LEGISLATIVE COUNCIL

Thursday 13 December 1990

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 11 a.m. and read prayers.

SITTINGS AND BUSINESS

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

That Standing Orders be so far suspended as to enable Question Time to be postponed and taken into consideration on motion.

Motion carried.

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

That Orders of the Day: Government Business and Order of the Day: Private Business be adjourned and taken into consideration on motion.

Motion carried.

CITRUS INDUSTRY ORGANISATION ACT AMENDMENT BILL

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

That the Council note the passage of the Bill.

By way of brief explanation, apparently on Tuesday evening an agreement was reached amongst the Parties that this Bill would not pass all stages because the Hon. Mr Elliott had not contributed to the debate. Unfortunatley, there was some mix-up about that arrangement and the Bill was passed. The Hon. Mr Elliott has requested an opportunity to contribute to that debate and I have therefore moved this motion for that purpose. I suggest that the Hon. Mr Elliott take the adjournment; we will then put it on motion and at a convenient time he can make his contribution.

The Hon. M.J. ELLIOTT: I thank all members of the Council for giving me the opportunity to speak. Unfortunately, some wires were crossed at some point. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

MURRAY-DARLING BASIN ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 December. Page 2441.)

The Hon. DIANA LAIDLAW: The Liberal Party supports this small Bill which, essentially, seeks to provide an opportunity for decisions to be made by the council by way of executive decision and without the full meeting of the council. It has become apparent over time that it is not always necessary or appropriate for a common meeting venue to be organised, with the expense involved in representatives of the council travelling to that venue to make all decisions on the operation of the council and the important work it does in effectively managing the natural resources within the Murray-Darling Basin. The Liberal Party supports the measure.

The Hon. M.J. ELLIOTT: The Democrats support this Bill. What it attempts to do is quite reasonable, but I would like to take this opportunity to note that the Murray-Darling systems continue to have significant problems and, I suppose, the most recent example of that is the algal bloom which has occurred in the vicinity of Renmark recently which appears to be of a toxic type. These blooms are most often directly linked with high levels of nutrients in the water, particularly phosphates and nitrates. It is a matter of concern that those particular algae will enter the river. The turbulence will remove the problem for the time being, but it is likely that they will eventually find their way down into the lake system. We need to be forewarned that that may be the beginning of some problems that could occur right along the Murray system and into the Goolwa Lakes later this summer when the warm weather persists.

I would like to make one other comment in relation to the schedule. I am reminded that we still do not have representation from Queensland on the Murray-Darling Basin, within the Murray-Darling Basin Act. That is a matter of grave concern. Queensland has significant tributaries into the system and the sooner that Government becomes involved in the overall care of the Murray-Darling Basin the better. One would hope that the change of Government which occurred there over 12 months ago will lead to a change of heart on the part of that State and that it will also become involved in matters relating to the Murray-Darling system. With those few brief comments, the Democrats support the Bill.

The Hon. ANNE LEVY (Minister of Local Government): I thank honourable members for their contributions to this Bill. As indicated by the Hon. Ms Laidlaw, it will no longer be necessary for the Ministers actually to meet, but I can assure the Council that there will still be consultation and discussion between them. It is intended to do this, when necessary, on more minor matters by telephone hook-up. That will certainly be more convenient and considerably cheaper than having to meet formally. The identical provisions have already been inserted into the legislation of New South Wales, Victoria and the Commonwealth and, with the passing of this measure today, the commission will then be able to meet and take the necessary decisions as indicated by other means of communication.

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

UNIVERSITY OF SOUTH AUSTRALIA

Consideration of the House of Assembly's resolution:

That this House resolves that an address be forwarded to His Excellency the Governor pursuant to section 10 (3) *(b)* of the University of South Australia Act 1990 recommending the appointment of Mark Kennion Brindal and Murray Royce De Laine to the first council of the University of South Australia.

(Continued from 12 December. Page 2668.)

The Hon. ANNE LEVY (Minister of Local Government): I move:

That the resolution be agreed to.

The Hon. R.I. LUCAS (Leader of the Opposition): I have much pleasure on behalf of the Liberal Party supporting the motion. I am sure that both Mr Brindal and Mr De Laine will be excellent representatives of the Parliament on the interim council of the new university.

The Hon. ANNE LEVY: In closing the debate, I echo the sentiments expressed by the Leader of the Opposition. I am sure that these two parliamentary representatives will contribute considerably to the important discussions and decisions which the new council of the University of South Australia will be making during 1991.

Resolution agreed to.

BUILDING SOCIETIES BILL

Consideration in Committee of the House of Assembly's amendment:

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

That the House of Assembly's amendment be agreed to.

This is a money clause which has been inserted by the House of Assembly, and we should agree to it.

The Hon. K.T. GRIFFIN: I support that proposition.

Motion carried.

CITRUS INDUSTRY ORGANISATION ACT AMENDMENT BILL

Adjourned debate on motion of Hon. C.J. Sumner (resumed on motion):

That the Council note the passage of the Bill.

(Continued from page 2624.)

The Hon. M.J. ELLIOTT: The Bill came before this Parliament because the present board's time had almost expired and the Government had under consideration new legislation to alter the way in which the Citrus Board was to function. In fact, it proposed some quite significant changes in a White Paper. During this interim period the Bill that passed through this place had the intention of allowing the Citrus Board to continue in operation without the need to make new appointments until legislation came before this place and was considered.

As a former resident of the Riverland, and with many friends still there, I must say that the proposed changes are viewed with great concern. That concern was one of the reasons why there was such a large crowd on the steps of Parliament House only a couple of weeks ago. Unfortunately, as things are prone to happen with the media, the whole issue was simplified down almost to the labelling of produce, but the issues concerning the fruit growers went much wider than that.

A particular concern that fruit growers have—and we are not just talking about citrus growers—is the impact that deregulation is having on them. If one cared to study some of the signs that were displayed by people protesting, their concern was very much about the impact of deregulation. I know that an immediate response from the Government tends to be that it is the farmers who are pushing deregulation and, if that is what they have been pushing, they should cop it sweet.

It should be noted that in fact farmers generally have not been the ones pushing the barrow of deregulation. I suggest that it is a very narrow group who at times tend to represent farmers and, in particular, the hierarchy of the NFF and certain members who are high up in the UF&S. I do not believe that they are broadly representative of farmers generally, and they certainly are not representative of the fruit growers. It is worth noting that the protest rally on the steps of Parliament House a couple of weeks ago did not have the sanction of the UF&S. In fact, the UF&S was opposed to it. But I would guarantee that about 75 or 80 per cent of the Riverland fruit growers came to that protest rally in spite of strong opposition from the UF&S and people like Ian McLachlan who oppose the very things that these growers stand for.

As to the changes which are being considered and which have led to this Bill's coming before us, a number of changes are being proposed to the Citrus Board. There are proposals that could lead to the loss of power to set a minimum juice price; a proposal that the power to set terms of payment be removed; and also a proposal to change the composition of the new board. All three of those proposals are causing grave concern.

The national citrus industry, through the Australian Citrus Growers Federation (ACGF), has indicated its displeasure with the white paper position on minimum pricing. The ACGF has clearly stated the national context in which we in South Australia operate. It issued a media statement on 15 May this year. The press release came out following the annual conference of the Australian Citrus Growers Federation, and I quote as follows:

Conference delegates representing citrus growing States and districts throughout Australia unanimously rejected South Australia's minimum pricing deregulation, which would put South Australia out of step with Victoria and New South Wales.

Delegates noted that the South Australian move comes at a time when the citrus industry had achieved a measure of stability through complementary legislation of the Victorian and New South Wales Parliaments to establish a Murray Valley Citrus Marketing Board with powers including minimum pricing of factory citrus. Conference further noted the recent establishment of the Murrumbidgee Irrigation Area (MIA) further noted the recent establishment of the MIA Citrus Fruit Marketing Order Committee with similar statutory minimum pricing powers.

ACGF President, Kelvin Voullaire, said that the Australian citrus industry considered the South Australian move particularly inopportune in the light of industry action to restructure following the Federal Government's May 1988 economic statement.

'In May 1988 the citrus industry was told that import tariffs on frozen concentrated orange juice would be reduced by 50 per cent over the five years to June 1992', Mr Voullaire said. 'The Australian citrus industry had quickly reacted with a program to emphasise fresh fruit exports and to gradually reduce reliance on juice processing', he continued, 'but the fact is that changing from juice fruit production to producing export quality fresh citrus takes time and money.' 'Now,' said Mr Voullaire, 'the South Australian Government proposes to sabotage the industry's efforts by the premature removal of the stabilising effects of a minimum price for factory citrus which supports export initiatives.' Delegates cited earlier MIA experience which demonstrated conclusively that, without the stabilising influence of factory minimum pricing, growers in that area received substantially lower fruit prices. They considered there was solid evidence pointing to substantial loss of income by South Australian citrus growers.

In unanimously opposing the South Australian proposals, conference delegates said they had no doubt that the effects would flow through to other States with disastrous results for the citrus industry nationally.

There is no doubt that it is highly desirable that South Australia's legislation should be complementary to that of New South Wales and Victoria. The South Australian citrus industry has a lot in common with our sister States. The precedent has now been set for South Australia, with the amalgamation of the Victorian and New South Wales citrus marketing boards, and the South Australian Government should not close off this option. One further consideration that the Murray citrus growers would be prepared to consider is that proposed to the South Australian Government by the CBSA.

The minimum juice price has three major functions: first, to establish a world parity price for citrus; secondly, to function as an objective negotiating tool between growers and processors; and, thirdly, to form a complementary adjunct to the terms of payments conditions. Growers have successfully used the minimum juice price to negotiate collectively with processors. Without the necessary statutory teeth, we have no doubt that the processors would not negotiate and would not need to justify their payments to anyone.

The current system ensures that processors provide substantiating evidence to statutory boards for any proposed variation in the minimum price. As previously argued, when the MIA had only recommended prices, MIA processors generally paid far less for fruit—between $10 and $60 per tonne. It is also important to note that this effect flows

through to the fresh fruit marketing for both domestic and export markets. MIA growers have literally sold their fruit at any price just to clear it. This unsatisfactory situation created a difficult marketing situation for other production areas. Obviously, any move to substitute South Australia with the MIA in such a marketing scenario would, in turn, be regarded unfavourably by our interstate colleagues.

At present the board can set terms of payment and orange producers, generally, do not get put through the wringer in the same way as do grape producers. I recall instances in the past where grape growers have sold grapes and they have not been paid, even a first payment, sometimes for a couple of years. Often growers found themselves in a position where a winery would say, 'Look, things are tight. Give us this year's crop and we will pay you for last year's crop.' Sometimes the debts accumulate further than that. Those sorts of terms of payment are totally unacceptable, and I think it is most important that terms of payment should continue to be able to be controlled by the board. Of course, the change in composition of the board, I believe, is extremely unfair. The board is meant to represent, primarily, the interests of the citrus industry itself and not those of others. Obviously, we will get a chance to pursue that issue further if the Government still proceeds with later legislation.

John Kerin, the Federal Minister for Agriculture, is quoted in the *Advertiser* of 5 December 1990, as follows:

'With citrus, I could, to be quite honest, no longer tolerate the situation where I was saying, "You know, you should expose our domestic industries to competition to international market forces,"' he said. 'That is fine and good, but no industry can cop the price movement from $240 to $60 in the space of two or three months.'

Special difficulties are being created at the moment by the large amount of citrus products being dumped in Australia and, to be frank, changing labelling laws will not change that. There is no doubt that the Federal Government needs to confront the problems of entry of produce priced well below any reasonable cost of production in Australia. Nevertheless, rapid fluctuations in price are a very real problem. That is something that farmers certainly need to face up to and there is no doubt that proper market signals need to come through to producers.

However, when we realise that with an orange tree you may not pick any fruit for five years and may not have it in full production for 10 to 15 years, rapid fluctuations in price are not something that you can react to in the way that is possible with many other commodities, in that you can change from one commodity to another in a relatively short time. With citrus, as with most horitcultural industries (at least the tree fruit industries) when you plant something it is there long term. There needs to be a system whereby prices do not take wild fluctuations. Mechanisms need to be looked at which guarantee a minimum price but in the long run still allow market signals to be felt. The Government's attitude and reason that it argues that it wants to get rid of price fixing powers is to give the consumer a better go. I do not believe that they will give the consumer a better go.

It is worth looking at what happens to oranges now. Where oranges are sold loose, the final price in the shop (some eight months ago now) was around $670 per tonne. Of that $670, the grower gets $180, the packer gets $250 and the retailer $190. If citrus is sold loose, the grower still gets $180. The overall price is around $990 per tonne and the retailer takes $560 per tonne. If we are worried about the consumer being ripped off, getting rid of price fixing mechanisms, which at least protect the grower, will not help the consumer, because the consumer is not being ripped off by the growers—they are going broke. Consumers are being ripped off in South Australia by the retailers and it is time we faced up to that. The great difficulty we have in Australia at the moment is the high concentration of very few buyers in the marketplace.

We desperately need some sort of anti-trust legislation with real teeth to stop the level of monopoly formed, whereby particularly the Coles and Woolworths chains have such dominance of the marketplace. They are the ones ripping off the consumers. If we get rid of minimum price fixing, more growers will go broke, but the price of oranges in the shop will not change. Fruit and vegetables are the big profit lines for the big chains, as well as meat. That is where they make the bulk of their profit. They will not drop those prices to help the consumer. Clearly, we will look at these issues in much greater depth later, but I felt that some of these matters needed to be put on the record now.

The Government has been getting bad advice on the Citrus Board. It is getting advice from a group that is not representative of growers. They are not saying what the growers want. Some growers support the UF&S line which is now the Government line, but they are in a very distinct minority. The Democrats support the present Bill but note with concern that the real purpose of it is to wait for new legislation to come in, which I believe will be extremely detrimental to citrus growers and the community generally in South Australia's Riverland.

Motion carried.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 5)

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments.

Consideration in Committee.

The Hon. ANNE LEVY: I move:

That the Council do not insist on its amendments.

I will not canvass the reasons, as they were fully explained in my third reading speech last night.

The Hon. DIANA LAIDLAW: I recommend the opposite, namely, that the Council do insist on its amendments.

The Hon. I. GILFILLAN: The Democrats believe that the Bill as it left this place should remain intact and we do not support any change to it.

Motion negatived.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's message—that it had agreed to amendments Nos 4 to 11, had disagreed to amendments Nos 1 and 3, and had disagreed to amendment No. 2 and made an alternative amendment, as follows:

Page 1, line 32 (clause 4)—Leave out paragraph *(c)* and insert new paragraph as follows:

(c) by striking out from paragraph *(d)* of subsection (1) 'four' and substituting 'five'.

