LEGISLATIVE COUNCIL

Thursday 27 February 1997

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

SITTINGS AND BUSINESS

The PRESIDENT: I welcome members to our new and temporary quarters in Old Parliament House, a move that has been necessitated by water leakage in the Legislative Council ceiling. Although I hope that the problem can be solved as soon as possible, today's proceedings will be held in this old Chamber. *Hansard* will be operating on the floor of the Chamber and, as it will be difficult for them to hear properly, I ask that members be generous with their notes for *Hansard* and that they speak clearly, because the acoustics in this Chamber are not as good as they should be.

Divisions may be a problem and, if such a problem arises, we may try to have any division announced if some members return to their rooms. However, I suggest that as many members as possible remain here in this Chamber. We may be able to announce over the public address system that a division is being held.

SOUTH AUSTRALIA CENTRAL

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made today by the Minister for Information and Contract Services in another place on the subject of South Australia Central.

Leave granted.

QUESTION TIME

SCHOOL COMPUTING EQUIPMENT

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

Leave granted.

The Hon. CAROLYN PICKLES: On Tuesday the Minister for Education and Children's Services told the Council that he did not know whether legal advice had been taken on the question whether the three companies that had contracted to provide computers to schools had contravened the Trade Practices Act. The Opposition has received complaints that no tenders were called for the contract to supply up to 10 700 computers to schools, that the three preferred suppliers allegedly colluded to offer identical prices for eight different computer configurations, that local suppliers can supply equivalent or better computers and warranties at lower prices, and that the Government is disadvantaging local suppliers by withholding subsidy payments from schools unless they purchase from the preferred suppliers.

One large metropolitan high school has obtained comparable equipment for less than $1 000 and has decided to forgo the subsidy because it is cheaper to go without it. Because of these complaints, today I have written to the Australian Competition and Consumer Commission requesting an investigation into whether the companies have contravened the price fixing provisions of the Trade Practices Act. My questions to the Attorney are:

1. What is the nature of the agreement between the three preferred suppliers?

2. Will the Attorney describe the nature and terms of the contract or deed, or other kind of arrangement, between DECS and the so-called consortium?

3. Did the Attorney provide advice to the Minister for Education and Children's Services on whether this deal contravened section 45 or 45A of the Trade Practices Act, and what was his advice?

4. Will the Attorney give an undertaking to cooperate with any investigation by the ACCC?

The Hon. K.T. GRIFFIN: It is not for me to say what the Australian Competition and Consumer Commission will do in relation to the matters to which the Leader of the Opposition has referred. I am not aware of the context in which she has made that request of the ACCC. When I see it, I will give consideration to it. I am not prepared to give a blank cheque to the ACCC to come along to talk to me or inquire into what I have or have not done. In fact, any legal advice which is given by the Attorney-General or the Crown Solicitor's Office the Government does not table and, in any event, it cannot be the subject of scrutiny by the ACCC.

In relation to the so-called agreement, I do not know whether or not an agreement in the nature of a restraint on trade is in existence. I should be surprised if it was, and indeed I would be surprised if it was any breach of the Trade Practices Act. However, I am not privy to all the information that might relate to it. I will take the questions on notice.

FLOODS

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about disaster relief for the people in Northern South Australia

Leave granted.

The Hon. R.R. ROBERTS: Members would be aware of the unseasonal rains that recently occurred in the North of South Australia and, indeed, they would be aware from television and other media reports of the enormous damage that has been done. It is hard for people who have not experienced the outback to know the extent of the devastation and the effect that it has had on people who are scattered over such a vast area.

Since those rains fell, a great deal of concern has been expressed by many people in rural South Australia in relation to the plight of those people living around Olary and other areas. Numerous calls for relief have been voiced. This subject ought to be beyond Party politics, as it is a matter of great seriousness, as demonstrated in a letter received by the Hon. Mike Rann from a member of the Anglican Church in Peterborough. That letter states:

> I write to you concerning the plight of the people at Olary and surrounding district. Despite the visit of the Premier last week, I am disappointed by the lack of response from the State Government. I have written to the Premier and to my local member (Rob Kerin) voicing my protest at the Government's poor response.
>
> If the visit of the Premier to Olary last week was motivated by compassion for those in need, the Government's lack of response has made it seem little more than 'politics-as-usual'. This is unfortunate, most of all for those affected by these disastrous floods. What they need are medium to long-term loans to enable them to become productive once more. As the Anglican priest that visits this area I know these people to be very good operators, and I am sure that with good planning and consultation a package of assistance could be

negotiated with minimal risk to taxpayers' money. I write to you to ask you to raise the issue of assistance to those affected by the floods before their plight is forgotten. To ask for a package of loans does not seem unreasonable.

As well as visiting the people of the North-East, I am the priest responsible for all the Anglican Churches in the Upper Mid North/Southern Flinders region. I will be alerting them to the needs of those affected by the floods, as well as the less than satisfactory response of the State Government. As you can imagine, I talk with many people throughout this whole area, and I sense the beginnings of a new political awareness being born. Rural people are working out that consistent support for one particular political Party does not translate into a reciprocal loyalty when that Party is in Government.

This is a considered opinion of someone in the area, and I can understand his concern. The most important thing is that there be appropriate relief for the people in Olary. It has been an enormous effort by people in the north to support their colleagues, and they have done some fundraising. More needs to be done and people have been waiting for three weeks to get some direction.

The Premier has visited the north, and I am certain that he went there with the best intentions. I agree that it was not much use his going up there on two or three occasions because he would only get in the way. I hope that he was sincere and I am certain that Rob Kerin is working to try to get a package together. I offer the full support of the Opposition on this issue. However, the matter is becoming urgent. Other schemes which are operating under other Governments in Australia are providing reasonable levels of relief for people in hardship. We support those schemes, as we support any moves to provide relief. My questions to the Minister are:

1. When will the Minister or the Premier be in a position to announce the State Government's intentions with respect to disaster relief for people in the north of South Australia?

2. How is the State Government's relief being coordinated with the Federal Government's relief?

3. Will the Minister or the Premier explain why it appears that New South Wales can provide greater levels of disaster relief than those being anticipated by the State Government of South Australia?

The Hon. K.T. GRIFFIN: I do not know what the honourable member has been doing for the last couple of days because the State Government's package was announced by the Premier earlier this week and a ministerial statement which was made in the House of Assembly was tabled in the Legislative Council on Tuesday. That outlined a very comprehensive package of relief for those in the north who suffered loss as a result of the floods. As the honourable member said, the Premier went to Olary at the first available opportunity. He was careful not to go any earlier because the information he had was that he would only be using resources, such as aircraft or helicopters, and that would detract from the relief effort. The Hon. Ron Roberts has acknowledged that was an appropriate position to take.

I wonder whether the honourable member is aware of what has actually been done. There are usually six road gangs in the area but there are now 21 road gangs because the Government recognises that access needs to be provided at the earlier opportunity to stations in this country so that they can get on with their business, repair fences and do all the other things that are necessary if they are to take advantage of the rains, which in the longer term will provide benefits to that country.

In terms of individual support, there are some one-off payments. Money is available for building restoration. There is other aid. I do not have it all at my finger tips, but there is obviously a concern by the State Government for the support of those who have suffered as a result of these floods, and there is a package which does provide benefit. In New South Wales, in terms of finance, for example, there is a capped arrangement in place, but we are dealing with it as we believe appropriate, in consultation with the Farmers Federation and with the local residents of that station country. In fact, if the honourable member casts his mind back, only a few days ago there was a joint South Australian Farmers Federation/ABC fundraising program. Among other things, the State Government indicated that it would match the contributions of citizens for that appeal on a one-for-one basis. If the honourable member has some ideas as to what more ought to be done, let him put those on the table. So far as the Government is concerned, we have acted promptly to provide assistance to those in need as a result of those floods.

PATAWALONGA

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about Patawalonga water quality.

Leave granted.

The Hon. T.G. ROBERTS: Yesterday I asked a question on the problems associated with the Patawalonga clean up. In today's *Guardian* there is an article entitled: 'Pat's big Dragonboat Festival is on—for now'. I will read part of the article by Scott Cowham, as follows:

Australia's first International Dragonboat Festival is set to be held on the Patawalonga next month despite fears for competitors' health and safety. But water authorities have warned the two-weekend event still could be torpedoed by unseasonable rains with stormwater and pollutants likely to make the Pat and any other Adelaide waterway off-limits. A crisis meeting last Friday approved the event on condition that organisers, SA Dragonboat Association, had insurance to indemnify the Pat's manager, Holdfast Bay Council, from health claims.

Further, the article states:

Expert advice said the water quality has improved since December when three complaints were lodged by Pat Dragonboat rowers of skin infections and gastroenteritis. Strict rules, such as no jumping into the Pat, would apply.

I am not sure how rowers can row without getting wet, but that is another challenge they will have to face. It is already on record that people have contracted skin diseases, including Crohn's disease, from contact with Patawalonga water before the clean-up. There is a lot of concern about what potential there is for contact with water and what potential diseases can spread since, to my knowledge, no testing has been done on the quality of water now in the Patawalonga. Anyone who visits the Patawalonga will see with their own eyes that the water quality does not appear to have improved markedly. My questions to the Attorney are:

1. Has a testing regime been developed for the potential health problems with exposure to water in the Patawalonga? I expect that that would have to be done to gauge insurance indemnity costs.

2. Have any recent tests been carried out on the existing water quality in the Patawalonga and the potential for disease?

3. If so, what did the tests show?

4. If local government is indemnified, can the State Government be held accountable for any skin infections, gastroenteritis, Crohn's disease or any other disease contracted by those people who are using the Patawalonga for recreational or sporting purposes?

The Hon. K.T. GRIFFIN: I am not prepared to give public legal advice in relation to a hypothetical situation; it is as simple as that. I was somewhat amused at the honourable member's question to me about environmental matters when it really is a matter for other—

The Hon. T.G. Roberts: It is about insurance indemnity.

The Hon. K.T. GRIFFIN: Well, the questions not only related to security and indemnity but to other issues as well about water quality. I can remember many years ago when I assisted my young children to enter the milk carton regatta. The Patawalonga was polluted then, and you could not walk into it without wearing sandshoes to protect your feet. I understand that these days, as a result of the dredging, you can do that quite comfortably without having to take those sorts of precautions.

The Hon. Diana Laidlaw: Are you entering the regatta this year?

The Hon. K.T. GRIFFIN: No, my days in the regatta are finished. But I was amused to hear the honourable member suggest that rowers have to get wet. If he knows anything about rowing, whether it be dragon boat racing or rowing in fours or eights, he will know that it is—

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: I've done a bit of that in my day, too. The honourable member will know that you can row and you can do dragon boat—

Members interjecting:

The Hon. K.T. GRIFFIN: I am somewhat amused by the honourable member's reference to this, because if he knows anything about rowing he will know that you can row quite comfortably without getting wet, whether you are Olympic or amateur standard, and with dragon boat racing you do not have to get wet to row.

The Hon. T.G. ROBERTS: As a supplementary question, given that the Attorney-General has pushed aside the health and quality testing program question, would he refer that to the appropriate Minister?

The Hon. K.T. GRIFFIN: Quite obviously, I will refer those questions to the responsible Minister.

COLLEX WASTE MANAGEMENT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister for the Environment and Natural Resources a question about environmental monitoring.

Leave granted.

The Hon. M.J. ELLIOTT: Last year, as a member of a parliamentary committee, I visited the site of the Collex incinerator at Wingfield. While I was there I noted containers of several chemicals, which I assume were being put in the incinerator along with medical waste. My interest was aroused by that and I wrote to the Environment Protection Agency, trying to find out precisely what was allowed to be burned in that incinerator, what monitoring there was of what went in and, importantly, what monitoring there was of what came out of the incinerator finally as air emissions. I originally wrote asking questions on these matters on 15 October and 24 December and received a response on 3 February that has left me even more interested in terms of what the EPA is doing. The letter is quite short and reads as follows:

> Thank you for your letter dated 24 December 1996 regarding previous emission tests of Collex Waste Management's incinerator at Dry Creek. I apologise for the delay in this response. Collex Waste Management has been licensed to operate incinerating facilities at Dry Creek under the Environment Protection Act 1993 since 1 May 1995. At this time a condition requiring testing was placed on the licence that required testing to be performed once during the licence period; that is, once between 1 May 1995 and 31 July 1996. This was scheduled to be completed in June 1996. However, problems with on-site facilities and rescheduling the testing laboratory meant that testing did not occur until 17 and 18 September 1996.

I note that that is a period outside the required time. It continues:

> Appropriate notification and explanation of the delay was received from Collex Waste Management. A copy of these results is included with this letter.
>
> The licence was renewed on 1 August 1996. At this time the conditions relating to the testing of the incinerator emissions were tightened to require testing to be performed twice yearly. The next emission of test results should be received prior to 31 April 1997.

The concerns raised within this letter are that there is a requirement for one test in every 16 month period and, if the licence was renewed before the testing was carried out, that test did not occur. I will quote briefly from the test results themselves. The testing was carried out by AMDEL, on 17 and 18 September 1996 and submitted on 14 October 1996. I have a statement within that report. Under the heading 'Limitation of results', it states:

> 1. Due to severe corrosion we were only able to sample from one of the two access ports.
>
> 2. The sampling port used to carry out this series of tests was not situated in an ideal position.

A little further on the document states:

> It is appreciated in this case that it is not physically possible or practical to achieve these requirements.

That refers to requirements about how the testing should have been done. The document continues:

> As a result of this inconsistency, the results reported cannot be considered to be truly representative of the system tested.

I ask the Minister how it is that licences are renewed when there is a requirement for testing to be carried out and it is not. How is it that, when it is carried out, we are told that the whole arrangement is not set up so it can be done properly? What will the Government do about this? Why is the Government itself not carrying out independent monitoring? Is it reliant upon the agency—Collex itself—to arrange that testing once in a 16 month period?

The Hon. DIANA LAIDLAW: I will refer the honourable member's questions to the Minister and bring back a reply.

SITTINGS AND BUSINESS

The Hon. DIANA LAIDLAW: Mr President, further to your introductory remarks, I note that it is 58 years since the Legislative Council met in this place, and certainly 58 years ago there were no women in the Parliament or in the Legislative Council. On behalf of women in the electorate, I want to acknowledge that today is quite an important occasion. There were no women at the front table, as is the case now with our Clerk Jan Davis. There were certainly no computers at that time, and it is interesting to think of the changes over the years. I must admit that I prefer the other Chamber as a place in which to meet and to address matters.

The PRESIDENT: I also welcome the ladies in this Chamber. If it is 58 years since we have been here, let us hope it is another 58 years before we have to come back!

PENNESHAW BREAKWATER

In reply to **Hon. SANDRA KANCK** (27 March 1996).

The Hon. DIANA LAIDLAW: Further to your question asked on 27 March 1996 regarding the Penneshaw Breakwater I provide the following progress report.

