HOUSE OF ASSEMBLY

Wednesday 12 December 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 2 p.m. and read prayers.

LOCAL GOVERNMENT ACT AMENDMENT BILL

At 2.2 p.m. the following recommendations of the conference were reported to the House:

As to Amendment No. 9:

That the House of Assembly amend its amendment by—

(1) Leaving out in paragraph *(a)* '1992/1993' and substituting '1993/1994'.

(2) Leaving out—

'and

(b) by striking out from subsection (3) "35 per cent" and substituting "50 per cent".'

and that the Legislative Council agree thereto.

As to amendment No. 10:

That the House of Assembly do not further insist on its amendment.

PETITION: CANAAN HOMES DEVELOPMENT

A petition signed by 120 residents of South Australia praying that the House urge the Government to supervise and accept responsibility for the proposed Canaan Homes development was presented by Mr Lewis.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following answers to questions without notice and questions asked during the Estimates Committees be distributed and printed in *Hansard.*

SOUVENIR GOODS

In reply to **Hon. J.P. TRAINER (Walsh)** 21 August.

The Hon. LYNN ARNOLD: There is some doubt that the bulk of South Australian made products meet the criteria of omiyage. The Minister of Tourism has informed me that the majority of the Japanese yen spent on omiyage goes toward alcohol, cosmetics, cigarettes and branded goods such as clothing and accessories. Few of these are manufactured in South Australia. The Japanese market perceives a lack of uniqueness and variety of products offered. The finish and quality of products does not often meet Japanese consumer standards. Unfortunately, perhaps it is time to seriously consider product development in South Australia which will meet the standards and needs of the lucrative omiyage market.

In regard to packaging, poor packaging does not encourage the Japanese visitor to buy. It should be improved to give an impression of class and high value. The Japanese visitor will be prepared to pay a higher cost for the product if well wrapped and presented.

Austrade is organising seminars this month in some Australian States on packaging for the Japanese omiyage market. A number of Japanese visitors prefer to have purchased goods sent home to Japan through the retailer. There is a strong need to improve services to expedite delivery at a competitive price. Retailers should be made aware of the appropriate arrangements to be made with Australian forwarding agents. Discussions have been held with officers of:

- The Department of Industry, Trade and Technology
- South Australian Industrial Supplies Office

all of whom have direct contact with local manufacturers, and will make them aware of this oppportunity.

A number of South Australian companies have already realised the potential of this market and are tailoring their product to suit. Some of these companies are:

Opal Field Gems of Mannum—leather goods, pans, cufflinks, watches, etc.
Mini Jumbuck—raft goods, toys, etc.
Soft Touch—raft goods, toys, etc.
Haigh's Chocolates.
Angas Dried Fruits.
G.H. Michells—woollen underlays and clothing.
Golf World—sporting equipment.

AYERS FINNISS LTD

In reply to **Hon. JENNIFER CASHMORE (Coles)** 23 August.

The Hon. J.C. BANNON: Yes, I am aware that Ayers Finniss Ltd was registered as Cayuga Pty Ltd on 16 August 1989. The reason for the restructure was to create a new company structure which facilitated the payment of dividends to the State Bank which otherwise would have experienced a loss of dividend rebate. Prior to the restructure, income producing investments were held in subsidiaries of the operating company Ayers Finniss Ltd. This meant that investment profits could not be passed through to the State Bank if and when Ayers Finniss Ltd (which is purely a fee generating company) made a loss.

The restructure effected a division of the operating and investment arms of the Ayers Finniss group and created a single holding company which is 100 per cent owned by the bank. This enabled dividends to be paid directly to the holding company from the investment arm without the need to have them offset against the income or loss generated in the operating company. Accordingly, under this structure dividends were able to be paid legally to the bank from the investment arm and the operating arm, when profitable.

The change of name of Ayers Finniss Ltd to Ayers Finniss Holdings Ltd and the incorporation of a new subsidiary (Cayuga Pty Ltd) which became Ayers Finniss Ltd was the most simple way of effecting this restructure.

An additional advantage of this restructure was that it overcame the problems of the size of the original Ayers Finniss Ltd board with respect to the size of the company. The board of the original Ayers Finniss Ltd consisted of 15 executive and non-executive directors. This was considered to be too large in relation to the size of the company (30 employees). Ayers Finniss Holdings Ltd primarily consists of non-executive directors appointed to represent and protect the interests of State Bank. The operating subsidiary retains executive directors, including State Bank representatives, who concern themselves with the day-to-day operations of the company.

DEPARTMENTAL COMMITTEES

In reply to **Mr BECKER (Hanson)** 20 September.

The Hon. M.K. MAYES: The replies are as follows:

The Budget and Its Impact on Women 1990-91

It should be noted that the composition of the committees

identified has changed since budget documentation was completed. There are now four departmental committees with 23 women members. With regard to the four departmental committees the following provides all the relevant information requested:

1. Women's Consultative Committee:
   Function . . . Advisory body for the Minister
   Support for Women's Adviser
   Report on factors which inhibit, discourage and exclude women from participation.
   Terms of Reference available if needed.
   Formed January 1987.
   Members:
   Marg Ralston—Media (Chair)
   Jenny Williams—Executive Officer
   Marie Sanderson—Education
   Mandy Macky—Girl Guides
   Mary Sobotka—CANH's
   Myra Betschild—AAWSR
   Sophie Alexiou—NESB
   Glenda Bowen-Pain—Admin
   Helen Menzies—EO
   Sue Lohmeyer—Country
   Dixie Skuthorpe—Aboriginal
   Pat Mickan—Media
   Kay Haarsma—Junior Sport
   Group meet—second Friday of every month. Servicing cost . . . $2 000 including child-care, parking and pilot projects.
   No membership fees.
2. South Australia Recreation Institute Board
   Function: Advisory body to the Minister on recreation policy and allocation of funds to the community.
   Members:
   George Beltchev CEO (Chair)
   Director SARI
   Jenny Williams—Women's Adviser
   Meredith Crome—Local Government
   Elaine Farmer—Surf Life
   Gary Howat—Recreation Education
   Libby Kosmala—Community Representative
   Robin Maslin—Scouts (Finance)
   Graham Crunkhorn—Recreation
   Peter Kellett—Recreation
   Jane Doyle—Media
   Ian McPhail—Environment and Planning
   Lucrezia Osowski (Minutes)
   Formed 21 March 1988.
   No membership fees.
   Budget cost—$1 000.
   Meet once a month—mid month.
3. South Australia Sports Institute Board
   Function—To determine policy decisions with regard to the Institute. Advisory body to Minister on sports policy and allocation of funds to the community.
   Members:
   George Beltchev CEO (Chair)
   Karen Phillips—Media
   Peter Maishman—Business
   Christine Burton—Sport
   Juliet Haslam—Scholarship holder
   Yvonne Hill—Sport
   John Daly—Junior Sport
   Jenny Williams—Women's Adviser
   Peter Barnes—Medical
   Peter Bowen-Pain—Legal
   Roger Tyzzer—Coach
   Mike Nunan—Director SASI
   Meredith Clark—Executive Officer
   Formed May 1982.
   No membership fees.
   Servicing cost—$1 000 (Maximum)
   Meeting . . . last Thursday every month.
4. Racing Industry Advisory Committee
   George Beltchev—Chairman
   Sam Leaker—Harness Racing Board
   Norm Mackay—Greyhound Racing Board
   Bill McDonald—South Australian Jockey Club
   Barry Smith—Totalizator Agency Board
   Paul Morrissy—Bookmakers Licensing Board
   Denis Harvey—Racecourses Development Board
   Terry Arbon—Executive Officer
   Functions:
   1. To provide a forum for the exchange of information and debate on those issues which affect the Codes and Statutory Authorities either individually or collectively.
   2. To identify opportunities and initiatives which will contribute to the improved viability of the Racing Industry.
   3. To provide information and advice to the Minister of Recreation and Sport.
   4. To facilitate and encourage effective liaison between the Government and those bodies which control or influence racing.

   Formed in March 1989
   No membership fees.
   The committee meets bi-monthly or as required.
   Servicing cost: Nil.

BREACHES BY HOUSING COOPERATIVE

In reply to **Mr MATTHEW (Bright)** 20 September.

The Hon. M.K. MAYES: In response to the concerns expressed by the Auditor-General about the recoupment of funds from cooperatives/associations, the following actions have been implemented by the South Australian Housing Trust: two letters have been sent to each association/cooperative reminding them of the obligations under the financial agreement; letters outlining specific breaches are now being prepared; the association CASA was closely monitored by the trust early in 1990 resulting in the arrest of the former Treasurer who was charged with fraud. The trust is now working closely with the co-op to develop stable and competent management procedures; associations/co-operatives which had not supplied 1988-89 audited financial statements were contacted by the trust in March 1990 and from time to time as required; and two letters have been sent advising groups that 1989-90 audited financial statements must be received by the trust by 31 October 1990, and the situation is being monitored.

In respect of the Auditor-General's comments that there had not been satisfactory maintenance of accounting information to facilitate the recoupment of funds from housing cooperatives, the following points are noted; Trust's Community Housing Unit is maintaining a file of audited returns and surpluses; associations/co-operatives are now required to complete a statement to attach to monthly mortgage repayment cheques which shows what the cheque represents. Association/co-operatives which do not send their mortgage payments and statements are now contacted immediately; and as cheques are received in the unit without identifying documentation, the association/co-operative is contacted to clarify what the cheque represents.

The Auditor-General's Report made a specific reference to some associations not accounting for capital gains made on the sale of properties as instructed.

The comments related to the following associations:

Women's Shelter Housing Association

Someone Cares Housing Association.

These have been resolved.

Attached is a list of breaches at 30 June 1990 of the new financial agreement signed progressively by cooperatives from late 1989. It should be noted that three cooperatives, TAASHA, SAACHA and CASA are currently under investigation by the trust which is working closely with these groups.

BREACHES UNDER NEW AGREEMENT

Association	Nature of Breach	Amount $
AUSSAL	15% mortgage contributions paid, should be 19%	5
*CASA	Mortgage contributions not paid for 3 months	4 003
Central Districts	15% mortgage contributions paid, should be 19%	472
Gawler	15% mortgage contributions paid, should be 19%	351
Latamer	15% mortgage contributions paid, should be 19%	423
Marion Community	15% mortgage contributions paid, should be 19%	56
NARU	15% mortgage contributions paid, should be 19%	337
Parqua	Morgage contributions not paid for 1 month	224
Portway	15% mortgage contributions should be 19%	245
*SAACHA	Incomplete mortgage contributions 1988-89-90	Unknown
Saphire	15% mortgage contributions should be 19%	253
*TAASHA	Mortgage contributions should be tenths	Unknown

CHA = Community Housing Association
COOP = Housing Cooperative

TRAFFIC LIGHT ARRANGEMENTS

In reply to **Mr BRINDAL (Hayward)** 14 November.

The Hon. FRANK BLEVINS: The Department of Road Transport operates its traffic signals in a traffic responsive manner that adjusts to the continually changing demands of traffic at all hours of the day and night for all days of the year. Vehicles are recorded by vehicle detectors buried in the road pavement near the intersection and the traffic signals use this information to set the amount of green time for each movement. There is no present programming of signals, as such, as the department's system is superior to these methods which are widely used overseas.

Departmental records indicate that on Christmas Day 1989 traffic demand at the intersection of Portrush Road/Cross Road/Glen Osmond Road/Mount Barker Road peaked at 11 a.m. with a value higher than its normal week-day peak and above the capacity of the intersection. Right turns have to be banned during normal week-day peak periods but it is not practicable to change the prohibition signs for what is a very limited time on one day of the year. Similar unusual traffic conditions would be found at many other intersections for brief periods on Christmas Day.

BEACH CLEAN-UP

In reply to **Mr HAMILTON (Albert Park)** 4 December.

The Hon. S.M. LENEHAN: The Western Australian efforts to which the member for Albert Park refers are part of a national Greenpeace 'Adopt-A-Beach' campaign being coordinated out of the Sydney office of Greenpeace. Greenpeace has mounted the campaign in response to what it sees as 'alarming evidence that increasing numbers of marine mammals, birds, fish and other marine organisms are being killed annually by marine debris'.

Greenpeace envisages that the Adopt-A-Beach campaign will be implemented nationwide by December 1991.

To date, Greenpeace has only officially launched a pilot study in Queensland. However, New South Wales, Victoria and South Australia have 'kicked-off' in response to a Greenpeace call to 'supporters, conservationists and independent volunteers (at public meetings and through the Greenpeace Australia magazine) to collect, dispose of and record marine litter that is found on our coastline'.

The member for Albert Park has referred to the experience in New Zealand, and the Sydney Branch of Greenpeace advises that the Australian Adopt-A-Beach campaign will be run in parallel to that of Greenpeace New Zealand, who have a 12 month head start and some 4 000 supporters.

The Adopt-A-Beach survey form indicates the type of information Greenpeace is collecting and entering into a computer database. I have tabled this form for information.

Members may wish to note that Greenpeace is in the process of gathering the names of contact organisations and individuals who may be interested in lending their support.

The Department of Environment and Planning has given assistance to Greenpeace by providing a contact within Kesab and a directory of coastal councils in South Australia.

As Minister for Environment and Planning, I am very supportive of action to protect the marine ecosystem. The Adopt-A-Beach campaign will serve the very important function of raising general public awareness.

Governments also have an important role to play. As Minister for Environment and Planning, I was delighted when the Marine Environment Protection Act to control point sources of marine pollution, was passed by this Parliament.

I am pleased to advise that work towards the accompanying regulations is now in progress.

STATE BANK

In reply to **Hon. D.C. WOTTON (Heysen)** 6 December.

The Hon. J.C. BANNON: The off balance sheet companies have been structured in such a way as to provide the maximum taxation advantages which are legally available under the law to the clients of State Bank group, State Bank group itself and therefore to South Australia. The structures were made mainly through *(a)* unit trust structures, which were legally available at the time, but have since been closed through subsequent tax rulings and *(b)* partnership leases. There has been no attempt to avoid stamp duty (although in accordance with normal commercial business practice, stamp duty has been minimised).

Off balance sheet companies have in no way been used to skirt the Reserve Bank's capital adequacy guidelines. Reserve Bank guidelines covering the calculation of capital adequacy require calculations to be based on '... subsidiaries consolidated in accordance with Australian Accounting Standards'. RBA Prudential Statement 'Capital Adequacy of Banks' August 1988.

This notwithstanding, the majority of these companies have been funded by Beneficial Finance by loans to the off balance sheet companies in the normal course of lending business. As such these loans are on balance sheet assets of Beneficial Finance and fall within the formal basis of calculation of Reserve Bank capital adequacy for the State Bank Group.

Any doubtful loans have been fully provided for and there has been no attempt to conceal the true debt, non-performing loan, or asset position of the group.

QUESTION TIME

BENEFICIAL HOLDINGS

Mr D.S. BAKER (Leader of the Opposition): I acknowledge the return to the House of the member for Henley Beach and, on behalf of my colleagues, I express the hope that he is fully recovered. Will the Treasurer say why Beneficial has recently sought and been given approval from the National Companies and Securities Commission to restrict the reporting of its subsidiaries and off balance sheet companies so that only consolidated accounts are published at the end of this financial year, and does the Treasurer endorse this move to restrict the group's accountability to taxpayers, depositors and to this Parliament? On 3 August 1990 Beneficial Holdings applied to the National Companies and Securities Commission, among other things, 'to be relieved from the applicable requirements of the code in relation to the making out, auditing, lodging and publication of their respective accounts'. The NCSC gave Beneficial conditional approval on 25 November 1990.

The Hon. J.C. BANNON: I will refer that question to the Beneficial board and bring down a reply for the honourable member. I imagine that any action taken in this area would be in accordance with the commercial interests of the company and I am sure that the Leader, and indeed any member of this House, would not wish to impede that operation. The Leader points out that whatever is being done is being done by consultation and, presumably, by authorisation of the competent authorities. I would not expect there to be any less in that respect.

NEWSPAPER RECYCLING

Mr FERGUSON (Henley Beach): I acknowledge the compliment paid to me by the Leader of the Opposition. Will the Minister for Environment and Planning confirm that Australia's newspaper publishers are contributing towards the maintenance of newspaper recycling schemes? What is the extent of this assistance, and how is the program administered?

The Hon. S.M. LENEHAN: No-one in this House is more pleased than I to have a question asked of me by the member for Henley Beach, and I thank him for his ongoing interest and involvement in the whole area of newspaper recycling. We are now looking at the whole question from a national perspective. I am delighted to inform the House that the Australian Publishers National Environment Bureau has established a fund of $4 million to be paid over the next two years to promote community newsprint recycling. Charitable organisations, service clubs and youth groups are among those to benefit from a $288 000 grant to support recycling of waste newspaper in South Australia. In fact, the $288 000 is our share of the national $4 million grant and has been calculated on the basis of the proportion of newsprint and newspapers we use in South Australia.

The State Government and the Publishers National Environment Bureau have decided that the charitable organisations and small groups such as service clubs and youth groups will get a subsidy of $20 for every tonne of old newspapers they collect from kerbside collection schemes. The funds will be paid over the next two years pending the development of a recycling plant at Albury, which would use large quantities of old newsprint.

The South Australian recycling fund already covers the area of research, new product development and industry assistance, and we consider that the best use of South Australia's portion of this fund is to help maintain established collection schemes which, as every member of this House would know, are under threat because of the drop in the price—and this is of course worldwide—that is paid for waste newspaper. The $20 a tonne subsidy will help to bridge the gap between the cost of running these schemes and the income which they generate. It is the wish of both the Publishers Environment Bureau and the Government that within the two-year period—in other words, when the Albury recycling newspaper plant is up and running—we will not need to continue this subsidy for the kerbside collection of newspapers.

STATE BANK

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is to the Treasurer. What is the connection of the company Pegasus Leasing Limited with the State Bank group; why do its directors include Michael Hamilton and John Malouf; and why do its shareholders include John Baker, Erich Reichert and Beneficial Finance's off balance sheet company Malary?

The Hon. J.C. BANNON: I will obtain a response to that question for the honourable member.

URBAN DEVELOPMENT

Mr McKEE (Gilles): Will the Minister for Environment and Planning provide details of the agreement reached at the recent meeting of Commonwealth and State Housing and Planning Ministers to develop a joint approach to a program to achieve a more efficient, equitable and appropriate urban style of living?

The Hon. S.M. LENEHAN: In answering the honourable member's question, I would like to acknowledge my thanks to the Opposition for allowing me to have a pair to attend this national conference, which was the first national conference ever to be held in Australia and involved Ministers of Housing and Construction and Ministers of Planning. I had the honour to represent my parliamentary colleague and friend, the Minister of Housing and Construction, and my own ministerial portfolio.

This conference was of great importance because it set the agenda for a review of the framework for the planned development of Australian cities. More appropriate and affordable housing was a clearly recognised and agreed priority by all Ministers who attended. Urban infrastructure also has to be used more efficiently. Urban expansion must be carefully controlled and urban consolidation—as we have in South Australia—must continue to be encouraged; indeed, we must ensure that we move along the path of urban consolidation.

The conference recognised that community housing needs were changing in response to an ageing population and smaller and different households, and that urban development needs to take these issues into account. The conference acknowledged the leading role shown by South Australia in providing both affordable housing and a wider variety of housing styles.

It is important to acknowledge the fact that Ministers from other States pointed out that South Australia not only has the most affordable housing of any State of Australia, but for about the past 10 years we have had consistently the smallest increase in the cost of land on the urban fringe and in the cost of housing. Sometimes we are a little shy about standing up and talking about our achievements. This

Government's initiatives in urban consolidation and the provision of innovative housing developments are widely recognised as providing positive models for future directions.

STATE GOVERNMENT INSURANCE COMMISSION

Mr BECKER (Hanson): Did the Treasurer give SGIC his approval under sections 3, 12 or 16 of the State Government Insurance Commission Act for a mortgage loan to the company Number One Anzac Highway in respect of a property at that address, and is he satisfied that this investment was appropriate and involved no conflict of interest? United Landholdings Proprietary Limited owns Number One Anzac Highway Proprietary Limited which holds title to the land and a large empty $26 million building at that address. The property was mortgaged to SGIC at the end of October 1988. The total value of SGIC loans secured by mortgages on commercial properties at the end of the financial year 1988-89 was $22.89 million. At the time of the Number One Anzac Highway mortgage, company directors included Mr Vincent Kean, who was also Chairman of SGIC.

The Hon. J.C. BANNON: I am aware of the transaction. As to whether or not I was required to give specific approval, I will check the information and provide the honourable member with a reply. As to the Chairman of SGIC (Mr Vin Kean) being involved as a director of the property, I know that, in any instances where there may be conflict of interest or an interest has to be declared, Mr Kean withdraws his chair and does not take part in such decisions, as would be proper.

I place on record my appreciation of Mr Kean's role as Chairman of SGIC. He has been a driving force in ensuring that SGIC maintains a strong South Australian profile, strategic in its investments and support of our overall local economy. Part of the reason that he has been able to do that is the experience he draws on as an active and successful South Australian businessman, and it is important that we see people such as Mr Kean willing to undertake directorships and involvement in public enterprise of this kind. It means that we have access to an expertise that we might not have within our own pure public sector.

The use of such outside directors, as it were, has been strongly encouraged in past years, and I certainly support it very much. Of course, anyone taking on a position in a public sector enterprise understands the requirements of disclosure of interest, and so on, that take place in any transactions that occur. However, I would hate a situation to arise where there is reluctance on the part of prominent business people to undertake this kind of public service—and, in Mr Kean's case, without fee—if they felt that, by doing so, they would expose themselves to unreasonable criticism. I will bring back a considered response for the honourable member.

HOME CLERICAL WORKERS

Mr De LAINE (Price): Is the Minister of Labour aware of overseas companies which are trying to enlist South Australians to do clerical work for them from their own home? I understand that a Malaysian-based company has been advertising in the local press for home workers. Inquiries about this work are followed by a letter which fails to detail any conditions of rates of pay but asks for $100 in registration fees and deposits.

The Hon. R.J. GREGORY: I thank the honourable member for his question, because it raises a problem that is emerging in our society with a growing number of people working at home, particularly clerical workers. It is thought that about 7 000 women in South Australia do clerical work from home, and I urge all people who are considering that sort of work to be wary of offers made to them by some overseas companies, and by companies in Australia and this State.

I have seen reports of this newspaper advertisement, which comes from Malaysia and which advertises for people to do clerical work from home. I have also been shown a letter that apparently came from that company, based in Kuala Lumpur, inviting people to become part of an international network of home workers. I have several concerns about that letter. The work listed includes the typing of letters and the typing and copying of mailing lists. However, it mentions that anyone joining this network will not be employed but will remain an independent contractor. This means that the home worker must carry his or her own workers compensation, superannuation and other costs, including equipment.

People involved in clerical home work or considering any outwork should establish whether they are employees or self-employed. They should also be aware that, under award conditions, clerks earn about $12 an hour for basic work in ordinary hours. The letter mentions a $40 non-refundable registration fee and a $60 deposit. I have referred the letter to the Department of Labour in an attempt to gain more information about this company. It may be that the letter will be referred to the Federal Department of Industrial Relations.

I urge all home workers to make themselves aware of conditions applying in their industry and of their entitlements as workers. I also advise the House that the State Government has provided a grant of $30 000 to the Working Women's Centre to investigate further the area of clerical home work. Among the work to be carried out under that grant, and in consultation with home workers, the centre is developing a booklet on the rights of clerical workers.

I should also like to advise the House that from time to time I have seen advertisements of an international nature calling on people who are interested in doing work for oil companies throughout the world; a high registration fee is involved, virtually no work is provided and there is no job guarantee—it is merely a rip-off.

STATE GOVERNMENT INSURANCE COMMISSION

Mr INGERSON (Bragg): Did the Treasurer give SGIC his approval under the SGIC Act to take out a $520 million put option on the property at 333 Collins Street, Melbourne; is this the only put option still active; why was such a large risk taken; and is the Treasurer confident that SGIC will not have to buy the building and suffer a loss on the transaction? SGIC is owned by all South Australians, who have to make good any losses because of its State Government guarantee. SGIC's chief executive is quoted in the *Advertiser* of 29 November as saying that a $200 million line of credit has been arranged in case SGIC has to buy the Collins Street building for $520 million. This price would amount to one-third of SGIC's total assets. The Opposition has been informed that the current value of the building is less than $400 million, which could see SGIC carrying a loss of over $100 million.

The Hon. J.C. BANNON: In order to give the honourable member a full and considered reply, I will take all aspects of that question on notice. The honourable member, rightly,

draws attention to the statement and comments reported in the *Advertiser* of 29 November, but I agree with him that that would require further elaboration.

FOUNDATION SA

Mrs HUTCHISON (Stuart): Will the Minister of Health inform the House whether there is any possibility of Foundation SA guidelines being amended in order to assist talented young country athletes by providing support for them to travel to the city to obtain top quality training facilities? It has been pointed out to me that, currently, there is no provision for any assistance to these young country athletes to access coaching, training and sports medicine facilities to enable them to compete at the highest levels their talents will allow.

The Hon. D.J. HOPGOOD: That is a very good question, as one or two of my colleagues have indicated. However, I point out that the Parliament, in setting up the legislation which guides the destinies of Foundation SA, went to quite extraordinary lengths to ensure that Foundation SA would not be subject to what some would call political interference. Those are lengths of which some members opposite have subsequently repented, because there were some calls from Opposition sources not so very long ago for Foundation SA to come under some greater control or accountability. That must, by definition, involve some degree of political interference.

The only reason for my preaching this slight sermon is to point out to the honourable member that I am not—nor do I want to be—in a position to direct Foundation SA in a particular way, no matter how desirable that way might be. The best that I can do for the honourable member is simply to have the *Hansard* record of her question and this answer forwarded to Foundation SA, and it will be for the board of trustees to determine whether the policy should be modified in the direction the honourable member sees as desirable.

STATE GOVERNMENT INSURANCE COMMISSION

Mr S.G. EVANS (Davenport): I direct my question to the Premier, as Treasurer. What is the reason for the continuing delay in the release of SGIC's 1989-90 annual report? Has the Treasurer had any discussions with SGIC concerning changes in the commission's investment strategy and in the presentation of the accounts and, if so, what were they? Will the Treasurer ensure that full details of the remuneration packages paid to senior executives and commissioners are released with that report?

The SGIC annual report is normally released by September and last year the key results were included in the 1988-89 Auditor-General's Report to Parliament tabled on 5 September 1989. This included details of the written-down value of certain shares, comment on property investments and a suggestion that the commission formalise and improve its investment policy.

