HOUSE OF ASSEMBLY

Tuesday 19 February 1991

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

PETITION: MEDIAN STRIPS

A petition signed by 150 residents of South Australia requesting that the House urge the Government not to continue the construction of median strips on Diagonal Road, between Oaklands Road and Prunus Avenue, was presented by Mr Brindal.

Petition received.

PETITION: BRINKWORTH POLICE STATION

A petition signed by 87 residents of South Australia requesting that the House urge the Government not to close the Brinkworth police station was presented by Mr Venning.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 131, 216, 270, 287, 293, 349, 357, 409 to 411, 415, 416, 420, 421, 428, 429, 448 and 449.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Transport (Hon. Frank Blevins)—

Civil Aviation (Carriers' Liability) Act 1962—Commonwealth Regulations.

By the Minister for Environment and Planning (Hon. S.M. Lenehan)—

National Trust of South Australia—By-laws—Various.
Botanic Gardens Act 1978—Regulations—Fees.
National Parks and Wildlife Act 1972—Regulations—Belair Recreation Park Fees.
Planning Act 1982—Regulations—Coastal Development and Commission Powers.

By the Minister of Employment and Education (Hon. M.D. Rann)—

Corporation By-laws—
West Torrens—
No. 1—Permits and Penalties.
No. 2—Streets and Public Places.
No. 3—Garbage Containers.
No. 4—Park Lands.
No. 5—Inflammable Undergrowth.
No. 6—Foreshore.
No. 8—Caravans.
No. 10—Animals and Birds.
No. 12—Bees.
No. 13—Repeal of By-laws.
Naracoorte—
No. 2—Streets and Public Places.
No. 3—Park Lands.
No. 4—Caravans.
No. 6—Animals and Birds.
No. 7—Bees.

QUESTION TIME

The SPEAKER: Before calling on questions, I advise that questions otherwise directed to the Minister of Housing and Construction or Recreation and Sport will be taken by the Minister for Environment and Planning.

STATE BANK

Mr D.S. BAKER (Leader of the Opposition): Will the Treasurer ascertain whether Treasury officials alerted him to potential problems in the State Bank more than two years ago and, if he was alerted, report back tomorrow on the action he took? According to yesterday's *Financial Review*:

South Australian Treasury officials have confirmed that, as far back as three years ago, after investigations in late 1988, they alerted Premier John Bannon to potential problems within the State Bank of South Australia. But according to Treasury sources, Bannon chose merely to ask Marcus Clark—in a relatively casual fashion at one of their monthly meetings—if there were any grounds for concern. Not surprisingly, Marcus Clark apparently assured the South Australian Premier that everything was 'hunky dory', to use the words of one irate Treasury official. And that was all the South Australian Treasury could do about its bank fears—both then and just a few months later in January 1989 when the spectacular crash of the Equiticorp group exposed the SBSA to the first of its major bad corporate debts.

The Hon. J.C. BANNON: On seeing those statements in the *Financial Review* yesterday, I naturally inquired of my Treasury officers whether there was any basis for them, because, while from time to time certain individual matters may be raised (and those matters were or would have been appropriately taken up with the bank), the fact that these major warnings, or however they were described, have been made was something with which I was certainly not familiar.

In fact, I do not know where the journalist who wrote those remarks got the comments, because both the Under Treasurer and other Treasury officers to whom he spoke, who had been involved in the State Bank matter, could not recall talking about such things. The journalist telephoned the Under Treasurer himself and was given some general background information by him and nothing resembling in the slightest degree the comments referred to in that article was, in fact, stated during the course of those discussions.

There is, therefore, no evidence we can find that those statements are true or can in any way be given the weight or complexion they were given in that article. The process described there was the absolutely proper approach taken if any matters of concern were raised. In the rumour mill or wherever, if there were concerns and they were put to the bank with the bank being asked to respond to them, the bank would have done so.

Before I resume my seat, let me pick up the general thrust of the Leader's question, that is, this suggestion that he has very actively been touting (and some sections of the media, unfortunately, seem to have fallen for) that, in announcing the problem we have and the size and dimension of the package we have set in place, we are also saying that we were not aware in any way of any other problems; that this had come out of the blue as something that was totally unexpected. The suggestion being made is that, when I made my statement in this place on Tuesday, when I pointed out that on 7 September I had written expressing concerns, that in some way contradicted the statements that had been made before. That is palpable nonsense.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Prior to the figures that were provided at the end of January, and given the sheer size

and scope of the problem and the need for Government intervention, the establishment of an indemnity fund was something that we could not have contemplated. It is suggested that, now, some sort of admission that we knew of problems has cast doubt on those statements. I have had enough of those distortions, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The Leader is out of order.

The Hon. J.C. BANNON: I have had enough of selective quoting and of the hypocrisy of the Leader of the Opposition who, on the one hand, talks about stability and making sure that the bank is not threatened yet, on the other, indulges in statements and stunts that completely work against that purpose.

Members interjecting:

The Hon. J.C. BANNON: I would like to make it clear again, because this was raised in the whole context of the matter of the State Bank's results and their impact on the budget. They were a matter of public record. In fact, on 23 August, the day the budget was delivered, the Leader of the Opposition asked me a question concerning the bank's audited results for 1989-90. I made clear then that the results contained in those audited statements were very disappointing. I thought at first from his statements that the Leader of the Opposition was not there. In fact, he was there, all right. He asked the question. My words were—

Members interjecting:

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

The Hon. J.C. BANNON: My words were:

> There is no question that the result is very disappointing indeed. The State Bank, along with all financial institutions, has some major work to do, against a difficult economic background, to improve its performance.