Ports Corp received three items of correspondence on this matter including a letter from Ms Sandy Carey dated 16 January 1996 expressing concern over the future of the jetty at Penneshaw.

Identical letters were also sent by Ms Carey to the Premier, the Minister for Primary Industries, the Minister for the Environment and Natural Resources, the Minister for Tourism, and the member for Flinders.

Ms Carey was telephoned by Ports Corp soon after receiving the letter to discuss the issues she had raised.

A consultant appointed by Ports Corp on 29 February 1996 had been asked to discuss the issues with Ms Carey during his visit to Kangaroo Island and it was decided to delay formal reply until Ports Corp had received the report from the consultant. A reply to Ms Carey's letter was sent after receipt of the consultant's report.

The future of the jetty at Penneshaw is being considered as an integral part of development plans for the Penneshaw Harbor. These have been instigated by preliminary advice from Sealink that they propose to increase the size of the *Philanderer* by 10 metres during 1997 and that their future plans include the introduction of an even larger vessel. This may necessitate deepening and widening the existing basin and the provision of additional protection from wave action to enable safe operation of the vessels.

Two options for providing the additional protection from wave action have been considered. The first option is to extend the existing breakwater which would, unfortunately, require removal of the end of the existing jetty. Whilst this part of the jetty is not required for the commercial activities of Sealink and Ports Corp, I fully appreciate community concerns and desire to retain this jetty for tourism and heritage reasons.

A second option is to build a new breakwater into deep water on the reef to the west of the existing breakwater. This has the advantage that the end of the jetty would not need to be removed, and furthermore some protection would be provided to the jetty from storms which in the past have caused severe damage to the structure.

On 20 June 1996 a meeting was held to discuss the consultant's report on the development of the port at Penneshaw and was attended by Ms Sandy Carey, Mr Ian Gilfillan, Mr Roy Holland, Mr Tony Flaherty (all from the Jetty Preservation Committee), Mr John Lavers (Adventureland Diving), representatives from Ports Corp and the consultant (Mr John Chappell).

It was agreed that building a breakwater on the reef, thus preserving the jetty, is preferable to extending the existing breakwater which would necessitate demolition of the head section of the jetty. Ports Corp has recognised that a breakwater on the reef is the preferred option, and has instructed the consultant to investigate this option more thoroughly including the environmental and other impacts.

When sufficient data is available an approach will be made to the Department of Environment and Natural Resources who will determine if a formal EIS is necessary for the breakwater or any other part of the proposed development. In the meantime, discussions are being held with Sealink to refine its requirements.

On receipt of the requirements and the environmental assessment, designs will be completed and discussed with the Jetty Preservation Committee and other stakeholders.

TONSLEY INTERCHANGE

In reply to **Hon. P. HOLLOWAY** (4 December 1996).

The Hon. DIANA LAIDLAW: I provide the following information in relation to the Tonsley Interchange, the Southern Expressway and traffic management issues.

1. The honourable member will recall that the former State Labor Government's support for the Tonsley Interchange proposal was conditional on winning the support of the then Federal Labor Government—support that was never forthcoming.

It is considered that the $17 million estimated cost of the Tonsley Interchange may have been a factor for the failure to win Federal Labor support, together with the fact that the local planning authority, the Marion Council, actively opposed the project. So the statement by the honourable member that this Government scrapped the Tonsley Interchange is fundamentally unsound because the project had never won Federal funding or local government planning support.

2. As I stated in response to the honourable member's question, the studies into the effect of traffic growth across the road network to the north of the Southern Expressway have been comprehensive. These studies take into account the diverse movement of traffic north of Darlington—66 per cent. Marion Road, South Road and Goodwood Road all provide considerable flexibility to manage the road system and cater for the wide range of vehicle destinations across the metropolitan area—thus alleviating the effects of traffic growth in terms of congestion.

3. In accordance with Government policy, the Department of Transport is developing a strategic road network plan for the whole of the metropolitan area.

PARLIAMENTARY COMMITTEES

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Leader of the Government in the Council a question about select committees.

Leave granted.

The Hon. L.H. DAVIS: In 1991, significant amendments were made to the parliamentary committees legislation, and this led to the reorganisation of the standing committees of the Parliament. At that time, four committees were established: the Economic and Finance Committee, which is a committee of another place; the Environment, Resources and Development Committee, which is made up of members from both Houses; the Legislative Review Committee, which consists of members from both Houses; and the Social Development Committee, which also consists of members from both the Legislative Council and the other place.

During the debate that occurred when the parliamentary committees legislation was amended, both the then Leader of the Government, the Hon. Christopher Sumner, and a representative of the Australian Democrats made quite clear that this expanded parliamentary system would mean a diminution in the role of select committees. In *Hansard* of 16 October 1991 (page 1 144) the then Leader of the Australian Democrats (Hon. Ian Gilfillan) said:

> . . . I believe that there is no reason to expect the demise of the select committees *per se* as continuing to be, but in a diminished role . . .

That thought was threaded throughout the debate. Following the amendment to the parliamentary committees legislation in 1991, members will recall that when the Liberal Government came into power in 1993 it fulfilled an election commitment to expand the committee system by creating a Public Works Standing Committee, which was a committee solely of members of another place, and also a Statutory Authorities Review Committee, which consisted of five members of the Legislative Council. In other words, the parliamentary standing committee system was expanded from a total of four committees to a total of six.

These committees generally meet on Wednesday mornings and sometimes on other non-parliamentary sitting days. Given that at the time of the debate in 1991 and even more so, one would argue, with the creation of two additional committees, one would have imagined that whilst select committees may still exist in the Legislative Council they would, as the then Australian Democrats properly described it, have a diminished role in the scheme of things, given that the Council has the power to refer any matter to a standing committee for consideration.

However, what surprises me—if I can pass on what may be attributed as an opinion—is that in fact seven select committees are now being established by the Legislative Council, with the possibility of another one. In other words, there is a total of eight select committees. As far as I can see,

this is the largest number of select committees that has ever been established—

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: —in the history of the Legislative Council.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: I rise on a point of order, Sir. The acoustics in this place are very poor. I am eternally grateful to the Hon. Legh Davis for blocking out the Hon. Anne Levy's voice, but he does not have the same effect on the Hon. Terry Cameron. I would ask those members to be quiet because I cannot hear what is being said.

Members interjecting:

The PRESIDENT: Order!

The Hon. Anne Levy interjecting:

The PRESIDENT: The Hon. Anne Levy will come to order. I was about to come to her defence but I have now lost that interest. I ask all members to be patient because this is not the most convenient location. Perhaps if all members could turn their desks 45 degrees it might help; I do not know. Members might be able to do that relatively quietly. I agree with the Hon. Angus Redford that it is difficult to hear, and I ask members to be a little patient while we are trying to get through this.

The Hon. L.H. DAVIS: I will follow your suggestion, Mr President, and tilt half right and half left. Members will know that there are now regular instances where select committees have great difficulty in setting a meeting date because the system is so clogged. In some cases it is physically impossible to establish meeting dates and, of course, it is putting the parliamentary staff under great pressure in servicing these committees.

I make the observation that, in some cases, there is an overlap and a duplication in the inquiries that are carried out by select committees with what is already occurring in other parliamentary committees in other places. I imagine that the private sector would be horrified—

The Hon. A.J. REDFORD: I rise on a point of order, Mr President: I cannot hear the question. If we cannot hear what is being done in the business of this place we may as well cease forthwith, because we are here to listen to each other as much as to say things.

The PRESIDENT: I ask members—

Members interjecting:

The PRESIDENT: Order! I do not need a lot of help. I ask that members please be patient until Question Time is over. Members on my left are wasting Question Time and members on my right are being prolix. I suggest that the honourable member draw his question to a close.

The Hon. L.H. DAVIS: It has gone on a lot longer, Sir, because I have not been able to hear what I have been saying.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: I suspect that the private sector would be horrified to see the overlap, duplication and inefficiency that has occurred through the clogging of the system by this extraordinary number of select committees that have been established by the Opposition. My question—

The Hon. T.G. Cameron interjecting:

The Hon. L.H. DAVIS: You will get flushed down the drain if you are not careful! Does the Leader of the Government have any observations on this increase in the number of select committees, and is he surprised at the number of select committees, in view of the clear understanding from all sides at the time the revamped parliamentary committee system was established in 1991 and subsequently enhanced in 1994?

The PRESIDENT: Order! I suggest that the question was not so much peppered with opinion; it probably was opinion. I have ruled on this matter in the past and asked members not to do that. I remind the honourable member, who has been here a very long time, that in the future he should ask his question without expressing an opinion. The Minister for Education and Children's Services.

The Hon. R.I. LUCAS: I thought it was a very good question, nevertheless. I remember very vividly the debates in 1991 because, as a member of the then Opposition, I was involved with other members in the negotiations with representatives of then Labor Government and the Australian Democrats in the Chamber at the time about the new standing committee system. Also, some members will recall that the then Independent Labor member for Elizabeth, the Hon. Martyn Evans, was involved. He moved a private member's motion relating to the establishment of standing committees. I vividly remember the points that the Hon. Legh Davis is raising, because the issue was discussed at the time.

The then Liberal Opposition put the view that it strongly supported the standing committee system, but it nevertheless believed that there might occasionally be reasons for a select committee to be established by the Legislative Council. I remember the very strong views being put by the two members of the Australian Democrats in 1991, indicating that only on very rare occasions would they ever contemplate the establishment of select committees of the Legislative Council. They indicated very strongly on behalf of the Australian Democrats—

Members interjecting:

The Hon. R.I. LUCAS: Not the Hon. Sandra Kanck. The Hon. Sandra Kanck certainly cannot be blamed, because she was not here at the time. However, the Hon. Mr Elliott knows what he said at the time, as well as what was said by the Hon. Ian Gilfillan, who was then Leader of the Australian Democrats. A strong position was put that standing committees had to be made to work and that when matters were referred from both Houses they ought to be referred to the standing committees, so they undertook the task outlined for them.

It was understood that there was rarely a need for the establishment of a select committee, and the then Liberal Opposition was put on notice. We were told by the Australian Democrat representatives, 'Do not think you will be able to establish select committees willy-nilly in the Legislative Council, because we will refer them to standing committees.'

What hypocrisy we have seen in the Legislative Council over the past three or four years, both from Labor members in this Chamber and from the Australian Democrat members. Whoever can think of a new reason for having a select committee jumps up quickly to establish one on anything. As the Hon. Legh Davis has indicated, we now have seven select committees, with the prospect of an eighth which is to be discussed next week and which has been moved by the Hon. Michael Elliott—or, I suspect, the Hon. R.R. Roberts—in relation to tourism issues.

We now have a system that is grinding to a halt. The Australian Democrat and Labor members will not turn up to various committee meetings and will not be able to get established various hearings of the select committees—and the prisons committee is the perfect example.

Members interjecting:

The Hon. R.I. LUCAS: We hear the Labor members screaming that they do not have the contracts, but the prisons contract has been in the public arena for months.

Members interjecting:

The PRESIDENT: Order! We are not in school: we are in the Parliament.

Members interjecting:

The PRESIDENT: Order! It sounds as if there were children in the class, too. I ask that members be a little patient and that Ministers be brisk about their work.

The Hon. R.I. LUCAS: The prisons select committee is the perfect example. The select committee on tendering processes and contractual arrangements for the new Mount Gambier prison was established nearly two years ago, in 1995. We have had excuses from Labor members that they cannot meet because the contracts have not been made available. Members know that the contract has been available for months, and the Hon. Jamie Irwin has indicated in this Chamber on a number of previous occasions that he just cannot get members of that select committee to meet.

The Labor and Democrat members will not agree to meet on that select committee and will not allow it to meet. It stays there on the Notice Paper, and there is no response from Labor and Democrat members, because they know the system is grinding to a halt. Another committee which was established is on education—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: They do not like this now. The Select Committee on Pre-School, Primary and Secondary Education in South Australia—

Members interjecting:

The Hon. R.I. LUCAS: They are screaming like banshees at the moment. That select committee was established with the support of the Hon. Michael Elliott—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order, the Hon. Terry Cameron!

The Hon. R.I. LUCAS: Liberal members were ready to go, but straightaway the Hon. Mr Elliott goes off on holiday for five or six weeks and says we cannot meet. The honourable member established a select committee and disappeared for five or six weeks, and so we were not able to sit. He established it, formed it, and then he disappeared on holidays for five or six weeks and said,'Don't worry about it.' We were ready to sit on the select committee but he disappeared and was not prepared to—

Members interjecting:

The PRESIDENT: Order! Even the language is getting out of control now. Please act like adults in this Chamber.

The Hon. Sandra Kanck: But he is lying.

The PRESIDENT: Order! I ask that that be withdrawn and for an apology, please.

An honourable member interjecting:

The PRESIDENT: Order! I ask the Hon. Sandra Kanck to withdraw that remark and apologise.

The Hon. SANDRA KANCK: I withdraw and apologise.

The Hon. R.I. LUCAS: There have been—

The Hon. A.J. REDFORD: Mr President, I rise on a point of order. I ask that the Hon. Terry Cameron, who also interjected, apologise for saying that the Minister was telling porkies.

The PRESIDENT: Order! There is no point of order.

The Hon. R.I. LUCAS: In a select committees members of the Opposition Parties have put the view that, 'Look, we have many things to do and I think some of these select committees will have to continue to meet without all the members of the select committee being available.' I must admit that on one of the select committees of which I was the Chair I said to the members of the Democrats and the Labor Party, 'We will not cop it. You establish all these select committees and then you have the temerity to ask Liberal members on the committee to attend the meetings because you cannot attend as you have other engagements.' They have established six, seven or eight select committees and then they ask us to do the work.

As a member of a select committee I have indicated that I am not prepared to accept it. I have told the Democrat members and the Labor Party members that I am not prepared to accept that sort of arrangement—when members do not follow through when they establish their select committees. If they want to establish their select committees—and, as I said, six, seven or eight of them—then they should turn up to the meetings and accept their responsibilities for the select committees they have been establishing. These select committees are grinding the system to a halt and it is up to the Democrats and the Labor Party to end this silly process. They should use the standing committees and start to wind up some of these select committees.

The Hon. M.J. ELLIOTT: Mr President, I rise on a point of order and give a personal explanation. The conversation to which the Hon. Mr Lucas referred in terms of discussions that he had about the committees he certainly did not have with me. In relation to availability for committees, the committee in relation to EDS is having its first meeting on 25 March—

The PRESIDENT: Order! I do not think that anything you have said comes under Standing Orders. It is not a point of order. I rule it out of order.

The Hon. M.J. ELLIOTT: It is a personal explanation.

The PRESIDENT: Order! If it is a personal explanation, you must seek leave to do make it.

The Hon. M.J. ELLIOTT: I seek leave to do so.

Leave granted.