This year the results were not included in the Auditor-General's Report tabled on 4 September, and the SGIC response to fortnightly inquiries about the release time of the annual report has been to say that it is due at the end of the month or that it is at the printers. The Opposition has been informed that the report exists and was finalised and dated 5 September 1990. Yet, this disturbing situation of the report being withheld while Parliament is sitting has gone on now for more than three months.

The Hon. J.C. BANNON: I, too, am concerned about the delays. I was even more concerned when I read in the media that an advance copy of the report had been provided to the media, and I immediately inquired, 'What is this advance copy and, if there are advance copies around, perhaps I could have access to one as well.' However, the standard procedure, as far as I am concerned, is that the Chairman presents the SGIC annual report to me, and that has not in fact taken place.

There is a draft in existence, and I do not know how long it has been in existence. The reasons, I understand, for the delay—and the honourable member is quite right; it normally has been available in September in the past—are a combination of audit and printing requirements. All I know is that the Chairman has assured me that I will be getting the report. But, at this stage I have not received it.

Members interjecting:

The SPEAKER: Order! The member for Napier is out of order.

BIRKENHEAD BRIDGE

Mr De LAINE (Price): Will the Minister of Transport investigate the possibility of putting a load limit on the Birkenhead bridge? Many large and heavy trucks are creating havoc by unnecessarily going through the main business area of Port Adelaide on their way to Outer Harbor and other places on the LeFevre Peninsula. The Birkenhead bridge is ageing and was not designed for the massive loads of today. If a load limit was placed on the bridge, it would increase the life of the structure by forcing trucks to use the Grand Junction Road extension and thus bypass the commercial centre of the Port.

The Hon. FRANK BLEVINS: I thank the member for Price for his question. I am aware that this is an issue that has been concerning him for some time; it has been mentioned to me on several occasions. The Birkenhead bridge is an essential part of the roads system serving LeFevre Peninsula and is in very good condition both as a bridge to cope with vehicular traffic and as an opening bridge to let pass vessels which need to enter the upper reaches of the Port River. The bridge is inspected on a regular basis by officers of the Department of Road Transport, is subject to a planned ongoing maintenance program and is assessed as still having a long and useful life.

In 1987 work was carried out on the bridge to provide a more durable surface for use by road traffic and also to upgrade the electrical and mechanical systems associated with the passage of river traffic. It is currently assessed as having the capacity to support the types of vehicles that are using it. Accordingly, I am afraid that there is no justification at present for imposing a load limit on the bridge—a measure that would also be disruptive to local traffic movements in view of the access required to the Port Adelaide wharves and associated industrial areas.

I understand that the member for Price is concerned, and I am sure that others in this House share that concern. It is a classic dilemma as to how much traffic we permit and how much control we have; where there is a mixture of industrial and residential areas, it is always a dilemma. We believe that the character of Port Adelaide is such that on the whole the people there do understand that to have a thriving community with local employment opportunities some disruption to their lives by traffic will occasionally occur. I can assure the House that the bridge is sound, it is regularly inspected and the vehicles that travel on it are not doing the bridge any damage whatsoever.

ADELAIDE GRAND PRIX

Mr OSWALD (Morphett): Does the Premier condemn actions supported by the Queensland Government which have clearly jeopardised the future of the Adelaide Grand Prix, and what representations is he making to Premier Goss to stop these actions? Media reports today would demonstrate that the Adelaide Grand Prix is now guaranteed for only 12 months.

Mr S.G. Evans interjecting:

The SPEAKER: Order! The honourable Premier.

The Hon. J.C. BANNON: The honourable member's question is appropriate as the Executive Director returned today from the meeting in Paris last week at which we were awarded the trophy for the best presented Grand Prix of the circuit for 1990, which means that twice in six occasions we have actually succeeded in receiving that trophy, for which I congratulate all those involved and, in doing so, congratulate the community of South Australia as well, because it is the environment in which the event is held which I believe gives it a very special quality, as recognised by drivers, teams and all those others involved in the Grand Prix.

The honourable member would be aware that this concern surrounding the so-called Indy CART race in Queensland has existed for some considerable time. We have no power to prevent such a race being conducted and there does seem to be a determination on the part of the promoters of that race to stage an event: that is fine. The problem is that, in doing so, that obviously has severe ramifications at the international level, not least on our own sanctioned Formula One Grand Prix event. It would also affect the rally event in Western Australia, which is an FIA sanctioned event; it would affect chances in establishing a touring car event in Australia: and it might also spill over into other sports, such as motorcycle racing, because there is obviously close collaboration and discussion by those international organisations. If Australia develops a reputation as some sort of pirate operator in this area, quite rightly we would lose access to internationally sanctioned events. That is the last thing which I believe should happen.

One of the problems we face is that, at the international level, it is difficult to explain the nature of Australia as a federation—that is, the actions of one State do not necessarily represent either national policy or the policies of other States—and we have been at pains to point out that situation to the FIA. In terms of what direct action we can take, apart from the representations that have been made, we are acting to protect our copyright in the term 'Grand Prix' as it associates with motor sport. I wrote in October to the Queensland Premier pointing out the situation and suggesting that appropriate amendments should be made to the Queensland Act; or, at the very least, those who are picking up contracts or attempting to gain franchises should be aware that, apart from purely within Queensland itself, they would have no protection, and unfortunately the Queensland Government has not seen fit either to amend its Bill or to issue such instructions.

I noticed a recent statement by the Queensland Treasurer (Mr De Lacey) saying this was too late for them to make adjustment. That is absolute nonsense. They were given plenty of notice. If they had bothered to consult us right from the beginning, it would have avoided many mistakes that have been made in the lead up to preparing for this event. The situation now is that the Queensland Government feels that, as part-promoter of this event, it is locked in and therefore is not prepared to back away. The consequences of that long term could be quite considerable. What we have been able to do is achieve a guarantee for the 1991 event. What action can be taken over the next 12 months is being considered at the moment.

There will no doubt be an event in Queensland, and it will be interesting to see what the implications of that are and how the costs and other matters associated with it come out. In the meantime, we have been making statements within the power that we retain. Of course, we are supporting CAMS (the governing body of Australian motor sport) in this; I had a letter from the President, Mr Large, quite recently, affirming statements he had made at the time of the Grand Prix that that organisation was sticking with the international organisation, but it is under considerable pressure through legal and other means, as I understand it.

The Hon. D.C. Wotton: Have you made representations?

The Hon. J.C. BANNON: I do not think it is appropriate for me to respond to interjections, but I have talked about correspondence taking place. If the honourable member had actually viewed the television news—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON:—he would have seen me at the time of the Premiers Conference talking about the discussions I had with Mr Goss at that time. I am sorry he missed it.

The Hon. D.C. Wotton interjecting:

The SPEAKER: Order! The member for Heysen is out of order.

The Hon. J.C. BANNON: That is the situation as it stands at the moment. I am delighted that we have ensured that there is absolutely no problem with the event in 1991, and I do not believe that that event should be under threat in subsequent years, either.

PORT WAKEFIELD ROAD

Mrs HUTCHISON (Stuart): Can the Minister of Transport inform the House what is the current position regarding the upgrading of the highway from Two Wells to Port Wakefield? As a frequent user of the road, I note that materials have been accumulated. However, it would appear that work has not yet commenced.

The Hon. FRANK BLEVINS: I thank the member for Stuart for her interest in the road. She does have a vested interest, of course, driving on it at least twice a week, as do the members for Goyder and Custance and a number of others.

Members interjecting:

The Hon. FRANK BLEVINS: We are spending it all in your electorate, are we? The present status of the project, as requested by the member for Stuart, is detailed as follows:

Dublin—Two Wells Section

Deliveries for large box culverts at a value of $1.5 million for the River Light flood plain section are almost complete, with units stored on site. Pavement materials have been produced by a crushing contract and stockpiled at Dublin; quantity is 370 000 tonnes; value $2.9 million. Accommodation works to adjacent properties are well advanced. Relocation of services will commence in early 1991 and should be completed by September 1991; estimated value $0.7 million.

Construction work on this section is planned as two contracts. Contract No. 1 will commence in mid 1991, and involves construction of a bridge over the River Light and sixteen large box culverts, estimated value $2.0 million. Estimated completion of Contract No. 1 is early 1992. Contract No. 2 involving 20 km of roadworks between Dublin and Two Wells is programmed to commence in September 1991, at an estimated value of $8.0 million, and is expected to be completed by early 1993.

Wild Horse Plains—Dublin Section

Pavement materials have been manufactured and are stockpiled at Dublin; quantity is 360 000 tonnes, value $2.8 million. Accommodation works are in early stages, and will be undertaken throughout 1991. Relocation of services is also expected to be completed in 1991, estimated value $0.6 million. Contract No. 3, involving 20 km of roadworks between Wild Horse Plains and Dublin, is programmed to commence in September 1992, and be completed in early 1994, estimated value $7.0 million.

Wild Horse Plains—Port Wakefield Section

A contract for the construction of 25.5 km of roadworks between Wild Horse Plains and Port Wakefield is programmed to commence in January 1993, and be completed in mid 1994, estimated value $7.3 million. Design stage of the project is not completed, so the extent of the accommodation works and service relocation has not been finalised. A material deposit for the production of crushed rock is currently being investigated. A contract for the supply of crushed materials is scheduled to commence in November 1991, estimated cost $2.0 million. Costs are preliminary estimates only at this stage for that portion.

WILLIAMSTOWN TIMBER MILL

The Hon. E.R. GOLDSWORTHY (Kavel): Will the Minister of Forests order a further investigation of the financial management of the Williamstown timber mill and make a full and considered statement on this matter when the House resumes in the new year? In a ministerial statement on 15 August to address a number of issues I raised on 8 August, the Minister specifically denied that the Timber Corporation mill had ever been a party to litigation in respect of plant acquisition, and also denied that the mill Manager had taken full pay while working part-time. I have in my possession documents to show the Minister's statement misled the House on both counts.

In relation to litigation, I have two faxes dated 29 August 1989 which shows that the mill was involved in litigation with Thatcher Sawmill Equipment Supplies, of Seaford, Victoria, and Windsor Engineering Group Limited, of Wellington, New Zealand. The documents record the Timber Corporation agreeing to pay an amount of $38 040 to Thatcher 'as full and final settlement of all claims', and an offer of $25 000 made to Windsor Engineering by SATCO to settle its claim. I understand these claims related to equipment purchased for the mill but never used.

In relation to the mill Manager, Mr Gray, I have in my possession a memorandum he signed dated 12 December 1989 advising that, as from 2 January this year, he would be 'commencing part-time employment from Port Vincent' and that this situation would continue until 30 June. To cover this situation, two other employees were nominated for higher duty allowances. I also have copies of SATCO creditors' vouchers showing that on 9 May this year SATCO paid amounts totalling $3 289.70 to Mr Gray as follows: $1 427 to a Commonwealth Bank account; $362.70 for a Commonwealth bankcard as part of his salary package; and $1 500 in wages for a month, which represents his full pay.

I am advised that these payments constituted a full-time salary payment, whereas the Minister told this House on 16 August that Mr Gray had worked during this year 'on a three days per week basis'. I would be happy to give these documents to the Minister for further investigation of serious financial mismanagement of this mill in the period before its closure.

The SPEAKER: Order! The honourable member has been here for a long time and knows that comment in an explanation is out of order.

The Hon. J.H.C. KLUNDER: I thank the honourable member for his question. Obviously, when he asked me a question earlier this year I asked the SATCO management to provide me with a report and my reply was on that basis. If the honourable member has any information that will throw light on anything that he has raised here, I will be pleased to examine it.

SPORTS AWARDS

Mr HAMILTON (Albert Park): Will the Minister of Recreation and Sport inform the House of the results of the Wang Sports Australia Awards announced last night in Melbourne, in particular what award was gained by the second Australian Masters Games held in Adelaide last year?

The Hon. M.K. MAYES: I thank the member for Albert Park for his question. It is appropriate that he should ask the question, in view of his endeavours. I believe that on 16 December he is about to set off on another journey to Port Pirie as part of his fundraising and the excellent contribution he makes to the community. It is a good example that many South Australians follow and one exhibited by the achievements of the people who are involved in the organisation of the second Australian Masters Games last year.

The chief executive of the department was in Melbourne last night for the award presentation and the second Australian Masters was awarded the prize for best organisation and presentation of a sporting event for the year. That is a very outstanding award to be presented to the Masters Games and certainly for those people involved, in particular for the Government, which played a significant part in the organisation and support of the Masters Games. The three finalists in that category were the second Australian Masters Games, the world women's hockey championships and the Phillip Island Motor Cycle Grand Prix. So, we were chosen from a fairly esteemed and prestigious group. The selection is made by members of the Confederation of Australian Sport and the applicants are judged as a peer selection, so, in essence, one can see the democratic process in this selection.

The Premier referred to the award given to this year's Grand Prix, which was another feather in our cap and a credit to this State and its achievements in organising sporting and other festivals. The factors used in the selection of the award for the Masters Games were: the size of the event—it was the biggest sporting event in terms of competitors (8 200); the complexity of organisation—it included 42 different sports; and its success in meeting all the objectives set and the promotion of Masters sport. I think we can say that, from our assessment, all of those factors were achieved and, from peer group selection and from outsiders, it can be seen that the Masters Games were a great success.

This success has laid a great foundation. Not only were we endeavouring to promote this city for Masters events—and that has greatly benefited the community—but also to lay a framework to see how this city would respond to a sporting festival of that size and to see how we would manage it. Our success highlights and reinforces the view that this Government has taken, and which is supported by the Opposition, that we should bid for the 1998 Commonwealth Games. The nature of this State, its assets and the people of the community will support us in winning that event. Our success is a credit to those people who have been involved and who supported the Masters Games—I want to thank them personally, and the organisers and officials of those 42 sports. I congratulate them.

MEMBER'S STATEMENT

The Hon. B.C. EASTICK (Light): Did the Police Commissioner offer the Minister of Emergency Services a copy

of the statement made to the police last week by the member for Bright or did the Minister seek it from the police?

The SPEAKER: The Chair will bypass that question. A question was asked yesterday on this topic and the Chair wishes to check what was said.

LITERACY

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Employment and Further Education explain what is being done in South Australia to improve standards of literacy, particularly amongst workers in this State? I have been told that an estimated 13 per cent of the Australian work force has inadequate literacy skills by international standards. I also note that the National Consultative Council for the International Literacy Year, chaired by Margaret Whitlam, is meeting in Adelaide today. Many of my constituents have told me that it is essential that action be taken at State as well as national level to address this problem.

The Hon. M.D. RANN: The member for Napier has caught me somewhat by surprise with this question, but nevertheless I can tell him that I have spoken with Mrs Whitlam this morning.

Members interjecting:

The Hon. M.D. RANN: This is a question about literacy in the workplace, not the literacy or literary merits of members of the Opposition, who are about to change their Deputy Leader, I understand. TAFE in South Australia is to mount a major program to improve literacy skills in the workplace to help meet the diverse needs that have been highlighted during the International Literacy Year. In a unique cooperative arrangement, which I am pleased to announce to the House today, the Commonwealth Department of Immigration, Local Government and Ethnic Affairs and the South Australian Department of Employment and Technical and Further Education have brought their resources together to offer an integrated service to industry in Australia, based at the Adelaide College of TAFE.

The program involves offering a consultancy service to industry through one of five 'focus' colleges which will, over time, be staffed to carry out this function, and the offering of a direct teaching service through the local TAFE college. Whyalla, South East, Noarlunga and Elizabeth colleges of TAFE join Adelaide College in offering consultancy services in 1991 to ensure that South Australian industry has access to the new programs wherever they are located.

The consulting service involves the detailed work of examining the literacy task of various occupations in the workplace, some analysis of the literacy skills of workers and the development of an appropriate training program. It has been quite clear from my discussions with industry that the award restructuring process has been hampered by the large percentage of workers who lack basic literacy skills. This must be a priority in terms of award restructuring and in terms of the needs highlighted during the International Literacy Year.

Currently, the resources devoted to workplace education include the $160 000 contribution of the Federal department towards the 'English in the workplace' program, a new allocation of $140 000 announced in the recent State budget, and special International Literacy Year funding from the Commonwealth of $25 000 to support the implementation of this pioneering policy. Some additional Commonwealth funds of the order of $70 000 will be directed to the program in 1991, and there will be an additional—I underline that—$60 000 from the State Government.

The emphasis on workplace education is complementary to a continued growth in the TAFE college based provision to service the needs of the many workers in small business where an on-site program is inappropriate. In addition, the modern industrial workplace, with its rapidly changing technology, demands a flexible and educated work force. A recent study found that workers in 1989 could expect 50 per cent of their current technical job specific tasks to be redundant within three to five years.

In order for workers to take advantage of the new career pathways and opportunities for training and retraining that will arise, they will need to be competent in literacy and English language skills such as reading, numeracy, speaking and critical thinking. Obviously, I know that all members would agree with me that literacy is the foundation stone of Australia's future.

Members interjecting:

The SPEAKER: Order! I have perused the question asked by the member for Light, and I will now allow it.

MEMBER'S STATEMENT

The Hon. B.C. EASTICK (Light): I will repeat my question to the Minister of Emergency Services. Did the Police Commissioner offer the Minister a copy of the statement made to police last week by the member for Bright, or did the Minister seek it from the police?

The Hon. J.H.C. KLUNDER: Mr Speaker, I take your ruling to mean that the matter to which the honourable member referred is different from the matter of privilege discussed yesterday, when I indicated that I was unhappy to answer that question. However, I accept that the ruling makes it a different item. I asked the Commissioner on the relevant date, whatever it was, to send someone to the member for Bright to ask the honourable member whether he wished to make a statement to the police. I did that through my officers. Consequently, I do not know, but I am willing to check, whether the officer who rang the Police Commissioner asked for a statement from the member for Bright to be forwarded to me.

I certainly did not instruct that to happen but, clearly, I am not able to answer a question about something of which I have no knowledge. My instruction was that the Commissioner should be asked to send an officer to the member for Bright to ask whether the honourable member wished to make a statement. That is what I did, but I am willing to check whether or not extra statements were made by my officers.

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: That wasn't the question, was it? I am not able to make a statement off the cuff, so I will check it.

GRAFFITI

Mr BRINDAL (Hayward): My question is directed to the Minister of Emergency Services. Following an incident related to graffiti which occurred in my electorate last week, will the Minister find out whether it has been reported to the police and whether police action is intended? After hearing the details, will he say whether or not he is concerned at a situation in which ordinary citizens feel compelled to take the law into their own hands? When does the Government intend to do something constructive about the graffiti problem?

Members interjecting:

The SPEAKER: Order! The member for Albert Park is out of order.

Members interjecting:

The SPEAKER: Order! Comment is coming into the questions again. The next person to bring comment into a question will have leave withdrawn.

Mr BRINDAL: I do apologise, Sir. I have been advised that an elector, driving down Sturt Road, observed a youth of 12 or 13 applying graffiti to a private fence by means of a spray can. My elector, I believe, parked his car a little further down the street, got out of it and spoke to the youth, demanding to know what he had under his jacket. When he was told 'Nothing', the person accused him of being a liar, of possessing a spray can, and demanding that it be handed over. When the youth complied, the person concerned proceeded to graffiti the youth by spraying his clothing with the can that the youth had used on the fence. As he hurriedly disappeared down Sturt Road, the youth threatened my elector that his father would report the matter to the police.

The Hon. J.H.C. KLUNDER: I have not heard about this incident, although I do not expect that every single incident that comes to the attention of the police is automatically brought to my attention. If it were, clearly, I would not have the capacity to deal with the information I would receive in that way. On the information that the honourable member has supplied to the House, this is clearly not a simple matter. It is a matter in which people, for various reasons, took the law into their own hands.

I do make the statement that one should always try to avoid taking the law into one's own hands, because, by doing so, it is possible to remove oneself from being in the right to being in the wrong. That is always something that, as a matter of course, people should attempt to avoid. As to the honourable member's comment about whether or not we are taking graffiti seriously, figures were given in this House earlier as to the cost to the Government of having to deal with the effects of people spraying graffiti around the place, so both the Government and the police do take these matters seriously. Now that the honourable member has asked the question, I will obtain a response from the police.

TOUR OPERATORS IN NATIONAL PARKS

Mr HOLLOWAY (Mitchell): Is the Minister for Environment and Planning aware of the concern expressed in some quarters about the licensing of commercial tour operators in South Australia's national parks system?

The Hon. S.M. LENEHAN: For several years now, the National Parks and Wildlife Service has made creative and profitable use of the General Reserves Trust, which enables each park region to generate funds for certain services and to reinvest those funds in the parks for the benefit of park visitors. While the National Parks and Wildlife Service has 102 permanent rangers and 46 park assistants, the General Reserves Trust enables the parks service to employ a further 60 part-time staff during the peak visitor periods.

This takes some of the load from the permanent staff and provides park visitors and members of the public with not only an infinitely better service but one based on commonsense. In other words, when the parks most need extra staff, we are able to provide that staff through the General Reserves Trust. I was surprised to learn that anyone could regard such commercialisation as undesirable, and quite amazed that anyone should object to the suggestion that the commercial tour operators be able to conduct commercial tours in our parks without making some form of contribution to the ongoing maintenance of the parks they use.

I think that all members of this Parliament would support that position. I am pleased to say that, under a proposal currently being considered, we are investigating whether commercial operators licensed to operate in our parks should from now on be required to have a certain degree of knowledge of the natural and human history of the parks on their own itinerary, and that the tours be expected to meet certain standards of performance.

I am sure that the shadow Minister will welcome the suggestion that tour operators have some degree of understanding and knowledge of the parks into which they are taking visitors, and that they maintain a certain standard of service and professionalism. I am sure that anyone interested in the national parks system and in tourism in this State will agree that these things are absolutely essential.

The National Parks and Wilfdlife Service has nothing to fear from commercial tour operators and, indeed, welcomes the additional visitation and funds that well managed, well planned and well programmed tours will bring to some of our more remote parks and reserves. In short, I am aware that there is concern. I trust that my answer will alleviate any concern that is being felt by any member or individual in the community.

MEMBER'S STATEMENT

The Hon. B.C. EASTICK (Light): Will the Minister of Emergency Services determine who obtained the police report relating to the statement of the member for Bright? On whose authority was it handed to them? Who handed the document to the Minister of Correctional Services? Will the Minister make that information available to the House tomorrow?

The Hon. J.H.C. KLUNDER: I can make one piece of that of information immediately available to the honourable member: as to the person who handed the information to the Minister of Correctional Services—I did. As to the chain of paperwork up to that stage, I will indeed need to take that on notice and bring back a reply at some stage.

Members interjecting:

The SPEAKER: Order! The Deputy Leader is out of order. The honourable member for Albert Park.

RAIL PASSENGER DISRUPTIONS

Mr HAMILTON (Albert Park): Will the Minister of Transport investigate complaints that some STA rail passengers are being unnecessarily inconvenienced?

Members interjecting:

Mr HAMILTON: Well may members opposite laugh. A constituent who lives at Seaton advises me that when he arrives at the Adelaide Railway Station in the mornings to catch the 6.42 a.m. industrial train, which I understand goes to Elizabeth, an inspector sits there and watches the passengers board the train, allows them to validate their tickets and take a seat and, just before the train is due to depart, the inspector, it is alleged, announces that it will not be making the trip due to the dispute. My constituent is naturally angry about this matter and asks that I raise it with the Minister to have it rectified.

Members interjecting:

The SPEAKER: Order!

Mr Hamilton: If you want, I will give you his address. Go and talk to him.

The SPEAKER: Order! The honourable Minister of Transport.

The Hon. FRANK BLEVINS: I will certainly have the incident investigated. The question gave some information that will enable us to identify the particular train, the incident and so on.

Mr D.S. Baker: You will get the police in, I suppose.

The Hon. FRANK BLEVINS: If necessary, yes. If that is a practice that indeed happened, I am quite sure that it would not he representative of what has happened throughout the rail service over the past couple of weeks. It is unfortunate that the ARU has taken the action that it has over the past couple of weeks. I think that the degree of disturbance that passengers have suffered has been totally unnecessary, and the ARU ought to have a look at its methods during an industrial dispute.

There is an unofficial ruling in the transport industry that, when trains, buses or any other public transport bring people into the city in the morning, they always take them home before any industrial action takes place. That has not occurred over the past couple of weeks, and I think that that is to be regretted. If the ARU has a dispute with the STA, of course it is entitled to do that. But, I believe, it has an obligation to the passengers not to cause the level of disruption that it has caused over the past couple of weeks. I am pleased it appears that the dispute does appear to be moving towards a resolution. The Industrial Relations Commission appears to have found a formula that looks promising, and I look forward to the trains operating uninterruptedly during the period of the board of reference and after that. Hopefully, we will see a satisfactory resolution to the dispute.

DEPARTMENT OF MARINE AND HARBORS

Mr MEIER (Goyder): My question is directed to the Minister of Marine. How many employees of the Department of Marine and Harbors have accepted voluntary separation packages offered by the department and what will be the cost to the department?

The Hon. R.J. GREGORY: I have no idea exactly how many offers have been accepted at this stage, nor do I know exactly how much it has cost.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: The member for Victoria is behaving like a child and his alter ego, the member for Mitcham, is also carrying on like one. Perhaps I should explain to the House the process being undertaken in the Department of Marine and Harbors. A considerable number of people were offered voluntary separation packages, and more than 100 responded to that offer. Some have sought redeployment; some have indicated they were interested in voluntary separation packages; some have indicated they were not interested in either. All those registrations of interest by the employees are being examined and, as they are appropriately approved by the Commissioner for Public Employment, the workers are being paid. I have no idea how many have been paid to this date. If I did know what it was yesterday, this carping mob on the other side would complain because at another time it was a different figure. I will find out exactly what it was at a certain time so they cannot carp.

PERSONAL EXPLANATIONS: MEMBER'S REMARKS

The Hon. FRANK BLEVINS (Minister of Correctional Services): I seek leave to make a personal explanation.

Leave granted.

The Hon. FRANK BLEVINS: Yesterday the member for Bright in his statement on privilege said the following:

> Despite the fact that I had earlier advised the Minister of Correctional Services that all information I provided on this matter in this House had been provided to the police on a previous occasion by other parties . . .

That is incorrect. At no time has the member for Bright spoken to me privately about this matter and certainly at no time in the House have I heard the member for Bright—

Mr Matthew: That's a lie!

The SPEAKER: Order! The honourable member has used a word that is clearly unparliamentary and I ask him to withdraw that word.

Mr MATTHEW: Mr Speaker, I withdraw the matter at this time and I wish—

The SPEAKER: That is not good enough. The honourable member must withdraw—utterly, clearly, unequivocally.

