LEGISLATIVE COUNCIL

Thursday 15 October 1992

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

PUBLIC SECTOR SENIOR APPOINTMENTS

The Hon. ANNE LEVY (Minister for the Arts): I seek leave to make a statement on senior appointments.

Leave granted.

The Hon. ANNE LEVY: I wish to inform the Council of three senior appointments as part of the Government's ongoing commitment to reforming the South Australian Public Service. Dr Ian McPhail has been appointed Director-General of Education. Dr McPhail will also be Portfolio Coordinator in education, employment and training. Dr Eric Willmot AM has been appointed Chief Executive Officer of the Department for the Arts and Cultural Heritage, and Dr Don Swincer has been appointed Chief Executive Officer of the Department of Recreation and Sport. The three appointments have been authorised today by Her Excellency the Governor.

The Government is pleased to appoint three such qualified people to these positions and wishes them well in their duties. As the Council would be aware, the appointments are part of a reform package that has seen the number of ministries cut from 41 to 29, accompanied by a restructuring of Government departments. The Government will continue its work to ensure a more effective and efficient public sector while maintaining the important services it delivers to the community.

QUESTIONS

STAMP DUTY

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Attorney-General, representing the Treasurer, a question about stamp duty.

Leave granted.

The Hon. R.I. LUCAS: I have been contacted by several representatives of the rental car industry who have expressed concern about recent changes to stamp duty legislation. Before 1 September rental car businesses in South Australia were required to pay 1.8 per cent stamp duty above a threshold limit on their income from rental hire, besides 20c duty on each individual agreement they wrote. From 1 September of this year this 20c duty on each agreement was increased by the Labor Government to $10 per agreement.

This has sent shock waves through high volume industries such as rental car businesses. For example, one leading car rental firm in South Australia has estimated that it writes about 10 000 separate rental agreements each year, which will mean that the tax increase on their business will rise by about $100 000. The Manager of this company has stated bluntly to me that if this tax rise is implemented it will put his company out of business. He also highlighted a section of the Stamp Duties Act which prohibits them from passing on to customers the cost of any stamp duty increases. The penalty for the offence is $200 and evidently, according to him, South Australia is the only State which has a provision like this.

The manager of a smaller car rental firm has advised me that his business currently pays about $6 000 a year in stamp duty, but under the new provisions he will have to pay around $42 000 a year; that is a rise of around 600 per cent. My office has checked with the stamp duty section of the State Taxation Office today, and it has confirmed that rental firms will have to pay the $10 duty per agreement besides the 1.8 per cent stamp duty that they pay on rental income.

Representatives of the rental car industry have told me that this new tax hike will destroy the car rental industry in South Australia. The new charges will mean that in the case of some short-term agreements, such as a three hour use of a small vehicle which might cost, say, $27, the stamp duty to be charged on even that agreement will be $10. My questions to the Treasurer are:

1. Does the Minister believe that businesses in the middle of a recession can absorb tax increases of this size, especially in the light of the section of the Stamp Duties Act that prevents the passing on of the stamp duty?

2. Will the Minister review the effects of this tax increase in high volume industries like car rental firms?

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

JOURNALISTS

The Hon. K.T. GRIFFIN: I seek leave to make an explanation prior to directing a question to the Attorney-General on the subject of protection for journalists.

Leave granted.

The Hon. K.T. GRIFFIN: In recent months there have been several instances where the issue of protection of journalists' sources from disclosure in courts has been the subject of publicity and comment. A Queensland case, earlier this year, where a journalist, Mr Joe Budd, was gaoled for refusing to disclose a source revived the debate. A current South Australian case in the civil courts involving another journalist, Mr Hellaby, and the State Bank, is another, but I do not want to discuss that particular case because it is currently before the courts.

However, I have now received a copy of a submission by the Australian Press Council to the Attorney-General that legislation should be introduced in South Australia to provide that confidential communications with a journalist should be privileged either by preference absolutely or, if thought necessary, with certain limitations. I recognise, looking at the date on that, that the Attorney-General may not have had an opportunity to give detailed consideration to that submission, but the issue has been around for some time as a general matter for discussion.

The Press Council, in its submission, states that the privilege could be waived by the source, or unless the communication was made to facilitate the perpetration of a crime, or the naming of the source is absolutely necessary to establish the innocence of a person charged with a crime, or where the journalist has reasonable cause

to believe the source of the information clearly misguided him or her for reasons of economic, political or personal gain. Among the arguments for the legislation the Press Council puts the following:

> The protection of sources is an ethical requirement of both journalists and the media. It is further a condition for the free flow of information in society and, were informants to know that their confidentiality would not be respected, the free flow of information from existing and potential sources could dry up substantially. This would harm the public because it is believed that many matters of major public concern ranging from maladministration through misconduct to criminal activities would not be made available to the public.

My question to the Attorney-General, in light of the fact that the issue has been around for some time, and the Press Council now raises it again, is whether the Attorney-General has given any consideration to a proposition similar to that proposed by the Australian Press Council and, if he has, can he indicate what view he has reached?

The Hon. C.J. SUMNER: This matter has been around for some time, as the honourable member said. In fact, my recollection is that I have answered a question in this place on the topic on a previous occasion—probably a question from the honourable member, if I recall correctly. The Press Council has made a number of submissions on this matter over a number of years, but it is not a matter that has been dealt with by way of legislation anywhere in Australia.

The honourable member is aware that the courts have what is called a newspaper rule which provides certain limited protection to journalists' sources. However, the general rule is that, if it is in the interests of the administration of justice, a journalist can be required to disclose sources in certain circumstances. I would have thought that the honourable member would support a proposition where the interests of justice were paramount. He may not do so; I do not know.

I do not think that the argument is as simple as is put by the Press Council or by the AJA, or those who want to see complete protection for journalists' sources. It may well assist the free flow of information in some respects. However, on the other hand (and this is a regrettable fact), it enables journalists to hide behind their sources. Sometimes those sources do not exist; sometimes the journalists have just picked up the sources as rumours and run them as stories; sometimes they are just completely wrong; and sometimes the sources disclose information to journalists for their own purposes, which may be malicious, but journalists still pick them up and run with them.

The answer to this issue lies in a proper adherence by journalists to journalistic ethics. If the community and legislators could be assured that journalists adhered to their code of ethics to deal with issues on the basis of truthfulness, to report matters factually, correctly and accurately, a lot of the problem about the liberalisation of defamation laws and about the protection of journalists' sources would disappear. Unfortunately, that is not the case. There is no effective way in this country of ensuring that journalists or the media comply with any reasonable code of ethics. The AJA's ethics process is a farce. I will not go into the details of one case of which I am aware because at present it is being dealt with in another forum.

If journalists and the media were prepared to clean up their act and take action to ensure that journalists abided by a reasonable set of standards and ethics, the community and legislators would be much more amenable to more liberal defamation laws and to changing the laws relating to the protection of journalists' sources. It seems to me that that is a precursor to getting action in this area. Regrettably, one does not see any proposals emanating from the media and from journalists to toughen up and to ensure that they abide by their ethics. I could list example after example from my own experience, and anyone who has been in public life for more than 10 minutes could cite examples of where they have been grossly misreported in the media, where they have been defamed, or where the media have got the story wrong. That is the general impression in the community, that the media cannot get their stories right. While there is that impression, while it is a fact—as anyone in this House who has had anything to do with the media over time would say—and while journalists do not give proper attention to their code of ethics, there will not be much enthusiasm for changing the law in the manner sought by the Press Council.

It astonishes me that the Press Council continues to come out with propositions about the liberalisation of defamation laws and protection for journalists' sources, but it does not attack the problem. The problem is with the media and journalists themselves and the attitude they have to the proper standards and ethics of their profession. The fact is that a good number of them, not all of them, ignore them—enough of them to know that there is no effective redress for people in this community if journalistic ethics are not abided by by those who practise that profession.

Everyone knows the sorts of journalists we are talking about. They go about their business, and sometimes they are lauded in the community as magnificent investigative journalists, when often they are just purveyors of lies, scuttlebutt and information that has no basis. Of course, if you are a politician and you criticise journalists or the media then immediately you are in the black books.

The Hon. Diana Laidlaw: What do you think you're going to be today?

The Hon. C.J. SUMNER: Well, I don't know how I am going to be, and it really does not bother me, because the issue is an important one. If the Press Council and the AGA were serious about this matter they would in fact try to take action against these rogue journalists—and they exist. There is absolutely no doubt about the fact that they exist, regrettably, in this community. There are rogue journalists who should not be in the job that they are in. I have had experience of it and other members have had experience of it. There are journalists around; the media know who these people are, but they do absolutely nothing about attacking the root cause of this problem, which is journalists' adherence to decent standards of ethics in their profession. If they did that then I think the other side of the argument would flow, namely, liberalisation of defamation laws as well as something being done about the protection of sources.

We just simply cannot have an absolute protection for journalists' sources. If the interests of justice require that journalists' sources be made available, surely, if one is interested in justice, if that is the criterion, one would

have to support that in some circumstances journalists' sources have to be revealed. As I said, they might not exist, they might have been made up. The story might have been totally distorted by the journalist, but they have, by this so-called principle of the protection of their sources, the capacity, in effect, to hide behind what they do, by using that device.