The Hon. M.J. ELLIOTT: Again, for the record, the conversation to which the Hon. Mr Lucas referred concerning the availability of members simply did not take place. The honourable member has also alleged that the Democrat members have not made themselves available for committees. The only occasion on which I have done that is in relation to the education committee. I was rung about a number of dates and I said, 'Yes, I am available, but I would prefer them not to be all pencilled in at the moment because the EDS committee has not met this year as yet, and most of the members on the education committee are also on the EDS committee.' The EDS committee did not meet until I requested the Chair of the committee (Hon. Mr Lucas) and then the Secretary for a meeting. No other requests for availability on that committee have been made. The committee has not met so far this year simply because it has not been asked to meet, which is the responsibility of the Chairman—and that is the Hon. Mr Lucas.

BREATHALYSERS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about hotel breathalysers.

Leave granted.

The Hon. T.G. CAMERON: Figures released by the South Australian Police indicate that alcohol was one of the

main contributing factors in last year's road toll of 181. Thousands of other motorists, passengers and pedestrians were injured as a result of drink driving, costing this State hundreds of millions of dollars, not to mention the cost in personal tragedy. As I acknowledged in my grievance speech—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: If you will shut up and listen, as I acknowledged in my grievance speech yesterday, the police—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: You were not here and I want to make you hear it all. As I acknowledged in my grievance speech yesterday, the police are to be congratulated on their recent decision to increase the level of random breath testing in country areas. New research reveals that up to 50 per cent of drivers killed in road accidents had been drinking at a hotel or club prior to the accident. It is clear that people are visiting hotels and clubs to play the pokies, drinking too much, and then proceeding to drive while intoxicated. I also point out that South Australian hotels and clubs reaped $224 million from poker machines in 1995-96, an increase of $42 million on the previous year.

I am informed the Department of Transport, in conjunction with the hotel industry, will trial breathalyser machines in a small number of clubs and hotels later this year. I believe that we need to go much further. If the State Government is able to consider introducing legislation to ban smoking from restaurants and eating areas of hotels, then it should also be able to support measures such as putting breathalysers in all pubs and clubs; this will save dozens of lives every year from alcohol related motor accidents. My questions to the Minister are:

1. Considering the cost of the road toll to the community, as well as the considerable police resources being thrown at this problem, and in the light of hotels and clubs having made massive profits from poker machines over the past year, will the Minister consider introducing legislation this year to make breathalyser machines compulsory and free for patron use in all hotels and clubs?

2. If not, will the Minister at the very least consider introducing a subsidy scheme to assist the introduction of breathalyser machines into clubs and hotels?

The Hon. DIANA LAIDLAW: It is clear that the Opposition has little to talk about regarding transport because this question is simply a repetition of the material included in the matter of interest about which the honourable member talked yesterday. I had a keen interest in this subject well before the honourable member came into this place and he may, if he cares to research it—and he does little research—find that I introduced a private member's Bill on the subject of limiting the liability of hotels that chose to install breathalyser machines. I did so back in late 1989-90. Since then, and since I have been Minister, support has been provided through the Road Safety Consultative Council to work on developing a standard on which people could rely with some confidence.

This has been an issue Australia-wide with the installation of these machines. I will not support any such scheme to make it compulsory that these machines be installed in hotels until there is an Australian standard which can be relied upon. That issue has been explored further in testing, research and with Australian standards. In the meantime, we have a machine which will be trialled in hotels in the belief that this machine will meet all the expectations of those who are keen to see advances in road safety, as well as meet the expectations of the Department of Transport and me. This issue of road safety and breath analysis is so important that there is no point in imposing on hotels or the motoring public a machine that is not up to standard, and therefore the trial is the way in which the Road Safety Consultative Council has determined we should proceed, and I certainly endorse that outcome.

I remember some years ago—again well before the honourable member was in this place—that the Hon. Ian Gilfillan called on the former Government to introduce these machines on a compulsory basis and it was rejected. Sufficient advances have not been made so far to indicate that that is an approach that would be wise or safe to take.

The Hon. T.G. CAMERON: As a supplementary question, is the Minister saying that when an Australian standard is arrived at she will support the compulsory introduction of these machines?

The Hon. DIANA LAIDLAW: I said that we will be trialling these machines.

TRANSPORT, PUBLIC

The Hon. R.D. LAWSON: I seek to make a brief explanation before asking the Minister for Transport a question about public transport.

Leave granted.

The Hon. R.D. LAWSON: I refer to the annual report of TransAdelaide for the year ended 30 June 1996, which was recently tabled. The report contains particulars of the TransAdelaide vehicle fleet divided into buses, railcars and trams, and they are quite interesting figures. They show that there were 617 buses in service, 154 of which were acquired after 1990. However, 153 Volvo buses from 1977 are still in service and, as at the end of 1996, almost 400 of the 617 buses were more than 10 years old. The statistics for trams show that there are 22 units in the fleet, and that 21 of them date from 1929. Only the restaurant tram has been acquired more recently. The age of the fleet came into focus recently during the hot spell and the question of air-conditioning buses was a matter of some discussion. My questions to the Minister are:

1. What proportion of the fleet is air-conditioned?

2. Are there plans to increase the proportion that are air-conditioned?

3. Are there any plans to update the bus and tram fleet?

The Hon. DIANA LAIDLAW: The Hon. Mr Lawson raised this matter with me last week on behalf of constituents who were concerned about the issue, particularly older people travelling by bus. Last week was particularly hot and in the week before that the humidity was high. The public transport fleet in terms of the trams is very old, dating from 1929. We have seen the refurbishment program stopped because of the high cost, and consideration is being given to replacement trams. None of the present trams is air-conditioned.

In terms of the bus fleet, including TransAdelaide, Hills Transit, Serco and some spare buses, the entire fleet has 776 units. There is air-conditioning for drivers where they sit in 452 buses. However, only 183 buses in the entire fleet are fully air-conditioned, that is, for passengers and driver. TransAdelaide has 163 air-conditioned buses, Hills Transit has none and Serco has 20 buses. There are no spare buses that are air-conditioned. The new trains are all air-conditioned, the old Red Hens having recently retired from service.

Buses are replaced after about 20 years, and it is hoped that all the bus fleet will be air-conditioned by 2005. However, as a result of a visit to Lonsdale bus depot, where drivers said that they want to see that program brought forward, I advise the Council that we are having discussions to see whether all the buses can be fully air-conditioned by 2002. I have also just received some advice that, in terms of the old buses in the fleet, the B59s, it would cost about $20 000 each to have air-conditioning fitted, at a total cost of $2.1 million. As they are the next due for replacement, that expenditure is not warranted, although if we have a repetition of the hot weather of the past few weeks that will cause some discomfort for our passengers. Overall we would aim for 2005 for the complete bus fleet to be air-conditioned for passengers and drivers. Hopefully, 2002 will be the date that we can provide such a service.

MINISTER'S REMARKS

The Hon. SANDRA KANCK: I seek leave to make a personal explanation.

Leave granted.

The Hon. SANDRA KANCK: During Question Time in answer to a question from the Hon. Mr Davis, the Minister for Education and Children's Services alleged that Democrat members of select committees were not attending those committees and were also refusing to attend. If the Minister had done one iota of research, including looking at the minutes of those meetings, he would find that I have an almost impeccable attendance record. I am currently serving on four active committees and have served—

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: If the Minister cares to check it, the record will show that I am in attendance on almost every occasion. I do not fail to turn up when I have said that I will turn up. I believe that keeping my word is very important in politics. As to the allegation that I refused to attend, if again he did some research and checked with the secretary of the committee, he would find that I am probably the most obliging of all the members of the committees in making sure that I am available.

The Hon. T.G. CAMERON: I seek leave to make a personal explanation.

Leave granted.

The Hon. T.G. CAMERON: During Question Time, the Leader of the Government (Hon. Rob Lucas), in response to a question from the Hon. Legh Davis, in quite a disgusting and disgraceful manner, implied that members of the Labor Party and members of the Democrats were not attending—

The Hon. Diana Laidlaw: He didn't imply it: he said it.

The Hon. T.G. CAMERON: The Hon. Ms Laidlaw has just—

Members interjecting:

The PRESIDENT: Order! The honourable member cannot introduce extraneous material and debate the subject. He must make his personal explanation.

The Hon. A.J. REDFORD: Point of order, Mr President.

The PRESIDENT: Order! There is no point of order. The Hon. Terry Cameron.

The Hon. A.J. REDFORD: Mr President, I have not stated my point of order. I am entitled to be heard. There is no basis for the honourable member's personal explanation. He is going to debate the issue.

The PRESIDENT: Order! I have already ruled on that: that there is not to be any debate.

The Hon. T.G. CAMERON: The Hon. Rob Lucas stated that members of the Labor Party and members of the Democrats had not been attending select committees. My personal explanation is that I have sat on only one select committee—the water select committee—and, because of the very strong chairing of that committee, I am pleased to inform the Council that I am not game not to turn up to one of those meetings. The Hon. Legh Davis is a bit of a tyrant as Chairman, and I have attended every single meeting. Because he is such a strong and decisive Chairman, I have attended every meeting. The Hon. Robert Lucas is wrong.

The Hon. ANNE LEVY: I seek leave to make a personal explanation.

Leave granted.

The Hon. ANNE LEVY: During Question Time the Leader of the Government in this Council said that Labor and Democrat members were not attending select committee meetings. The Minister for the Arts will confirm that I attended every single one of the 10 meetings of the Carrick Hill select committee. I have also attended every meeting of the select committee set up on EDS of which the Leader is the Chair. I point out that he, as Chair, has not called a meeting of that committee for over four months. When he does I will be very happy to attend.

The PRESIDENT: Order! The honourable member is debating the point.

The Hon. P. HOLLOWAY: I seek leave to make a personal explanation

The PRESIDENT: Order! This is not school. We do not need, 'I did; you did; I did it; he did it.' It is understood that people believe they attended these meetings; I do not think everyone has to get up.

The Hon. P. HOLLOWAY: Nevertheless, I shall be brief.

Leave granted.

The Hon. P. HOLLOWAY: The Hon. Robert Lucas misrepresented me and other members of the Opposition during Question Time about our alleged inability to attend select committee meetings. I totally reject that allegation, and I believe the record will prove that. I have attended many select committee meetings where members of the Government, or at least one member of the Government, have not been present; indeed, I attended a meeting yesterday. I totally reject the Hon. Robert Lucas's allegation that select committees have not been held because of the non-availability of Labor members.

The PRESIDENT: Order! The honourable member is debating the subject. Is this to do with you or with the general scheme of things?

The Hon. P. HOLLOWAY: It is to do with the allegations made against me.

The PRESIDENT: It must be a personal explanation.

The Hon. P. HOLLOWAY: Again, I totally reject the allegation made by the Hon. Robert Lucas. I believe the record stands for itself.

STATUTES AMENDMENT (REFERENCES TO BANKS) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Acts Interpretation Act 1915, the Administration and Probate Act 1919, the Criminal Law Consolidation Act 1935, the Equal Opportunity Act 1984, the Evidence (Affidavits) Act 1928, the Fair Trading Act 1987, the Firearms Act 1977, the Holidays Act 1910, the Oaths Act 1936, the Pay-roll Tax Act 1971, the South Australian Cooperative and Community Housing Act 1991 and the Wrongs Act 1936. Read a first time.

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

That this Bill be now read a second time.

The main purpose of this Bill is to remove discrimination against building societies and credit unions from South Australian legislation where it requires moneys to be deposited with, borrowed from or invested with banks. There are in excess of 30 pieces of legislation which confer a positive advantage on banks by requiring accounts and facilities of banks to be used to the exclusion of all other deposit taking institutions. The basis of such 'discrimination' was presumably the high level of regulatory and prudential supervision of banks compared with other financial institutions such as building societies and credit unions.

However, on 1 July 1995, the Financial Institutions Scheme came into operation. The Financial Institutions Scheme provides a national approach to the regulation and prudential supervision of building societies and credit unions. The Financial Institutions Scheme has raised the financial standards and stability of building societies and credit unions to, in some cases, levels stricter than those set by the Reserve Bank (such as restrictions on commercial lending) and, in other cases, to levels at least equal to those set by the Reserve Bank (in respect of certain capital adequacy requirements, ratios and liquidity requirements). Further, the investment strategies required to be adopted by building societies and credit unions in order to meet the regulatory requirements, as well as their inability to go to the market to raise capital, result in their investment strategies being more conservative than those adopted by banks.

In view of the improved financial status of building societies and credit unions, the retention of provisions which discriminate against these financial institutions can no longer be justified. Apart from the obvious advantages to the non-bank financial institutions themselves there are other benefits in removing the discriminatory provisions. First, because more institutions are available to take deposits, financial risk can be spread among a number of institutions. Secondly, there is more likelihood of moneys deposited by South Australians being applied in the State. While banks invest Australia wide, the Financial Institutions Scheme requires credit unions to direct 60 per cent of their funds to members. These are used for housing and personal purposes, with the remainder in commercial loans. Building societies must lend to the extent of at least 50 per cent for residential property. This increases the likelihood of the money in South Australian building societies and credit unions being applied for the economic benefit of the State.

The crux of this Bill is the amendment to section 4 of the Acts Interpretation Act 1915, which provides that any reference in a statutory instrument to 'bank' will, unless the contrary intention appears, mean a bank, building society, credit union or other proclaimed body. Derivatives of 'bank' will have corresponding meanings, for example, 'banking' or 'banked'. New subsection (2) of section 4 of the Acts Interpretation Act provides for the Governor to declare a body to be a proclaimed body for the purposes of the definition of 'bank'. This provides a mechanism by which other classes of financial institutions, which may in the future meet strict regulatory and supervisory requirements, to be put on an equal footing with banks, building societies and credit unions.

An amendment to the Acts Interpretation Act is not the most satisfactory way of proceeding, as anybody reading an Act which refers to 'bank' will have to refer to the Acts Interpretation Act to know what that word means. However, the other alternative, to directly amend the more than 30 Acts to be affected and thereby require their reprinting, would have been wasteful. Where an Act which contains a reference to 'bank' or its derivatives is amended in future, the reference to 'bank' can be adjusted according to the Acts Interpretation Act 'bank' definition. An example of such amendment is included in the Bill. The South Australian Co-operative and Community Housing Act 1991 has needed to be directly amended because of a contrary intention to the Acts Interpretation Act 1915 'bank' definition.

The application of the new definition of 'bank' is not confined to removing discrimination against building societies and credit unions. For example, it will result in the Unclaimed Moneys Act 1891 newly applying to building societies and credit unions.

There are a number of statutes where, on review, the reference to a bank as such either needs to be retained or retained pending further review. Some of these Acts have needed to be amended in the bill to ensure that the Acts Interpretation Act 1915 definition of 'bank' does not to apply, namely, the Administration and Probate Act 1919 (section 72), the Criminal Law Consolidation Act 1935, the Equal Opportunity Act 1984, the Fair Trading Act 1987, the Firearms Act 1977, the Holidays Act 1910, the Pay-roll Tax 1971 and the Wrongs Act 1936.