Given the economic circumstances at the time—

Members interjecting:

The Hon. J.C. BANNON: This is in response to a question from your Leader—the Leader of the member for Adelaide, Mr Speaker. This has been well forgotten by the Opposition.

Members interjecting:

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

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat for a moment.

Members interjecting:

The SPEAKER: The member for Napier is out of order. This is a very serious matter. It is Question Time and members are extending the answer by their interjections. Interjections are out of order. Last week some laxity was given by the Chair to the Opposition on this serious matter. That laxity will be withdrawn and Question Time will come to order. Interjections from both sides will be dealt with severely.

The Hon. J.C. BANNON: Given the economic circumstances at the time, I also said in relation to the bank that the outlook for the coming year was not good. I went on to explain that I would not be requiring the bank to contribute any of its profit to the 1990-91 budget. I said that we should ensure that we do not put undue pressure on the State Bank. Later in response to the same question I said in relation to the provision for bad debts:

> . . . I certainly suggest that we should encourage the State Bank . . . to make provisions to as great an extent as possible.

It is all there; it is all on the record in answer to a question from the Leader of the Opposition, which he has conveniently forgotten in recent days.

On that day, 23 August, I brought down the State budget. I made clear that the budget outcome for 1989-90 had suffered due to a shortfall of $22.8 million in the State Bank's estimated contribution. I drew the attention of members to the Financial Statement, which contained the following statement—

Members interjecting:

The SPEAKER: Order! The Deputy Leader is out of order.

The Hon. J.C. BANNON: It stated:

> The budget makes no provision for a contribution by the State Bank of South Australia in 1990-91, reflecting a prudential approach to current difficult circumstances in the banking sector.

I might say that there is a world of difference between a prudential approach to difficult economic circumstances and the problem that was revealed at the end of January this year. On 11 September during the Estimates Committees the Leader of the Opposition was there and asked a question; he heard the answer. In response to questions I said that the State Bank had not declared an anticipated return to the State budget. I repeated my answers to previous questions. 'Like all financial institutions', I said, 'the State Bank has been under considerable commercial pressure in this current environment. In consequence, a very prudent approach has been taken to provisions, to non-accrual assessments and so on.' There it was on the record. That was the dimension of the problem with which we were dealing.

Yes, there were problems; they were acknowledged problems, and they were pointed to. We had the capacity to deal with them. I remind the House that, as I explained in my ministerial statement last week, at that stage the bank was advising both Treasury and me that it expected to set a profit in this financial year. It had a profit plan document showing that profit. However, despite that, we thought it more prudent not to assume any contribution, given the difficult circumstances facing the bank.

Let us lay to rest, once and for all, the furphy, first, that I have said there were no problems—we were aware of problems, the size and scope of which I outlined to this place—and, secondly, that those problems in some way meant that we could anticipate the situation we had in January 1991. I would defy anyone—pundits, rumour mongers or anybody—to have predicted the size and scale of the problem that we found we had to grapple with at the end of January. Those are the facts and it is about time they were reported accurately.

The Hon. H. Allison interjecting:

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

The Hon. J.P. TRAINER (Walsh): Is the Premier yet in a position to advise the House of the terms of Mr Clark's separation from the State Bank?

The SPEAKER: The honourable Premier.

The Hon. J.C. BANNON: Thank you, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. Last week I ruled out of order a question from the Opposition on this matter, and Standing Orders provide that questions of similar substance are out of order. I rule that question out of order.

Mr S.J. BAKER (Deputy Leader of the Opposition): Is the Treasurer aware that in September 1989 the State Bank set up a task force of senior accountants from four major firms in Adelaide to review accounting procedures on major bank loan accounts, and can he inform the House of the

recommendations made by the task force and the action taken?

The Hon. J.C. BANNON: I do not know the details of recommendations made, but I am aware that at all times the bank was advising me that it was keeping its problem loan portfolio under very close attention. Right through the period of the past two or three years I was advised that those problem loans had been identified, that action was being taken to deal with those loans and, therefore, that we could feel satisfied that the bank had the situation under control. That was what was consistently put to me.

Obviously the audit procedures of the bank will be subjected to scrutiny. The bank had a very large in-house audit staff. Indeed, the comments that have been quoted from those in charge of that area suggested that, at the press of a button, all the appropriate details could be provided. We now know that is not the case. Whatever details were being provided by the press of a button were not the accurate assessment of the bank's position. That has been made quite clear. Any procedures that the bank undertook had clearly failed by January 1991 to see the scope of the problem that was revealed.

Mr FERGUSON (Henley Beach): Is the Premier confident about the effectiveness of measures that he outlined to the House to protect documents which may be required by either the Auditor-General or the royal commission into the State Bank? Media reports subsequent to information that the Premier put before the House continue to speculate on the security of those documents.

The Hon. J.C. BANNON: I would say that to the extent I can be confident in the procedures, I am, and I have fair justification for that. The Auditor-General, who is charged with the investigation and who issued the instructions in relation to the protection and security of documents—I make clear that it is a criminal offence to destroy those documents—has taken all appropriate steps to ensure that that security is guaranteed. Secondly, he has advised me that no sensitive documents have been destroyed. That was the situation, and that situation was known within a few hours of the Leader of the Opposition raising this matter. It is interesting that the issue bubbles on. I suggest that one of the chief reasons that it does is the quite disgraceful way in which this issue was publicised. I can understand the honourable member's concern, because it is true that both his constituents and others—

Members interjecting:

The Hon. J.C. BANNON: Yes. He has had worrying calls from members of the public expressing concern about this whole issue of shredding, despite the assurances that were given, because people saw on television State Bank documents actually being shredded. In fact, that is true—not on all channels, but on most—State Bank documents were shown being shredded.

