAVIS: The Hon. Terry Roberts interjects and says that he is a socialist and he would agree with that. The Hon. Terry Roberts should have more clout in the Caucus because, if he agrees with that, he perhaps might like to rise on his hind legs and explain what is going wrong with socialism in the Legislative Council.

The Hon. T.G. Roberts: We have not got control, that is why.

The Hon. L.H. DAVIS: The Hon. Terry Roberts interjects and says that he does not have control. I would go even further and say that this Government is out of control. It has become cynical, petulant and arrogant in its attitude towards this very important matter. Secretarial assistance is a nightmare. Five shadow Ministers are being serviced by two full-time secretaries. That makes it very difficult to prioritise the work, and sometimes one has to wait days. One simply cannot compare the fact that the Liberal Party, with 10 members, has two secretaries with the fact that the Labor Party, with 10 members, also has two secretaries,

because the President has his own secretary, and the three Ministers have a gaggle of about 50 advisers and assistants between them, which leaves—

The Hon. Barbara Wiese interjecting:

The Hon. L.H. DAVIS: Between them, I said, 14 or 15 a piece.

The Hon. Barbara Wiese interjecting:

The Hon. L.H. DAVIS: You are probably being short-changed.

The Hon. Barbara Wiese interjecting:

The Hon. L.H. DAVIS: I am sorry, I will amend that—30 or 40 between them. We are talking about two secretaries working for six backbenchers, so it is simply not true to say that there is equality between the Government and the Opposition with respect to the number of secretaries. Of course in 1990, word processors and computers, which as I understand were fairly fashionable pieces of equipment in the private sector during the 1980s, have yet to appear in the Legislative Council. However, the quill pen is still alive and well. Because of the lack of facilities, I can remember two years ago our resorting to pigeons to take some messages around Adelaide because of the lack of facilities. The media were quick to recognise the point we made.

In terms of research, if a Liberal Legislative Council front or backbencher wants additional research undertaken, they have three options. They can go to the Parliamentary Research Service. That service is first-class, but only two people work there, and sometimes one may wait weeks for an answer. When time is of the essence, that can be of no help whatsoever.

One can do the research oneself or one can pay someone to do it. Again, there can be no comparison between the load of a frontbencher or a backbencher in Opposition and that of a member of the Government because the Government has the facilities. How often it is that we see a Government backbencher get up and make a very fine speech. But, of course, more often than not those speeches have been prepared by Government staffers. So, again, the Opposition is severely disadvantaged.

There is only one solution to this unjust, undemocratic and grossly unfair system; that is, to accept the proposition of the Hon. Trevor Griffin, namely, to provide an impartial umpire—the Remuneration Tribunal. This Bill deserves support, certainly from the Australian Democrats so that they can avoid the stigma of being accused of having been bought off by the Government. Quite frankly, Unless the Australian Democrats support this measure that must be a very serious consideration. Because how else could one justify a Party of just two members receiving the same number of staff—better paid staff—and superior equipment, as against the Liberal Party, which has five times the number of members? I support the second reading.

The Hon. R.J. RITSON secured the adjournment of the debate.

Mr D. SKINNER

Adjourned debate on motion of Hon. L.H. Davis:

That this Council expresses concern at the decision of the Commonwealth Development Bank to seize the stock and plant of Mr Deryck Skinner, proprietor of the Terowie General Store, and calls upon the bank to apologise to Mr Skinner for its precipitate action and also to make full restitution to Mr Skinner for the loss and damage incurred as a result of this action.

(Continued from 22 August. Page 459.)

The Hon. BARBARA WIESE (Minister of Small Business): I support this motion, on behalf of Government members. As the Hon. Mr Davis indicated when speaking to this motion, Mr Ron Flavel of the Small Business Corporation became involved in this matter relating to Mr Skinner and his store at Terowie and the problems he was having with the Commonwealth Development Bank soon after the bank had moved in and, in fact, had removed his stock and plant from the store. At that time Mr Flavel offered his services as a conciliator in the matter to try to resolve the issue in a way that would be satisfactory to both parties. As I understand it, that offer was accepted in principle by both parties, but before any action could be taken to fulfil the offer, the bank acted on its own by taking proceedings to the Supreme Court. This was before any discussion could take place.

I have some reservations about speaking too extensively about this issue today because I believe that the matter is still the subject of legal proceedings and it would be improper to become involved in discussion about matters that could, at a later date, come before the courts. I believe also that the legal issues will be dealt with in the appropriate legal forums. Suffice it to say that, from the information that has been provided to me on this matter so far, I believe that the Commonwealth Development Bank had a legitimate interest and concern in the actions that were proposed and taken by Mr Skinner in scaling down or winding up his business. However, I also believe that the bank's actions in pursuit of its interests were, to say the least, callous and inappropriate.

As I understand it, no warning was given to Mr Skinner before his goods were seized. At best, there was passive resistance to the offer from the Small Business Corporation to act as a conciliator in the matter and to attempt to find a non-legal settlement or solution to the problems that divided Mr Skinner and the bank. I certainly hope that the actions taken by the bank in this case are not indicative of the methods that it uses generally in dealing with its other small business clients.

It seems to me that the legal issues are matters which now, for some reason or other, need to take their full and appropriate course. I certainly do not want to become involved with that, but my view, given the information presented to me, is that the bank really did not handle this matter in a compassionate way when seeking to protect its interests. We now have a situation where a business has been closed down and we have an individual who has been quite seriously disadvantaged as a result of the poor handling of a financial matter by a financial institution. With those few words, I support the motion.

The Hon. L.H. DAVIS: I thank members for their contribution. I particularly welcome the support of the Hon. Barbara Wiese, who is speaking in her capacity as Minister of Small Business. I regard the remarks she has made as being particularly constructive and helpful. I agree with what she has said about the Commonwealth Development Bank not handling the matter in a compassionate way. I think that really does go to the nub of the debate. I also welcome the contribution of the Hon. Ian Gilfillan, who believes that the action of the Commonwealth Development Bank was totally reprehensible, heavy-handed and inhumane. Therefore, we have bipartisan support for a motion which seeks to express concern at the decision of the Commonwealth Development Bank to seize the stock and plant of Mr Deryck Skinner and which calls on the bank to apologise to Mr Skinner for its action and to make full restitution to Mr Skinner for the loss and damage incurred as a result of this action.

On Saturday 18 November, the day that the Commonwealth Development Bank sent in 15 people in six vehicles to seize Mr Skinner's stock and plant, Mr Skinner owed the bank about $71 000. The wholesale value of the stock on 18 November, according to the bank's own valuers, was $90 331.13 and the plant was worth a minimum of $15 000, giving a total of $105 000. In addition, Mr Skinner's store and house, valued at $40 000 or $50 000 at least, was also the subject of a first mortgage with the Commonwealth Development Bank.

The costs of this remarkable safari to Terowie on 18 November and the subsequent auction and storage costs were $34 200, Mr Skinner's legal costs were $7 000, making a total of $41 200. The net effect of the Commonwealth Development Bank's action is that 11 months later the bank is still owed $61 000 as interest continues to accrue. The bank today is only $10 000 better off. Mr Skinner is $105 000 worse off, ignoring the effects of inflation, but, much more importantly, he has been stripped of his livelihood, his dignity and a business which he worked to develop over nine years without even one day off. The annual turnover of the Terowie General Store, which was $600 000, was a testimony to the fact that Mr Skinner ran a store which attracted patronage from many nearby towns and outlying country areas.

The closure of the Terowie General Store has had devastating consequences for the historic township of Terowie. In fact, I have conducted a survey of the traders of Terowie, and it reveals a sickening picture. Terowie is a town in collapse. The Terowie General Store was the hub of the township. Now the hub has been broken and the spokes are falling out.

Each of the traders surveyed in the main street of Terowie reported that the closure of the Terowie General Store last November had a significant impact on their own businesses and, with one exception only, this impact was highly detrimental. There was a business which closed as a result of the closure of Mr Skinner's general store. Both the Terowie Hotel and the Imperial Hotel have reported a noticeable reduction in the number of casual customers from outside the town. Mr Adrian Higgs was about to open a business in November 1989 selling restored furniture and handicrafts. The business did not get off the ground, and now the lease has been allowed to lapse.

Munjibbie Crafts—giftware, gallery, photographer, framing—has had a devastating fall in customer support. Framing orders have fallen practically to zero, and giftware sales dropped by about 70 per cent. Munjibbie Crafts was particularly affected because it had already committed itself to Christmas 1989 and much of its stock went unsold following the closure of the Terowie General Store on 18 November 1989. The Dusty Kitchen, which provides snacks, lunches and souvenirs, also had a drastic fall in business. Turnover fell from a comfortable level to such a low level that the proprietor would have been forced to close if she had not taken over the bread, milk and paper previously supplied by the store.

The Heritage Group Shop is a community shop run by the Terowie Citizens Association. It is open seven days a week, and relies mainly on passing trade. It sells gifts, souvenirs and handicrafts to raise funds for community projects. Sales fell to a level about 15 per cent of the corresponding period 12 months before. The Terowie Antique Linen and Lace Store had its turnover reduced by more than 50 per cent. The Terowie Antique Linen and Lace Store is one of just a handful of lace shops in South Australia. It brings its stock in from overseas and interstate. It had enormous support from people who travelled long distances to this wonderful store which had not only linen and lace, but antiques and other craft work. It is a very fine shop.

These traders fed off the passing trade that came to the Terowie General Store with its turnover of $12 000 a week. Those people came from Jamestown, Yunta, Orroroo, Port Pirie, Burra, Apilla and Peterborough. Many of them also came from Adelaide or called in on the way through on the Adelaide-Broken Hill highway that passes nearby. One can see from that survey that the impact of the closure of the Terowie General Store has been dramatic. I know that there has been a recent survey by the Australian Small Business Association which shows that, on average, sales have been down 15 per cent in small business, and that includes rural business. That reflects the economic downturn in both city and country areas, but I submit that the downturn in Terowie has been much greater than that. One can see that in most cases the turnover has fallen by more than 50 per cent.

The post office has also suffered. It has missed the business that it received from the general store. There was a good parcel business in and out. It perhaps threatens the future viability of the Terowie Post Office. There was also an enormous amount of mail coming in and out of that post office. The hotels have suffered because people would go to the general store, have a drink at a hotel, pick up a carton of beer and be on their way. Terowie used to be a really good weekend jaunt for people from surrounding areas. They do not go there so often now. There has been a severe downturn in the casual business which was a major contribution to the economic strength of Terowie. Understandably, people in Terowie are feeling threatened. They now have to travel to Peterborough for supplies. The value of their property has also been affected. It is not too dramatic to say that the future of Terowie is perhaps at risk. Terowie is a town rich in history, but today it is fighting for its life.

The economic and human pain suffered by Mr Skinner has been both traumatic and enormous. The economic and social impact of the bank's decision has been devastating, possibly even fatal, for the township of Terowie. Mr Skinner gave nine years of his life to Terowie. I continue on a regular basis to learn nothing but good about Mr Skinner. For instance, he supported many causes around the town anonymously. People never knew where the money came from, but it was Deryck Skinner committing not only his time but his money to the town that he loved. The Terowie Primary School, for example, which currently has 27 children, was supported by the Terowie General Store, which gave it goods and supported its picnic days, and so on. The school is also suffering. Mr Skinner was a good and honest man and he put Terowie first.

I should like to think that the Commonwealth Development Bank would also put the township of Terowie first. I want to reflect on the charter of the Commonwealth Development Bank. The Commonwealth Development Bank is a component of the Commonwealth Bank. It was established in 1960, and it is required by statute to fulfil certain social objectives. I want to quote from its own information booklet, dated 30 June 1988:

> The emphasis of the bank was that it should back the prospects of success of an applicant for finance rather than rely on the more traditional banking methods of assessment that emphasised the availability of adequate security.
>
> Traditionally, Australian borrowers have first approached their trading banks for their financial requirements. However, in some situations, for example, where available security is not strong, where extended repayment terms are needed, or where an adequate 'track record' with their trading bank has not yet been established, applicants may have difficulty in arranging finance.

This is where the CDB is able to assist because of its special capabilities.

Again, it states:

The CDB does not compete with any other Australian bank but rather supplements any financial assistance being or to be provided by a customer's own bank.

A customer's arrangements with his or her bank are not affected by the CDB's role as a supplementary lender. In fact, the CDB seeks to work with the customer's bank to ensure the most appropriate 'package' of finance is provided.

In particular, I underline this comment:

When assessing an application, prospects of success are the prime consideration. Security comes second.

In this case, of course, one can look rather askance at what the Commonwealth Development Bank did because I do not believe it fulfilled its charter of meeting the social objectives and, particularly so in the case of Terowie. Also, I do not believe it fulfilled its other criteria of putting security second.

I do not intend to go through the argument which I developed when I first put this motion but, as honourable members would be aware, a fighting fund has been established to help Mr Skinner's case at law. I repect the argument which the Hon. Barbara Wiese has put, that this matter is before the courts and one has to be cognizant of that fact, but I should advise the Council that, in fact, $5 200 has been raised to date to assist Mr Skinner and there are promises of at least another $1 000. Mr Skinner had widespread support centred on national television coverage. There have been many letters of support. There has been widespread support from company directors through to union officials and I have had some financial donations from Commonwealth Bank officers.

I was interested to hear the Minister's remarks about the concern of Mr Ron Flavel, who enjoys widespread support for his role as General Manager of the Small Business Corporation. I understand that, as the Minister indicated, Mr Flavel had offered his services to assist the resolution of the Skinner case. However, from last November when the story first broke through, until the present time, the Commonwealth Development Bank has resisted any attempt at mediation in the Skinner case. I want to say, for my part, that Mr Flavel, as General Manager of the Small Business Corporation, is respected by all political parties in South Australia for his wisdom, his fairness, his understanding of small business and his absolute impartiality.

In this case, there has been a lot of blood spilt for very little gain by the Commonwealth Development Bank. I understand that Mr Ron Flavel remains willing to mediate the dispute. The Commonwealth Development Bank has a proud record, and I would hope it would not hide behind the skirts of legal convenience. I would also hope that it may accept, even at this eleventh hour, Mr Flavel's offer to act as a mediator. Therefore, I would seek leave to conclude my remarks to give the Commonwealth Development Bank a further week to consider its options to ensure that commonsense can win, in order to give Mr Skinner a chance to rehabilitate his business and, most importantly, give Terowie a chance to survive as an important historic town. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

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

VIDEO MACHINES

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

That the regulations under the Casino Act 1983 relating to video machines, made on 20 March 1990 and laid on the table of this Council on 3 April 1990, be disallowed.

(Continued from 15 August. Page 276.)

The Hon. K.T. GRIFFIN: I support the motion to disallow the regulation which will have the effect of making video poker machines in the Adelaide Casino legal. There are two major issues affecting this motion. The first relates to the way in which policy questions of significance are effected by the Government by regulation rather than by statute. The second is whether or not video poker machines should be allowed into the Adelaide Casino. The Casino Act 1983 was initiated in the House of Assembly as a private member's Bill but with the tacit support of the Bannon Government. Whether or not to have a casino in South Australia was, in itself, a controversial question. I opposed the Bill on that occasion as a matter of conscience.

Widespread concern was expressed in 1983 about poker machines or 'one-armed bandits'. As a result, the Casino Act 1983 contained a provision for absolute prohibition against poker machines, not just in the Adelaide Casino, but in South Australia generally. However, in the definition of what was a poker machine some flexibility was given. A 'poker machine' was defined as meaning: 'a device designed or adapted for the purpose of gambling, the operation of which depends on the insertion of a coin or other token (but does not include a device of a kind excluded by regulation from the ambit of this definition'. If one looks at the debates in May 1983, it is clear that members wanted to ban poker machines.

The member for Semaphore (Mr Norm Peterson) did raise a question of the poker machines which were privately owned and generally were in people's homes. Mr Stan Evans, MP, raised the question of bingo ticket machines or beer ticket machines. The member for Hartley (Mr Groom) said, in response:

The legislation is quite explicit. It renders illegal the possession of poker machines, it is designed to catch poker machines in that context and provides stiff penalties.

Other members raised similar questions. So, the exception to the definition of 'poker machines' was designed to give a little flexibility for those sorts of machines which might have been inadvertently caught. The majority of members of Parliament at that time were of the view that poker machines for commercial use should be banned. Seven years later, the Adelaide Casino operators pressured the Government for permission to install video poker machines, the Treasurer could see the funds rolling in (an extra $5 million per year) to the Treasury and ultimately Cabinet directed the Liquor Licensing Commissioner to apply to the Casino Supervisory Authority for a change in licence conditions which would allow video poker machines in the Casino. This did not deal with the substantive legislative issue as to how the law could be amended to allow this radical development in gambling opportunities. This slick way around the Act was found and that was to make a regulation which exempted video poker machines from the definitions in that Act. In essence, this was a contradiction to both the Act and the debate of May 1983, which firmly opposed poker machines of any sort.