As I said, there may be some case for movement in this area, there may be some case for liberalising the current rule, the so-called newspaper rule, which the courts interpret, however, it is not as simple a proposition as the Press Council makes it out to be. Certainly, if the Press Council has made another submission I am happy to consider it. The Standing Committee of Attorneys-General will also consider it, but in considering it I make an appeal to the media and journalists to get their own house in order. Once they do that, then I think there is a reasonable chance that legislators will look more favourably on the propositions they put up about defamation and the protection of sources.

FESTIVAL OF ARTS

The Hon. DIANA LAIDLAW: I seek leave to make an explanation prior to asking the Minister for the Arts and Cultural Heritage a question about Festival of Arts funding.

Leave granted.

The Hon. DIANA LAIDLAW: The Government performed another dazzling display of political flexibility last night when, at the end of the debate on the State Lotteries Amendment Bill, the Treasurer, Mr Blevins, moved an amendment to deprive the Festival of Arts of access to unclaimed prize moneys. Yet, just six weeks ago the move to give the festival access to these funds was proclaimed by the Government itself as a key initiative in the State Budget. Indeed, in his budget speech former Premier Mr Bannon said that the move:

> . . . confirmed the Government's recognition of the importance of the Adelaide Festival of Arts not only to the local economy but to the increasingly important cultural tourism industry.

Based on this statement, it is unclear today what 'importance' the Government now places on the festival. What is clear is that the Government is out of control. It is also clear that the Minister of Health could not stand the heat in Question Time yesterday. So, the Government panicked. It did a somersault on funding for the Festival of Arts, just as it somersaulted last month, reversing earlier decisions on water rates and the tram barn. As the Minister knows, the Liberal Party had been reluctantly prepared to support the Government's amendments to the State Lotteries Act to provide a share of unclaimed prize moneys to the festival. Based on the Government's own statements, there appeared to be no other source of funds to support the festival.

As the Minister told the Estimates Committee a few weeks ago that it was her idea—I think she also thought that it was a shared idea with the General Manager of the Festival Centre—to fund future festivals from unclaimed prize money, as is the case in Western Australia, I ask:

1. When was she told that her colleagues had tossed aside her so-called good idea and that the Government would again fund the festival from general revenue?

2. If the new funding arrangements had not been a last minute move made in panic, why did she or the Treasurer not forewarn the Acting Chairman of the festival or the General Manager of the Festival Centre of the Government's change of heart and why did they have to hear of this decision over the radio this morning?

The Hon. ANNE LEVY: With regard to the second question, I very much regret that the General Manager of the festival was not informed. I asked several days ago—I cannot recall how many days—that he be informed, and I understood that he was to be. However, with the rapid changes that have been occurring in personnel in the department and other areas of Government, I find that the actual information had been omitted, and I very much regret this. I am very happy to say so publicly and have apologised to Mr McFarlane about this.

With regard to the other questions that the honourable member raises, she carefully omits the fact that this change to the Lotteries Commission Act will not affect the funding of the festival by one cent. There is no question that the Government regards the festival as extremely important to South Australia. It committed itself to increased funding for the 1994 festival and announced some time ago that the 1994 festival would have a $300 000 increase on the 1992 festival, and that situation has not changed. There is no way that the festival will lose one cent by this new arrangement.

It is totally inaccurate to suggest that this in any way endangers the Festival of Arts. The funding for it is every bit as secure and will not alter by one cent. Having made that clear, I can say that it is very interesting for the honourable member to say that the Liberal Party supported—

The Hon. Diana Laidlaw: Read the debate of yesterday.

The PRESIDENT: Order!

The Hon. ANNE LEVY: —the Bill that is currently before the Lower House. I understand there were four speakers from the Liberal side, one of whom supported the measure and three of whom canned it in no uncertain terms.

The Hon. Diana Laidlaw: And so have you.

The PRESIDENT: Order!

The Hon. ANNE LEVY: A funny sort of support I call that, Mr President.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The Hon. Miss Laidlaw has asked the question. I would suggest she listen to the answer in silence and if she has another question later she may ask it.

The Hon. ANNE LEVY: Thank you, Mr President. In discussing the original Bill as it was introduced to the Assembly, three Liberal members canned it; they indicated their disapproval and indicated that they did not wish to vote for it and intended to oppose it, Mr President. This is what the honourable member calls supporting the measure. That is a very strange way indeed of supporting the measure.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: There was a change as indicated. It was the Treasurer who introduced the Bill and the amendment. As I indicate, I very much regret

that Mr McFarlane was not informed as I had requested that he be informed. But, I can reassure him, everyone in this Council and everyone interested in the arts in South Australia that the festival will not have its finances affected by 1c as a result of this amendment. We are committed to increased funding for the next Festival of Arts in 1994.

The Hon. DIANA LAIDLAW: As a supplementary question, will the Minister say why the Government has had a change of heart on this issue?

The Hon. ANNE LEVY: Governments are certainly able to change their minds—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: The important thing from my point of view—

Members interjecting:

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

The Hon. ANNE LEVY: —is that the funding to the festival is secure. The funding for the festival will not change. As Minister for the Arts and Cultural Heritage, I am very concerned that our festival be successful and that it be adequately funded. My concern is to ensure that the festival is properly funded. The Government has not changed its mind in this respect. It announced quite some time ago a $300 000 increase in funding for the 1994 festival, and that has not changed.

SAND MINING

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Attorney-General, representing the Minister of Mineral Resources, a question about sand mining.

Leave granted.

The Hon. I. GILFILLAN: On Monday this week, I toured the Golden Grove area under the auspices of the Golden Grove Development Company and the Tea Tree Gully council. Both those organisations have serious concerns with the current state of the extractive industries adjacent to Golden Grove, an area which provides the bulk of Adelaide's brick making sand and other building materials. The Golden Grove development manager, Mr Kelvin Trimper, raised these questions, as they approach the borders of part of their housing development. A large part of the development's eastern boundary runs alongside 350 hectares of mineral sands and clay quarry run by the Hallett brick company.

Hallett has recently spent $22 million upgrading its quarry facilities on-site, an indication of its long-term commitment to the mining project. But it now wants to mine the so far untouched land which sits 40 metres away from the back yards of a large number of houses near the intersection of Hancock and Golden Grove Roads. The area in question represents about 10 per cent of the total quarry site but according to the Hallett brick company contains up to 40 per cent of the total sand asset within the entire quarry and is expected to be the main source of material for Adelaide's brick supplies for the next 20 to 30 years.

However, this section of land is currently owned by the South Australian Urban Land Trust, which has set down certain conditions that must be met before the area can be opened up to mining. According to Mr Trimper, one of the land trust's conditions requires the Department of Mines to ensure that a proper management plan for the area is in place. Surely no-one would disagree that that is a reasonable requirement. The Department of Mines agreed to do this back in 1985, seven years ago; in fact, that has never been done, and as a result the area cannot be mined until this management plan is completed. That raises the very real possibility of a shortage of mineral sands in the not too distant future, leading to a distinct increase in the cost of housing in South Australia.

I have been advised that the Mining Act also requires the mining company to establish a 400 metre wide buffer along the boundary it shares with the Golden Grove development. Again, this has not been done and has led to disputes among the developers, the quarry owners and the local residents.

The Tea Tree Gully council has been drawn into the dispute with a growing number of complaints from those involved. It, too, has been frustrated by the lack of action by the Department of Mines and Energy. Very clearly, from my experience on Monday, this tardiness by the Department of Mines and Energy to take any action in drawing up a plan—and it has had seven years to do it—not only is causing friction and a lack of ability to plan and develop in that area but also is posing the risk of a serious rise in the price of building materials applying in metropolitan building. My questions to the Minister are:

1. Why has the Department of Mines and Energy not implemented a management plan for the area, as it agreed to do seven years ago?

2. Will the Minister give an undertaking that a management plan will be put in place as soon as possible, and will he inform this Council when that will be?

3. Will he ensure that the Department of Mines and Energy oversees the development of a 400 metre buffer between the quarry and nearby residents, also as a matter of urgency?

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

JAMES NASH HOUSE

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in this place, a question about James Nash House.

Leave granted.

The Hon. R.J. RITSON: When I sought leave, the Attorney frowned a little as if wondering why I was not addressing the question to the new Minister of Health. The new Minister of Health has already demonstrated his willingness to defend instantly the Health Commission's view of the health crisis and, as this question also has a legal content, it is important that it be discussed by the Government at the highest levels of leadership rather than being left to the Minister for Sir Humphrey Appleby.

James Nash House accommodates in secure detention people who are under psychiatric care, either those who are ordered into secure detention by a court (that court having found the person not guilty after a trial by virtue

of insanity) or those from the general prison population who require in-patient psychiatric care. The building is modern, purpose-built and there is only one other like it in Australia, that being in Brisbane. I have seen that, and I feel that James Nash House is better.

With the closure of Hillcrest Hospital, the plans that I have seen show the land all around James Nash House being disposed of for housing. I think it is extremely likely that, within a few years of that development, a number of complaints will be received from people who choose to live in that area, and there is some fear that a lobby may develop for the disposal of James Nash House.