Mr MATTHEW: Mr Speaker, I apologise. The language was unparliamentary. I do withdraw.

The SPEAKER: Order! The honourable member is not listening.

Mr MATTHEW: I do withdraw.

The SPEAKER: He should just withdraw.

Members interjecting:

The SPEAKER: Standing Orders are very clear in this case. A withdrawal was required and it was achieved.

Mr MATTHEW: I did so.

The SPEAKER: The Chair has accepted that.

The Hon. FRANK BLEVINS: The *Hansard* record does show that at one stage members were interjecting, and the member for Bright says it was then that he made the statement and that is why it does not appear in *Hansard.* I am quite prepared to accept that explanation, but certainly I did not hear him.

Members interjecting:

The SPEAKER: Order!

Mr MATTHEW (Bright): I seek leave to make a personal explanation.

Leave granted.

Mr MATTHEW: The statement that the Minister read out today in fact is a repeat statement. I made exactly the same statement on Wednesday 5 December in a previous personal explanation. At that point in time, the Minister did not object to or query that statement because he knew it to be a statement of fact. Now, after I have made the statement on the record for a second time, he has seen fit to query that statement after the events of yesterday.

Honourable members: Hear, hear!

The SPEAKER: Order!

The Hon. FRANK BLEVINS (Minister of Transport): I seek leave—

Members interjecting:

The SPEAKER: Order! This matter is of extreme importance to the Parliament. The matter of privilege was debated in this place yesterday; it is an ongoing matter, and any member who disregards its seriousness will be dealt with. The honourable Minister:

The Hon. FRANK BLEVINS: Thank you, Mr Speaker; I seek leave to make a personal explanation.

Leave granted.

The Hon. FRANK BLEVINS: In the personal explanation just made by the very serious member for Bright, he said that this was the second time he had made the statement to which I objected. He may well be right. Having yesterday's *Hansard* today, which was the first time I saw it, I am quite prepared to accept the member for Bright's explanation.

Members interjecting:

The SPEAKER: Order! The member for Kavel is out of order.

Members interjecting:

The SPEAKER: The member for Napier is out of order.

The Hon. E.R. Goldsworthy: You make up the rules as you go along.

The SPEAKER: Order! I warn the member for Kavel.

CORPORATIONS (SOUTH AUSTRALIA) BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 22, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council but which is deemed necessary to the Bill. Read a first time.

The Hon. G.J. CRAFTER (Minister of Education): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

1. The objects of this Bill are:
   (a) to apply certain provisions of laws of the Commonwealth relating to corporations, the securities industry and the futures industry as laws of South Australia; and
   (b) to provide for their administration and enforcement and related matters.

2. The Bill forms part of a legislative scheme that involves the enactment of Bills by the Commonwealth, the States and the Northern Territory. The scheme is based on an agreement reached at a meeting of Ministers at Alice Springs on 29 July 1990.

The Background:

3. The Corporations Act 1989 ('the Corporations Act') and the Australian Securities Commission Act 1989 ('the ASC Act') were enacted by the Parliament of the Commonwealth as laws applying of their own force throughout Australia.

4. Following the High Court's decision in *SA and Others v The Commonwealth* (the Corporations case), the Commonwealth and the States agreed that the Corporations Act and the ASC Act should form the basis for future corporate regulation and that an applied law regime should be adopted by the States to enable those Acts to apply Australia-wide. This approach is also designed to overcome the constitutional uncertainty which would persist if the Commonwealth proclaimed those parts of the Corporations Act which were not affected by the decision in the Corporations case.

The Commonwealth Bill:

5. The Commonwealth component of the scheme is contained in the Corporations Legislation Amendment Bill, 1990, which was introduced into the Commonwealth Parliament on 8 November 1990.

6. In giving effect to the agreement, the Commonwealth Bill provides for the Corporations Act and the ASC Act to be amended to remove the current constitutional underpinning and to be recast as laws for the Australian Capital Territory. The aim of those amendments is to produce Acts which are in a form that can be applied by each State as the law of the State.

7. The Commonwealth Bill will insert at the beginning of the Corporations Act a series of sections ('covering provisions'), and will convert the current text of the Corporations Act (with other amendments) into a document called the 'Corporations Law'. The Corporations Law will be capable of being applied to any State or Territory by legislation of or applying in the State or Territory.

8. The covering provisions will apply the Corporations Law to the Australian Capital Territory.

9. The Commonwealth Bill will amend the ASC Act to convert it from a Commonwealth law applying of its own force thoughout Australia, into a law relating to the regulation of corporate activities and the securities and futures industries in the Australian Capital Territory. As with the Corporations Act, it has been agreed that the States will pass legislation applying the bulk of the provisions of the ASC Act to their own jurisdictions, and conferring powers on the ASC to administer the Corporations Law of their respective jurisdictions. The various bodies involved in the administration of corporations legislation will continue to be constituted under the ASC Act; these bodies are the ASC, the Companies and Securities Advisory Committee, the Corporations and Securities Panel, the Companies Auditors and Liquidators Desciplinary Board and the Accounting Standards Review Board.

10. Other matters are dealt with by the Commonwealth Bill. Some of these provisions have counterparts in the State Bills and are discussed below. Other provisions are necessary to the operation of the scheme, but will not be duplicated in the State Bills (e.g. the power to make regulations for the purposes of the Corporations Law).

11. Provisions relating to the buy-back of shares have been included in the Commonwealth Bill. This will update the Corporations Act to bring it into line with the current cooperative scheme law.

12. A small number of provisions have also been included in the Commonwealth Bill to clarify the operation of, and correct anomalies in, the fundraising provisions and to facilitate the operation of the ASC's national information system of computerisation of Corporate Affairs records.

13. Some technical amendments to provisions of the Corporations Act that are in need of correction or clarification are also included in the Commonwealth Bill.

The State Bill:

14. This Bill applies the Corporations Law set out in the Corporations Act as a law of this Stae. This law may be referred to as the Corporations Law of South Australia. The Bill also applies the provisions of the regulations made for the purposes of the Corporations Law. These regulations will be made under the Corporations Act, and may be referred to as the Corporations Regulations of South Australia. Provisions are included to make it clear that references in the applied laws to 'this jurisdiction' will mean the State.

15. The Bill also applies the substantive provisions of the ASC Act as a law of this State ('the ASC Law of South Australia'). The provisions relate to the functions of the ASC, and in particular to its investigatory powers, and to the functions of other bodies established under the ASC Act.

16. The Bill also applies the accounting standards made by the Australian Accounting Standards Board to the State.

17. The Bill contains provisions for the vesting and cross-vesting of both civil and criminal jurisdiction in matters arising under the Corporations Law.

18. The Bill contains provisions that apply provisions of Commonwealth laws (to the exclusion of relevant State laws) relating to offences, so that for all practical purposes offences against the applied laws will be treated as if they were offences against Commonwealth law.

19. The Bill confers powers on the ASC, the Australian Federal Police and the Commonwealth Director of Public Prosecutions in connection with matters arising under the applied laws. These powers will not be exercised by State authorities, except in accordance with arrangements made between the Commonwealth and the State.

20. The Bill applies administrative law of the Commonwealth to matters arising under the applied laws. This regime will extend to the Administrative Appeals Tribunal Act, the Administrative Decisions (Judicial Review) Act, the Freedom of Information Act, the Ombudsman Act and other Commonwealth legislation, and will apply to the exclusion of relevant State laws.

21. The Bill deals with other matters, including matters of a savings or transitional nature. The existing co-operative scheme legislation will be excluded to the extent that it is inconsistent with the applied law. Otherwise, the effect of current State law will, as a general rule, be preserved. References in existing State law to the existing co-operative scheme legislation will be automatically read as including references to the new laws, subject to mechanisms to deal with inappropriate or special cases.

The result to be achieved by the Commonwealth and State Bills:

22. The new national scheme will involve the establishment of the Corporations Law to be the substantive law of the Australian Capital Territory providing for the regulation of companies, the securities industry and the futures industry. The national operation of the new scheme will come about by each State passing complementary application legislation. That legislation will apply the Corporations Law as the law of each of those jurisdictions. The Corporations Law will be applied in a way that ensures that any further amendments to the Corporations Law by the Commonwealth Parliament will automatically apply in the States. In this way the Corporations Law will state the uniform text of the new national law applying in all jurisdictions.

23. In a similar way, the substantive provisions of the ASC Act will also be applied in each jurisdiction. This will result in the Corporations Law being administered by the ASC on a national basis. The ASC is to be formally accountable to the Commonwealth Minister and the Commonwealth Parliament.

24. The revised Corporations Act will substantially preserve the policy of the Corporations Act and to the fullest extent the language of that Act. As a result of the agreement, the applied laws will have the characteristics of, and will be treated for all practical purposes within each jurisdiction as if they were, Commonwealth laws rather than State laws. The Commonwealth Bill amends the Corporations Act and the ASC Act to confer these characteristics on the applied laws regime. The Commonwealth Bill also amends the ASC Act to facilitate the conferral of full administrative authority by State Acts on the ASC.

25. The legislative scheme will enable Commonwealth and State laws regulating companies, the securities industry and the futures industry to operate to the greatest extent possible, as national laws. By the use of citation provisions, the law governing these matters in the States and Territories will be able to be referred to as simply the 'Corporations Law' (similar provisions apply for the ASC Law). There will be a uniform text of companies and securities law applying throughout Australia, and companies and persons dealing with companies will be able to operate on the basis that there is a single national law. Companies will be able to lodge documents, including an application for incorporation, with the ASC anywhere in Australia and, in effect, operate as if they were incorporated Australia-wide.

26. The Commonwealth and State Bills contain provisions for the cross-vesting of civil jurisdiction on the Supreme Courts of each jurisdiction and the Federal Court with repect to matters arising under the Commonwealth and State laws. The purpose of these provisions is to permit relatively simply administration and enforcement of the Corporations Laws.

27. The Bills contain provisions for the cross-vesting of the relevant State and Territory courts with jurisdiction to deal with offences under the Corporations Law of each other jurisdiction.

28. The Bills result in the national administration and enforcement of the Corporations Law through the 'federalising' of offences under the Corporations Law of each jurisdiction, so that they are treated as if they were offences under Commonwealth law.

29. The language of the Corporations Act and the ASC Act is to be made as 'neutral' as The purpose of these amendments is to reduce the need for State translator provisions. Application orders will provide for local matters relevant to particular jurisdictions.

30. To enhance the national character of the Corporations Law, a State law will only be able to override the Corporations Law where it expressly purports to do so.

31. The overall objectives of the legislative arrangements are therefore to:

(a) replace the existing co-operative companies and securities scheme laws with virtually one system of uniform law; and

(b) to establish a single national regulatory authority (the ASC), with the capacity to effectively administer the laws throughout Australia, and to be accountable to the community through the normal principles of responsible government at a federal level.

32. The agreement contemplates that the Ministerial Council for Companies and Securities is to continue, although with a revised role in the light of the new national arrangements. The Commonwealth Attorney-General will become the permanent chairman of the Council. The Council is to have no power of direction or control over the ASC. The Council is to be consulted in relation to all legislative proposals involving amendment of corporations legislation. In respect of legislative proposals relating to matters covered by Chapters 6 to 9 of the Corporations Law (takeovers, securities, public fundraising and futures) the Ministerial Council is to have a consultative role only. In respect of other legislative proposals, the Council is to have a deliberative role.

The provisions of the Bill are as follows:

Part 1—Preliminary

Clause 1 provides for the citation of the proposed Act and states its purposes.

Clause 2 provides for the proposed Act to commence on a proclaimed day or days.

Clause 3 contains definitions of expressions used in the Bill. One of the definitions is that of 'applicable provision', which is defined to mean a provision of the Corporations Law, the Corporations Regulations, the ASC Law, the ASC Regulations, and certain Commonwealth laws, applying as

laws of a jurisdiction. This definition refers to the laws that are to be applied by the proposed Act.

Clause 4 provides that the Jervis Bay Territory is taken to be part of the Australian Capital Territory for the purposes of the national scheme laws.

Clause 5 provides that a later Act or statutory instrument is not to be interpreted as amending, repealing or otherwise affecting the Act or the applicable provisions (i.e. the Corporations Law, the Corporations Regulations etc. of this State), unless it expressly so provides.

Clause 6 provides that nothing in the Act or the applicable provisions affects the operation of an Act or statutory instrument enacted or made before the commencement of the clause.

Part 2—The Corporations Law, and the Corporations Regulations, of South Australia

Clause 7 applies the Corporations Law (set out in section 82 of the Corporations Act as amended by the Commonwealth Bill, and as in force for the time being) as a law of this State. The applied law amounts to the bulk of the present Corporations Act, as amended by the Commonwealth Bill.

Clause 8 applies the regulations in force for the time being under the Corporations Act as regulations in force for the purposes of the Corporations Law of this State. Provision is made to protect private persons from any prejudicial effect of any retrospective regulations.

Clause 9 defines some of the basic expressions used in the Corporations Law and Corporations Regulations of this State.

Clause 10 provides that the Acts Interpretation Act of the Commonwealth, as in force at the commencement of the relevant Commonwealth legislation, applies to the interpretation of the Corporations Law and Corporations Regulations of this State. However, that Act will have only a residual operation as there are extensive interpretation provisions contained in Part 1.2 of the Corporations Law, and those provisions will prevail over the Acts Interpretation Act. The clause also makes it clear that the Acts interpretation Act of this State does not apply.

Part 3—Citing the Corporations Law and the Corporations Regulations

Clause 11 enables the Corporations Law of this State to be referred to simply as the Corporations Law. Similarly, the Corporations Regulations of this State may be referred to simply as the Corporations Regulations.

Clause 12 recognises references to the Corporations Law and Corporations Regulations of other jurisdictions.

Clause 13 provides that a reference in an Act or instrument of this State to the Corporations Law is to be taken (for the purposes of the laws of this State) to be a reference to the Corporations Law of this State and to include a separate reference to the Corporations Law of each other jurisdiction. Similar provision is made for references to the Corporations Regulations. These provisions yield to a contrary intention. The object of these provisions is to help ensure that the Corporations Law and Corporations Regulations of this State, together with those of other jurisdictions, operate, so far as possible, as if they constituted a single national law operating of its own force throughout Australia. The Commonwealth Act and each State Act will have a similar provision. The interlocking of these provisions will enable in most instances persons and companies to refer to the Corporations Law without specifically identifying the Corporations Law of a particular jurisdiction.

Part 4—Application of the Corporations Law to the Crown

This Part states whether certain provisions of the Corporations Law apply to the Crown or emanations of the Crown.

Clause 14 makes it clear that a reference to the Crown includes an instrumentality or agency of the Crown.

Clause 15 (1) provides that the Crown in all its Australian capacities (or rights) will be bound by the external administration provisions of the Corporations Law (Chapter 5), except in relation to offences committed by officers of companies that are in some form of external administration. The purpose of so binding the Crown is to displace the Crown's special priority in relation to the payment of debts, except so far as a priority is specifically preserved by other legislation, and to treat the Crown for the purposes of the insolvent administration of a company like any other creditor of a company.

Clause 15 (2) expressly provides that the securities provisions (Chapter 7) of the Corporations Law do not bind the Crown in these capacities.

Clause 16 provides that the Crown in right of this State will be bound by the external administration provisions of the Corporations Law of other jurisdictions (except in relation to offences committed by officers of companies that are in some form of external administration).

Clause 17 provides that nothing in Part 4 of the Bill or in the Corporations Law renders the Crown in any right to be prosecuted for an offence.

Clause 18 makes it clear that where Chapter 5 (other than part 5.8) of a Corporations Law of another jurisdiction binds the Crown in right of this State by virtue of this clause, that law overrides any prerogative right or privilege of the Crown, e.g. in relation to the payment of debts.

Part 5—Application Orders

The Corporations Law provides for the making by the Commonwealth Minister of application orders, which are designed to specify matters relevant to particular jusisdictions. Additionally, the Corporations Regulations may require or permit matters to be specified by or in application orders made by the Commonwealth Minister.

Clause 19 provides that an application order may only be made with the consent of the State Minister.

Clause 20 extends the provisions of the Corporations Law of the State relating to the making of applications orders, so as to enable the making of such orders for the purposes of the ASC Law of the State.

Part 6—Accounting Standards

Clause 21 applies the accounting standards made by the Australian Accounting Standards Board to the State.

Part 7—Imposition of Fees and Taxes

Clause 22 imposes the fees that the Corporations Regulations prescribe.

Clauses 23-25 impose contributions and levies payable under various provisions of the Corporations Law.

Part 8—National Administration and Envorcement of the Corporations Law

DIVISION 1—PRELIMINARY

Clause 26 states the object of this Part, which is to help ensure that the Corporation Laws and ASC Laws of this and each other jurisdiction are administererd and enforced on a national basis, as if they together constituted a single law of the Commonwealth.

Clause 27 provides that this Part has effect subject to the Act, the Corporations Law of this State and the ASC Law of this State. Particular reference is made to Part 9 of the

Act, which contains provisions for the vesting and cross-vesting of jurisdiction. That Part makes provision for the courts in which offences against applicable provisions are to be dealt with; that issue would otherwise have been dealt with by reference to the principles set out in the Part (especially clause 29), which would have the effect of applying the Judiciary Act of the Commonwealth, but is specifically dealt with in clause 55.

DIVISION 2—OFFENCES AGAINST APPLICABLE PROVISIONS

Clause 28 states the object of this Division, which is to further the object of this Part (as stated in clause 26) by providing that offences against the applicable provisions of this or any other jurisdiction are to be treated as if they were offences against Commonwealth law. Examples of the extent of this formula are set out in clause 28 (2), and include the investigation and prosecution of offences.

Clause 29 applies Commonwealth laws as laws of this State in relation to offences against the applicable provisions as if those provisions were laws of the Commonwealth and not laws of this State. For the purposes of the laws of this State, such an offence is taken to be an offence against Commonwealth law, except as prescribed by regulations.

Clause 30 contains similar provisions to those in clause 29, but applies to offences against the applicable provisions of other jurisdictions.

Clause 31 confers the appropriate functions and powers on officers or authorities of the Commonwealth in connection with the application of Commonwealth law under clauses 29 and 30. There is provision in the Commonwealth Bill for such functions and powers to be received by such officers or authorities.

Clause 32 deals with the technical point of how references in the applied Commonwealth laws to laws of the Commonwealth are to be construed.

Clause 33 makes it clear that officers and authorities of the State may not perform or exercise functions or powers conferred by this Division on officers and authorities of the Commonwealth. This provision is, however, subject to arrangements under Part 12.

DIVISION 3—ADMINISTRATIVE LAW

Clause 34 states the object of this Division, which is to further the object of this Part (as stated in clause 26) by providing that the Commonwealth administrative laws apply to the applicable provisions, as if the applicable provisions were those of the Capital Territory. This has the effect of applying the Commonwealth administrative law regime to the national scheme laws. The Commonwealth administrative laws are the Administrative Appeals Tribunal Act, the Administrative Decisions (Judicial Review) Act, the Freedom of Information Act, the Ombudsman Act and the Privacy Act of the Commonwealth.

Clause 35 applies the Commonwealth administrative laws as laws of this State in relation to anything arising in respect of an applicable provision of this State. For the purposes of the law of this State, anything arising under an applicable provision of this State is taken to arise under Commonwealth law, except as prescribed by regulations.

Clause 36 contains similar provisions to those in clause 35, but applies in relation to the applicable provisions of other jurisdictions.

Clause 37 confers the appropriate functions and powers on officers or authorities of the Commonwealth in connection with the application of Commonwealth law under clauses 35 and 36. There is provision in the Commonwealth Bill for such functions and powers to be received by such officers or authorities.

Clause 38 deals with the technical point of how references in the applied Commonwealth laws to laws of the Commonwealth are to be construed.

Clause 39 makes it clear that officers and authorities of the State may not perform or exercise functions or powers conferred by this Division on officers and authorities of the Commonwealth. This provision is subject to arrangements under Part 12.

PART 9—JURISDICTION AND PROCEDURE OF COURTS

DIVISION 1—VESTING AND CROSS-VESTING OF CIVIL JURISDICTION

Clause 40 (1) states the operation of this Division. It applies to civil matters arising under the Corporations Law of this State and other jurisdictions. The Division operates in relation to those matters to the exclusion of the cross-vesting scheme under the Jurisdiction of Courts (Cross-vesting) Act 1987.

Clause 40 (2) provides that nothing in the Division affects any other jurisdiction of any court (e.g. cross-vested) jurisdiction arising under the Jurisdiction of Courts (Cross-vesting) legislation in relation to a matter unconnected with the corporations legislation.

Clause 41 defines certain expressions used in the Division. The expression 'Corporations Law' is defined to include the Corporations Regulations, the ASC Law and Regulations, any other applicable provisions, the Act and regulations under the Act and certain rules of court.

Clause 42 confers jurisdictions with respect to civil matters arising under the Corporations Law on the Federal Court, the Supreme Court of this State and the Supreme Court of each other jurisdiction.

Clause 43 restricts appeals from courts, so that appeals may not be instituted in courts of different jurisdictions. The purpose of this provision is to ensure that, notwithstanding the cross-vesting of jurisdiction, the normal hierarchy of appeals will apply.

Clause 44 enables proceedings to be transferred from one superior court to another, where it appears, having regard to the interests of justice, that it is more appropriate for the proceedings to be determined by the other court. Regard however is to be had to the principal place of business of any body corporate concerned in the proceedings, and to the place where the relevant events took place.

Clause 45 (1) deals with the question of which rules of evidence and procedure should be applied in a case involving cross-vested jurisdiction. The court is empowered to apply such rules of evidence or procedure as the court considers appropriate in the cirucumstances, being rules that are appled in a superior court in Austrlalia.

Clause 45 (2) provides that where a proceeding is transferred from another court, the accepting court must give reciprocal recognition to the steps that had been taken for the purposes of the proceeding in the transferring court.

Clause 46 requires courts, judges and court officials to act in aid of each other in these matters.

Clause 47 confirms that the Supreme Court of this State may exercise cross-vested jurisdiction.

Clause 48 will anable barristers and solicitors involved in transferred proceedings to have the same entitlement to practise in relation to transferred proceedings as would be available if the accepting court were a federal court exercising federal jurisdiction.

Clause 49 provides that a decision under the cross-vesting provisions as to whether a proceeding should be transferred to another court, or as to which rules of evidence and procedure are to be applied, is not subject to appeal.

Clause 50 will anable a judgement of the Federal Court or the Supreme Court of this State given in the exercise of

cross-vested jurisdiction to be enforceable in this State as if it were a judgment entirely given in the court's ordinary jurisdiction.

Clause 51 empowers rules of court to be made for the Supreme Court of this State with respect to proceedings arising under the Corporations Law of this State. When the Supreme Court of this State is exercising cross-vested jurisdiction, it is required to apply its own rules of court, with such alterations as are necessary. Similarly, the Supreme Court of another jurisdiction is required, when exercising cross-vested jurisdiction in matters arising under the Corporatations Law of this State, to apply its own rules of court, with such alterations as are necessary.

Clause 52 provides that, when the Federal Court is exercising cross-vested jurisdiction in matters arising under the Corporations Law of this State, it is required to apply its own rules of court, with such alterations as are necessary.

DIVISION 2—VESTING AND CROSS-VESTING OF CRIMINAL JURISDICTION

This division provides for a cross-vesting regime for criminal jurisdiction for offences against the Corporations Law, based on Part X of the Judiciary Act of the Commonwealth. As a result of the agreement, offences against the Corporations Law are to be 'federalised', ie treated as though they were offences against Commonwealth law. Jurisdiction will be conferred on the several courts of the States and Territories.

Consistently with the approach adopted in relation to the conferral and exercise of civil jurisdiction, the Bill sets out in detail the regime for the conferral and exercise of criminal jurisdiction rather than take the more complex and circuitous route of relying on the application of Part X of the Judiciary Act of the Commonwealth under the general federalising formula.

In summary, the cross-vesting of criminal jurisdiction in respect of offences against the Corporations Law provides for the following courts to exercise jurisdiction.

In respect of summary offences, the several courts of the States and Territories exercising jurisdiction with respect to the summary conviction of offenders or persons charged with offences against the laws of that State or Territory will have equivalent jurisdiction with respect to persons charged with summary offences against any Corporations Law.

However, the courts exercising jurisdiction in relation to summary jurisdiction in relation to summary offences against any Corporations Law may decline to exercise that jurisdiction, in relation to an offence committed outside the particular jurisdiction, if satisfied that it is appropriate to do so.

In respect of indictable offences:

(a) committed outside Australia (including offences committed in the coastal sea), the several courts of each State and Territory exercising jurisdiction with respect to the trial and conviction on indictment of offenders against the laws of that State or Territory have the equivalent jurisdiction with respect to persons charged with indictable offences against any Corporations Law;

(b) committed partly in one jurisdiction and partly in another, the several courts of those States and Territories in which the offence was partly committed exercising jurisdiction with respect to indictable offences against the laws of those States and Territories have equivalent jurisdiction with respect to indictable offences against the Corporations Law;

(c) committed wholly within one jurisdiction, the several courts of that State or Territory in which the offence was committed exercising jurisdiction with respect to indictable offences against the laws of that State or Territory have equivalent jurisdiction with respect to indictable offences against the Corporations Law;

(d) wherever committed, the courts of the State or Territory against whose Corporations Law the offence was committed which exercise jurisdiction with respect to indictable offences against the laws of the State or Territory, have equivalent jurisdiction with respect to indictable offences against the Corporations Law of that jurisdiction.

The application of the Crimes Act of the Commonwealth by the general federalising formula for Corporations Law offences will govern which offences under the Corporations Law are indictable.

Clause 53 states the operation of this Division. It applies to criminal matters arising under the Corporations Law of this State and other jurisdictions.

Clause 54 defines certain expressions used in the Division. The expression 'Corporations Law' is defined to include the Corporations Regulations, the ASC Law, the ASC Regulations, any other applicable provisions, the Act, regulations made under the Act and certain rules of court.

Clause 55 confers criminal jurisdiction in respect of offences arising under the applicable laws of this State on the several courts of each State and Territory exercising criminal jurisdiction. It also accepts jurisdiction conferred on courts of this State by corresponding laws of other jurisdictions. Provisions of the clause are based on the principles contained in section 68 of the Judiciary Act of the Commonwealth.

Clause 56 provides that State laws applying to the arrest and custody of offenders or persons charged with offences, and the procedure for their summary conviction, committal for trial etc., will apply to persons charged with offences against the Corporations Law of this State.

Part 10—Companies Liquidation Account

Clause 57 will enable money standing to the credit of the Companies Liquidation Account established by the Companies (South Australia) Code to be dealt with in accordance with the relevant provision of the Code.