Rather than facing up to a major policy change by introducing a statute where the issue could be debated in both Houses of Parliament, questions could be asked, comments made, amendments proposed and ultimately a vote taken, the Government did not have the guts to do this and

effected a major policy change by regulation. A regulation is an executive act and may be disallowed by either House of Parliament. However, if there is a resolution for disallowance, it proceeds from the point that video poker machines are legal, that each member speaks on a resolution to disallow only once, and that the issue is not subject to the sort of questioning which occurs if a statute is under consideration. The Parliament is confronted by a *fait accompli*. It negates, rather than initiates.

To allow poker machines is a major policy change. As I have already said, it is a direct opposite to what was voted upon in May 1983. We see now that the Casino is planning to install 800 machines initially with ultimately 1 200 machines being proposed. The Licensed Clubs Association and the Australian Hotels Association, only a few days ago, were lobbying members of Parliament for the right to have poker machines or video poker machines in hotels and licensed clubs if the Casino gets them. This regulation has the potential to open the floodgate, yet it is only a regulation: it is not a Bill.

The regulation has wide-ranging consequences for every South Australian, yet it is slipped in the back door by subordinate legislation. That is a major cause for concern and is a disturbing use of regulation-making power. At the last State election, the Liberal Party had a policy that major policy changes by the Government would be dealt with by statute and not by regulations. We were concerned at the way in which the Bannon Government had been using (and is still using) regulations to make major policy changes. Regulations were originally (and for many, many years until the last four or five) used to implement decisions which had been enacted by statute. Now, they are used for much more than mere implementation or machinery requirements and are used to effect substantive change in the law.

That is not good enough. The Government should have faced the issue of video poker machines and, if it wished to have them introduced in the Adelaide Casino or anywhere else, it ought to have introduced a Bill for that purpose. Then the policy issue could be debated and questioned and amended if necessary and there would not be the severe criticism of that course of action as there is about the abuse of subordinate legislation to make major policy changes.

I turn now to the substantive question on which each Liberal has a right to exercise a vote according to the member's conscience. Since the Adelaide Casino was opened, the Premier has ignored a promise made in the House of Assembly in May 1983 on his behalf by Mr Groom, MP, who was the instigator of the private member's Bill for a Casino Act, Mr Groom said:

> I am advised by the Premier that, if the legislation passes, the Government will give, via the Premier, an undertaking that appropriate sums will be expended on research into the effects of gambling on the community.

This undertaking was given following questions by Mr Mathwin, MP, and comments on the evidence given to the select committee of which he was a member. He said:

> I would like to take this opportunity of expressing my appreciation to the member for Hartley for helping us reach some agreement in this matter so that there will be a provision for an allocation of funds to the inquiry into gambling.

The parliamentary select committee of which Mr Mathwin was also a member and which reported on a casino proposal in 1982 expressed concern about the vulnerability of some patrons to compulsive gambling and recommended support for a national inquiry into the social and economic consequences of gambling.

Many members of Parliament in that debate in May 1983 expressed concern about the lack of a national inquiry and about the need for such an inquiry either nationally or in South Australia. They expressed concern about the effect that gambling has on lives of so many people directly and indirectly. I reflected then upon the pressure of gambling, which often resulted in compulsive gambling. But the Premier stands silent and reaps a massive fortune from gambling, yet fails to provide an adequate inquiry into its consequences in South Australia.

The State is the biggest gambler of all, except that it always wins. Net revenue from gambling in 1989-90 was $112 million to the State, of which $23 million came from the TAB, $15.5 million from the Casino, $67 million from the Lotteries Commission and $6.5 million from other sources. In 1990-91 that is expected to increase to $128 million: the TAB $26 million, the Casino $17 million, the Lotteries Commission $78 million, and other sources $7 million. The Government expects to reap at least an extra $5 million net per year from the installation of video poker machines in the Adelaide Casino. The Government is up to its neck in gambling and the promotion of gambling, and that is a position that I cannot accept.

The 1990 annual report of the Lotteries Commission of South Australia expresses a bizzare philosophy, and I quote it as follows:

> To be sensitive to the moral and social concerns of South Australians. To position the products offered by the Lotteries Commission as entertaining, family games which can be played in pleasant and social environments. To ensure that the products are readily accessible throughout the State. To effectively maintain and develop a strong business relationship with all lottery organisations with a view to strengthening the activities and performance of the Australian Lotto Bloc and Australian Soccer Pools Bloc.

An honourable member interjecting:

The Hon. K.T. GRIFFIN: I know it is. I do not support the Government's being extensively involved in gambling exercises. I am saying that I do not support what is happening in relation to video poker machines. If the Hon. Mr Crothers listens to my speech, he will see what I am on about. The objectives of the Lotteries Commission include:

> To promote and conduct lotteries in South Australia effectively and efficiently.
>
> To maximise the contribution to the Hospitals Fund and the Recreation and Sport Fund.

Now, of course, as we know, they are just facades behind which Governments hide to justify the extension of gambling facilities. How can the Lotteries Commission, a Government agency, be sensitive to the moral and social concerns of South Australians yet position its products as entertaining, family games? The concept is bizarre. The focus, quiet obviously, is on promotion and sales. With the Government running the TAB and a radio station to promote the events in which the TAB is involved, the Casino and the Lotteries Commission, it is obvious, as I have said earlier, that the Government is up to its neck in gambling and cannot afford not to be involved in gambling and to protect its income.

It is clear from evidence given to the Joint Committee on Subordinate Legislation in relation to the regulation which is the subject of this resolution that the Government made the decision on the representation of the Casino operators to allow video poker machines. The Government gave a direction to the Liquor Licensing Commissioner. The Liquor Licensing Commissioner, in his evidence to the Joint Committee on Subordinate Legislation, was uncomfortable about that direction but was advised that he had no option as an officer but to comply with the direction that was given to him. Now, as a result of the evidence to that committee, we hear that the Casino is already proposing 800 machines with another 400 being possible.

It is fascinating to read the evidence given before the committee. Mr Wiese, the Chairman of ASER, said, 'The bulk of the activity will come from people who do not presently gamble at the Casino.' He said that he was looking for some $25 million over and above what presently is spent in the Adelaide Casino. There is no conscience here; there is no social concern, merely an attitude of getting on with the job, providing more opportunities for gambling, collecting more money, broadening the scope to get more people in, making more profit and getting more money for the Treasurer. But, notwithstanding this, in seven years there has been no State inquiry into the effects of gambling, although we know that it does have a disastrous impact on a number of families in this State. The Premier's commitment in 1983 has not been honoured: no State agency involved in gambling has given anything to assist compulsive gamblers or their families, or even contributed to an inquiry. Poker machines are rapid turn-around games, as will be video poker machines, so the attraction to stand in front of a machine and feed it with money will be considerably greater than in relation to the other games in the Casino.

The Victorian Board of Inquiry into Casinos in the State of Victoria in 1983 examined the issue of poker machines. It concluded, 'There is no doubt that machines are designed to capture and maintain, for as long as possible, player interest.' It also indicated that, while interest is not compulsion, 'techniques which maximise interest in non-compulsive gamblers also play some part in attracting and holding those who, are or will thereby become, compulsive gamblers'.

In relation to the Casino and poker machine debate in 1982 and 1983, the Social Justice Commission of the Uniting Church in Australia, Synod of South Australia, published an issues paper (and I notice that that coincidentally arrived on our desk this week) and it made the following observations on the church's attitude to gambling:

> It should be noted that it is at the point of concern for the disruptive influence in family and other social relationships that the traditional Protestant and Catholic viewpoints on gambling converge. Neither tradition can endorse gambling when it becomes socially and personally destructive. If the introduction of any new form of gambling increases the number of people who will become entangled in destructive compulsive gambling, those who advocate such a move must be able to demonstrate that it will bring overwhelming advantages to the whole community in order to justify it in the light of the high cost which will be borne by some.
>
> The church will not wish to ignore or discount the actual harm that is done to some individuals, families and the community as a whole by particular forms and degrees of gambling. In pursuing this concern, the church will not wish to see human freedom restricted unnecessarily. Nevertheless, the church is fully aware of the tenuous nature of human freedom in a fallen world and of the need for laws which restrain people 'from actions and activities harmful to others or destructive of their own inner freedom and responsibility'.

It is interesting to reflect on the evidence of Mr Wiese to the Subordinate Legislation Committee that 'the bulk of the activity will come from people who do not presently gamble at the Casino'. Evidence before the Victorian Board of Inquiry included a survey conducted within the City of Wagga Wagga; 42.7 per cent of people surveyed indicated that they play poker machines in the clubs in Wagga Wagga. They rated their involvement with poker machines as follows:

	%
A harmless entertainment worth the money I spend	89.0
A concern to me because I really can't afford it ...	8.7
An addiction which worries me	2.3

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: Don't ask me. The board of inquiry accepted the insights provided by the survey and also agreed that extrapolation of the results to other situations was valid. The Uniting Church paper extrapolated those figures into Adelaide, and they gave the following results in 1983:

(a) Some 230 000 people are likely to play poker machines in Adelaide alone.

(b) About 22 000 players would be experiencing some form of concern, that is, they could not really afford the money they were spending on poker machines.

(c) About 6 000 players would admit to addiction.

An extrapolation to the whole of South Australia gives the following results:

(a) Some 350 000 people are likely to play poker machines in South Australia.

(b) About 34 000 of these would be experiencing some form of concern.

(c) about 9 000 players would admit to addiction.

Experience in other States and overseas indicates that the introduction of video poker machines will result in problems for a number of South Australians through compulsive gambling. If that decision is then extended to clubs and hotels, the problem will be compounded dramatically.

In January 1989, Dr Clive Allcock, a psychiatrist who was also President of the National Council on Compulsive Gambling, estimated that in New South Wales alone about 100 000 people are affected by excessive gambling either from the disease itself or from their association with someone who has it. He says:

> Poker machines are particularly addictive because they have a very rapid turnover.

If 100 000 people in New South Wales are addicted, then something like 25 000 to 30 000 are likely to be affected here, even though the extrapolation from the City of Wagga Wagga survey shows a lower number.

Earlier this year Dr Allcock again was reported as concluding that poker machines are one of the most addictive forms of gambling when he made observations on the prospect of poker machines being permitted in Queensland. Mr Mitchell Brown, a counsellor with Lifeline in Sydney, when hearing of Queensland's decision to allow poker machines into clubs, hotels and the State's two casinos, said that he would expect to see an increase in the number of people with problems in compulsive gambling.

In a report on the 8th International Conference on Risk and Gambling held in August 1990, Mr John Connolly of Credit Line in New South Wales reports that a conclusion of the conference was that:

> ... until Governments legislate to compel the gambling industry to contribute to funding research and treatment services through a percentage of their turnover being channelled into a foundation, the current position will remain.

I should remind members that in the debate on the Casino Bill in 1983 that was the very point that a number of members, particularly in the House of Assembly, sought to establish as a statutory obligation placed upon the State Government, to contribute a particular percentage of its profit from gambling in this State to funding research and treatment services. It was as a result of the concern expressed by members on both sides of the House of Assembly on that occasion that the Premier's commitment to an appropriate allocation of funding for the purpose at least of research and inquiry was given by Mr Groom.

Mr Connolly said that the 8th International Conference heard that in Holland, for example, the majority of problems from gamblers seeking treatment are among poker machine players with a ratio of males to females of 9 to 1 in the age group 20 to 25 years. In the United Kingdom the most disturbing aspect of current gambling is youth gam-

bling. One could envisage the same sort of concerns being expressed in South Australia if video poker machines were allowed in the casino and ultimately became readily accessible in hotels and clubs.

Mr Connolly also drew attention to the fact that the United States of America continues to lead the field in the research treatment area. Currently, there are 35 hospital-based treatments for gamblers in a country where gambling has been suppressed for many years. He makes the very interesting observation that, after many years of operation of a casino in the United States of America, Hurrah's has funded a counselling service for staff and family members with drug, alcohol and gambling problems. That has set an important precedent which I would suggest the South Australian Government ought to be prepared to emulate but which so far it has shown no inclination to do.

In South Australia there is no recognition by the State Government of the problems created by gambling and no special effort made to deal with the consequences of those problems. The Government reaps the revenue, but ignores the human suffering.

The Hon. G. Weatherill: What about Greiner? Do you disagree with him?

The Hon. K.T. GRIFFIN: I am not talking about Greiner.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: I am talking about the State of South Australia and the backdoor means—

The Hon. G. Weatherill interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: —by which the Government is seeking to introduce video poker machines.

Members interjecting.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: I am referring to the commitment given in 1983 by Mr Bannon, through Mr Groom, as one of the inducements to members to vote in favour of a Casino Bill, to provide funding for research and inquiry into the effects of gambling in South Australia.

The Hon. G. Weatherill interjecting:

The Hon. K.T. GRIFFIN: I am not worried about Greiner, I am worried about South Australia.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: I am elected to represent South Australians.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The Hon. K.T. GRIFFIN: I am not elected to represent—

The PRESIDENT: Order! The Hon. Mr Griffin would do better if he addressed the Chair and if the interjections could cease while the honourable member is on his feet.

The Hon. K.T. GRIFFIN: I am elected to represent the interests of South Australia, and we can draw on the experience of New South Wales and demonstrate the disastrous consequences that the introduction of poker machines into South Australia will have.

The Hon. G. Weatherill: How many people have been affected in New South Wales?

The Hon. K.T. GRIFFIN: I said 100 000 people are addicted to gambling in New South Wales.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: That is the estimate.

The PRESIDENT: Order! I appeal to the Hon. Mr Griffin to address the Chair, and I ask other members to cease their interjections. The Hon. Mr Griffin.

The Hon. K.T. GRIFFIN: Thank you, Mr President. Obviously, it is a sensitive issue, and I hope that members opposite will not toe what may be a Party line but will exercise their conscience on this issue. The Uniting Church paper to which I have referred earlier makes two other perceptive observations:

> The casino is already attracting a considerable proportion of the money that is available for entertainment within the Adelaide community. The introduction of poker machines to the casino would increase this proportion to the detriment of other more established forms of entertainment. Money that goes into the casino as profits from poker machines would otherwise circulate more widely within the community, stimulating more employment.
>
> The introduction of poker machines into the casino alone would reduce the amount of money going into licensed clubs and thus stimulate the already powerful lobby for poker machines in licensed clubs to the extent that it would only be a matter of time before poker machines are also introduced into clubs.

As I have indicated, we have already seen the commencement of the lobbying from the licensed clubs and the Hotels Association to have video poker machines introduced into those facilities, thus making them even more readily available than they will be in the casino.

It is these matters that cause me considerable concern about the Government's decision to push for the introduction of video poker machines. It is the thin end of the wedge for wider access. On the basis of experience in other States and overseas, it will result in substantial community hardship and it is for these reasons that I will support the motion to disallow the regulation allowing video poker machines. This issue is one on which each Liberal member is able to exercise his or her own conscience when voting. I hope that the Labor Party allows its members similar freedom.

In summary, first, the Bannon Government has failed to honour its 1983 promise for an inquiry and has failed to assist those who are compulsive gamblers. Secondly, the Bannon Government has avoided the proper course of introducing a Bill up front to legalise poker machines. Thirdly, the Bannon Government ignores the overall detriment to South Australian society which will result from the installation of video poker machines in the Government's headlong pursuit of the almighty dollar. I support the motion.

The Hon. J.C. BURDETT: I support the motion for disallowance moved by the Hon. Mike Elliott, and I associate myself with the comments of my colleague, the Hon. Trevor Griffin. On this matter the Liquor Licensing Commissioner gave evidence before the Joint Committee on Subordinate Legislation, and the evidence has been tabled and therefore is public. At the beginning of the committee's examination the Chairman invited the Liquor Licensing Commissioner to proceed with his submission. The Commissioner replied:

> It really was not my submission to have the regulations made, but a submission of Treasury and the Cabinet. Their submission directed that the Liquor Licensing Commissioner apply to the Casino Supervisory Authority to change the terms and conditions of the licence. In effect, my only involvement to date has been to comply with the Cabinet direction to apply to have the terms and conditions varied. If you want to talk to someone about the reasoning behind the regulations, you would need to talk to someone from Treasury, although I can talk about any of the technical and control aspects, if you have concerns in that area.

On page 4 of the evidence, Mr M.J. Evans, MP, a member of the committee, said:

> I am interested in how the proposal came about, because you said it was not on your initiative. I take it that the provision is the one which requires the the Superintendent of the commission to submit a proposal to the authority for variation or revocation of a term or condition of the licence.

The Commissioner replied, 'Yes.' Mr Evans asked:

> That is section 14 of the Casino Act?

The answer was: 'Yes.' Mr Evans asked:

Do you believe that that confers an independent discretion on you to apply? It seems to me that that was inserted to ensure that a person of some distance and independence was required to submit applications for variations. Do you think that it was unusual for you, in effect, to be directed to do so by the Executive Government?

The Commissioner replied:

Looking at my role as Liquor Licensing Commissioner, I suppose I distinguish between the judicial and the administrative roles. I have Crown Law opinion which says that I cannot be directed in the exercise of my judicial role, but I can be directed in the exercise of my administrative role, even though the Minister should be cautious in doing that. I would have seen this as a direction in respect of an administrative aspect of my role as commissioner. I suppose that the option, if I refused, would have been for them to find another Liquor Licensing Commissioner.