To the member of the public and to the customer of the State Bank, that situation—seeing that on television—was a demonstration that this was going on and that something untoward was happening: a reinforcement. How was it possible, in the light of the assurances of the Auditor-General and the bank that the documents were not being shredded, that this could appear on television? I understand that last Thursday documents with the State Bank letterhead were, indeed, photographed being shredded, but not at the State Bank—and not documents in the possession of the State Bank—but, in fact, on the second floor of this place, in the Leader of the Opposition's suite of offices.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Naturally, when I heard this suggestion had been made, it was of great concern, particularly because there were these calls from members of the public and others indicating that this impression had been given, despite the assurances of the Auditor-General, and I asked the Leader of the Opposition whether in fact this had occurred and expressed my concern about what I felt was seen as some sort of theatrical stunt. The Leader of the Opposition responded, saying, 'No media were invited to my office yesterday for the purposes suggested in your letter'. I find that very curious indeed unless, of course, the Leader is taking a very fine point, and by 'my office' he means the four walls in which he himself sits, but nowhere else.

Secondly, the Leader of the Opposition advised that he did not organise any coverage such as I suggested. I accept that, if he says he did not organise it, he did not, but I would like to know who in his office did, why they did it and why the Leader of the Opposition did not move instantly to correct that impression and that false and misleading view that had been given to the public of South Australia. I am still waiting for that reply.

Members interjecting:

The SPEAKER: Order!

Mr OSWALD (Morphett): Will the Treasurer ask the Auditor-General to obtain from the Chief Executive of the State Bank an assurance that the contents of cartons and boxes that were loaded into the boots of cars in Anster Street at the rear of the State Bank headquarters last Wednesday did not contain any files which in any way could be required by the royal commission or the Auditor-General; and, if such an assurance cannot be obtained, will the Government consider referring the matter to the police for further investigation? Two witnesses, quite independent of each other, have described to me how they watched some four of five men, all smartly dressed in suits, making several trips in and out of the rear of the bank carrying boxes and cartons, many of which, the witnesses alleged, looked like filing containers. This took place a little before midday last Wednesday, and one of the vehicles involved was a blue or blue-grey Commodore. I can provide an investigating officer with the names of the two witnesses.

The Hon. J.C. BANNON: I will pass that on to the Auditor-General.

Mr HOLLOWAY (Mitchell): Is the level of the State Bank's non-accrual loans still projected to be $2.5 billion in the light of a statement released yesterday by the international rating agency Standard and Poor's which indicated that the State Bank's level of non-accruals could reach $3.3 billion?

The Hon. J.C. BANNON: Yes, the State Bank's projection of non-accruals of $2.5 billion as of 30 June 1991 is still valid. Clearly, the exact figure, as I have said in my statements and the bank has said in its statements, will depend on the extent of recoveries and the state of the economy over the coming months. I think it is important that we do not confuse that figure with the $3.3 billion figure used in a statement yesterday by the rating agency Standard and Poor's.

Incidentally, in the discussion around that figure being used, the fact was obscured that Standard and Poor's issued a statement reaffirming the State Bank's rating for short-term securities at A1+, based on the State's own AA/A1+ rating for those securities. The agency statement also made reference to a figure of $3.3 billion in relation to non-performing loans. That statement led to a number of stories in the media which, unfortunately, did not give an accurate

picture of the bank's position. Late yesterday Standard and Poor's issued a further statement which clarified the issue and which needs to be put on the record. Headed 'State Bank of South Australia', it reads:

There have been a number of media inquiries regarding the figure of $3.3 billion for non-accrual loans referred to in this morning's CreditWire release. It would appear that the figure has been given undue emphasis in reporting of the statement, which reaffirms the bank's A1+ ratings, based on the State's own AA/A1+ ratings. The release reflects discussions over recent weeks with officials of the bank. Those discussions traversed a number of hypothetical scenarios including the number above. The $3.3 billion figure is derived from projections into the future and represents a gross figure before allowance for provisions, recoveries under the State indemnity and those loans returning to performing status which will take place over time. It does not represent the value of non-accrual loans outstanding at any point of time and is not directly comparable with the $2.5 billion figure. We would not therefore wish to detract from the bank's more tangible projection of $2.5 billion. Neither do we wish to detract from the adequacy of the indemnity provided by the State to the bank. The Government's action in support of its guarantee of the bank's obligations reinforces the safety of the bank as a deposit-taking institution and supports the confirmation of the prime A1+ short-term rating.

Members interjecting:

The SPEAKER: Order!

The Hon. H. Allison interjecting:

The SPEAKER: Order! The member for Mount Gambier is out of order again.

The Hon. D.C. WOTTON (Heysen): Will the Treasurer ask the board of the State Bank whether it has been made aware that senior executives were involved in the shredding of material last week which may be incriminating to them?

The Hon. J.C. BANNON: I will refer the question to the State Bank Board.

DOLPHINS

Mr ATKINSON (Spence): Can the Minister of Fisheries tell the House the outcome of prosecutions against two fishermen charged with taking dolphins?