Part 11—The ASC Law and the ASC Regulations of South Australia

DIVISION 1—APPLICATION OF ASC ACT AND ASC REGULATIONS

Clause 58 applies the ASC Act (other than the provisions listed in clause 58 (2)) as a law of this State.

Clause 59 applies the regulations in force for the time being under the ASC Act as regulations in force for the purposes of the ASC Law of this State.

Clause 60 defines some of the expressions used in the ASC Law and ASC Regulations of this State. These definitions parallel the definitions in section 5 of the ASC Act, which is one of the provisions not applied by clause 58.

Clause 61 provides a definition of 'giving information', in the same terms as section 6 of the ASC Act, which is one of the provisions not applied by clause 58.

Clause 62 provides that Part 1.2 of the Corporations Law and (subject to that Part) the Acts Interpretation Act of the Commonwealth, as in force at the commencement of the relevant Commonwealth legislation, apply to the interpretation of the ASC Law and ASC Regulations of this State. However, the Acts Interpretation Act of the Commonwealth will have only a residual operation as there are extensive interpretation provisions contained in clause 60 of the Bill

and in Part 1.2 of the Corporations Law, and those provisions will prevail over the Acts Interpretation Act. The clause also makes it clear that the Acts Interpretation Act of this State does not apply.

DIVISION 2—CITING THE ASC LAW AND THE ASC REGULATIONS

Clause 63 enables the ASC Law of this State to be referred to simply as the ASC Law. Similarly, the ASC Regulations of this State may be referred to simply as the ASC Regulations.

Clause 64 recognises references to the ASC Law and ASC Regulations of other jurisdictions.

Clause 65 provides that a reference in an Act or instrument of this State to the ASC Law is to be taken (for the purposes of the laws of this State) to be a reference to the ASC Law of this State and to include a separate reference to the ASC Law of each other jurisdiction. Similar provision is made for references to the ASC Regulations. These provisions yield to a contrary intention. The object of these provisions is to help ensure that the ASC Law and ASC Regulations of this State, together with those of other jurisdictions, operate, so far as possible, as if they constituted a single national law operating of its own force throughout Australia.

DIVISION 3—THE COMMISSION

Clause 66 formally confers on the ASC the powers conferred on it by the national scheme laws of this State, and also the functions and powers conferred on the National Companies and Securities Commission by a co-operative scheme law.

Clause 67 empowers the State Minister to enter into agreements or arrangements with the ASC for the performance of functions by the ASC as an agent of the State.

Clause 68 formally confers on the ASC the power to do acts in this State in the exercise of functions conferred by national scheme laws of other jurisdictions.

Clause 69 empowers the Commonwealth Minister to give directions to the ASC in relation to functions conferred on it by a national scheme law of this State. Such a direction will not relate to a particular case, and must be gazetted.

DIVISION 4—THE PANEL

Clause 70 formally confers on the Corporations and Securities Panel the functions conferred on it under a national scheme law of this State. It also confers on the Panel the power to do acts in this State in the exercise of functions conferred by national scheme laws of other jurisdictions.

DIVISION 5—THE DISCIPLINARY BOARD

Clause 71 formally confers on the Companies Auditors and Liquidators Disciplinary Board the functions conferred on it under a national scheme law of this State. It also confers on the Board the power to do acts in this State in the exercise of functions conferred by national scheme laws of other jurisdictions.

DIVISION 6—MISCELLANEOUS

Clause 72 provides that where a person is appointed under the ASC Act to act in office, the law of this State applies as if the person were the holder of the office. This provision supplements a similar provision in the ASC Law. The provision is necessary to deal with cases where acting appointments are made under provisions of the ASC Act that are not applied by the Bill.

Clause 73 is a formal provision that deals with future possible changes of names of bodies or offices established under the ASC Act.

Clause 74 applies Part III of the Crimes Act of the Commonwealth for the purposes of the investigation and information-gathering provisions of the ASC Law. That Part relates to offences relating to the administration of justice, and applies for this purpose as if an examination or hearing by the ASC were a judicial proceeding.

Clause 75 applies Part IIIA of the Evidence Act of the Commonwealth for the purposes of the investigation and information-gathering provisions of the ASC Law. That Part relates to the admissibility of business records.

PART 12—GENERAL

DIVISION 1—ARRANGEMENTS

Clause 76 defines 'relevant State law' for the purposes of the Division. It includes matters of the kind referred to in section 13 (1) *(b)* of the ASC Act as well as other State law, but excludes a co-operative scheme law.

Clause 77 provides for arrangements for the conferral of State functions on Commonwealth authorities or officers, and for the conferral of functions under applicable laws on State authorities or officers. Such an arrangement would be made between the Minister and the Commonwealth Minister.

Clause 78 provides for notice of such arrangements to be gazetted.

DIVISION 2—PENALTIES AND FINES

Clause 79 requires fines, penalties and other money payable under the applicable provisions of this State to be paid to the Commonwealth.

DIVISION 3—REGULATIONS

Clause 80 empowers the making of regulations for the purposes of the Act. It also empowers the making of regulations of a savings or transitional nature, but any such regulations expire 12 months after the commencement of the clause. Provision is made to protect private persons from any prejudicial effect of any retrospective regulations.

PART 13—TRANSITIONAL

DIVISION 1—STAFF

Clause 81 provides that a member of the staff of the ASC who was a public servant of this State engaged in the administraion of the co-operative scheme laws is athorised to disclose to the ASC any information acquired while so engaged. This would override any existing inappropriate secrecy provision.

Clause 82 provides that a South Australian public servant who becomes a member of the staff of the ASC will be taken to be on special leave without pay for a period to be prescribed by regulation, but will, by notice in writing to the Commissioner for Public Employment given during the prescribed period, be able to elect to resume duties in the South Australian Public Service.

Clause 83 prescribes the ASC for the purposes of section 5 of the Superannuation Act, 1988, as an authority with which the South Australian Superannuation Board may enter into superannuation arrangements.

DIVISION 2—CO-OPERATIVE SCHEME LAWS

Clause 84 defines the co-operative scheme Acts. They include the various Acts and Codes that regulate corporate activity at present.

Clause 85 provides that the national scheme laws prevail over the co-operative scheme laws. The co-operative scheme laws continue to operate of their own force only in relation to matters arising before the commencement of the clause and incidental matters.

Clause 86 enables regulations to be made excluding the residual operation of co-operative scheme laws.

Clause 87 contains a technical provision as to how the Acts Interpretation Act applies in relation to co-operative scheme law affected by clauses 85 and 86.

Clause 88 enables regulations to be made modifying co-operative scheme laws.

Clause 89 is a technical provision that preserves the operation of co-operative scheme laws that might be affected by certain Commonwealth regulations.

Clause 90 provides a mechanism for dealing with references to co-operative scheme laws in existing legislation and other instruments.

Clause 91 confers enforcement powers on the Commonwealth Director of Public Prosecutions and the Australian Federal Police in connection with offences against the co-operative scheme laws. The Commonwealth Minister is also given the same functions and powers in relation to such offences as he or she would have if they were offences against the national scheme laws.

Clause 92 enables arrangements to be made between the Minister and the Commonwealth Minister regarding the exercise of investigation powers by State authorities and officers in connection with the co-operative scheme laws.

DIVISION 3—EXEMPTIONS

Clause 93 provides that the term 'corporation' as defined in section 9 of the Corporations Law of South Australia is not to include a body corporate that is not a company for the purposes of section 9 of that Law and that is incorporated by or under a law of South Australia other than that Law or a corresponding previous law.

Clause 94 preserves the effect of certain current exemptions in force under section 16 of the Companies (Application of Laws) Act, 1982.

DIVISION 4—AUSTRALIAN STOCK EXCHANGE LIMITED

Clause 95 contains savings provisions regarding the Australian Stock Exchange, which is dealt with under Part IIA of the Securities Industry (South Australia) Code.

DIVISION 5—COMPANIES AUDITORS AND LIQUIDATORS DISCIPLINARY BOARD

Clause 96 continues the Disciplinary Board in existence for the purpose of dealing with certain applications made before the commencement of the clause.

Part 14—Provisions Affecting Corporations Law

Clause 97 continues a provision currently contained in the Companies (South Australia) Code but not retained in the new Corporations Law providing that certain land transfers by companies of units or allotments shown on a strata plan or a plan of division are not to constitute a reduction of share capital.

Mr INGERSON secured the adjournment of the debate.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

DEBITS TAX BILL

Returned from the Legislative Council without amendment.

CITRUS INDUSTRY ORGANISATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL (No. 2)

The Hon. D.J. HOPGOOD (Minister of Family and Community Services) obtained leave and introduced a Bill for an Act to amend the Children's Protection and Young Offenders Act 1979. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is consequential to the recently introduced Bill to amend the Community Welfare Act.

The latter Bill focuses on dealing with recommendations from a number of reports and reviews, one of which was Mr Ian Bidmeade's review of Part III of the Children's Protection and Young Offenders Act. It also deals with a range of other anomalies and the need to update legislation to reflect necessary changes in practice, particularly as it relates to the protection and substitute care of children.

A further consideration relates to inconsistencies between the Children's Protection and Young Offenders Act and The Community Welfare Act.

The Department has consistently received advice from the Crown Solicitor that the powers of the Minister and the Chief Executive Officer are not sufficiently clear with respect to responsibilities under the two Acts. It has been argued that the powers relating to the implementation of an order of the court under the Children's Protection and Young Offenders Act should as far as possible be under that Act. Likewise, powers relating to functions under the Community Welfare Act should be established under that Act. The Bill simply seeks to separate the powers of the Chief Executive Officer to take into account the advice of the Crown Solicitor. In the process of regrouping some powers are deleted (such as the ability to place a child under the guardianship of the Minister in a training centre), others are changes for the purpose of clarity and some are extended in the interests of better protecting children.

The Bill also allows for the introduction of new early intervention orders, Similar orders known as 'place of safety' or 'safe custody' are found in the legislation of other States and countries. Such orders are deemed necessary to protect the small number of children for whom child protection notifications are received and parental coperation is not easily obtained and for whom a full 'in need of care or protection' order is not appropriate.

Early intervention orders will be obtainable as appropriate from a children's court, either on the basis of the notification of the action of an authorised staff member in urgent situations or upon application to court on the serving of notice to relevant parties. Such orders will be used only where necessary and enable a child to be held in a safe place whilst an investigation is being completed, medical or other examinations or assessment or any further action is being considered.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 relates to the definitions used in the principal Act. The amendments will ensure consistency between the principal Act and the Community Welfare Act, 1972.

Clause 4 amalgamates subsections (3) and (4) of section 9 into a more appropriate provision relating to the powers of the Children's Court in any proceedings under Part III of the Act.

Clause 5 provides for new provisions relating to 'Early Intervention Orders'. It is proposed that the Chief Executive Officer be empowered to apply to the Court where it is considered that a court order is necessary to carry out further investigations into an alleged case of child abuse or neglect, or to protect the child while such an investigation is being carried out. The Court will be empowered to order, in an appropriate case, than an officer of the Department be permitted to take the child for examination or assessment by a medical practitioner, dentist, psychologist or social worker and, if necessary to protect the child during an investigation into the alleged abuse or neglect, that the child be placed in an appropriate facility or home, or that a specified person cease or refrain from residing in the same premises as the child, pending the outcome of the matter. Such an order will have effect for 14 days (unless discharged earlier by the Court). The Chief Executive Officer will be entitled to apply for an extension, variation or discharge of the order; only one extension will be permissible. Appropriate powers of adjournment will be vested in the Court. The provisions will empower an officer of the Department to take custody of the child for the purposes of an examination or assessment authorised by the Court.

Clause 6 amends section 12 of the Act in consequence of new definitions under section 4 of the Act.

Clause 7 proposes an amendment to section 13 of the Act to provide consistency with the new provisions relating to 'Early Intervention Orders'. In particular, it is thought to be appropriate to allow less than five days' notice of hearing on an application under the relevant provisions if the parties to the application consent to an earlier hearing.

Clause 8 is particularly concerned to ensure that the court specifies those aspects of the care of a child (if any) that are vested in the Chief Executive Officer under section 14 when it is found that a child is in need of care or protection on one of the grounds referred to in section 12.

Clause 9 makes a consequential amendment to section 15.

Clause 10 relates to a separate matter that the Government has decided to address under section 16 of the Act. Section 16 deals with the power of the Court to adjourn the hearing of an application made in respect of a child in need of care or protection, and to make appropriate orders that are to apply during the period of adjournment. Section 16 (5) requires the Court to serve a copy of any order on a party in order to make it an offence if the party fails to comply with the order. Section 16 (4) provides that an order has effect only during the period of an adjournment. A problem arises if a matter is adjourned from time to time in that new orders have to be made and served. Pursuant to a recommendation of the Children's Court Advisory Committee, it has been decided to amend subsection (4) so that an order made on an adjournment has effect (subject to variation by the Court) during the period of the adjournment, and of any successive periods of adjournment.

Clause 11 makes various amendments to section 17 that are consequential on the insertion of the new provisions relating to 'Early Intervention Orders'.

Clause 12 and 13 provide for the repeal of sections 18 and 19. The material presently contained in these provisions is to be transferred to new provisions of general application to Part III of the Act (see clause 18).

Clauses 14 and 15 contain consequential amendments.

Clause 16 revises section 23 of the principal Act. The new provision will reflect the fact that responsibility for the residential care of a child may be given to the Chief Executive Officer. Furthermore, the Government is keen to ensure that the Chief Executive Officer has appropriate authority to carry out the terms of an order that vests any aspect of the care of a child in the Chief Executive Officer.

Clause 17 amends section 24 of the principal Act to clarify that the person appointed to a review panel as an employee of the Department must not be a person working with the Children's Interest Bureau.

Clause 18 sets out various provisions that are to apply generally in relation to proceedings under Part III of the Act. Two new provisions require specific attention. New section 24c is similar to existing section 19 of the Act (that empowers the Chief Executive Officer to take a child into his or her custody in an appropriate case pending the hearing of an application to the Children's Court), except that section 24c (6) will allow an authorised officer of the Department to take the child (while the child is under the care of the Chief Executive Officer pending the hearing of the application) to a medical practitioner, dentist, psychologist or social worker for examination or assessment. New section 25d will empower a medical practitioner, dentist, psychologist or social worker to whom a child is referred under this Part to carry out examinations and tests in relation to the child, to treat the child and, if necessary, to admit the child to hospital. However, these powers will only be exercisable while the child is under the care of the Chief Executive Officer or an appropriate order is in force under Part III of the Act.

Clause 19 is a consequential amendment to section 76 of the Act.

Clause 20 provides that all references in the principal Act to 'Director-General' should be changed to 'Chief Executive Officer'.

Mr OSWALD secured the adjournment of the debate.

COMMUNITY WELFARE ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister of Family and Community Services) obtained leave and introduced a Bill for an Act to amend the Community Welfare Act 1972. Read a first time.

The Hon. D.J.HOPGOOD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is one result of a series of extensive reviews over the last four years including the Review of Adoption Policy and Practice in South Australia, the Child Sexual Abuse Task Force Report, Mr Ian Bidmeade's Review of Part III of the Children's Protection and Young Offenders Act, and the Report of the South Australian Domestic Violence Council (October 1987).

These reviews have resulted in a new Adoptions Act reflecting our society's dramatic changes in beliefs and social attitudes, significant changes to that part of the Children's Protection and Young Offenders Act which relates to children and their families where protection and neglect are

issues; and, minor amendments to the Community Welfare Act.

During the same period the department has undertaken a wide range of reviews relating to its own programs. These have resulted in increased attention being given to children and families who are considered to be most at risk. Emphasis has been placed on increasing grants and supporting those organisations which help to reduce the risks which these families face. Particular attention has been focused on people who have special characteristics which might lead them to be more vulnerable—single parent families, low income earners, families where domestic violence was present, Aboriginal people, people living in rural areas and people from non-English speaking backgrounds.

At the same time emphasis has been given to:

- assisting other organisations and the community in general to be more aware of the steps which they can take to ensure that individuals have help as quickly and appropriately as possible in times of need;
- improving the awareness of people such as teachers, doctors and child carers to recognise, at an early stage, symptoms which might indicate that a family or a child is under a particular stress or is at risk of some specific harm;
- increasing the skill and competence of staff in a variety of agencies through ongoing training and improved policies and practices.

Throughout this whole process the department has ensured that there has been wide-ranging and considerable consultation over an extended period of time. This consultation has taken a variety of forms including:

- full participation of community members and representatives of non-government or government organisations on review committees;
- preparation of discussion papers on specific subjects such as the care of children outside of their families, adolescents at risk, the role of families, and poverty. People were invited to respond in writing or attend a variety of forums where these issues were discussed.
- consultation with individual people considered to be experts in their field, in South Australia, interstate or overseas. These people also included a wide cross-section of individuals from academics to people who operated small but successful agencies;
- importantly, clients themselves.

My department and a previous Minister, Dr John Cornwall, following their longstanding commitment to detailed public discussion on social issues, brought together in a single 'Green Paper' all of those matters which were being raised in the various reviews. A discussion document entitled, 'Department for Community Welfare—The Next Five Years' was released in September 1987.

In launching the document Dr Cornwall stated:

> It has been my clear intention to encourage and promote open debate about the policies and programs of the department. The issues which underlie the debate about welfare programs are issues which must be owned by the entire community, for they lie at the heart of community and family well-being...
>
> The issues addressed in the paper, particularly support for families and the care and protection of our children in the community, constitute some of the most important social issues of our time.

Historical Background

South Australia has, for much of its history, been in the fore-front of the world's community Welfare development. This has been particularly evident over the past two decades and was reflected in the first Community Welfare Act in 1972 and the subsequent major revision in 1981. Both of these legislative developments benefited from extensive community consultation and a bipartisan approach towards ensuring the best possible deal for all South Australians.

In the early 1970s the Government's reforms resulted in a wide range of new and innovative programs being established. These reflected a strong belief that partnership between the Government, community groups and organisations, and the people themselves was a major factor which would result in a caring society and one where those people most in need could be guaranteed priority of attention. There was also a strong belief in and commitment towards strengthening families and communities as the most important institutions in our society.

During that time of economic prosperity considerable resources were channelled into developmental and preventative programs aimed at identifying the wide range of social and individual needs and establishing ways of meeting them in a manner which was effective and as close as possible to the point of need. Programs relating to the Juvenile Justice System and the residential care of children underwent substantial restructuring during this period resulting in major advances in the care of children. Considerable emphasis. for example, was placed on keeping children in the community and between 1976-77 when there was a daily average of 261 in 24 departmental residential/training centres and 1988-89 there was a reduction to an average of 100 in 11 units.

The foundations for a number of other changes were developed during this time. These included:

- a focus on supporting families to limit the incidence of breakdown and the subsequent removal of children into other forms of care;
- the identification and protection of children who had been physically, sexually or emotionally abused;
- where it was necessary to remove children from their homes in order to protect them, their placement with substitute families in environments which were as near as possible to those with which they were familiar, rather than institutions;
- a greater focus on maintaining children in their own home, but where this was not possible making decisions and comprehensive plans about long-term and permanent care as soon as possible;
- a recognition that South Australians have a diverse range of needs and backgrounds and that they should have access to services developed and available according to principles of equal opportunity and social justice.

The 1980s saw significant changes in the social and economic climate. The economic downturn meant that the rapid expansion of the social welfare system had to be modified. It was still obvious that there were many unmet needs, that certain children were still not safe, and that some families still required considerable support. The economic changes also meant that a growing number of families and individuals were becoming vulnerable either as a result of increased unemployment or a decrease in real disposable income.

The department needed to continue its process of service delivery reform in order to ensure the highest quality and effectiveness of service within the resources available to it and the community. By the mid 1980s the gap between resources available and the demands for services became sufficiently wide to force the Government to consider its role in service provision and the priorities it would give to the various programs. The re-distribution of resources to the non-government sector was already well advanced.

Within the department, a set of service priorities were developed and implemented. Programs were rationalised, practices reviewed and systems of positive outcome measurement introduced. Clear direction was given to ensure that urgent, critical and statutory work was given precedence over work of a lesser priority.

Despite the heavy demand for personal welfare services, attention was also given to ensure that appropriate balances were maintained in the department's work. Recognising that the Government is but a partner in the delivery of family and community services and that the non-government, neighbourhood and community sectors are usually the first line of support for families and individuals. the Government channelled extra resources into that area of work. Grants to non-government bodies increased from approximately $1 million in 1978-79 to over $40 million in 1988-89. The department also continued its well established process of supporting these bodies to help them operate at their most appropriate and effective level.

It was obvious that the department would also have to plan its services more carefuly as well. The 'Green Paper' identified the following major planning issues:

- there would be continued demand on existing services, brought about by the effects of tight economic and budgetary policies on levels of poverty, unemployment, ill-health, and stress;
- through the Social Justice Strategy, there would be increased emphasis across the Government, on fairness and equity for all of the community, and a corresponding reduction in emphasis on traditional welfare approaches;
- there would be ongoing pressure for more integrated approaches to human service delivery—approaches which recognise the inter-relationship between health, welfare, housing, education labour market, employment and training policies;
- limited welfare resources should be targeted to the vulnerable, the powerless, and the most disadvantaged in the community;
- in continuing difficult economic times, the department would need to strongly advocate for maintenance of the level of resources going to the welfare sector;
- within the principle of priority of care, there should be an increased emphasis on early intervention and prevention in the community, particularly via encouragement and support for familial and neighbourhood networks;
- there would be increased emphasis on seeking the views of service users about the type, mix, quality and location of services provided;
- the continuing social, health, educational and economic disadvantages faced by Aboriginal people would need to be more systematically addressed;
- longer term demographic changes particularly the ageing of the Australian population would alter the balance of human service demand in Australia;
- the increasing prominence of non-government and community based agencies in the delivery of human services, and the shifting roles of Commonwealth, State and Local Governments and the non-government sector would alter the patterns of service delivery.

Extensive and far reaching consultation occurred resulting in the 'White Paper' entitled, 'New Directions in Welfare.. The Next Five Years'. Again, this document, as a blue-print for the development of progressive welfare programs, emphasised the importance of the family as the basic unit of society and the best environment for the development and well-being of children. It also restated the new directions for welfare policies particularly as to how they would be developed and implemented in an ongoing spirit of co-operation and sharing of responsibility. The document also confirmed the widely held support for the directions of the Government in its welfare policies.

The White Paper set out the major Government policy objectives for the next five years. Specific details relate to operating principles and were stated as follows:

'• individuals are best supported within the family, extended family and local community, tribal and cultural system;
- clients' rights must be protected and exercised. This includes the right to be treated with dignity and respect; the right to information about services and entitlements; the right to legal and administrative processes for redress, the right to be involved in decision-making which affects their lives;
- services must be accessible to ensure that people know about them and feel able to use them when required;
- services must be relevant and sensitive to different cultural values and life-styles;
- the organisation and delivery of services should recognise that individual and family problems frequently have their roots in social conditions such as poverty and unemployment;
- the Department for Community Welfare is part of a network of Government and non-government human services. It will co-operate with communities and other service providers to ensure the best possible services for the public.'

The Bill seeks to reinforce principles relating to the importance of children being cared for in their own home and where this is not possible in another family environment which provides security and recognition of their family background. The Government will continue its considerable focus on the provision of grants to organisations which support the family, prevent the need for children to be cared for elsewhere and return home as quickly as possible where they are. Although a considerable proportion of the Department's resources are directed to these types of services, members will appreciate that it is not appropriate for these to be spelt out in detail in legislation.

A wide range of issues is covered in the Bill. These include:

1. Anomalies or inconsistencies between the Community Welfare Act and other legislation. As a result of the 1988 amendments to Part III of the Children's Protection and Young Offenders Act it has been found necessary to make a number of changes for the sake of consistency. Changes to the provisions relating to Assessment Panels, Review Panels and the ability for staff to undertake investigations relating to child protection notifications come under this heading.
2. A number of important reductions in powers of the Minister and Department are introduced. The current administrative means of placing a child under the guardianship of the Minister are repealed. Practice has shown that where parents have sought to use this provision such that the Department can provide a specialised form of care for their child they are in fact not wishing to relinquish full guardianship responsibility. Where they are, it is more appropriate that the matter is considered in a court.

   In place of these provisions the Government is proposing that parents and where a child is over the age of 15 years, the child, come to a voluntary arrangement for some particular aspect or aspects of the care of that child.

A further reduction in powers is proposed with the repeal of that section of the Act which allows for a child, considered to have been maltreated or neglected, to be detained in a hospital for 96 hours against the will of the guardians.

Similarly, the Department will no longer be able to place a child on an 'In Need of Care or Protection' order in a secure centre established for young offenders.

3. *Clarity of Powers*

The Department has consistently received advice from the Crown Solicitor that the Community Welfare Act is not sufficiently clear in relation to certain of the intended powers under that Act. As a consequence some of the Department's actions undertaken in relation to children in various forms of care have come under question. This relates, for example, to the transfer of children under the guardianship of the Minister interstate, powers of entry and investigation, and placement of children in various forms of care.

4. *Children's Interests Bureau*

Members will be aware that at the time of the last election the Government promised to provide the Children's Interests Bureau with separate legislation. As this will take further time to prepare it is proposed that the Bill will seek to alter the functions of the Bureau to reflect the need for the Department to be held accountable for its work with individual clients. The proposed amendment will also make the Act consistent with provisions introduced into the Children's Protection and Young Offenders Act in 1988.

5. *Shortcomings in Departmental Practice*

A variety of internal and external studies have demonstrated the need for improvement in a number of key programs. Whilst recommendations have been acted upon immediately with considerable resultant improvement in the quality of services, these changes are not sufficiently reflected in the legislation.

Marked changes have been made in the area of the substitute care of children over recent years. These include increased emphasis on children in care maintaining contact with their natural families if at all possible and in the interests of the child. If a return home is not possible then considerable attention is given to obtaining a safe, secure and stable family environment for their permanent care. Where this does occur every encouragement is given to ensure that a child grows up knowing who they are and details about their origins and extended family. Particular attention is given to the needs of Aboriginal children and people from the variety of ethnic backgrounds.

Program reviews have also demonstrated that insufficient attention has been given to ensuring that relevant plans are in place for children in care, and that those plans are monitored and reviewed. Again, the Bill provides for what has now necessarily become departmental and foster care agency practice. A number of minor modifications are also proposed in relation to the responsibilities of the Department, non-government organisations and foster parents.