The PRESIDENT: On a point of order, questions should not contain arguments that can be debated or are opinions, and I would ask the honourable member to confine himself a bit more to the relevant question.

The Hon. R.J. RITSON: I will put it differently, Mr President, although no-one on the benches opposite took exception to it. It is a fact that pressure will develop from those future residents who buy houses around the perimeter of James Nash House, just as it is a fact that people who buy houses at the end of an airport runway complain about the noise.

If that pressure occurs, it would be very tempting to use another Act of Parliament to accommodate those people. That other Act of Parliament is the Mental Health (Supplementary Provisions) Act, an archaic Act which is seldom used and which allows the proclamation of any part of a prison to be regarded as a hospital.

The legislation recently proclaimed, which I introduced in this Council and which the Government took up and put through in the other place, requires that certain people be accommodated in a psychiatric hospital under the control of the Minister of Health. If political pressure was exerted for the disposal of James Nash House, the only other way to provide hospital accommodation of the required degree of security would be to proclaim part of the Yatala or Northfield complex as a hospital for the purposes of the Act. I therefore ask the Minister:

1. Will he give me a Government assurance that, if re-elected, the Labor Government will not dispose of James Nash House?

2. Will the Minister consider the repeal of the supplementary provisions, as they serve no purpose in this day and age?

The Hon. C.J. SUMNER: I take it that the honourable member sought an assurance from his colleagues opposite on the same matter, although whether or not he has it I do not know, because he did not include it in his explanation. I thank him for the confidence he is showing in the Government and its re-election prospects. I am delighted to see that he is seeking assurances from us in relation to our next term of office, which will commence some time after March 1994.

Members interjecting:

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

The Hon. C.J. SUMNER: I thank the honourable member for his confidence. Just as an each-way bet, though, I suggest that he ask his colleagues and obtain an assurance from them on these two matters. Although he has been kind enough to address the question to me, no doubt in the expectation that I can answer questions on all topics—

The Hon. R.J. Ritson interjecting:

The Hon. C.J. SUMNER: I understand. It is not a question that I can answer off the top of my head, so I will consider it and bring back a reply.

CHILD DEVELOPMENT UNITS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about child development units.

Leave granted.

The Hon. BERNICE PFITZNER: There are three child development units in the Adelaide metropolitan region: the child development unit at the Children's Hospital, which covers the central and western area; the child assessment team at Flinders Medical Centre, which covers the southern area; and the Developmental Paediatric Unit at the Lyell McEwen Hospital, which covers the growing northern area.

I understand that two of those child development units, being those at the Children's Hospital and at the Flinders Medical Centre, are to be given $40 000 by the Government to continue for this financial year with these two very important services to children.

However, the $40 000 is not to hand as yet at either hospital, and the Children's Hospital has stopped taking new referrals since June. The third unit, however, in the Salisbury and Elizabeth area, another Labor heartland, has not been considered at all. In my time as a medical practitioner I used this unit and found it essential for the community in that area. I understand that this service is now not functioning as a unit but is fragmented. My questions are:

1. Why have the two units, that is, the child development unit at the Children's Hospital and the child assessment team at the Flinders Medical Centre, not yet received their $40 000 as promised?

2. Why has the unit at the Lyell McEwin Hospital, in the Salisbury and Elizabeth areas, not received at least an equal funding?

3. Will the unit at the Lyell McEwin remain closed or can the community in Elizabeth and Salisbury expect a similar funding benefit?

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

NATIONAL PARKS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for the Arts, representing the Minister of Environment and Land Management, a question relating to pest animals and plants in national parks.

Leave granted.

The Hon. M.J. ELLIOTT: The extent of degradation of our national parks under the impact of pest animals and plants is a cause of increasing concern in the community. I will illustrate the problem by way of

example. I recently spent a week walking in the Gammon Ranges National Park. The level of destruction wreaked by goats in the park is astounding. I am told that the Government, believing that there were 800 goats in the park, last summer allowed recreational shooters to cull them. The shooters shot 5 000 goats. As I walked through the park it seemed there was scarcely a hillside without a couple of goats on it. Because of the good season they are in prime condition and virtually every nanny had a kid at foot. There is no doubt that the park still has several thousand goats in it, and the population is expanding rapidly.

The other worrying observation is that the perennial plants are not being replaced, with the exception of *Callitris*, the native pines. Apart from mature plants there are virtually no plants more than a year old. Already many of the shorter lived plants such as wattles have died out or are in serious decline. The park has been suggested to me as a prime candidate for wilderness nomination. Without urgent intervention it will be destroyed.

While referring to the Gammon Ranges National Park, I should state that the major problem is goats. In others the pests vary from rabbits to bridal creeper, a plant that strangles the under-storey plants. Clause 37 of the National Parks and Wildlife Act provides:

> The Minister, the Chief Executive Officer and the Director must have regard to the following objectives in managing reserves:
>
> *(a)* the preservation and management of wildlife;
>
> *(b)* the destruction of dangerous weeds and the eradication or control of noxious weeds and exotic plants;
>
> *(c)* the control of vermin and exotic animals.

Due to the small number of rangers in parks they are flat out managing people and have little time for park management, including pest control. Our parks are in deep trouble. The question of ranger numbers and their resourcing is one I have raised in this place on a number of occasions. At present the Parks and Gardens section of the Adelaide City Council has 50 per cent more outdoor staff than there are national parks rangers in the whole State. I ask one question: when will the Minister comply with section 37 of the National Parks and Wildlife Act?

The Hon. ANNE LEVY: I envy the honourable member his chance to spend a week in the Gammons. I do recall myself having seen goats and goat damage in the Gammons and through Arkaroola in recent times. I will refer the honourable member's question to my colleague in another place and bring back a reply.

BLANCHE FLEUR VETCH

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Agriculture a question on the sale of *blanche fleur* vetch overseas.

Leave granted.

The Hon. PETER DUNN: The sale and harvesting of various types of legume crops has grown dramatically in the last 10 years. Traditionally, we have grown peas, which are harvested and used on the local market, either split or as an animal supplement, where high protein foodstuffs are required. Of latter years, the number of species of legumes grown in South Australia has increased dramatically. We are now growing things like faber beans, lupins and vetch.

Because of the increase in seed available for sale, overseas markets have been developed. These products are generally of a high value with the farmer receiving between $200 and $300. Recently a vetch called *blanche fleur* has been grown with some success here in South Australia and has been sold overseas in the amount of about 5 600 tonnes. Some of it has been split and sold in lieu of red lentils.

The split *blanche fleur* red vetch mimics red lentils. I quote to the Council from Dr Max Tate, who has brought this to my attention. This is what he says about red lentils:

> Esau sold his birthright to Jacob for a mess of red pottage, a dish thought to be the red lentil. Taking today's prices of US$800 per tonne, this particular pulse must be seen to be an attractive crop for many farmers. Unfortunately, red lentils are a rather poor yielding crop.

That accounts for the high price. Dr Tate continues as follows:

> So in the late 1980s, when it was noted in Australia that the pinkish cotyledons of the *blanche fleur* cultivar—

of the vetch I am talking about—

> bore a close resemblance to those of the red lentil after dehulling, it was but a short step to the creation of a brand new food export market.

But there is a problem with *blanche fleur* lentil in that it contains a neurotoxin, and analytical studies at the Australian Grain Academy in Victoria have established that *blanche fleur* cultivar contains similar levels of B-cyanoalanine up to 1 per cent, and this is a very undesirable neurotoxin. The toxin can be removed by soaking the lentil for two hours in water and throwing the water away. However, the instruction may not be given to the people who use *blanche fleur*, for example, Somalia and Central Africa, where the red lentil is used as the red pottage.

There is obviously a danger to South Australia's good name as an exporter and to the wellbeing of the end user if we do not do something about this. My questions therefore are:

1. What actions have the Department of Agriculture taken to alert exporters and growers?

2. Will the Minister seek immediate advice from the Plant Science Institute of the Waite Research Centre as to what action should take place and, as the vetch may prove an important food stuff with slight genetic variation, will the Minister look at funding a research officer to select a less dangerous genus of the *blanche fleur* vetch?

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

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. L.H. DAVIS: I understand that the Attorney-General has an answer to a question I asked on 8 September about the State Government Insurance Commission.

The Hon. C.J. SUMNER: I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

The Treasurer has provided the following response:

1. The Government has issued no such guidelines. The Superannuation Task Force is, however, investigating ways of ensuring that large salary increases immediately prior to retirement do not result in significant increases in superannuation entitlements.

2. No. The retirement package to be paid to Mr Gerschwitz is in line with his entitlements as a member of the old State Superannuation Scheme.

3. His remuneration will be in the same band as that of Mr Gerschwitz, subject to the achievement of certain performance criteria.

CATS

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister for the Arts, representing the Minister of Environment and Land Management, a question about the cats seminar.

Leave granted.

The Hon. J.C. BURDETT: I say at the outset as a matter of fact not a matter of opinion that I was not supportive of the Cats Bill which was introduced in the last session by the Hon. Mr Elliott. A cat seminar was held on Wednesday 29 April 1992, and this question is somewhat unusual in this place in recent times in that I am simply seeking information. The then Minister (Hon. Susan Lenehan) said during the closing part of the seminar:

> We do have an overwhelming commitment to move down the track with legislation, and with the things that you have said we have heard and we have listened.