The Hon. LYNN ARNOLD: The Magistrates Court has brought down fines on three people, a penalty of $1 000 on each of the fishers and a $200 fine on the owner of the boat. Also, I understand that some equipment has been confiscated. Although I am certainly pleased that these people, having been found guilty, had a penalty imposed on them, I am concerned at the level of the penalty, and I have requested the Director of Fisheries to ask the Crown Solicitor for a report with a view to the possibility of appealing against the penalty brought down.

I say that because I believe that a serious offence has taken place and it concerns me that the penalty imposed was not greater. For a start, the Act under which the penalties were imposed does provide for some severe penalties. Section 28 of the Fisheries Act provides for equipment and vessels used in the commission of an offence such as this to be seized and forfeited. Section 42 provides a penalty for a first offence of a fine not exceeding $4 000 and, for a subsequent offence, a fine not exceeding $8 000. One of the points I want to clarify is, inasmuch as the evidence seems to be that there was certainly more than one dolphin carcase on the boat, whether each dolphin carcase should be treated as a separate offence.

Section 56 provides for licence suspension or cancellation, section 66 contains additional penalty provisions (where applicable), and section 70 provides for proceedings in respect of an offence against the Act to be dealt with summarily. It seems to me that the legislative framework does provide for a heavy penalty to be put in place and, when I was receiving questions, at the time the offences were being reported, as to whether or not our provisions were strong enough compared to the Commonwealth provisions, I was able to say that they certainly were strong indeed. As I say, it has concerned me to find that the actual penalty brought down seems to be quite modest, and that matter will be pursued further with Crown Law.

Of course, in the process we will have to examine the judgment that was made by the magistrate, and it may be that some areas need to be looked at again in defining the law. If that is the case, we will certainly have to look at the provisions in the Act to see whether or not an amendment should be made to ensure that offences such as this can, in all possible ways, be prevented.

STATE BANK

Mr INGERSON (Bragg): Has the Treasurer received any advice from the Auditor-General that he has investigated reports that State Bank documents were being tampered with on Friday at the bank's Database Centre on Findon Road, Findon? On Friday afternoon, a member of the Leader of the Opposition's staff immediately communicated to the Auditor-General's office information telephoned to the Leader's office, by a person claiming to be a bank employee, that a culling operation was under way at those premises.

The Hon. J.C. BANNON: I have not received any such report from the Auditor-General. I will pass the honourable member's question on to him.

WHEAT SUBSIDIES

Mrs HUTCHISON (Stuart): Has the Minister of Agriculture made any representations to the Federal Government concerning European and American subsidies for wheat and other agricultural commodities? Widespread concern has been expressed about the impact that these subsidies will have on rural communities and, indeed, on the nation's economy in general.

The Hon. LYNN ARNOLD: I thank the honourable member for her question. It is a very important question and one that I know has been of great concern to all members of the House. The members for Eyre, Flinders and Whyalla have raised their concerns about this particular matter. We are facing a very serious problem. The reality is that European taxpayers are funding European wheat producers to the extent of more per tonne in wheat than Australian wheat farmers have been receiving upon the sale of their wheat on the open market. I think that is nothing other than an outrage. In fact, it is a major misuse of resources and something that is putting not only our agricultural industries under very severe pressure but also has a natural flow-on effect to the rest of the economy.

Hopefully, that situation will be addressed during the GATT talks in Uruguay which seem to have been stalled. The offers of compromise by the Europeans are totally inadequate. We now have a situation in which more subsidies have been paid in recent weeks. Naturally, this has caused very great concern amongst a number of producers in South Australia, particularly wheat producers; and other commodities also are affected by the European subsidy program and the counter American export enhancement program.

I have raised this matter on a number of occasions with the Federal Minister of Agriculture, and I know that the

Premier has raised the matter with members of the Federal Cabinet. We will continue to raise this point because we have to assure them of this State's great concern at this major misuse of taxpayers' funds in other countries and point out to them the major impact it will have on production in this State and the consequential economic effects. I know that the Grains Council and the National Farmers Federation have both proposed that there should, for example, be a matching of that situation with a subsidy or floor price situation in this country. However, we must recognise the major difficulties facing us with any subsidy proposition, and that is that the European farmers are being paid subsidies by a large population.

In the case of the European community, some 250 million people are paying those subsidies. In America a similar number of people are paying those subsidies to a smaller number of farmers. In this country a population of 16 million is clearly not able to enter into the same subsidy arrangement. More realistically, what has been proposed by some is not a subsidy proposal but a floor price below which the price of wheat would not fall and, if the price of wheat did fall on the marketplace, the shortfall would be made up. There is some merit to that and it should be pursued further by the Federal Government. I have had my officers convey that view to the Federal Minister of Primary Industries and Energy as well as to officers at the Federal level.

Again we have to ensure that every possible ramification is taken into account. First, if a floor price is set that is way out of touch with what may be a likely world price, that naturally will be very expensive and somebody has to pay for it—the money has to come from somewhere—and it may be beyond the capacity of the Federal Government to support. So, the setting of the price is a situation that will have to be monitored carefully. The advice given to the Federal Minister is that in the case of wheat it is anticipated that $150 per tonne is a 60 to 80 per cent probability (that is the price in the marketplace and not a floor price). The $120 figure quoted by some farming organisations is a 20 to 40 per cent probability, in which case we see a very real problem for wheat farmers. In the ordinary course of events one may say, 'That is fine—it is the marketplace and it can make the decision.'