6. *The Protection of Children*

As members are fully aware, following the release of the Child Sexual Abuse Task Force Report and the Bidmeade Report, the Department, in conjunction with a range of other Government and non-government organisations. has been implementing many of the recommendations. Considerable effort has been put into the training of staff in these agencies as well as those people who are obliged under the current legislation to notify instances of suspected child abuse.

At the same time, increased emphasis has been given to community and professional education and awareness programs such that people are more alert to the importance of protecting children. This includes making children and families more aware such that problems do not arise or, if they do, that they are dealt with quickly, effectively and as far as possible using normal community resources.

Whilst the Government wishes to ensure that all children are safe it fully recognises that abuse and sometimes horrendous abuse still does occur. In such situations the departmental, medical and police personnel must act quickly and effectively to protect those children from further abuse and provide treatment where that is appropriate. It is normal for full parental co-operation to be sought as a part of this process.

The Bill provides for a number of significant changes in that part of the Act dealing with the protection of children. These relate to the recommendations in the previously mentioned reports as well as changes which have already been put in place. One of those recommendations was the establishment of the South Australian Child Protection Council. The Government, recognizing the importance of continued development in this area, has already established the Council which is chaired by Dame Roma Mitchell. The Bill sets out the constitution and functions of this important body.

Another important provision in the Bill is the repeal of that part of the Act which relates to the establishment and functioning of regional Child Protection Panels. These were originally established in 1977 and have served a very useful purpose in the bringing together of people from a variety of disciplines, developing programs and preventing the further abuse of children. Over recent years they have experienced considerable difficulty in considering all new cases referred to them as well as keeping others under review. In 1978-9 there were 258 incidents reported and by 1988-9 this had climbed to 3 213. Departmental staff have also had to spend a large amount of time writing reports for Panels when they could have devoted more energy to the practical aspects of helping the families concerned and protecting children.

The important functions of developing child protection strategies has largely been taken over by the Council. At the same time the Department, in conjunction with the agencies currently represented on the Panels, has been developing more effective means of working together. These are already operating at the local level both in relation to programs and the needs of individual children and families. The monitoring and review of individual cases will be carried out within regions using the resources of these same agencies with the important addition of independent members of the Children's Interests Bureau being involved in certain cases. The strategies used will vary considerably from one area to another depending on the nature of local resources and needs. Service Quality mechanisms are being put in place to ensure that the highest possible standards are developed and maintained.

As previously stated, the Bill also allows for a number of changes relating to the examination and treatment of children. This includes more stringent scrutiny of the holding of children for the purposes of investigation and examination.

Before introducing the specific clauses of the Bill, I would like to reinforce that the proposed amendments have come about as a result of the careful examination of over fifteen discussion papers, reports and internal working papers. In

addition a number of Crown Solicitor's opinions have been taken up. Considerable and widespread consultation has been undertaken both in relation to the individual reports and the Act itself. The cornerstone for the proposed amendments has been the Government's White Paper: 'New Directions in Welfare: The Next Five Years', which I am sure all members would have read.

As much of the current Act is still relevant, the Government is proposing to amend it only insofar as it does not currently reflect modern practice or language, that it does not adequately reflect Government policy or that certain key programs need to be reshaped.

I thank the huge number and wide variety of people who have been involved in the lengthy process of reviewing the many community welfare programs. The Bill, which is but one of many outward signs of these reviews, provides for a good balance between the often difficult job of seeking to ensure that children are appropriately cared for and nurtured and the concern which Government and others have that it is families that have that key responsibility.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 relates to the definitions used in the principal Act. In connection with the amendments relating to child protection and child abuse, definitions of 'abuse' and 'neglect' are to be inserted into the Act. The definition of 'Director-General' is to be replaced by 'Chief Executive Officer' to reflect the title now used in the Department. The name of the Department is changed to 'Department for Family and Community Services'. The Act will no longer refer to 'children's homes' but 'children's residential facilities'. The definition of 'Minister' is deleted; the general definition as in the Acts Interpretation Act will be relied upon. The definition of 'relative' is to be amended so that it will include, in relation to an Aboriginal child, any person who is regarded as a relative of the child according to Aboriginal customary law. Other amendments that are consequential on substantive amendments to the principal Act are also made.

Clause 4 is a consequential amendment.

Clause 5 replaces references in section 8 to the 'Director-General' with references to the 'Chief Executive Officer'. The reference to 'Deputy Director-General' is substituted by a reference to the second position in the Department, namely, that of 'Executive Director, Operations'.

Clause 6 provides for the repeal of section 9 of the principal Act, which relates to the preparation of an annual report. This matter is now dealt with by the Government Management and Employment Act, 1985.

Clause 7 relates to the objectives of the Minister and the Department. It is intended to amend section 10 of the principal Act to make specific reference in the objects to the promotion of the welfare of children who may suffer neglect or abuse. Reference will also be made to the provision of services designed to support parents and families in the care of children, and the provision of services designed to secure the welfare of children who may suffer neglect or abuse or who may otherwise be in need of care or protection. New subsection (4) will require the Minister and the Department to take into account any relevant Aboriginal customary law when the Act must be applied in relation to an Aboriginal person.

Clauses 8 to 15 (inclusive) relate to the change in the title 'Director-General' to 'Chief Executive Officer'.

Clause 16 revises the provision of the Act relating to consultation by the Minister. It is intended to abolish community welfare consumer forums under the Act and instead to require generally that the Minister and the Department consult with relevant organisations. Furthermore, members of the public will be encouraged to make comments and recommendations to the Department. The Minister will also be required to ensure that appropriate procedures are in place to allow complaints against the Department to be considered and, if appropriate, acted upon.

Clause 17 recasts section 23 of the principal Act so that 'Community Welfare Grants Fund' will become the 'Family and Community Development Fund' and the 'Community Welfare Residential Care and Support Grants Fund' will become the 'Non-Government Substitute Care Fund'.

Clause 18 relates to the principles that must be observed by persons dealing with children under Part IV of the principal Act. Section 25 of the Act will be replaced by a new provision that refers to a number of additional principles that will need to be taken into account. In particular, it will be necessary to seek to secure a healthy, safe and stable family environment for a child and to try to keep the child within his or her own immediate or extended family (if to do so would be in the best interests of the child). All reasonable steps will be required to be taken to avoid undue disruption of the child's life and the child should only be kept under the care or guardianship of the Minister or the Chief Executive Officer under the Act for so long as is consistent with the best interests of the child. It will also be necessary to consider the interests and wishes of the child's guardians.

Clause 19 relates to the functions of the Children's Interests Bureau under section 26 of the Act, and generally seeks to bring those functions into line with current thinking as to the Bureau's role.

Clause 20 provides for the repeal of subdivision 1 of Division II of Part IV of the Act. The existing Act allows the Minister to place children under his or her guardianship in certain cases. The new provisions will fundamentally change the procedures for arranging appropriate care for certain classes of children. In particular, new section 27 introduces the concept of 'care agreements' in lieu of long term guardianship. It is proposed that care agreements be entered into between the Chief Executive Officer and the guardians of a child vesting any aspect of the care of the child in the Chief Executive Officer. The agreement will set out the nature and extent of the care being vested in the Chief Executive Officer and will be able to be terminated at any time by any of the guardians who are parties to the agreement. The agreement will have to be terminated on the request of the child if he or she is of or above the age of 15 years. The agreement will not operate for a period exceeding six months. The welfare and progress of a child who is subject to an agreement will be reviewed at least once in every three months.

New section 28 is similar to existing section 28, except that temporary guardianship will be allowed for a period of up to six weeks. Again, any guardian of the child (whether or not the guardian who sought to place the child under guardianship in the first place) may seek termination of the order. New sections 29 and 30 revise the provisions relating to the transfer of children from one State to another. New section 31 is similar to existing section 32 (4) of the principal Act.

Clause 21 revises subdivision 2 of Division II of Part IV of the principal Act. This subdivision relates to the establishment of facilities for children, including homes for the care of children. It is proposed to alter the provision so that the Minister will establish facilities and programs for the care of children.

Clause 22 proposes a new section 40 of the principal Act. Section 40 sets out the purposes of foster care. The provision will reflect the principle that foster care is provided

until the child can return to his or her family, other arrangements of a more permanent nature are made for the care of the child, or the child can begin to be self-supporting.

Clause 23 relates to the assessment of the suitability of persons to be foster parents under section 42 of the principal Act. It is proposed to refer specifically to the need for the Chief Executive Officer to be satisfied that a proposed foster parent is a fit and proper person to provide foster care.

Clause 24 will amend section 43 of the principal Act. The amendment will alter a reference to foster care involving the 'custody' of a child to foster care involving the 'care' of a child.

Clause 25 inserts a new provision into the principal Act to require the Chief Executive Officer to undertake regular assessments of a person's role as a foster parent, and to provide on-going support and guidance to the foster parent.

Clause 26 revises section 44 of the principal Act. This provision relates to periodical reviews of the circumstances of a child under foster care. The new provision will require the Chief Executive Officer to consider the adequacy of the care that is being provided, the plans that exist to ensure that the child's best interests continue to be met, and the desirability of making other arrangements of a more permanent nature for the child.

Clause 27 will amend section 45 of the principal Act. It is proposed to remove references in the Act to 'foster children'.

Clause 28 relates to the ability of the Chief Executive Officer to cancel the approval of a person as a foster parent under section 46. The grounds upon which the Chief Executive Officer may act will be expanded to include that the person would no longer qualify for approval as a foster parent, or that other proper cause exists for the cancellation of approval.

Clause 29 revises section 47 of the principal Act. This provision relates to the information that a foster parent must furnish to the Chief Executive Officer. The provision will require a foster parent to advise the Chief Executive Officer if the foster parent changes address, if another person comes to reside with the foster parent, or if a person residing with the foster parent is charged with an offence (other than a trifling offence).

Clauses 30, 31 and 32 relate to proposed changes to the terms used in the principal Act.

Clause 33 inserts a new section 50a that will require a licensed foster care agency to undertake regular assessments of a foster parent's role as a foster parent and to assess any requirement of a foster parent for financial or other assistance.

Clause 34 substitutes a heading.

Clause 35 relates to section 51 of the principal Act. This section relates to the conduct of children's homes. It is proposed to alter the section so that it will refer to 'children's residential facilities'.

Clauses 36 and 37 relate to proposed changes to the terms used in the principal Act.

Clause 38 recasts section 54 of the principal Act using new terminology, but otherwise makes no substantive changes to the section.

Clause 39 revises section 55 of the principal Act. This section requires that a person who has a licence to conduct a children's residential facility must enter into a written agreement with a guardian of the child before a child under the age of 15 years takes up residence in the facility. Where a child is of or above the age of 15 years, the licensee must, where practicable, consult with the guardians of the child and be satisfied that the child has consented to be cared for in the facility. However, these requirements will not apply if the child is under the guardianship of the Minister or the Chief Executive Officer, or is under the care or control of the Chief Executive Officer in relation to his or her place of residence.

Clause 40 relates to proposed changes to the terms used in the principal Act.

Clause 41 revises the definition of the child to whom the provisions of subdivision 8 of Division II, of Part IV will apply. It is intended to include any child who is under the guardianship, care, protection or control of the Minister or the Chief Executive Officer, and any child in relation to whom the Minister or the Chief Executive Officer must take some responsibility by virtue of an order of a court.

Clause 42 revises section 74 of the principal Act, which relates to the provision of financial assistance to persons caring for children. The provision will be extended to a person who undertakes the guardianship of a child pursuant to an order under Part III, of the Children's Protection and Young Offenders Act, 1979, or who undertakes the care of a child pursuant to an order or direction of a court.

Clauses 43 and 44 relate to proposed changes to the terms used in the principal Act.

Clause 45 relates to unauthorised contact or communications with certain children. In particular, the ability of an authorised person to require a person to leave premises where a child is residing, and not to return, is clarified. These powers can only be exercised where there are reasonable grounds for believing that it is in the best interests of the child to do so. Section 78 is repeated without substantive change.

Clause 46 provides for the repeal of section 80 of the principal Act. This provision allows the Minister to delegate certain powers, functions or duties in relation to children to foster parents. This provision is no longer to apply. Existing delegations will continue by virtue of a transitional provision in the third schedule to the Bill.

Clause 47 relates to review panels constituted under section 81 of the principal Act. A review panel will review the progress and circumstances of any child under the guardianship, care, protection or control of the Minister or the Chief Executive Officer.

Clause 48 will empower the Chief Executive Officer to establish assessment panels to undertake responsibility in relation to the care, treatment or rehabilitative correction or education of children found guilty of offences.

Clause 49 repeals section 82 of the principal Act, which is to be replaced by a new provision relating to investigations (new section 92).

Clause 50 relates to proposed changes to the terms used in the principal Act.

Clause 51 relates to the ability of the Chief Executive Officer to give his or her consent to medical or dental treatment in prescribed cases. Existing section 85 relates to children who have been placed under the control of the Chief Executive Officer under Part III of the Children's Protection and Young Offenders Act, 1979, or who are detained in a training centre. The new provision will also apply to cases where the Chief Executive Officer has undertaken responsibility for the health of the child, or where the child is under the care of a person pursuant to an order or direction of the court. The provision will still provide that the Chief Executive Officer will only give the consent if the whereabouts of the guardians of the child cannot be ascertained, or if it would be detrimental to the health of the child to delay the treatment while the consent of the guardians is obtained.

Clause 52 substitutes a divisional heading.

Clause 53 proposes the repeal of the provisions of the principal Act that provide for the establishment of regional and local child protection panels and provides for the creation of the South Australian Child Protection Council. The functions of the Council are to assist and co-ordinate all Government and non-government child protection programs and to foster community awareness of and research into the whole area of child abuse. The Council must report annually and those reports will be laid before Parliament.

Clause 54 will revise the provisions of the Act relating to notification of child maltreatment. New section 91 will require persons who belong to specified classes to notify the Department whenever they suspect on reasonable grounds that a child has been abused or neglected, provided that the relevant suspicion is formed in the course of their work or duties. The classes of persons who must comply with the section have been revised to some extent. In particular, any person who is an employee of or volunteer in a Government or non-government agency that provides health, welfare, educational, child care or residential services for children will be required to comply with the section, provided that they are persons who are involved directly in providing those services to children. New section 91a will protect a person who makes a notification of child abuse (whether or not pursuant to section 91) from liability in respect of the notification. New section 91b proposes provisions to protect the identity of a person who notifies an employee of the Department of suspected child abuse. The identity of a notifier is not to be disclosed except where it is adduced as evidence, with the leave of the court, in legal proceedings. The court cannot grant such leave unless the evidence which will lead to disclosure is of critical importance in the proceedings.

Clause 55 revises and adds to the powers of the Chief Executive Officer, or of an authorised person, to investigate cases that involve children who may have been abused, neglected or abandoned. It is made clear that a person may be questioned and required to give relevant information, but cannot be required to answer incriminating questions or to breach legal professional privilege. A power is given to break into premises on a search warrant issued by a magistrate of the Children's Court. A warrant may be issued personally or by telephone. The usual controls are provided for telephone warrants. The powers relating to the taking of a child for medical or psychiatric assessment or examination will now appear in the Children's Protection and Young Offenders Act as a court will be required to validate or authorise such action.

Clauses 56 and 57 relate to the proposed changes to terms used in the principal Act.

Clause 58 will insert a general provision that will make it an offence to hinder a person engaged in the administration of the Act, and a provision that will make it an offence to impersonate an officer of the Department.

Clauses 59 to 63 relate to proposed changes to terms used in the principal Act.

Clause 64 repeals a section that was inserted in the principal Act in 1981 and has never been brought into operation. This section provided for the setting up of a formal appeal procedure against decisions under the Act.

Clause 65 makes consequential amendments to section 251 of the principal Act, the regulation-making power.

Clause 66 and the first schedule revise the penalties that apply under the principal Act, turning them into divisional penalties, and the second schedule makes sundry statute law revision amendments. It is proposed to bring out a reprint of the Act when this Bill comes into operation.

The third schedule sets out the transitional provisions required in relation to the enactment of this measure.

Mr OSWALD secured the adjournment of the debate.

PSYCHOLOGISTS BILL

The Hon. D.J. HOPGOOD (Minister of Health) obtained leave and introduced a Bill for an Act to provide for the registration of psychologists and to regulate the practice of psychology; to regulate the practice of hypnosis; to repeal the Psychological Practices Act 1973; and for other purposes. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

I am pleased to introduce this Bill to update the professional registration of psychologists in this State. Proposed changes to the existing legislation are significant. The overall aim of them is to keep abreast with developments which have taken place within the past 15 years. This legislation will enable the Psychological Board to exercise more effective oversight of the profession, as well as providing greater protection for the community.

Moves to protect the public by establishing a register of psychologists and establishing controls over the practice of psychology began in the 1960s. Bills were introduced in 1972 and again in 1973. Following the report of a Parliamentary Select Committee, an Act was assented to in April 1974 and proclaimed in March 1975. South Australia was the second State in the Commonwealth to enact legislation in respect of psychologists.

The profession of psychology has undergone considerable change since the early 70s and these processes of change in standards of training, areas of practice, and public perception of a psychologist, have continued to such an extent that the existing Psychological Practices Act is no longer adequately fulfilling its purposes.

The Bill seeks to redress shortcomings in the present legislation, to provide an appropriate framework for the protection of the public, the regulation of the practice of registered psychologists and approved hypnotists, and at the same time, to provide sufficient flexibility for subsequent developments within the profession of psychology.

One of the difficulties in approaching a Bill such as this arises from the fact that psychology is both a discipline of study, common to many occupations and professions, and also an area of professional activity. It is essential that the Bill, while providing for appropriate regulation over those who practise the profession for fee or reward, should not restrict needlessly the activities of that considerable proportion of the population who use the tenets of the discipline of psychology in their daily life. For example, ministers of religion, teachers and so on. It is for this reason that there is no attempt to define the terms 'psychology' or the 'practice of psychology'.

On the other hand, there are activities which it is appropriate to restrict to registered psychologists, for example, various tests and assessments of intelligence, aptitude and personality. The Bill therefore provides the mechanism

whereby lists of tests can subsequently be set out in regulations and thus restricted to use by registered psychologists. Similarly, there are some titles or descriptions which should be restricted to psychologists or, in some cases, a restricted range of other practitioners, and the Bill makes provision accordingly.

The Bill continues the present arrangement of providing for a board to implement its objectives and operate as a statutory body reporting to Parliament annually.

The present board has seven members. It is proposed that the present basic composition of the board remain, but that it be increased by the inclusion of a person appointed to represent the interests of persons receiving psychological services. The addition of a representative from the general community acknowledges responsibilities of professional psychologists to the consumers of their services and the community in which they practise.

The board established under this Bill, as under the existing Act, has responsibility for regulating the practice of hypnosis. The Bill therefore requires that one of the psychologists appointed to the board has knowledge of and experience in hypnosis. The Minister will be able to ensure that an appropriate mix of membership from the various areas of the profession is included on the board. A registered psychologist instead of a lawyer, as at present, will be appointed to preside at meetings of the board.

The Bill includes within the functions of the board a new responsibility to monitor standards of practice and standards of training and to consult with educational bodies and the profession itself in relation to these matters. Such liaison should ensure that professional standards of competence and conduct are maintained.

There are new provisions in the Bill enabling committees of the board to be appointed and functions and powers of the board to be delegated to them. The committees can include people who are not members of the board. This will allow the board to fulfil its responsibilities more expeditiously.

A number of changes are proposed in the registration provisions.

The present Act specifies the minimum academic and experience requirements for registration. In the 1970s when the Act was drafted, the standards were those which had prevailed previously within the profession. However, it was not long before changes in professional roles, standards of training and the introduction of new courses made these requirements inadequate and unduly limiting.

To ensure greater flexibility in the future, the Bill provides that requirements for registration will be prescribed from time to time by regulation rather than enshrined in the body of the Act. This procedure is in accord with that followed in other recent Acts relating to the registration of professionals in the health area.

Power to grant provisional and limited registration is included. In relation to provisional registration, power is given to the Registrar to grant registration provisionally if he/she believes that the board is likely to grant the application. The board would then determine the application at its next meeting. This will enable newly trained graduates, overseas trained persons and other qualified persons to take up a position as a psychologist without delay and financial hardship.

In relation to limited registration, provision is included for a person who does not meet all the requirements for full registration to be given limited registration.

This can cover several situations:

- to enable the person to acquire the experience and skill required for full registration under the Act (trainee psychologists gaining practical experience, for instance, could be dealt with under this provision and thus be subject to the same ethical and disciplinary requirements as the profession);

or

- to teach or to undertake research or study in South Australia;

or

- if, in the board's opinion, registration of the person is in the public interest.

The board can impose conditions on such registration, for example, limiting the areas of psychology in which the person can practise, restricting places at which they can practise.

The trend toward private practice in psychology continues. The Bill recognises this by containing provisions for the registration of companies whose sole object is to practise as a psychologist. These provisions are similar to those appearing in other recent health profession registration Acts.

The board is concerned to ensure that psychologists maintain their professional competence and standards.

The Bill includes several important provisions in this regard, aimed at protecting the public. The board, of its own volition or on complaint, can determine whether a registered person is fit to practise unrestricted. Not only could such a provision enable the board to limit the area of practice. it could be used to insist upon continuing education in individual cases, something the board sees as most desirable.

The Bill also makes provision for the board to be able to require a registered psychologist, who has not practised for five or more years, to undertake a refresher course before resuming practice. Conditions may be placed on the registration.

It is proposed that the board will be able to suspend or restrict the registration of a person who suffers from a mental or physical incapacity which seriously impairs their ability to perform duties. The treating practitioner is obliged to report such incapacity to the board.

The Bill maintains the present proven effective procedure of allowing the board itself to handle disciplinary matters, without the need or expense of creation of a separate disciplinary tribunal. It does however increase the range of sanctions which may be imposed as a consequence of an inquiry. Besides imposing penalties of reprimand, suspension or cancellation of registration, the board may impose conditions restricting the right of practice and impose a division 5 fine.

Under the provisions of the current legislation, should a psychologist's registration be suspended or cancelled in another State or Territory, the board must hold a disciplinary inquiry of its own to hear the matter all over again. The Bill provides for the automatic suspension, cancellation or reinstatement to the register in line with decisions taken interstate. This is a much more practical time saving and inexpensive solution.

It avoids the situation whereby a practitioner who is registered in a number of States and whose registration has been cancelled interstate (which would be for a serious offence) can come to South Australia and practise, putting the public at risk, during the time it takes for the South Australian board to hold an inquiry.

Under the auspices of the National Conference of Psychologists Registration Boards, there is a move towards national consistency of registration requirements. The South Australian board is playing a leading role in the development of national examination systems and national competency standards.

As with other health profession registration Acts, provision is included to require psychologists to be indemnified against loss. The Bill also obliges a psychologist to notify the board within 30 days of details of payments relating to claims for negligence, as it is important for the board to be aware of such activities.

Hypnosis remains within the ambit of the Act. The Bill, however. proposes a number of changes aimed at providing better protection for the public:

- a definition of hypnosis is included, which should assist in regulating the practice and enforcing the Act. Provision is made, however, to ensure that the activities of *bona fide* persons (for example, yoga teachers) who may otherwise be caught up in the definition can be excluded;
- all persons who practise hypnosis for fee or reward will require the board's approval (which may be conditional) and will have to establish they have relevant qualifications or experience. Under the current Act. medical practitioners and psychologists do not require the board's approval to use hypnosis in the ordinary course of their practice; dentists do require approval, as do 'lay' hypnotherapists who were 'grandfathered in' under the Act. This situation is no longer considered satisfactory to protect the public;
- the provisions are widened to enable professionals other than doctors. dentists and psychologists to apply for approval to practise hypnosis (for example, a palliative care nurse, for pain control purposes);
- persons engaging in stage hypnosis will be subject to the same requirements. The current Act purports to prevent stage hypnosis, but has been found to be ineffective for that purpose. There are divergent views as to whether it should be prevented or whether it is a legitimate form of entertainment. The Bill takes a middle course in allowing it to occur but requiring a performer to first obtain the board's approval, which may be subject to conditions. Such conditions could require certain safeguards aimed, for example, at minimising the risk of traumatic post-hypnotic consequences;
- persons who use hypnosis for fee or reward will be subject to the same disciplinary processes as apply to psychologists.

The maximum penalties under the Act are currently $500. These are out of date, and are upgraded by the Bill to division 5 fines (not exceeding $8 000) and division 7 fines (not exceeding $2 000) in line with more modern Acts. In keeping with the board remaining financially self supporting, fines imposed for offences against the new Act must be paid to the board.

In summary, this legislation provides for community accountability. The public is entitled to expect that psychologists will not stray beyond the boundaries of their own expertise and that professional responsibility will be acknowledged. It aims for excellence in services to the individual and effective mechanisms for quality assurance.

The role of the professional is under increasing scrutiny. The provisions of this Bill make a significant contribution toward public accountability of psychologists. The profession acknowledges the need for reviewing the existing Act.

Clauses 1 and 2 are formal.

Clause 3 repeals the Psychological Practices Act 1973.

Clause 4 defines terms used in the Bill.

Part II, Division I deals with the constitution of the Pharmacy Board.

Clause 5 provides that the South Australian Psychological Board continues in existence as a body corporate with all relevant powers. However, all members of the board will vacate office on the commencement of the new Act (see clause 1 of schedule 1).

Clause 6 provides that the board is constituted of eight members appointed by the Governor.

Clause 7 sets out the terms and conditions of membership of the board. The maximum term of appointment is 3 years, and members may be appointed for further terms of 3 years.

Clause 8 enables the Governor to determine remuneration and expenses payable to members.

Clause 9 disqualifies a member with a personal or pecuniary interest in a matter from taking part in the board's consideration of the matter.

Clause 10 regulates proceedings of the board.

Clause 11 empowers the board to establish committees to advise the board or to carry out functions on behalf of the board. A committee may include persons who are not members of the board.

Clause 12 gives the board power to delegate its functions or powers (except those relating to investigations and inquiries under Part IV or Part V) to a member, the Registrar, an officer or employee or a committee established under clause 11.

Clause 13 provides that a vacancy or defect in membership of the board does not invalidate its actions.

Clause 14 requires the board to appoint a Registrar and other officers and employees. These persons will not be Public Service employees.

Clause 15 sets out the functions of the board.

Clause 16 requires the board to keep proper accounts of its financial affairs and to have a statement of accounts in respect of each financial year audited.

Clause 17 requires the board to prepare an annual report to be tabled in each House of Parliament. The report must contain statistics relating to complaints received by the board and the orders and decisions of the board.

Clause 18 provides that a person is eligible to be a registered psychologist if he or she is over 18, is a fit and proper person to be registered, has the qualifications and experience in the practice of psychology required by the regulations and fulfils all other requirements set out in the regulations.