Finally, the Evidence (Affidavits) Act 1928 and the Oaths Act 1936 are amended to put managers of building societies and credit unions on the same footing as bank managers.

Part 5 of the Oaths Act provides that proclaimed bank managers can take declarations and attest instruments. This is amended to provide that managers of building societies, credit unions or other bodies proclaimed to fall within the meaning of 'bank' under section 4(2) of the Acts Interpretation Act may also be proclaimed to take declarations and attest instruments.

Section 2a of the Evidence (Affidavits) Act provides that affidavits may be sworn before proclaimed bank managers within the meaning of the Oaths Act. Accordingly, a consequential amendment is made to this section to reflect the amendment that is made to the Oaths Act. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

PART 1
PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause is standard for a Statutes Amendment Bill.

PART 2
AMENDMENT OF ACTS INTERPRETATION ACT 1915

Clause 4: Amendment of s. 4—Interpretation

This provision amends section 4 of the principal Act to insert a definition of 'bank' (which would, unless excluded, apply to all Acts and instruments made under Acts) and to provided for the making of proclamations for the purposes of that definition. The proposed definition would mean that a reference to a bank (or a derivative term) includes a reference to a building society, credit union or other body of a proclaimed class.

PART 3
AMENDMENT OF ADMINISTRATION AND PROBATE ACT 1919

Clause 5: Amendment of s. 72—Payment by bank of sums not exceeding $2000

This provision ensures that the current narrow meaning of 'bank' is preserved in this section.

PART 4
AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 6: Amendment of s. 212—Interpretation

This provision ensures that the definition proposed to be inserted in the *Acts Interpretation Act* will not apply to the references to a bank contained in this Part (which deals with forgery offences).

PART 5
AMENDMENT OF EQUAL OPPORTUNITY ACT 1984

Clause 7: Amendment of s. 5—Interpretation

This provision preserves the current narrow meaning of 'banking' in the definition of 'services to which this Act applies'.

PART 6
AMENDMENT OF EVIDENCE (AFFIDAVITS) ACT 1928

Clause 8: Amendment of s. 2a—Power of proclaimed managers and other persons to take affidavits

This provision is consequential to the amendment to the Oaths Act 1936.

PART 7
AMENDMENT OF FAIR TRADING ACT 1987

Clause 9: Amendment of s. 46—Interpretation

This provision preserves the current narrow meaning of 'banking' in the definition of 'services'.

PART 8
AMENDMENT OF FIREARMS ACT 1977

Clause 10: Amendment of s. 12—Application for firearms licence

This provision ensures that the current narrow meaning of 'bank' is preserved for the purposes of prescribing the type of identification to be provided on application for a firearms licence.

PART 9
AMENDMENT OF HOLIDAYS ACT 1910

Clause 11: Insertion of s. 2A

This provision ensures that references to a bank in the principal Act (ie. in the context of 'bank holidays') are not affected by the definition proposed to be inserted in the Acts Interpretation Act.

PART 10
AMENDMENT OF OATHS ACT 1936

Clause 12: Amendment of s. 32—Interpretation

This provision amends section 32 of the principal Act to replace the current concept of 'proclaimed bank managers' with that of 'proclaimed managers'. For this purpose, 'managers' are defined to include managers of building societies, credit unions and other bodies of a class proclaimed under the definition of 'bank' in the *Acts Interpretation Act*.

Clause 13: Amendment of s. 33—Appointment of persons to take declarations and attest instruments

This clause amends section 33 to replace references to 'proclaimed bank managers' with references to 'proclaimed managers'.

Clause 14: Amendment of s. 34—Who may take declarations and attest instruments

This clause amends section 34 to replace references to 'proclaimed bank managers' with references to 'proclaimed managers'.

Clause 15: Amendment of s. 35—Meaning of terms in declarations and instruments

This clause amends section 35 to replace references to 'proclaimed bank managers' with references to 'proclaimed managers'.

Clause 16: Transitional

This clause provides that persons who are proclaimed bank managers immediately before the proposed amendments come into operation will be taken to be proclaimed managers under the provisions as amended. The clause also provides that references to 'proclaimed bank managers' in other Acts or instruments will be read as references to 'proclaimed managers'.

PART 11
AMENDMENT OF PAY-ROLL TAX ACT 1971

Clause 17: Amendment of s. 8—Wages liable to pay-roll tax

This provision ensures that the current narrow meaning of 'bank' is preserved in this section.

PART 12
AMENDMENT OF SOUTH AUSTRALIAN CO-OPERATIVE AND COMMUNITY HOUSING ACT 1991

Clause 18: Amendment of s. 52—Share capital account

This provision deletes the current reference to a 'bank or building society' and replaces it with a reference that is consistent with the definition of 'bank' proposed to be inserted in the Acts Interpretation Act.

PART 13
AMENDMENT OF WRONGS ACT 1936

Clause 19: Amendment of s. 7—Privilege of newspaper, radio or television reports of proceedings of public meetings and of certain bodies and persons

This provision ensures that the current narrow meaning of 'bank' is preserved in this section.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

SUPPLY BILL

Second reading.

The Hon. K.T. GRIFFIN (Attorney-General): On behalf of the Minister for Education and Children's Services, 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.

This year the Government will introduce the 1997-98 budget on 29 May 1997. A Supply Bill will still be necessary for the early months of the 1997-98 year until the budget has passed through the parliamentary stages and received assent. In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill.

The amount being sought under this Bill is $550 million, which is the same amount as last year's Supply Bill. The Bill provides for the appropriation of $500 million to enable the Government to continue to provide public services for the early part of 1997-98.

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $500 million.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

ENVIRONMENT PROTECTION (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. DIANA LAIDLAW (Minister for Transport): 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.

The *Environment Protection (Miscellaneous) Amendment Bill 1997* introduces changes to the *Environment Protection Act* to address a number of minor deficiencies which have become apparent since the commencement of the Act on 1 May 1995. The proposed amendments will enhance the efficient operation of the Act.

The Bill proposes an amendment which increases the perceived independence of the Authority by allowing the Governor to appoint any member of the Authority to be deputy to the Chair. The other amendment will clarify and increase certain provisions relating to Schedule 2 of the Act. A new section is also inserted to provide for the making of false reports to the Authority.

Specifically, section 12 of the Act, which establishes the membership of the Authority, will be amended to allow the Governor to appoint any member of the Authority to act as deputy to the Chair. The Act currently requires one member of the Authority to be a person assigned to a Public Service position, and this person is to be deputy to the Chair. At present, the Executive Director of the Office of the Environment Protection Authority has been proclaimed by the Governor as the public servant member on the Authority and, thereby, is deputy to the Chair.

The Executive Director's role on the Authority includes representation of the Government's perspectives with respect to the Authority's deliberations and decisions, with the five other members of the Authority providing expertise and experience from outside of State government in the areas of environmental conservation, industry, waste management, local government and environmental protection.

Section 16(6) of the Act, however, gives the presiding member a casting vote. When the Executive Director is acting in the Chair, it may, therefore, be perceived that the Government's interest and level of control are given greater weight than the concerns of other members of the Authority. Whilst this has not been a problem to date, the amendment will reinforce the structural integrity of the Authority and maintain the perceived independence of the Authority from Government.

The Authority is also concerned that there is no provision in the Act to discourage the deliberate making of a false report calling for action by the Authority. The proposed insertion of section 120A will establish the making of such a report as an offence. Further, through the court which has convicted the person of an offence under this section, the Authority will be able to recover reasonable costs and expenses incurred in investigating the veracity of such a report.

The transitional provisions of Schedule 2 purport to limit the transitional rights of an activity which was operating legally before the commencement of the Act. By regulation, this transitional period was to end on 31 October 1995. The wording of clause 5 of Schedule 2, however, does not clearly limit transitional rights. Consequently, an unlicensed operator could potentially escape successful prosecution under section 36 of the Act by applying for a licence and arguing that transitional rights had not been lost.

The proposed amendment to Schedule 2 closes the transitional rights of operators as originally intended and endorsed by Parliament.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

Under this clause, the measure is to be brought into operation by proclamation. Clause 5, however, is to have retrospective effect to the commencement of the principal Act, 1 May 1995.

Clause 3: Amendment of s. 12—Membership of Authority

Under section 12 of the principal Act in its current form, the deputy of the chairperson of the Environment Protection Authority is the *ex officio* Public Service member of the Authority. The clause amends the section so that the Governor may appoint any member of the Authority as the deputy of the chairperson.

Clause 4: Insertion of s. 120A

This clause adds a new section that would make it an offence if a person knowingly makes a false report to the Authority or a person engaged in the administration of the Act and the report is such as would reasonably call for investigation or action by the Authority. Provision is made for an order to be made by a court convicting a person of the offence for payment of costs and expenses incurred by the Authority in responding to the false report.

Clause 5: Amendment of sched. 2

Clause 5 of schedule 2 of the principal Act contains the transitional provisions enacted in relation to the commencement of the Act. Under those provisions, an entitlement was created to the grant of a works approval, licence or exemption to authorise a person to continue a previously lawful activity. The clause adds a provision limiting the right to apply for such an approval, licence or exemption to the six month period from the commencement of the Act (that is, from 1 May 1995). This limitation has been contained in a regulation under the Act and is to be inserted into schedule 2 of the Act to address concerns as to the validity of the regulation.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

STATE RECORDS BILL

In Committee.

Clause 11—'Terms and conditions of office.'

The Hon. ANNE LEVY: I move:

Page 7, after line 28—Insert subclause as follows:

(1a) A member of the council is entitled to such remuneration and expenses as may be determined by the Governor.

I move this amendment so that the members of this Council can, if the Government so wishes, be remunerated for the work they do, as are members of many boards and committees. This was absent from the Bill before us. It does not make remuneration compulsory, but many boards and committees are remunerated, perhaps by a sitting fee or by a small sum. In the arts area I know many of the members of boards and committees receive very small sums or, in some cases, donate their remuneration back to the organisation which they are serving, and I commend them for that attitude. But I think it should be possible for members of the council to receive suitable remuneration if it is found that the work of the council is onerous, time consuming and making a considerable call on the time and energy of the members concerned.

The Hon. K.T. GRIFFIN: The Government opposes the amendment. It was deliberately decided that the Government should not provide in the Bill for the payment of fees on the basis that we took the view that this was one of those boards or committees for which fees should not be payable. That, of course, is distinct from meeting the actual expenses incurred by members in attending meetings in respect of which there is an intention that that will occur.

The Hon. M.J. ELLIOTT: I support the amendment.

Amendment carried; clause as amended passed.

Clause 12—'Procedures of council.'

The Hon. ANNE LEVY: I move:

Page 8, Line 13—Leave out 'four' and insert 'five'.

This is consequential on amendments moved earlier which change the size of the council by changing the size of the necessary quorum.

The Hon. K.T. GRIFFIN: I support the amendment.

The Hon. M.J. ELLIOTT: The Democrats support the amendment.

Amendment carried; clause as amended passed.

Clauses 13 to 18 passed.

Clause 19—'Mandatory transfer to State Records' custody.'

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

Page 11, after line 3—Insert subclause as follows:

(6) The preceding provisions of this section do not apply to records of a court, but the Governor may, if satisfied that it is advisable to do so for the proper preservation of the records, direct that specified court records be delivered into the custody of State Records.

The amendment takes account of the special position of the courts in our system of Government and ensures that the provisions of this Bill do not pose a threat to the independence of the judiciary and provide a safeguard if records of courts are at substantial risk. Clause 19 provides for the mandatory transfer of records into State Records' custody.

The courts are not, and should not be seen to be, subject to the executive Government.

The records of the courts are of vital importance to their working, and a threat to the control of the court over their records is a threat, or is at least perceived to be a threat, to the independence of the courts. It is inconsistent with the notion of the independence of the judiciary that courts should be required to deliver judicial records into the custody of State Records. An official of the Government should not be in a position to have a court's records removed from its custody or decide whether courts are taking proper care of their records. The courts do, and will continue to, look to the Manager for guidance and advice. If the Manager becomes concerned that the courts are not looking after their records, the appropriate constitutional means for dealing with this is a direction of the Governor.

The Hon. ANNE LEVY: I support the amendment. It properly retains the separation of powers which exist in the Westminster system.

Amendment carried; clause as amended passed.

Clause 20—'Restriction under other Acts on disclosure of information.'

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

Page 11, after line 7—Insert subclause as follows:
(2) This section does not apply to records of a court.

This amendment again makes special provision for the records of the courts. It would be impossible for the courts, when delivering records to State Records, to examine every file to see whether, for example, there is a suppression order.

The Hon. M.J. ELLIOTT: We support the amendment.

The Hon. ANNE LEVY: I support the amendment.

Amendment carried; clause as amended passed.

Clauses 21 to 25 passed.

Clause 26—'Public access to records in custody of State Records.'

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

Page 13, line 21—After 'purposes' insert '(but must advise the council of any such determination)'.

This amendment will ensure that the council is always informed about matters which can cause public concern where access is restricted to records for preservation and administrative reasons and where the management proposes to accept custody of non-official records.

The Hon. M.J. ELLIOTT: I support the amendment.

The Hon. ANNE LEVY: I support the amendment.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 13, lines 23 and 24—Leave out 'fixed by the Manager with the approval of the Minister' and insert 'prescribed by regulation'.

This amendment joins with a later amendment. The effect of the two amendments will be that any fees which may be charged by State Records are to be determined by regulation and not merely determined by the State Manager. There is concern in a number of areas as to the fees which may be charged. Local government in particular has concerns about possible fees which may be charged for access to its own records being held by State Records, particularly if the fees are to be determined by a public servant, namely, the Manager of State Records.

I am not suggesting that the Manager would necessarily determine unreasonable fees but it is a protection to people who are concerned about the level of such fees which may be charged that they be fixed by regulation so that there is an overview by the Parliament of possible fees. If the fees are felt to be unreasonable, the Parliament can then disallow them. As I said, I am not casting any aspersions at all on the Manager of State Records and the fees he may charge but, in order to allay proper concerns which are held by members of the community, it is desirable that the fees should be fixed by regulation.

The Hon. K.T. GRIFFIN: The Government opposes the amendment, because it relates to clauses 32 and 34, and I will put the whole picture and regard this as a test. This amendment is consequential upon the amendments that follow later. The provisions of clause 32 enable fees to be charged for any service provided by State Records. The ability to charge fees to fund delivery costs and the development of new services is a critical business need. At present, there are some services in relation to which fees are not currently charged, particularly relating to the provision of public reading room facilities and the inspection of documents there. While it would be possible to specify such services as exempt from changes, this may act as a barrier to developing electronic access, which is more cost effective, and where one on one consultation and inspection of original documents becomes an alternative, value added service where charging is appropriate.