The serious problem with that is that, if the price is a $120 per tonne return, as appears likely, the sensible economic decision for most wheat farmers in many parts of South Australia is to simply not plant a skerrick of wheat, to leave the fields empty and simply not plant any wheat for production because for every tonne of wheat they produce they will lose significantly. As I understand it, the reality is that an average wheat producing farming enterprise would lose $21 000 on the wheat it produced. The problem with that is that we would then have a situation where the Wheat Board may be able to find markets again for our wheat but we would not have any wheat. We would then find our traditional customers going elsewhere to find their wheat supplies. Therefore, it is important that the Federal Government take a very close look at the propositions for a floor price. Whilst on the one hand it does not seem to have proper market backing, on the other hand it does have a longer-term effect that warrants further examination by the Federal Government. We are taking an ongoing approach and will continue to do so.

I was pleased and heartened to read the comments of the Federal Minister for Trade Negotiations (Dr Blewett) in Federal Parliament yesterday. He gave a strong speech on this matter and I know that his comments in Canberra have been the same comments that he has been making to European and American Ministers for many months now.

STATE BANK

Mr MEIER (Goyder): When was the Treasurer briefed on the State Bank's exposure to the Hooker Group, who gave the briefings and did they include any explanation of the resolution of a potential conflict of interest involving a board member, and what action did he take? In the State Bank's 1988 annual report, bank Director and now Deputy Chairman, Mr Robert Bakewell, is listed as Adviser, Government Relations, to the Hooker Corporation. The bank had lent $40 million in principal alone to the Hooker Corporation at the time that extensive media publicity was given to its crash in July-August 1989.

The Hon. J.C. BANNON: This is one of those cases where everyone is wise and knowledgeable after the event. Everyone will ask why Hooker was encouraged to spend any investment money, whether in Adelaide or elsewhere, and why would the State Bank be interested in financing its activities here in South Australia. The answer is quite simple: at the time Hooker was expanding, it was building in all cities around Australia, it had numerous projects on the go and it was a very successful and profitable company. At that stage the hints of the problems that were to beset the company, culminating finally in the disgrace of the Managing Director, would have been seen as absolutely out of the question.

As part of that overall activity, an assessment was made of Hooker's activities here in South Australia, with the realisation that South Australia was not getting very much of a share of the action, even though Hooker has a tradition of operating in this city and has some long-term property holdings, some of which were requiring refurbishment and had been upgraded. The now Deputy Chairman of the bank, Mr Bakewell, was a consultant to that company and, in that capacity, and quite properly, would no doubt have been encouraging it to look closely at what investment potential there was in Adelaide, and at some activity here in Adelaide.

Indeed, I myself would be in the same position—quite definitely and unequivocally. I come back to the point: if, in fact, we had a headquarters financial institution in this State, one of whose briefs under the Act was to promote the economic development of this State, and if there was a company that wanted to invest funds here and was looking for financial partners or for a bank from which to borrow, along with a range of other financial institutions, I would be very surprised—in fact, disappointed—if the State Bank were not involved in those circumstances.

It is all very well to say after the event that that was a mistake: the State Bank has the Australis Building on its hands. It so happens that that is a very high quality building and that the money that has been spent on that is money that has been circulated in our community, and that the building is an asset to this State. The State Bank has moved to acquire that totally because of the collapse of the Hooker Corporation.

All of those are facts, but the innuendo or suggestion that, in some way, the financing of this was improper, and that the active encouragement of that investment was improper, I reject utterly. I reject it utterly and think that it is disgraceful for the honourable member, who would have been the first to call on the Government to try to encourage such investment, now after the event to say, 'You should not have been doing that.'

How many times have he and his colleagues said, 'Why are we not in this? Why are people not investing here?' We know that that was the situation all through the 1980s, and now suddenly, wiser and holier than thou, they are saying

that that was a mistake. Let us try to be honest about this situation.

Members interjecting:

The SPEAKER: Order! I warn the Deputy Leader.

The Hon. J.C. BANNON: The braying of hypocritical jackasses is all we get from the other side, Mr Speaker, and it demeans the whole debate.

SCHOOL WATCH

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Education advise the House of progress in establishing a pilot School Watch program in seven schools in the northern suburbs that are particularly vulnerable to vandalism? The House will be well aware of the high cost of vandalism in our schools, a cost that is being borne by the South Australian community, and it has been put to me by many anxious constituents that any extension of the highly successful Neighbourhood Watch program into our schools would be a positive step.

The Hon. G.J. CRAFTER: As a former Minister of Public Works, the honourable member would be well aware of the difficulties that our education system has in our school communities in maintaining our stock of buildings in good condition and in the image that is appropriate for us to portray to the community at large. Unfortunately, from time to time there are attacks of vandalism and arson on all public properties, but particularly on schools. That is a cyclical matter, but in recent months there has been an upturn in such attacks.

On the other hand, we are very fortunate that we are well served by hundreds and hundreds of people who, on a voluntary basis, take a deep interest in and have a commitment to the wellbeing of our schools and our school property, and it is planned that we should marshal and organise that reservoir of goodwill in our community in order to obtain a better directed effort to protect our schools and school property generally.

A joint initiative is being undertaken by the Education Department and the South Australian Police Department with the support of the State Government's Crime Prevention and Criminology Unit. This involves the support of students, staff, parents and interested members of the local community. A police officer and a teacher have been seconded to plan and develop a strategy aimed at enlisting school and community support to safeguard school facilities, to liaise with school staff and school organisations, to conduct public meetings and to develop, define and maintain their programs.