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

That the Council do not insist on its amendments Nos 1 and 3 and agree to accept the alternative amendment made in lieu thereof.

The Hon. I. GILFILLAN: I support the motion. Briefly the issue concerns the increase of the numbers on the Occupational Health and Safety Commission. The original Bill identified a specific area for representation, and paragraph *(da)* provides:

One will be nominated by the Minister after taking into account the recommendations of the South Australian Chamber of Mines and Energy to represent the interests of employers.

I opposed the clause and the measure itself, on two grounds. First, that the number of the total commission increasing from 13 to 15 is making the commission even more cumbersome. Thirteen is a large enough number when you consider that it was an increase from 10, which was the number in the original Bill in 1986. It is now up to 15. If this passes, we will see a 50 per cent increase in a matter of four years.

The motive was to get direct representation from an industrial area that has been recognised as having a poor record in health and safety of the work force. That, I believe, is statistically correct. I am not sure that the representation by someone from the Chamber of Mines and Energy was going to be the panacea for that, but that matter is not the subject of the current deliberations on the matter before the Council.

I want to report, though, that I had a conversation with Mr Mike Davey, who is the President of the Chamber of Mines and Energy, and it is interesting to note that at no time was the chamber approached on this intention to have direct representation from the chamber on the commission. I feel that that is not acceptable as a procedure, and that it was remarkable that the Government brought in a Bill, with the intention of having a direct nominee from the chamber, and did not have the courtesy to even notify the chamber of its intention to do it, let alone have a discussion with the chamber about it. The President only knew of it inadvertently in his role with the Chamber of Commerce and Industry, which was considering the matter.

However, upon reflection, the Government has now decided—the Minister in particular—that it is better not to prescribe the particular industrial area that the increased numbers shall come from onto the commission. It will be at the discretion of the Minister, after taking into account recommendations of employer associations, to make the extra appointment to the commission, and it is assumed that those discussions and the eventual appointment will be of someone directly from and involved with the Chamber of Mines.

The issue that I am now prepared to accept is that the number of the commission shall be increased from 13 to 15. If in the general wash-out it does lead to better occupational health, safety and welfare in the mining industry, then obviously it should be supported on those grounds alone. I remain to be convinced that, by increasing the number of the commission to a now unwieldy 15, that is going to be achieved, but I would like to indicate that the Democrats will support the motion of the Attorney.

The Hon. K.T. GRIFFIN: The Opposition supports the motion. It does result from some discussions in the House of Assembly relating to the increase in the size of the commission. The direct reference to the Chamber of Mines and Energy got into the Bill in the first place because the Minister was intent upon getting his hands, and the hands of the department, more into mining occupational health, safety and welfare. I think it is called empire building. However, putting that to one side, I can accept that there has been some discussion which has satisfied parties that there should be an increase in size, and it is for that reason that I support the motion.

Like the Hon. Mr Gilfillan, I find it appalling that a specific reference to the Chamber of Mines should have been included in this Bill without any consultation at all, and I must say that I do not think that is unusual. There are many things which come in through this Government which have never been the subject of consultation, even though they do affect specific interests. I support the motion.

Motion carried.

NATIONAL CRIME AUTHORITY

Adjourned debate on the question:

That the report from the Committee, viz., that the motion referred to it as agreed to with amendments—be adopted.

(Continued from 12 December. Page 2646.)

(For wording of original motion and amendment see page 2323.)

The PRESIDENT: Yesterday there was some dispute as to whether we had the right process in adopting a report from the Committee. We went back to square one, the *status quo*, as members will see from the way in which the matter is before the Chair today. Having now further considered the matter, I report as follows.

During yesterday's sitting, the question was raised that after the Chair had reported on the motion referred by this Council to the Committee of the whole and the report being adopted, a further question, or questions, should be put in which the Council would vote on the matters already agreed to in Committee.

This whole matter eventuated because a reply is only allowed to the mover of the substantive motion. An amendment was moved by the Hon. Mr Lucas and to enable the Attorney-General to reply, it was ordered that the motion, together with the amendments, be referred to the Committee of the whole Council to enable open debate with no restriction on the speakers. This is, as members will know, a very rare procedure.

The Hon. C.J. Sumner: But a useful one.

The PRESIDENT: Useful, but rare. It is important that the Council considers the substance of my report to the Council which was—

I have to report that the Committee has considered the motion referred to it and has agreed to the same with amendments.

By agreeing to this motion—that the report be adopted—the Council has in fact accepted and agreed to the decisions made in Committee. Standing Order 370 states:

When the consideration of all matters referred to a Committee has been concluded, the Chairman shall leave the Chair and report the resolutions of the Committee to the Council . . .

Standing Order 376 states:

The resolution so reported may then be agreed to or disagreed to; or agreed to with amendments . . .

I once again reiterate that the resolution reported was:

. . . that the Committee has considered the motion referred to it and has agreed to the same with amendments.

It does not imply that the question is:

That the motion, as amended, be agreed to.

It is the resolution of the Committee that the motion, as amended, be agreed to, and this could be further amended provided that the amendment is relevant. Although in relation to a Bill, President Givens of the Australian Senate in 1920 ruled that:

It is competent for the Senate to make any relevant addition to the motion for the adoption of the report . . .

such as a protest at the inclusion of certain provisions in a Bill. Standing Order 375 states:

Every report from a Committee of the whole shall be brought up and received by the Council, without question put.

This covers the actions of the Chair in merely reporting the result from the Committee of the whole which in turn leads to the motion for the adoption of the report. There are

many occasions when, not only in the case of Bills but, for example, yesterday, the recommendations from the conference on the Local Government Act Amendment Bill, were agreed to in Committee, subsequently received by the Council when the Chair reported and adopted accordingly.

It could have been open to the Council to disagree to this motion, or amend it by adding a further expression of opinion of the Council, or the motion could have been recommitted.

In 1976, the report of the Standing Orders Committee was referred to the Committee of the Whole and the amendments contained in that report considered and agreed to *seriatum*, received by the Council—when the Chair reported, and subsequently the report—'That the Committee had agreed to the report of the Standing Orders Committee and the schedule of proposed amendments appended thereto'—was adopted by the Council. After this, there was no further motion necessary.

When questions have been determined in Committee, they are not considered again separately by the Council. If the Council determines that they should be considered further or does not concur with the overall report of the result from that Committee, the Council should order that the matter be recommitted to the Committee of the whole for further consideration and subsequent report to the Council. Therefore, I stand by the ruling that I attempted to give yesterday, but on which I decided to reflect. So, the question before the Chair at this moment, as I rule, is that the motion referred to it as agreed to with amendments be adopted.

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

That the report be adopted.

I have considered the matter since we were debating it yesterday, and I do now come down in favour of the ruling which you Mr President have made. It seems to me that that is a sensible course, and of course there are precedents for it, and I would see that nothing further is required with a motion which has been to the Committee. Of course, in relation to Bills there is a different consitutional convention that Bills be read a first, second and third time. There is some debate as to whether a motion then needs to be put that the Bill 'do now pass' after it has been read a third time, although the Standing Orders require that. However, constitutionally, I have argued on previous occasions that, provided the Bill is read a first, second and then a third time and a message is communicated to the other House, that is all that needs to be done, and if that happens in both Houses the Bill passes.

However, with a motion, which does not have to be read a first, second and third time, I believe the conclusion that you have reached, Mr President, is the correct one because no further action needs to be taken if the report is adopted, that is, the report 'That the Committee has considered the motion and agreed to the same with amendments'. If that is adopted, that is, in effect, an adoption of the recommendation, and a passing of the motion, or not passing, as the case may be. It is my view, having thought about it overnight, that the ruling is correct notwithstanding the reservations that I expressed yesterday.

The Hon. C.J. SUMNER (Attorney-General): I am happy to accept part of the ruling, namely, the motion that is now before us (which is explained—and I think that helps), namely, that the motion referred to as agreed to with amendments be adopted. That makes quite clear—

The PRESIDENT: I hate to interrupt, but that was the motion as it was moved yesterday.

The Hon. C.J. SUMNER: Yes. and that, by the adoption of that report, we are adopting the motion as amended from the Committee as the resolution of the Council. That is the ruling that you, Mr President, have given and, as far as the procedures of the Council are concerned, it is satisfactory, because those members who wanted a resolution of the Council now have it.

I do not intend to make any motion of dissent. The only query that I will raise is in relation to the last paragraph of the President's ruling, when he said:

When questions have been determined in Committee, they are not considered again separately by the Council. If the Council determines that they should be considered further, or does not concur with the overall report of the result from that Committee, the Council should order that the matter be recommitted to the Committee of the Whole for further consideration and subsequent report to the Council.

I cannot agree entirely with that statement because, while that may be a prudent course of action for the Council to take, I do not think the Council is obliged to take that course of action under Standing Order 376, which provides:

The resolution so reported may then be agreed to or disagreed to; or agreed to with amendments; or recommitted; or the further consideration thereof may be postponed.

My view would be that if, after the Committee stages on referral to a Committee of the whole as we did yesterday, the matter comes back to the full Council with the motion that has been moved, namely, that the report from the Committee, namely, that the motion referred to as agreed to with amendments be adopted, I think it would still be competent for the Council to move amendments to that motion in accordance with Standing Order 376. It may be that the Hon. Mr Griffin would move that the report be adopted; it may be that some other member of the Council might decide, 'No, I want to amend that to move that the report be adopted with the following amendments to the resolution.' That would be competent for the Legislative Council as a whole to do.

The PRESIDENT: My report to the Council accepts that.

The Hon. C.J. SUMNER: I am sorry, I did not read the last paragraph of your report, Mr President, as accepting it. I am not making a big point about it.

The PRESIDENT: Back in the middle of the report I explained that principle.

The Hon. C.J. SUMNER: Maybe you did. I am just quoting the last paragraph where you said:

If the Council determines that they should be considered further—

this is questions determined by the Committee—

or does not concur with the overall report of the result from that Committee, the Council should order that the matter be recommitted to the Committee of the Whole for further consideration and subsequent report to the Council.

All I am saying is that it may be prudent to refer it back to the Committee, but it is not a matter of obligation on the full Council to refer it back to the Committee. The Council may decide, as a full Council, to deal with the matter by amending the motion that the report be adopted.

The PRESIDENT: There is no argument about that.

The Hon. C.J. SUMNER: The only point I am making is that 'should' should be 'could': 'the Council could'. It is a very important difference whether—

The Hon. Anne Levy: Whether you have to.

The Hon. C.J. SUMNER:—you have to refer it back, or whether you do not. I am not trying to be unduly pedantic about this matter, but I do not want a ruling which may be used in the future to restrict the Council's capacity to amend a motion of this kind. I do not think that is an unreasonable position to take.

Mr President, if the ruling is—and perhaps from the interjection, what you are saying is clarifying—that the Council could order that the matter be recommitted to the Committee, I have no—

The Hon. K.T. Griffin: Or as a prudent course.

The Hon. C.J. SUMNER: No, I wouldn't even put that. I think the Council is the master of its own destiny. Once the report from the Committee comes up, the Council can do what it likes with it. It may be just that there is a simple, one-word amendment that is moved which does not need to go back to the Committee to be considered further.

It can be dealt with on the substantive motion that the report be adopted. However, it may be that when it comes back, motions of amendment are moved all around the place and the decision, in the final analysis, may be that it would be better to go back to the Committee for further discussion. I am not going to argue with the ruling. The way that the procedure has been developed is satisfactory, subject to the fact that the motion—which will be in these terms:

> That the report from the Committee, viz., That the motion referred to it as agreed to with amendments—be adopted—

is then a matter which is at large for the Council to consider and to agree to it, to disagree to it, to agree to it with amendments, to recommit it or to postpone it. I would then have no problem whatsoever with the ruling. The only objection that I wanted to take was that it is not obligatory, if there is disagreement with the motion that the report be adopted, to refer it back to the Committee for further consideration.

I just want to summarise, because I think that the procedure we have adopted—and it was done in these circumstances—was an ideal procedure for these circumstances and may well be an ideal procedure for other motions where there is a certain amount of complication about the amendments which are moved. If we have a motion with a simple amendment, clearly we do not need to refer it to a Committee. On the other hand, if we have a motion before the Council with a number of amendments, which it may be difficult to sort through and we might need some Committee work on it to get the motion into an acceptable form, the procedure that we have adopted of referring to a Committee of the whole and then bringing it out of the Committee of the whole with this procedure which has now been agreed upon is useful, and I think that the debate that we have had to clarify the procedure involved has been and may be useful for the Council in future.

The PRESIDENT: By way of clarification, because evidently there is still some cloud of confusion in the Attorney's mind, as I see it, we cannot separately debate those amendments which have come out of the Committee, but the motion out of the Committee, which is a whole motion, can be changed. We can amend and change that motion, but we cannot individually deal with the amendments which have been dealt with separately in the Committee in the motion as a whole—only in the motion as a whole.

The Hon. C.J. SUMNER: That was never in dispute.

The PRESIDENT: I thought that was what it was all about.

The Hon. C.J. SUMNER. No, it was not. There is still some dispute.

The PRESIDENT: As I see it, the amendments that were dealt with in the Committee cannot be dealt with on the motion of the report.

The Hon. C.J. SUMNER: I am sorry. I disagree with that. That is wrong.

The PRESIDENT: Individually.

The Hon. C.J. SUMNER: Individually.

An honourable member: You amend the motion.

The PRESIDENT: That is right.

The Hon. C.J. SUMNER: A member of the full Council, when the matter comes back to the full Council from the Committee, is entitled to move that the report from the Committee be adopted and to move amendments to it which are exactly the same as the amendments which were moved and dealt with in the Committee, because the member of the Council may in fact disagree with the—

The PRESIDENT: No. That is defeating the work of the Committee. It has to be recommitted then.

The Hon. C.J. SUMNER: Theoretically, that has to be the situation.

The PRESIDENT: Well, I do not know whether there is still some disagreement.

The Hon. I. GILFILLAN: I have thought about the matter overnight, and it appears that the honourable member has thought about nothing else since last night.

Members interjecting:

The Hon. I. GILFILLAN: I am sorry. It is probably a bit late in the proceedings to be facetious. However, an interesting issue was raised, and I agree that we went through a useful procedure. In my opinion, the issue for the more simple minded of us was whether in Committee the Council could make a substantial decision on the motion before it which would then apply to the Council as a whole through the simple procedure of adopting the report from the Committee. In my mind, that was the issue that caused the uncertainty. In most structures that the Attorney-General, the shadow Attorney-General and I have been involved in, a Committee does not normally make a substantial decision; it does subsidiary work. Then the plenary session is the only way in which the original motion can be passed or rejected.