I stress that last sentence. He is saying that he was directed to exercise his discretion to seek a change in the terms of the licence. But he said fairly loudly and clearly that had he refused he supposed that the option would have been for them to find another Liquor Licensing Commissioner. So, he is virtually saying that he would have been sacked had he not complied with the direction.

Section 14 (1) of the Casino Act provides:

The Superintendent or the commission may at any time submit to the authority a proposal for variation or revocation of a term or condition of the licence, or an addition to the terms and conditions of the licence.

The Superintendent is the Liquor Licensing Commissioner and he may do that. So, clearly, the Act is saying that he has a discretion; that he may or may not do that. Yet, the Commissioner was directed to do that by the Cabinet and he said pretty clearly in his evidence that his options were to carry out that direction or be sacked. Therefore, clearly we have the Executive Government taking over what, on the face of it, was intended in the Casino Act 1983, which has been referred to by my colleague the Hon. Trevor Griffin purporting to give a discretion to the Commissioner—and yet he has been directed to carry it out, or else.

I now refer to section 25 of the Casino Act 1983, which provides:

No person shall have a poker machine in his possession or control (either in the premises of the licensed casino . . .)

So, there is absolute prohibition of having a poker machine. I might say that the Casino Authority was advised by Crown Law that a video poker machine is a poker machine. The Joint Committee on Subordinate Legislation was very courteously shown a video poker machine and the premises in which such machines were intended to be set up. There is no doubt in my mind that a video poker machine is a poker machine and I certainly think that the Crown Law advice was correct. Section 4, the definition section of the Act, states that:

'poker machine' means a device designed or adapted for the purpose of gambling, the operation of which depends on the insertion of a coin or other token (but does not include a device of a kind excluded by regulation from the ambit of this definition).

The purpose of this regulation is, of course, to do just that: to provide an exemption from the ambit of this definition in the case of video poker machines used in the Casino.

My first objection, and the objection that I cannot get beyond—and I do not intend to dwell very much on the other objections that I have—is that in the Casino Act there is an absolute prohibition of poker machines. I admit that the Act is a pig's breakfast because, while it provides that, it goes on to say that there can be an exemption by regulation. However, all the same, in my view, when there is an absolute prohibition of poker machines, if it is intended to change that provision, it should be done by amendment to the Act. It should not be done by regulation and I agree with what the Hon. Trevor Griffin has said, that this is a sneaky way of bringing that about without it being subjected to the same sort of scrutiny as would have occurred had it been by way of amendment to the Act. Admittedly, we have the power to disallow the regulation, and I hope that that will happen. Nonetheless, this was a sneaky way to do it.

One of my principal objections is that if the Act provides that no person shall have a poker machine in his possession or control in the premises of the licensed casino that is what it means and if one wants to change that, then one should do it in the Act and not by way of subordinate legislation. That is my first objection; that is, that the Commissioner was directed and he should not have been; it was a matter that was intended in the Act to be at his discretion. Secondly, if there is an absolute prohibition in the Act that is now intended to be modified or taken away by way of regulation in regard to video poker machines.

I also object on the grounds of principle and that these have been very adequately covered by my colleague the Hon. Trevor Griffin. I simply say that the people who go to the Casino, whether they intend to use poker machines or anything else, have at least made the conscious decision before they go there to gamble. That is a decision that a person can make and I do not have any objection to that. I have spoken to a lot of people who go to the Casino; they make the conscious decision that they are going there to gamble and they decide how much money they are going to use and they stick to that. However, my fear is, and I do not have much doubt about this, that if the regulation is not disallowed, and if we do get video poker machines in the Casino, the pressure on the Government to allow them in licensed clubs, at least, and possibly also in hotels, will be near enough to irresistible.

As the Hon. Trevor Griffin has already said, there are lobbies on this subject and there have been for some time, especially from the Licensed Clubs Association—and it is its prerogative to lobby. I have no doubt that if this regulation remains and the Casino has video poker machines, the pressure on the Government to allow them at least in licensed clubs, and possibly in hotels, will be close to irresistible. However, that is a different kettle of fish. People go to the Casino to gamble. The responsible ones—and most of them are responsible—will have made up their minds how much they want to gamble. Most people go to clubs principally to partake of social intercourse and to have a few drinks. They do not go there specifically to gamble.

If while they are there they are confronted with such pernicious forms of gambling as video poker machines or any form of poker machine, they are likely to be less responsible in how much they spend on the machines. Not having gone there to gamble, they may overspend. There is a lot of evidence about the effects of overspending, as the Hon. Trevor Griffin said. For this reason, I believe that if we do not disallow this regulation, we will, in effect, in the long run allow video poker machines in licensed clubs and also in hotels.

I come back to my basic reasons. The Liquor Licensing Commissioner should not have been directed to make the application. In particular, if the Government wanted to introduce video poker machines into the Casino, it should have had the guts to do it by way of an amending Bill to the principal Act. I support this motion for disallowance.

The Hon. R.J. RITSON: I, too, support the motion to disallow these regulations, and I hope that the Council will vote accordingly. I support my colleagues, the Hon. Mr Griffin and the Hon. Mr Burdett, on a number of points. I

will take first the question of government by regulation. I will not go through all the detail again, except to say that Parliament gives the Executive branch of Government powers of regulation with the purpose of greater enablement and facilitation of the Administration to carry out the will of Parliament—and not to go against it.

That is the fundamental relationship between principal Acts and regulations under those Acts. We give the regulation powers to enable the Administration to carry out the will of Parliament. It is an absolute abuse of parliamentary democracy to find a way of using those regulations to implement a principle which may have been debated during the passage of the principal Act and rejected by Parliament, yet we find attempts to enact it by way of regulation. That is thoroughly objectionable to me, and I am sure members have heard equivalent objections from my colleagues. On that point, I think the day may come when the Parliament will amend its procedures with relation to subordinate regulation so that these matters do not operate as law when laid on the table, but only when the House allows them.

It is possible to introduce amendments which, at the time of introduction, probably would not be allowed by Parliament; but if, between the time of introduction and the time when Parliament deals with it, an infrastructure has been put in place, money has been spent and people have been employed, it is much more difficult for Parliament to pull down what may have been built up in anticipation of the Parliament agreeing to the regulations. In this case a considerable amount of money, I assume, has been spent on machines. Therefore, it is a way of holding a gun to Parliament's head. That is the thin edge of the wedge.

If we allow these regulations to pass into law permanently, poker machines generally throughout society will not be far behind. This is a form of tax. It is a more indiscriminate form of tax than a direct tax. The Hon. Mr Griffin gave a figure of $5 million for the immediate effect.

The Hon. K.T. Griffin: $5 million net.

The Hon. R.J. RITSON: $5 million net take. When the wedge gets further in and we find more matters coming before us to proliferate these machines more widely throughout the community and the principle has been established, the Government will not be seen to increase this new tax, but the $5 million will quickly become $25 million. Therefore, the money gleaned from the community by the Government will silently multiply.

I remind Labor members that one of their prominent members expressed the view that poker machines should not proliferate in society. Many years ago the Hon. Frank Blevins, when he was sitting where the Hon. Mr Burdett is now sitting, was heard by me to say across the Chamber in relation to poker machines that they are a tax on the working class. I agreed with him. They are a tax. Out in the wider community it is not the high rollers who mindlessly stand pulling the handle; it is not the people who go to the races who stand—

Members interjecting:

The Hon. R.J. RITSON: I am saying that they should not be taxed. I quote again the Hon. Frank Blevins, who said that they are a tax on the working class. If members want to discuss it with him, they may do so. He said it; I did not. However, I agreed with him, so I am bringing it up again. He can explain it to members opposite.

I believe that the social effect will be significant. The social effect of the Casino, which I opposed in this Chamber, is fairly obvious when one walks past the news stand on North Terrace and sees a sandwich board on the pavement advertising pawnbroking services. That is a sign of the times.

I have no moral or theological objection to moderate gambling, but I observe that different forms of gambling recruit different sorts of people. The avid horseracing fan does not generally spend a large amount of time in other forms of gambling; he goes to the races. People tend to stick to one particular form of gambling. I believe that the proliferation of poker machines will recruit some new gambling money into the system. That is probably the intention—to recruit more gamblers—just as it is the intention of the tobacco industry to recruit more smokers. That is the intention of the Government. That is how the Government obtains this tax money, the money which the Hon. Mr Blevins described as a tax on the working class.

Finally, I want to state an objection which is broad and philosophical and which was my principal reason for opposing the Casino when that legislation was before the Council. This country is really at the threshold of banana day. The banana republic starts about tomorrow, I think. The rural downturn may only be a downturn in the microcosm but the world is standing on the brink of a major reorganisation with the changes in Europe; perhaps the United States of Europe is not far away. But right now there are leaders all over the world anticipating changes in power blocs and markets, in customers and suppliers. They are working out how their countries will participate in and profit from the rebuilding that has to be done.

Australia is in grave danger of being left at the bottom of the heap. Someone has to say this. The more we expend our energies on bread and circuses the less we, as a social grouping and as a society, will think of the gravity of our situation. Nero employed it to keep the people happy on the brink of disaster and Bannon has employed it. We still have not built the north-south railway but we have built the casino and we have nearly built the Entertainment Centre. The picture is there. Bread and circuses and banana day comes tomorrow.

That major sort of macro-philosophical point is, to me, an overriding reason to say, 'Let us stop the bread and circuses.' For that reason, and the reasons expressed by my colleagues, I support the motion for disallowance.

The Hon. R.I. LUCAS secured the adjournment of the debate.

PENAL SYSTEM

Adjourned debate on motion of Hon. I. Gilfillan:

1. That a select committee of the Legislative Council be established—
   (a) to review the current penal system in South Australia;
   (b) to investigate and assess proposals for change and reform applicable to the penal system in South Australia;
   (c) to commend any changes considered beneficial to the penal system in South Australia; and
   (d) to consider any other matters to the penal system in South Australia.
2. That Standing Order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

(Continued from 22 August. Page 460.)

The Hon. CAROLYN PICKLES: The Government will move two amendments to the Hon. Mr Gilfillan's motion to set up a select committee to look at penal reform in this State, and I will deal with those amendments later. Mr Gilfillan has stated that the select committee will not be

established in order to conduct a witch-hunt. Rather, it will provide 'a unique opportunity for constructive reform of the penal system in South Australia'. Given such a constructive approach, the Government would welcome a forum which would allow open discusion of the inter-relationship of the criminal justice agencies and their policies, the costs of imprisonment and the cost to South Australian taxpayers of policies which lead to increasing prisoner numbers. Notwithstanding this, the Government has real concern about negative consequences which may well arise from the establishment of this select committee. The Government would argue that constructive reform has been the significant feature of correctional services in South Australia during the past eight years. Major legislative programs and policy initiatives have occurred, as well as significant aspects of the capital works program.

The Government has a far more satisfactory level of resource allocation than was the case in the early 1980s. The key indicators of resource commitment by the Government all show significant increases, as revealed in the table, which I seek leave to incorporate in *Hansard.*

Leave granted.

	1982-83	1989-90
Staff numbers	630	1 172
Cost of salaries	$14.8m	$40.5m
Cost of other recurrent expenditure	$8.1m	$27.8m
Capital expenditure[1]	$3.0m	$15.1m

(1) Capital expenditure has totalled $110 m since 1982-83 and a further $17 m has been allocated in 1990-91.

The Hon. CAROLYN PICKLES: These increases have been provided, despite stringent economic times, because of the Government's commitment to meaningful penal reform. The changes that have been made to the South Australian correctional system during the past eight years have put a framework in place which enables the Department of Correctional Services to feel confident about undertaking basic reforms in the role of correctional officers and their inter-relationship with prisoners. They are consistent with the Danish model. The honourable member's motion is deliberately broad, so there can be no certainty as to the areas that the committee will address. He has, however, publicly stated support for the Danish model of prison management and it would seem very likely that the committee will spend some time considering this.

Some of the possible costs of a select committee at this time are more problematical. First, some lobby groups or prisoners may attempt to use the select committee to 'tip a bucket' over staff. This would strain relations between staff and prisoners, as well as between staff and management at a critical time in so far as award restructuring and changing the role of correctional officers are concerned.

In summation, the Government will not have the numbers to defeat establishing a select committee, and would therefore agree to an objective public discussion of broad, basic issues relating to the level and cost of imprisonment. However, if the select committee becomes an arena used by inmates to air minor or major grievances better resolved elsewhere and makes its recommendations without regard to available resources or, through a lack of focus, leads to duplication of effort, the Government would have real concerns about the cost-benefits of this exercise. The honourable member has the numbers to proceed, but it is the Government's view that it would be more effective if its terms of reference required it to review standards and principles rather than particular grievances, take cognisance of the restrictions placed upon correctional management by the policies and programs of other criminal justice agencies and give due consideration to existing levels of available resources.

Mr President, I move the following amendment:

Paragraph 1—After paragraph *(d)* insert the following new paragraph:

(e) to make any recommendation for change within the constraints of the existing level of resources available for the penal system.

I move that amendment because the Government wishes to make quite clear that it will not support any moves by the select committee to make any recommendations that will have an inbuilt cost component that may be additional to the existing level of resources that has been allocated in the budget. The Government has made quite clear that it will not support any extravagent measures that the honourable member may have in mind. South Australia has the highest cost of maintaining a penal system in Australia and, some would say, one of the highest levels of maintaining a penal system in the world. Unless the select committee wants to suggest where further resources come from, the reality is that expansion in this area has ceased.

I move the following further amendment to paragraph 2:

That the committee consists of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and—

The Government has consistently moved this amendment on select committees because we believe that this has been the tradition in this Council until recently when select committees have taken the form of political footballs rather than the sensible forums that they used to be. Six members is the appropriate number.

Irrespective of comments that have been made in the past, Government members have attempted at all times to give due attention to the outcomes of committees and, particularly in this session, some of the select committees that I am serving on which have six members are working extremely well, and members who have diverse views on issues have come together to attempt to formulate what I believe will be a sensible report. It is a pity that select committees in this place have stooped, in my view, to an all-time low of becoming political footballs. I hope that this committee will not stoop to that level, and I am sure that those members who serve on the committee will attempt to ensure that that does not occur. I have therefore moved those two amendments, which have been circulated. I understand that the Hon. Mr Irwin has another indicated amendment to my first amendment which the Government will probably have no objections to, if he is moving it in the same form that I understood earlier. The Government realises that it does not have the numbers to oppose a select committee. We hope that the committee will work constructively and that it will not become a political football, as could very well happen in this case.

The Hon. J.C. IRWIN: It is probably out of place for me to say so now, but I must say I find it very difficult to hear in this Chamber. Although the acoustics have been praised before, I find the Hon. Ms Pickles difficult to hear. I wanted to hear what she had to say, because we are supposed to be debating and not just doing set pieces all the time. Dare I mention that when in the gallery I cannot hear at all. It was very difficult in here in Estimates Committees to hear what Ministers were saying, because they were facing away. People in the gallery could not hear a single word. We ought to think about that, and do something about upgrading the microphone system, or perhaps shout a bit louder.

Having said that, I state that the Opposition supports the Hon. Ian Gilfillan's proposal that a select committee be established to review the current penal system in South Australia and to look at proposals to change and reform the system now operating in this State. I intend to be as

brief as possible, because there is no doubt that a select committee will be established, and the sooner we get on with it the better.

My predecessor, as Opposition spokesperson on correctional services, the member for Mount Gambier in another place (Hon. Harold Allison), was well advanced in planning the Opposition's arguments for a select committee into the penal system when he decided to concentrate his efforts on the marginal seat of Mount Gambier earlier this year. It was not difficult, therefore, for the Opposition to support the terms of reference put forward by the Democrats which we are now debating. If I recall correctly, our work on the idea of a select committee into the penal system in the State arose from the unrest in the prisons in South Australia earlier this year. There was a long drawn-out prison strike at Yatala, at times reaching crisis point. There have been disputes between police and correctional services officers regarding the responsibility for transport and care of prisoners on remand—

An honourable member: In New South Wales. They all burnt down over there.

The Hon. J.C. IRWIN: Why have you got an obsession with some other State? We are worrying about this State at the moment. If one was to cast one's mind back to the time I am talking about, one would recall that there was a crisis point here: they damn nearly did burn the prisons down. So, we hope that by having a select committee we can collectively give advice to the Government about a better way to run the penal system in this State. As I said, there were disputes between police and correctional services officers regarding the responsibility for the transport and care of prisoners on remand between gaols and various police watchhouses. In May this year more than 50 prisoners were released because of the police bans that were being imposed at the time. One offender reoffended, having been released on that occasion. There were attacks on prison warders, while in another case a prisoner was stabbed to death. That case has not yet been sorted out.

The Director of OARS, through personal contact and through the 1989 annual OARS report, has raised the need for alternatives to imprisonment and improvements in the gaol structures. I am pleased to note that there are improvements in the physical structure of the gaols and that this is happening at this very moment. The Director has emphasised the need for increased attention to be given to rehabilitation through educational and vocational training. The Director of OARS has pointed out the need to encourage staff development and training as a very high priority. With the obvious increase in stress levels that have been uncovered as recently as the Estimates Committee, there is a great need for counselling of prison staff.