There has been a change of Minister since that time, so my questions are: what is the present situation? Is it intended to move down the track of legislation regarding cats? What stage have the proceedings reached?

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

POLICE OPERATIONS

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Emergency Services, a question about police operations and procedures.

Leave granted.

The Hon. J.F. STEFANI: For some time I have been contacted by many constituents expressing concern about the unauthorised parking of police vehicles on private property and in other locations whilst operating speed cameras. During the past few days I have been contacted by a constituent who resides at West Beach. The constituent reported that, whilst he was driving his vehicle on Burbridge Road on the morning of Saturday 10 October, a group of vehicles almost collided with an unmarked police vehicle which had been parked dangerously on a blind, curved section of the roadway, blocking one of the two laneways. I was informed that a police officer was sitting in the vehicle supervising a speed camera which was placed on the median strip in the centre of the road just west of the Baptist Church at West Beach. I am further advised that the police vehicle could have parked off the main road a few metres away on a side street, thus reducing the risk of collision and personal injury. My questions are:

1. Will the Minister investigate the practice of police vehicles parking on private property and in other locations without authority and advise Parliament why this is occurring?

2. Will the Minister ensure that the Police Management Unit will issue appropriate instructions to take corrective action to avoid the risk of possible personal injuries or vehicle accidents which could be caused by the incorrect parking of police vehicles operating speed cameras and radar units?

The Hon. C.J. SUMNER: I will refer those questions to my colleague and bring back a reply.

BUS CONTRACT

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Transport Development a question regarding the STA order for new buses.

Leave granted.

The Hon. DIANA LAIDLAW: I noted in the financial section of this morning's *Advertiser* that JRA Limited, the parent company of Adelaide's PMC coach body company, has been placed into receivership at the request of its directors. I am not sure whether the Minister is aware that PMC has won the right to build the 307 MAN buses to replace the ageing Volvo fleet. A statement on 2 April by the former Minister of Transport indicated that it had been a deliberate effort by the Government to give the order to PMC to create jobs in this State and to assist the firm to remain operating in this State, despite its parent company's Australia-wide rationalisation efforts at that time. I seek confirmation from the Minister that the receivership of JRA will not affect the delivery of the new STA buses, that it will not affect the building of the bodies for those buses in South Australia and, in turn, that it will not affect jobs in this State?

The Hon. BARBARA WIESE: I was notified yesterday of the circumstances that the honourable member has outlined and, as yet, I am not in a position to respond to her question, except to say that STA management is currently investigating this matter and is also seeking Crown Law advice. As I understand it, the company that will construct the chassis is MAN, so it is to be hoped that the program can continue. As to how the circumstances of JRA's being placed into receivership will affect the contract that has been let is being investigated and I hope that before very long I will have answers to the questions asked by the honourable member. As soon as I have that advice, I will let her know.

FLOOD DAMAGE

The Hon. BERNICE PFITZNER: I understand that the Minister for the Arts has an answer to my question of 9 September concerning flood damage.

The Hon. ANNE LEVY: I seek leave to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

Further to the information provided to the honourable member on 9 September 1992, I advise the following:

1. The Local Government Disaster Fund was established following discussions between the State and the Local Government Association concerning the Stirling 1980 bushfire settlement. The fund is managed by a committee comprising two nominees of the association, one nominee of the Minister for Local Government Relations, the Chair of the Local Government Grants Commission, and the Under Treasurer or his nominee. The committee has issued guidelines for assistance from the fund and considers any applications made in accordance with those guidelines.

To be eligible for assistance, loss or damage to council property must have resulted from a natural disaster of significant size relative to the capacity of the council. Loss or damage which is normally insurable or which is caused by council negligence is not eligible. Claims for assistance and the form and level that any assistance takes are determined by the management committee on a case-by-case basis. The capacity of the individual council relative to the size of the disaster is examined by the committee as part of its assessment.

2. As at 30 June 1992, the balance of the fund was $3.832 million.

3. As at 17 September 1992, there have been no claims for assistance made to the committee as a result of the recent flooding. Any claims forthcoming will be assessed in accordance with the guidelines issued by the committee.

PUBLIC SECTOR SALARIES

The Hon. R.I. LUCAS: I seek leave to ask the Minister of Public Sector Reform a question about public sector salaries.

Leave granted.

The Hon. R.I. LUCAS: Today the Minister for the Arts informed the House that Dr Ian McPhail has been appointed to head the Education Department. As the Attorney-General would be aware, Dr McPhail only recently left South Australia to become head of the Environment Protection Authority located in Canberra. Will the Minister provide details of the remuneration package offered to Dr McPhail to attract him back to Adelaide and indicate the length of the contract that has been offered to Dr McPhail?

The Hon. C.J. SUMNER: The honourable member may be interested to know that this is not my responsibility. I am interested in public sector reform, not the existing procedures for the appointment of people to positions. However, I represent the Minister of Labour Relations and Occupational Health and Safety, who is responsible for the Commissioner for Public Employment, and the Premier, and I am sure that the details requested by the honourable member can be obtained by someone, possibly even by me. I will let him have the information.

REPLIES TO QUESTIONS

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

Leave granted.

GRANGE RAILWAY LINE

In reply to **Hon. DIANA LAIDLAW** (6 August).

The Hon. BARBARA WIESE: The State Transport Authority (STA) and the Government have no plans to close the Grange railway line. The route for the new West Lakes-City Transit Link bus service operates parallel to the Grange line from Albert Park to the city simply because that is the shortest route, and, therefore, the most likely route to attract West Lakes residents who currently travel by car to the city.

The Transit Link bus stop near Adelaide Station on North Terrace will cater for passengers who work in that part of the city and for people from West Lakes who may wish to continue their journey by train to outer northern or southern suburbs. The Beeline bus is also available at Adelaide Station to transport passengers along King William Street to Victoria Square.

TRAVEL CONCESSIONS

In reply to **Hon. DIANA LAIDLAW** (12 August).

The Hon. BARBARA WIESE:

1. The extension of concessions to private bus routes is not a new issue. The Government is conscious of the transport needs of those who live in the non-metropolitan regions and policies concerning this issue are under constant review. The Government's commitment to providing affordable travel, through subsidies and reimbursements, is substantial. Services will continue to be upgraded and changes initiated where funding and competing priorities allow.

2. Pensioners are currently entitled to a concession rate of half the full adult fare on private bus routes. Of the remaining beneficiaries not living in the metropolitan area, over 90 per cent are receiving unemployment benefits while the rest are on sickness and special benefits. It is estimated that the cost of granting a similar concession rate to these beneficiaries, on all licensed bus routes, would be around $550 000 per annum.

TRANSIT POLICE

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

The Hon. BARBARA WIESE:

1. The train in question left Adelaide at 3.7 p.m., and an incident was reported on this train. No Transit Officers were on the vehicle, however, a railway guard was travelling on the vehicle at the time. Upon being informed of an incident the railway guard attended at the scene and determined that he was unable to resolve the situation himself. He correctly returned to the driver's compartment and sought police assistance via the radio system. Then he returned to the incident and provided assistance to the victims of the offences.

As a result of the guard's call for assistance the Transit Police were contacted. A patrol was unavailable to respond immediately and train control was requested to call the State police. However, the police did not attend because of subsequent advice from the guard that the offenders had alighted from the train, therefore, the train was proceeding to Gawler. Investigations were promptly commenced that afternoon by Transit Police in an effort to apprehend and interview the offenders. The victims and witnesses have been interviewed and investigations are continuing.

The STA does not condone the alleged irresponsible statement regarding the preferential treatment of one race of people or another, and every effort will be made to identify and interview the officer concerned. The appropriate action will then be taken.

2. Yes.

MEMBER'S LEAVE

The Hon. T.G. ROBERTS: I move:

That six days leave of absence from 20 October be granted to the Hon. R.R. Roberts on the account of medical treatment.

Motion carried.

CRIMINAL LAW (SENTENCING) (SUSPENSION OF VEHICLE REGISTRATION) AMENDMENT BILL

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. K.T. GRIFFIN: Can the Attorney-General indicate when it is expected that the Bill, if it passes, might be proclaimed to come into operation?

The Hon. C.J. SUMNER: It is not anticipated that there will be any significant delay.

The Hon. K.T. GRIFFIN: I wrote to the Attorney-General last week asking whether he had some information that could be made available in relation to issues to which he referred in his reply last week, and I wonder whether he has had an opportunity to obtain that information.

The Hon. C.J. SUMNER: I am advised that that letter was received today.

The Hon. K.T. Griffin: It was delivered on the 9th.

The Hon. C.J. SUMNER: We can check when the Attorney-General's stamp was put on it, but as I said, it was only received through the office today. In any event, I am advised that we cannot provide the information without making some inquiries in New South Wales. I have not seen the letter myself. If it is necessary to have that information before proceeding, then obviously we will try to get it before we proceed. On the other hand, if the honourable member is happy to go ahead with the Bill now we will have time to get the information and provide it to him before it is dealt with in the other place.