The council will undoubtedly monitor fees charged, particularly for services to public inquirers, and I expect that it would advise the Minister where it thought that charging was inappropriate and conflicted with the objects of the Act. From that, I would expect the council to undertake a monitoring or watchdog role which would meet the concerns that have prompted the amendments. Fees are currently charged today to all agencies (including local councils) for retrieval of records. Public users of records are not charged for this. The storage of permanent records (that is, archives) is one which is covered by community service funding, so no agency (again, including local councils) is charged for this. However, agencies do pay for the storage of temporary (or unsentenced) records and for consultatory services provided by State Records' staff.

To have all charges specified in regulation is likely to introduce delay in providing a service, for example, where a document that is needed for urgent inspection requires repair before it can safely be made available. Some charges (particularly for services where there are other possible providers) may be negotiated on a confidential basis, and it would be inappropriate to disclose these in regulations. However, the responsibility for what charges are made should lie, I would suggest, specifically with the Manager, particularly since those sorts of fees require the Minister's approval.

If members cast their minds back, they will realise that generally it is the practice in legislation to provide for charging for these sorts of services to be fixed by the Minister, with public notification or by the agency itself in relation to, say, FOI matters. FOI fees, because of the special nature of FOI, can be subject to review. However, in a variety of areas, the fees are no longer fixed by regulation because of the very significant difficulty in trying to specify the fees, and then within a legal framework which might be the subject of legal challenge; and I would suggest that it creates unnecessary bureaucracy to do it in that way.

What is proposed in the Bill follows the current approach adopted not only by this Government but also by the previous Government as to the way in which these sorts of fees ought to be fixed. I would suggest that, because the fees relate to a service rendered, they are not taxation imposts that should be subject to scrutiny. I suggest to members that it will become

unworkable, or certainly significantly bureaucratic, if we must dot every 'i' and cross every 't', and draft them so that they form subordinate legislation rather than a framework which is fixed by the manager and which would be subject to scrutiny by the council.

I recognise the difficulty of a division in these circumstances and, quite obviously, I will try to avoid that if necessary. I am tempted to divide because the Government feels very strongly about it. However, if there is an indication that I will lose on the numbers, for the convenience of members and the staff, I will not call for a division.

The Hon. M.J. ELLIOTT: As the Attorney will not divide, I will perhaps support the amendment.

The Hon. K.T. GRIFFIN: I will divide then.

The Hon. M.J. ELLIOTT: Seriously, I support the amendment. The Attorney-General knows that in 11 years I have consistently supported items into which some people did not want to insert regulations. Clearly, fees cannot be placed in the Act, but I do think they can be appropriate by way of regulations. I support the amendment.

The Hon. K.T. GRIFFIN: I will find examples of where, in recent years, the honourable member has not opposed the fixing of charges by Ministers or by the executive arm of Government for services rendered.

The Hon. M.J. Elliott: I promise I will never do it again.

The Hon. K.T. GRIFFIN: I am not asking the honourable member to promise anything. The honourable member has made the bold statement that, over 11 years, I know what his approach has been to this sort of issue. I am saying that legislation has been passed, even in the past two or three years, which allows the fixing of fees for provision of services on a user-pays basis, to be fixed either by the Minister publishing details in the *Gazette* or in the newspaper, or even without such publication; and it makes sense to enable that flexibility to be provided.

I was saying that I will identify in due course for the honourable member those examples where it has occurred, in the hope that I might be able to persuade him that there has been not an inconsistent approach in relation to all fees being set right across all legislation but that we do look at each case on its merits.

The Hon. ANNE LEVY: The Minister makes a number of interesting comments. He stated, for instance, that the board would be consulted regarding any fees that the manager would determine. I point out that there is no requirement whatsoever in the Bill for the manager to consult with the council; nor is the Attorney proposing an amendment that would make it mandatory for the manager to consult with the council before inserting any fees. I think his comments need to be viewed in the light of the lack of any such amendment and I reiterate: it is better that the fees, which I am perfectly happy to agree will be necessary in many cases, should be determined by regulation so that the Parliament does have a chance to review them.

I am prepared to move an amendment to insert the reference to the fees being fixed by the manager after consultation with the council, if that will mean that the honourable member will accept that that is a reasonable approach. I have no difficulty with that. The honourable member will know that I have moved amendments in other areas where consultation with the council has been agreed. If she is prepared to accept that as a compromise, I am prepared to move it, but not so that we have the consultation with the council plus regulation fixing.

Amendment carried; clause as amended passed.

Clause 27—'Records other than official records.'

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

Page 14, line 4—After 'may' insert ', after consultation with the council,'

This amendment provides that the manager may consult with the council before accepting non-official records. This is something on which the manager may wish to have the expert advice of the council.

The Hon. ANNE LEVY: I support the amendment.

Amendment carried; clause as amended passed.

Clauses 28 to 31 passed.

Clause 32—'Charges for services.'

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

Page 15, line 16—'Before 'State Records' insert 'the Manager of'.

The Hon. ANNE LEVY: Mr Chairman, I seek your guidance. I oppose the whole of clause 32. I am quite happy to support the amendment. Should my amendment fail, it would be better to have the Attorney's amendment than not, but I oppose the entire clause.

The CHAIRMAN: We can accommodate that.

The Hon. M.J. ELLIOTT: I am afraid I did not quite catch the thrust of what the Hon. Anne Levy was suggesting.

The CHAIRMAN: The Hon. Anne Levy wants to oppose the whole clause. The format will be that we accept the amendment and then put the clause as amended and see whether or not it is inserted.

Amendment carried.

The Hon. ANNE LEVY: I oppose the whole of clause 32 as amended. I think it is consequential on the amendment that was passed earlier regarding fees being prescribed by regulation rather than being determined by the Manager of State Records. Having passed the earlier amendment to clause 26, clause 32 then becomes superfluous, but it is consequential on what we have already agreed.

The Hon. K.T. GRIFFIN: It depends how one looks at it. I think this is a substantive provision. It is related to the earlier provision. I have already indicated why I strongly support clause 32, as amended.

The Hon. M.J. ELLIOTT: I oppose clause 2. As the Hon. Anne Levy said, to oppose it is consequential on the earlier amendment.

Clause negatived.

Clause 33—'Annual report.'

The Hon. ANNE LEVY: I move:

Page 15, line 19—Leave out '31 October' and insert '30 September'.

I notice that this amendment is identical with one filed by the Attorney. It changes the date by which the annual report must be produced to be more in line with dates by which annual reports must be produced by other boards and committees set up by legislation.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 15, line 22—Leave out '12' and insert 'six'.

This amendment provides that the report must be presented to Parliament within six instead of 12 sitting days. This is found in many pieces of legislation which require statutory authorities to provide an annual report. They have three months from the end of the financial year to present the report to the Minister, who must present it to the Parliament within six sitting days—which could still be a considerable time, of course, after 30 September, depending on the sittings of the Parliament. I do not feel terribly strongly about this, but six

days are provided in many pieces of legislation which this Parliament has approved.

The Hon. K.T. GRIFFIN: I oppose the amendment. What I did not say in relation to the last amendment was that the change in the reporting date, which I was also seeking to move, was related to the fact that section 66 of the Public Sector Management Act provides that 30 September in each year is the date by which agencies are required to provide annual reports. Under the Public Sector Management Act, annual reports are required to be laid before Parliament within 12 sitting days of the Ministers' receiving reports. What the Government is seeking to do is to ensure as much consistency as possible within Government as to reporting dates. It is correct that some legislation provides a shorter period of time within which annual reports must be filed, but we are trying to achieve some consistency, and for that reason I oppose the amendment.

The Hon. M.J. ELLIOTT: I have not been through various Bills to count which ones provide six and which ones provide 12 days, but I am sure that both members will put me right. There are certainly occasions where six sitting days can stretch over six to eight weeks. In our current sitting pattern that is unlikely to happen at that time of year, but sitting patterns do change, as they have changed in this place in recent times.

The Hon. A.J. Redford: For the better.

The Hon. M.J. ELLIOTT: For the better, I agree; but the point is that they can be changed. From what the Hon. Mr Griffin said, I suspect that this Bill may return later, with further amendments. I support this amendment now, but I may not insist on it later.

Amendment carried; clause as amended passed.

Clause 34—'Regulations.'

The Hon. ANNE LEVY: I move:

Page 15, lines 26 and 27—Leave out subclause (2) and insert—

(2) The regulations may—

(a) prescribe fees to be paid in respect of services provided by State Records or in respect on any matter under this Act and provide for the waiver or refund of such fees; and

(b) prescribe a fine not exceeding $2 500 for contravention of, or non-compliance with, a regulation.

This is consequential on the earlier amendments which have been passed. It provides power in the regulations clause for regulations to be made, setting fees for services provided by State Records.

The Hon. K.T. GRIFFIN: The Government opposes this amendment, but I recognise that it is consequential on the votes which I have previously lost.

The Hon. M.J. ELLIOTT: I support the amendment.

Amendment carried; clause as amended passed.

Schedule.

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

Page 17, line 12—Leave out paragraph (c).

This amendment takes into account the recent passing of the Local Government Amendment (Transitional Provisions) Amendment Act 1996. The provision in the Bill to amend section 65D(2) of the Local Government Act 1934 was to ensure consistency with the Freedom of Information Act over the time when restrictions over exempt documents could apply. The recently legislated different procedure in this case in local councils, and the repeal of the whole of section 65D, means that the amendment in the Bill is now superfluous.

The Hon. ANNE LEVY: I support the amendment.

The Hon. M.J. ELLIOTT: I am pleased that the Attorney has picked up the comments I made in the second reading debate when I said that his concerns were illusory. Clearly, on closer inspection he has found them to be so. I support the amendment.

Amendment carried; schedule as amended passed.

Title passed.

Bill recommitted.

Clause 9—'Establishment of council'—reconsidered.

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

Page 7, line 5—The word 'eight' be deleted and the word 'nine' be inserted in its place.

The Hon. ANNE LEVY: The Opposition supports this amendment.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

SUPERANNUATION (EMPLOYEE MOBILITY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 1002.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. This is yet another Bill passing through this place deserving of tripartisan support, and the Opposition certainly has no reason to delay its passage. The Bill helps members of the Police Force and ETSA, who, being members of the appropriate super scheme as at 3 May 1994, wish to transfer to the old Public Service super scheme which closed on 4 May 1994. The purpose of the Bill is to avoid disadvantage to police or ETSA employees who transfer to the Public Service. I simply note the support of the Public Service Association for this measure and on behalf of the Opposition support the second reading.

The Hon. M.J. ELLIOTT: I have received correspondence from relevant unions in relation to this legislation. They have informed me that they are very supportive of it and, as a consequence, the Democrats support the Bill.

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

POLICE SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 1003.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. This Bill continues the theme of the Superannuation (Employee Mobility) Bill in that it promotes flexibility in relation to certain superannuation arrangements. The amendments set out in clauses 6 and 7 will apply only in limited circumstances, but clearly they seek to achieve equity between certain beneficiaries who derive their benefit under the same circumstances but under different police superannuation schemes.

The other amendment is also supported because it allows greater flexibility for certain police officers between 50 and 55 years of age. We support the second reading.

The Hon. M.J. ELLIOTT: As with the previous piece of legislation, I indicate that I have been contacted by the Police Association, which represents the employees who will

be affected by this legislation, and it has indicated its support for the legislation. In those circumstances, the Democrats support the Bill.

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

LEGAL PRACTITIONERS (MEMBERSHIP OF BOARD AND TRIBUNAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 999.)

The Hon. R.D. LAWSON: I support the second reading of this Bill, which amends the Legal Practitioners Act, in particular the provisions relating to the membership of the Legal Practitioners Conduct Board. The principal amendment relates to the deletion of the requirement that a member of the tribunal or board hold a current practising certificate. The Act requires not only that the person be a legal practitioner, namely, a person who has been admitted to practise, but also hold a practising certificate. That provision currently disqualifies some very senior legal practitioners who may have practised for very many years but who have retired from active legal practice, but who can, because of their experience, contribute to the workings of the board or the tribunal. It is important that experienced practitioners play a role in the disciplinary aspects of the legal profession.

There are two arguments that can be made, and they are not all one way. One argument is that, in self-regulation, it is important to have people who are active in the practise of the law, or whichever profession it might be, who are familiar with up-to-date problems and who are current with developments within legal practice. On that view of the matter, the existing requirements would be deemed to be satisfactory because they insist upon the members being not only practitioners but also the holders of current practising certificates. The other view, which is really being expounded in these amendments, is that once a person is qualified and has the requisite experience that person should be able to serve.

I support the amendments because the legal profession is presently going through something of a generational change. A very large number of practitioners are of relatively short experience and there are only a few practitioners of very long experience in the profession. The legal profession would see benefits from the continuing participation of those retired practitioners in disciplinary matters. The legal profession, and I think the community generally, have been well served by their contributions to date, and those contributions should continue.

I note as it ought to be noted in passing that the amendment to section 69 of the Legal Practitioners Act will have retrospective effect in this respect, because clause 2 of the Bill provides that clause 3 will be taken to have come into operation on the day on which the principal Act came into operation, the principal Act being the Legal Practitioners Act 1981. I have the reservations most people have about retrospective legislation, or legislation which has a retrospective effect. However, in this case, it seems to me to be entirely warranted and there is no countervailing public interest which would preclude the passing of a law with retrospective operation.

I note that members of the board or tribunal must have been legal practitioners of at least five years standing. That is not a terribly onerous requirement. If memory serves me correctly, eligibility for a magistrate is seven years.

The Hon. K.T. Griffin: Five for a magistrate, seven for a judge.

The Hon. R.D. LAWSON: The Attorney reminds me that it is now five for a magistrate and seven for a judge, but in the past it was seven years for a magistrate, too. It is appropriate to have this five-year requirement. It is proposed to amend section 79 of the principal Act by altering the conditions of membership of the Legal Practitioners Complaints Tribunal. The section presently provides that a member of the tribunal can be removed by the Governor on grounds of a mental or physical incapacity, neglect of duty or dishonourable conduct. Subsection (4) provides that the office of a member of the tribunal becomes vacant if the member dies, completes a term of office, resigns or, in paragraph (d), ceases to hold a current practising certificate. That requirement is to be removed, and it is proposed to insert in lieu a requirement which will render vacant the office of a member if that person ceases to be a legal practitioner. The only way that a person can cease to be a legal practitioner once he has been admitted to practise is to be struck off the roll of practitioners.

It is entirely appropriate that the office of a member would be vacant if he or she were struck off. The provision it is proposed to insert goes on to disqualify a member if he or she is disciplined under the Act or by the Supreme Court or under any Act or law of any other State or Territory regulating the conduct of legal practitioners. This is a fairly stringent requirement; however, a legal practitioner has to be guilty of a fairly serious transgression before the practitioner can be disciplined under the Act. As I recall, there are mechanisms for resolving complaints, short of disciplining a practitioner under the legislation.