As the honourable member has indicated in his question, a pilot program has now been in operation in seven suburban schools and will be gradually implemented throughout the State where need is identified and community support is evident. Initial funding has been granted for a three-year period and the program, which has been described as being similar to the Neighbourhood Watch scheme—which I am sure all members would agree is a successful scheme in our community—encourages strong community action to combat fires, vandalism and theft of equipment in our schools. The School Watch scheme supplements existing school patrol and alarm monitoring systems which, of course, are constantly under review and are being expanded each year.

The already established objectives for this proposal are to encourage communication between the local police, the Education Department security personnel and the broader community; to increase awareness amongst members of the school community of the benefits to be derived by taking preventive action against crimes directed at our schools; to improve security management practices at the school level; and, finally, to foster a spirit of community ownership and pride in our schools.

STATE BANK

Dr ARMITAGE (Adelaide): Following the public revelation early in 1989 of the State Bank's exposures to the Equiticorp and National Safety Council failures, as well as Hooker's, and the Treasurer's statement to the House on 10 August 1989 that he had been briefed on these exposures, did the Treasurer insist at that time that the Government be kept fully informed of any subsequent exposures of similar magnitude which were at risk?

The Hon. J.C. BANNON: I do not understand the point of the question. Obviously it was incumbent on the bank, if there were major non-performing exposures, to say something about them.

The Hon. Jennifer Cashmore interjecting:

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

The Hon. J.C. BANNON: Both those cases were well and highly publicised; they were monumental problems. In the case of the National Safety Council fraud was involved. The State Bank was not the only one of a number of institutions that were caught in that fraudulent activity. However, the bank advised that it would be able to handle these problems and work its way through them. In fact, in the period from 1989 through, there was every evidence that it was in fact doing that. As I said earlier today in relation to non-performing loans generally, the bank was consistently upgrading its provisioning. The bank was advising me that it had its portfolio under very close scrutiny and control. That was the information I was provided with and I have no reason to doubt it.

SATURDAY BANK TRADING

Mr HERON (Peake): Will the Minister of Labour advise the House on the status of Saturday as a bank holiday in South Australia? If it is a bank holiday, is the Government considering changing that status to allow Saturday banking? Media reports this morning indicate that the Westpac Banking Corporation is moving in the Industrial Commission for a six-day working week and a return to Saturday banking. It was claimed in press reports that this would happen first in South Australia, where Saturday is not a bank holiday.

The Hon. R.J. GREGORY: I thank the member for Peake for his question, because he, like many others and myself, was astounded to read that. I have said in this House before, I think on at least two occasions, that as a Government we would not be amending the Holidays Act to provide for Saturday trading of banks until such time as the Australian Bank Employees Union and the Bankers Association had reached some arrangement for Saturday trading. I understand that, arising out of award restructuring, on the reserved list for the Australian Bank Employees Union was the concept of Saturday trading. I have made it clear that, as a Government, we will not be involved in assisting one or other of the parties to those negotiations and that we would allow the *status quo* to remain. Until such time as those two organisations have reached an arrangement, we will not be moving to make any amendments. I remind the House that at the moment the third schedule to the Holidays Act lists Saturday as a bank holiday, and that has not changed.

STATE BANK

The Hon. JENNIFER CASHMORE (Coles): Does the Treasurer recall informing the House on 29 November 1983—

Members interjecting:

The Hon. JENNIFER CASHMORE: —I am sure that the Premier has read this debate recently—during debate on his legislation to establish the State Bank:

> One would expect that the board of the day, in entering into obligations or lending, would have regard to the impact of its policies on the State's economy and not expose itself too greatly to interstate or other loan arrangements.

During his regular briefings with the bank, did the Treasurer seek information about the proportion of its loan portfolio being advanced in other States and overseas and assurances that the bank was acting prudentially in this respect; and, if not, why not?

The Hon. J.C. BANNON: Over the course of the 1980s, following deregulation of the banking system, a whole new financial scene and competitive environment was presented to all financial institutions, including the State Bank. It was apparent as a result that, for the bank to be able effectively to service clients and to compete effectively over a wide range of business, it would have to do interstate business. There was no point in having an institution operating with one arm tied behind its back in the environment of the 1980s.

The acquisition of a subsidiary, such as Beneficial Finance, also gave the bank a very large customer base, in Queensland in particular, which gave it the ability to do business in other parts of Australia. At all times the Managing Director assured me that that was done on the basis of the profit that could be derived from those activities, that the strength that would accrue to the State Bank group by those activities would flow back to this State in terms of profit and that to confine it simply to investment and loan portfolios here would unnecessarily inhibit the State Bank's performance and not be appropriate for the community.

The fact is that there were certainly activities both interstate and overseas and there was also a lot of activity here. Whenever I raised these questions, my concern was to ensure that South Australians wishing to borrow money for business or domestic purposes with the appropriate security should always have access to those funds and that support from the State Bank. That assurance was always given. Indeed, in instances when it was queried that an investment, activity or loan portfolio interstate was quite considerable, the answer was that if those opportunities were here in South Australia they would be taken up. That was the philosophy that was applied, and it reflected the reality of the banking scene of the day.

Again, I come back to the point that I was making earlier. It is all very well now to say that a number of those things were major mistakes and the end result, in the current drastic drop in property values and the recession, was a disaster, but at that time there could be no argument anywhere, I suggest, that that sort of activity was not necessary for the State Bank properly to deliver the goods as a financial institution of substance serving this State.

STA LAND

Mr QUIRKE (Playford): Will the Minister of Transport take up with the Department of Transport the removal of the last vestiges of the Northfield train lines and relevant fixtures? Constituents have contacted me about the unsightly condition of the facilities I have mentioned and, in the light of the permanent closure of these facilities for transportation, residents would like to see a general tidy up and, in particular, a removal of the railway dip on the Main North Road.