It was an extraordinary experience for us, by the simple motion of adopting the report of the Committee, to have voted substantially on the original motion. That was a surprise, but, having listened to the argument and looked at Standing Orders, I accept that it is correct. I have no issue with that process at all. That was the major issue that I wanted clarified in my mind. The fine point that the Attorney-General has raised—which apparently your two heads are in disagreement over—is no doubt important, but to me it is not as important as that simple matter to which from now on we will be totally wise: that the Committee, if it deals with a motion, as it did yesterday afternoon by voting in favour of the amended motion in Committee and then having the plenary Council adopt without dispute, amendment or further argument that report, automatically approves of the original motion.

The Hon. C.J. SUMNER: That still does not overcome the problem in the plenary if the Council as a whole wants to amend the report from the Committee. I am saying that it is free to do it.

The PRESIDENT: So am I.

The Hon. I. GILFILLAN: I agree with what the Attorney-General has just said and I understand, from your comments from the Chair, Sir, that you agree that there is no argument but that the Council can amend that motion.

The PRESIDENT: The honourable Minister of Local Government.

The Hon. ANNE LEVY: Could I move that—

Members interjecting:

The Hon. ANNE LEVY: No, I was not going to move the gag. The message has arrived, and I wanted to adjourn it on motion.

Motion carried.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 5)

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 12.15 p.m. on 13 December, at which it would be represented by the Hons Peter Dunn, I. Gilfillan, Diana Laidlaw, G. Weatherill and Anne Levy.

Later:

A message was received from the House of Assembly agreeing to the time and place appointed by the Legislative Council for holding the conference.

The Hon. ANNE LEVY (Minister of Local Government): I move:

That the sittings of the Council not be suspended during the conference.

Motion carried.

[*Sitting suspended from 12.20 p.m. to 2.15 p.m.*]

The Hon. ANNE LEVY (Minister of Local Government): I have to report that the managers for the two Houses conferred together at the conference, but no agreement was reached.

The PRESIDENT: As no recommendation from the conference has been made, the Council, pursuant to Standing Order 338, must either resolve not to insist further on its requirements or lay the Bill aside.

The Hon. ANNE LEVY: I move:

That the Council do not further insist on its amendments.

I recognise that the majority of this Council did not like some of the measures included in the Bill, but above and beyond the question whether or not the Council happened to like the measures is the major constitutional question that this matter was a budget matter. When the Premier brought down his budget in August this year, he announced, as every budget announcement does, certain measures relating to expenditure and certain measures relating to revenue.

The measures in the Bill were included in the revenue part of the budget, and every budget from every Government includes both expenditure and revenue measures. It is a very serious matter if this Council particularly acts to affect the budget of a Government. Traditionally, Upper Houses have not taken part in financial matters. The powers of this Council are limited with regard to financial matters—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY:—as is indicated by the fact that any financial clause has to be in erased type.

The Hon. I. Gilfillan: Why did this Bill not come in erased type?

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: The Bill did not come to us in erased type because it had already been considered by the House of Assembly. Constitutionally, it is a serious matter for this Council to interfere in financial matters, particularly those that are part—

Members interjecting:

The PRESIDENT: Order! Everyone has the opportunity to enter the debate if they so desire. The honourable Minister has the floor.

The Hon. ANNE LEVY: Thank you, Mr President. It is a serious matter for this Council to interfere in revenue raising matters, particularly those that have been announced as part of the State's budget for this financial year. I would ask that that be taken into consideration even at this late stage, by members opposite who, even if they do not care for the measures in the Bill, would I hope be very reluctant to set the precedent of interfering with the budget of a Government.

As was pointed out in the conference and in the debate in this Chamber, if this revenue is not raised, it will mean that that sum that would have eventuated will be deducted from road funds. That was clearly enunciated both in the debate in this Council and in the conference: that the sum that would have been raised by this revenue measure will, if this Bill lapses, be deducted from the road funds. I know that members opposite have concerns about the funds available for the roads and, clearly, if their actions result in this Bill lapsing, they know that they are voting for that consequent reduction in road funds.

Over and above that, the most important point is the precedent set of interfering with the revenue raising aspect of the State budget. I would ask all members of the Council not to set a precedent which, I am sure, will be followed in future years for different Governments once such a precedent has been set, and to reconsider the constitutional precedent which would be established and, as a result, support my motion that the Council do not further insist on its amendments.

The Hon. DIANA LAIDLAW: The Liberal Party cannot and will not agree to support the Minister's motion. At the outset I would say that when I first proposed the amendments to the shadow Cabinet, later to the Party room and then moved them in this place, not only I but my Party were conscious of the full ramifications of the amendments moved, and we have not moved them lightly both in respect of the specific nature of the amendments concerning the concessions for primary producers and local government vehicles.

At all times we were conscious of the context in which we would be moving these amendments, because it is true that the Premier did announce these measures as part of the budget. However, I would like to take issue with the very convenient argument in respect of the Government that we are setting a precedent in terms of seeking to amend this Bill. In relation to the budget, all Liberal members in this place ensured the passage of the Supply Bill and the Appropriation Bill without amendment, because those Bills are expenditure Bills to do with the day to day operations of the Government. This Motor Vehicles Act Amendment Bill relates specifically to revenue for the motor vehicles fund—it is not for general revenue purposes.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: It is part of the budget revenue for the Highways Fund, a dedicated purpose. We feel strongly that there are other avenues, and far more acceptable avenues, that the Government could have adopted to supplement the Highways Fund. As the Minister noted, the Liberal Party believed strongly that there has been insufficient funding from State sources for construction and maintenance of roads. But we do not believe that the Government should go and pick on primary producers to supplement those funds. It is selfishly selecting one group in our community—primary producers in this instance, and also local government—to supplement funds for the benefit of the whole State for road construction and maintenance purposes.

We would be taking away long-standing rights that the Parliament, as a whole, has not sought to amend or interfere with to date. The Opposition believes very strongly that the

funds for road maintenance and construction should be increased. The Government will receive no argument from the Liberal Party on that score. However, we believe that there should be a contribution from all people who drive and operate vehicles and that contribution would be through the fuel franchise. As motorists, we all pay a very hefty fuel franchise to this Government. Traditionally—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —100 per cent of those fuel franchise receipts have been dedicated to the Highways Fund and used for road construction and maintenance purposes in this State. However, it is this Government that chose, in 1982-83, to freeze the level of fuel franchise receipts into the Highways Fund; it is this Government that has denied the Highways Fund funding adequate to maintain and improve our roads. To then acknowledge that by seeking to selectively king-hit primary producers and the local government sector is the height of hypocrisy and is absolutely unnecessary when all it need to have done—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: All it needs—

The PRESIDENT: Order! The Council will come to order. There is a member on her feet. Anyone else can enter the debate in the proper way.

The Hon. DIANA LAIDLAW: Thank you—

An honourable member: She's at it again.

The Hon. DIANA LAIDLAW: I am not at it again! To reiterate, the Liberal Party does not accept the fact that we have interfered with revenue when the Government was selectively picking on one segment of our community to raise funds for the Highways Fund. It is a fact that the Government could have selected other options and that it is, in fact, getting from motorists in this State this year $81.4 million in fuel franchise receipts and is returning only $25.7 million—exactly the same in money terms, let alone real terms—to the Highways Fund this year. Therefore, of the fuel franchise receipts, the sum going to the Highways Fund is now only $31.6 million, whereas this Government was contributing—and during the last years of the Liberal Government it contributed—99.7 per cent of those funds.

The Liberal Party believes very strongly that the issue of percentage of fuel franchise receipts going to the Highways Fund is an avenue that the Government should have selected. In respect of the precedent we are setting, the Liberal Party—and I believe a majority of members of the Legislative Council—believes very strongly that this Bill essentially is about removing long-standing rights that have been provided and agreed to by members of Parliament in this place in the past and we believe strongly that, as Legislative Councillors representing the interests of the State and providing a review function, we have a right to protect individual rights—in this instance, those of primary producers and particularly at a time when they are suffering considerable hardship and when the State will suffer immeasureably because of the hardship that is being experienced in rural areas.

The Hon. I. GILFILLAN: The Democrats support the insistence of this Chamber on the amendments and, if the penalty of that is that the Bill lapses, so be it; it is a decision made entirely by the Government. I ask the rhetorical question: what timing? What perfect timing, when the Government has been pleaded with to go to the country areas—and Bannon has deigned to go to the West Coast and other places—to see first hand the biggest crisis that the rural sector has experienced, probably this century. At this very time this Government has chosen to bring in a measure which, at best, is only peanuts in dollar value terms, to impinge right on those people who are on their knees pleading for any help at all that they can get. It is all very well talking about the unemployed—these people will be off their farms. It will be an embarrassment to this Government as much as it will be to the rest of this community if we do not take measures, and many more measures, than just retaining this very minor concession for registration.

We hear this rubbish about the advantages of living in the country. If we do not recognise that need, Adelaide will have it all: the unemployed and those who are desperate as a result of failing in the country. Properties will be bought out by overseas conglomerates, and who is responsible for that? This Government, because it has not shown the faintest inclination to acknowledge the needs of these people who are being crushed under economic pressures which are nothing to do with them—nothing to do with their efficiency and nothing to do with their productivity. We are reading carping rubbish about what measures should be taken by the banks to keep people on farms. They say that there are two measures, one level to keep those who are viable—

Members interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: —and another level for those—

Members interjecting:

The Hon. I. GILFILLAN: If the people who are interrupting this can be recorded as being totally insensitive to the rural population of Australia, I would like that to be recorded in *Hansard.* They are not prepared to consider this Bill—

Members interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: They are not prepared to consider this Bill and the impact on the people involved.

Members interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: The only argument we have heard is a pathetic argument—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Gilfillan.

The Hon. I. GILFILLAN: —that it is an intrusion into the budgetary holy writ of the Government. It is totally devoid of any consideration of what effect it is having on the people involved.

Members interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: Mr President—

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

Members interjecting:

The PRESIDENT: Order! The honourable Minister. The Council will come to order. The Hon. Mr Gilfillan.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Davis will come to order. The Hon. Mr Gilfillan has the floor.

The Hon. I. GILFILLAN: I believe I have made the points the Democrats feel most strongly as far as the insensitive timing and the totally unacceptable measure that the Government attempted to bring in in this Bill are concerned. However, I will make a few brief comments in relation to this so-called principle of not interfering with so-called budgetary measures. Any Government that is going to protect itself and hide behind that hedge will be able to introduce any measure it likes and argue that everything would be guaranteed to go through the Legislative Council because it has the holy writ—this *quasi* holy writ—of having

been introduced as a budget measure. It is rubbish; it is patent nonsense. This argument is the sort of argument that, if they were on the other side and were being subjected to this same pressure, they would be saying exactly the same thing. We are not conned by that.

If there is to be a precedent that all measures that are mentioned, whatever their significance or otherwise to the budget, are then to be sacrosanct and immune from contact, alteration or consideration by this Chamber, the effectiveness of the Legislative Council virtually becomes nil, because it will be used as the protection, the hide, the area where any measure that the Government wants to introduce will be brought in with this front. So, first, the Democrats reject as a nonsense the pathetic argument of the Government in saying that we should not tamper with the Bill and, secondly, we maintain that the measure is cruel, ill-timed and totally inappropriate.

The Council divided on the motion:

Ayes (9)—The Hons T. Crothers, M.S. Feleppa, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese.

Noes (12)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, J.C. Irwin, Diana Laidlaw (teller), R.I. Lucas, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Majority of 3 for the Noes.

Motion thus negatived.

Bill laid aside.

ADELAIDE MAGISTRATES COURT REDEVELOPMENT

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

Adelaide Magistrates Court Redevelopment.

PAPERS TABLED

The following papers were laid on the table:

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

Annual Reports 1989-90—
- Commissioner for Equal Opportunity;
- Legal Services Commission;
- S.A. Multicultural and Ethnic Affairs Commission and Office of Multicultural and Ethnic Affairs.

Royal Commission into Aboriginal Deaths in Custody—
- Report of the Inquiry into the Death of Craig Douglas Karpany.

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

South Australian Egg Board—Report, 1989-90.

By the Minister of Local Government (Hon. Anne Levy)—

Reports, 1989-90—
- Local Government Superannuation Board;
- South Australian Planning Commission;
- South Australian Urban Land Trust.

MINISTERIAL STATEMENT: SOUTHERN BLUEFIN TUNA INDUSTRY

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

Leave granted.

The Hon. BARBARA WIESE: I wish to advise the Council of two initiatives associated with the southern bluefin tuna industry. First, the Minister of Fisheries is pleased to advise that this morning (13 December 1990) he was a co-signatory on a tripartite agreement that proposes a 2½ year $2.5 million investigation into the farming of wild caught southern bluefin tuna. The memorandum of agreement involves the Japanese Overseas Fisheries Cooperation Foundation (JOFCF), the Japanese National Fisheries Research and Development Authority, the Australian Tuna Boat Owners Association (ATBOA) and the South Australian Government through the Department of Fisheries.

The proposal aims to research the grow out of wild caught southern bluefin tuna in sea pens off Port Lincoln. This has the potential to provide a product of greatly enhanced value. Initial work on the project has been conducted at Dangerous Reef in Port Lincoln. During 1989-90, 200 juvenile southern bluefin tuna were captured in the Great Australian Bight, and transported to the Dangerous Reef viewing platform sea pen. This allowed for the parties to develop and test the live capture and handling skills for the potential domestication of southern bluefin tuna. (Domestication in this sense means capturing the fish and keeping them successfully in an enclosed environment).

Encouraged by the success of the experiment, the parties have developed a proposal for a trial research and development program for a 2½ year period commencing January 1991. The JOFCF will provide the bulk of the funding, their input being of the order of $2 million. The ATBOA will provide much of the operational and support services and personnel, along with an expected Federal Government contribution of $500 000. The go-ahead for this pilot scheme will be subject to the formal approval by the joint Government/Industry Aquaculture Committee and the Marine and Harbors Department. Applications have already been lodged.

Secondly, I wish to advise that the 1990 season negotiations between the Commonwealth, Japanese and New Zealand Government representatives concerning the global and national quota allocations for southern bluefin tuna were recently concluded. The arrangements provided for no changes to the SBT quota levels for Australia, Japan and New Zealand, but provided for substantial structural adjustments in the way in which the Australian quota is utilised.