The clause further provides that a company is eligible to be a registered psychologist if the sole object of the company is to practise as a psychologist if certain requirements are met in respect of directors and shareholders and if the memorandum and articles of association are otherwise appropriate to a company formed for the purpose of practising as a psychologist.

Clause 19 sets out the procedure for application for registration and enables the board to require further information from the applicant.

Clause 20 compels the board to register an applicant if satisfied that the applicant is eligible for registration. The Registrar may provisionally register an applicant if it appears likely that the board will grant the application.

Clause 21 enables the board to grant limited registration in certain cases.

Clause 22 provides that registration must be renewed each calendar year.

Clause 23 requires the Registrar to keep a register of psychologists which is to be available for public inspection.

Clause 24 requires the Registrar to provide copies of certain information in the register.

Clause 25 prohibits an unregistered person from using the tests or procedures prescribed by regulation or from holding himself or herself out as being entitled to use those tests or procedures.

Clause 26 makes it an offence for an unregistered person to hold himself or herself out as a registered psychologist or to permit someone else to do so. It also makes it an offence for a person to hold out another person as being registered if that other person is not registered. The penalty provided in each case is a division 5 fine (maximum $8 000) or division 7 imprisonment (maximum 6 months).

Clause 27 prohibits a person who is not a registered psychologist using certain words in the course of advertising or promoting a practice or business. The penalty provided is a division 5 fine (maximum $8 000) or division 7 imprisonment (maximum 6 months).

Clause 28 requires a registered psychologist who has not practised for five years to obtain the board's approval before practising again. The penalty provided for not doing so is a division 5 fine (maximum $8 000). The board is empowered to require the psychologist to undertake a refresher course or the like and may impose restrictions on the psychologist's right to practise.

Clause 29 requires a registered psychologist to have suitable insurance relating to his or her practice. The penalty provided for non-compliance is a division 5 fine (maximum $8 000). The board may grant exemptions from this requirement.

Clause 30 requires psychologists to provide the board with information relating to any claims against the psychologist for alleged negligence.

Clause 31 enables the board to require a registered company to comply with requirements relating to provisions to be included in the memorandum or articles of association of the company. If the company refuses to comply with a direction of the board, the company's registration is suspended.

Clause 32 provides that the board must approve any proposed alteration to the memorandum or articles of association of a registered company.

Clause 33 prevents a company from practising in partnership, unless authorised to do so by the board.

Clause 34 limits the number of registered psychologists that a registered company may employ.

Clause 35 provides that any civil liability incurred by a registered company is enforceable against the company and the directors or any of them.

Clause 36 requires registered companies to submit annual returns to the board and to inform the board when any person becomes or ceases to be a director or member of the company.

Clause 37 sets out the circumstances in which an inspector appointed by the board may investigate a matter. These are where the board has reasonable grounds to suspect that there is proper cause for disciplinary action against a registered psychologist, that a registered psychologist may be mentally or physically unfit to practise psychology, or that a person other than a registered psychologist is guilty of an offence against the Bill. Powers are given to an inspector to enter and inspect premises, to put questions to persons on the premises and to seize any object affording evidence of an offence.

Clause 38 makes it an offence to hinder or obstruct an inspector or to fail to answer an inspector's questions truthfully. The penalty provided is a division 7 fine (maximum $2 000).

Clause 39 obliges a medical practitioner or registered psychologist to report to the board if of the opinion that a registered psychologist being treated by the medical practitioner or psychologist is suffering an illness that is likely to result in mental or physical incapacity to practise psychology.

Clause 40 empowers the board to require a registered psychologist to submit to an examination relating to his or her mental or physical fitness to practise psychology.

Clause 41 empowers the board to conduct inquiries. If the board is satisfied that the psychologist is mentally or physically unfit to practise psychology or to exercise an unrestricted right of practice, it may impose conditions restricting the right of practice, suspend the psychologist's registration for up to 3 years or cancel his or her registration. The board may also determine whether there is a proper cause for disciplinary action against a registered psychologist. If the board is satisfied that there is proper cause for disciplinary action it may reprimand the psychologist, impose a division 5 fine (maximum $8 000), impose conditions restricting the right to practise, suspend the registration for up to two years or cancel the psychologist's registration.

Clause 42 sets out basic procedures to be followed for an inquiry. The board must give the psychologist and the complainant at least 14 days notice of the inquiry. Both parties may be represented by counsel. The board is not bound by rules of evidence and must act according to equity, good conscience and the substantial merits of the case.

Clause 43 gives the board various powers for the purposes of an inquiry. These include the ability to issue a summons to compel attendance or the production of records or equipment and to compel persons to answer questions.

Clause 44 enables the board to order a party to pay costs to another party. The assessment of costs may be taken on appeal to a Master of the Supreme Court.

Clause 45 provides that a suspension or cancellation of a psychologist's registration in another State or Territory is automatically reflected here.

Clause 46 regulates the practise of hypnosis. The board may give its approval to the practise of hypnosis by a person who has qualifications or experience that justify approval.

Clause 47 is a provision against illegal holding out.

Clause 48 will enable the board to conduct an inquiry into an allegation of unprofessional conduct against a person practising hypnosis with the board's approval.

Clause 49 provides for an appeal to the Supreme Court within one month from the decision appealed against. The Supreme Court is given the power to affirm, vary, quash or substitute the board's decision or order, to remit the matter to the board and to make orders as to costs or other matters as the case requires.

Clause 50 enables the board or the Supreme Court to suspend the operation of an order of the board that is subject to an appeal.

Clause 51 makes it an offence to breach a condition imposed under the Bill in relation to the practise of psychology or hypnosis.

Clause 52 sets out the consequences of a body corporate being found guilty of an offence.

Clause 53 protects members of the board, the Registrar, the staff of the board and inspectors from liability.

Clause 54 facilitates proof of registration of a psychologist and of any other matter contained in the register of psychologists.

Clause 55 provides that disciplinary action is not a bar to prosecution for an offence and *vice versa*.

Clause 56 enables service by post of any notice to be given under the Bill.

Clause 57 provides that offences against the Bill are summary offences.

Clause 58 provides that fines for offences must be paid to the board.

Clause 59 provides power to make regulations. The schedule sets out transitional provisions.

Dr ARMITAGE secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

The Hon. FRANK BLEVINS (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1962, and to make consequential amendments to the Motor Vehicles Act 1959. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill deals with four distinct matters: the reduction of the prescribed concentration of alcohol (PCA) from the existing level of .08 grams of alcohol in 100 millilitres of blood to the level of .05; the reduction of the general speed limit from 110 km/h to 100 km/h; the fitting of speed limiters to heavy trucks and buses; and the compulsory wearing of safety helmets by riders of pedal cycles.

These four proposals are each an integral component of the road safety initiatives package announced by the Prime Minister and agreed to by the State and Territory Transport Ministers at the meeting of the Australian Transport Advisory Council (ATAC) in May 1990.

The first part of the Bill deals with the reduction in the prescribed concentration of alcohol (PCA) from the existing level of .08 grams of alcohol in 100 millilitres of blood to the level of .05. Any driver with an alcohol level in the range of .05 to .079 will commit an offence.

One of the greatest contributors to road trauma is drink driving. As such, it is important that the minimum level, beyond which an offence is committed, should be consistent throughout Australia. While opposition to a .05 limit has attracted significant media attention, a community attitude survey conducted in South Australia in December 1989 indicated that 69.2 per cent of those surveyed supported a legal blood alcohol concentration (BAC) of .05.

Although it can be argued that there will only be minimal effects in dealing with the lower range of drink drivers, it nevertheless is estimated that the introduction of .05 would result in a community cost saving in South Australia of at least $8 million per year. Most of this saving would occur due to a reduction in hospitalisation of road users with a consequential easing for hospital beds, support services and a reduction in hours of time lost in the workforce through injury. Drivers will be more conscious of the lower level with a possible across the board reduction in the consumption of alcohol associated with driving.

One major element in dealing with offenders is how sanctions are applied. In order to streamline procedures and enable offenders to be penalised without conviction, it is proposed to give offenders the option of expiating a fine with a traffic infringement notice. A penalty of $100 is proposed along with 3 demerit points. Second and subsequent offences would attract the same penalties.

The advantages of this system are:

- it provides for first offenders, who are 'social' drinkers, a reasonable, but effective, immediate monetary penalty along with the threat of licence suspension;
- for first offenders, who are aberrant drinkers and whose BAC is passing through the .05 to .08 range, the penalty may not in itself be a major deterent, but these people would become exposed to the threat of higher penalties for repeat offences in the higher ranges beyond .08.

The sanctions to be applied to drivers detected with a BAC level between .05 and .08, that is, a traffic infringement notice with an expiation fee of $100 along with 3 demerit points, have been structured with deterrence and not revenue collection as the prime objective.

Drivers who fail to expiate the traffic infringement notice will be subject to a court hearing with a penalty on conviction of up to $700. As a result, the PCA levels in the Act will be restructured into a 3 category system. Apart from the option of expiating the fine, offenders in category 1 (.05 to .079) will have the same rights as offenders in the higher categories. 'L' and 'P' plate holders are not affected as conditions for these drivers as prescribed in the Motor Vehicles Act 1959 require a zero blood alcohol level.

The second part of the Bill deals with a reduction in the general speed limit from 110 km/h to 100 km/h. There is a provision contained in the Bill which will enable speed zones to be approved above the 100 km/h speed limit where it is considered appropriate to do so.

Apart from the trauma attributable to drink driving, speed is a significant contributor to the cause and severity of road crashes. Heavy vehicles and buses are at present limited to a maximum speed of 100 km/h on the open road. Probationary licence holders are also limited to a maximum speed of 100 km/h.

In lowering the general speed limit to 100 km/h outside of a municipality, town or township it is recognised that on most major rural roads the present maximum limit of 110 km/h is reasonable and safe for those conditions. Such examples are the South-Eastern Freeway and other interstate highways. With the lowering of the general speed limit, it will be necessary to apply speed zones to those roads where it is considered reasonable to maintain the limit of 110 km/h. The economic cost/benefit for the community in the long term is not likely to vary to any great extent. However, more roads may be subject to a 100 km/h limit than at present which should have positive marginal effects on road safety and an improvement in fuel economy.

The third part of the Bill relates to speed limiters which will limit the maximum speed capability of vehicles, to which they are fitted, to 100 km/h. Heavy vehicle speeds on our major highways have been a significant factor in contributing to the nation's road toll.

The South Australian joint industry and Government Commercial Transport Advisory Committee (CTAC) proposed, in July 1989, the use of speed limiters and has endorsed this part of the Bill. It will require retrofitting of effective speed limiting devices to all heavy goods vehicles over 20 tonnes gross vehicle mass (GVM) and to all buses with a GVM over 14.5 tonnes manufactured between 1 January 1988 and 1 January 1991. It will apply to all these vehicles from the first registration or renewal of registration on or after 1 January 1991. For heavy vehicles in the GVM range between 15 and 20 tonnes, and manufactured between 1 January 1988 and 1 January 1991, it will apply from first registration or renewal on or after 1 January 1992.

It is proposed that the owner and driver of these vehicles will each be guilty of an offence if a vehicle is detected being driven in contravention of this legislation. Where a vehicle is detected being driven at a speed in excess of 115 km/h, it will be proof that such vehicle does not have an effective speed limiter fitted.

Detail of the requirements for speed limiters will be placed in regulations which in turn refer to the Code of Practice based on uniform provisions to apply throughout Australia. For vehicles manufactured after 1 January 1991. Australian Design Rule number 65/00 will apply under the provisions of the Commonwealth's Motor Vehicles Standards Act 1989.

The fourth part of the Bill relates to the compulsory wearing of safety helmets by riders of pedal cycles. Cyclists, both motorcyclists and pedal cyclists. are more prone to head injuries than any other type of road user. 55 per cent of cyclist fatalities in Australia are the result of head injuries.

The use of safety helmets for motorcyclists has been the single critical factor in the prevention of and the reduction in the severity of head injuries. It is estimated that if all cyclists wear helmets up to 75 per cent of pedal cyclist fatalities would be prevented and serious injuries would decrease by up to 40 per cent. Based on 1989 provisional figures, up to 9 lives could be saved and hospital admissions reduced by 334.

It is proposed to make all riders responsible for wearing an approved helmet which must be properly adjusted and securely fastened. A rider of a cycle will be responsible for ensuring that any child under the age of 16 being carried on the cycle is wearing a properly adjusted and securely fastened approved helmet. Where the rider of a cycle is under 16 years of age, a parent or person having custody will be responsible to ensure that child is wearing a helmet.

It is reasonable and consistent to remove existing exemptions for motorcycle riders, that is, for riders of motorcycles where the speed of travel is 25 km/h or less and for passengers in side cars.

Where a person over the age of 16 years commits an offence against this section, it is proposed to issue a traffic infringement notice. The existing fine for failure to wear a safety helmet on a motorcycle is $32 and this will also apply in relation to pedal cyclists. A defence clause has been inserted in which a defendant is required to prove that, in the circumstances of the case, there were special reasons justifying non-compliance.

The cut-off point of 16 years of age comes about for two reasons. The first being that it is the same age used for wearers of seat belts, that is, below 16 years of age the driver is responsible and age 16 and above, the non-wearer is responsible. Secondly, offenders below the age of 16 years cannot have their offence expiated by payment of a traffic infringement notice.

Clauses 1 and 2 are formal.

Clause 3 amends section 47 which creates the offence of driving under the influence. The section provides that any previous offence of driving under the influence, driving whilst having the prescribed concentration of alcohol in blood or refusing to undergo an alcotest, breath analysis or blood test is to be taken into account in determining whether the offence is a first, second or subsequent offence. The Bill reduces the concentration of alcohol in blood that will result in an offence of driving whilst having the prescribed concentration of alcohol in blood from .08 grams to .05 grams in 100 millilitres of blood. The amendment excludes any previous offence of driving whilst having less than .08 grams, but not less than .05 grams, of alcohol in blood (called a category 1 offence) from being taken into account in determining whether the offence is a first, second or subsequent offence.

Clause 4 amends section 47a, an interpretation provision. The definition of 'prescribed concentration of alcohol' is altered to reduce that concentration from .08 grams in 100 millilitres of blood to .05 grams in 100 millilitres of blood. Consequently, the offence of driving whilst having the prescribed concentration of alcohol in blood created by section 47b (1) is altered.

The clause also inserts new definitions reflecting a division of the offence into 3 categories as follows:

Category 1 offence—	less than .08 grams, but not less than .05 grams, of alcohol in 100 millilitres of blood.
Category 2 offence—	less than .15 grams, but not less than .08 grams, of alcohol in 100 millilitres of blood.
Category 3 offence—	.15 grams or more of alcohol in 100 millilitres of blood.

The category of offence determines the appropriate penalty and other consequences that flow from the offence.

Clause 5 amends section 47b which creates the offence of driving whilst having the prescribed concentration of alcohol in blood. The amendment to the definition of 'prescibed concentration of alcohol' in clause 4 means that it is an offence under this section to drive with .05 grams or more of alcohol in 100 millilitres of blood.

The amendment provides that the maximum penalty for a category 1 offence (.05-.08) is a fine of $700. This applies whether the offence is a first, second or subsequent offence.

The amendment also limits the consequence of licence disqualification to category 2 and 3 offences (.08 or over).

As in the amendment to section 47 (driving under the influence), the amendment excludes any previous category 1 offence (.05-.08) from being taken into account in determining whether any category 2 or 3 offence (.08 or over) is a first, second or subsequent offence.

The amendment also provides that a traffic infringement notice must be provided in respect of a category 1 offence (.05-.08) giving the alleged offender an opportunity to expiate the offence.

Clause 6 amends section 47c to provide that, as with conviction of an offence of driving whilst having the prescribed concentration of alcohol in blood, expiation of a category 1 offence (.05-.08) or a finding of guilty without conviction cannot be relied on in policies of insurance and the like as proof that the driver was under the influence of alcohol or incapable of driving a motor vehicle.

Clause 7 amends section 47e which provides for alcotests and breath analysis in a similar manner to the amendment of section 47 (driving under the influence) by clause 3.

Clause 8 amends section 47i which provides for blood tests in a similar manner to the amendment of section 47 (driving under the influence) by clause 3.

Clause 9 amends section 47ia which requires persons who commit first and second drink driving offences to attend a lecture conducted in accordance with the regulations. The amendment excludes a person who is convicted or found guilty of a category 1 offence (.05-.08) from this requirement.

Clause 10 amends section 47j which requires recurrent drink driving offenders to attend an assessment clinic. The amendment excludes category 1 offences (.05-.08) from being taken into account in determining whether a person is a recurrent offender.

Clause 11 substitutes section 48 which sets the State speed limit at 110 km/h. The new section provides that it is an offence to drive a vehicle at a greater speed than 100 km/h except within a speed zone.

Clause 12 amends section 49 to provide that the special speed limits set by the section do not apply within a speed zone.

Clause 13 amends section 50 which deals with speed zones. The amendment is consequential to the amendments of sections 48 and 49.

Clause 14 inserts a new heading and provision dealing with speed limiting devices. New section 144 provides that it is an offence to drive a vehicle that does not comply with the regulations relating to speed limiting devices. The provision is linked to section 53 which makes it an offence to drive certain classes of 'heavy' vehicles at a speed in excess of 100 km/h. The new section also makes it an offence to own a vehicle driven in contravention of the section. An evidentiary aid is included—proof that a vehicle was driven at a speed in excess of 115 km/h constitutes proof that the vehicle was not fitted with an effective speed limiting device in the absence of proof to the contrary.

Clause 15 amends section 162c which presently provides for the wearing of safety helmets by motorcyclists. The clause amends the section so that it applies to pedal cyclists as well as motorcyclists. Under the section as amended it will be an offence if a person rides, or rides on, a motor cycle or pedal cycle without wearing a safety helmet that complies with the regulations and is properly adjusted and securely fastened.

It will be an offence for a person to ride a cycle on which a child under 16 is carried if that child is not wearing a helmet. It will also be an offence for a parent or other person having the custody or care of a child under 16 to cause or permit the child to ride or be carried on a cycle without wearing a helmet.

Under the section as amended it will be a defence to prove that there were in the circumstances of the case special reasons justifying non-compliance with the requirements of the section.

It should be noted that a child under 10 cannot commit an offence and that an expiation notice cannot be issued to a child under 16.

The schedule contains a consequential amendment to the Motor Vehicles Act 1959. It provides that a category 1 offence (.05-.08) carries with it three demerit points.

The Hon. D.C. WOTTON secured the adjournment of the debate.

COUNCIL OF THE UNIVERSITY OF SOUTH AUSTRALIA

The Hon. M.D. RANN (Minister of Employment and Further Education): I move:

That this House resolves that an address be forwarded to His Excellency the Governor pursuant to section 10 (3) *(b)* of the University of South Australia Act 1990, recommending the appointment of Mark Kennion Brindal and Murray Royce De Laine to the first Council of the University of South Australia and that a message be sent to the Legislative Council requesting their concurrence thereto.

Motion carried.

SELECT COMMITTEE ON SELF-DEFENCE

Mr GROOM (Hartley) brought up the report of the select committee, together with minutes of proceedings and evidence.

Report received.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Consideration in Committee of the recommendations of the conference.

The Hon. M.D. RANN: I move:

That the recommendations of the conference be agreed to.

In so doing. I thank members of the conference for their hard work this morning. It was not without difficulty, but I believe that a sensible compromise has been reached. However, I stress that no compromise was reached on the most important point, that is, the 35 per cent target for the minimum rate. Nevertheless, I believe that we had useful discussions to which all members contributed and we reached a sensible agreement on the progress of this Bill. I point out to the House that a commitment was made in the conference not to raise the question of the minimum rate again until the important and historic negotiations on State/local government relations are completed. I was concerned that on a number of the provisions in the amendments there had not been consultation by the Liberal Party with the Local Government Association. That is very important for the future in terms of establishing sound State/local government relations. Further consultation with the LGA is obviously necessary.

A number of other matters were raised. This Bill deals with very important electoral provisions relating to local government and with questions related to the expiation of parking fines, as well as provisions relating to bribery. I again congratulate all members of the conference for their hard work this morning.

The Hon. B.C. EASTICK: I concur in most of the Minister's remarks. The comprise reached is quite practical and, resulting from discussions that it will now have with Government, local government will have the right to proceed without the threat of having to come to a decision before the due date of 1992 with respect to minimum rates and other financial aspects. The result is not exactly as the Opposition put to this House yesterday, and on which it obtained the concurrence of this House, but it does at least recognise the fact that discussions have been held at least with the Local Goverment Association (which has expressed concurrence with the Bill as it was) if not with people concerned at the coal face.

Individual units are extremely important in reaching a final decision. A large number of individual local governing bodies were fully in support of the attitude that has been expressed here and have stated today that they are very thankful for the amendments achieved. However, it was very clear that the other features of the Bill were likely to be lost if the conference of managers from this place were to persist with their attitude. I am not averse to the end result because it achieves the best for local government in the longer term rather than immediately.

I also pick up the point to which the Minister referred in relation to the second of the two amendments. If we take away from the Local Government Act, as we are doing with many Acts of Parliament, penal clauses as a one-off provision applying to a particular situation under discussion and we pick them up in due course when considering the penal aspects of legislation generally seeking to provide some element of equality as to the period that will apply to the payment of expiated fees, we may arrive at a variable figure from that suggested by this House of 60 days as opposed to the 21 days originally provided in the Bill, depending on the nature or size of the expiation amount. I am quite comfortable with the fact that the debate can proceed effectively on another occasion when the relevant measure is introduced by the Attorney-General. On that

understanding I am prepared to accept the results of the conference of managers.

It is important to make clear that there will be no further debate on the quantum of minimum rate before the matter is decided in the context of the new approach to local government. We have sufficient opportunities, through the number of local government amending Bills that pass through the House each year, to include this provision again in the future.

I believe that the debate on financial matters to be achieved between the Government and local government will address that matter, and it will not need to be further addressed by either side of the House or either House of Parliament. That is a clear understanding which is firmly on the record. What the end result of those deliberations will be, time alone will tell. If the Local Government Association approaches the Government and the Opposition in the interim saying that it is imperative that some change be made in relation to the minimum rates, that is another matter. From the point of view of initiation by either members of the Government or members of the Opposition, that will not occur until there is a major debate on new aspects of the financial affairs of local government. I support the motion.

Motion carried.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. page 1, line 28 (clause 4)—Leave out paragraph *(a)*.

No. 2. page 1, line 32 and page 2, lines 1 to 5 (clause 4)—Leave out paragraphs *(c)* and *(d)*.

No. 3. page 2, lines 6 to 9 (clause 5)—Leave out the clause.

No. 4. page 5, line 31 (clause 10)—After 'registered association' insert 'if so requested by such an employee.'

No. 5. page 6, line 28 (clause 11)—After 'registered association' insert 'and requests the registered association to act on his or her behalf'.

No. 6. page 8, lines 9 and 10 (clause 15)—Leave out paragraphs *(e)* and *(f)*.

No. 7. page 8, line 15 (clause 15)—Leave out paragraph *(i)*.

No. 8. page 8, lines 18 to 22 (clause 15)—Leave out paragraph *(k)*.

No. 9. page 9, line 11 (clause 17)—Leave out 'subject to a request of the employee to the contrary' insert 'at the request of the employee'.

No. 10. page 10, lines 1 to 5 (clause 17)—Leave out paragraph *(a)* and insert new paragraph as follows:

(a) where—

(i) the employer employs 10 or less employees; and

(ii) the employer is not an employer in respect of whom supplementary levy has been imposed by the Workers Rehabilitation and Compensation Corporation under Part V of the Workers Rehabilitation and Compensation Act 1986,

the health and safety representative may only take such time off work to take part in a course of training as the employer reasonably allows;

No. 11. page 10, line 39 (clause 21)—After 'amended' insert—

(a) by inserting after subsection (1) the following subsection:

(1a) Subsection (1) *(a)* is subject to the qualification that a person cannot enter a workplace where a self-employed person works alone unless he or she has reasonable belief that there is a risk to the health or safety of a person other than the self-employed person.; and

(b).

Amendment No. 1:

The Hon. R. J. GREGORY: I move.

That the Legislative Counicl's amendment No. 1 be disagreed to.

In moving this motion to disagree with amendment No. 1, I indicate that the Government will also move to disagree with amendments Nos. 2, 3 and 4. This will enable the commission to be expanded by two members with the addition of an employer and an employee representative. My reason for doing this is that, unlike the trade union movement, there is no unifying body in the employment area. A considerable number of employer organisations have demanded to be involved in the consideration of committees that determine occupational health and safety, the activities of WorkCover and the operation of the Industrial Relations Advisory Committee. Those organisations want to be involved in those areas, but the great difficulty lies in giving all of them a berth in the sun.

The original Bill contained a clause that provided for the Chamber of Mines and Energy to have that exclusive right. On reflection, and with the rejection of this clause by the upper House, I am of the view that we should persist with the proposal to expand the commission by adding two further members so that these various employer bodies can be accommodated. They will have significant input in respect of the occupational health and safety of workers and will represent employers who employ workers in fairly dangerous industries. So, their expertise will be taken into account when we formulate appropriate occupational health and safety regulations and codes of practice for the betterment of South Australian workers.

Mr INGERSON: The Opposition is disappointed that the Minister has decided to go down this track. There is ample evidence that the committees and commissions that have been set up by this Government are too large. We do not need any new expanded committees. It is my understanding that by disallowing this amendment the Minister will accept that a representative from the Chamber of Mines and Energy will not be appointed to the commission.

Irrespective of this fact, if this amendment is disagreed to, there will be one further union member and one further employer member on the commission. Expanding the size of the commission to 15 is not reasonable. If there are 13 members sitting around a table, they ought to be able to make a decision in relation to occupational health and safety in the best interests of everyone. The Opposition does not support the motion.

Motion carried.

Amendment No. 2:

The Hon. R.J. GREGORY: I move:

That the Legislative Council's amendment No. 2 be disagreed to and that an alternative amendment be made in lieu thereof.

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

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

Mr INGERSON: What is the intent of the clause? Why is the Chamber of Mines and Energy to be removed from membership of the commission? As we have agreed to increase the size of the commission, who will replace the Chamber of Mines and Energy?