The Hon. FRANK BLEVINS: When I first became Minister of Transport and looked at the STA it was obvious, in my view anyway, that a number of areas of the STA were not being used productively. There were pieces of land that I believed could and ought to have been sold and there were other pieces that I thought looked, to say the least, derelict. Some in that condition were very close to North Terrace, and I am pleased to say that something has been done about them.

It was not just in our premier terrace in Adelaide that action needed to be taken: areas such as the one just mentioned by the member for Playford also warranted some attention, in my view. I certainly agree with the honourable member that the area in question is unsightly and could be used better for the benefit of the community as a whole by the STA possibly gaining some income from the sale of the land, or by the area being visually improved and possibly providing some other amenity, such as parkland.

I can assure the member for Playford that the line will be removed and the area will be utilised a lot better than it is at the moment. There are various other areas, and members on both sides of the House contact me from time to time. There are railway stations over which there is some dispute as to what can be done with them when they are no longer used for their original purpose. Some people want to keep them all, but nobody wants to pay for them, of course, and any suggestion of using them for other purposes usually brings all the objectors out of their quiet areas. It is a difficult issue in some areas but I am pleased to say that the member for Playford's area is one to which we will attend very quickly.

STATE BANK

Mr BECKER (Hanson): I direct my question to the Premier, as Treasurer. Following an answer to my question on notice dated 28 February 1985 in which the Treasurer gave the following explanation of the policy of the State Bank for lending for major development projects outside South Australia:

> The bank does lend in other States, especially for projects and developments managed by South Australian companies, but these are small in the overall total—

when did the bank change this policy? Did it consult with the Treasurer before doing so and did the Treasurer ever express concerns to the bank about the increasing proportion of its loan portfolio being advanced for corporate and property development activities outside South Australia?

The Hon. J.C. BANNON: I have covered this question, in part, in my answer previously to the member for Coles. I remind the honourable member that much of that activity came through the subsidiary, Beneficial Finance, which had always had strong operations interstate—based, admittedly, in South Australia, but it conducted a lot of its activity in other States. Inevitably, with the growth of the bank's business—and that growth was very large over the past few years (too large, as we now discover, but profitable at the time, as it would appear)—obviously, more interstate business was involved, because many of the large projects in which the bank was involved, usually in conjunction with other financial institutions, were taking place in other States.

I come back to the point that was made that, where South Australian projects needed support, the State Bank was usually there ready, willing and available to do so. In so

doing, it was discharging its charter, but the bank would make the point to me when these issues or questions were raised that it had to do this business interstate because that is where much of the growth is taking place.

FITNESS TO DRIVE

Mr De LAINE (Price): Can the Minister of Transport tell the House what machinery exists to prevent a medically unfit person from driving a motor vehicle and possibly putting other road users in danger? I recently heard of a man who was having medical treatment for his eyes over a period of several weeks. The treatment in question caused his vision to be affected in such a way as to make driving dangerous. His doctor instructed him not to drive until the treatment was complete, but he ignored that advice and drove his vehicle.

The Hon. FRANK BLEVINS: I thank the member for Price for his question. It is quite alarming to think that some people on the road are disobeying their doctors' orders and driving in this condition. I am sure that the member for Adelaide, at least, is aware that the Motor Vehicles Act places a clear responsibility on members of the medical profession to advise the Registrar of Motor Vehicles when someone has been diagnosed as medically unfit to drive. That is where the obligation lies. Of course, it is quite reasonable in most circumstances for the doctor merely to advise the patient not to drive and for the patient to obey those instructions for obvious reasons.

None of us want to drive if we are going to be a danger to ourselves or others, and I would imagine that 99 out of 100 times what occurs in practice is more than adequate. Nevertheless, I am advised that the legislation and the obligation under the legislation is there for the medical practitioner. In respect of patients, apart from putting themselves and others on the road at risk quite stupidly by disobeying the instructions of a doctor, it is a criminal offence to drive while one is under the influence of drugs or alcohol. I am advised that there is no distinction in law in that respect. The minimum penalties prescribed for an offence such as that outlined by the member for Price include 12 months licence disqualification and a fine of $700 and the possibility that the driver may be imprisoned for up to three months.

So, the legal penalties—apart from the obvious social penalties—of being involved in an accident are extensive. I will draw the concerns of the member for Price—and they are now my concerns—properly to the attention of the AMA in the hope that it will publicise these legal provisions through its excellent journals. Really, it is a great pity when we get to this stage of having legislation in this area and coming down with it fairly heavy handedly when in 99 per cent of instances the doctor and the patient work out the problem sensibly between themselves. That is the way it really ought to be.

SUSPENSION OF STANDING ORDERS

Mr S.J. BAKER (Deputy Leader of the Opposition): I move:

That Standing Orders be so far suspended as to enable Question Time to be extended for a further hour.

In moving my motion—

The SPEAKER: Order! The Chair is reluctant to accept a motion at this stage of Question Time. Indeed, Question Time, in effect, has lapsed.

Members interjecting:

The SPEAKER: Order! The Chair is reluctant to accept it. I will have to check the procedure in Standing Orders, and I seek the indulgence of the House for a moment.

Members interjecting:

The SPEAKER: Order! The Chair will accept the motion.

Mr S.J. BAKER: In moving for suspension I am mindful of the program and the time that is available to further pursue the matters before the House. I am also very mindful, as are the people of South Australia, of the importance of the matters we are discussing and the questions being asked in this House.