Under new arrangements for the coming southern bluefin tuna fishing season, the Australian quota will be 5 265 tonnes, out of a world quota of 11 750 tonnes. Of this, some 2 165 tonnes will be allocated for traditional Australian fishing methods, using mainly pole and purse seine techniques, whilst the remainder will be used for lease/charter arrangements entered into with Japan.

The private industry Australian/Japanese arrangements proposed for the coming season are aimed at the long-term restructuring of the Australian industry to provide much more substantial returns. The Australian SBT fishing industry has been labouring under generally low prices for its product compared with the price paid for Japanese caught SBT on the Japanese sashimi market. To a large degree this price differential is attributable to the smaller fish caught by the Australian fleet using pole and bait and purse seine (netting) fishing methods compared with the Japanese deep water long-line fishing operations which generally take large fish in better condition as far as the marketplace is concerned.

Although the details for the proposed fishing arrangements for 1990-91 are yet to be finalised, the agreements reached in Canberra represent a major adjustment by the Australian fleet to adapt its methods to invest in the long-term future of the industry, particularly by diversification of the Australian industry into the long-line sector. The effects on employment in Port Lincoln and other regions

of Australia are still unclear and will largely be determined by the outcome of ongoing negotiations between Australian industry representatives and the Japanese. The South Australian Government has indicated to the Federal Minister for Primary Industries and Energy, the Hon. John Kerin, MP, that it wishes to be kept advised of any developments in this field because of the important implications for South Australia.

QUESTIONS

MEDIA MONITORING

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Attorney-General a question about media monitoring.

Leave granted.

The Hon. R.I. LUCAS: On 10 November 1988 I asked a question of the Attorney-General in this Chamber about the use of the National Media Liaison Service, and specifically whether the Bannon Government drew on this service, what other media transcription services were available to the State Government and what was the cost. At the time there had been some controversy about the NMLS, with one press report describing the service as the 'eyes and ears' of the Commonwealth Government in the States, employing staff that pump out Government propaganda and information, and monitor media. On 10 November 1988 the Attorney-General stated:

I will refer them [the questions] to the appropriate Minister and bring back a reply.

After waiting very patiently for nearly two years for a reply to my questions and not obtaining one, I placed a series of questions on notice on 22 August this year. To date I still have had no answers, even though Government sources have advised me that answers have been provided to Ministers.

Today, I have also been advised of an extraordinary proposal from within the Department of Agriculture. I am told that Mr Mick Harwood, officer in charge of the information services section of that department, has instructed his section to put together a feasibility study on the Department of Agriculture going into competition with private agencies and becoming a media monitoring service for all Government departments. Officers of the Department of Agriculture have been engaged in discussions with other departments about this proposal. My questions to the Attorney-General are:

1. What is the Bannon Government trying to conceal by its consistent refusal (now over two years) to release information about media monitoring services available to the Government?

2. Will the Attorney-General confirm that the Department of Agriculture is considering establishing a media monitoring service for all Government departments and does that proposal have the support of the Cabinet?

3. When will the Attorney-General answer the questions I asked of him on 10 November 1988 and 22 August this year, and when will the Cabinet allow release of answers to questions I have put to other Ministers on this subject?

The Hon. C.J. SUMNER: The answer to the first question is: nothing. The answer to the second question is: I do not personally know of any such proposal. As to the third question: the questions were referred to the appropriate Minister. The questions are on notice and I will—

The Hon. R.I. Lucas: They are questions I asked of you.

The Hon. C.J. SUMNER: I will check them and bring back a reply.

LAND VALUATION

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Minister of Local Government, representing the Minister of Lands, a question about land valuation.

Leave granted.

The Hon. K.T. GRIFFIN: A land broker constituent has drawn to my attention a problem which may be a deliberate revenue raiser for the Government or may be inadvertent. Over the past 18 months or so, the Lands Department has been developing a computer system which gives to each parcel of land in South Australia a unique identifying number. It is to overcome the sorts of problems which might arise in a case where a road may divide a section—suppose it is numbered 123—so that there would be two or more parts of section 123, which in this unique identifying number system would confuse the computer.

Some parcels of land in South Australia have two or more pieces within their boundaries as part of one certificate of title. As one certificate of title, the land has been valued as a whole and also rated as a whole. There is one land tax assessment, one council rate notice and one Engineering and Water Supply rate notice. However, the new system being developed, where each piece has its own number, has resulted in each piece being given a separate assessment number and, instead of an owner receiving one Engineering and Water Supply Department assessment, one council rate notice and one land tax bill for the whole title, there may be two or more notices per title, depending on how many pieces of land are in that title.

The consequence of this is that there is generally a higher valuation because the two valued together are generally valued at a lower value than the two pieces valued separately. The other consequence, of course, is higher council rates because, of course, of the minimum rate situation and also the increase in the value—

The Hon. Anne Levy: Abolish the minimum rate.

The Hon. K.T. GRIFFIN: That is not an issue in this case. Also the increase in value means increased land tax and increased Engineering and Water Supply rates. My constituent says that he has had three cases in the last year where this has occurred. In two of them he was instructed to take them up with the Valuation Department and, when he did so, they were finally persuaded to combine the two pieces in one assessment and, consequently, the values were reduced, and in one case quite significantly, by a value of some $70 000.

However, the constituent says that the Valuation Department has said that, generally across the system, nothing can be done to correct the problem until the next financial year, but in the meantime, of course, there may be many land owners paying too much in council rates, Engineering and Water Supply rates and land tax because of this problem. My questions to the Minister are:

1. Can the Minister give a reason why the new system of identifying land cannot be corrected immediately to ensure that valuations are made of land in a certificate of title, regardless of how many pieces may be in that title, and so that only one rating notice may issue?

2. Can the Minister give an assurance that where there is an error, land owners can get a reimbursement of any council rates, Engineering and Water Supply rates and land

tax overpaid as a result of the problem, and that this objective will be pursued by the Government rather than waiting for land owners to discover the error?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place and bring back a reply, but I would point out that the Government has no power whatsoever over collection or refunding of council rates.

HOUSING COOPERATIVES

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister of Tourism, representing the Minister of Housing and Construction, a question about housing cooperatives.

Leave granted.

The Hon. L.H. DAVIS: Serious concerns about the financial management of housing cooperatives were expressed by the Auditor-General in his 1989-90 annual report. He had made similar criticisms in his two previous reports. In the budget Estimates Committee on 20 September, nearly three months ago, the Liberal Party asked for more information about the financial mismanagement and lack of administrative control in the housing cooperative program, as outlined by the Auditor-General.

The Hon. T.G. Roberts: Why are you holding up the Bill?

The Hon. L.H. DAVIS: The Bill has gone through. As usual, you are a week behind. A week is a long time in politics, even for the Left. The Minister of Housing and Construction (Hon. Mr Mayes), promised to provide the information requested.

Members interjecting:

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

The Hon. L.H. DAVIS: Anyone would have thought it was the AHA luncheon today, Mr President. The Minister made the information available only yesterday, nearly three months after the questions were first asked. This information became available only after the debate on the Housing Cooperatives Bill in another place. The Minister admitted, in his answer, that a former Treasurer of the Housing Cooperative CASA, had been arrested and charged with fraud. The Minister also revealed that 12 of the 37 housing cooperatives were in breach of the new financial agreement signed over the past 12 months and owed varying sums of money. The Minister also admitted that three cooperatives, TAA SHA, SAACHA and CASA, are currently under investigation by the Housing Trust. These disturbing admissions are hardly—

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: They sound like refugees from the Left, Mr President.

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

Members interjecting:

The Hon. L.H. DAVIS: It is the sort of thing you would find at a Labor Party barbecue. These disturbing admissions are hardly a vote of confidence to the Bannon Government's determination to triple the number of tenant-managed housing cooperatives in the next four years. My questions to the Minister are as follows:

1. Will the Government now review the number of tenant managed housing cooperative houses to be built over the next four years in view of the continuing and major financial and managerial difficulties in the housing cooperative movement, as instanced by the Minister's answer and by the Auditor-General's Reports in each of the past three years.

2. Will the Minister ensure that future answers to important questions are not held up until after legislation has been discussed?

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

OPHIX

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: —the Minister of Tourism a question about the Wilpena legislation debate.

Leave granted.

The Hon. M.J. ELLIOTT: When the Wilpena legislation was being debated in this place some time ago, I asked a series of questions of the Minister of Tourism. Some people have suggested that perhaps the answers that I got were not incorrect but were very cleverly framed.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: That the answers were, yes. I want to pursue one particular matter. I asked the Minister whether or not an employee of Ophix was working within the Department of Environment and Planning using its facilities, and I asked what services were being provided to that person. The answer I was given was that no person within the department was working for Ophix. I have spoken to the person since, who said, 'Well, that is strictly correct because, in fact, a person acting as a private consultant for Ophix is based within the department two doors down from the Director's office and is doing all of the above.' Is there or has there at any time been a private consultant who has worked on the Ophix development based within the Department of Environment and Planning—in fact, two doors from the Director's office? If so, what services have been provided by the Government to that person? Has rent been charged, and what other facilities have been provided?

The Hon. BARBARA WIESE: I am not in a position to answer those questions. As the honourable member would be aware, they are matters for the Minister for Environment and Planning. The honourable member would also be aware that the adviser I had with me during the course of the debate on the Wilpena legislation was an officer of the Department of Environment and Planning, and I certainly relied on the information that was given to me by that office with respect to information which related specifically to that department. So, I will be happy to raise those additional questions with my colleague, the Minister for Environment and Planning, and bring back a report.

PUBLIC SERVICE NEPOTISM

The Hon. DIANA LAIDLAW: I seek leave to make a statement prior to addressing a question to the Attorney-General in his capacity as Leader of the Council (and I suspect he represents the Premier in this place), on the subject of nepotism in the Public Service.

Leave granted.

The Hon. DIANA LAIDLAW: Following articles in the *Public Service Review* in both November and December on

the subject of patronage in the Public Service, I have received two letters to date highlighting anxieties about what the correspondents have dubbed 'jobs for the girls': jobs for a group of close friends and associates of the former Public Service Commissioner and CEO of the Department of Local Government, Ms Anne Dunn. I raise these questions because the letters reinforce concern that has been expressed to me verbally over some years, but also concern that has been suggested not only to me but also to other members of Parliament, and certainly within and outside the Public Service.

I refer specifically to one letter, a copy of which I have received and which has been sent to the President of the Public Service Association and the Commissioner for Public Employment—

The Hon. Anne Levy: Who from?

The Hon. DIANA LAIDLAW: I am not going to have this person knocked off. I am going to—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: No, I am going to name a number of people. I indicate that I have endeavoured to clarify the material contained in these letters so that I would not be providing false information about the appointments that have been made. So, it is not a matter that I have taken lightly, I can assure honourable members. The letter states:

> Anne Dunn is very close friends with Jane Lowe, former worker of DCW (now called the Department of Family and Community Services), Eve Repin, formerly from the DCW, and Deborah McCulloch. When Anne was at the park she promoted Miranda Rowe and employed Lynne Poole. Lynne Poole (unqualified) was then given a top job in local government when Anne went there. Lynne Poole was Midge Dunn's girlfriend (Anne D's sister). Under Anne Dunn, Jan Lowe's sister, Jill Gale, also got a top job in libraries. Denzil O'Brien [a man actually] who followed Anne Dunn as equal opportunity officer in education, also got a top job in local government, after getting a job in DPIR when Anne Dunn was on the Public Service Board. Then O'Brien's friend, Annie Sheperd, moved to Denzil's job in the board . . . Jan Lowe was chair of the interview panel, which gave an EO-1 job at the Spastic Centre to Midge Dunn, Anne Dunn's sister, far above her talents. Jan Lowe and Anne Dunn, over the years, also gave hundreds of thousands of dollars in work to FEM enterprises—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —which is Eve Repin and Deborah McCulloch's company. Denzil was also sent to Carclew to review its activities; so Denzil calls in Eve, who does a consultancy. Eve ends up on the Carclew board and is now Chairman of the Fringe.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: As I said that letter has been sent to the Public Service Association and the Commissioner for Public Employment. I indicate to the Attorney, following an article in the *Public Service Review* in December, that there is some concern about the powers of the Commissioner for Public Employment, Mr Andrew Strickland, to investigate this matter and, in fact, other matters that have been referred to him for investigation. It is a fact that Mr Strickland has quite extensive powers under the GME Act to investigate such matters. The *Public Service Review* editorial states:

> . . . any finding is simply reported to the CEO of the agency concerned—very much an internal inquiry. In this particular case the mechanism consists of closed interviews, the transcripts of which will only be available if the Commissioner allows them to be released. Under this system, only if the CEO takes issue with a report or fails to comply with any of its recommendations does the Minister get to find out about it.

Before the Minister of Local Government distracts the Attorney, perhaps I could ask the following questions: As there is concern within the Public Service about the powers of the Commissioner for Public Employment to investigate matters of patronage and nepotism, jobs for the girls and for the boys, within the Public Service, has he had discussions on how this matter may be resolved to ensure that he is able to investigate all such matters without prejudice in future and do so effectively? Also, as the matters that I have raised relate to a former Commissioner and a former head of the department, it would be very difficult for the Commissioner in this instance to refer the results of his investigations to the very person whom he may be investigating. Therefore, will the Attorney-General undertake to discuss this matter with the Premier, and possibly the Commissioner, to ensure that any limitations within the GME Act can be removed and that matters can be properly and independently investigated?

The Hon. C.J. SUMNER: I think it is somewhat regrettable that this matter is raised in this way, apparently from an unsourced letter which the honourable member is prepared to read in the Council and which, of course—

The Hon. Diana Laidlaw: Facts which I have confirmed.

The Hon. C.J. SUMNER: —and which, of course, casts—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —a grave reflection on the reputations of the individuals concerned. The Hon. Ms Laidlaw interjects that she has confirmed the facts involved in the letter. I find that, to say the least, somewhat surprising.

The Hon. Diana Laidlaw interjecting:

The Hon. C.J. SUMNER: I find it surprising that the honourable member could have confirmed without inquiry the matters that she has raised in the letter. Obviously, it would be quite impossible for her to confirm those matters. Therefore, I suggest that, if she is saying that she has confirmed the truth of the allegations that she has brought before the Council today, she is quite wrong in making that suggestion. It would be impossible for her to confirm allegations of that kind without a full inquiry.