The Hon. K.T. GRIFFIN: Somewhere along the line the system has broken down, because I was confident that it was delivered on the 9th. When referring to New South Wales, in his second reading reply the Attorney said:

> Under the new scheme, which has been in operation since late 1988 and which involves the suspension of all registrations in the company name, 54 to 55 per cent of collection of outstanding fines has been reported. These figures illustrate the success of the scheme.

My questions related to trying to establish the basis upon which that 54 to 55 per cent was calculated. I wanted to obtain information that relates to, say, the last two years in New South Wales, but also information that relates to South Australia, and more particularly in South Australia the number of pecuniary sums awarded against companies, the value of pecuniary sums awarded against companies, the number and value of pecuniary sums paid and the value and number of pecuniary sums outstanding. Although reference has been made to New South Wales, I wanted the information that relates to South Australia in particular, so that we can make an assessment of what is the default factor in relation to payment of fines by companies in South Australia, and also so that we can get some appreciation of to what amounts and on what basis the 54 to 55 per cent in New South Wales applies. Hopefully, that will give me some basis for determining whether what I am asserting by way of amendment is the appropriate course to follow in a new provision, if not forever, certainly at the present time, or whether there is substantial default in the payment of company fines in those areas of offending to which the Bill is going to relate.

I would have preferred to have that information as part of the debate on the amendment, because there is a significant difference between the Bill and what I propose. I propose to limit the provision, by way of amendment, to only the vehicle in respect of which the default has occurred. The figures that we may obtain, if they are available, might help us in the course of debate to understand the relevant significance of my proposal, as opposed to the Attorney-General's. I genuinely do not want to hold up the debate. I believed that the letter was delivered from the Council last week. If there has been a foul-up and it was my fault, I apologise, but I would prefer if possible to have the information by, say, next Tuesday and then we can progress easily. I do not wish to hold up the matter; it is just a matter of getting the information and then proceeding.

The Hon. I. GILFILLAN: I am interested in looking at the significance of the amendments, which, in the case of the Attorney's, I am looking at for the first time. Let me say clearly that I have no problem with an instrument which puts pressure on a company to pay a fine. If that is achieved by means of an appropriate measure, then that has my support. My immediate reaction on hearing about this procedure which would automatically deregister and disinsure every motor vehicle in the fleet was that potentially it could cause extraordinary difficulty to an innocent victim who may be involved in an accident with one of those vehicles. I note that the second reading explanation identifies the nominal defendant as being available to cover any such claims, and that would automatically be covered. The second reading explanation states:

> The compulsory third party insurance will also be automatically suspended until such time as the sum is fully satisfied and therefore a claim will be able to be made against the nominal defendant under the Motor Vehicles Act 1959 in the event of the uninsured vehicle causing injury to a third party.

I have not had first-hand experience with the actions of a nominal defendant. I may be able to be assured that it does not cause extra difficulties, that it really does offer the same form of comprehensive cover and understanding that a normal insurance policy would offer, in which case that objection of mine may well be put to one side.

That to me is virtually the overriding difficulty I see with the whole measure, other than the one which is picked up in the Attorney's amendment about the person who unwittingly may be a driver in the company. If this amendment is effective it appears as if the unwitting driver, or someone acting under instruction from the company, will also be protected from having committed any offence. If those two problems are satisfactorily addressed, I am not too fussed whether the increase in fine collection is 54 per cent or 55 per cent in New South Wales. It may well be a reasonable measure to try in South Australia in any case.

I would like to hear further explanation from the Attorney, particularly concerning the nominal defendant and the uninsured status of vehicles. How would that compare with the treatment of an injured party in the case of insurance being in place? What are the differences in procedures that would apply?

The Hon. C.J. SUMNER: 'Nominal defendant' is provided for in the Motor Vehicles Act. It provides that where a person is driving an uninsured vehicle the plaintiff who is injured and suffers personal injury in the motor vehicle accident can sue the nominal defendant, and all the provisions that apply to normal third party bodily injury insurance follow from that. So the plaintiff is entitled to whatever damages they would have been entitled to otherwise if the car had been insured.

The Hon. I. Gilfillan: That would apply just as freely and easily; there would be no extra court action or barriers?

The Hon. C.J. SUMNER: No, you have to sue the nominal defendant. I think some procedure is established but it is certainly not a difficult procedure. It is not uncommon for accidents to occur with uninsured vehicles or in some circumstances with vehicles where you do not know the identity of the driver of the vehicle, and in those circumstances the third party fund compensates the injured person, the plaintiff, depending on the liability that is attributed to the defendant and to the plaintiff and the amount of damage that the plaintiff has suffered.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Sure. It is not just a payola. You have to establish the criteria to gain damages in an accident and apportion liability as to whatever is the appropriate damage. It follows the normal course.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: That is the same, yes.

The Hon. I. Gilfillan: What about the suing in the first instance? Is an extra step necessary by the plaintiff to sue the nominal defendant, whereas if insurance was in place that action would not have to occur?

The Hon. C.J. SUMNER: There might be one additional step, but it is of no significance. I think once you know that these circumstances exist you sue the nominal defendant. When I was doing it—and it was probably before the existing SGIC monopoly—a person from the insurance industry was nominated as the nominal defendant and that was the person you sued. I am not sure whether that is still the procedure but that is what it used to be.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The Hon. Mr Griffin says you have to give notice. I said that there might have been an additional step: that is it, but it is not of any significance.

The Hon. I. Gilfillan: It is not onerous in your opinion?

The Hon. C.J. SUMNER: No, definitely not onerous.

The Hon. I. Gilfillan: Does it have any effect on property insurance or comprehensive insurance?

The Hon. C.J. SUMNER: No.

The Hon. I. Gilfillan: So I understand your answer to mean that, if the vehicle is not insured or third party bodily registered, any comprehensive insurance policy remains totally untouched by that situation?

The Hon. C.J. SUMNER: No, that may not be the case. It could be touched because the person could be in breach of a comprehensive policy, depending on the circumstances of driving an unregistered vehicle.

The Hon. I. Gilfillan: The question which is most significant is what effect that would have on the innocent and injured party's vehicle.

The Hon. C.J. SUMNER: In that case the plaintiff who suffered damage to the vehicle would have to sue the driver and attempt to obtain damages for that property damage from the driver. The driver, if they were driving an uninsured vehicle, may have some difficulty in activating the insurance coverage in those circumstances. I understand the point that the honourable member is making. I do not know how that is dealt with in New South Wales, if it is dealt with at all. It does not deprive the plaintiff of the right to claim damages for the property loss that has occurred, but it may mean that the insurance company does not honour the policy because the insurance company would claim that there has been a breach of the policy because the negligent driver was driving an unregistered vehicle.

The Hon. I. GILFILLAN: This is quite a serious issue as far as I am concerned. I am not too bothered about the vehicle of the company which may suffer damage and would have been comprehensively covered and the fact that that comprehensive policy may be affected because it was unregistered and therefore the damages may not be covered. However, what I do feel most concerned about is that any innocent party should be the victim of a system which is basically to get revenue by getting these fines paid.

It does not take a lot of imagination to see that if any honourable member was the driver in a vehicle that was hit and damaged and was seeking recovery of that damage from the owner of the other vehicle who had a comprehensive or even a third party property damage policy in place, if that were operative, the plaintiff would have very little trouble in getting compensation and getting the damage paid for. I am concerned because from the Attorney's answer it is not clear from New South Wales experience, and it does not seem to be clear in our knowledge in this Chamber, how the insurance industry would react to that. To me that is quite a critical issue before I would feel at ease in supporting this measure.

The Hon. C.J. SUMNER: I understand the point that the honourable member is making. As I said, from the point of view of personal injury I can assure him that there is not a problem, that there is no greater burden on a plaintiff to sue the nominal defendant than would occur if the plaintiff were able to sue the actual driver. However, the second point the honourable member raises is the question of property damage, and I am not in a position to answer the questions that he has asked at this stage about how that is dealt with in New South Wales or Victoria.

In light of the Hon. Mr Griffin's concerns about the information that he has requested, we had better try to clarify those issues. I understood from what the Hon. Mr Gilfillan was saying that if those two questions could have been answered satisfactorily he would find the information the Hon. Mr Griffin was looking for irrelevant to his view of the matter and we could proceed with it perhaps without the information.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: We could have, but I didn't say we would have. You were just making your point clear. That is fair enough and I appreciate that. However, I cannot answer satisfactorily the second question the honourable member has asked. The Hon. Mr Griffin may be able to, but I cannot. If I cannot we had better get the additional information and do it next Tuesday.

The Hon. K.T. GRIFFIN: The comprehensive insurance question is one that I raised in my second reading speech, and the Attorney in his reply did refer to it in passing by saying that it depends on the terms and conditions of the comprehensive insurance policy. But my experience with comprehensive insurance policies is that there is a condition that the vehicle should be

registered—the third party bodily injury insurance is not relevant in the circumstances of a comprehensive policy. Certainly the vehicle must be registered. What concerned me was that, if by operation of the scheme proposed in the Bill, the vehicle was unregistered in law that would automatically be a breach of the comprehensive insurance policy and put the driver at risk. I, too, would welcome some information as to what happens in New South Wales about that.