In order to maintain high standards and to maintain the confidence of the community in the integrity of the tribunal, it is appropriate that a person who sits on that tribunal and who sits in judgment on other members of the legal profession should be of untarnished reputation. Nothing can reduce the standing of the tribunal more, in the eyes of the community and in the eyes of the legal profession, especially those who might come before it, if the tribunal is comprised of those of less than the highest possible integrity. Of course, that is not to say that the integrity of any legal practitioner who is disciplined is necessarily dishonourable or irremediably tainted; however, whilst sitting on the tribunal a member ought not be disciplined. I am glad to see that the Law Society supports the amendments. I, too, support them.

Finally, I note that section 80 of the Act is to be amended by deleting a requirement which currently appears in subsection (4) of that section. Section 80 deals with the constitution of the tribunal. Ordinarily, it consists of a panel of three members, one of whom is the presiding member or someone nominated by the presiding member to preside over a particular hearing. Subsection (4) provides that if, before the proceedings before the tribunal are finalised, a member of the panel dies or is otherwise unable to continue acting, the two remaining members of the panel can continue to hear and determine the proceedings provided that the legal practitioner in relation to whom the complaint is made consents to the two members continuing to hear and determine any proceedings.

Unfortunately, some proceedings before the tribunal can take considerable time. Sometimes witnesses are not available. Sometimes all the witnesses are not available at the same time, and for ease the tribunal can on occasions stretch the hearing over many months. The present requirement

enables a practitioner against whom a complaint is made and against whom charges have been laid in the tribunal to frustrate the tribunal by refusing to consent to the tribunal continuing to hear the matter if one member dies, becomes ill or is unable to proceed. What you might have is proceedings which start in January and which are still being concluded in June because one member of the tribunal has died or has travelled overseas. In this case the practitioner is asked whether he or she consents to the other two members continuing. If the practitioner feels that the tribunal is likely to find against him or her, human nature being what it is, the practitioner will say, 'No, I do not consent to those two people continuing to hear the matter,' and all the work that had been conducted for a number of months goes down the gurgler.

But that is an undesirable situation, and it is good that we are now remedying it. I am aware of a case where the section has been abused. I would not be in favour of allowing the tribunal to sit with only one member, but in these unavoidable circumstances it seems that two remaining members ought be able to continue. Of course, it may be that the two members cannot ultimately reach a conclusion because there is no unanimity of view. That is the risk we run in these circumstances. However, these proceedings are too important to allow them to be frustrated. I support the second reading.

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

LIVESTOCK BILL

Adjourned debate on second reading.

(Continued from 5 February. Page 842.)

The Hon. R.R. ROBERTS: The Opposition will support the second reading of the Bill as it seeks to consolidate and modify some of the existing Acts of this Parliament. The Bill introduces new provisions that harmonise the South Australian legislation with livestock legislation in other States, thus ensuring compliance with and funding responsibility for the very important trial of exotic diseases and vendor liability for the supply of quality food products within Australia. It also helps to maintain the high quality of uncontaminated products for the export trade.

Members would be aware of the recent sale of the SAMCOR processing works in this State. I shall refer to the sale of SAMCOR, to its very important position in the livestock industry in South Australia and to the ramifications of what took place there. As many of these provisions refer to the livestock industry, it is fair that in this contribution I spend some time referring to the situation at SAMCOR and to what primary producers and livestock producers face in that respect.

Members would be aware that this facility was sold after a great deal of negotiation over many years. Last year, this Parliament agreed to the sale of SAMCOR. Operators on the SAMCOR site knew that this would take place and tried to make adjustments to their businesses to ensure that they would be viable in the future. They expected that with the new ownership there would be some changes; however, I am advised that there is absolute turmoil within the SAMCOR operation.

The 122 on-site employees missed out on the enhanced redundancy package and were offered full-time employment with the new employer at conditions not less than the conditions they enjoyed when working for SAMCOR. However, it is interesting to note that not one day's work has taken place on the SAMCOR site. Those 122 employees have been stood down; therefore, they have a dilemma. This was reported to me by my colleague in the Lower House Mrs Robyn Geraghty. A number of concerned employees have spoken to her, and in fact some have had to apply for social security payments, as is the case in most of these situations where there is no income for the family.

That poses another dilemma, because when people go to JobSearch they are required to apply for so many jobs per fortnight. If someone offers them employment and they take that employment, they lose their redundancy entitlements under the redundancy agreement that has been struck between the new owner of SAMCOR and the unions. I am advised that the award actually provides that they could be stood down for eight months. It is cold comfort to know that the award states that one can be stood down, when one's family is without income and there are no prospects of work. I understand that there will be an action before the Industrial Commission next week to try to sort out some of these matters.

Other problems are associated with SAMCOR, and I refer particularly to the situation that exists with a company called Independent Hide Distributors and the absolute fiasco that has taken place with the negotiations between it and the Government in respect of the future tenure of its SAMCOR holding. This company, which has operated for some years under lease, provides an important service for livestock producers in South Australia, whereby it is the only competition for Michell when it comes to the handling of skins and hides. Therefore, if a new site or continuation on the present site cannot be negotiated with the new owners of SAMCOR, or a new site cannot be found, the Government has a responsibility to assist Independent Hides in locating new premises, because that company has been negotiating with the Government for some 18 months through the member for Davenport (Mr Ian Evans) and has also had close consultation with the Hon. Steven Baker, who was then Treasurer.

I have sighted numerous pieces of correspondence that indicated clearly to Independent Hides that its interests would be looked after. It has been concerned all the way through and tried desperately, through the Asset Management Corporation, to obtain a resolution to its problem. After all its efforts, it found itself on the day of sale without a lease. Independent Hides negotiated with the new owner, who immediately demanded $1 000 a week rental. When one compares the arrangements on the old lease site, one realises that this is quite beyond Independent Hides, which is an export company employing about eight people. This could well mean that this company might lose its employees. Also, it could lose its ability to tender for overseas contracts—and I understand that there are some lucrative ones offering at the moment.

The bottom line is that, if the company goes down and there is no competition, livestock producers in South Australia will be at another disadvantage in that we could probably knock a couple of dollars per hide off future sales in skins and hides. That, of course, affects the viability of livestock producers in South Australia, wherever they may live.

It is not an understatement to say that the meat industry is in absolute turmoil. We also have problems with retail trade butchers and other livestock producers getting a service kill in South Australia. I am told that, because this abattoir has been closed for the past three or four weeks, we have had the

ridiculous situation whereby livestock has actually been transported to Queensland. With temperatures of about 110 in the water bag, the RSPCA would not be looking too kindly on the carting of livestock thousands of kilometres.

I am advised that we also have a problem in the slaughterhouse industry across South Australia. With the contraction of rural communities throughout the State, increasing pressure is being put on slaughterhouses, because they need to have a certain clientele to remain viable. I am advised that in the Mid North a number of slaughterhouses have closed down. It is particularly worrying not only because of their requirement to meet the new standards demanded by the Meat Hygiene Commission but also because there is no viable place for them to get a service kill with SAMCOR out of operation.

I have spoken on other occasions about conditions under the Meat Hygiene Act. I fully endorse the need for uniform standards of meat hygiene across Australia. I was pleased to see the action last year of former Federal Labor Minister Bob Collins in a situation where meat hygiene led to the unfortunate death of young Nikki Robinson. I am told that, although most slaughterhouse operators are meeting the requirements, a great number of them are not doing so at the pace at which they would like to do so. One of the reasons for that is economic viability in South Australia. We cannot underestimate the seriousness of the situation that is occurring at SAMCOR.

I have been advised in the past few days that there is a hot rumour, which is being confirmed by snippets of information, that an abattoir will be starting up in the Freeling area. The figures being bandied about for its daily kill leave me and people in the meat industry even more concerned about the viability of SAMCOR. In fact, the word is that SAMCOR is about to go 'belly up', to use the vernacular. The livestock and meat processing industries are in somewhat of a dilemma, and I think that this Government has a responsibility to get back in there. It is all right for the Government to wash its hands of this. It was not game to close SAMCOR when it was its responsibility. Rather, it tried desperately to offload it to the first buyer who came along. Quite clearly, in my view, if SAMCOR goes 'belly up' the Government's lame excuse will be that this is private industry and, although it is very unfortunate, the Government cannot do anything about it.

The Hon. CAROLINE SCHAEFER: On a point of order, Mr President, as far as I have been able to discern, the Hon. Ron Roberts has not yet said anything about the Livestock Bill.

The PRESIDENT: I am sure that the honourable member will be able to tie it in somehow.

The Hon. R.R. ROBERTS: If the honourable member had been listening and had any grip on what happens in an abattoir, she would know that they actually kill livestock there. The meat industry is in turmoil and the Government has not met its responsibilities to those livestock producers who rely on SAMCOR for their service kill.

I could go on for an extended period on other aspects of the livestock kill that needs to take place in South Australia. However, this Bill contains a whole range of other issues that have been widely canvassed over two or three years. We congratulate the Government on the wide consultation that is taking place on the whole of this Bill. As I said earlier, it encompasses seven pieces of legislation from this Parliament.

I note that the Bill makes provision for setting up advisory groups, with clauses 8, 9, 10 and 11 specifically referring to these matters. Clause 10 deals with appointments, terms and conditions, and clauses 12 to 15 deal with industry funds at collection and distribution points.

I will when I conclude speak briefly about the industry funds and the industry advisory boards, because an amendment moved in the other place deals with that section. Clause 14 deals with the purposes for which funding can be used. However, I note that it does not mention the Funding Advisory Committee. The Minister in another place addressed these matters and pointed out that these committees would be set up as and when it was felt necessary. We will deal with the matter of funding those committees at that time.

This Bill covers many existing provisions of the legislation, including artificial insemination, stock moving, quarantine, notifiable diseases, and so on. I make no comment about that, as this Bill has been on the table of this Parliament since 27 November and to this date I have had representations only regarding the livestock section, in the area of meat hygiene and handling. Other than that, we have received no other submissions, and it appears that this is due probably to the wide consultation that has been undertaken and to this Bill's being acceptable and fairly uncontentious to the industry, especially in those areas.

Division 5 of the Bill deals with employment practices and terms and conditions as to the health of livestock. Part 8, Division 3, of the Bill deals with the administration and enforcement of compliance notices. This is a new initiative of the Government after its consultation, which appeared to be designed to provide inspectorial quality control and enforcement. It also has not been commented adversely on by Opposition members, who are also supporters.

Part 10 of the Bill contains provisions for appeals and miscellaneous matters, and includes clause 77, which deals with telephone warrants. My colleague Ralph Clarke in another place took up this matter with the Minister for Primary Industries (Rob Kerin), and we have been satisfied that this telephone warrant system will be used judiciously. The explanation was that it is necessary where in some instances we are dealing with properties in isolated areas. A guarantee has been given that this provision will not be abused. The Opposition will support this legislation and it will not be moving any amendments.

However, I should like to comment on an amendment that was moved in the Lower House by the Minister, Hon. Rob Kerin, relating to page 2 of the Bill, after line 25. Another definition was inserted in the Bill. The Bill provides that 'livestock industry' includes:

> (a) the manufacture, production or supply of livestock food; and
> (b) any other industry of a class declared by regulation to be within the ambit of this definition;.

My colleague in another place Mr Ralph Clarke questioned the need for another lot of regulations, contending as he did that it has not been a happy experience for us dealing, for example, with this Minister in some primary industries matters. I refer particularly to the regulation with respect to net fishing, whereby the will of the Upper House on two occasions was ignored—and, in the first instance, the day after it was reinstated. Only a week after the regulations were disallowed a second time, they were put back again. We find that the Government is regularly using the regulatory system.

I was inclined to oppose this amendment in this place on the basis that paragraph (b) was another fairly wide-ranging regulation. Any other industry of a class declared by regulation could fall within the ambit of this definition, which is wide-ranging and could mean almost anything. Page 2, line 27 of the Bill provides, '"livestock industry" includes—',

giving the impression that there was general understanding in the livestock industry. Having looked at the Bill, the only reference to 'livestock industry' appears in Part 1. Division 2 talks about the establishment of livestock advisory groups to represent various sections of the livestock industry. I note that these provisions give the Minister absolute discretion as to the appointment of persons to the advisory groups.

My colleague in another place was advised that the livestock advisory groups would not be permanent; that the members may not necessarily be paid; that they will be set up from time to time to cover emergencies; and that their membership will consist of persons the Minister feels can make a contribution. As I say, this provision gives the Minister absolute discretion. The regulation does not necessarily worry me to the extent that some other regulation processes of this Government have. I indicate that I am instructed that, if future legislation has a continued reference to regulation, it will be the policy of the Opposition to insist that those regulations either be presented at the time the legislation comes forward or that the powers covered by those regulations are inserted in the Bill.

At this stage I indicate support for the Bill. Overall, I agree with the contents of the Bill. I commend the wide-ranging consultation which has taken place over the past two years and which has amalgamated seven disparate pieces of legislation into one. It is an encouraging sign to primary industries that we now have a compact Livestock Bill covering a wide range of activities. The Opposition supports the second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I thank the honourable member for his indication of support for the Bill. I am not sure what he was referring to in his last few remarks. He said that, in future, the Opposition will insist that regulations be made available at the time a Bill is introduced. I ask the honourable member to give careful consideration to that if he means that that is now Labor Party policy in relation to dealing with legislation. Those of his Party who have been in Government will know that that is absolutely impossible because regulations are generally designed to deal with administrative matters, and frequently those regulations are the subject of consultation as they are drafted once officers know what finally gets through the parliamentary process.

Some things can be drafted in expectation that legislation will get through, but sometimes it can be a wasteful process because of possible amendments in the Parliament. Before setting down a categorical position that says that, in future, the Labor Party will insist on draft regulations being presented with a Bill, I would ask that if that policy is to extend to all legislation the Labor Party should at least do us the courtesy of having some discussions about the impracticality of that sort of policy position. I may have misunderstood the honourable member. I will read the *Hansard*, but I put on the record that the Government has grave concerns about such a position. In relation to the amendment to which the honourable member referred and which was made in the House of Assembly, the regulation is the subject of disallowance any way.

The Hon. R.R. Roberts: So was net fishing.

The Hon. K.T. GRIFFIN: The honourable member cannot get the numbers to disallow the regulation.

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: But in this instance, it is not uncommon for this sort of provision to be included in legislation to assist in the administration of that legislation. As the honourable member says, reference to the livestock industry is very largely in the context of advisory groups in the Bill, without any matters of significance affecting those industries and, in those circumstances, I must confess not to be able to see the rationale for the concern which the honourable member has expressed and which may be the basis for a coordinated policy decision in relation to regulations generally.

I put that on the record. I do not expect us to debate it in the Committee stage, but I do expect, if there is some broader policy driving the Opposition in relation to regulation, at least it would do the Government the courtesy of talking to some of us, perhaps me, about what is actually intended, and then we can deal with it. Hopefully, we can deal with it in a practical and sensible way. I thank the honourable member for his support, however, of this Bill.