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The Hon. Dr Ritson interjects 'As much as she has been able to do.' That is not what she said.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: That is not what she interjected. She interjected and said that she had confirmed the matters.

The Hon. Diana Laidlaw: I said that I confirmed that the positions are all correct—the positions and movements are all correct.

The Hon. C.J. SUMNER: I see. So now you are changing your ground.

The Hon. Diana Laidlaw: No.

The Hon. C.J. SUMNER: First of all—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: First of all, you interjected that you had confirmed the truth of the allegations that you were making. Now, however—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Now, however, you are limiting it to confirming the fact that the changes in the positions that you outlined are correct. Well, I think that the Hon. Ms Laidlaw, as I said, could not have confirmed the accuracy of her allegations because—

The Hon. Diana Laidlaw interjecting:

The Hon. C.J. SUMNER: Then why did you interject and say that you had confirmed them?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: You wanted to give more credibility to your question than it would otherwise have; that is all you are trying to do. You are trying to give credibility to your question by suggesting that you had confirmed the allegations that you were making. Now you obviously have not confirmed them and, by further interjection, apparently to get yourself off the hook, you are saying that you confirmed the changes or the Public Service appointments that were made.

However, the point is that the honourable member has made very serious allegations about the people concerned. She has raised it in this Chamber, naming names, without in any way sourcing the information that she had. I think it is unfortunate that the people named, although they are to some extent in the public arena as public servants, have been named in this way with the allegations having been raised in this particular manner. But, of course, we are used to that now. I despair about the way that privilege is used in this Parliament. There is no point in getting angry about it any more; we just have to accept that that is the basis upon which the Opposition operates. Having been subjected to it myself in a very vicious and nasty fashion, I know how people can feel.

However, the fact of the matter is that the Government can do nothing about the tactics of the Opposition in raising these matters in the way that it does. I just despair about the future of the parliamentary process because of it. However, if the honourable member has questions to raise about these particular matters, without, as she has done, condemning the individuals whom she has named out of hand by raising the allegations and naming the people concerned, undoubtedly in a manner designed to lower their reputation as individuals and public servants within the Government service—

The Hon. R.J. Ritson interjecting:

The Hon. C.J. SUMNER: Well, that is fine. If the honourable member wanted to raise questions about the system and, indeed, wanted to have these matters inquired into, she could have raised the issue in the manner that she did raise it without reflecting, as she undoubtedly has in a quite grave manner—

Members interjecting:

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

The Hon. C.J. SUMNER: The Hon. Dr Ritson interjects and says, 'You would have said, "Give us some examples",' and the Hon. Ms Levy has replied, so it is all available. She said, 'I could have provided the information to you in private,' and that could have been done. As I said, that was not the course chosen by the Hon. Ms Laidlaw; it is not the course chosen by this Opposition on any of these sorts of matters. Opposition members will come out and condemn, whether it be Kym Mayes, Barbara Wiese, Chris Sumner, Mr Burlock—you name it, they have no compunction whatsoever about trying under privilege to accuse people of all sorts of things under the sun. However, she has chosen that particular course of action. I just make the point in reply that it is regrettable that the matter was raised in this way with the reflections on the individuals concerned in an unsourced manner. However, it is not a matter for which I have ministerial responsibility. All I can do is refer it to the responsible Minister for a reply.

RURAL CONCESSION REGISTRATIONS

The Hon. T. CROTHERS: I seek leave to make a brief statement before asking the Minister of Local Government, representing the Minister of Transport, a question about rural registration concessions.

Leave granted.

The Hon. T. CROTHERS: My question is quite succinct and goes to the heart of the matter on which I am seeking information. It is in a series of three questions directed to the Minister of Local Government, representing the Hon. Frank Blevins in another place. The questions are as follows: first, how many members of Parliament in both South Australian Houses of Parliament hold rural concession registrations? Secondly, how many rural concession registrations are held by direct family members of South Australian members of Parliament? Thirdly, how many rural concession registrations are held in the names of companies of which members of the South Australian Parliament or their families are owners or directors?

The Hon. ANNE LEVY: I shall be delighted to refer that question to my colleague in another place and bring back a reply. Following the Hon. Ms Laidlaw's tradition, he can perhaps name them, not just give the numbers.

RABBITS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Agriculture a question about rabbits.

Leave granted.

Members interjecting:

The PRESIDENT: Order! There is too much conversation across the Chamber. The Hon. Mr Dunn.

The Hon. PETER DUNN: Following a seminar dealing with rabbit control at Port Augusta several weeks ago, concern was raised about the number of rabbits now in the northern regions of this State. When I was visiting Cameron's Corner and Quinyambie Station the other day, I saw rabbits as thick as I had seen them in the late 1940s.

The Hon. T. Crothers interjecting:

The Hon. PETER DUNN: Other than when I look across the Chamber. I noticed under most bushes around the airstrip and on the road at Cameron's Corner at least four or five dead rabbits, yet there were many rabbits hopping around in the middle of the day. The infestation in that area is horrendous. About 18 months ago, as the member of a select committee in the Pitjantjatjara lands, I also noticed when coming back over the area north of the Everard Range in sand plain country that warrens were extremely thick. Following the rain the rabbits were cleaning out their warrens and the country looked as though it had the pox, because it was so marked by these warrens. The area of which I speak in the north-east of the State has trees, now 14 years old, which this year are being destroyed by rabbits. The rabbits are ring-barking and destroying the trees.

Oak and myall trees 18 to 20 years old can usually survive rabbit plagues, but these trees are not surviving. This shows how slow the country is to recover and the impact of the damage caused by rabbits. The rabbits are destroying the feed rapidly because there are just not one or two: there are millions of rabbits in the north of the State. It is virtually impossible to control them, purely because of the vast area involved. Ripping is ineffective because much of it is in hard granite country, and fumigation is just too slow.

It relies on a method of biological control. In the past that was myxomatosis, which was introduced in about 1949.

It revolutionised rabbit control, but over the years the virility of the myxomatosis virus has become weaker. To boost it, the department attempted to introduce a rabbit flea.

The Hon. G. Weatherill interjecting:

The Hon. PETER DUNN: The honourable member has it wrong again. The Hon. Mr Weatherill interjects and says that he thinks it is the Spanish fly, but I correct him because it is the Spanish flea. That proved not to survive well in the north. A new strain of myxomatosis is being investigated by Dr Cook, of CSIRO, and there is also the possible introduction of an influenza-type disease to debilitate rabbits to the stage where they are likely to die. In the light of all that information, my questions are:

1. What funds are available in the State at this time for research into rabbits?

2. Will the Government increase research into rabbit control?

3. What action is being taken to control rabbits in the Pitjantjatjara lands?

4. Do these lands come under the control of the Vertebrate Pests Act and the Pest Plants Act?

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

OAKLANDS ROAD SAFETY CENTRE

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister of Local Government, representing the Minister of Transport, a question about the Oaklands Road Safety Centre.

Leave granted.

The Hon. I. GILFILLAN: The future of student driver education in this State is under threat if information provided to me is correct. Sources associated with the Oaklands Road Safety Centre, which provides much needed driver education and training to students, claim the Government-run centre is to be closed down by June next year. If this move goes ahead the repercussions on driver training in South Australia will be significant.

South Australia first introduced a scheme of student driver education and training in 1959, when the Youth Driver Training Program was established at Hampstead Barracks before moving to Prospect. The scheme was jointly funded by grants from the State and Federal Governments and ran successfully until 1964, when the newly elected State Government of Premier Frank Walsh withdrew funds. It seemed the program would be left to die on the vine until General Motors-Holden's, in a somewhat embarrassing exercise of public relations for the Government, publicly offered 20 new vehicles for student training providing the Government provided additional funding. The Government did and instruction programs were taken to various schools around the State until the Oaklands centre was established in 1966-67. Since that time the centre has provided the most comprehensive driver training and education in this State with substantial success. In one five-year period 700 young students received 25 hours of classroom instruction and 30 hours of behind the wheel education. More than a decade later only one of the 700 students educated at Oaklands has suffered a road accident; the others have become successful adult drivers with an accident free record—surely testimony to the success and importance of the program.

Now, at a time when authorities are battling to keep road tolls down and find solutions to saving lives, especially in the high risk category of young drivers, the Government appears, based on evidence given to me, poised to axe the scheme at Oaklands. In asking the Minister my questions, I realise that I did ask her as the Minister representing the Minister of Transport, but she is also a member of the Government and, if she heard enough of the nub of the question, she might be able to comment. My questions are:

1. Is the Government planning to close down the driver training centre at Oaklands next year and, if so, why?

2. Has survey work been undertaken at Oaklands to determine which areas will be designated unwanted property; if so, is that available; if not, why?

3. If the program is cut, what alternatives will young drivers have to gain suitable education and training in driving?

4. Does the Government believe the closure of the Oaklands centre is a responsible course of action to be followed, if that is indeed what it intends to do, at a time when road accident figures are so high?

As now I have the attention of the Minister, does she have any knowledge of Government consideration of closing all or part of the centre?

The Hon. ANNE LEVY: I will refer that question to my colleague in another place and bring back a reply from him. Clearly, it is a matter which is part of his responsibilities—not mine.

The Hon. I. GILFILLAN: I wish to ask a supplementary question, Mr President. I asked the Minister the question because she might not have heard any of the question asked earlier. The question was referred through her to the Minister of Transport. I recognise that point, but I ask her specifically as a member of the Government, because this is a matter of critical importance to the whole of South Australia, I would have thought. It is not just purely in the bailiwick of the Minister of Transport. Does the Minister have any knowledge of Government discussion or consideration of closure of part of the Oaklands Centre?

The Hon. ANNE LEVY: Questions relating to transport are matters for the Minister of Transport. Whether or not the matter has been discussed in Cabinet is a question never answered in this place, and the honourable member would know that Cabinet discussions are not made public.

STATE LIBRARY SERVICE

The Hon. J.C. IRWIN: I seek leave to make an explanation before asking the Minister of Local Government a question about the State Library service.

Leave granted.

The Hon. J.C. IRWIN: In the draft report on the development of SALIS discussed yesterday—and in other places—I note the following line:

> This report has been developed by a senior management team in consultation with staff in all current branches and at all levels.

Indications of public disquiet about proposals for the State Library were expressed yesterday, in an editorial in this morning's *Advertiser* by Mr Alan Bundy, and on air this morning by the Lord Mayor of Adelaide and many others—I name just a few.

At a meeting of the Public Service Association for Bray Reference Library members held on 11 December in the institute building, the following motion was passed:

> That this meeting of PSA members in the Bray Reference Library wishes to express its grave concern at the lack of opportunity for genuine consultation offered to Bray staff during the course of the State Library review. The contributions made by Bray staff during the review process have not been given the consideration they merit, but have been trivialised, denigrated or ignored. This was particularly evident during the staff consultation sessions of the last week when experienced reference staff, attempting to make a positive contribution, were made to feel

frustrated, powerless, personally demeaned and deprived of the opportunity for meaningful input into the process. This severely jeopardises the likelihood of a positive outcome to the review.

This meeting therefore expresses its complete lack of confidence in the review process and in the interim report which has resulted from that process. We consider that the structure outlined in the interim report bears little resemblance to the information and ideas put forward by staff during the early stage of the review. We call for a new process to be instituted, which allows for and incorporates genuine and meaningful consultation with all library staff and formal consultation with the Public Service Association.

This motion was carried unanimously. I ask the Minister of Local Government again to extend the two week period allocated for public response to the report and the decision-making process on the development of a South Australian Library and Information Service in view not only of the considerable and increasing public disquiet about the report proposals but also of the staff concern about the failure of the department to incorporate staff input into the proposal, the vagueness of the resultant proposals, the lack of detailed information in relation to the staff of the overall library service to the community and the future employment options for employees?

The Hon. ANNE LEVY: It seems rather remarkable that the honourable member is using a motion passed by staff to discuss public consultation. The motion certainly expresses disquiet on the part of staff, but there is no suggestion in it or from the honourable member that there has not been a lengthy period of time during which discussions with staff have occurred. I fail to see the relationship between the subject of the explanation that the honourable member gave and the question he asked: one does not seem to bear any relationship to the other.

However, in relation to the question of public consultation, certainly we want public input before any final report is prepared or any final decisions are made. We are approaching the Christmas period now. All other aspects of the review of the Department of Local Government and its functions we are in line with a timetable, which was set quite some months ago. The department has managed to keep on target with that timetable.

Certainly, the final report has not yet been prepared, no decisions have been taken and, while the Government is certainly keen to maintain the impetus and to keep to the timetable, if it is impractical to do so, obviously, changes may have to be made. However, we do not wish to depart from the timetable unless absolutely necessary, because so far we are proud of the fact that we have managed to keep to the time frame set some months ago. I cannot add further to what I said yesterday relating to this matter, but I stress again: there is only a draft report; there is no final report; there is no Government decision—and that will certainly not be taken until a final report has been received and duly considered.

DEPARTMENTAL CORRESPONDENCE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General a question about departmental correspondence.

Leave granted.

The Hon. CAROLYN PICKLES: During the Hon. Miss Laidlaw's question this afternoon, she named several public servants when quoting from some unsourced letter. Will the Attorney-General ask the Hon. Miss Laidlaw to provide a copy of the letter to which she referred in her question to ascertain its *bona fides?*

The Hon. C.J. SUMNER: I think that it would be important if the correspondence upon which the honourable member relied to raise this question were made available to the appropriate Minister. Obviously, one assumes that in fact there is a source to the letter. It might be interesting if the Hon. Miss Laidlaw indicated whether or not there is a source to the letter—

The Hon. R.I. Lucas: We will take your question on notice.

The Hon. C.J. SUMNER: —or whether it is an anonymous letter.

The Hon. R.I. Lucas: We will take it on notice.

The PRESIDENT: Order! The Attorney-General has the floor.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas!

The Hon. R.I. Lucas interjecting:

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

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The honourable Attorney-General.

The Hon. R.I. Lucas: He should address the Chair.

The PRESIDENT: Order! The honourable Attorney-General. I think you have quiet.

The Hon. C.J. SUMNER: I would have thought that in order to follow up the matter, the letter should be made available to the appropriate authorities and, in particular, Miss Laidlaw should indicate whether or not—and, indeed, do it now so that at least the media, which will no doubt report it tomorrow, will know from the Hon. Miss Laidlaw—there was in fact a letter that was signed and sourced or whether it was a completely anonymous letter. That is a question I think she must answer. In any event, I also publicly request her now to make the letter available and, indeed, to provide it to me now so that I can refer it to the Minister.

OVERHEAD POWER LINES

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Mines and Energy, a question about undergrounding of overhead powerlines.