For my part, as a relative newcomer to the shadow portfolio for correctional services, I welcome the opportunity to have a first-hand look at the system and to examine the ideas which will be put to the select committee to make our system work better—ideas which I hope will come from systems that are operating successfully not only in this country but around the world. I have no preconceived ideas and hope that I can offer an objective and positive approach to the work of a select committee. I hope that the select committee will have an opportunity to look at the best of the penal systems in the other States as well as take evidence from them. We may have a chance to look at them. In particular, we should look at the privately run gaol, Borallan in Queensland, and while in Queensland meet a number of people, particularly the Reverend Allan Male of the Shaftesbury citizens centre, which assists in the rehabilitation of young offenders and contracts to the Government to house 20 prisoners at a time on work release. It is a very successful program, which we should look at. I had the pleasure of listening to the Reverend Allan Male when he was the guest speaker recently at the OARS AGM. Incidentally, the Shaftesbury Centre's motto is, 'It's better to build a boy then to mend a man.' I would say that that is something at which we should be aiming.

There is no question that in an ideal world we would not have anyone in our gaols and that we would not therefore need gaols to be built at all, but, as we are acutely aware, every day in this place we do not have an ideal world. We do have those among us who will offend in one way or another against their fellow man and who will offend to varying degrees of seriousness.

The select committee will not get to look at the causes of crime and how we can reduce it, but we should never lose sight of the fact that a major aim of society must always be to treat the cause and not just concentrate on the effect. This select committee will very much look at the effects and how to deal with them rather than of why people are in the penal system in the first place. This committee, by the very nature of its terms of reference—which we accept—will have as its starting point a rising crime rate in this State. The gaols are full, and innovative schemes such as home detention and community work orders are helping to ease the pressure in and on our gaols and rehabilitate offenders as quickly as possible.

Even if new gaols are being built, and old ones renovated, as they are, they will still be filled in pretty quick time. One has only to look at today's release of the report by the Commissioner of Police on the crime rate in this State to see that it is not steady. It is not going down. Indeed, in many instances it is rising. We as a society must find a balance between using the penal system to punish and deter offences against society and to help rehabilitate offenders so that they do not reoffend and to preserve the rights of offenders to suffer their penalty with some sort of dignity.

We must reverse the unfortunate trend that going to gaol is a status symbol. We must not lose sight of the fact that correctional services officers have a difficult and onerous task to perform in the penal system. As is now well known from the Estimates Committee, there has been a huge increase in workers compensation premiums to cover prison officers. In simple terms, the premiums have risen from around $1 million per annum to something around $6 million. They have probably risen to cover the major area of stress, and we need to find out why this is so and what can be done to alleviate this growing problem.

It would be my guess that some of the stress symptoms would start in the home where the harsh economic factors are wreaking havoc before they even start going to work. The select committee will not and cannot look at this basic problem, but it can (and I hope it will) look at reducing stress in the work place, the prisons.

The Opposition supports the appointment of a select committee and hopes that it can make a positive achievement and give positive advice to the Government. We believe changes are needed, and the Government must be encouraged to make the correct decisions. It is my intention first to indicate that the Opposition would make a slight variation to the first amendment moved by the Hon. Ms Pickles. We reject the second amendment put forward by the Government altering the size of the select committee. I move the following amendment:

In paragraph 1, proposed new subparagraph *(e)*, to leave out 'within the constraints of the existing' and insert in lieu thereof 'conscious of the'.

I was rather amazed that we needed to have this addition to the terms of reference, because I would have thought

that any select committee with responsible members of Parliament would be somewhat conscious of the constraints of Government in its money supply and certainly would not in a majority decision make outrageous decisions that the Government felt it might have to follow, especially bearing in mind that select committees do not lay down the rules: they give advice, and it is up to the Government to follow them.

It would be far better for Governments to get their priorities right. The penal system, if it needs more money, should have more money. If police numbers need to be increased in this State because it is a primary service to the community, then they should be increased, no matter what the numbers are in other States. With the crime rate going up, police numbers should go up on that score alone. I argue that the Government should damn well find the money from its resources and dispense with some of the things which it takes on and which have no relevance at all to Government activity in this State.

I bring out the tired old timber ventures. Why are Governments involved in these matters? Why are they wasting millions of dollars in this way? Why are they taking on health services? Why are they running hotels? Why are they running hospitals in the private health system? It is a nonsense. It is not a priority for Government funds. The first, second and third priorities in this State are the Police Force, the education system and the health system.

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: If the Minister looks at what some of the Government's offshoots are doing with SGIC and other Government ventures and what they are doing with their money in competition with the hospitals in the hospital system, she would see what I mean.

The Hon. Anne Levy: That is a level playing field.

The Hon. J.C. IRWIN: It is generally not a level playing field and, if you want to get on to this argument about level playing fields, let us talk about the Timber Corporation.

The PRESIDENT: Order! The Hon. Mr Irwin.

The Hon. J.C. IRWIN: I leave it on that point. I do not want to be drawn out on that matter or to prolong this debate any longer. Having moved that amendment and said what I have, I reiterate that we will support the setting up of a select committee.

The Hon. I. GILFILLAN: I thank members who have spoken in support of the motion and acknowledge that the members who have not spoken have accepted the value of such a committee. I indicate that the Government's response as given by the Hon. Carolyn Pickles was welcome. I believe that there is a genuine intention on the part of the three Parties involved that this select committee will be productive. It will not be a forum for political point scoring or confrontation. In arguing for the need for this select committee, I have said that repeatedly.

The Hon. T. Crothers: Why change the number from six to five? In the last Parliament we had six and the composition of the Council was 10, 10 and two.

The PRESIDENT: Order!

The Hon. T. Crothers: It has not changed and we went from six to five.

The PRESIDENT: Order! The Hon. Mr Gilfillan.

The Hon. T. Crothers interjecting:

The PRESIDENT: Order! The Hon. Mr Gilfillan.

The Hon. I. GILFILLAN: The interjection relates to the numbers involved in select committees, and I remind the Hon. Trevor Crothers that traditionally select committees have comprised five members. The six members have usually—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Gilfillan is responding.

The Hon. T. Crothers interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: Is it possible to provide some verbal protection from my left wing?

The PRESIDENT: I was trying to. The Hon. Mr Gilfillan.

The Hon. T. Crothers interjecting:

The PRESIDENT: Order! The Hon. Mr Gilfillan.

The Hon. I. GILFILLAN: The six members of the committee usually comprised three Government members and then either three Opposition, or, in latter days, two Opposition and one Democrat member. Under the Standing Orders applying to select committees, a decision or a motion can be negated by three members of a committee voting against it. This meant that it was possible, and it occasionally occurred, for productive progress of a committee to be frustrated because of the composition of the committee whereby three represented one Party. What will actually occur in select committees comprising five is that a majority of that select committee will be able to proceed with decisions that that majority believes to be appropriate. It is unfortunate that some vociferous criticism is coming from the Government benches.

Members interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: This criticism already presumes that there will be divisions in select committees along Party lines. I say that that is an unnecessary fear if we accept that all members who offer to sit on select committees do so because they are determined as individuals to serve this Parliament in one of the unique structures that we have available to us for objective non-Party assessments of issues that are of concern to the State.

This issue of penal reform fits exactly into that category, where no Party point scoring should be made from it. I believe, and I still do in spite of the interjection—

Members interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: I believe—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Gilfillan.

The Hon. I. GILFILLAN: —and have every confidence that the members whose names have been supplied to me as being willing to serve on this committee will contribute personally to its work and will not be dominated by any point scoring or Party political pressure.

I do not believe that the Government should be nervous about the work of this select committee and, from what I could hear of the Hon. Carolyn Pickles' speech, it was constructive and a good contribution in preparation for the select committee. She did mention that, through approaching the select committee, there would be some concern that lobby groups of prisoners could cause trouble with management, staff and prisoners. I would ask her to consider that those members on the committee are responsible members of Parliament who are able to make their own judgment on these matters, and I believe that we are unlikely to be taken for a ride by any particular group. Our job will be to examine and question until we get the truth of the situation from all points of view in the prison systems in our State. I indicate that the Democrats support the amendment moved to the original amendment by the Hon. Jamie Irwin. The Democrats will support the appointment of five members to the committee.

I also acknowledge that several members of this place have joined with me in visits to prisons, in particular to

Yatala, and I remind the Council, Mr President, that you have been a frequent visitor and have shown a personal interest in and concern about the prison system. I hope that in some ways you may be able to contribute to the work of the committee. Once again, I thank members for their indicated support for setting up the select committee. It is important that we hear from Mr Erik Andersen from Denmark, who is here only until the end of this month, and I look forward to the committee's work being constructive and helpful to whatever Government is in power in improving the effectiveness and reducing the cost of our penal system in South Australia.

The Hon. Mr Irwin's amendment to the Hon. Ms Pickles' first amendment to paragraph 1 carried; the Hon. Ms Pickles' amendment, as amended, carried.

The Council divided on the Hon. Ms Pickles' amendment to paragraph 2:

Ayes (8)—The Hons T. Crothers, M.S. Feleppa, Anne Levy, Carolyn Pickles (teller), R.R. Roberts, T.G. Roberts, G. Weatherill and Barbara Wiese.

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

Majority of 3 for the Noes.

Amendment thus negatived; motion as amended carried.

The Hon. I. GILFILLAN: I move:

That the select committee consist of the Hons I. Gilfillan, J.C. Irwin, R.J. Ritson, R.R. Roberts and G. Weatherill.

Motion carried.

The Hon. I. GILFILLAN: I move:

That the select committee have power to send for persons, papers and records, to adjourn from place to place, to sit during the recess and to report on Wednesday 21 November 1990.

Motion carried.

STATE TRANSPORT AUTHORITY BUSINESS PLAN

Adjourned debate on motion of Hon. D.V. Laidlaw:

That the Legislative Council take note of the State Transport Authority Business Plan 1987-88 to 1991-92, released in May 1990, and in particular—

1. The projected growth in the cost to the Government of providing the community with public transport services; and
2. The downward trend in the demand for and patronage of STA services.

(Continued from 5 September. Page 679.)

The Hon. T. CROTHERS: I rise to reply to this notice of motion by the Hon. Miss D.V. Laidlaw in respect of the State Transport Authority Business Plan. I will commence by dealing with the carpings made in the Hon. Miss Laidlaw's remarks about paragraph 2 of her motion. I note that she was very critical about the decline in use by passengers of the STA's services. It is perhaps worth quoting her verbatim on this particular subject. She said:

> The consumers themselves are telling the Government that they are unhappy with the service provided because they are resisting using that service and, in fact, the number of passengers using STA vehicles is declining to an alarming level.

She also is I suspect, although in an indirect way, critical of the Government's policy of giving the concession of free travel to students and concessions for pensioners on our State transport system. In her speech today in relation to rail services in South Australia the honourable member was critical of the Federal Government for not spending enough money on passenger rail services in rural areas whilst, at the same time, in the motion before us, the honourable member criticises the State Government very strongly for the fact that it is spending too much of taxpayers' money in providing the passenger services that it provides.

The Hon. Diana Laidlaw interjecting:

The Hon. T. CROTHERS: Let the facts speak for themselves. They are recorded.

The Hon. Diana Laidlaw interjecting:

The Hon. T. CROTHERS: I am about to come to that. If the honourable member listens, she may yet learn. As I said, I suspect that in an indirect way, the honourable member is being critical of the Government's policy of concessions for free travel to students and concessions for pensioners on the State transport system, when she says that the small increase gained in patronage by these concessions was gained at considerable cost to taxpayers. There it is! If that is not being critical of the students and pensioners in our society, I will eat my hat.

This type of criticism really shows me the absolute lack of understanding on the part of Miss Laidlaw and members opposite of what public transport systems are all about. The fact of the matter is that they are there for the use of the citizens who choose to use them or, indeed, for the use of members of the public who do not have any other means of transport, such as pensioners and students—two classes of people in our society who number amongst the most disadvantaged in our community.

I note that no criticism is ever made by Miss Laidlaw or her Party about the amount of money that the State Government pays out each year in subsidies in its ceaseless efforts to try to attract business to South Australia or, indeed, about the money spent on providing infrastructure for it, such as the supply of roads, water and electricity—nor indeed should they be critical. However, they must be consistent and they are not. The honourable member will never get an argument out of me about the Government's attempts to attract business and, therefore, employment in respect to the welfare of the people of this State.

The supply of these essential services and, indeed, public transport, is this Government's business or, indeed, the business of any other State Government that happens to be in power at any time. Had the honourable member done her homework she would have found that the downward trend in passenger journeys is not inconsistent with international trends. For example, the OECD is on record as stating that there appears to be a general 2 per cent downward trend in the use of public transport in industrialised countries. The OECD attributes this to increasing prosperity and higher levels of car ownership, along with changes in urban form and shape and the composition of urban populations.

One other factor that this Council should consider is that the Government has never been short of cost consciousness when it comes to taking hard decisions in relation to the STA. Remember the closure of the rail passenger service to Blackwood? I certainly do. It was an economically correct decision by the Labor State Government. However, when we looked at it we found that the Hon. Miss Laidlaw's Party was very critical of that decision, which was taken to try to prevent the Government subsidies from climbing to too high a level. So, again, we find that there is a lack of consistency in what the Liberal Party is all about in respect to State public transport—at least in the expression of what it is all about through the eyes and voice of the Hon. Miss Laidlaw, on behalf of the Liberal Party.

When the Government closed the Blackwood rail passenger service, it still provided for a bus service to take the place of the rail service that was then not available to people who lived in the Blackwood area. I may be wrong, but in quoting the figures as I remember them, the subsidy for a

passenger on the Blackwood train was $12 per head per day, whereas the Government subsidy to bus the passengers who lived at Blackwood was $8 per head per day. In my view, that shows complete economic rectitude on the part of the State Government and the Minister of Transport at the time.

Perhaps the lesson to be learnt from the Opposition's point of view about the Blackwood rail closure is that Miss Laidlaw and her Party will only take public stances if they believe there to be some electoral mileage in it for them. But, whatever their reasons, I hope that they can understand that that decision by the Government has also assisted the decline in passenger usage of the STA.

The Hon. Peter Dunn: If you can't stand the heat get out of the kitchen.

The Hon. T. CROTHERS: Well you have to find a chef first before you go into the kitchen; you haven't got one yet. Chef Baker is not going too well in the other place. In dealing with paragraph 1 of Miss Laidlaw's notice of motion, I should like, first, to reflect on some comments made by the new Auditor-General which were used at large by Miss Laidlaw in her contribution. She said:

> Further, the Auditor-General refers to an ongoing consultant's review of STA labour costs and productivities compared with similar operations in Perth and Brisbane.

The quote goes on, 'While it is cute'—and I pause here before continuing to consider whether or not the appearance of the word 'cute' is an accurate reflection of what the honourable member intended to say. It appears to me, after considering the rest of the paragraph, that the word she intended to use was 'true'.

The Hon. Peter Dunn interjecting:

The Hon. T. CROTHERS: You want to read it, Mr Dunn. If you do, you will be the first Liberal Party member to read it. If this is so, it conveys to me that the Hon. Miss Laidlaw did not take the trouble to check her proof copy of *Hansard*—

The Hon. Diana Laidlaw: No; it's cute.

The Hon. T. CROTHERS: —but perhaps this lack of commitment to homework is typical of her approach to the whole question of the STA's business plan. However, if I am wrong—

The Hon. Diana Laidlaw: Which you are.

The Hon. T. CROTHERS: —and her usage of the word 'cute' was intended, then I must say that the paragraph makes no sense to me, and it may be that instead of diligence being the watchword, a speech therapist could well be the answer. However, I will go on with the quote of Miss Laidlaw—and I want members to listen to this and to tell me if they think it makes sense:

> While it is cute that the STA General Manager told the Auditor-General last April that the authority remained committed to the efficiency objectives of the business plan, I wonder when, if ever, we are going to see any action.

If the honourable member had taken a little bit of trouble, as I did, she would have found out that very meaningful discussions have already taken place between the STA and its employees on the very issues of labour costs and productivities—

The Hon. Diana Laidlaw: Discussions.

The Hon. T. CROTHERS: Just listen and you will learn. But, no, she did not choose to do that. Instead she quoted the new Auditor-General and left it at that—something which I find appalling, especially when it is going to be part of a public record. Anything goes, it would appear, particularly if it serves its purpose of having a public go at the Minister and the employees of the STA and their representatives. Even the most casual approach to STA management would have revealed that, since the opportunities for the restructuring of awards have come about through the ACTU's present policies, the STA has placed greater emphasis on achieving that restructuring and has given precedence to them over other business plan projects, as it believes, and I agree, that achievement in that area as soon as possible will have greater and longer term benefits in economic terms than would any business plan that could be devised.