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

WATER RESOURCES BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 958.)

The Hon. T.G. ROBERTS: I seek to continue my contribution by highlighting some of the major points for the introduction of the Bill. Also, I would hope that those people reading *Hansard* would see that the difficulty the Government had in getting consensus on all the issues was because there were a lot of vested and competing interests in the outcomes of the Bill, and thereby the negotiating period that the Government set was a little optimistic.

In the last couple of months, the Government has made considerable progress in getting consensus from some of those groups and, hopefully, with the amendments that the Government will introduce, and with the amendments tabled today by the Democrats and possibly with an indication of what the Hon. Mr Redford's position is, once the Committee stage is entered into, we should have a final position on how we will proceed and what amendments, if any, we will support. I would like to highlight some of the difficulties that the Government had in the approach it took to negotiating with the competitive views of the potential users. The second reading explanation states:

> The Bill provides for integration of management of water with related natural resources at a number of practical levels as well as at strategic levels.

That is probably departmental gobbledegook to a lot of people, but it basically means that there will be a management structure that will have a local board, a council and an overall State water plan, which will have to be satisfied by users putting together management plans that will have to be okayed at those levels for people to be able to get a licence. The explanation continues:

> These measures include consistency in planning and streamlining of applications under various related Acts to carry out works or activities.

That is a very small sentence, but it put into people's minds a lot of uncertainties about how the Bill was going to work, what was going to be included in the management plan, how the management plan is to be processed, what local boards would make assessments, who would sit on those boards, who would sit on the council, what would be the qualifications of those people on the council and whether there is satisfaction that the local board will fit into the State plan.

People needed to be satisfied that all of these questions could be accommodated within the Bill. The Government had the difficult task of being prescriptive and detailing how the whole the process would work, but then being flexible in applying the prescriptions of the Bill because of the starting point out there in the field.

As I said yesterday, there was insecurity in a lot of people's minds, and the competition was going to come to horticulture from aquacultural projects, from industry and from domestic use. When you look at the provisions of the Bill, it was left deliberately open so that those negotiations could continue once the Bill had been enacted and become law. It depended upon what position you supported: whether you wanted that flexibility to be built into the legislation so that it allowed for flexibility of application of the overall State water plan by vesting powers in the Minister; whether you had the view that the local boards could be the arbiters, being the ones closest to the recognition of local problems associated with water quality, quantity and service; whether you had confidence in local water boards to be able to administer those responsibilities; whether you had faith in the protection that the three-layered system gave you; or whether you wanted an appeal process which allowed the Minister to be the final arbiter on that.

So, the Government drew up a flexible arrangement, which I thought was a good strategy, but I do not think it explained its position too well on the ground. All those people who had different needs and requirements for water had to take a snapshot at a particular time and then try to anticipate what their water requirements would be half a decade later. The fact that they may have to change the nature and structure of their horticulture, agriculture and aquaculture projects sowed some seeds of doubt in their mind as to what system would be best for them, given their current state of play, investment programs and current and projected projects. Therefore, the Government had a difficult job, and consequently we now have before us a stream of amendments. We also had some fairly major divisions between those members within both the Liberal Party and the Labor Party representing the interests of current and potential users. Perhaps our constituents were not vocal, but they were watching closely what the outcomes would be. They certainly saw a moving feast over a long period of time which now appears to have settled.

We should probably have had this measure before us in October or November last year; we now have it before us after a lot of discussion, and I guess you could say that is democracy at work. There have been many public meetings and arguments. The potential consumers also saw the differences between the proclaimed areas and the non-proclaimed areas, and the irrigation areas of the Murray River have a different history of water use, application and payment. Then there are the layered variations between water catchment management boards in the metropolitan area and how the application of the principles of this and other Bills relates to water catchment management. So, we saw a lot of nervousness in metropolitan local government areas, which had different problems from, say, rural areas that were concerned with domestic water. But, in the main, the Government was able to solve the problems of rural councils regarding domestic use by indicating that there would be no change.

I have some questions on clause 9 in relation to allocation and rights vis-a-vis current use. This clause controls activities that affect water by requiring a water licence or authorisation under section 11 for the taking of water or for other activities referred to in this clause and section 10, which applies to the relevant authority. There is some nervousness about responsibilities overlapping with other Acts. Will the Minister indicate the position regarding existing water rights and water use and the future use of water, particularly in isolated areas, in respect of the Native Title Act, and whether there will be any impact on future claims or whether current use rights will remain? Whether communities have rights or whether there are accepted norms is a question that needs to be answered. I would appreciate the Minister's replies to those questions in Committee.

The Government had major differences of understanding in a number of areas regarding the potential impact of the Act. The LGA was nervous about issues regarding its potential role in the collection of a levy and how such a levy was to be administered, whether the State Government would pay it any compensation or whether it would be financed from direct grants, or how it would finance any future administrative program, given that it has been indicated that it would be the collector of such a levy. Local government states that it does not have the software or the wherewithal to be able to put together a collection package that would have a neutral financial impact on its rate revenue, given that it now has many additional responsibilities that have been handed to it by both Federal and State Governments in relation to its roles and responsibilities. In many cases, local government does not receive the financial allocations it requires to systematically and effectively put those new responsibilities into place.

Local government feels that this is another of those issues in respect of which the State Government has come up with a good idea as far as the Government is concerned but that local government would have to be the administrator of the levy and that it may even have to get involved in disputes with water users regarding the collection of the levy; it may have to put in place expensive systems that could cost it a lot of money. I understand that negotiations are continuing with local government and that many of its concerns have been satisfied but that some matters are still outstanding. I also understand that discussions will continue until the Committee stage. The South Australian Farmers Federation also has problems that are being negotiated. It, too, will indicate to the Opposition, the Democrats and the Government its final position regarding some of those negotiated terms.

When dealing with this Bill, I took the view that, rather than the Opposition's drawing up a whole raft of amendments based on a moving feast, it would wait for the final outcome of negotiations between the parties. Because it is a Government Bill and because there is general agreement on the principles, the Opposition feels that the best position to adopt is to allow the Government to negotiate its final position with those people who have concerns about the Bill and see whether any outstanding matters may have to be dealt with. That is the position we have reached.

Local government has a further problem with the levy in that it appears to be a local government tax. It does not want the odium of some potential users, because of the extra financial burden involved, being sheeted home to it. It would appear that it would be a local government tax and they would have to field the calls and deal with the disgruntled levy or tax payers.

The other issue they raised was that the catchment area levy would not just be seen as a local government issue; it would be a broader issue on which they would not be able to

influence outcomes. They would be able to perhaps put pressure at a local level but they would not be able to influence the outcome of the State audit plan or of the council. Those were real issues for local government. I understand the Minister and the Minister's officers have met with local government. Crown Law has explained some of the roles and responsibilities set out under the Act and local government is much happier with its role now that those issues have been negotiated. I am not too sure what the outcomes of those negotiations were.

As I said, by the time we get to the Committee stage we should have some indication of what those final negotiated issues are. I do not know whether the Government will introduce its own amendments, whether they will be covered by the Democrats' amendments or whether the Hon. Angus Redford will move amendments to cover those difficult areas which local government and other bodies have. The latest information I have from the LGA is that they have received indications to the effect that there will be changes to a number of the clauses in the Act; that the problem they had with the make up of the board and the representation by local government on the boards will be a major consideration; and that clause 51 will provide for the Water Resource Council to recommend changes to the State audit plan, which is one of their considerations. In relation to clause 52, their position is that it will provide for the Water Resources Council to advise the Minister regarding the administration of the Act. The LGA is also following up a number of other issues.

I will look at all the amendments to see whether they cover the indicated dissatisfaction which has been put to me at meetings. We will not be supporting some of the arguments that have been put by various vested interests. As I said—and perhaps this will clarify it for the honourable member—we will not be drafting amendments to a complicated Bill without having the total number of amendments before us because, if we start to draft amendments on issues which are already included in the Government's amendments or the Democrats' amendments or on which negotiations are ongoing, we will make it more difficult for a Government to get a clear continuity in what it feels it needs in separation. There are also areas which need to be integrated without having complicated amendments which, in terms of integration, do not make a great deal of sense.

Other major concerns put to me in correspondence relate to permits, applications for permits, assessing permits and licences, the methods of allocation, and the transfer of licences and water allocations and, further, to the question of what happens if people abuse the licensing system. Another issue concerns the policing of the Act. In isolated areas or in areas where many licensees are operating, who is to play the policing role? What would happen if regular breaching of the licensing provisions occurred? There are already ways in which people can bypass metres—so-called bandicooting of water unfairly. There is also the problem of underground caverns and streams which pass under particular properties and which may be drawn on and used before people farther downstream can use them. We already have the problem of central pivots drawing away water allocations from other farmers who do not have the same technology as their neighbours and, therefore, are not able to draw the same volumes of water.

Problems in Tintinara have been brought to my attention whereby, if a farmer turns on his pumps first and takes his allocation, the second farmer must wait until the pumps are turned off before he can draw his allocation, because of the nature and flow of the water. I understand that the potential for litigation now exists between competitive users, and I guess the Bill may take out some of the uncertainty and, therefore, remove some potential for litigation. Even the new Bill could be a litigants' paradise because of the competitive use arguments which may emanate out of the current Act.

I am sure that all members of Parliament representing regional areas, particularly members of the Legislative Council, become involved as mediators between users. I know that on the West Coast a couple of disputes over water allocation are running. In the South-East there are some arguments about changing the topography to redirect natural streams. Water being run away from some properties and floodwaters being run on to other properties all add to the difficulty of administering the Act and gaining the confidence of people to come to terms with these problems.

There is a major problem in the Mile End area of the South-East where the drainage board and many land-holders have lived side by side but not very happily because of the competitive and different uses of surface and underground water. In the case of the Mile End problem, there is aquaculture alongside dairy farms, other agricultural industries and horticulture, and all their needs and requirements are different. It is important that the local administrators of the distribution or allocation of water get on top of the issue, and they will need to be prevailed upon to get local cooperation and goodwill. I hope that the new Water Resources Bill can manage that.

By the time the Bill gets into Committee next week, all the amendments will be on file so that we can see what the final outcome of the Bill will be. The Opposition will look closely at those amendments and I will listen intently to the contribution of my colleagues the Hon. Jamie Irwin and the Hon. Angus Redford, who have a personal interest in the outcomes. They have been lobbied very heavily from inside their own Party.

The Hon. Diana Laidlaw: Do you mean a personal, political or professional interest?

The Hon. T.G. ROBERTS: I referred to their personal interest. They have family and friends involved, just as I have. I have friends in the South-East who have a strong interest in the outcome of the Bill. They have been interested in this matter for a long time. If we throw in the possibility of the drainage board being the administrative body in the South-East, that brings in a whole range of interests locally as to how to influence outcomes.

Some of the criticisms that have been put to me by potential users is that, in contrast to the system currently in place, in order to make their applications, develop their plans and get their licences, they will have to take an interest in three or four sections or layers of the decision-making process, which will tie up a lot of their time. It is a bit like the soil boards. Because it is a resource that is finite and because it is a resource that needs to be looked after on behalf of all South Australians, the efforts and energy that will have to be expended to get it right will be time well spent.

I hope that it does not bring about competitive use, where people try to pick winners or make allegations that some agricultural, horticultural or aquaculture products have more status than others. As those who have been in agriculture or horticulture know, there is a changing nature of winners and losers in that industry, and people can back a winner one minute and back a loser the next. With those few words, I will wait for the consideration of the Committee and decide then whether any further amendments are required or whether

to support amendments being put forward by the Government, the Democrats or the Hon. Angus Redford.

The Hon. A.J. REDFORD: I rise in support of the second reading. This is a major improvement on the current water management regime under the Catchment Water Management Act 1995 and the Water Resources Act 1990. In the other place, the members for Chaffey, Mawson, Light, Kaurna, Ridley, Custance, Napier and the Deputy Leader of the Opposition made contributions on this Bill, and I will not go through the same material other than to say that I welcome the Bill as an improvement.

I also welcome the opportunity to make a contribution on this important issue, particularly outlining how it affects the South-East of this State. I am more than a little dismayed at the ignorance of some people outside the South-East regarding the importance of this resource and the important contribution made by the South-East to the economic well-being of our State and its enormous capacity for further development.

In the context of water, the River Murray gives South Australia an entitlement of 1.85 million megalitres per annum. Of that, 800 000 megalitres is lost through evaporation and seepage and 250 000 megalitres is kept for South Australian country and metropolitan domestic and industrial use. The amount set aside for public and private irrigation and for stock, domestic and industrial use is 550 000 megalitres.

My source is *SA Our Water Our Future*, September 1995, which indicates that some 40 000 hectares is currently irrigated from the River Murray. In contrast, the South-East is a place where 25 per cent of the State's total irrigation occurs. The resource has been estimated at 1.090 million megalitres in the underground aquifers and a further 80 000 megalitres from other sources, of which nearly 300 000 megalitres is being used. That is to be contrasted with the 550 000 megalitres being used from the River Murray. Thus, in terms of horticulture, the water resources of the South-East are as important as the River Murray. I would argue that they are more important, given the future potential of those water resources. In general terms, the water resources of the South-East are vital to the development of this State and its future well-being.

I should inform members of some important facts associated with this important region. The South-East covers an area of approximately 20 000 square kilometres, being 2 per cent of the State, and has a population of 62 000 or about 4 per cent of the State's population. The area is diverse in nature, reliant upon traditional agricultural industries and significant processing and manufacturing for the transport, forestry and food industries. Tourism and fishing are also important industries. It has an important coastline, world heritage wetlands and volcanic lakes and caves, to name but a few of its features.

The Lower South-East has a high rainfall and extremely fertile soil. The gross value of agricultural product in 1992-93 was $352 million, with the region producing 50 per cent of the State's beef production and 25 per cent of the wool and sheep meat. Not a bad effort from 2 per cent of the area and 4 per cent of the population! The South-East also produces 10 per cent of the national wine grape crush and accounts for 20 per cent of Australia's premium wine production. It is expanding at a rapid rate. Further, 85 per cent of the State's forest plantations are in the South-East, comprising in excess of 100 000 hectares of *pinus radiata*.

Some other interesting points include the fact that the South-East has 45 per cent of the State's cattle and calves, 26 per cent of the State's sheep and lambs, 50 per cent of the pasture seed production, 26 per cent of hay for the State, 25 per cent of the lupins, 43 per cent of the rapeseed, 62 per cent of safflower, 87 per cent of sunflower and 80 per cent of the vegetable seed production. I remind members that all these statistics come from an area comprising only 2 per cent of the State and some 4 per cent of the State's population.

On any analysis the South-East's importance to the State domestic product cannot be underestimated, although I suspect that that has often been the case in the past. It is against this backdrop that I make the strong assertion that the viability and future management of water is absolutely vital to what I believe to be the most economically important region of this State. When the Catchment Water Management Bill was debated in Parliament it is important to note that section 10 of that measure provides:

> The South-East as defined in the South Eastern Water Conservation and Drainage Act 1992 cannot comprise or form part of a catchment area under this Act.