Leave granted.

The Hon. BERNICE PFITZNER: Now that the bushfire season is upon us, the issue of overhead powerlines again raises its head. Overhead powerlines are a potential source of initiation of fire and, although undergrounding of these powerlines has been raised many times, this important problem has never been fully resolved.

The Minister of Mines and Energy stated at a public meeting at Aldgate in February 1990 that ETSA estimates that undergrounding in high bushfire risk areas (HBFRA) would cost $1.7 billion and further stated that the consultant engineering firm Kinhill Stearns confirmed this. ETSA Watch has also read the Kinhill Stearns report and is confident that the conclusion made was not accurate.

The use of overhead powerlines in South Australia necessitates the lopping of possibly 50 000 to 100 000 trees, with an annual cost of approximately $10 million. Tree lopping is particularly severe in the areas of the Adelaide Hills with dense tree cover and very high bushfire risk. These areas are some of the most beautiful parts of the State. At present the Government has provided ETSA with $520 million to implement a policy of using aerial bundle cables (ABC) in high bushfire risk areas. It has been stated in the Lewis report of 1985 that this recent technology is virtually untried in Australia.

We also note in the *Advertiser* that ETSA has 'swelled the State's coffers by $104 million'. A suggestion is that perhaps the Government could underground part of scenic route 51 which runs from Montacute (Adelaide) to Yankalilla, as a research project. The part suggested is 17 km and includes half of Wood Hill Road, Stoney Rise Road, Monomeith Road and Marble Hill Road. This part is one of the more beautiful areas of the Adelaide Hills.

The Mount Lofty Ranges Conservation Association Inc. has estimated (based on the Lewis report) that the reconstruction to underground cable and the reconstruction to aerial bundling, taking into account savings made by insurance premiums and the cost of tree-lopping over a 20 year period, will amount to an equal expenditure. My questions to the Minister are:

1. Why is ETSA proceeding with aerial bundling over the total of high bushfire risk area at the cost of $520 million when the technology is still untried?

2. Will the Minister of Mines and Energy look at a research project as suggested in the explanation?

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

REPLIES TO QUESTIONS

The Hon. BARBARA WIESE: I seek leave to have the following replies to questions inserted in *Hansard.*

Leave granted.

RESIDENTIAL TENANCIES

In reply to the **Hon. K.T. GRIFFIN** (5 September).

The Hon. BARBARA WIESE: I refer to questions asked by the honourable member on 5 September 1990, concerning an article which appeared in the *Sunday Mail* on 2 September 1990. That article related to action taken first in the Residential Tenancies Tribunal and later the Supreme Court by Mr Noel Johnston to recover possession of a premises occupied by Mr Owen-Pearse.

In answer to the honourable member's first question, the Residential Tenancies tribunal became involved in this matter following receipt of an application by Mr Johnston for the termination of an alleged residential tenancy agreement. The application was presumably lodged on the advice of Mr Johnston's solicitors, Stokes & Stokes, who also appeared on behalf of Mr Johnston.

Once an application has been received the Tribunal is compelled to determine it, unless it considers the application to be frivolous. This was clearly not the case.

From the beginning, the success or otherwise of Mr Johnston's application hinged on the determination by the Tribunal of a question of law as to whether or not the Tribunal in fact had jurisdiction to hear and determine the application.

A copy of the Tribunal Member's order and their reasons for decision which details all of the circumstances of the case will be provided to the honourable member. But to briefly summarise, the Tribunbal found that in the final analysis, a residential tenancy agreement within the meaning of the Residential Tenancies Act did not exist, and therefore the Tribunal was unable to determine the application. Mr Johnston's most obvious course of action then was to commence proceedings for the ejectment of Mr Owen-Pearse in the Supreme Court.

Had the reverse been found by the Tribunal to be true, however, it is probable that Mr Johnston could have recovered possession of the premises far more cheaply and quickly than ultimately proved to be the case, and it seems reasonable to assume that it was this possibility which prompted the application to the Tribunal in the first place.

I have referred the matter to the Working Party established to review the Residential Tenancies Act and requested that it consider what changes to the law may be desirable to prevent a recurrence of the events which have taken place. I expect that the Working Party will provide me with an interim report by the end of this year.

If, following that report, it is desirable to make amendments to the Residential Tenancies Act, I will bring forward a Bill some time after that.

In response to the honourable member's supplementary question, the membership of the working party and its terms of reference are attached.

As for public and professional involvement, I am advised that submissions from the public have been sought by means of both direct invitation and by advertisement in newspapers circulated throughout the State.

The closing date for submissions was 30 September 1990, and I am advised that the working party has already commenced discussions on submissions received from the Real Estate Institute of South Australia and the South Australian Landlords' Association.

WORKING PARTY ON THE RESIDENTIAL TENANCIES ACT 1978

List of Members

Chairman:

Mr L. Webb, Acting Director, Office of Fair Trading

Members:

Mr J. Carey, Real Estate Institute of South Australia

Mr L. Eddie, South Australian Landlord's Association

Mr G. Mason, Consumers Association of South Australia

Mr J. Aquilina, Manager, Residential Tenancies

Mr P. Acres, Acting Manager, Residential Tenancies.

TERMS OF REFERENCE—REVIEW OF RESIDENTIAL TENANCIES ACT WORKING PARTY

1. To review residential tenancy legislation to determine whether it adequately promotes fair trading in the private South Australian housing rental marketplace and, in particular, whether it:

- promotes the provision of safe, reasonable and acceptable standards of accommodation;
- promotes the independent exercise of rights where necessary to prevent or settle disputes;
- enables disputes between parties to be resolved satisfactorily by access to cheap, rapid and equitable means of settling disputes;
- promotes a high standard of conduct, integrity and fairness in the marketplace;
- gives participants in the marketplace adequate rights and appropriate responsibilities;
- promotes an awareness of those rights and responsibilities;
- encourages competition on the basis of quality, service and price without resorting to unfair practices;
- enables participants in the marketplace to make renting decisions based on accurate and adequate information.

2. To prepare a report to the Minister on the working party recommendations by 20 December 1990.

MEALS ON WHEELS

In reply to **Hon. L.H. DAVIS** (13 November).

The Hon. BARBARA WIESE: The Minister of Health assures the honourable member that the Government is aware of the concern that has been expressed within Meals on Wheels.

Direct Government support for Meals on Wheels comes through the cost shared Home and Community Care (HACC) Program. In-kind support also comes through the provision of cooked meals through country hospitals below cost.

Recurrent funding totalled $1.035 million in 1989-90. In 1990-91 it will total $1.098 million, representing a 6 per cent increase. These funds include the meal subsidy rate of 80c per meal, a provision towards volunteer expenses and the salaries of welfare officers. This year's increase is based on the indexation rate set by the South Australian Government. It is planned that this grant will be indexed automatically in the future.

Apart from this 6 per cent indexation, no additional provision has been made in 1990-91 for increased activity.

The honourable member can also be assured that the Government is reviewing the current level of funding. The organisation has been advised that additional funds for additional meals and for new kitchens will have to be negotiated in future funding cycles and that such increases will be contingent on the priority setting process for the program and the availability of South Australian Government funds.

It is an unfortunate fact of life that Government, non-government and commercial charges do increase in line with increasing costs. Similarly, the incomes of wage and salary earners and benefits paid to pensioners have also risen. For this reason then, the suggestions that have been made by Meals on Wheels that meal charges should be indexed annually in line with cost of living increases are supported. While this approach may not address the issues of additional clients, it will undoubtedly assist Meals on Wheels to cope better with such pressures.

The honourable member may also like to refer to *Hansard* of 20 November 1990 in which the Minister of Health, in another place, provided similar information in response to a question asked by the member for Price.

IMMIGRATION

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

The Hon. BARBARA WIESE: The Minister of Industry, Trade and Technology has provided the following answers to the questions asked by the honourable member.

The South Australian Government possesses information provided by the Australian Bureau of Statistics, which is based primarily on 1986 Census data. Accurate up-to-date data is not available.

Demographic analysis of the Census data can be found in the Bureau of Immigration Research publication: Atlas of the Australian People—South Australia, by Dr Graeme Hugo, Reader in Population and Geography, Flinders University. South Australia contributed to its development through the involvement of the Office of Multicultural and Ethnic Affairs in the Joint Commonwealth/State/Territory Research Program.

An examination of the data indicates that South Australia mirrors interstate trends. Overseas-born groups in South Australia are 'over represented' in Adelaide and 'under represented' in regional areas compared with the Australian-born population. The percentage of overseas born living in rural areas varies markedly from group to group, so no overall percentage figure for overseas born living in regional areas is given.

The State Government supports regional development councils in their endeavours to initiate projects in rural areas. Where these projects might attract joint ventures or may be attractive to overseas investors in total, the Department of Industry, Trade and Technology brings them to the notice of business migrants which in turn may generate settlement outside the metropolitan area.

GAWLER MAINTENANCE SERVICE

In reply to **Hon. L.H. DAVIS** (20 November).

The Hon. BARBARA WIESE: My colleague, the Minister of Housing and Construction, has advised that the Hon. Mr Davis, in drawing attention to the letter sent by SACON's Central Northern Regional Manager to local contractors, has accurately identified the fact that SACON is providing a breakdown maintenance service to the Gawler area using the department's service vans. He is also correct in pointing out that, at this stage, this service is confined to the Light College of TAFE and to the Gawler High School. It is evident that Mr Bernard, SACON's Regional Manager, showed a courtesy to the local contractors by advising them of the changed arrangements.

There is currently a review, chaired by Hugh Hudson, underway examining SACON's operations and role. This review will identify whether there are surplus resources within SACON and identify the ratio of work that should be undertaken utilising departmental labour compared with private sector contractors. Until the outcome of the review is known it is necessary that SACON deploy its existing resources as effectively as possible and recognise the budgetary constraints in which it must operate.

SACON is, in parallel with the Hudson review, in the process of establishing business units throughout the organisation. At the end of that exercise it will be able to clearly demonstrate those areas where it is competitive with the private sector and those areas where it may need to modify its work practices if it is to continue to offer services.

The extent to which these services will continue in the future will depend on the outcome of the Hudson review and GARG processes. The honourable member can be assured, however, that consistent with the future directions for SACON, the only circumstances in which those services will continue in the future will be where they can be cost efficient, effective and competitive with the private sector.

Again, I reiterate, and contrary to the view expressed by the honourable member, the Bannon Government has shown great initiative in looking at means to restructure Government departments. I would hope that the honourable member is aware of the Hudson review which will make recommendations on the future charter for SACON and its future role in the delivery of services, the recommendations of which will be fed into the GARG processes.

CITY SIGNPOSTING

In reply to **Hon. L.H. DAVIS** (22 November).

The Hon. BARBARA WIESE: The signage program proposed for North Terrace by the Adelaide City Council is quite extensive. It is not only a directional program but includes interpretive and general information signs for various buildings and institutions along the Terrace. Flag poles and banners are also planned.

The program will also necessitate minor streetscaping to enable the signs to be used effectively and to create a better awareness of the siting of the notable buildings and institutions.

The Adelaide City Council has been the principal authority involved in addressing the planning issues and coordinating all the parties, with this work being extensive and undoubtedly time consuming.

However, the council plans to install a mock display of the main signs on the corner of North Terrace and Kintore Avenue during January 1991 to ascertain public acceptance and visual impact. If successful, implementation of the program will begin early in the 1991-92 financial year.

The provisional cost of the program is $167 000 with this estimate not including the minor streetscape works.

LAMB CARCASSES

In reply to **Hon. M.J. ELLIOTT** (11 October).

The Hon. BARBARA WIESE: My colleague, the Minister of Agriculture, has advised that the legal distinction under the Meat Hygiene Act between lamb and hogget is whether the animal has erupted its first permanent incisor teeth. This eruption occurs between the age of 12 and 18 months. It is possible to mouth (feel for the incisor) at the time of slaughter and then strip brand the lambs to distinguish them from hoggets. This is compulsory in some other States. In South Australia there have been occasional complaints about butchers selling hogget as lamb. As it is almost impossible to distinguish between lamb and hogget meat in the butcher shop these claims cannot be substantiated. However, there is no evidence that the prices paid to producers for lamb in South Australia have been depressed by the sale of hogget meat as lamb in the butcher shop.

Given the cost of mouthing and strip branding lambs in the abattoir, possible adverse consumer reaction to vegetable dye on meat and the low level of consumer complaints, there is no intention to legislate in South Australia to make strip branding of lambs compulsory.

WILPENA DEVELOPMENT

In reply to **Hon. M.J. ELLIOTT** (21 August).

The Hon. BARBARA WIESE: With regard to the first part of the honourable member's question, the Minister for Environment and Planning has advised that a tender process was considered in 1986. The Government, however, was not prepared to proceed in this way due to a lack of information about financial feasibility of the project including the need for assessment of all associated costs and benefits of the resort including the order of private and Government infrastructure costs. This framework was established prior to any involvement of Ophix.

The project had been under general investigation and the project proposal was known to the development industry. Ophix later put a proposition to the Government to undertake a 12-month feasibility study investigating in detail the major outstanding financial/infrastructure questions. This study was entirely at Ophix's cost and risk with the Government being prepared to consider development rights based on Cabinet's satisfaction with the outcome. In due course the feasibility studies were completed to the Government's satisfaction and the project was taken to the Environmental Impact Assessment and planning stage and then to the granting of a lease to Ophix.

The question contains innuendo about the Director of the National Parks and Wildlife Service. There were no links between the Director in his position with the New South Wales National Parks and Wildlife Service beyond a formal relationship between Government officers and lessees and the agents of lessees associated with the 253 leases for facilities in Kosciusko National Park. Mr Leaver did not participate in any of the lease negotiations that Ophix were involved in with the New South Wales National Parks and Wildlife Service and the New South Wales Government.

As to the second part of the question, Mr Slattery was a Director of Permasnow (Australia) Ltd from April 1987 to August 1988. Through a nominee company, Mr Slattery beneficially owns 1 000 shares, 0.005 per cent of the issued shares of Permasnow.

The motion to remove Mr Slattery as a director was initiated when he acted on behalf of shareholders to secure for Permasnow the money rightfully owed to Permasnow by the then Chairman of Permasnow.

Mount Thebarton has never been owned by either Permasnow or Mr Slattery. Mount Thebarton operated under a licence agreement from Permasnow.

Mr Slattery's involvement with Permasnow and Mount Thebarton was of such a minor nature that it was not considered necessary to include it in the Wilpena Station booklet.