Already a number of award and work practice changes have been agreed, and these, together with decentralisation of functions to strengthen depot management, are expected in due course to provide handsome savings. A new award, called the Bus and Tramways Interim Award of 1989—an award of one year ago—will, over a period of time, replace three existing awards. This award will provide for a multi-skilling of tram drivers. It will merge the classifications of load checking, queue selling, conducting and tram driving into one classification. The two classifications of bus cleaning and depot cleaning will be merged into a single classification of bus driving. A further classification in the award is where the employee may undertake the functions of bus driving, training of other bus operators and the provision of administrative support in the depot during a shift has also been agreed to, as indeed has been the introduction of permanent part-time employment. To that end, registration of interest pamphlets were distributed to all bus operation employees in the week ending 10 August this year. Replies, as they come in, are being reviewed to determine whether they can be accommodated within rosters. In addition to the foregoing three new award provisions, there will also be a revised award clause which will provide greater flexibility in the temporary transfer of employees between bus depots.

I put it to honourable members that one does not have to be an Einstein, or even a 'cute' Einstein at that, to perceive that an operation like the STA's, with all its peaks and valleys as to when passengers use its services, cannot help but benefit enormously from these award changes which have as their main thrust greater flexibility in the use of employees at times of peak usage, a process which in economic terms must help to reduce the dependence of the STA on Government subsidies more than any other action the STA could undertake, even those incorporated in the present business plan.

While I notice that Miss Laidlaw seemed to concentrate all of her energies on the bus-passenger side of the STA's operations, I will, for the information of the Council, indicate that the STA and the Australian Railways Union are finalising negotiations to introduce new career classification structures in the areas of rail operation. The STA is also at the moment progressing negotiations with unions representing its salaried, professional and technical employees, and I understand that there is a very fair chance of that award being in place prior to Christmas 1990. Likewise, the STA is negotiating with its tradesmen employees to put in place a new award based on the National Metals model, which achieved very high praise from the National Metal Employers' Federation. All of these industrial negotiations, some of which are already in place, with the others, I believe, shortly to follow, will give the STA greater scope and flexibility on how and where it deploys its employees and cannot help but reduce the economic dependence of the STA on State Government subsidy.

Having said that, I point out that the Government economic subsidy will never be done away with. Public transport is a public necessity and I know of no country anywhere which does not have to subsidise its public transport operations. I believe that the STA and Minister Blevins should be congratulated on seizing the initiatives which the ACTU's present policy have given them in respect of award restruc-

turing. I believe that the officials of the unions involved must also be paid a tribute for their realistic approach to what, thus far, have been very successful and fruitful negotiations.

Whilst I recognise that the Government must be answerable for them in this place for its policies (such, indeed is the Westminster system, and I for one would not have it any other way), I feel that it is regrettable that the Hon. Ms Laidlaw did not trouble herself sufficiently to delve deeply enough for the facts—not, as I found out, that she would have had to delve too deeply in any case. However, had she done so, it may have prevented the valuable time of this Chamber and its staff being used in what I can only describe as the honourable member chasing after electoral moonbeams. I am sorry I have had to be so hard on the honourable member but on this occasion I believe she really—

The Hon. Diana Laidlaw interjecting:

The Hon. T. CROTHERS: That makes two of us and coming from the honourable member I take that as a great tribute because she would know irrelevance when she sees it. On this occasion she has really not done her homework. Suffice for me to say that it must be extremely difficult for any public transport planners to formulate a business plan given, for example, the present-day vagaries of calculating fuel costs and, indeed, most other costs that come into play in the transport arena. Who, for example, in our community could have foreseen three months ago the skyrocketing costs of fuel, an escalation of costs brought into play by the invasion of Iraq into Kuwait and the subsequent events. Who knows for how much longer those events may continue. That concludes my remarks except to say that in my view and the view of any objective person, this Government has nothing to answer for or be ashamed of in the way its members and Minister Blevins have handled the affairs of public transport in this State, a system that has served, and indeed continues to serve, the citizens of South Australia very well. Finally, it is my certain knowledge that by far and away the biggest majority of the service's users are well-satisfied with what is provided. If ever there was a waste of taxpayers' money no greater example could be alluded to than the time that has been spent in debating a subject matter that really must come awfully close to being the biggest non-event of the last parliamentary decade.

The Hon. R.J. RITSON secured the adjournment of the debate.

HOMESURE INTEREST RELIEF BILL

Adjourned debate on second reading.

(Continued from 8 August. Page 94.)

The Hon. R.R. ROBERTS: The Government again opposes this Bill. This Bill has been before this Council in the last session of Parliament and it fell over when the Chamber rose. I want to make this contribution reasonably short. This is an identical Bill to the one that has been passed by this Chamber, and to recanvass the arguments that were canvassed on the last occasion seems a waste of time, especially at this time of night. However, I would direct members to review the discussion that took place on the last occasion and to remember the debate, in particular, the debates that took place when the matter was in Committee. As I explained on the last occasion on which I addressed this matter, the motion was of a political nature at the time and those remarks were borne out by the lack of information and detail that was revealed when we debated the clauses of this Bill. However, one does not want to go on all night about this, but just to say on behalf of the Government that our position has not changed. However, we do recognise the realities of the state of the Council and, given that there has been an indication of support for this Bill from the Australian Democrats, I would simply indicate the Government's opposition to the reintroduction of this Bill and urge members to throw it out on this occasion, although I do that with full knowledge of the state of numbers in the Chamber.

The Hon. R.J. RITSON secured the adjournment of the debate.

MARINE ENVIRONMENT PROTECTION BILL

In Committee.

(Continued from 6 September. Page 762.)

Clause 20—'Term of licences'.

The Hon. DIANA LAIDLAW: I move:

Page 7, lines 33 and 34—Leave out 'not more than one year expiring on a common day fixed by the Minister' and insert 'one year'.

The clause currently provides that, in respect of the term of licences, all licences under this Act are to be granted for a period of not more than one year, expiring on a common date fixed by the Minister. That would mean that a person could have a licence for three or six months up to a common date fixed by the Minister, for instance, 30 June and, while I am not sure of the number of licences that will ultimately be issued under this legislation, it seems to us quite pointless administratively to be having all the licences that are issued expiring on the one date. It would be far more practicable if, from the date a licence is issued, that licence is valid for a full year. That is the basis of the amendment.

We believe that this would be administratively far more convenient. As I say, while I do not know the number of licences to be issued, if there are several hundreds or thousands, administratively it would be a nightmare to have a common date. It would certainly create severe problems in allocating staff to deal with an issue which need not have any reason to arise and which could be dealt with much more easily by my amendment.

The Hon. ANNE LEVY: The Government has no problems with this amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 7, lines 35 and 36—Leave out 'from the day on which it is granted until the common day fixed by the Minister' and insert 'for the period for which it was granted'.

This amendment is consequential.

Amendment carried; clause as amended passed.

Clauses 21 to 25 passed.

Clause 26—'Notice to be published of action relating to licences.'

The Hon. DIANA LAIDLAW: I move:

Page 9, line 16—Insert 'in the *Gazette* and' before 'in a newspaper'.

The Liberal Party is moving that the notice of action relating to licences should be published not only in a newspaper circulated generally in this State, which is the provision in the Bill, but also in the *Gazette*. As we all know, it is very easy in these circumstances of so many papers coming across our desks to miss such notices in a local paper, either one circulating throughout the State or one specifically confined to a local area. We believe that matters which have

the importance of these licences should also be given notice in the *Gazette*.

The Hon. ANNE LEVY: As the Minister in charge of State Print which produces the *Gazette*, I am delighted to find that the honourable Ms Laidlaw is such an avid reader of this publication. In view of that, I am happy to accept the amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 7—
Line 21—Leave out 'set out'.
Line 22—Insert 'set out' before 'the name'.
Line 23—Insert 'set out' before 'the location'.
Line 25—Leave out 'and'.
Line 26—Insert 'set out' before 'such details'.
After line 27—Insert—
'and
(d) invite public comment.'

I would remark in respect of the *Government Gazette* that I find it one of the most useful publications that come across my desk. I certainly support the continuation of the *Gazette*, Minister. It is a very valuable source of Government information.

My amendments are a very complicated way of simply including a reference to the fact that the notice to be published must set out a number of matters, namely, those provided in the Bill, including the name and address of the applicant or licensee, etc., and must also invite public comment. That is all that the Liberal Party is trying to achieve by these amendments—simply to invite public comment.

The Hon. ANNE LEVY: The Government is happy to accept this group of amendments.

Amendments carried; clause as amended passed.

Clauses 27 to 31 passed.

Clause 32—'Power to require lodging of bond or pecuniary sum to secure compliance with the Act.'

The Hon. ANNE LEVY: I move:

Page 14, lines 23 to 25—Leave out paragraphs *(a)* and *(b)* and insert 'not contravening any conditions of the licence fixing standards in relation to the discharge, emission, depositing, production or disturbance of pollutants by the licensee'.

After line 25—Insert subclauses as follows:

(1a) A condition of the kind referred to in subsection (1) may not be imposed in respect of a licence except at the time of the grant or renewal of the licence.

(1b) The Minister may not, by a licence condition under subsection (1), require the lodgment of a bond or a pecuniary sum of an amount greater than the amount that, in the opinion of the Minister, represents the total of the likely costs, expenses, loss and damage that might be incurred or suffered by persons as a result of a failure by the licensee to satisfy the conditions of discharge or repayment of the bond or pecuniary sum.

Lines 31 to 43—Leave out subclauses (3) and (4) and insert subclause as follows:

(3) Where a licensee fails to satisfy the conditions of discharge or repayment of a bond or pecuniary sum lodged with the Minister, the Minister—

(a) may determine that the whole or a part of the amount of the bond or pecuniary sum is forfeited to the Marine Environment Protection Fund;

(b) may apply from the fund any money so forfeited in payments for or towards costs, expenses, loss or damage incurred or suffered by the Crown, a public authority or other person as a result of the failure by the licensee;

(c) may, in the case of a pecuniary sum, on the expiry or termination of the licence and when satisfied that there are no valid outstanding claims in respect of costs, expenses, loss or damage incurred or suffered as a result of the failure of the licensee, repay any amount of the pecuniary sum that has not been forfeited to the fund.

These amendments together form a whole. These amendments are being moved at the request of the Chamber of Mines and Energy Inc. and they spell out in detail what was always understood but had not been clearly spelt out in the legislation prior to representations from the Chamber of Mines and Energy Inc. They relate to the conditions of the bond and that the total of the bond represents the total of the likely costs, expenses, loss and damage that might be incurred as a result of failure by the licensee to satisfy the conditions.

Then, in relation to lines 31 to 43, where the conditions of the bond are not satisfied, the Minister may determine that the whole of the amount of the bond is forfeited to the Marine Environment Protection Fund and may apply from the fund any money so forfeited in payment for or towards the costs, expenses, loss or damage incurred as a result of the failure by the licensee to fulfil the conditions of the licence.

When the licence terminates and where there are no outstanding claims in respect of costs, expenses, loss or damage, that part of the bond which has not been forfeited to the fund can be repaid. This amendment spells out in detail the size of the bond and what will happen to the bond money under various situations. I reiterate that, although it was always intended that this was the way the bond would act, the suggestion to include this amendment was made by the Chamber of Mines and Energy.

The Hon. DIANA LAIDLAW: The Liberal Party welcomes this amendment, and we are pleased that the Government has been able to accommodate the Chamber of Mines and Energy's concerns about this matter. Considering that the Bill has been before both places many times (although I expect this issue of bonds is a further addition to this legislation), I add that it is rather disappointing that it has taken such a long time for the chamber to be directly involved and invited to participate in consultations in relation to this Bill. Notwithstanding those concerns, I know that the chamber has been pleased with the cooperation received in more recent times and certainly the Liberal Party would support these amendments.

Amendments carried; clause as amended passed.

Clause 33—'Review of decisions of Minister.'

The Hon. DIANA LAIDLAW: I move:

Page 15, line 2—Leave out 'District Court' and insert 'Supreme Court'.

This amendment relates to the review of decisions by the Minister. The Bill suggests that such reviews should be heard by the District Court. The Liberal Party feels very strongly, particularly because potentially there are such heavy financial penalties, that this matter should be heard in the Supreme Court. I understand that there are precedents for that course.

The Hon. K.T. GRIFFIN: I am happy to support this amendment, because there are some very compelling reasons why decisions of the magnitude which are to be the subject of review ought to be reviewed by the highest court in the State and not just by the District Court.

Decisions against which an appeal lies are decisions of the Minister made in relation to a licence or an application under Part IV of the Bill. Part IV deals with a number of issues concerning the control of discharges into the marine environment, and an appeal lies from a decision requirement or direction of the Minister under Part V. Part V deals with certain enforcement provisions.

Now, the penalties, which, of course, are not subject to review in the same context, are nevertheless very high. Quite obviously, those penalties will be considered on any prosecution, which is different from the review process envisaged by clause 33, but the granting of a licence or attaching a condition can have some very significant ramifications for the applicant for the licence and the cost can run into millions of dollars in some instances. I recognise also that

there may be a somewhat smaller decision against which an appeal is sought to be made, but we have to look at the broader issue. It seems to me that, because of the range of decisions that may be subject to review and the likely cost to the applicant for a review, it is safer to have judges of the Supreme Court undertaking that review than judges of the District Court. It is for that reason that I would feel much more comfortable with a review by the Supreme Court than by the District Court. The Minister may respond that that adds an increased cost. I must say that that is unlikely to be so because the legal costs attaching to reviews in the District Court would probably be the same as the costs of review in the Supreme Court, more so at the level where the decision on which the review is undertaken has such substantial ramifications for a licensee.

These days one finds that with the more significant cases that are taken in the District Court civil jurisdiction, cases where the consideration is $100 000 or less, or $150 000 where it is a personal injuries claim, usually the costs are very little different from the costs in the Supreme Court. We have to remember that in the civil jurisdiction of the District Court they deal only with decisions up to $100 000 in all cases except in personal injury cases, where the limit is $150 000. I suggest that the likely consequence of a ministerial decision against which a review is sought are likely to be very much more than that limit. Again, that is another reason for holding to a view that a review by the Supreme Court, because of the gravity of the decision, is more appropriate than by the District Court.

The Hon. ANNE LEVY: The Government opposes this amendment and does so very strongly. Despite what honourable members opposite have said, there is no doubt that there are far greater costs involved in appearing before the Supreme Court compared to the District Court. By insisting on the Supreme Court, one is adding to costs, which will particularly affect small individuals. It will particularly restrict the ability of third parties who may wish to appeal and probably also smaller licensees will be unable to appeal because of the greater costs. The Supreme Court is certainly regarded as far more elitist than the District Court and that will tend to put off the small people who should have their rights, not only on paper but practical rights that they can, in fact, implement.

Furthermore, it is not just a question of costs: time factors are involved. I am told that an appeal to the Supreme Court could take anywhere between three years and five years before being finally settled. Such extensive time factors would be extremely unsettling for all concerned. Certainly, any industry concerned would find it most unacceptable that the uncertainty was to persist for as long as five years before a final decision was reached. It is much better to have the appeal to the District Court, where a decision can be obtained in much less time.

The Hon. K.T. Griffin: There is 19 months delay in the court hearings.

The Hon. ANNE LEVY: Yes, but three to five years in the Supreme Court.

The Hon. K.T. Griffin interjecting:

The Hon. ANNE LEVY: It is three to five years. It could be three to five years in the Supreme Court before this could—

Members interjecting:

The CHAIRMAN: Order! The honourable the Minister.

The Hon. ANNE LEVY: I am informed that there are considerably greater time factors associated with having 'the Supreme Court' inserted in lieu of 'the District Court'. I am sure everyone would agree that it is to the advantage of all that these matters be settled as quickly as possible for the sake of any individuals, particularly third parties. It is also very much in the interests of industry, which will always want a clear decision, one way or the other, as soon as possible. There is nothing more unsettling to industry than prolonged uncertainty.

The Hon. K.T. GRIFFIN: That is absolute nonsense. In the Estimates Committees, the Attorney-General gave a list of waiting times for the various courts—and we are dealing with the civil jurisdiction. The Attorney said that the current waiting time for two to three day trials in the Supreme Court is two to three months; for four to five day trials, the waiting time varies between two to four months and for trials of ten days or more the waiting time can be up to five to six months, depending on the circumstances and the degree of preparation, etc. required. He said:

> There has been a fairly significant increase in the number of commercial lodgements during the past year; however, this is not yet reflected in the trial list.

In relation to appeals he said:

> Notwithstanding an increase of 13 per cent in the work of the court, the small backlog which had accrued has been eliminated and there are no delays in either the criminal or civil jurisdiction.

That is in relation to appeals in the Supreme Court.

The Hon. Anne Levy: Who is this?

The Hon. K.T. GRIFFIN: This is the Attorney-General, before the Estimates Committee. As to the civil jurisdiction in the District Court, the Attorney-General stated:

> Last year I foreshadowed the implementation of measures to ensure greater efficiency in the civil jurisdiction and to achieve a reduction in the backlog which has accumulated in this court over a number of years—principally because of significant increases in the workload coming into the court. The availability of judges previously attached to the Industrial Court, the introduction of the new case management procedures and the operation of the auxillary provisions have brought very positive results. Last year the delay in the civil jurisdiction of the District Court was 20 months.
>
> For actions commenced pre-1990 the waiting time is now 16 months, a reduction of four months, and for 1990 actions the waiting time is 105 days or three and a half months, a reduction of more than 16 months.