The Hon. R.J. GREGORY: The second reading debate was handled for the Opposition by the member for Mitcham while the member for Bragg was absent on family matters. It was a time of great sorrow and sadness and I felt some sympathy for him. However, I wish that he had been here because if he had I do not think that we would have spent a day and a half debating the Bill. The Opposition objected strongly to having the Chamber of Mines and Energy named in the Bill when there were already four other employer positions. On proclamation, when the Bill eventually passes, we will call for a registration of interest from employer organisations in this State for nominations to be appointed

to the board. The Governor in Executive Council will appoint five appropriate employers who are associated with particularly prominent employer associations and whose expertise and knowledge would make a considerable contribution towards enhancing the occupational health and safety of workers and employers in South Australia.

Motion carried.

Amendment No. 3:

The Hon. R.J.GREGORY: I move:

That the Legislative Council's amendment No. 3 be disagreed to.

Motion carried.

Amendments Nos. 4, to 11:

The Hon. R.J. GREGORY: I move:

That the Legislative Council's amendments Nos. 4 to 11 be agreed to.

Mr INGERSON: It is satisfying that the Government has agreed to these changes put forward by the Opposition in this place and in the other place. They put back into the right perspective the argument that employers, and employees in particular, should have the right to request that employer organisations be represented. We are gratified that the Government is prepared to recognise this point. I believe that it is in the interest of good industrial relations because, anytime there is an obvious push by one side or the other to take control in the industrial area, it only leads to industrial disputes. The Opposition supports the motion.

Motion carried.

SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 1, line 29 (clause 4)—Insert 'and at least one of those four a practising teacher' after 'Education'.

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendment be agreed to.

This amendment is to the membership of the Senior Secondary Assessment Board of South Australia wherein the Director-General of Education is required to appoint or nominate four persons for appointment to that board. The amendment from the other place requires that one of those persons be a practising teacher. Whilst I understand that it has been the intention of the Director-General to so appoint a practising teacher to the board, I point out to the Committtee that the interpretation that the Director-General has placed on this requirement should be understood clearly.

It is possible in good faith to appoint a practising teacher to the board, but that teacher's career path may change during a period of membership of the board, particularly when one considers that a person suitable for appointment obviously would be a person of high achievement in the field of teaching and would have very good career prospects. It is impossible to be changing continually the membership of this important board, particularly at this point in its history, when that person leaves the classroom, whether it be permanently or for a period, and a replacement person is appointed.

It needs to be understood that the Director-General would act in good faith and make an appointment as required by the legislation. However, during the course of that appointment, that person's career path might well change, which would take that person out of the classroom either permanently or for a time, but it would still be intended that that person would sit on the board. When that term of office expired, that person would be replaced by a practising teacher. If that is clearly understood, the amendment is acceptable to the Government.

Mr BRINDAL: I recall that, when we debated this Bill in this Chamber, the amendment which the Minister now accepts was one with which he had some problems, so I commend the Minister for now finding, on mature reflection, that it is conducive to this Bill and he now accepts the amendment. As I understood the Minister's explanation, while the teacher is engaged in this activity, he or she will not be a practising teacher. I think that the Minister would concur that, when the Bill was debated in this place, we thought that a practising teacher would be someone who was released for a time from a classroom and, so, had direct classroom contact on a daily basis.

Nevertheless, while the interpretation is as the Minister said, I believe that the Opposition was right both in this place and in another place to seek the amendment because it is a good thing that the teacher has had relative and recent classroom experience. The Minister pointed out that, at the end of the appointment, the teacher concerned would go back to the classroom and, presumably, another teacher would be appointed. In that way, relevancy of classroom teaching experience would be an important facet of the board. I thank the Minister for accepting the amendment.

Motion carried.

HOUSING CO-OPERATIVES BILL

Adjourned debate on second reading.

(Continued from 7 November. Page 1606.)

The Hon. B.C. EASTICK (Light): The Opposition accepts that, because the Government has agreed to a select committee on this Bill and on the Residential Tenancies Act Amendment Bill, it provides the opportunity to forgo a lengthy second reading debate. Members will not be denied the opportunity to debate the issues because they will be able to do that in due course in relation to the report from the select committee. In addition, the clauses of the two Bills will be debated, as will the suggested amendments from the committee or amendments that members may wish to put forward.

For the Opposition, this matter has been in the hands of my colleague in another place the Hon. Legh Davis, and he has had lengthy discussions with people in the industry, the Government and the Minister's advisers, and it is as a result of those discussions that agreement has been reached on the terms of reference of the select committee. I will place on record some statistical detail relative to the changes which have taken place concerning cooperative and association housing in South Australia. A table from an official source includes the 1990-91 projections which show, for example, that 360 total units will be acquired this financial year and that the total stock as at 30 June 1991 is expected to be 1 549. As at 30 June 1991, it is expected that there will be 82 incorporated groups. Members will find that the other information in the table shows that there has been a dramatic increase in the demand for this type of housing. I seek leave to have inserted in *Hansard* a table of a purely statistical nature.

Leave granted.

Table 29 COOPERATIVE AND ASSOCIATION HOUSING

	85-86	86-87	87-88	88-89	89-90	90-91 (Projected)
Total Units Acquired *(a)*	250	227	145	126	205	360
Total Stock as at 30 June	465	692	837	938	1 189	1 549
Incorporated Groups as at 30 June	21	29	40	43	56	82

(a) from 1986-87, figures include units commenced for cooperatives as well as those purchased.

The Hon. B.C. EASTICK: Notwithstanding that there has been general and bipartisan agreement that there ought to be a variety of means of housing people in need, this particular form of housing has caused some concern in relation to the number of units, and questions have been raised concerning nepotism, fraudulence and the like. I do not want to nominate anyone or go into any depth because that will be the province of the select committee. Because of these problems, which have been acknowledged by successive Ministers, Parliament has the right to want to make sure that any extension which is provided by the legislation before the House will have inbuilt safeguards or will better address the real needs of the community and be attainable without there being any further question as to improper practices.

It is on that basis that we are most anxious that a full and proper consideration of the issue should be set before a select committee. The Minister agreed unequivocally to the terms of reference, and that committtee will have the opportunity to scrutinise this issue closely. I commend this Bill and the Residential Tenancies Act Amendment Bill to the select committee.

Mr FERGUSON (Henley Beach): I support the proposition before the House. I am in favour of housing cooperatives. I took the opportunity of studying housing cooperatives when I visited the United Kingdom on an overseas study tour. As a result of that visit, I had no doubt that this sort of organisation can effectively assist people, particularly those people in necessitous circumstances in terms of finding accommodation.

Of course, there were different forms of cooperatives throughout the length and breadth of the United Kingdom, some of which were formed specifically to overcome the Conservative Government's attitude to local government. When the Thatcher Government decided that local government, having sold its housing stock, was not allowed to use the money to buy further housing, many of the local government organisations overcame this problem by setting up cooperatives or allowing cooperatives to be set up and then investing local government money in those cooperatives.

I do not see anything wrong in local government investing in this sort of organisation from time to time. I believe that assistance to cooperatives is an outlet that local government should look at. We have been very good at setting up financial institutions so far as providing finance for home builders in this country and in this State, in particular, is concerned.

From the early stages of our colonisation, there were people within the colony who were prepared to set up organisations that would assist home owners by providing finance for those organisations. But we never got around to providing building cooperatives that were actually building the houses. This is the sort of activity I was able to look at during the study tour I undertook in the United Kingdom. As I have stated previously, there are some very worthwhile organisations and cooperatives that we in this State could well copy. As this matter is going to a select committee and there will be further opportunity to debate it, I will not continue with this dissertation, except to say that I support the proposition before the Chair.

The Hon. M.K. MAYES (Minister of Housing and Construction): I thank Opposition members and my colleague the member for Henley Beach for their comments. Given that the matter will be referred for further consideration, it is appropriate that we proceed with that now.

The Hon. J.P. TRAINER: Mr Speaker, I draw your attention to the State of the House.

A quorum having been formed:

Bill read a second time and referred to a select committee consisting of Messrs Becker, Brindal, De Laine, M.J. Evans and Mayes; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 5 March 1991.

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 November. Page 1606).

The Hon. B.C. EASTICK (Light): The Opposition supports this Bill for the same reasons as we outlined during debate on the Housing Co-operatives Bill, and has no argument with the Bill going to a select committee.

The Hon. M.K. MAYES (Minister of Housing and Construction): I thank the Opposition for its support and wish to move on with the matter.

Bill read a second time and referred to the Select Committee on the Housing Co-operatives Bill.

BUILDING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 December. Page 2579).

Mr MEIER (Goyder): The Opposition supports this Bill, although it wishes to highlight certain aspects which are of concern and which need to be considered, particularly in relation to the regulations. Members will be aware that this is a Bill to amend various provisions of the Building Act to provide for improved administration and building control in this State at both policy level, through the composition and functioning of the Building Advisory Committee, and at operating level, where councils ensure day-to-day observance of the Act.

It is disturbing to note that consultation on this Bill has been selective, and selective to the extent of some disregard

for areas of advice from some highly skilled people. There is cause for concern particularly about the amendments that relate to building fire safety. The Opposition was disappointed to learn that the Metropolitan Fire Service, despite repeated attempts to obtain draft copies, was refused a copy of the legislation until the last minute and, in its words, was justified in its concerns.

I will be highlighting some of the concerns of the MFS during this second reading debate. In addition, the Local Government Association was not consulted about the final amendments, although it is fair to say that broad discussion had taken place over some time. Certainly, that is to be expected, as so much of this Bill applies to councils. I was particularly interested to note part of the Minister's response as to why there had not been so much consultation. The Minister said:

> Certainly, owing to our desire to have the Bill dealt with before the Christmas break, time for consultation has been more limited than usual.

I am very surprised that the Minister should admit to that. I would have thought that in this day and age any legislation that came before us, especially legislation as important as this which amends the Building Act and which deals with the safety of people, if proper consultation has not occurred, should be subjected to proper consultation, and it is very important that due time be taken. If Christmas happens to be coming up, too bad: the Bill has to be delayed until appropriate consultation has taken place. Nevertheless, the Minister quite clearly said that time for consultation was more limited than usual in this case because Christmas was fast coming upon us.

Members would be aware that much of the Bill has been debated in the other place. I do not intend to waste the time of this House in repeating the arguments that were put forward in the other place. However, I do wish to bring new information into the debate which relates to a matter to which I referred a short while ago, namely, the lack of consultation with the Metropolitan Fire Service and its concerns about the fire safety provisions in this Bill.

I believe that the matters I am about to highlight need to be considered by the Government and the Minister in the drawing up of the regulations that will accompany the Bill, and it is quite obvious that an extensive number of regulations will accompany the Bill. It is disappointing to see that in terms of this Bill the Government takes what could be described as a 'simple' attitude towards fire safety. Fire and life safety are very complex subjects. It has been put to me that there could be a case to say that, in parts of the Bill, the Government is pulling the wool over our eyes.

I do not know whether I can go quite that far, but I believe it is very important for the Government to realise that there is real concern out in the general community. The Minister has said that the draft regulations deal with applications for approval for a building to be equipped with a booster assembly for use by the fire authority or for a fire alarm system that transmits a signal to a fire station. These will have to be accompanied by a certificate from the fire authority stating that the proposed firefighting and fire detection facilities comply with the requirements of the fire authority. We must all realise that that portrays a very simple attitude towards operational firefighting in today's world. Members should be aware of the vast range and design of structures that are built today, many being multistorey and others containing material that issues large amounts of smoke that travels quickly throughout a structure. And this smoke kills.

Therefore, before a certificate of approval is issued, the South Australian fire authority should issue a certificate of approval only when all fire and life safety systems are installed as required for the class of building. Examples include self-closing doors that stop fire and smoke from spreading throughout the structure; exhaust fans or air-conditioning plants that extract smoke from structures; and venting systems that stop smoke from lodging within the structure, these being operated automatically by the fire alarm systems which activate these devices on the detection of fire, smoke or fumes of combustion. Fire hose reel and internal hydrants, hand extinguishers, evacuation systems, booster pumps, emergency lighting, exit signs and doors, and exit points, etc., are all placed according to the regulations under the Act. It is commonsense that all fire and life safety systems must comply with the regulations under the Act.

What are MFS personnel to do when they, as professional firefighters, are required to risk their lives to extinguish a fire in a structure where the South Australian Metropolitan Fire Service, or any fire authority, when viewing the plans to erect the structure, find that not all the regulations or requirements under the Act have been complied with? The service views many plans each day, and in most cases it is found that those plans do not comply with the legislation. So, the fire authority has a problem. Should it approve or not approve the plans?

I believe it is important that before a certificate is issued by the fire authority, all fire and life safety systems should meet the requirements of the fire authority and comply with the Act and its regulations. Thus, in terms of the safety of firefighters and the community who live, work, shop or are being entertained in a structure that is public or privately owned, there is a strong argument that such a building should be equipped with a booster assembly for use by the fire authority, or at least have a fire alarm system that transmits a signal to a fire station, and life and fire safety systems. It is the words, life and fire safety systems, that are so important. In fact, I suggest that life and fire safety systems should be addressed specifically in the regulations.

It will also be necessary for a certificate from the fire authority certifying that the proposed firefighting detection facilities and life and fire safety systems comply with the requirements of the fire authority. As one senior person pointed out to me, 'We live in the 1990s, not the 1890s. This Bill to amend the Act is for the future. Let's not step back in time.' I believe that, in view of the information I have just put forward, there is reason for concern. There is no doubt that the MFS has a lot of concern, and that is understandable as its role in the consultation process was near enough to nil.

The Opposition is concerned about clause 5. Clause 5 refers to approval or disapproval of building work by councils, and it can be argued that reference needs to be made here to life and fire safety systems, if not in the Act then in the regulations. There must be a check of all requirements at planning stage, not after the structure is built. There is an argument that vested interests may seek to prevent the fire authority from checking to see that the Act and regulations are complied with. I would hope that that would not be the case, but it is acknowledged that in our society there is a broad range of groups and many councils, and when one thinks of the number of people on those councils it is possible that that argument could apply.

In relation to class 3 structures, I am told that a number of boarding houses, including backpacker hostels, are being set up without involvement from authorities. One that has been brought to my attention was licensed to accommodate 43 persons under a council by-law, but when inspected it was found to accommodate 130 persons. Obviously, that is a very unsatisfactory situation and one that could well lead

to tragedy on the scale of the recent Kings Cross (Sydney) disaster. Such buildings would present an unhealthy environment as well as a life risk in the event of fire, seeing that both fire and smoke can kill.

Fire authorities become aware of such structures only when they are informed or when a complaint is made to the building fire safety committee. As is the case interstate and overseas, economic conditions and the breakdown of the family unit have brought about a rapid increase of the aforementioned. In time it will be the same in this State, in all probability. There is an argument that there should be a requirement to have such structures registered with the fire authority, whereas currently councils permit them to exist under by-laws, and I fully appreciate that that could constitute a debate in itself. A residential listing enables authorities to monitor and enables the fire authority to grade the structure as A, B or C class in a predetermined response turnout. If life risk ever occurs, enough equipment and firefighters will be in immediate attendance.

I would argue that we should not allow what has happened interstate and overseas to happen here. We have an extremely good record in South Australia with a very small loss of life hitherto. It has been the firefighters who have paid the price. Approximately 30 Country Fire Services and two Metropolitan Fire Service personnel have lost their lives since 1950, and approximately 450 are injured each year in the Metropolitan Fire Service.

Our firefighters serve our community. They provide a service, risking their life, and this Parliament should indeed pass laws that provide a safe working environment, laws that the community knows are structurally sound, providing good life safety in the event of fire. So, it is essential that we have no self-interests and that we, as a Parliament, do everything we can to address those problems that I have just highlighted. It is a great shame that there was not more consultation in this case. If the Minister's argument is true, that she wanted the Bill dealt with before Christmas, it is a very poor argument. I know that the MFS, for one, wishes that it had been involved in a lot more consultation. There is still time, through the regulations, to take into account those factors that I have highlighted this afternoon, and I hope that that will occur. Certainly members are aware of the arguments put forward in the other place and, as I indicated, whilst the Opposition has concern about the lack of consultation, we support this amending Bill.

The Hon. M.D. RANN (Minister of Employment and Further Education): I must say that we are dealing today with historic legislation. The amendments to the Building Act will facilitate the making of the building regulations which call up the Building Code of Australia, a national model code for technical building requirements. This is the first major step towards national uniformity in building standards. The amendments also put in place some of the recommendations of the Review of the Administration of Building Control in South Australia which are designed to reinforce the policy objectives of the legislation and improve administration. Further opportunities for reform and efficiency are bound to be recognised following the transfer of the Building Control Branch to the Department of Environment and Planning.

I am pleased that the Bill has received general support, and members have cooperated in dealing with it expeditiously. I have noted the honourable member's comment that insufficient time was allowed for consultation; indeed, it was suggested there had been almost zero consultation. That is not true. There may not have been extensive consultation but there has been intensive consultation with the MFS and others. The honourable member referred to the regulations. There will be extensive consultation on those regulations.

I also ask members to bear in mind the origins of this Bill. In the course of working on the draft of the proposed building regulations which will set out adminstrative provisions and incorporate, by reference, the technical provisions of the code, Parliamentary Counsel advise that a number of amendments should be made to the Act to provide power for certain regulations and to make the proposed regulations sit well together.

Given that a Bill was being prepared, the opportunity was also taken to implement some of the recommendations of the Review of the Administration of Building Control carried out by the Department of Local Government. The report of the review was widely circulated and commented on months ago. Frankly, I am surprised that the honourable member had not heard of the circulation of these draft proposals. The proposals, relating to objects, building fire safety committees and the Building Advisory Committee, were first canvassed in that report. Officers of the department met with officers of the Local Government Association on 22 October and went over a draft of this Bill. It was not yesterday—it was back in October.

The Building Advisory Committee, at its meetings in October and November, considered the Bill, and it was circulated to all councils in early November. The Local Government Association and several councils have made submissions on this Bill, and they have been taken into account. Certainly, that is considerably more consultation that has occurred on this Bill than was given to the Liberals' amendments to the Local Government Act considered in conference earlier today.

There were two main areas of concern to the Local Government Association and to some councils, and these were the provisions relating to building fire safety committees and proposed new section 9 (2a) in clause 5 which concerns certification. As I explained when introducing the Bill, it provides for a building fire safety committee for an area to authorise persons to conduct inspections on behalf of the committee and so increase the rate at which potentially hazardous situations can be identified. All of us would want that to be achieved. It was intended to make the best available use of staff resources which might be available to each of the agencies represented on the committee—the building control branch, the council and the fire authority.

Certain councils, however, saw this as some kind of devolution of responsibility without power, although there is no compulsion on councils to make any extra staff available. These councils want to engage in a much larger negotiation about which level of government should take responsibility for this fire safety work and how it should be funded. I can give an assurance to the House that that negotiation can and will happen in the context of the review of State/local government relations. In addition, some councils and the Metropolitan Fire Service were concerned that inappropriately trained people would be appointed by the committees. Since the council and the fire service make up two of the three positions on each committee and the fire service had agreed to participate in training sessions for persons being considered for appointment, this concern (without any reflection on the MFS) was a little hard to fathom. Officers of the department met with officers of the MFS and concerned building surveyors and reached a compromise. It is important to note that a considerable amount of intensive consultation occurred.

There have been theories about the test certificates from the fire service and, in relation to that, the draft regulations

dealing with applications for approval for a building to be equipped with a booster assembly for use by the fire authority. We will have a fire alarm system which transmits a signal to a fire station. These will need to be accompanied by a certificate from the fire authority to the effect that the proposed firefighting and detection facilities comply with the requirements of the fire authority. The requirements will also be included to provide that a council must refuse to issue a certificate of classification to the building until it has received a certificate from the fire authority stating that the fire service installation is satisfactory. I certainly appreciate the honourable member's support for this Bill.

In my own area for some years I have been lobbied by a Mr Keane with respect to the subject of outbuildings and whether or not they are building work. We have had significant input from the Crown Solicitor's office on the claims made by Mr Keane, who lives in my electorate in Salisbury East, and the Government is satisfied that the ruling given in the case of *Keane v Kleem* (that is John Kleem, the retiring City Manager of the Salisbury City Council) was specific to the transportable igloo or tunnel type of greenhouse and cannot be extended to structures of a more permanent or fixed nature. Consequently, unless exempted from being building work by the area and height limitations in schedule 1 of the proposed regulations, such outbuildings will be considered to be building work.

Today we are talking mainly about preventing injury, death or damage through fire. The vast majority of fire deaths in buildings occur in dwellings. A small percentage of fire deaths occur in non-residential buildings, yet there is significant expenditure on fire safety and protection and the project has shown that a model can be created which gives a rational assessment of the effectiveness of the various inter-relating fire safety and protection facilities, the cost of fire protection losses resulting from a fire and the risk to life safety from fire. Evidence exists that substantial cost savings are possible whilst maintaining our current excellent fire safety record. Certainly I appreciate the assistance of members opposite in having the matter dealt with expeditiously and in a statesmanlike way.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

Mr MEIER: I thank the Minister for his response to some of the issues I raised. I listened with interest to his comment on what consultations had occurred. It is obvious that there has been some concern as to the depth of the consultation. Let us hope that the Minister is correct in his assessment of how much consultation occurred and that this Bill will help South Australia as a whole.

Clause passed.

Clause 2—'Commencement.'

Mr MEIER: As I indicated in my second reading speech, the Minister of Local Government has stated that she wants the Bill dealt with before Christmas. When is it anticipated that the Act will come into operation?

The Hon. M.D. RANN: It is intended to bring the measure into force as soon as possible. Regulations which set out administrative procedures and invoke the technical procedures of the code as amended by South Australian variations will be completed and introduced after the measure is passed. If the Bill is passed today or tomorrow it is anticipated that the new regulations could take effect in either February or March of next year. My gut feeling is that we are talking about March. The regulations will provide for a transitional period of up to 1 January 1992. Compliance with the technical provisions of the existing building regulations will be an alternative to compliance with the code.

Mr MEIER: Does the Minister have any idea of how many regulations will accompany the Act?

The Hon. M.D. RANN: One set of those regulations relating to the Building Act will involve about 60 regulations—perhaps 59 or 61.

Clause passed.

Clauses 3 and 4 passed.

Clause 5—'Approval or disapproval of building work.'

Mr MEIER: I have noted the following statement by the Minister of Local Government:

> A reasonable approach will be taken to the application of access provisions from persons with disabilities.

I assume that it comes under this clause as councils would be approving such items. I have been very concerned about the lack of facilities that exist for disabled persons in buildings in many rural centres, let alone metropolitan buildings. I have a constituent in my home town of Maitland who, unfortunately, as a mother and housewife suffered a spinal disability which has put her in a wheelchair after having been one of the most active people around. This constituent has highlighted to the whole of the Maitland community the problems that exist for people confined to a wheelchair.

It has been great to see that many of the offices and retail establishments have sought to accommodate her by building ramps and making provision for her to enter their buildings. I know that the Minister has visited Maitland on more than one occasion. I recall reprimanding him once for not having called into my office, although I am sure that that will be rectified upon his next visit. He appreciates that Maitland has some very high gutters for a start, that damage the underparts of car bumpers, but it also has some high steps for people to get up into the shops.

I remember that the Disabilities Adviser to the Premier came to Maitland on one occasion when we had hoped that the Government could undertake to make Maitland a key rural centre in South Australia to show how alterations could be made. Unfortunately, due to 'financial restrictions', this did not eventuate. I would like to know what regulations, if any, exist in this Bill to make people undertake to build structures for the disabled and what measures will exist for establishments that build new structures. Must they have certain provisions to make facilities available for entry and exit for the disabled?

The Hon. M.D. RANN: I guess the confusion about the relevance of the clause is that clause 19, and not clause 5, deals with the schedule of transitional provisions, actually empowering councils to take on board powers relating to improvements for people with disabilities. I think we are sufficiently broadly based to deal with that issue now. Although I do not have any first-hand experience of the gutters of Maitland, I will certainly take the honourable member's word for it.

The addition of subclause (4) of clause 19 will permit councils to require reasonable means of access and amenity to be provided to persons with disabilities during significant upgrading or refurbishment of buildings which pre-date the compulsory requirements for access of such persons. It is intended carefully to prescribe and monitor the limits of application of regulations under this clause to ensure that the interests of both the disabled and the developer are considered in its application. Detached single dwellings will not be caught in the alterations of a prescribed kind which bring this power into play. It will cover alterations to entrances, foyers, entrance halls, lift lobbies and toilets.

Clause passed.

Remaining clauses (6 to 19), schedule and title passed.
Bill read a third time and passed.

BUILDING SOCIETIES BILL

Adjourned debate on second reading.
(Continued from 11 December. Page 2591.)

Mr INGERSON (Bragg): The Opposition supports the Bill as it has come out of the other place and, in so doing, recognises the excellent work of the five building societies and the five Starr Bowkett building societies registered under the Building Societies Act 1975 in South Australia. Their assets exceed $1.9 billion and the group assets are approximately $2.2 billion.

In an environment of financal deregulation and greater competition, building societies proposed to the Government that there should be a review of the Building Societies Act 1975. The Building Societies Advisory Committee undertook that review and the Bill results from the report of that committee and submissions by building societies, auditors and other advisers. It does not reflect completely the recommendations of the Building Societies Advisory Committee but discussions with the South Australian Association of Permanent Building Societies indicate that they wish to have the Bill passed by Christmas 1990.

It fascinates me when we get a Bill of this size coming before this House that we are expected in either Chamber to pass a Bill as complicated as this within the very short time frame in which we are expected to do it. Whilst the Opposition is very cooperative in this, I find it incredible that the Government cannot get its management procedures in order rather than requiring a Bill of this importance to come in virtually in the last 24 hours of the sittings of the session.

The Bill relates to the restructuring and upgrading of this area of financing in South Australia; it is part of a uniform code package that is going through not only the building societies area but also banking, the financial institutions and the whole financial area, yet we have such a massive Bill put before us to debate at the last minute of the session. I think the Government should be condemned for doing this. It ought to be able to get its act in order, because I understand that this committee reported earlier in the year and it seems to have taken up to eight months for the measure to get to the House. I find this sort of proposal by the Government, forcing legislation through at the last minute, unacceptable.

Having said that, I recognise that it is in the interests of the societies, and the Opposition is cooperating in the interests of all the building societies, which have expressed a wish for this change to be implemented before Christmas. Probably, like the rest of us in this place, they are sick and tired of waiting for new legislation to come in, sick and tired of waiting for this Government to get its priorities right in the timing of legislation.

The association has said that it wants this legislation passed so that it will form the basis of this new uniform legislation throughout Australia and particularly by New South Wales and Queensland. The major change in the legislation is the provision of prudential standards and capital adequacy requirements. One can best identify these by referring to the summary in the second reading explanation which is as follows:

> Firstly, a risk-based approach to the measurement of capital adequacy. This new approach includes both on-balance sheet and off-balance sheet items of the consolidated group and takes account of differences in the relative riskiness of transactions.