ROYAL ADELAIDE HOSPITAL

In reply to **Hon. I. GILFILLAN** (7 November).

The Hon. BARBARA WIESE: The Minister of Health has advised that the patient arrived in the Accident and Emergency Department of the Royal Adelaide Hospital on 30 October 1990 at 1306 hours. Her referring doctor stated that she had a history of increasing lethargy over recent weeks with bruising and a marked anaemia and thrombocytopaenia on routine blood screens taken two days previously. The cause of these abnormal findings had not yet been investigated. A careful assessment of her condition was therefore necessary so that she could be admitted under the correct unit. A complete blood examination, including a differential cell count, was therefore ordered from Accident and Emergency. The results indicated a provisional diagnosis of chronic lymphocytic leukaemia. Accordingly, the patient was seen by the Haematology Registrar and her condition was also discussed with the Consultant Haematologist who agreed that she should be admitted under his care. By 1700 hours the patient had been admitted and settled in the Haematology Ward. The time lapse of four hours from arrival at the Royal Adelaide Hospital until ward admission was therefore not a waiting time, but a period in which the patient's condition was carefully assessed so that appropriate admission could proceed. This time does not seem excessive in view of the investigation required.

Waiting times, for patients in Accident and Emergency following transferral from other hospitals, depend on the amount of investigation that is required before they can be admitted to the appropriate ward. If a diagnosis has already been made, and the appropriate specialist has agreed to accept the transfer, patients may be admitted directly to the ward. In cases such as the patient to whom the honourable member referred, where the diagnosis is in doubt, some time must be allowed for an appropriate assessment to be made in Accident and Emergency. This should not be regarded as mere waiting time since rapid admission to the wrong ward as a result of inadequate initial assessment could compromise ongoing patient care.

The Royal Adelaide Hospital was not ready to admit the transferring patient on arrival for the reasons given, despite the 16 hours notice of her arrival.

The high ratio of medical and nursing staff to patients, and the ready availability of emergency investigations and specialist referrals, means that the Accident and Emergency Department is one of the safest places in which to hold a critically ill person pending assessment of their condition. However, given the large number of critically ill patients which pass through the department, deaths sometimes occur. This is a reflection of the seriousness of the patient's condition and not in any way due to inadequate care given by the department.

NORTH TERRACE

In reply to **Hon. DIANA LAIDLAW** (18 October).

The Hon. BARBARA WIESE: The estimation that 'North Terrace—A Vision of Economic and Cultural Excellence' would generate $23 million in new funds to the State was undertaken by the Industry Analysis Branch of TSA based on the likely impact of the realised vision.

The achievement of the vision will largely depend on a partnership between businesses and institutions, Corporation of the City of Adelaide and the State Government.

The State Government can respond to business initiatives and commitment by contributing seed funding, publicity and infrastructure assistance.

The figure of $23 million was quantified by estimating:

- the likely market penetration of projected new growth to Adelaide that would occur in any case;
- the number of new visitors to be generated entirely by North Terrace achieving a pre-eminent position in the market;
- the likely return from increased lengths of stay by existing visitors;
- the potential increase in expenditure by existing visitors, and
- the potential increase in convention activity as a result of North Terrace's profile as a complete destination.

These calculations were made individually for the interstate and international markets. The assumptions used were regarded as conservative (representing 1.6 per cent increase in the present value of tourism) and calculated on current expenditure values for each market.

The North Terrace Committee aims to implement projects over time in line with the vision, achieving substantial completion by the mid 1990s.

GRAND PRIX

In reply to **Hon. DIANA LAIDLAW** (18 November).

The Hon. BARBARA WIESE: Sixty rooms were reserved to host international and interstate guests at the following accommodation establishments:

The Ramada Grand Hotel, Glenelg—29 rooms
The Hindley International Hotel—20 rooms
The Buffalo Motel, Glenelg—6 rooms
The Hyatt Regency Adelaide—3 rooms
The Terrace Hotel—2 rooms

The total cost for the accommodation was $46 133.

As is customary at Grand Prix time, Tourism South Australia paid full commercial accommodation rates covering minimum booking periods.

All hotel bookings were made on the basis of a minimum of four nights and the motel required a minimum booking of seven nights. These minimum booking periods took no account of the arrival or departure dates of Tourism South Australia's international and interstate guests.

Only one last minute cancellation was received from an interstate guest for a room at the Ramada Grand Hotel Glenelg.

All other rooms were taken up by international and interstate guests in accordance with their scheduled arrival and departure dates.

The majority of international and interstate guests took their accommodation in Adelaide on Friday evening. A small number of interstate guests arrived in Adelaide on the Saturday of Grand Prix weekend.

I have been advised by the Managing Director of Tourism South Australia, that due to the various scheduled arrivals of interstate and international guests, 24 fully-paid-for rooms at the Ramada Grand and 3 rooms at the Hindley International Hotel were to be vacant on the Thursday night, and 4 rooms at the Ramada Grand and 2 rooms at the Hindley International were to be vacant on the Friday evening.

On this basis, arrangements were made to offer one night's accommodation—on a room only basis—to tourism industry and local government representatives in regional areas of the State, who were visiting Adelaide during the Grand Prix period.

Twelve rooms were taken up by tourism industry and local government representatives at the Ramada Grand Hotel on Thursday evening.

As there were still 17 pre-paid rooms vacant on the Thursday and Friday evenings prior to the Grand Prix, arrangements were then made to provide Tourism South Australia staff involved in packaging, selling and developing tourism accommodation with the opportunity, on a room only basis, to experience Adelaide's newest product.

IMMUNISATION

In reply to **Hon. BERNICE PFITZNER** (13 November).

The Hon. BARBARA WIESE: The Minister of Health has provided the following answers to the questions asked by the honourable member.

The Health Commission will no longer be a provider of immunisation services when the transfer to CAFHS takes place, but the Commission's role in providing immunisations has been a very limited one largely in the area of rubella and immunisation of immigrants. The major providers will continue to be local councils, general practitioners and now CAFHS. CAFHS will be responsible for coordination of services and the supply of vaccine, and it is seen as rational that the child health authority should be responsible for oversight of immunisations. This could include agreements between CAFHS and local councils and/or general practitioners to provide services.

The Commonwealth has not provided vaccines since 1988 when this responsibility was transferred to the State. Funds and staff will transfer to CAFHS for it to carry out this vaccine supply function.

The Health Commission will still actively monitor Statewide coverage rates and promote immunisation as an important and effective public health measure. Impending measures include the introduction of a requirement at school enrolment for evidence of immunisation status across all schools.

OXYGEN THERAPY

In reply to **Hon. R.J. RITSON** (17 October).

The Hon. BARBARA WIESE: I am advised by my colleague the Minister of Health that the South Australian Health Commission has investigated this issue and will continue to investigate the emergent cult of 'Oxygen Therapies'. There was little to be gained by sending a Health Commission doctor to the seminar by Mr Ed McCabe several weeks ago, as suggested by the honourable member. However, Mr McCabe did meet with officers of the Health Commission to discuss 'Oxygen Therapies'. The Minister of Health believes it is also necessary to pursue inquiries through the normal activities of examining the medical literature on 'Oxygen Therapies' and talking to persons practising other alternate therapies. This will enable a more complete investigation and a full final report to be prepared.

The claims for 'Oxygen Therapies' do, in fact, promote the use of so-called 'stabilised electrolytes of oxygen'—most popularly Hydrogen Peroxide or Sodium Chlorite.

In the concentrations marketed, and the dilutions when prepared for use, neither of these is dangerous to health. However, it is very unlikely that they are effective in the preventing or healing of disease either.

The South Australian Health Commission regards the therapeutic claims for 'Oxygen Therapy' and its 'Electrolytes of Oxygen' as unsubstantiated. The new Commonwealth Therapeutic Goods Act, when it comes into effect, will deal, *inter alia*, with advertising and therapeutic claims.

JOHN SHEARER LTD

In reply to **Hon. T.G. ROBERTS** (11 October).

The Hon. BARBARA WIESE: In response to the honourable member's question the Minister of Industry, Trade and Technology has advised that John Shearer Ltd has resolved to considerably streamline its operations in response to the current and forecast adverse market conditions being faced by agricultural machinery companies in Australia.

Across Australia, employment in this industry is almost half that of twelve months ago and profitability levels are disturbingly low. Farmer reluctance to buy is not expected to change significantly in the short term and this situation will worsen considerably should a trade war between the EC and America eventuate over grain subsidies.

The company has indicated its intention to continue operating in South Australia, albeit at a significantly lower level of output than in the past. Until the tenders for their Kilkenny plant have been assessed, the company will not be in a position to determine where it will site its reduced operations. It would be expected that the management of the company would be keeping their employees informed on these developments in a timely and direct manner.

The Hon. ANNE LEVY: I seek leave to have the following reply to a question inserted in *Hansard.*

Leave granted.

EDUCATION EXPORTS

In reply to **Hon. R.I. LUCAS** (22 November).

The Hon. ANNE LEVY: My colleague, the Minister of Employment and Further Education, has advised that the Commonwealth Bill formally establishes a register of institutions approved to enrol overseas students and arrangements to protect students' fees paid in advance. While there were officer level discussions on the general purpose of the legislation there were no consultations at either the Ministerial or officer levels on the precise terms of the Bill prior to its introduction into Parliament.

In requiring institutions to establish trust funds, take out insurance and provide quarterly financial returns to the Commonwealth, the Bill is considerably more prescriptive than earlier advice from Commonwealth officials had indicated it would be. However, the Minister of Employment and Further Education has noted that the Commonwealth will have discretion to waive the last requirement and the assumption is that it will where it is reasonable to do so.

Institutions will be registered by the Commonwealth on advice from the States. The protection of fees paid in advance by students is only one of the matters considered by the State in deciding whether or not to approve an institution to enrol overseas students. Other considerations include the financial standing of the organisation, the accuracy and adequacy of information provided to intending students, the quality of the institution's teaching program and its non-academic student services including assistance with accommodation, counselling and grievance procedures. The Commonwealth legislation does not address these matters. They will continue to be a State responsibility. State regulations under the Fees Regulation Act relate to these State responsibilities which complement those of the Commonwealth.

The Minister of Employment and Further Education understands that the legislation will not be considered by the Senate until February next year and that in the meantime it will be referred to a newly established National Consultative Committee on Export of Education and Training Services (NACCEETS). State Governments and peak industry bodies representing affected institutions will be represented on NACCEETS and my colleague is confident that not only the drafting point mentioned by the honourable member, but also the broader points of principle will be clarified in that forum.

The Hon. C.J. SUMNER: I seek leave to have the following replies to questions inserted in *Hansard.*

Leave granted.

POLICE OFFICER TRANSFER

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

The Hon. C.J. SUMNER: The Minister of Emergency Services has advised me that the Police Commissioner's decision to transfer nine senior officers was not a 'sudden' decision as asserted by the honourable member.

The Minister further advised that the decision to institute a number of changes was made to give effect to the Police Department's yet to be announced strategic planning process, and their recently announced changes in Crime Command to better enable Police to combat organised criminality. The personal development of the officers involved is also a considerable factor. It is unfortunate that journalists gain this information and report in this negative way.

The Commissioner of Police is categorical in stating that '. . . there is no connection with the NCA and those planned moves which are to better facilitiate police service to the public of South Australia'.

MULTIFUNCTION POLIS

In reply to **Hon. I. GILFILLAN** (17 October).

The Hon. C.J. SUMNER: The Premier has provided the following response to the honourable member's question:

1. No, the Premier does not deny the existence of such reports. The MFP Adelaide Task Force has been quite open about the fact that a number of reports were commissioned in respect of the Gillman site before the MFP Proposition was raised. Those reports have indicated that the Gillman component of the crescent site will present problems for development but that none of these problems is either too hard or too costly to overcome. The reports were preliminary. Some of them contain information of commercial value which, at this stage, cannot be released.

2. See answers to Parts 1 and 4 of this answer.

3. Vital information is not being suppressed. Proper and informed public debate is taking place via the community public consultation program under way and the progressive definition of the project over time.

4. Yes. They will be released at the same time as the feasibility study into the site is completed, early next year. At that time, the implications of those reports and the action required on them will be made clear.

NATIONAL CRIME AUTHORITY

In reply to **Hon. I. GILFILLAN** (10 October).

The Hon. C.J. SUMNER: The Chairman of the National Crime Authority, Mr Justice Phillips, has provided me with the following response in relation to the matters raised by the honourable member.

The incident wherein Mr Dempsey's car was damaged 24 April 1990:

This matter was reported promptly to the South Australian Police. As far as I am aware they have been unable, despite extensive inquiries, to identify the person or persons responsible. I am advised that Mr Dempsey has never asserted that Mr Carl Mengler (then Chief Investigator, NCA Adelaide office) was in any way responsible for or connected with this incident and that he regards any suggestion to that effect as preposterous. In this view, the authority joins.

The incident concerning the safe:

On 27 April 1990, an article entitled 'NCA sleuth hints at Adelaide cutbacks' appeared in the Adelaide *Advertiser.* This article purported to described a conversation between a reporter and Mr Mengler. Shortly after reading this article, Mr Dempsey directed that a safe used by Mr Mengler be opened. It was opened without Mr Mengler's consent and in his absence. While Mr Dempsey no doubt considered this action appropriate at the time, he regrets that it occurred and has authorised me to say so.

As far as I am aware, Mr Mengler has no intention of commencing any legal proceedings against Mr Dempsey over this or any other incident. This incident occurred after Mr Mengler had tendered his resignation. He proceeded to take up a position with the Queensland Criminal Justice Commission. Thus, it in no way contributed to his decision to leave the authority. Staff meetings and discussions were held after this incident, but no industrial action was taken.

CRIMINAL PROCEDURES

In reply to **Hon. J.C. BURDETT** (13 November).

The Hon. C.J. SUMNER: The reply is as follows:

1. No, the initial request was considered and refused on the basis that there was nothing unusual about the case.

2. No.

3. The criteria for committal are being reviewed by Matthew Goode as part of his general review.

4. This part was answered when the question was asked on 13 November 1990.

PAYMENT OF FINES

In reply to **Hon. K.T. GRIFFIN** (25 October).

The Hon. C.J. SUMNER: The reply is as follows:

1. The release of prisoners from correctional institutions is conducted within the provisions of the Correctional Services Act 1982, and section 39 (2) states:

> The Chief Executive Officer may, by instruction in writing, authorise the release of a prisoner from prison on any day during the period of 30 days preceding the day on which the prisoner is due to be released from prison pursuant to any other provision of this Act.