That is just juggling figures, but the backlog is still significant. As regards appeal tribunals in the District Court, the group which is likely to be hearing appeals under this legislation, the Attorney-General says:

> Waiting time for Full Bench hearings is 28 weeks compared with 25 weeks last year. Single member hearings are dealt with on average within 11 weeks. Notwithstanding legislation introduced in 1986 to allow single member hearings, there is an increasing propensity for appellants to elect for a Full Bench hearing. While this is partly the cause of the current situation it is fair to say that matters which are prepared expeditiously by the parties and their counsel can generally be given a hearing with little delay. The Full Bench waiting time should improve over the next 12 months.

It is nonsense to say that there is a waiting time in the Supreme Court of three to five years. The Attorney-General would vigorously dispute that. In fact, I suggest that there would be a major rift between the Attorney-General and the Minister if that was asserted in the presence of the Attorney-General. It is not so. As far as appeals tribunals in the District Court are concerned, there are longer delays than in the Supreme Court.

In respect of the Supreme Court, there is a land and valuation division which prides itself on being able to bring matters before that division very quickly—within weeks, if necessary. In the commercial area of the Supreme Court matters can be brought on at very short notice. It is a fact that, with the substantial jurisdiction of the District Court—that is, $100 000 consideration or $150 000 for personal injury claims—the legal costs are about the same as those costs associated with a similar issue in the Supreme Court. To suggest that the Supreme Court is more elitist is non-

sense. It is no more difficult to get a matter on and to appear by oneself rather than through lawyers in the Supreme Court than it is in the District Court. I would argue strenuously that the Minister's response is fallaciously based and has no justification at all.

The Hon. ANNE LEVY: I have been told that there is a case where the waiting time was at least three years.

The Hon. K.T. Griffin: How long ago? What is the reason for that?

The CHAIRMAN: Order! The honourable Minister.

The Hon. ANNE LEVY: Despite the interjection, I have been told that there is that case where there was a waiting time of three years, but unfortunately at the moment I am not able to confirm the details of that case. I am not aware of them and the source of that information is not available in the building at this hour of night. In consequence, I am not able to substantiate the statement that I have been given.

Members interjecting:

The CHAIRMAN: Order!

The Hon. ANNE LEVY: They have an opportunity to speak as often as they wish in Committee.

The CHAIRMAN: I agree; members are quite at liberty to get up at any time.

The Hon. ANNE LEVY: There is no reason to keep interjecting. Regardless of that, I repeat that the view of the Government is that, in matters where there are third party appeals of individuals and small licensees, the Supreme Court has an elitist flavour which the Government does not wish to see inserted here.

It is all very well for the Hon. Mr Griffin to say that the Supreme Court is not elitist. He is a lawyer who is accustomed to appearing in courts and being associated with courts at all levels. The situation for a lawyer is very different from that which applies to a single individual who has never before had anything to do with the courts. The common view is that the Supreme Court is far more intimidating, expensive and difficult for a single individual than is the District Court. This view is not just that of the South Australian Government; it applies to Governments throughout the country.

If we look at equivalent legislation in other States of Australia, in New South Wales, under the Clean Waters Act, which is the equivalent Act, appeals are to the Land and Environment Court, which is much more analagous to the District Court than to the Supreme Court. In Western Australia the equivalent legislation is the Environmental Protection Act, under which appeals are to the Environmental Appeal Board—not even to a court at all. In Queensland the equivalent legislation is the Clean Waters Act, under which appeals go to the Water Quality Council—not even a court—or there is the ability to go to the District Court, but certainly not the Supreme Court.

In Tasmania the equivalent legislation is the Environment Protection Act. Under that Act any appeals go to the Environment Protection Appeal Board—not even a court. In Victoria the equivalent legislation is the Environment Protection Act, under which appeals go to a board, or third party appeals go first to the authority and then to the board, if necessary. There is no question of going to a court at all. It would seem to me that it has been deemed desirable in all other States that such appeals be kept as simple and as readily obtainable as possible to the people concerned and that in many cases appeals do not even go to a court. Where they do go to a court, they go to the District Court or something equivalent to the District Court. In not one case in any part of Australia does an appeal have the majesty of going to the Supreme Court.

The Government is quite firm on this matter. We do not want this overwhelming authority of the Supreme Court, which will be so intimidating, particularly in third party appeals. In consequence, the Government will not accept the change of the District Court to the Supreme Court for appeals in this situation.

The Hon. K.T. GRIFFIN: The Minister throws back one case, of which she has no detail, where she asserts that there was a delay for three years in the Supreme Court.

The Hon. Anne Levy: I am told this.

The Hon. K.T. GRIFFIN: You might have been told it, but you have not got any details.

The Hon. Anne Levy: I have said I have not.

The Hon. K.T. GRIFFIN: I am just commenting on it. The fact is that the Minister cannot use one case out of hundreds, possibly thousands, of cases to justify her argument. She cannot say that, because it has been there for three years waiting for trial, it is necessarily the fault of the court. It may have been the parties. It may have been the plaintiff or the defendant. It may have been a problem with inadequate responses by one party to the other. It could be any of a number of reasons, so I would discount that completely. The fact that the Minister is using land and environment courts, water boards and other agencies as being bodies which hear appeals does not fully answer, if it does at all, the issue that I have raised.

There is no indication of whether there was a right of appeal against the decisions of the various bodies which hear the appeals from the decisions of Ministers in those States. There is no indication whether or not the judicial or administrative status of those courts is similar to that of the District Court or something between that court and the Supreme Court or equivalent to the Supreme Court.

My recollection of the Land and Environment Court in New South Wales is that it is of an equivalent status to the Supreme Court. I have not made any inquiries as to the status of the various bodies which hear appeals in other States. Let me assure the honourable member that it is as intimidating for lay people to appear in the Magistrates Court as it is to appear in the District Court or the Supreme Court. It is just as intimidating for a District Court judge to be hearing a matter in the same sort of environment as it is for a Supreme Court judge to be hearing an appeal, if the Minister is talking—

The Hon. Anne Levy interjecting:

The Hon. K.T. GRIFFIN: The District Court is set up in the same way as the Supreme Court—

The Hon. Anne Levy: You said the Magistrates Court.

The Hon. K.T. GRIFFIN: I said that it is just as intimidating to appear in the Magistrates Court as it is to appear in the District Court or the Supreme Court, and it is—

The Hon. Anne Levy: I thought they didn't dress up in the Magistrates Court.

The Hon. K.T.GRIFFIN: They do not.

The Hon. Anne Levy: How can it be as intimidating?

The Hon. K.T. GRIFFIN: Of course it is as intimidating. If you have not been to the Magistrates Court as a lay person or as a witness, you will not understand what I am saying but many people have indicated to me that they are extremely fearful of going even to the Magistrates Court. I am saying it is just as intimidating—

The Hon. Anne Levy: But they don't dress up.

The Hon. K.T. GRIFFIN: People who have been there and represented themselves or have been represented say that the Magistrates Court is intimidating. I am saying that it is just as intimidating to be in the Magistrates Court as it is to be in the District Court or the Supreme Court, and it is just as intimidating to be in the District Court as it is

to be in the Supreme Court because judges of the District Court are robed, as are judges of the Supreme Court. So the argument does not stand up.

The Hon. Anne Levy: What about the lawyers?

The Hon. K.T. GRIFFIN: The lawyers are robed in the District Court and in the Supreme Court. Let me just say that, in respect of the issues which are the subject of appeal, clause 14 in part IV provides that a person must not discharge, emit or deposit any pollutant except as authorised by a licence under this Act, and all the other sections relate to licences being granted by the Minister. They may be subject to conditions which may be unreasonably harsh or very expensive to implement. The value of the condition which is the subject of an appeal may be very much more than $100 000 to the applicant for review.

It seems to me that, in those circumstances, because of the consequences to the applicant for review, there ought to be a decision made by a body which has the utmost confidence of all the Parties to be able to make the best decision. That applies equally to those involved in third party appeals because they would want the best and, while I do not seek to downgrade all the judges of the District Court, there are certainly arguments that the Supreme Court, being the superior court in South Australia, is better qualified to deal with the sorts of significant decision—

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: In relation to Wilpena, there is a right of appeal to the High Court. Under this provision there is no right of appeal from a decision of the District Court and, likewise, there will be no right of appeal from a decision of the Supreme Court. If you want to protect against a wrong judgment, under this Act you will not limit the rights of appeal which can ultimately go to the High Court. We accept that they are limited and, if we accept that, it is preferable, in my view, to go to the Supreme Court rather than to the District Court. If members are concerned about some of the judgments of the Supreme Court I suggest that they should be equally concerned about some of the judgments of the District Court. I refute the basis on which the Minister disputes the arguments which are presented by the Opposition in favour of its amendments.

The Hon. M.J. ELLIOTT: Whilst the amendments have been before us now for some weeks, this matter has not been apparent to me as a matter of great contention until today. Since the Bill has been around for approximately 12 months, if this was a matter of great import to the Opposition, it should have lobbied me on this matter. One tends to lobby on anything which is of great importance if one is doing one's job. That aside, I am not persuaded by the arguments of the Opposition and I will not support the amendment.

The Hon. DIANA LAIDLAW: I did not know that the Hon. Mr Elliott required such individual attention and that I, with my one-fifth of an assistant, was meant to be at his door to lobby him on every amendment. I thought that the place for debate of these issues was publicly on the floor in this place.

The Hon. M.J. Elliott: This Bill was dealt with last session. It could have been debated then.

The Hon. DIANA LAIDLAW: The honourable member has introduced a whole lot of new amendments since the Bill was last in this place, as have the Government and—

The Hon. M.J. Elliott interjecting:

The CHAIRMAN: Order! I ask that the exchange of views be through the Chair, and not across the floor.

The Hon. DIANA LAIDLAW: Since the Bill was last before this place there has been opportunity for wider discussion on a number of issues and the Liberal Party believes that, because there is now a different situation in respect of bonds, etc., it is a different Bill from that which was before this place on the last occasion. Therefore, the Liberal Party is entitled and should be expected to consult with parties. In the light of that consultation it is our considered view that it was appropriate to move amendments to matters which I acknowledge were not moved on the last occasion. It is a different Bill and it is a different time. I know the Democrats like to be lobbied, and so many deals are done behind closed doors, but I did not understand that would be required on this Bill, and I take exception to the remarks made earlier.

Amendment negatived.

The Hon. DIANA LAIDLAW: I move:

Page 15, after line 2—Insert subclause as follows:

(1a) An application may not be made under this section for the review of a decision, requirement or direction except—

(a) by the person in respect of whom the decision, requirement or direction was made;

or

(b) by a person who has suffered or is likely to suffer financial or other direct personal detriment as a result of the decision, requirement or direction.

I recognise that there are a lot of other consequential amendments that I will no longer move. However, this amendment recognises that, in respect of the review of decisions of the Minister, an aggrieved person now has the capacity to apply to the District Court for a review of that decision. We are concerned about the very wide definition of appeal provisions in this respect and we believe that there is reason to narrow these appeal rights.

We believe that, particularly now that we have issues involving bonds as well, there is a danger that vexatious claims may be made, and that matters of commercial jealousy could arise which could possibly be the motivation for appeals. We believe, therefore, that the right of appeal should be restricted to the parties in respect of whom the decision, requirement or direction is made, or by other parties who are likely to have suffered some financial or direct personal detriment as a result of the decision. It is a matter of some concern, particularly in the areas of commercial jealousy and where there may be vexatious claims.

The Hon. ANNE LEVY: The Government opposes this amendment, which would have the effect of excluding third parties from the right to appeal the issue of a licence or its conditions. It is not a question of giving willy nilly rights to any individual to appeal; of course, third parties would still have to establish a standing before the court, but I think it is generally accepted in the community that environmental groups or other groups should have the right to appeal on the basis of representing broader issues other than just those with a financial interest in the matter. To accept the Opposition's amendments would in effect cut out all rights of appeal from third parties.

The Hon. M.J. ELLIOTT: I most vigorously oppose this amendment. In a democracy one expects to give third parties a right to be involved, so long as they are not being frivolous or vexatious and, if the Hon. Ms Laidlaw had chosen to insert a clause with regard to frivolous or vexatious appeals, that would have been fine, but this amendment precludes people who, in a democracy, should have an absolute right to appear before the courts, simply to require that the laws of the State are upheld. To deny some people the right to see that the laws are upheld is a denial of a democratic right. I am frankly surprised and disappointed that this amendment is before the Committee, and the Democrats oppose it.

Amendment negatived; clause passed.

Remaining clauses (34 to 48) passed.

Schedule 1.

The Hon. DIANA LAIDLAW: I move:

Page 21, after subclause (2)—Insert subclause as follows:

(2a) Notwithstanding any other provisions of this clause, a licence may not be granted to the Minister responsible under the Sewerage Act 1929 authorising—

(a) the discharge, emission or depositing after 31 December 1990 of sludge produced from the treatment of sewage at the sewage treatment works at Port Adelaide;

or

(b) the discharge, emission or depositing after 31 December 1993 of sludge produced from the treatment of sewage at any other sewage treatment works forming part of the undertaking under the Sewerage Act 1929.

The Liberal Party believes most strongly that, in relation to this matter of discharge, emission and depositing of sludge produced from the treatment of sewage at Port Adelaide, a licence may not be granted after 31 December 1990 and that, in relation to sludge produced from any other sewage treatment works, a licence should not be granted for the discharge, emission or depositing of that sludge after 31 December 1993. As members will recall from earlier debates in this place, Liberal members feel quite passionately that the Government should be kept accountable for the very specific promises it made to the electorate on both the matters outlined in my amendments, and we believe that, in respect of the Port Adelaide works, the Government made a commitment to which it should remain committed and which it should implement. The Liberal Party also believes that it is also possible to implement the initiative by diverting that sludge to Bolivar and that the Government would have no difficulty doing that by 31 December this year.

I must admit I find it quite extraordinary that the Government has found it so difficult to accept these amendments on past occasions, and I hope that, after reflection during the break, the Government can now see its way clear to supporting these matters which are the subject of my amendments and which are matters on which it gave very firm commitments prior to the last State election.

We believe not only in the interests of Government accountability and credibility that these amendments should be passed but also, and almost more importantly, that it is vital, in the interests of the seabeds, the seagrasses and fish populations and other marine populations in that area, that the Government be required to keep to the commitments that it made to the electorate last November.

The Hon. ANNE LEVY: The Government does not accept this amendment. I can only repeat some of the matters that I stated to the Council on 6 September in response to points of this nature being raised in the debate by the Hon. Ms Laidlaw—and I might say, not for the first time. I said:

> . . . 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.

I spoke considerably about the problems of attempting to use this emergency system on a regular basis. I pointed out that it was quite impractical, that the possibility of installing a completely new system by the dates indicated in the amendment put forward by the Hon. Ms Laidlaw was quite impossible, and that it was totally impractical to incorporate dates such as this into the legislation.

The Minister has given indications of the programs which the E&WS Department is pursuing and wishes to pursue. The Minister has also given indications of when she expects such systems to be fully installed. The dates proposed here are just not practicable in terms of construction of new disposal systems and the emergency system which is present, as I indicated, and which is not in a fit condition to be used regularly for a period of two or three years. The amendment as proposed is just totally impractical and, as a consequence, the Government opposes it.

The Hon. M.J. ELLIOTT: Before I speak to the amendment at any length, I want to ask one question of the Minister. My understanding is that the Minister in another place has announced a levy that is intended to pay for works, and this will mean that sludge will not be entering the sea within three years. Is that correct?

The Hon. ANNE LEVY: Yes, the Government has introduced this levy of 10 per cent on sewerage rates over the next five years, and this will certainly be used by the E&WS Department to reduce the effect on the marine environment of sewage sludge and effluent discharges.

The Hon. M.J. ELLIOTT: Is it intended to reduce or stop it?

The Hon. ANNE LEVY: The commitment is to stop the effect of sewage sludge in Gulf St Vincent, but elsewhere it is to reduce the effect, not necessarily to stop it completely. In Gulf St Vincent, it is certainly to stop it. Certainly, the Port Adelaide Sewage Treatment Works rehabilitation is a high priority project, as is land disposal for sludge from the Glenelg and Port Adelaide Sewage Treatment Works. They are listed here as being of very high priority for this environmental levy.

The Hon. M.J. ELLIOTT: What major sources of sludge will still be entering the marine environment, other than in Gulf St Vincent?

The Hon. ANNE LEVY: I understand that studies are still continuing regarding sewage treatment works at Port Lincoln. In August 1989 funds were approved for the design of treatment works at Port Lincoln and preliminary design concepts have been prepared for a treatment works at Billy Light's Point which will incorporate secondary treatment, nitrogen removal and chlorination facilities, with effluent discharging through the existing outfall. The capital cost of the works is estimated to be about $5 million. I am not quite sure when that estimation was made, but at this stage it is planned that the works will be commissioned in the 1993-94 financial year.

I am informed that there are no other major sources and that Port Lincoln is the one of concern. However, there may be some other minor ones which we will be happy to check, and I will provide the information.