I hope the Minister will ensure that any off-balance sheet items are covered in the annual report, so that we do not have a fiasco such as we have had with another State authority. The explanation continues:

> Building societies have agreed to maintain a minimum ratio of capital to risk weighted assets of not less than 8 per cent, with at least half of this comprising core capital, essentially permanent share capital and realised reserves.
>
> This approach caters for societies as they are and as they may develop and acts as a brake on high-risk ventures whilst not obtruding into legitimate management decisions, and provides protection for both industry and its clients. The Bill also provides that minimum capital may be increased where a society has failed, e.g. to manage its risks.
>
> Secondly, a net liquidity requirement which will engender community confidence in building societies. The Bill provides for societies to hold at all times a minimum tranche of high quality liquefiable assets, termed prime assets, equivalent to 10 per cent of total liabilities exclusive of capital. Thirdly, large exposures of a building society will be regulated by a process of prior notification and other appropriate reporting. If such a transaction is judged to be excessively risky it will attract penalty capital. Fourthly, a maximum shareholding of 10 per cent of shares and other prescribed securities has been included. This provision has regard to the cooperative nature of a building society and is designed to prevent market dominance by individuals or their associates.
>
> The Bill provides for a minimum 50 per cent of a society's group assets to be held in the form of residential finance, either owner-occupied or tenanted.

The Opposition supports strongly this part of the Bill because we recognise—as I hope the Government recognises—that building societies in this State have made a very significant contribution to housing in South Australia. I, and I suspect many other members of this House, have had the privilege of dealing with many South Australian building societies, and without them I am sure that many of us would not have the housing conditions that we have today.

There are controls over possible changes in the ownership control and activities of building societies in South Australia and conversions to company status may proceed only upon the recommendation of a committee comprising the Corporate Affairs Commission, Treasury, Housing and Construction and Industry departments with the approval of the Minister of Corporate Affairs. Building societies will be able to borrow in foreign currency provided that the borrowing is hedged against adverse movements in the foreign currency.

In raising funds, a building society must issue a disclosure statement not dissimilar to a prospectus. This applies where the building society issues securities such as permanent shares and prescribed interests. Permanent shares may be traded on an exempt stock market. Interstate building societies will be able to be registered as foreign building societies only if they trade in South Australia, comply with the prudential standards applying to local building societies and comply with the requirements of one member one vote and the limitation of 10 per cent on shareholding by any person or group.

The other issue of concern in the Bill related to the control of interest rates. I note that this provision has been removed in the other place. All members on this side of the House support strongly the need for deregulation in the financial area exactly as we have supported strongly deregulation of the labour market. Unfortunately, one of those areas has moved but the other has not. This seems to be the last bastion of interest control that has been held onto by this Government.

We all remember the last election, and indeed the previous election, when interest rates of building societies were juggled by the Government of the day so that they could control the movement. The removal of this clause is in the best interests of all South Australians; it will enable building

societies to compete with other financial institutions in this State. Building societies wish to have totally removed the constraints imposed by the Government on interest rates. The Opposition supports this area very strongly.

The Government argues that such potential control over interest rates should be retained as a matter of social justice. The threat to invoke a regulation has been issued on a number of occasions by Labor Governments to control interest rates, as I mentioned earlier, particularly at State election time. As a matter of principle, the Opposition believes that this whole area of deregulation, which is supported strongly by both sides of Federal politics, is a move in the right direction and it has been supported in the other place. With those few comments, the Opposition supports the Bill in principle.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this important measure. The preparation of this legislation has received very close scrutiny by those interested in financial institutions in our community, and it is the result of a thorough inquiry by the Building Societies Advisory Committee, which undertook to review the existing Building Societies Act. The committee has consulted widely, and the Bill has had the benefit of thorough analysis in the other place. So, it comes to us in an amended form, but one which is acceptable to the Government. An amendment on file relating to guarantees appeared in the other place in erased type because it is a money measure.

The history of building societies in this State is somewhat different from that in a number of other States. Indeed, I say with some degree of confidence that building societies have a proud history of contributing to the community of South Australia. Five permanent building societies and five Starr Bowkett building societies are registered under the Building Societies Act 1975. Together they have total assets of more than $1.9 billion and group assets of about $2.2 billion. They play a substantial role in the South Australian marketplace. They are leaders in the provision of innovative housing finance, developing loans in response to consumer needs and, by providing a range of alternative lending projects, they have extended the benefits of home ownership to many families unable to meet the rigid qualifying criteria imposed by other institutions.

For a long time, building societies have played an important role because they were able to provide money on other than new houses and were able also to lend potential home buyers a greater amount of the cost of a home than were other financial institutions. So, that helped particularly young families to purchase existing homes in the inner suburban areas of Adelaide. In that way, they were able to establish and provide security for their families. Otherwise, they would have had to rent properties or to move on to Housing Trust waiting lists.

Building societies in their origins have a very desirable goal of bringing together people with a common aim, often from a religious or workplace background, people of like community interests who were prepared to lend moneys for the benefit of others in the community. That goal has served the societies in this State particularly well. Building societies hold a significant position in the South Australian financial market with 703 000 savings and investment accounts, which represent some 12 per cent of the national industry total against the State's proportion of population of 8.4 per cent of the Australian figure. In addition, there are 42 800 current loan accounts with societies holding more than 33 per cent of the total withdrawable household funds held by both building societies and savings banks in this State.

Societies have a significant and important position in the South Australian market as repositories for domestic savings, as major sources of housing finance, and increasingly as providers of an expanding range of competitive financial products and services designed to meet the changing needs of consumers.

For many South Australians they are a secure, efficient and preferred alternative to the banking sector. Societies remain committed to providing housing finance for as wide as possible spectrum of prospective home buyers, and that is a very desirable aim. It must be noted that, as a result of deregulation of the financial sector in this country over recent years and the resultant increase in competition in the marketplace, as well as the changes in corporate structure which have occurred to building societies in other jurisdictions in this country, and having regard to the significant role societies play in the State's capital markets, the Government asked the Building Societies Advisory Committee to undertake a review of the existing legislation. The results of that review are now before us in the form of this Bill.

The recent crisis of non-banking financial institutions in other jurisdictions, particularly in Victoria, has highlighted the need for more stringent and uniform prudential standards governing the operations of building societies throughout Australia. It should be placed clearly on record that the situation that has arisen in Victoria, particularly, with building societies, would never have arisen in this State because of the already stringent regulations that are in place for that industry. In this regard, the Bill reflects South Australia's commitment to uniformity.

The prudential standards in the Bill are consistent with those to be introduced by the New South Wales Government and supported by all other States. Of course, the industry is strongly supportive of this regulatory intervention into this area of the marketplace. This regulation will afford appropriate protection for the investing and borrowing public, will promote general stability of building societies and will enhance their reputation across this country. Unfortunately, that has taken somewhat of a battering because of the Victorian experience.

Where relevant, the prudential standards are also consistent in all substantial respects with those developed by the Reserve Bank of Australia in its approach to the supervision of banks. In his summary of this measure, the member for Bragg outlined the contents of this Bill, which completely rewrites the Building Societies Act 1975. I commend this measure to the House.

Bill read a second time.

In Committee.

Clauses 1 to 113 passed.

Clause 114—'Guarantees.'

The Hon. G.J. CRAFTER: I move:

To insert clause 114.

This provision was excluded in the Bill before the other place under the principle of erased type, because it deals with a money matter.

Mr INGERSON: What are the type of guarantees into which the Government may enter, the scope of the guarantees and any of the conditions of those guarantees?

The Hon. G.J. CRAFTER: As I understand the nature of the guarantee, it will protect the small investor in a building society against the collapse of that building society and the loss of that investment on the part of the small investor.

Mr INGERSON: Does that mean that all investments below a certain figure are guaranteed in all building societies? What does 'small investor' mean? Is it $20 000, $50 000 or $100 000?

The Hon. G.J. CRAFTER: The policy on this matter has not yet been determined but it is the intention of the Government to protect the small investor, not the building society itself as a corporate body. The extent and nature of the guarantee have yet to be determined.

Mr INGERSON: Surely there must be some sort of understanding as to what the Government means. I would have thought that it means that every person's funds in a building society were guaranteed by the Government. I do not have great objection to that but I would have thought that a lot of other businesses would also like to have their small investor funds guaranteed by the Government. It is a very broad concept and it seems incredible to me that the Government does not know what it is all about. It is easy for the Government to bring in a clause, drop it on Parliament and say that it will all be worked out tomorrow because we do not know too much about it, other than it will protect small investors. There must be a reason for this provision. The Government must surely have some examples of why the funds of small investors—whether it be $10 000, $20 000 or $100 000—need to be protected. The Government should understand in principle what Parliament is passing here today.

The Hon. G.J. CRAFTER: This provision is in place in the current Building Societies Act. Fortunately, the Government has never been required to use the provision. It is proposed that a similar guarantee be provided in the new legislation. I can only explain to the honourable member that, if a Pyramid Building Society situation occurred in South Australia, the Government would be empowered to protect the investments of a certain category of investors, as has the Victorian Government. This provision gives that guarantee to those persons investing in building societies. It is not a matter of the Government's bringing down a prescriptive policy that would apply in any given circumstances in the future, because each circumstance needs to be measured on its merits. The guarantee in this clause is worded in such a way to empower the Government to respond to such a situation, should it arise in the future.

Clause inserted.

Remaining clauses (115 to 220), schedules and title passed.

Bill read a third time and passed.

ADJOURNMENT

The Hon. G.J. CRAFTER (Minister of Education): I move:

That the House do now adjourn.

Mr ATKINSON (Spence): Since November 1987, a class barricade has disfigured Barton Road, North Adelaide, just above its junction with Hawker Street at Bowden. The barrier is a monument to snobbery. It was thrown up by the Adelaide City Council to keep residents of Bowden, Brompton, Croydon and other inner western suburbs out of North Adelaide. The barrier was erected unlawfully, but it is still there and still without lawful excuse. Although State Governments are reluctant to intervene in disputes about local roads, I believe that the Minister of Transport ought to use his power under section 18 (1) of the Road Traffic Act to tear down the unlawful obstruction at Barton Road.

On another occasion, when I sought to raise this matter in this House on behalf of Hindmarsh residents, the member for Adelaide disputed my right to do so because the barricade is a few yards inside his electorate. If the Hindmarsh council were to barricade Torrens Road at Ovingham, perhaps he would see things differently. I respectfully differ from the honourable member about this. He is free to justify the barricade if he will. I shall now recite the sad history of the Barton Road closure.

In 1984 a working party reported to the Commissioner of Highways on the proposal for a north-west ring route around the City of Adelaide. The final link in the north-west ring route was to be a bridge over the northern railway at Bowden. The Adelaide City Council delegate on the working party, the City Engineer, Mr Hadaway, told the working party that, when the ring route was completed his council intended to close Barton and Mildred Roads to Barton and Mills Terraces. State Transport Authority buses on the Hawker Street run to Port Adelaide would be allowed through a narrow, curved lane that would be made through the obstruction.

The working party found that North Adelaide residents were in favour of the closure, because it would reduce traffic and noise. These were the same sensitive souls who stopped a restaurant proposal for the derelict North Adelaide railway station, hundreds of yards from the nearest residence, because of the din the diners might make! The working party found that Hindmarsh residents objected because of the loss of access to North Adelaide. Note, loss of access to North Adelaide, not the city and not the north-eastern suburbs. Read, mark and inwardly digest, Mr Hadaway. We in the western suburbs did not use Mills Terrace as a route to the city or as a short cut as Mr Hadaway alleges in comments reported in *The City Messenger* of 8 February 1989. We used it to get to Mass at Saint Laurence's; to collect our children from Saint Dominic's Priory School; to visit friends at Calvary Hospital; to get to Helping Hand and Red Cross, and to keep appointments with the doctors and dentists whose surgeries are in that part of North Adelaide. I have used Mills Terrace myself on pilgrimage to marvel at the opulent dwellings in Gibbon Lane and Barnard Street, and to catch glimpses of those whose reward it is to live in them.

Western suburbanites did not use Barton Road and Mills Terrace as a short cut in the sense of evading main roads. We used them as a direct and sensible path to North Adelaide. Now we must approach North Adelaide via Jeffcott Street, which adds a kilometre to our journey and is anti-directional, if I may borrow from the lexicon of the Department of Road Transport. Adelaide City Council has even canvassed the closure of Jeffcott Street. If that happens, western suburbanites will have to use a flying fox or a chairlift.

If it were true that the people of Hindmarsh were using Barton Road to get to the city or to the north-eastern suburbs, this was unlikely to continue after the north-west ring route was completed. If Adelaide City Council were serious about stopping Barton Terrace being used as a route to the north-eastern suburbs, it could have blocked it at its western end, leaving the Barton Road-Mills Terrace junction open. The working party remarked that it was worth considering 'the comment of one respondent in Croydon that a full closure was unnecessary as the majority of drivers would use the ring route once it was upgraded.' The Adelaide City Council did not consider this. The working party recommended a bicycle path through the closure, but the city council did not do it.

The north-west ring route was completed with the opening of the Bowden bridge this year. Adelaide City Council did not wait for the opening: it had barricaded Barton Road against the people of Hindmarsh in November 1987. It left a single lane curved road for the buses. I might add that this lane is so tightly curved that the elderly and toddlers

are regularly thrown from the bus seats by the movement of the bus through the S-bend.

The Adelaide City Council purported to close Barton Road under section 359 of the Local Government Act, which provides for the temporary closure of streets. In using section 359, the council must have interpreted the adjective 'temporary' in the same sense as the late Lionel Murphy did during attempted loan raisings in 1974 and 1975. Section 359 authorises a council by resolution to exclude vehicles from a road and to erect barriers and other traffic control devices provided that the resolution not take effect until it has been published in the *Government Gazette* and in a newspaper circulating in the area. Not only did Adelaide City Council not publish a resolution on the closure of Barton Road in the *Gazette* or a newspaper, it had not even passed such a resolution.

The council also purported to act under section 12 of the Roads (Opening and Closing) Act. Section 12 requires the Surveyor-General to publish a notice of intention to close in the *Gazette* and to fix a date and a place for a meeting to discuss the effect of the closure. Section 13 allows any person who objects to attend the meeting and support his or her objections. Adelaide City Council did not comply with this law, either.

I said that the Adelaide City Council purported to act under the two laws I have mentioned. In fact, the Adelaide City Council was not conscious of a need to comply with any law when it blocked Barton Road to Hindmarsh residents. The decision to close was arbitrary. It was only when the battered blue Ford station wagon of Mr Gordon Howie ran the barricade that the city council was forced to find retrospective justification for its closure of Barton Road. Mr Howie was fined for driving through the S-bend and appealed to the Supreme Court. The Supreme Court upheld Mr Howie's appeal, because the closure was not authorised. Since then the city council has done nothing to authorise the closure. There has been no gazettal and no notice, yet on 19 November Mr Howie was booked again for doing what all of us should be able to do: driving from Hill Street to Barton Road.

Like the Bourbons, the Adelaide City Council has learned nothing and forgotten nothing. It is time that Adelaide City Council understood its responsibility for administering the centre of a metropolis. It is not the local authority for some kind of Mira Monte or some secluded housing estate. Closing roads in the centre of a metropolis affects thousands of people who live outside the city walls.

Hindmarsh councillor George Karzis has, along with Mr Howie, led the fight against the barricade. Councillor Karzis put the issue well when he told the *Weekly Times Messenger* (a journal circulating among us at the bottom of the hill), 'It's a form of apartheid. It's separating them (North Adelaide residents) from the western suburbs. Elitism is what it stands for. It's a great example of wealth overriding the common good.' Mr Speaker, the Minister of Transport should use his undoubted powers to restore the common good.

Mr BRINDAL (Hayward): I rise this evening in this grievance debate to address what I believe is the constant bleat of many political commentators in this and other States—such that it has become almost an article of faith—that we are over-governed in this country. I do not accept that proposition, nor, I am sure, do many other members of this House. It is time that we as legislators stood up and started to correct the record in some of these matters. The fact of over-government is really contested. Despite the fact that we have had basically the same forms of government and the same numbers of levels of government since federation, in the last decade or the last two decades the cry rises ever ceaselessly almost that we are over-governed.

I put to this House that what this country needs is perhaps not so much different tiers of government or different numbers of people in government but appropriate government. The question should be not whether we are over-governed or under-governed, but whether we are governed appropriately, whether the response of government to the people is within reasonable time and a reasonable response. I think any person who has served in the legislative process, be it at local government, State Government or Federal Government level, will acknowledge that the most appropriate way to respond to the needs of the people, however flawed our system is, is through the Federal Parliament, State Parliaments and councils, and that bureaucracy is not the answer but a parliamentary system of democracy is.

I recently heard the Premier speak on ABC radio and, to the best of my recollection, he acknowledged that the complexity of the body of law in this country had, in many ways, become overpowering and he believed that there was perhaps too much statute law on the books. Again, to the best of my recollection, he went on to say that he therefore believed that the solution might lie not so much in increasing the statute law on the books but in increasingly governing through regulation. That would be the only point of the Premier's talk on that matter, if I am quoting it correctly, with which I have some variance. I concur with the Premier that we may well be over-legislated but I do not believe that further regulation is the answer.

I believe in perhaps smaller government, and therefore less regulation as well as less legislation. As I said, what we should aim for as members of this Parliament is a participatory democracy reactive to the needs of people, and in terms of the creation of a participatory democracy I take note of points which you, Sir, made in the debate on the size of this House, and would concur in many ways with your sentiments on that night and with the argument that participatory democracy would require more rather than less representation. It would indeed be ideal if we could have as many members as possible take part in the democratic process. That the numbers in this House must be limited is necessary because of the limitations which must be put on debate and on the opportunity of members to participate. Were there too many members, nobody would get the opportunity to debate matters properly. They are the things that should be kept in order.

If we went the other way, if we were to decrease the number of members of the Parliament, I believe quite strongly that it would first be necessary to disband much of the apparatus of government. Before we could even consider changing the size of the House there would have to be a leaner, more efficient Public Service with less duplication between levels of government and certainly fewer areas of interference of government in the life of private citizens. We see in this place Ministers who, I believe on the whole, are conscientiously doing their job. But, many of them are burdened with a number of portfolios. I put to this House that, when a Minister has more than one portfolio, when a Minister is in fact responsible for several heads of departments and the duties of being a Minister in a Government, he must increasingly rely on those heads of department and, in a sense, fall to their mercy. I believe it is true that with Ministers holding more and more portfolios the propensity of the Sir Humphrey Appleby syndrome to develop in any State is indeed dramatically increased.

Unfortunately, I believe that that is what has happened in this State, indeed in most other States of Australia: Ministers are hard working, but Ministers have many

departments under them and they are increasingly forced to rely on public servants who, because the Minister's time is divided between many departments, become more and more powerful and, I put to this House, perhaps at times a touch too powerful.

The media, when it talks about over-government, often comes up with very simplistic and simple solutions. That might say something of the commentators who set themselves up as experts and who pontificate very freely on this matter; their solution is often to cut the size of the House or to cut one tier of government. I am sure that all members of this House would be aware that, as the State Government lies right in the middle, it is nearly always the State Government that they suggest should be chopped. They suggest that we should keep local government and Federal Government and that the State Government performs no useful function.

The Hon. T.H. Hemmings interjecting:

Mr BRINDAL: Well, I might not have been here long, but I believe that this Chamber and the other place perform very useful functions which cannot be duplicated by disbanding this House and giving its responsibilities to other spheres. I point out something which the commentators seem constantly to miss in their deliberations: if we were to go to a system of even 10 local councils (and I pick 10 because it was a number mooted recently in the press) and each of those councils had 20 members, there would be something like 200 members in local government. I would hazard money that no member in this Chamber would deny that, if the State Parliament were disbanded and if local government were to assume our responsibilities, each of those elected representatives would have such a burden as to have a full-time job and require that job to be paid, and possibly quite rightly.

So, we would move from a situation of having 67 elected representatives of the people who are paid for by the people to having 200, and I will bet that the same media which now say that this Chamber is unnecessary would whine and whinge about the increasing costs of government if 200 local councillors and mayors were all paid the salaries to which they were entitled. The Parliaments of this country are important, and I am sure that you, Sir, who have spoken on the privileges of this House, would be the first to stand and defend this tradition to which we belong.

The final thing to which I would like to allude is the problem of the States. Nowhere have I heard any suggestion but to disband the States. The great argument that is always used is that State boundaries are arbitrary lines drawn on a map. I concur with that; it was just a necessity of past colonial administration. But, I have never heard anyone suggest that perhaps State boundaries could be redefined on either geographic or climatic grounds.

For instance, we could have a State of northern Australia which took in all the tropical regions; an eastern seaboard State which ran down the side of the Blue Mountains; a south-western State which was perhaps bounded to the north by the River Murray and included Victoria and part of South Australia; and an arid zone State which would then include most of South Australia, the outback of New South Wales and most of lower Western Australia.

An honourable member interjecting:

Mr BRINDAL: The honourable member refers to the State of Tasmania. Like many other Australians, I have never quite worked out what to do with Tasmania—whether it would need to be a separate State or whether it would fit into south-western Australia. Nevertheless, by redefining the States we would get rid of two State legislatures and cut down the government of this country, and perhaps define regions which were more sympathetic and more homogeneous in their needs. But the pundits who set themselves up as experts do not indulge in lateral thinking. They do not contribute to the good government of this country: they are merely simplistic.

The SPEAKER: Order! The honourable member's time has expired. The honourable member for Playford.

Mr QUIRKE (Playford): I rise tonight to make a few comments about what I think is a topical issue right now in the South Australian community, one which will affect in one form or another the various debates that will go on for the next six months. I refer to the current policy of the South Australian Institute of Teachers. It is incumbent on government at all levels to make sure that taxpayers' dollars are well spent.

I have no doubt that most members in this place see education money as money well spent. In fact, there is little doubt that members on both sides of this House support in general the basic thrust of education that has taken place in the past 25 years. I use the term 'the past 25 years' for a very good reason. In 1965 we saw a significant departure in education policy in South Australia. In 1965 the Walsh Government was elected it had an ambitious program of education reform and arguably it inherited the worst school system in Australia. I am sure that many members in this Chamber were students in those years and have a great deal of anecdotal evidence about what schools were like.

I was in my second year of high school at that time and the number of students in my class was quite small compared with the number in other classes in the school. There were only 49 students in my class, and that was because every troublemaker from every area of the school was placed in that class. I will not go into the reasons for my being there, but if I were a smarter individual I would have been in a class of 60 students or more. That was the size of classes at that time at Elizabeth High School and in many other high schools in South Australia. In primary schools class sizes of 50 plus were a regular feature of the 1960s and were not corrected much before 1970 or later.

In 1963, 6 900 teachers were employed in South Australia to administer education to something like 186 000 students. Ironically in 1990 there are 183 000 students in our schools and we are more top heavy in that we have had a great deal of success in encouraging students to stay on in high school so there are more high school students and fewer primary school students today. But in essence we still have the same number of students in our schools as in 1963, but we now have 14 900 teachers. It is a great shame that a large number of teachers would be prepared to come into the system if the jobs were there. Last year we had the example of eight full-time positions being advertised with something like 4 000 applications for those jobs, and that is a crying shame. Much of our school system is undersupplied with students and over supplied with teachers. It is a great shame that we have not been able to fulfil the ambitious and expectations of many of the student teachers who, for good reasons, have decided to make education their career but, sadly, have found that under employment or unemployment has been their fate. However, we need to draw some attention to some of the humbug going on in the community right now.

A constituent contacted me less than half an hour ago about the problems she has experienced in finding a school next year for her daughter who is doing matriculation subjects that will no longer be offered in the school she attends. The parent was advised at the last minute that a certain subject would not be offered at that school and was told by

some of the teachers there that she had to go through the telephone book and ring up every high school in South Australia to find one where a suitable matriculation course could be supplied. I find it curious that that happened; it is curious that a parent is expected to do that. I would have thought that, instead of the 795 positions that the Government has decided not to continue with next year, we were really talking about 4 000 to 5 000 teachers facing the front door. In fact, we are not.

The campaign of the Institute of Teachers has been to maximise the damage to try to fix up its own position. It knows in this instance that it is caught with its pants down. It has gone in there and, with a campaign that can only be likened to the pilots campaign of 1989, with similar results, it has demanded the money in such a way that it is quite unique in South Australian education history. When they have been successful in obtaining that, they have proved to be totally unreasonable in any phasing in of that pay rise. The pay rise is to the tune of $350 per student per year. Apart from it being $350 per student per year, it is against a background of what I call the trifecta.

Arguably in South Australia 25 years ago we might have had the worst education system. Today we have the most expensive. We spend almost $4 900 per student per year in our schools. The trifecta is as follows: we have the highest paid teachers in the country and we spend the most—much more than the national average per head of student population in our schools—on education and at the same time we have the smallest student to teacher ratios. I would have thought that some position could have been agreed between Governments and a responsible union to bring about a situation where we could smooth over the necessary changes and we could have phased in the pay rise as has happened elsewhere and in private schools, but the answer was 'No.'

The reality is that Governments collect money and taxation for a number of purposes. One of the purposes is not to put teachers up before empty classrooms and that is exactly the position that the Institute of Teachers is now actively pursuing. It is pursuing membership at the expense of all other objectives.

It is a great tragedy that many good teachers out there cannot find employment. One of the hard issues that the Institute of Teachers ought to face but has not done so far is that many members would prefer to be in other occupations, yet every time we raise the issue of employing more people in the education system and easing out some of those who have burnt out or perform inappropriately in the schools, we face a brick wall from the Institute of Teachers which fights us all the way through.

A number of constituents have come to me and said that they would like their children, who are qualified teachers, to be given more than a contract here and there as they have extremely good records. As a former teacher and one who has interviewed some of these young people, I believe that they would make excellent teachers.

As a teacher of 13 ½ years' standing, I have met many teachers who, after a period in the classroom, would perform better in some other occupation. I would have thought that, if the Institute of Teachers was the professional organisation it makes itself out to be, it would facilitate that change. However, it is going down the same road as the Pilots Federation. It will go in there and try to cause as much disruption as possible.

I have some letters that have gone out recently but I do not have time to read them into the record today. They clearly indicated that the campaign is to create the maximum disruption to cover up the fact that in negotiations the institute played the greedy card. The Government will not be in a position of backing down to the Institute of Teachers. It is my view that the community will not and cannot support the institute's campaign.

The SPEAKER: Order! The honourable member's time has expired.

Motion carried.

At 5.25 p.m. the House adjourned until Thursday 13 December at 11 a.m.