I flag that the amendments which the Attorney-General has put on file relating to compulsory third party bodily injury insurance addressed that issue satisfactorily in relation to third party bodily injury insurance. But there is still the issue of the comprehensive policy. If an amendment were to be proposed to deal with that, it does raise questions about the capacity to vary a comprehensive insurance policy, in effect, by a State statute. It is not something that I really addressed in any depth, but it is something which could be pursued over the next couple of days and which hopefully can be resolved when we deal with the issue next week. It may be that in New South Wales the law does not face up to those particular issues and the innocent driver suffers. If it has not been addressed there, we should not just go blindly along that trail and we ought seriously to endeavour to resolve it if at all possible.

The Hon. R.J. RITSON: I have been following this debate, partly through the speaker system, and no mention has been made of employees' positions if they lose their job. As the Bill is now, it would be possible for fleet owners to put off substantial numbers of employees if the vehicles were deregistered. If the shadow Attorney is successful with the amendment or if the Attorney introduces an amendment to restrict it to the offending vehicle only, nevertheless there will be a few situations in which there would be one vehicle, a principal and an employee, for example, in the hire car industry. Of course, the employee's job would be in jeopardy if that vehicle were deregistered due to the behaviour of the employer. Is there any way in which people disemployed by the operation of this Act could be compensated?

The Hon. C.J. SUMNER: I am not sure about the circumstances where someone would become unemployed because of the operation of this Act. If the honourable member could elucidate, I might be able to answer it.

The Hon. R.J. Ritson: If somebody drives the taxi by night, the owner drives it by day, and the owner incurs the fines and the taxi is deregistered, the driver has lost the job.

The Hon. C.J. SUMNER: Because you have committed an offence.

The Hon. R.J. Ritson: No; because the vehicle I have used as an employee is put off the road.

The Hon. C.J. SUMNER: I am not sure whether we can do much about that. The point is that people should pay their fines. You have to understand what the Bill is about.

The Hon. R.J. Ritson: Yes; but the innocent person loses the job because the boss does not pay the fine.

The Hon. C.J. SUMNER: That happens every day of the week in the criminal law, does it not, when innocent people are affected by the criminal law's impact on other people, families, and so on.

The Hon. R.J. Ritson: If the Bill stays as it is, it is a big fleet.

The Hon. C.J. SUMNER: My understanding is that, unless you deregister the whole of the fleet, then there is no real incentive for people to pay the outstanding fines. So, the effect of the legislation is defeated.

The Hon. R.J. Ritson interjecting:

The Hon. C.J. SUMNER: All I can say—I have heard some business people complain about this—is that if business cannot afford to pay the fines imposed upon them, whether it be a fleet or otherwise, really it strikes me as questionable about whether they ought to be in business. The fact is that they should not be committing the offences in the first place. If they then commit the offences and cannot afford to pay the fines, they have problems—bigger problems than this will impose on them, I can tell you.

The Hon. I. GILFILLAN: One of several methods to persuade companies, fleet owners or corporate bodies to pay a fine would be to put the directors in goal for fine defaulting. I am not touting that as an option, but this may not be the optimum way of persuading people to pay a fine. I agree with the Attorney that an enterprise would normally be in a position to pay a fine. It is often disregard for the law, and from that point of view that is why this measure has my sympathy.

Although I was sympathetic to the Hon. Trevor Griffin's amendment, if it meant that we were left with this stark reality that innocent people could be put at risk through this procedure, to minimise the damage it seems wise to look at possibly one vehicle only being affected. If we can find a satisfactory way to protect an innocent driver and an innocent victim of an accident, both from bodily and vehicular damage, I do not have any problems.

The Hon. R.J. Ritson interjecting:

The Hon. I. GILFILLAN: I have great respect for the Hon. Dr Bob Ritson's power of analysis but, if we were to take that into account, it would virtually entirely stall the process of putting in this measure. If we were to make it of paramount importance that no-one was to lose their job—

The Hon. R.J. Ritson: I am not saying it is of paramount importance, but it is an additional consideration, and an additional reason.

The Hon. I. GILFILLAN: Sure; the company that is cavalierly snubbing its nose at paying a fine probably does not care too much about the ongoing employment for its employees. It is not only the comprehensive damage policy but also the third party property damage policy that ought to be looked at as well. I want to know how the payment through a third party property policy would be affected by the non-registration of the vehicle.

The Hon. C.J. SUMNER: The same way as comprehensive.

The Hon. I. Gilfillan: One assumes so, but unless I spell it out we come back with some other answer on it.

The Hon. R.J. RITSON: Indeed, it may not be a company in a cavalier fashion refusing to pay its fine, whose workers suffer this penalty. Heavy transport owners often get themselves into marginal financial situations with heavy commitments on rigs and a company might be on the verge of going into

receivership, but not quite, and be unable pay a particular fine.

Members will be aware that fines for heavy vehicle breaches such as overloading can be very heavy, and it might be the straw that breaks the camel's back and stops a company operating at all when it is trying to trade out of its situation. With the Bill in its present form, there may be many employees who lose their job, not through the cavalier attitude of an employer but just due to the last straw being the inability to use any vehicles whilst struggling to meet the fine, talking to his bankers, etc. All I am saying to the Hon. Mr Gilfillan is that, although it is a small part of the debate, that is just an additional consideration that should be taken into account if he is at all moved to find a better way.

The Hon. C.J. SUMNER: There is an undue hardship provision in the legislation and, in any event, the courts are reasonably flexible about this in giving extensions of time to pay. We are really talking about people who refuse to pay when they have the capacity to do so. However, I suggest, as I was going to do before a number of interventions were made, that I move that progress be reported, and I will deal with the issues raised by members before we bring the matter back on for debate.

Progress reported; Committee to sit again.

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (FEES) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

As the Bill has already been dealt with in another place, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Licences paid by petroleum wholesalers (oil companies) and petroleum resellers (service stations) form the basis of petroleum franchise receipts. The bulk of the revenue is raised from licences held by petroleum wholesalers for which fees are payable monthly at a rate of $50 plus a proportion of the value of petroleum products sold in a preceding monthly period. The value of petroleum products is determined by reference to a value per litre currently equivalent to 55c per litre. This value can be varied by regulation but will not automatically keep pace with inflation.

Following a similar practice already in place in New South Wales, it is proposed to index to the Consumer Price Index the determined value used to value petroleum product sales, while leaving discretion for the Governor to vary that value by regulation. This will permit the declared value to be adjusted should the indexation process produce a figure which is significantly different from market prices.

The indexation of the determined value will be calculated by reference to the actual increase in the Adelaide CPI over the year to the preceding March. On this basis the determined value for 1992-93 will be increased from 55c per litre to 56.43c per litre. The revenue impact is estimated to be $1.7 million in 1992-93 and $2.3 million in a full year.

In addition, it is proposed to adjust the rates of duty that are applied to the value of petroleum product sales in order to provide extra revenue for the 1992-93 budget as well as to provide funding for the newly established Environment Protection Authority.

As part of the reform of State-local government financial relationships and as explained in detail in the Premier's budget speech and accompanying documents, it is proposed to increase the rates of duty payable on petroleum by the equivalent of 3c per litre in Zone 1, 2c per litre in Zone 2 and 1c per litre in Zone 1. The revenue to be raised from this additional levy is estimated to amount to $32 million in 1992-93 and $43 million in a full year.

Consistent with major rationalisation exercises which are already under way interstate and at Commonwealth level, the Government has decided to establish an Environment Protection Authority to facilitate uniformity in environmental protection measures by bringing together responsibility for various pollution control and environmental quality programs. The Environment Protection Authority will assist the State to implement the terms of the Inter-Governmental Agreement on the environment concerning environmental protection standards, guidelines and codes of practice.

The activities of the Environment Protection Authority will be funded from two main sources—namely, levies on the disposal of solid and liquid wastes and an additional levy on petroleum products. It is proposed to increase the rates of duty on petroleum products by the equivalent of .3c per litre for leaded motor spirit and .15c per litre for unleaded motor spirit and diesel. The levy is estimated to raise $3.1 million in 1991-92 and $4.1 million in a full year.

The combined effect of indexing to the CPI the value applied to petroleum products for tax purposes, together with the additional levies for local government purposes and for the Environment Protection Authority, is to add to duty rates in Zone 1 the equivalent of 3.45c per litre for leaded motor spirit and 3.3c per litre for unleaded motor spirit and diesel. Corresponding increases in Zones 2 and 3 will be lower by 1c per litre and 2c per litre respectively.

Licence fees paid by petroleum resellers (service stations) have not been adjusted since October 1989 when the fee was increased from $50 to $100 per annum based on CPI movements to December 1987. The licence fees replaced those previously payable under the Motor Fuel Distribution Act 1974 which provides for the regulation and control of the number and location of retail motor fuel outlets in South Australia. The industry has supported the continuation of this regulation and control and has agreed to contribute towards the costs of administration of the Act.