The Hon. M.J. ELLIOTT: This was one of the two matters which ended up being a sticking point when this legislation was debated in the Autumn session. It is a matter that I consider to be of great importance. It is quite clear to me, having had an opportunity to have further discussions in relation to this clause, that subclause (2a) *(a)* does create some difficulties. The system may not be able to cope and that particular date may be unrealistic.

The Hon. Diana Laidlaw: That is Port Adelaide.

The Hon. M.J. ELLIOTT: That is the Port Adelaide works. As the Minister said, the pipelines used to divert sludge up to Bolivar involve a hybrid system. Many of those pipes were not meant to be sewerage pipes in the first instance. Quite a range of different pipes is being used. In addition, I think that in the short term at least some severe difficulties are being encountered with salt entering the system due to bad piping in the Port Adelaide-West Lakes area, which also would end up perhaps creating difficulties for the Bolivar Sewage treatment works if we were not careful. That creates extreme difficulties.

I think what we did manage to achieve by sticking with this point during the last session is that the Government now has a commitment and not just an election promise. It has raised a levy and, should it dare not to go ahead with that promise to stop all sludge from entering the sea within three years (as was intended by paragraph *(b)* of this amendment), it would be in a great deal of difficulty.

I believe we have managed to make the point—and I think we have won it—that to insist on the inclusion of (2a) *(a)* is being unrealistic, and I am not willing at this stage to risk losing the Bill (which we have managed to improve significantly) by so insisting. We have achieved what we set out to achieve by insisting on this point during the last session.

The other major sticking point appears to have been resolved. I do not believe we will gain much by continuing to insist. I think that the battle has already been won. I will not support the amendment. However, I have fully supported all along the intent of subclause (2a) *(b)*.

The Hon. R.I. LUCAS: It is not clear from what the Hon. Mr Elliott said whether he intends to support subclause (2a) *(b)*.

The Hon. M.J. Elliott: No.

The Hon. R.I. LUCAS: He opposes both. That makes it clear. As the Hon. Mr Elliott indicated, during debate on the Bill on this occasion I have not delayed proceedings at all, but I intend to make a contribution on this important issue. As members know, during the last session the Hon. Diana Laidlaw, the Hon. Martin Cameron, other members on this side of the Chamber, and the Hon. Mr Elliott of the Democrats, debated this matter. This was one of a number of key issues for which a majority of members in this Chamber fought long and hard.

The Hon. M.J. Elliott: Tell me about it.

The Hon. R.I. LUCAS: The Hon. Mr Elliott agrees with that. In relation to this legislation, we managed to get the Government to see reason on many other issues. As the Hon. Mr Elliott and the Hon. Diana Laidlaw have said, the legislation has been toughened up and some teeth have been put into it as a result of action by Liberal Party members and Democrat members of the South Australian Parliament. The two sticking points were the committee and this issue in relation to sewage and sludge, together with the time lines that were discussed.

In moving the amendments in this Chamber, the Liberal Party has maintained its position. It is clear from what he has said that the Hon. Mr Elliott, together with the Government, has come to an agreement that the Hon. Mr Elliott will not insist, as he did during the last session right through to the conference and during the conference, on this most critical amendment. I agree with the Hon. Mr Elliott that the more important aspect of the amendment is, in effect, the December 1993 deadline.

The first part of the amendment was always something that was near and dear and very important to the Hon. Mr Cameron, and I was more than prepared to accept that. However, in the end, the major part of this amendment was, in effect, to try to keep this Government honest in relation to a promise that it made to garner votes at the last election in response to a Liberal initiative in this area that it would stop all sludge entering the marine environment—not just the Gulf St Vincent—by 1993. There was a long argument as to whether that would be January or July 1993, and now, in a spirit of compromise, we have all ended up giving it an extra 12 months in effect by saying 31 December 1993.

Let it be made clear that the Government made a commitment that by 1993 all sludge would be stopped from entering the marine environment, and it argued in this Chamber, in another Chamber, and for hours and hours in the conference with us, as the Hon. Mr Elliott would know, 'Look, we agree with the amendment, but on a matter of principle we will not include it in the legislation. We do not want to be bound. It sets a terrible precedent.' We disagreed with that attitude, but the Government said, 'Look, we are going to keep our promise. Trust us'—we did not, but that was the Government's attitude—'and we will keep the promise by 1993.'

The Hon. Peter Dunn: Another Homestart.

The Hon. R.I. LUCAS: The Hon. Mr Dunn talks about Homestart, and even the Hon. Mr Elliott, with his experience in this Chamber with the Government, could give a number of examples, as we all can, where one just cannot trust Premier Bannon or his Ministers on anything. In relation to major promises made at elections, I am sure that even you, Mr Chairman, will remember the infamous promises that were made in 1982, 1985 and 1989. They involved no new taxes, no cuts in teacher numbers and Homestart. Homestart involved the family fraud that was to assist 35 000 to 40 000 families.

The point is that this Government has had a history of seven to eight years of broken promises. On a number of occasions the Liberal Party and the Democrats have highlighted the electoral dishonesty of Premier Bannon, the Cabinet and this Government; the fact that one cannot believe this Government when it makes major election commitments. That is why we wanted to see in the legislation something that would bind the Government. As I said, all along the Minister, in her own particular fashion, argued that the Government would keep the promise; we were not to worry; she would say it in the Parliament and publicly; the Government continued to say that it would keep its promise by 1993. It even introduced this levy.

Yet, here in this Chamber this evening, we have already heard—and the Hon. Mr Elliott heard, because he was asking the questions—that the Government is already backing off from that election commitment. It is already backing off not only on the election commitment of implementation by 1993 but also the commitments that the Minister for Environment and Planning gave the Hon. Mr Elliott and Liberal members at the conference, that the election promise would be kept. So the promise was made prior to the

election; it was made earlier this year; it was made during the conference; it has been made publicly: that by 1993 all sludge discharges into the marine environment would be stopped.

We had the Minister in charge of the Bill this evening, based on the professional advice from the department, giving to the Hon. Mr Elliott, representing the Democrats, in relation to Port Lincoln (we are talking about the 1993-94 financial year, which means we are going beyond the election commitment already) this fuzzy little answer. That is the only major one that we know about; there may well be other minor examples of sludge entering the marine environment. I do not know what the other minor examples are, what the definition of 'minor' will be or how much sludge will be entering the marine environment from these other minor examples.

I would have thought that the Hon. Mr Elliott, with his interest and concern for the marine environment for which he fought so long and hard during the last session, would not accept passage of this clause and that he would insist, together with the Liberal members, on the Minister reporting progress and coming back with some answers about exactly what are these minor discharges, how much we are talking about, exactly what we are talking about in relation to Port Lincoln, and how firm is this commitment for 1994. As I said—

The Hon. J.F. Stefani: That is the commencement.

The Hon. R.I. LUCAS: Is that commencement? I missed that. If that is the case, and I am going on my recollection here, it is obviously even longer. I would have thought that the Hon. Mr Elliott would have done this, with his concern for the marine environment and, knowing the concerns of Greenpeace and others. Greenpeace has been prepared to give advice to the Liberal Party and to the honourable member that it does not think that the Parliament should insist on this because the Government had told Greenpeace, the public, Mr Elliott and the Liberal Party that it was going to keep the promise of 1993. We now have on the record here this evening, in response to a question, that that promise is not going to be kept.

I know that the Hon. Mr Elliott has come to an arrangement with the Government. He asked the questions and he got answers which obviously told him that the promise was being broken, but then, suddenly, he went back to his prepared script, which said that he would not support the amendment moved by the Hon. Ms Laidlaw—the same amendment that he supported in April.

I think that the honourable member knows that the Government has done him in the eye in relation to the negotiations and I am not criticising him for that. I think that he now knows the Government made a promise to him that it would end all sludge entering the marine environment in 1993. Therefore, he was not going to insist on it. Suddenly, he gets up in the Chamber tonight and finds out—because he was asking the questions and he has had the briefings with the Minister and the advisers—that we are out beyond 1993; we are into 1994 and beyond in relation to this key election promise.

The Hon. Mr Elliott owes it to his green constituency, to the supporters of Greenpeace and the other conservation groups who have fought for a strong marine environment Bill, to ensure that the Minister does not get away with being able to get this clause through this evening without reporting progress and coming back to this Chamber tomorrow. We are sitting tomorrow—there is not a big workload tomorrow—and the Bill does not have to pass tonight. The Hon. Mr Elliott owes it to that green constituency and to everyone, like members of the Liberal Party in this Chamber who are concerned about the marine environment and this particular election promise, to ensure that the Minister reports progress and brings back an answer to the important questions that he started to ask. As I said, when he started to get some of the answers he went back to his pre-prepared script and said that he would not support the amendment.

Certainly the Liberal Party would intend persisting to get some answers from the Minister in this Chamber in relation to the questions that the Hon. Mr Elliott started to ask. All members in this Chamber owe it to Greenpeace and to the conservation groups, and to everyone else, to get the answers to these particular questions before we have a final vote. Then the Hon. Mr Elliott cannot say in three years time, 'Well, the Government has broken the promise and I did not know; I took it at its word and I believed it at the time. Now they have broken their promise and they are terrible people.'

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: It is not just the election promise: it is now the promises and the commitments that it has given subsequent to the election, to the Hon. Ms Laidlaw and to others at the conference, as well as publicly on a number of other occasions. So the Hon. Mr Elliott cannot come to 1993, just prior to the next election, and start criticising the Government about breaking election promises if he votes with the Government on this key issue now without having satisfactorily resolved the answers to the questions that he started to ask, with the Minister now saying that there are few other minor ones about the place about which they really do not know but which can be discussed later, and with no definite time plan in relation to the Port Lincoln sewerage works. As I said, I thought the Minister was talking about ending it in 1994, but my colleagues, the Hon. Mr Dunn and the Hon. Mr Stefani believe that what the Minister was saying was that it would not commence until then.

The Hon. Diana Laidlaw: That's right.

The Hon. R.I. LUCAS: The Hon. Ms Laidlaw also says that. I am seeking from the Minister clarification of that particular point and I would hope that members, certainly on this side and certainly the Hon. Mr Elliott, will ensure that if the Minister cannot answer these questions satisfactorily this evening we report progress and we can try to resolve the issue tomorrow afternoon.

The Hon. PETER DUNN: I support the amendment and in so doing, bring to the attention of the Council that there is a considerable amount of industrial pollution going into St Vincent Gulf. I recall some three or four years ago asking a question regarding how often the industrial waste from Port Adelaide is emptied into Gulf St Vincent. I have observed it—

The Hon. M.J. Elliott: From the sewerage system?

The Hon. PETER DUNN: No, I refer to industrial waste in the area 4.5 km out in the alignment of Grand Junction Road. I use that flight path twice weekly on my way to and from Adelaide. I have noticed it on many occasions. I would like to know from the Minister how often this sludge is deposited in Gulf St Vincent. From my observation, the discharge only ever takes place when the tide is running out. It is so heavy that it stays on the seabed. I have seen fishermen fishing within 100 metres of it, so obviously fish get caught up in it at some stage. In fact, it is just north of one of the artificial reefs which have been put in, so in the long term I presume that it goes over that area.

It is my opinion that on 7 September there was an outpouring of sludge into the gulf and on 15 September, which I think was a Saturday. On both days, looking at the moons in the diary, they were both strong tide running days and

that may be the reason why it was dumped. How often is that system used instead of it going through the normal system and going north, if that is possible? If it is being deposited in the Gulf St Vincent, it is a fairly dangerous sludge.

As for Port Lincoln, starting in 1993, 1994, 1995, or whenever the Minister makes up her mind she wants it to commence, I recall two elections ago, with the Hon. Arthur White, going to Port Lincoln and being photographed with effluent flowing down Winter's Hill and eventually going out to the sea, and the Minister coming back and saying, 'We will fix it within three years.' That was in 1985 or 1987, and it demonstrates clearly how easily this Government loses sight of what it says when it comes to election promises.

The Minister says that there are no other significant outpourings. Has the Government looked at Port Pirie, Whyalla, Port Augusta and possibly Wallaroo, where there is a fertiliser works, and other outpourings from Port Lincoln? I am not saying that they are bad, but there has been seepage from the dump at Port Lincoln into the sea. Many tonnes of fish offal were deposited there some years ago. There are indeed outpourings into the sea. I understand that the Mount Gambier sewage is still flowing strongly out into the sea. I do not think that project has been completed yet.

I support the amendment on the basis that, as the Hon. Robert Lucas indicated, promises are being flagrantly disregarded. The Government tells the public untruths with no compunction.

Members interjecting:

The Hon. PETER DUNN: If Government members are not prepared to accept this, that is an untruth; you have misled the public. That is a very grave concern of mine. The Government is not being honest about it. If it cannot accept an amendment which puts a date into a schedule, it is very weak indeed. I think that the Democrats, on the basis of what they have said in the past in negotiations with the Government, have obviously been bought off. They have got some more chockies or, as the Hon. Mr Elliott indicated, they have been lobbied very hard. That may be, but what have they offered in return? What are your supporters saying, Mr Elliott? Stand up and tell us. I believe they are saying that you should stick to your guns. However, I think that you will go back to them with a watered down argument which will not go down very well. For those reasons, I support the amendment.

The Hon. J.F. STEFANI: I have a question for the Minister, who has returned to the Chamber, and she might be able to help me with some knowledge. Has the pipe which takes the sewage outfall off Port Adelaide ruptured in the past? If so, how many times? Is that the reason why at times the sewage is diverted to Bolivar during the operations?

The Hon. ANNE LEVY: I do not have the detailed knowledge, but I will certainly seek it for the honourable member. I presume he is talking about the emergency line from Port Adelaide to Bolivar. That ceased being used 10 years ago because of the difficulties that had been experienced with it and the advice from tests that it was likely to fail if it was used other than for emergencies. As to details regarding when rupturing has occurred, I will seek that information.

The Hon. J.F. STEFANI: Would the Minister also obtain information as to whether the outfall pipe has ruptured? That is the 4.5 kilometre pipe leading out to sea. I understand that it has been observed to have been ruptured by pilots coming into Adelaide on a number of occasions. I would like some details of that, if possible.

The Hon. ANNE LEVY: I will certainly seek to obtain that information if it is available. I do not have the information available here.

The Hon. M.J. ELLIOTT: I was reflecting on a question I was asking about the discharge of sludge elsewhere and the answer then became obvious. The problem at a number of sewage places outside the Gulf St Vincent is that it is probably raw sewage that is going out to sea and there is no sludge as such. In that case, this amendment would not have picked up some of those smaller sewage works. I stand to be corrected on that, but I think it is likely. Of course, the Mount Gambier works separates sludge, as happens at Port Adelaide, Glenelg, Bolivar and so on, and presumably Port Lincoln. I think in most other cases there is not a separation of the sludge, in which case this will not pick up anything—

Members interjecting:

The Hon. M.J. ELLIOTT: Then it does not pick up Port Lincoln in any event. Therefore, having asked the question earlier, I think that I have probably answered it as well. The point that can be made is that, looking at the amendment in its totality, 2a *(a)* is totally impractical. Anyone who has had a chance to look at the evidence would realise that. 2a *(b)* will not pick up any sewage works outside the metropolitan area, except for Mount Gambier where the sludge is dumped on land in any event. That leaves us with the Adelaide sewage works where there is now a 10 per cent levy. Whilst I agree with the comments made by the Hon. Mr Lucas that one treats anything that the Government says with a grain of salt—and that would include any future Liberal Government, however unlikely that event may be—I believe that the point that we set out to make in the last session has been made.

I am prepared to be tough, but I am not going to be bloody-minded to the extent that I may risk the loss of the Bill. I do not know how bloody-minded the Minister might decide to be, but I am certainly not going to be the cause of the failure of a Bill where the things that we set out to achieve with that amendment have, I believe, been achieved in any event. For that reason, I am not persisting, and talks of deals or anything else are absolute nonsense. That was more a political statement by Mr Lucas than a statement based on facts.

The Hon. R.I. LUCAS: Can the Minister indicate that the Port Lincoln Sewage Treatment Works will not be producing any sludge and therefore will not be covered by 2a *(b)* of the amendment by the Hon. Ms Laidlaw as suggested by the Hon. Mr Elliott? Secondly, can the Minister respond to Mr Elliott's contention that 2a *(b)* would not apply to any examples other than examples to which the Minister has referred in relation to the Gulf St Vincent?

The Hon. ANNE LEVY: As I indicated earlier, I am informed that the design of a sewage treatment works at Port Lincoln was approved in August 1989. It is expected that the work will be commissioned in the 1993-94 financial year which is not inconsistent with the date of 31 December 1993, as discussed earlier. The expected financial expenditure for the Port Lincoln sewage treatment works peaks in the 1992-93 financial year, with a further small amount to be expended in the 1993-94 financial year. It is expected that the bulk of the work will be undertaken by the 1992-93 financial year with a small amount remaining to be done in the 1993-94 financial year, with the sewage treatment works to be commissioned during that financial year.

As I have quoted, the construction of the Port Lincoln sewage treatment works is a high priority project for the environmental levy. That has already been indicated.

The Hon. Peter Dunn: When will it commence?

The Hon. ANNE LEVY: It is expected to be commissioned in the 1993-94 financial year, with the bulk of the expenditure required for its construction being in the 1992-93 financial year and a small amount required to be expended in the 1993-94 financial year, during which time it is expected to be commissioned.