The reason for that is that the nature and extent of the water resources in the South-East are quite different from those water resources that exist in other areas of the State. Indeed, in the many discussions I have had leading up to the commencement of the debate in this place on the issue of water resources, a lot of time has been taken up largely with endeavouring to explain to people who live outside the South-East the unique nature of the water resource, how it is currently being used and how people have been able to have access to it.

In addition, the nature of the landscape of the South-East, as first discovered by the early settlers, is unique. Over the last 130 years drainage has been a key feature in transforming the landscape of the South-East of South Australia. Without drainage, it has been suggested that the Green Triangle would be blue. This is according to the book *Down the Drain*, published by the South Eastern Water Conservation and Drainage Board. In that book, the authors say 'without drainage, much more of the South-East would have remained unproductive and access across the country difficult.' Drainage played an important role in the increase of the population, improvement of transport, the creation of employment and in assisting with resettlement of returned service men following both World Wars.

Following community concern, the board commissioned an environmental impact study and, in 1980, it was completed. Its recommendations included:

(a) that investigations should be undertaken on the conservation, storage and utilisation of drain flow;
(b) the re-establishment and improvement of wetlands in the region; and
(c) the effects of drainage on groundwater behaviour and the effect on the Coorong.

The issue of drainage is a very important aspect of the management of the total water resource which currently exists in the South-East.

This leads me to my first comment about the Bill, and it is a general one. I do not think this Bill seeks to deal with the important issue of drainage in the South-East. On the face of it, the Bill ignores the South Eastern Water Conservation and Drainage Act 1992. It is trite to say that it is difficult to imagine an integrated and world-class management existing when issues of surface water and groundwater management are carried out by one committee or board to be established

under this Bill in conjunction with a completely separate board established under separate legislation.

Indeed, in looking at the early consultation period, it would appear that this aspect was not fully and properly considered. However, I do note that, the Minister has indicated in the case of the South-East, the South Eastern Water Conservation and Drainage Board is an appropriate management body should the community so desire.

At this stage it would be remiss of me if I did not comment upon the national framework within which this legislation is being introduced. In that regard there are three important issues. They can be summarised as follows:

(a) the communiques issued by the Council of Australian Governments (COAG) of 25 July 1994 and 11 April 1995 arising from recommendations made in the Hilmer report;

(b) the report of the Industry Commission, dated 17 July 1992; and

(c) the Coalition's environment policy made prior to the last Federal election and the subsequent agreement by the Federal Parliament for the sale of Telstra.

Dealing with each of these in turn—and I do not propose to deal with them in detail—the communique issued by COAG affirmed the support of that body for the competition policies articulated in the Hilmer report. It considered a report from the working group on water resource policy chaired by Sir Eric Neal (now our Governor) which, amongst other things, indicated that there were major asset refurbishment needs in rural areas and impediments to irrigation water being transferred from low value broadacre agriculture to higher value uses in horticulture, crop production and dairying. It recommended a system of tradeable entitlements to allow water to flow to higher value uses subject to social, physical and environmental constraints. The communique issued on 11 April 1995 agreed on a series of competition payments from the Commonwealth to the States, which payments are dependent upon the States meeting agreed reform objectives.

In terms of the payments, each participating State agreed that the second tranche of payments by the Commonwealth is dependent upon a number of things, including the effective implementation of all COAG agreements on the strategic framework for the efficient and sustainable reform of the Australian water industry. So, in that regard, it is important to understand that the State is locked in and that South Australia is obliged to implement a transferable system of water licences (unless there are good social, physical or environmental constraints) in a reasonably short time frame.

The Industries Commission report referred almost exclusively to the then existing position of water resources and management, mainly in the context of the River Murray. In fact, I must say that it was extremely disappointing, when looking at the chapter 'Rural Water Arrangements and Issues: State Summaries', that no mention of the significant water resources of the South-East of this State was mentioned. Nearly the whole submission related to the River Murray. At page 85 of the report the commission stated:

> The principles underlying the pricing of irrigation water and drainage are similar to those relevant to urban water. In particular, prices charged for commercially sound irrigation systems should be sufficient to fully cover costs, including a return on the capital invested.

I must say that, in the context of the underground water system as it exists in South Australia, very little infrastructure or irrigation system is provided by the State or anyone other than the irrigators themselves. It is important to note that no systems are provided by the State for the taking of underground water from under the ground to the surface; nor are dams or storage areas provided. Indeed, I am struck by the fact that so little material in the report refers to underground water in Australia that I am led to the conclusion that the nature and extent of the underground water resource in the South-East of South Australia is quite unique.

Notwithstanding that, some important principles arise from that report. Of significance to the South-East, the commission makes the following recommendation:

> Permanent water transfers should be introduced in all irrigation systems, for both groundwater and surface water. Where feasible, provisions should be made to allow for permanent transfer of water between schemes.

The commission report of 1992 further states:

> Arrangements for transfer of water should also be extended to groundwater. To date, only South Australia has made provision for permanent groundwater transfers. New South Wales permits temporary transfers.

The reports goes on to state that permanent groundwater transfers should occur because it helps to ensure that water is used by those who value it the most. However, it does sound a word of warning when it notes that the careful 'groundwater monitoring of hydrological conditions will be of particular importance for inter basin transfers'. It refers to the Northern Adelaide Plains, where allocations of groundwater are three times greater than recharge rates and acknowledges that, in that case, transfers are normally approved, provided that there is a reduction in the volume of entitlements.

To that extent, I think the Industries Commission report is consistent with the agreements made by the States in relation to the creation of a water market. I do not believe I have the capacity, as a member of this Council in this Parliament, to resist the general thrust of the COAG agreement or the sentiments expressed in the report. However, at page 150 of the report it refers to the auctioning of water entitlements, as follows:

> Under an auction system, water will be purchased by those who value it most highly. Thus, auctioning ensures that water is directed to its best possible use.

Its principal recommendation on the issue follows:

> Entitlements to any new water supplies should be auctioned and the scope for the bulk water suppliers to act as brokers of existing supplies should be investigated.

I am not sure what is meant by the term 'new water supplies'. I suggest that underground water in the South-East would not formally constitute 'new water supplies', particularly when I come to discuss clause 34(2) of the Water Resources Bill. However, if the commission's recommendation that underground water in the South-East which is not currently being utilised falls within the definition of 'new water supplies' I, like the former Premier and the current Premier, in relation to the motor vehicle industry, part company with the Industries Commission.

I certainly would not accept that entitlements to unused underground water in the South-East should be auctioned, and the scope for the bulk water suppliers to act as do those existing suppliers should be investigated. The third important national issue is the Coalition Environment Policy. Whilst the Coalition Environment Policy did not specifically deal with the South-East, it did deal with the reconstruction of the Murray River system. I know that this legislation is an important part of that program of reconstruction and that, if

South Australia is to reap the full benefits of the Coalition policy, this Bill is essential. I acknowledge that the reconstruction of the Murray River system is of vital importance to South Australia and I in no way seek to obviate against that important objective.

In the lead-up to the introduction of this Bill, the Government sought to embark upon an extensive consultation program. Indeed, a draft paper concerning the review of the Water Resources Act was issued in September 1995, and a further discussion paper entitled 'Towards a new Water Resources Act' was issued in March 1996. Following that, a draft Bill was prepared, and an explanatory report entitled 'Towards a new Water Resources Act' was issued in June 1996. First, the review of the Water Resources Act paper issued in September 1995 talked generally about water resources in South Australia. In it was highlighted the importance of an integrated management system in so far as water is concerned.

The paper enunciated important general principles, although I note that the unique resource of the South-East's underground water was not specifically referred to. The March 1996 paper again generally refers to basic principles. However, it says in relation to the rights to share water resources or allocations, as they are referred to in that document, the following:

> Allocation provisions may cover details such as whether the resource will be allocated volumetrically or as a share of the available resource or in some other manner. . . Allocation of resources in new areas presents a difficult problem of balancing existing use and legitimate expectations against the very requirements for the management of the resource which lead to the licensing regime. There needs to be a maximum flexibility for the Minister to establish schemes of allocation, yet a minimum opportunity for the schemes themselves to be challenged.

I must say that I take issue with the notion of maximum flexibility in the hands of the Minister other than for purely environmental reasons. If we are to establish an appropriate water transfer system, and I speak generally here, the flexibility of a Minister should be limited to environmental grounds or the fact that the resource is either finite or diminishing. Indeed, I agree with the sentiment that it is vital that we acknowledge and not simply pay lip service to the legitimate expectations of landowners who are not currently irrigators.

If we are to have a system that is any more flexible than that, it is entirely impossible to establish an appropriate water market as recommended by COAG, by Hilmer and by the Industry Commission. The same report states:

> Methods may include allocation of the resource equally among all users (or all landowners), provided that rights of transferability of licences for the resource are sufficiently flexible to enable any person to transfer from another user sufficient water for their needs.

That again underpins my argument that to have flexibility over and above environmental grounds would attack the very integrity of any water market system. I agree wholeheartedly with the sentiments expressed in that last statement. That same document briefly refers to the Ground Water (Border Agreement) Act, although only in the context of the Government honouring its obligations to the Victorians pursuant to the provisions of that Act. However, a glaring deficiency of the March 1996 paper is a complete failure to address the issue of 'transferability' of water allocations across the Victorian/South Australian border or at least a simple transfer system between zones within the area covered by the Ground Water (Border Agreement) Act. There is certainly no suggestion of any review of that Act and, later in my contribution, I will make some comments about that Act and its management. There is also a brief reference to the South-Eastern Water Conservation and Drainage Act, which provides that activities undertaken by the South-Eastern Drainage Board should be undertaken in a manner that accords with the objects of this Bill, as well as those of the Act. Again, I will return to that issue later in this contribution.

It is in that context that I turn now to dealing with my broad views about this Bill, particularly as they relate to the South-East of South Australia. At this stage, I say to members that I will be filing amendments to this Bill. I am still negotiating some issues with the Minister and his department, and the final form of those amendments is entirely dependent upon those discussions. However, at the outset I indicate that I have severe reservations about some aspects of the Water Resources Bill as they affect the South-East.

It is also important to understand that the Minister for the Environment and Natural Resources is proceeding to proclaim the South-East under the existing legislation which effectively brings all underground water in the South-East under the control of the Minister and his department. I also have some concerns about that process and the plans the Minister has in terms of the management of that resource and, more specifically, the allocation of that resource to landholders. Indeed, the process of consultation for the purposes of this Bill and, separately, for the purpose of proclamation caused, at the least, great confusion and, at worst, enormous suspicion in relation to the Minister's and the department's motives.

I will also be making my comments on aspects of this Bill in the context of the management of water resources in areas already proclaimed in the South-East and also in the context of the management of that strip of land 20 kilometres west of the Victorian border being 'managed' under the Ground Water (Border Agreement) Act 1985. It is the management of those areas and the experiences of landowners in these areas which have led to concerns by those landholders who currently operate their rural enterprises in non-proclaimed areas. I share those concerns.

To follow how I feel—and many South-East landholders feel—it is important to understand the nature of the South-East and, in particular, the importance that access to water has, both to landholders' existing and future enterprises and, just as importantly, to the intrinsic value of their land. There is one thing that separates the South-East from the rest of South Australia (other than the determination and enterprise of its people), and that is the fact that there is such a plentiful supply of underground water. I have already covered that point earlier in this speech. However, there is no doubt that the reason that land is more valuable in the South-East is simply not its location or its rainfall. There are many other places in South Australia that have a similar rainfall and similar soil quality.

Another reason that the South-East is unique is that it is equidistant from two major population centres, that is, the greater metropolitan area of Adelaide and the substantially greater population of Melbourne. Indeed, many South-Easterners consider themselves part Victorian and their lifestyle is dominated by Victorian icons, including the newspapers they read, the markets to which they send their produce, the beer they drink and the football teams they support, to name but a few. There is no doubt that, if a border had not been drawn in the manner that it was last century, the South-East would have a closer alignment in economic and cultural terms with Victoria. However, I do not propose to

discuss or criticise the historical accident of where the border was placed.

The most significant reason that rural land values are higher than other parts of South Australia is its access to underground water. This access gives landholders flexibility, both in existing agricultural and horticultural practices, and also potential agricultural and horticultural practices.

To explain in anecdotal terms, I well recall my father telling me that he was considering moving to Queensland when I was a young boy. The advice given to him by his father (my grandfather) was that in Queensland there is no underground water similar to that which we have in the South-East, and that if he ever decided to return to the South-East he would do so at a significant financial cost. There are many examples of people who have sold land in other parts of South Australia to move to the South-East, paying significantly higher prices for land than in areas from which they came. Further, as urban development occurred in the Adelaide Hills, significant numbers of people moved to the South-East rather than to other parts of South Australia and they paid a premium for their land.

Many of these people have said to me that the reason they bought land in the South-East is the availability and access to underground water, and the fact that the South-East was protected from drought by that access to underground water. To give members an example of the effect of availability of water on land values, at a recent public meeting held in Naracoorte to discuss this Bill I asked Mr Bruce Rodda, the son of a former member of the House of Assembly, Mr Alan Rodda, a question about land values. Mr Bruce Rodda is a real estate agent in Naracoorte, who not only is involved in the sale and purchase of land but also in the sale and purchase of water allotments that exist in the area.

I asked him the difference between land that is the subject of administration under the Groundwater (Border Agreement) Act and precisely the same piece of land in an unproclaimed area in the South-East. I asked him to assume that the land in the managed area did not have access to underground water whereas the land in the unmanaged area did. Mr Rodda responded by saying that land in the unmanaged area was worth double that of the land in the managed area that did not have any access to underground water. So, it is important to understand that there are significant questions of capital value associated with land in the South-East.

It is absolutely vital for all to understand that inappropriate management and allocation policies in the South-East will have a dramatic effect on the capital values of land and, ultimately, the economic wellbeing of individuals in the South-East. There is no doubt that management regimes promulgated either by proclamation or under the Groundwater (Border Agreement) Act have substantially diminished the value of that land, *vis-a-vis* land in unproclaimed or unmanaged areas. It would not take a brilliant politician to understand that this state of affairs is a recipe for political suicide. I would be less than frank if I did not say that, to date, the department and Governments (both Labor and Liberal) have failed to address properly this issue in any meaningful way.

Indeed, the fact that landholders have not been given any reasonable assurances—and I will outline my reasons for saying so later—has been a cause of great concern, distress and alarm in the South-East and has led to extremely unfortunate consequences, in some cases consequences that are directly contrary and counterproductive to the stated objectives of the department as expressed in this Bill. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

GAS BILL

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

ADJOURNMENT

At 6.5 p.m. the Council adjourned until Tuesday 4 March at 2.15 p.m.