The Bill before Parliament seeks to increase the current licence fee from $100 to $125 per annum with effect from 1 October 1993. This increase is in line with the increase in the CPI between December 1987 and December 1991. In a full year, the proposed licence fee increase is estimated to generate additional revenue of $27 000.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides that the measure will come into operation on 1 November 1992.

Clause 3 inserts the definitions of 'Consumer Price Index' and 'unleaded petrol' into the principal Act on account of amendments proposed by this measure.

Clause 4 relates to the fees payable for licences under the Act. The rate of fee for a Class A licence, calculated according to the value of petroleum sold during the relevant period, is to be adjusted. Furthermore, the legislation is to distinguish between leaded and unleaded petrol for the first time. The zoning system is still to apply. New subsections (5) to (8) (inclusive) will provide that the relevant value is to be varied each year in line with variations in the Consumer Price Index, each variation applying from 1 June in each year (and thus to payments made for licences in force from August). However, to preserve the flexibility that currently exists under the legislation, the Governor will be empowered to vary the value by regulation, subject to the qualification that a value fixed by the Governor must not exceed a value representing, in the Minister's opinion, a reasonable wholesale price for petrol (a qualification that appears in the current legislation). In addition, the licence fee for Class B licences is to be increased from $100 to $125.

Clause 5 relates to the operation of the measure. The amendments relating to Class A licences will apply to licences in force on or after 1 November 1992. The amendment relating to

Class B licences will apply to licences in force on or after 1 October 1993.

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

STATE LOTTERIES (SOCCER POOLS AND OTHER) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

In 1981 the then Minister of Recreation and Sport introduced a Soccer Football Pools Bill to provide for the promotion and operation of soccer football pools in South Australia. One of the aims of the Bill was to provide a source of funds for recreation and sport projects by retaining within South Australia the estimated $1.5 million per annum which was invested in the pools in the United Kingdom or the soccer pools in the eastern States.

The competition was conducted by a company known as Australian Soccer Pools Pty Ltd which at that time had pools operating in all other States except Western Australia. The Lotteries Commission was invited to become involved as an agent of the company in South Australia but declined the opportunity because of its commitment to rival competitions.

By early 1989 Australian Soccer Pools Pty Ltd was in financial trouble and entered into discussions with the various State lottery organisations which resulted in the orderly transfer to them of the conduct of the game. At that time legal advice was sought on the power of the Lotteries Commission to conduct soccer pools in South Australia. The Crown Solicitor advised that the commission was not bound by the Soccer Football Pools Act and was empowered by its own legislation to conduct the competition as a sports lottery. This had the particular advantage of ensuring that the net proceeds from soccer pools would continue to be credited to the Recreation and Sport Fund and it was on this basis that the commission took over responsibility for the game in South Australia.

Under these circumstances there is no point in retaining the Soccer Football Pools Act and this Bill provides for its repeal.

The Recreation and Sport Fund was established by the Soccer Football Pools Act. Provision is included in the Bill for the fund to continue in existence under the State Lotteries Act.

At present the State Lotteries Act provides for the commission to conduct a series of lotteries to be known as sports lotteries but there is no requirement that these competitions be related in any way to the outcome of a sporting event. This Bill proposes to define a sports lottery as one the results of which depend on the outcome of a sporting event. The proceeds of any such lottery will be paid automatically to the Recreation and Sport Fund.

In addition provision is made for a category of special lotteries which may be run for the benefit of the Recreation and Sport Fund at the direction of the Treasurer. This will provide a facility for the Government to supplement the Recreation and Sport Fund with the proceeds of a conventional lottery should a special need arise.

One shortcoming of the existing arrangements is that the cost of administering sports lotteries must be met by the Lotteries Commission from moneys which would otherwise be available for the Hospitals Fund. This Bill provides for costs associated with the administration of sports lotteries to be deducted from the proceeds of such lotteries before the net amount is transferred to the Recreation and Sport Fund.

The Lotteries Commission has been obliged to conduct soccer pools as a sports lottery because the percentage of the gross proceeds which is allocated to prizes in soccer pools is less than the statutory 60 per cent required for other Lotteries Commission products. The commission will have discretion under the proposed legislation to continue to offer a lower percentage return for sports lotteries and special lotteries. The Treasurer however will have the power to determine the minimum percentage of gross proceeds which must be offered as prizes in all such competitions.

Members will note that there is no longer a formal requirement in the legislation for the Lotteries Commission to consult with the Minister of Recreation and Sport on the planning and promotion of sports lotteries. In practice consultation with the Minister will continue to take place as it has in the past.

The Crown Solicitor considered the question of whether a competition which contains an element of knowledge or skill falls within the definition of a lottery. Notwithstanding the existence of case law which suggests that such a competition does constitute a lottery the Government proposes to amend the definition of a lottery to put the issue beyond doubt.

When the Lotteries Commission was first established provision was made for its banking arrangements to be conducted through an account at Treasury known as the Lotteries Fund. The more common arrangement is for self-funding statutory authorities to conduct their banking arrangements outside the Treasury system and this is the practice which the Lotteries Commission has followed for many years. There is therefore no need for the separate account at the Treasury and the Bill removes this requirement.

The Bill proposes to provide the commission with the authority to carry out such functions as may be assigned to it by or under any Act of Parliament or by the Minister. This is a provision which is now commonly included in legislation relating to statutory authorities and brings the State Lotteries Act into line with that other legislation.

The financial provisions of the present Act do not contemplate accrual accounting and therefore prevent the commission retaining funds to provide for depreciation or to provide for future costs such as superannuation or long service leave. There is provision in the Bill to enable the commission to adopt these normal commercial accounting practices.

The Crown Solicitor has pointed out that the commission has power to employ agents but not to appoint them. He has suggested that this might limit the commission's power to take action against its agents (for example, to sue an agent for a breach of lottery rules) and has recommended that the commission be given explicit authority to appoint agents who are not employees. The Bill contains the appropriate provision.

The present legislation makes it an offence for a person to deal fraudulently with a ticket in a lottery conducted by the commission but does not specify whether an agent who participates in Club Keno without paying is dealing fraudulently with a ticket in a lottery. It is therefore proposed that the Act be amended to provide specifically for an offence by agents who without paying operate the Lotteries Commission computer equipment within their agencies for the purpose of participating in games conducted by the commission.

Under the standard agency agreement the General Manager of the commission is entitled to conduct inquiries and be shown information relating to the conduct of the commission's games. Failure on the part of the agent to provide the information requested constitutes a breach of the agreement which may then be terminated. It is not considered desirable that the General Manager rely solely on the provisions of the agency agreement for authority to conduct such inquiries and an amendment to the Act is proposed to make explicit his powers to obtain information to preserve the integrity of the commission's games.

The present Act prohibits advertising by agents of the commission. The prohibition is not consistent with contemporary values and should be removed.

Prior to 1985, lottery prizes which had not be claimed within six months were transferred from the Lotteries Commission to the Hospitals Fund. In December 1984, the State Lotteries Act was amended to enable unclaimed lottery prizes to be retained by the Lotteries Commission and used to supplement future prize pools.

At the time of the legislative change in December 1984 unclaimed prizes were of the order of $350 000 per annum. Since that time, the annual level of unclaimed prizes has increased dramatically and in 1991-92 amounted to over $3

million. This is far more than the commission ever envisaged would be necessary to boost prizes.

In the seven years since the legislation was amended, less than half of all unclaimed prizes has actually been used to supplement prize pools. At 30 June 1992 the balance of funds held by the commission for this purpose had grown to $9 million.

It is therefore proposed to amend the State Lotteries Act to provide for only 50 per cent of the annual level of unclaimed prizes to be applied towards prizes in future lotteries. The remainder of unclaimed prize money will therefore flow into the Hospitals Fund from the Lotteries Fund in accordance with the existing provisions of the Act.

Of the balance held by the commission at 30 June 1992, it is proposed to transfer 50 per cent to the Hospitals Fund to help finance the cost of the public hospital system.

These arrangements are estimated to provide additional revenues for the Hospitals Fund in 1992-93 of $4.5 million and to provide ongoing funds equivalent to $1.6 million annually.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides for commencement of the measure by proclamation.

Clause 3 amends the interpretation provision, section 3. The definition of 'lottery' is altered to expressly state that a game such as a soccer pool that involves an element of knowledge or skill may nevertheless be a lottery.

A 'sports lottery' is defined as any lottery the results of which depend on the outcome of a sporting or recreational activity.

A 'special lottery' is defined as one of a series of lotteries required to be conducted by the Treasurer (currently these lotteries are called 'sports lotteries').

'Net proceeds' of a sports or special lottery is also defined for the purposes of determining the amount to be paid into the Recreation and Sport Fund.

The definition of 'the Lotteries Fund' is altered to reflect an alteration in the account keeping practices provided for later in the Bill. The definition of 'the Recreation and Sport Fund' is also altered to reflected the fact that the Soccer Football Pools Act 1981 under which that fund is currently set up is to be repealed and the fund continued under the State Lotteries Act.

Clause 4 is a consequential amendment.

Clause 5 amends section 13. Section 13 sets out the powers and functions of the commission. The functions are altered to make it clear that the commission may appoint agents other than by means of a contract of employment. The commission is given the additional functions of carrying out such other functions as are assigned to it by the Act or by or under any other Act and of carrying out such other functions as are assigned to it by the Minister.