The Hon. DIANA LAIDLAW: Because of the details the Minister clearly has in the papers from which she has quoted, is the Minister prepared to table those papers for the information of members? This subject is of considerable interest to all members. Many of the capital works programs to which the Minister has referred are the consequence of that additional 10 per cent levy being charged to taxpayers. Is the Minister prepared to table that information?

The Hon. ANNE LEVY: I do not wish to table these papers from which I have been quoting, other than the press release, which is hardly a secret document, considering that it has been widely distributed. As for the other papers, I have been quoting only from sections of them and I would certainly wish to consult with my colleague in another place, regarding the entire contents of these papers. They do not come from my department, as I am sure the honourable member would realise. However, I can assure members that, with regard to any questions they have asked this evening for which I have not had the information, I undertake and have undertaken to obtain that information as soon as possible, if it is available.

The Hon. R.I. Lucas: Does that include the minor discharges you mentioned earlier?

The Hon. ANNE LEVY: Yes, I mentioned that, on the minor discharge points, if there are any, we will certainly obtain that information and provide it as soon as possible.

The Hon. DIANA LAIDLAW: Is the Minister saying that, with the benefit of that levy, at least all the sludge, if not the effluent produced from sewage treatment works other than Port Adelaide, will cease by 31 December 1993?

The Hon. ANNE LEVY: The information I have been given is that the minor outfalls—the minor sources—have been indicated in the White Paper and it is proposed that these will be licensed. That is one of the purposes of the licensing provisions in the Act, and the level of permissible pollution from such sources will be determined by the Environment Protection Council. It will be for the council to determine the permissible level of pollution.

The Hon. R.I. Lucas: That is after 1993?

The Hon. ANNE LEVY: From some of the minor—

The Hon. R.I. Lucas: And the major ones?

The Hon. ANNE LEVY: The major ones—Port Adelaide and Port Lincoln—have been discussed for the past three-quarters of an hour.

The Hon. J.F. Stefani: What about Glenelg?

The Hon. ANNE LEVY: Glenelg is covered by the commitment for the whole of St Vincent's Gulf; Glenelg is part of St Vincent's Gulf. Outside the metropolitan area, the major sources were Mount Gambier and Port Lincoln. The Mount Gambier situation has already been resolved. I have discussed the Port Lincoln discharge at great length, and I will not go through it again. The other minor pollution sources which have been detailed in the white paper will be licensed and the degree of pollution set by the Environment Protection Council. In any case, it will be dealt with within eight years, as set out in subclause (2) of schedule 1. It is to be hoped that they will be fixed up before the eight years, but the eight years is clearly indicated in schedule 1 where it states:

> (2) Where the Minister grants a licence by virtue of subclause (1), the Minister must impose conditions of the licence in accordance with Part IV requiring the licensee, within, or in stages over, a period that the Minister considers to be reasonable in the circumstances (but not in any event exceeding eight years from the commencement of this Act)—

and so on as indicated in the schedule.

The Hon. R.I. LUCAS: I again express my disappointment with the attitude indicated by the Hon. Mr Elliott. It is clear that he is not prepared to listen to the plea from the Liberal Party members—

The Hon. M.J. Elliott: The amendment will not achieve what you said it is supposed to achieve.

The Hon. R.I. LUCAS: We are not asking for just that. We are asking for him to wait for the response promised by the Minister in charge of the Bill in relation to these other so-called minor discharges around the place, if they exist—and I do not know if they do, and nor does the Minister or her advisers. If they do not exist, the Hon. Mr Elliott has nothing to worry about. I would have thought that we should wait to find out the effect of the vote on this amendment before we took a position. As I have said, I am disappointed that the Hon. Mr Elliott has taken the view that he will reject that plea and oppose this amendment.

Therefore, in my final contribution to this matter unless further provoked, I place on record, as I said earlier, the fact that I do not trust this Government, the Premier or the commitment given by the Minister on behalf of the Government in relation to this issue. As I said earlier, we have good cause for not trusting the Premier and the Minister in the Cabinet. That is the reason why the amendment was moved. I want to place this on the record in case this commitment is broken in 1993, as I suspect it will be. If it is not, terrific, but we will keep the pressure on, and I am sure that the Hon. Mr Elliott will keep the pressure on also. However, I suspect that, as with many other major commitments, this Government will find a reason for breaking this particular election promise. We have already seen it. The ground has been paved in relation to Port Lincoln. We are talking about the 1993-94 financial year which is potentially beyond the 31 December 1993 commitment.

The Hon. J.F. Stefani interjecting:

The Hon. R.I. LUCAS: That is right; we are talking about financial hardships, a recession, and Governments not having enough money to do what they want to do.

Circumstances have changed. The levy did not raise as much money as we thought it would raise. Based on seven years of excuses, we can already write the excuses for this Minister, a future Minister or for this Premier. Let it be on the head of the Hon. Mr Elliott. He knows by supporting the Government at this stage the potential ramifications of his position. The Liberal Party fought right to the end to defend the position of those who want to protect and ensure the protection of the marine environment from sludge, to ensure that the commitment of 1993 is kept by this Government.

The Hon. Mr Elliott knows, because he has been told again and again during this debate this evening, the potential ramifications and effects of his vote on this clause. The Minister has indicated that she will provide to members after this debate further information in relation to those minor discharges and other questions that have been raised by members. Certainly, members of the Liberal Party will read those answers with interest, and if they indicate even at this stage a major movement away from the Government commitment—and there are a number of these minor dis-

charges, however defined, all around South Australia—let it be on the head of the Hon. Mr Elliott together with the Government that he was not prepared to report progress on this particular issue to wait for those responses.

The Committee divided on the amendment:

Ayes (8)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, K.T. Griffin, Diana Laidlaw (teller), R.I. Lucas, R.J. Ritson and J.F. Stefani.

Noes (9)—The Hons T. Crothers, M.J. Elliott, I. Gilfillan, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts, G. Weatherill and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived; schedule passed.

Schedule 2 and title passed.

Bill recommitted.

Clauses 10 and 11 and Schedule 2—recommitted.

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

The Hon. DIANA LAIDLAW: I move:

Page 4, lines 33 and 34—Leave out paragraph *(d)* and insert the following paragraphs:

(d) a person with knowledge and experience in manufacturing appointed by the Council on the nomination of the Chamber of Commerce and Industry S.A. Incorporated and the South Australian Employers Federation;

(da) a person with knowledge and experience in the mining industry appointed by the Council on the nomination of the South Australian Chamber of Mines and Energy Incorporated;

When this clause was last before the Committee, a number of changes were agreed to in respect of nominees from the Conservation Council and the South Australian Fishing Industry Council. I indicated at the time that, whilst the Liberal Party certainly supported strongly those bodies making recommendations for appointment to this important Marine Environment Protection Committee, it was unacceptable to the Liberal Party that that same courtesy should not be extended to persons representing the manufacturing and/or mining industries in this State. After all, if this Bill is to be successful, it will be vitally important to gain the cooperation of the manufacturing and/or mining industries. Hopefully, we will also gain their cooperation to ensure that pollution is prevented, rather than seeing this Bill simply as a reactive measure.

The Minister at that time agreed to recommit this clause. My discussions have subsequently identified that the Chamber of Mines and Energy, the Chamber of Commerce and Industry and the Employers Federation are all keen to be involved in the work of this committee. I therefore seek to increase the size of the committee to allow for a member being appointed on the nomination of the Chamber of Mines and Energy and a further member selected by liaison between the Chamber of Commerce and Industry and the Employers Federation. I know that those three bodies have written to the Minister along the lines that I have outlined in my amendment.

The Hon. ANNE LEVY: I move:

Page 4—Leave out subclause (2) as amended by a previous Committee and insert the following subclause:

'(2) The Committee consists of—

(a) the Chairman of the Council;

(b) whichever of the following members of the Council the Council appoints as a member of the Committee:

(i) the member of the Council appointed as a person with knowledge of biological conservation;

(ii) the member of the Council appointed as a person engaged at a university in teaching or research in a field related to environmental protection;

(c) a person appointed by the Council from a panel of three persons nominated by the Conservation Council of South Australia Incorporated;

(d) a person appointed by the Council from a panel of three persons with knowledge and experience in manufacturing nominated by the Chamber of Commerce and Industry S.A. Incorporated and the South Australian Employers Federation;

(e) a person appointed by the Council from a panel of three persons with knowledge and experience in the mining industry nominated by the South Australian Chamber of Mines and Energy Incorporated;

(f) a person appointed by the Council from a panel of three persons nominated by the Minister of Fisheries;

(g) a person appointed by the Council from a panel of three persons nominated by the South Australian Fishing Industry Council Incorporated;

(h) a person appointed by the Council from a panel of three officers of the Public Service of the State nominated by the Minister of Health;

(i) a person appointed by the Council from a panel of three persons nominated by the Local Government Association; and

(j) such other members of the Council or other persons as the Council may, from time to time, with the approval of the Minister, appoint to the Committee.'

This amendment arises out of numerous consultations that have occurred since this matter was considered in September before the break. I think it incorporates all the concerns that were previously expressed and the point that the Hon. Ms Laidlaw has just made regarding a person nominated by the Chamber of Commerce and Industry and a person nominated by the South Australian Chamber of Mines and Energy Incorporated.

I am sure members will recall the debate last month relating to this matter. This has been addressed in the amendment moved by the Hon. Ms Laidlaw as well as in the amendment standing in my name. However, I urge the Council to accept my amendment as opposed to that of Ms Laidlaw, as it also incorporates a person who will be nominated by the Local Government Association.

Speaking now as Minister of Local Government, I think it highly desirable that the committee should include a representative of the Local Government Association. I am sure that anyone who has had anything to do with stormwater drainage in the metropolitan area will realise the close involvement of councils in this matter.

The Hon. M.J. ELLIOTT: This is a point source solution and has nothing to do with stormwater.

The Hon. ANNE LEVY: It is a point source when it gets to the sea; but at the point of discharge into the ocean it is a point source. Certainly, the build-up involves local government throughout the metropolitan area. I understand that the Local Government Association is very keen to be involved and to be represented on this committee because of the implications that it can have for local government.

As Minister of Local Government, I strongly support the involvement of the Local Government Association and I would expect the shadow Minister of Local Government likewise to strongly support a representative on this committee nominated by the Local Government Association.

I ask the Committee to accept my amendment rather than that of the Hon. Ms Laidlaw, as my amendment certainly incorporates the important elements that the honourable member wishes to introduce. We have no quarrel with them. But my amendment also includes, under paragraph (i), a person appointed by the council from a panel of three persons nominated by the Local Government Association. For this reason I ask the Committee to support my amendment as opposed to that of the Hon. Ms Laidlaw.

The Hon. M.J. ELLIOTT: I was under the impression that we had pretty well sorted things out in relation to this clause when we debated it previously. What we have now

from the Minister represents a significant change, in fact, there are a number of significant changes to what had essentially been agreed. This proves wrong the suggestion of the Hon. Mr Lucas that any deals have been done, because I really do find this unacceptable in a number of ways. I believe that the committee will be expanded way beyond what is necessary. I do not believe that a separate nominee of the Chamber of Commerce and Industry and the Chamber of Mines and Energy will supply a different form of expertise to the committee that is of any great, relevant value. It is not the mining operations that impact upon the marine environment: it is the processing of minerals by BHP at Port Pirie, very clearly an industrial operation that impacts, and the operations therefore are not distinctly different from the sorts of operations which would concern the Chamber of Commerce and Industry and which would be likely to lead to pollution. There are not distinctly different problems being created by the two which require a distinctly different voice. I believe that the greater interest is simply in attempting to change the balance of the committee in the first instance. That is the prime interest.

I am gravely concerned that in raising the argument about the need for local government involvement, the Minister has mentioned stormwater. Until this time I thought it had been made perfectly clear that stormwater was seen as a diffuse source of pollution, that it was not intended at this time to pick that up and that stormwater was to be covered by diffuse source legislation which is to follow. That is my clear understanding and I am extremely concerned that the Minister has raised that matter at this time. I know there has been some suggestion that perhaps the operation of a sluice gate, as at the Patawalonga, might have caused that waterway to act as a point source, but I understood that even that had been clarified in answer to questions I raised when last we debated this matter. I hope that the Minister will clarify that. I must say that, if stormwater was not included, the role I expect this committee to carry out is not one in which local government would have an interest. I understand that local government has a very clear interest in stormwater and the ramifications in that regard but, in terms of setting quality standards for receival waters and those sorts of things, local government would not have a particular interest and would not have to be represented on the committee. However, I leave that issue aside for the time being.

The final matter of concern is that the Minister has made one very clear change—and I hope that the Hon. Ms Laidlaw is listening to this. The Minister proposes that nominees representing these various bodies be chosen from a panel of three. That is a clear change.

My recollection is that, in the past, the Opposition has opposed these sorts of things. I believe, and I think that the Liberal Party believes, that if a body is asked to make a nomination it puts forward one nomination. In the past it has been a very clear practice of Ministers to try to get the committee they want by having panels put up so that they can pick and choose and get a tame committee that will not give trouble. If we are asking bodies for a nominee, we should ask them to give one and not three from which the Minister can choose.

In some cases one person may be clearly well suited for the job and a body may want to put forward only one person, and that should be its decision. So, on a number of grounds I find the Minister's amendment totally unacceptable; nor will I support the amendment of the Hon. Ms Laidlaw for the reasons I outlined in relation to the Mines and Energy people not having a clearly different opinion which could be stated over that which the Chamber of Commerce and Industry would supply.

The Hon. ANNE LEVY: I would like to pick up on a couple of points the Hon. Mr Elliott has made. My mention of stormwater was not to suggest that stormwater was to be covered by this legislation. Quite clearly, stormwater is diffuse pollution and not point source. However, as has been understood for a long time, this Bill deals with point sources; the next problem will be to tackle diffuse sources, which certainly includes stormwater. The committee will be negotiating with regard to diffuse sources, and this will mean that it must undertake negotations involving stormwater, which certainly involves local government.

So, it is felt that the body that will negotiate with others regarding diffuse sources, which includes negotiating with local government, will be able to undertake negotiations far more readily, successfully and acceptably if there is a representative of Local Government on it. The Local Government Association has expressed the desire to be represented on the committee for this purpose, hence its inclusion.

With regard to the question of a panel of three, I can indicate to the Hon. Mr Elliott that in fact this has been inserted for consistency with a large number of other Acts that relate to similar matters. I can quote the Water Resources Act that was passed earlier this year. In that very important Act, the Water Resources Council includes a member selected by the Minister from a panel of three persons nominated by one or more organisations that represent the interests of municipal and district councils, and that means the LGA.

A member will be selected by the Minister from a panel of three persons nominated by one or more organisations that represent commercial or industrial interests; a member will be selected by the Minister from a panel of three persons who have experience in irrigated farming nominated by one or more organisations that represent farmers. This applies to every member of the Water Resources Council established under the Water Resources Act.

Under the Pastoral Land Management and Conservation Act, which this Council debated at great length in 1989, for the Pastoral Board one member will be selected by the Minister from a panel of three made up of names submitted by the United Farmers and Stockowners' Association and one will be selected by the Minister from a panel of three made up of names submitted by the Conservation Council of South Australia Incorporated. We have this principle of nomination of three names in the Pastoral Land Management and Conservation Act.

In the Soil Conservation and Land Care Act 1989—again, a major Bill passed by this Council last year—we have the Soil Conservation Council. One member will be a person who has, in the opinion of the Minister, wide experience in the management of a pastoral lease selected from a panel of three made up of names submitted by the United Farmers and Stockowners' Association and one will be a person who has, in the opinion of the Minister, wide experience in horticulture selected by the Minister from a panel of three made up of names submitted by the United Farmers and Stockowners' Association. In the Soil Conservation and Land Care Act, again we have the panel of three names submitted by the UF&S, also a panel of three submitted by one or more tertiary education institutions, and from a panel of three made up of names submitted by the Conservation Council of South Australia.

There is also the Coast Protection and Native Vegetation Management Act 1988. In this case, the Native Vegetation Authority consists of a person nominated by the Minister from a panel of four persons nominated by the UF&S. One will be a person nominated by the Minister from a panel

of four persons nominated by the Nature Conservation Society, and so on. One could argue that four in the Coast Protection and Native Vegetation Management Act should be changed to three. The principle of selecting from a panel of three names applies to all these similar but very important environmental protection Acts.

The Water Resources Act, the Pastoral Land Management and Conservation Act, the Soil Conservation and Land Care Act, the Coast Protection and Native Vegetation Management Act, together with this Marine Environment Pollution Act, make up a package of care of the environment. The common thread in all these Acts setting up the appropriate boards, councils or committees, is to have selection from a panel of three names. It is not a new principle. It would seem that the Hon. Mr Elliott and members opposite would be applying completely different standards for this important environmental legislation from that which they applied to the previous very important pieces of environmental legislation which have been considered in the last couple of years.

Progress reported; Committee to sit again.

ADJOURNMENT

At 12.11 a.m. the Council adjourned until Thursday 11 October at 2.15 p.m.