This in effect means that a prisoner serving a sentence of 30 days or less could be released without actually serving any time in prison. However, the Department established in 1986 a Departmental Instruction to regulate the application of administrative discharge pursuant to section 39 (2) of the Act. This instruction states that all prisoners serving sentences of less than three months must serve at least one-fifth of their sentence before becoming eligible for release under this section of the Act.

The use of a facsimile to release people from police custody is conducted in the following manner:

- the persons against whom warrants for non-payment of fines exist present themselves to a police station in answer to the warrants;
- the warrants are executed and the person is admitted into police custody;
- the police fax the warrants to a designated prison;
- a designated senior officer of the prison calculates the person's discharge date in accordance with the abovementioned. Warrants for non-payment of fines are served cumulatively and therefore all calculations are conducted on the warrant with the longest default period. In addition, the person is deemed to commence serving the default period from the date that the warrant is executed;
- the senior officer then uses the facsimile to notify the police station of the person's release date. This may mean that the person is either transferred to prison or, due to the generally short default periods, the person may be discharged by police.

Another aspect which may impact on this is that admissions and discharges within prisons are conducted during normal business hours. Therefore if a person's release date falls outside of these times, for example, on a weekend or public holiday, the person may be released during the business hours preceding this period.

2. The practice of using a facsimile to release a person from police custody as described provides definite advantages for both Departments. It reduces the overcrowding in police prisons and the subsequent increase in the number of prisoners transferred to correctional facilities and it better utilises existing resources by removing the requirement on police to transport short-term prisoners, particularly from country locations, to prison. It also removes the requirement on police to supervise numbers of short-term prisoners which may exceed accommodation facilities, particularly in remote country locations.

3. Approximately 100 fax releases are conducted per month. However it is not possible to ascertain how many of these were released under the provisions of section 39 (2) of the Act, or the number released due to a default period of one or two days.

HYPERACTIVITY ASSOCIATION

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

Leave granted.

The Hon. M.J. ELLIOTT: At the end of this week the Hyperactivity Association of South Australia is closing its office and a caretaker committee will wind up the association's affairs from then. Members say that the closure is due to a lack of Government funding, which in previous years had amounted to less than $10 000 per year. The association volunteers, mostly parents who have had experience with hyperactive children, counselled people on the phone about diet and behaviour management. The association is the only group offering this service in South Australia and counsellors say their help has saved marriages from breaking up and prevented severe behavioural problems leading to delinquency in children. They say they are the only fully informed source of information on the use of artificial additives in food in South Australia. My questions to the Minister are:

1. Considering the Government's current austerity drive, does the Minister believe that the service can be provided by the Government at cost less than $10 000 a year, or will they simply cease altogether?

2. Is the Government in any way involved in researching the use of artificial additives in food and their effects on hyperactivity?

3. What information and counselling does the Government provide to people about hyperactivity?

4. Are there any plans to fill the gaps in information and counselling left by the closure of the office of the Hyperactivity Association?

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

SOUTH AUSTRALIAN HOUSING TRUST POLICY

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Housing and Construction a question about South Australian Housing Trust policy.

Leave granted.

The Hon. J.F. STEFANI: Recently I was contacted by an elderly person living in a rented South Australian Housing Trust flat in a group of flats designated for use as aged pensioner cottages. People residing in those units are all elderly pensioners. A flat has become vacant and an officer of the South Australian Housing Trust has informed the residents that in future such vacant flats may be considered for use as emergency accommodation for young people on the priority list. My questions to the Minister are:

1. Has the South Australian Housing Trust developed and adopted a policy to use vacant aged pensioner cottages for young people on the priority list?

2. Does the Minister approve the use of such vacant accommodation for such purposes?

3. Have the elderly people living in these aged pensioner cottages been consulted about the matter?

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

LIBRARY FUNDING

The Hon. J.C. IRWIN: I seek clarification from the Minister of Local Government on questions I asked earlier this week relating to library funding. What will be the vehicle used by the Government to make subsidy payments to local government public libraries?

The Hon. ANNE LEVY: The subsidies will be provided to the library system through the State. The administration of it will be handled by the Bureau of Local Government, which will come into existence on 1 January next year.

The Hon. J.C. Irwin: I am asking what vehicle you will use. You are not using the bureau.

The Hon. ANNE LEVY: The bureau will be the arm which distributes the money.

The Hon. J.C. Irwin: Yesterday you said that it had nothing to do with it.

The Hon. ANNE LEVY: I didn't.

The Hon. J.C. Irwin: You did. I have looked it up 10 times.

The Hon. ANNE LEVY: I would be happy to explain in words of one syllable to the Hon. Mr Irwin just what the system is for distribution of subsidies to the public library system throughout South Australia, but perhaps that could be done without taking up the time of the Council.

PERSONAL EXPLANATION: CORRESPONDENCE

The Hon. DIANA LAIDLAW: I seek leave to make a personal explanation.

Leave granted.

The Hon. DIANA LAIDLAW: There are a few matters I wanted to raise following the Attorney's 'evasion'—that is perhaps the best word—of the question that I asked and also his subsequent challenge that I table or provide copies of correspondence.

First, I advise that in the explanation to my questions I noted very specifically that I was referring to a copy of a letter that had been sent to the President of the Public Service Association, and I understand the same letter was also sent to the Commissioner for Public Employment, Mr Strickland. So, I received a copy of the correspondence forwarded to those two gentlemen. I then received a covering letter with an explanation, which was a private letter to me. I consider that I am a responsible member of Parliament and that I was raising most serious matters. I did undertake to clarify and confirm, as much as I possibly could, the positions, the movements and the jigsawing of all the people in the positions that were—

Members interjecting:

The PRESIDENT: Order! The honourable member is starting to float a bit wide. This is not open for debate again; the honourable member is giving a personal explanation on something that has already happened in the Council.

The Hon. DIANA LAIDLAW: I am seeking to do that, Mr President.

The PRESIDENT: I do not want it opened up into a full blown debate.

The Hon. DIANA LAIDLAW: I do not want to get involved in that, either. The Attorney did accuse me of changing my position and saying that I was referring to the facts and all the rest. Perhaps he did not hear my whole interjection: the fact was that I did undertake, notwithstanding a very busy week, over many phone calls, to jigsaw this

arrangement together so that I was not telling untruths in terms of the positioning. What I sought from the Attorney, because I could not investigate all the matters and the behind-the-scenes influences in those positions—

Members interjecting:

The Hon. DIANA LAIDLAW: I have received a signed covering letter, with a copy of a letter sent to those people. I therefore went—

The Hon. Carolyn Pickles: Who signed the letter?

Members interjecting:

The Hon. DIANA LAIDLAW: The personal letter I received is a signed letter.

The PRESIDENT: Order! Order! The Council will come to order. I did not want a debate on this matter, as I mentioned to the honourable member. It was a personal explanation. If it is going to open any wider, I will close off the personal explanation. I do not want an exchange and I do not want a debate; it is a personal explanation.

The Hon. C.J. Sumner: Was it a sourced letter?

The PRESIDENT: Order! The honourable Attorney-General; I do not want an exchange.

The Hon. DIANA LAIDLAW: I received a sourced letter. I clarified the attachments to that letter to the best of my ability.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: In the last part of this explanation, Mr President, I would say it is very interesting, and it is typical of the tactics of this Government, that they will seek to distract from the central matters—

The PRESIDENT: That is not a personal explanation.

The Hon. DIANA LAIDLAW: —with which I am concerned. You won't answer my questions, and you try to blame everyone else. The fact is it did not work successfully, but what I have said is sound.

Members interjecting:

The PRESIDENT: Order! Order! The Council will come to order. I call on the business of the day.

ADJOURNMENT

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

That the Council at its rising do adjourn until Tuesday 12 February 1991 at 2.15 p.m.

I do not wish to speak at any great length, but I express my, and the Government's, compliments of the season to everyone who works in Parliament House and who has assisted us during this year, and to all members in the Parliament. I think the procedure that we have adopted, at least in the last couple of end of sessions, has worked tolerably well, that is sitting no later than midnight, sitting on Thursday morning and sitting on Friday where necessary in the last two or three weeks. It has been satisfactory. I thank members for their cooperation in ensuring that the program which was set out by the Government for this part of the legislative session has been met.

However, principally, Mr President, I want to thank everyone concerned with the functioning of the Parliament during this calendar year and, without, as I said, going through each category of person specifically, I wish them all the compliments of the coming season and a happy and prosperous new year.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the remarks of the Attorney and say thank you to you, Mr President, for your good humour in tolerating members and members' behaviour, which has on occasions been boisterous. Perhaps we finished on a more boisterous note than we started this session, but we, the Liberal members of the Council, thank you, Mr President, for your presidency and your good humour. We thank the Attorney-General and the Government Whip, the Hon. Carolyn Pickles, for their assistance in the organising of the program.

We believe that we in the Council have a very good and sensible cooperative arrangement between all the Parties—Government, Liberal and Democrats—in relation to procedural matters, pairings, etc., in relation to the operations of the Council, and long may it continue. Certainly, the Liberal members of the Council, and I am sure all other members, will continue with that cooperative effort. As I have said, we thank the Attorney and the Hon. Carolyn Pickles, in particular, for the work that they have done in assisting that situation.

I must say to the Attorney and to the Government, and also to the Hon. Mr Elliott (because we are aware of the position of the Democrats and the discussions that they have had with senior representatives of the Government about organising the program) that personally I think the programming of this session has certainly worked better than in the past few sessions. It is on the improve: it can always get better. Each of us, I guess, has certain complaints about certain aspects of the program, but it has been an improvement, and I guess, whilst we laughed about it originally, one of the important by-products of having the Democrats in the Chamber has been the decision they took to walk out at 12 o'clock of an evening—

The Hon. M.J. Elliott: Despite much chiacking.

The Hon. R.I. LUCAS: —despite much chiacking: we readily concede that. However, certainly from the viewpoint of all members in the Council, the Government has basically accepted that. I guess they have to, because they do not have the numbers without you, and I guess all members and staff also accept that, and it has been part and parcel of making it a more manageable program for all members in the Council.

I share the remarks of the Attorney, without identifying each of the individual members of staff in the Parliament. I place on record our thanks to all staff, both in the Council and in all parts of the Parliament who have helped to make the operation of the Parliament, and our other attendant responsibilities as well, somewhat smoother than they otherwise would have been. So, we place on record our thanks to the staff for that assistance, and I join with the Attorney and all other members in wishing the compliments of the season to all other members in this Council and to all the staff as well.

The Hon. I. GILFILLAN: I rise on behalf of the Democrats to express our good wishes for Christmas, the new year and the intervening time before we meet again to all the people who are involved in this House of Parliament. I would like to indicate an expression of appreciation—and I am sure all other members will agree with me in this—to the media, in particular the *Advertiser* and the ABC, which have diligently covered our business activities here. At times, I suspect they may be a little tedious even for diligent media, but I would like to put on record our appreciation for the people who have been here attending to our affairs. They have done so politely and diligently.

Particularly, I would like to mention the messengers, who work hard and thanklessly to make sure that the mechanics of this place work—and they do work. They do their job with such good humour that I feel it is important to recognise the service they provide for us. I wish Paul Tierney, from the messengers' ranks, who has been with us for 12 months, all the best in his future career. I believe he has

fulfilled his duties very pleasantly and efficiently. Also, I would like to mention the contribution of Margaret Hodgins, who works tirelessly in the background. We do not often see her visual presence in this place, but I would like to mention, with appreciation, her contribution. I also express our appreciation for the services provided by *Hansard*, the Library and by other supporting staff.

In relation to the organisation of the business, I recognise that the Hon. Rob Lucas acknowledged that the situation had improved. Well, improvement is relative; I am certainly not prepared to say that it is satisfactory. I think that the bottleneck, the log jam, the accumulation of business towards the end of the session is not acceptable.

The Hon. C.J. Sumner: It's half your fault.

The Hon. I. GILFILLAN: The interjection—which I take in good spirit—was that it is half our fault. That is a totally erroneous statement, and it would be impossible to sustain with fact or figures. The facts are that the Government cannot get its business together in a way that allows us to spread the pressure over the available time; so we have these peaks and troughs—

The Hon. C.J. Sumner: You've got extra staff and you still can't handle it.

The Hon. I. GILFILLAN: The fact is that no business, except for maybe one or two minor matters for deliberation of amendments, has been held up because of the Democrats. I think the Attorney puts his foot, once again, very firmly in his mouth in taking this line to attack the Democrats. We have cooperated and worked extremely long hours at times to catch up with Bills which have come tumbling in on top of each other because the Government has not spread the business out.

However, it is the season for goodwill. We have enjoyed the challenges, one of which is dealing with the Attorney-General. I think the place would be very tedious and boring without his sporadic interjections—well, his personality, put it that way. I wish him, in particular, a merry, joyful and peaceful Christmas, and to you, too, Mr President. Also, I hope the table staff have a very relaxing and pleasant break.

The PRESIDENT: I was very loath to call for order on this motion, so I didn't. I would like to place on record my appreciation of the staff in Parliament House. I just cannot single any of them out: I think they all do a superb job. Being in this position I have come to realise that it is a bit like an iceberg: nine-tenths of the business is carried on without members realising just what is going on with the staff and just how much action is taking place while Parliament is sitting. So, I place on record my appreciation for the help and assistance provided by the catering, *Hansard* and Library staff, the messengers, the clerks and everyone who has assisted in any way whatever to make the running of Parliament easier.

I thank members for the attention they have paid to the Standing Orders of the Parliament and for the reasonably easy ride they have given me. I have not had to pull rank in any way or with any seriousness ever since I have been here. I think that is a credit to members—not so much to me—for accepting their responsibilities and duties in Parliament. I would like to wish everyone a very Merry Christmas and relaxing new year. I look forward to seeing you in the future.

Motion carried.

[Sitting suspended from 4.2 to 5.52 p.m.]

CORPORATIONS (SOUTH AUSTRALIA) BILL

Returned from the House of Assembly with the following amendment:

Page 7, line 39—Insert new clause 22 as follows:

Fees (including taxes) for chargeable matters

22. This section imposes the fees (including fees that are taxes) that the Corporations Regulations of South Australia prescribe.

Consideration in Committee.

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

That the House of Assembly's amendment be agreed to.

It includes a money clause in the Bill.

The Hon. K.T. GRIFFIN: I agree with that motion. It was a matter that was raised by me in the Committee stages and thus identified as a money clause.

Motion carried.

ADJOURNMENT

At 5 p.m. the Council adjourned until Tuesday 12 February 1991 at 2.15 p.m.