The clause also empowers the Treasurer to direct the commission to conduct a series of lotteries in any year to be known as 'special lotteries'. A similar power is currently provided for in section 16a and the lotteries are currently known as 'sports lotteries'.

Clause 6 amends section 16, the accounting provision. Currently, the Lotteries Fund is an account at the Treasury. The amendment provides for the Lotteries Fund to be run as a bank account established by the commission with the approval of the Treasurer. With the introduction of separate concepts of sports lotteries and special lotteries, the provision enabling money to be taken out of the Lotteries Fund is altered to require the net proceeds of all such lotteries to be paid into the Recreation and Sport Fund. (The provision currently provides that the proceeds of sports lotteries—those lotteries that the Treasurer directs to be conducted, including soccer pools—must be paid into that fund). The clause also provides that the commission may retain in the Lotteries Fund such amounts as are approved by the Treasurer as being reasonably required for future capital, administrative and operating expenses of the commission.

Clause 7 repeals section 16a which deals with the ability of the Treasurer to require the commission to conduct a series of lotteries known as 'sports lotteries'. The section is substituted with one that provides that the Recreation and Sport Fund is to continue in existence and that the Minister of Recreation and Sport controls payments out of the fund for supporting and developing recreational and sporting facilities and services. The new clause is necessary because the fund is currently set up under the Soccer Football Pools Act 1981 which is repealed by the Bill.

Clause 8 provides that only 50 per cent of forfeited prizes is to go towards supplementing prizes in future lotteries.

Clause 9 amends section 17. The section currently deals with the value of prizes to be offered in lotteries other than sports lotteries. Section 16a currently controls the prize value for sports lotteries. The amendment ensures that the provision deals with the value of prizes in all lotteries. It is to be 60 per cent in the case of ordinary lotteries and a percentage determined by the commission (but not less than a percentage determined by the Treasurer) in the case of lotteries falling within the new concepts of sports lotteries and special lotteries.

Clause 10 amends section 19. A new offence is created—that of entering or participating in a lottery by operating the commission's computer system without payment of the fee, contravening the rules of the lottery or in any other manner not authorised by the commission. The maximum penalty is as set out in subsection (4); if the offence is prosecuted summarily—a fine of $2 000 or imprisonment for one year; if the offence is prosecuted on information—a fine of $5 000 or imprisonment for five years or both.

Subsections (7) and (8) dealing with advertisements of lotteries by agents are deleted.

Subsection (9) is amended to give the General Manager or a person authorised by the General Manager powers to ask questions of agents and others and inspect books, etc., equivalent to the powers given to the Auditor-General. The current provision states that a person cannot rely on the privilege against self-incrimination. The amended provision states that a person cannot rely on that privilege but if a person objects to answering a question on that basis the answer cannot be used against the person in criminal proceedings, except in proceedings for an offence of refusing to answer or in respect of the falsity of the answer.

The schedule repeals the Soccer Football Pools Act 1981 and contains several transitional provisions. All money in the Lotteries Fund at the date of commencement of the measure is to be paid directly into the Hospitals Fund. On the commencement of the amending Act, 50 per cent of the balance held by the commission by way of unclaimed prize money that has not been applied to future lotteries will be paid into the Hospitals Fund. Subclause (3) makes it clear that only half of unclaimed prize money will go towards supplementing future lotteries even if the prizes were forfeited before the amending Act comes into operation, providing that the forfeited prizes have not already been applied by the commission in accordance with section 16b as it now stands.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

PAY-ROLL TAX (EXEMPTIONS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

In 1986, the Pay-roll Tax Act was amended to include exemption provisions for trainees employed under the Australian Traineeship System. This exemption was renewed for a further three years in 1989. At that time, it was intended that if the Australian Traineeship System had become firmly established as an entry level training for youth in the labour market, the payroll tax exemption would cease as at 30 June 1992.

Progress towards achievement of this objective has been hampered by the economic downturn. The momentum to create new training arrangements in specific occupations for which

there is currently no structured entry-level training arrangements lessened during 1991 and with the slowdown in economic activity the number of young people employed under contracts of training through the Australian Traineeship System fell.

In the interests of improving skill levels among the young and, in the process, enhancing their opportunity for employment whilst in training it is proposed to extend the current payroll tax exemption for trainees employed under the Australian Traineeship System for a further three years from 1 July 1992 to 30 June 1995.

The revenue cost of the proposed extension of the exemption will depend on the take-up rate of approved trainees by employers. It has been estimated that the maximum loss of revenue to the State would be $260 000 in 1992-93 increasing to $333 000 in 1993-94.

The Commonwealth provides a $2 000 incentive payment to employers per approved trainee as well as paying off-the-job training fees for TAFE and private providers of skill training. It is anticipated that Commonwealth funds equivalent to $3.2 million in 1992-93 and $3.9 million in 1993-94 could be attracted into the State as a direct result of the Australian Traineeship System.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides that the measure will be taken to have come into operation on 1 July 1992.

Clause 3 relates to the exemption from payroll tax that applies under section 12 (1) *(db)* of the Act in respect of a person employed under the Australian Traineeship System. The amendment provides that the exemption continues until 1 July 1995.

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

LAND TAX (RATES) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

In the 1991-92 budget, the Government announced that it would limit growth in aggregate land tax receipts to zero in 1991-92 and to no more than estimated CPI growth in each of the following two years. This policy was introduced in response to representations over successive years from industry and small business groups for the Government to smooth annual fluctuations in land tax receipts by linking revenue growth to CPI movements.

Actual land tax receipts in 1991-92 amounted to $75.8 million compared to $76 million in 1990-91. Consistent with the policy announced last year, growth in aggregate land tax receipts in 1992-93 will be limited to estimated growth in the Adelaide Consumer Price Index between 1991-92 and 1992-93. This implies a revenue yield in 1992-93 of about $78 million.

To achieve this result adjustments will be made to tax rates in the top two tax brackets. For land ownerships where the site value is above $300 000 but below $1 million, the marginal rate will increase from 1.5 per cent to 1.65 per cent; for land ownerships in excess of $1 million the marginal rate on the excess above $1 million will increase from 2.3 per cent to 2.8 per cent.

The majority of taxable land ownerships have site values between $80 000 and $300 000. The marginal tax rate for these ownerships will remain unaltered.

Land values fell significantly in the 12 months to 30 June 1992, particularly in the higher value ranges. The changes to the tax scale have been structured in such a way as to reflect these movements and to minimise the extent to which the liability for land tax of any particular owner changes between 1991-92 and 1992-93. Where values have fallen more than proportionately there will nevertheless be a reduction in land tax and where they have fallen less than proportionately there will be an increase in land tax.

Overall the proposed adjustments to the scale will do no more than maintain the real value of land tax receipts in 1992-93.

The question of land tax payable by lessees of shack sites has been the subject of discussion for a number of years and in 1989 the Act was amended to permit the occupiers of certain shack sites to be regarded as owners for land tax purposes. In most cases these people became exempt from tax either because the shack site was their principal place of residence or because the value of the site fell below the general exemption level.

At that time it was thought that the problem could be resolved by granting a concession to sites where:

- the land was adjacent to the Murray River
- the lease was registered as at 30 June 1989
- the term of the lease was at least 40 years.

Subsequently following more intensive research by valuers and more activity in the market for river front properties there has been a large increase in the valuation of certain other holdings which have been leased and used as shack sites. As a result the land tax liability of some lessees has increased very significantly. In the most recent cases the land is owned by certain associations which lease the sites to their members on unregistered short-term leases.

In order to overcome the immediate problem and to provide the Commissioner of State Taxation with the ability to resolve similar problems should they emerge in the future the Government proposes to introduce a provision which would enable the Governor to declare an area to be one where the occupiers of shack sites may be treated as owners for land tax purposes.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause provides that the measure will be taken to have come into operation at midnight on 30 June 1992. (Land tax for a particular financial year is calculated according to determinations of site value as at midnight on 30 June immediately preceding that financial year, even if the determination is made after that date.)

Clause 3 relates to new definitions required on account of the inclusion of a new provision to enable the proclamation of defined shack-site areas.

Clause 4 enacts a new table of rates of land tax. Adjustments are to be made to the top two tax brackets. For land ownerships where the site value is above $300 000 but below $1 million, the marginal rate will increase from 1.5 per cent to 1.65 per cent. For land ownerships in excess of $1 million, the marginal rate on the excess will increase from 2.3 per cent to 2.8 per cent. No alterations have been made to the scale of values against which each tier of land tax is assessed.

Clause 5 will empower the Governor, by proclamation, to declare a part of the State to be a defined shack-site area under the Act. The occupier of land within such an area will then be taken, by definition, to be an owner of the land.

Clause 6 is a consequential amendment to section 15 of the Act. The provision is relevant in cases where two or more categories of ownership exist in relation to a particular piece of land.

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

SOUTH AUSTRALIAN COUNTRY ARTS TRUST BILL

Returned from the House of Assembly with amendments.

ADJOURNMENT

At 3.57 p.m. the Council adjourned until Tuesday 20 October at 2.15 p.m.