Members interjecting:

The SPEAKER: Order! Standing Orders provide that the honourable member must confine his speech to the reasons for seeking the suspension of Standing Orders. I ask the House to pay due respect to the honourable member.

Mr S.J. BAKER: I am outlining those reasons, and they are really very simple. There is very little business on the Notice Paper, and what could be more important than the matters we have been discussing today? The Government has allowed us only 20 sitting days in which to ask questions and, indeed, the people of South Australia deserve from their Government far better than they are getting today.

The other reason why it is essential that we suspend Standing Orders to allow for another hour of Question Time is that we have not been given any answers and we need to continue to question the Government because of the lack of information that has been forthcoming over the past year and, in particular, during the current two weeks of sitting. It is a matter of such importance that I believe it is absolutely vital that the House provide itself with an additional hour of Question Time. We will not intrude into the debates of this House because there is very little Government business to be debated this week. Therefore, I would expect—

Members interjecting:

The SPEAKER: Order! Both sides of the House will come to order.

Mr S.J. BAKER: I would expect that, with the business that is available today, we would finish by dinner time or very soon thereafter. The people of South Australia deserve far better than that and we have the time available; the program is not a taxing one and it is unlike the programs of last year when we sat quite late. The time is available now to further follow up matters of vital importance to this State involving one of the greatest financial disasters to ever hit South Australia. I seek the indulgence of the House to support my motion for an additional hour of Question Time so that we can get to the heart of the matters which are of importance and concern to all South Australians.

Opposition members: Hear, hear!

The SPEAKER: Order!

The Hon. D.J. HOPGOOD (Deputy Premier): I oppose the motion, and I ask the House to oppose it.

Members interjecting:

The Hon. D.J. HOPGOOD: I will explain—

Members interjecting:

The SPEAKER: Order! When the Deputy Leader of the Opposition was speaking, I called for order and asked that he be shown due respect. I do the same now for the Government spokesperson on this matter.

The Hon. D.J. HOPGOOD: I will explain why I oppose this motion. The setting of the agenda for anything that is discussed in this House these days is, and has been for some time, a matter of agreement between the Government and the Opposition. No-one should know or understand that better than the Deputy Leader of the Opposition because it

is he and I who are the conduit for this particular matter. Every Monday morning we meet to discuss a tentative program for the sittings of the House.

Mr Oswald interjecting:

The Hon. D.J. HOPGOOD: If the member for Morphett, who is now interjecting, does not think it is tentative, I can explain why it is in relation to very recent history. We can take last week as an example. I approached the Deputy Leader with a program which, as I recall, contained one Bill more than the number I will be inviting the House to consider by way of procedural motion in a few minutes. The Deputy Leader of the Opposition advised me that that program would be difficult to deal with last week. So, on consultation I agreed that we should remove a Bill. Indeed, as I am advised, the House sat reasonably late last Tuesday and Wednesday, when I was not here, in order to get that through. No-one can ever predict what will be a long or a short Bill.

Somebody said a while ago that we could be out of this place by 6 o'clock tonight. In fact, we could be out of this place at 6 p.m. on practically every sitting day. We could have been out of this place by 6 p.m. on every sitting day last week and still have adequately addressed every piece of that legislation. However conscientious the honourable member who represents the Opposition in these matters might have been over the years (and I know he has been) and no matter how conscientious I as Leader of this House may be, we are not in a position to predict accurately how the business of the House will go, and we have been caught out on a number of occasions.

I am sorry if the Deputy Leader of the Opposition has not quite understood the process, because his responsibility to me and to the House is not simply to raise objections when he feels that the program I am putting before him is a little over ambitious. I would have thought that, if he was interested in the good of the Parliament and in the efficient working of this place, he might also be in a position to say when he thinks we are running a little undercooked and could put a couple of extra Bills onto the Notice Paper. It is true that, because of a seminar with which I was involved, I did not meet with the Deputy Leader yesterday. One of my officers met with him, and that had been explained the week before. However, I was not given to understand, either directly or indirectly, that there was any concern by members of the Opposition that we had too light a program this week. The Deputy Leader could have either advised my officer or picked up the phone (I am sure that he knew where I was) and rung me directly to suggest that we add an extra Bill.

Members interjecting:

The Hon. D.J. HOPGOOD: Maybe the Opposition has never asked for additional legislation to be debated, but there is nothing to preclude it from so doing. If the Opposition is giving away this generous offer by the Government, that is, to be allowed to suggest additions to as well as excisions from the program, that is its funeral. I am giving that opportunity—it has always been implicit within the machinery, whether we are dealing with the honourable member's predecessor or with him.

I am not sure that it is going to be a thin program. I do not think that the honourable member can guarantee that we will be up at 6 o'clock tonight. I will be delighted if we are, but I do not know that he can guarantee that. The Deputy Leader could also, directly or indirectly, have requested that an additional hour be added to Question Time, in light of what he saw as a thin program. That was not suggested and has never been suggested. We wait until the last 30 seconds of Question Time and suddenly the Government has this sprung upon it. The Government is prepared—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: They do not upset me, Sir, although I know that they upset you because they are unruly. The Government will not play unfair and spring things on the Opposition without notice. The Government in turn does not expect the Opposition to spring things on it without notice. If we get into that, we will be back into the bear pit where we were before the member for Kavel and my predecessor (Hon. Jack Wright) were able to negotiate a reasonable system. It has worked well because of the goodwill displayed on both sides. We do not want to let that go. If this motion is passed, we will have let it go.

The SPEAKER: Order! Before proceeding with this motion I draw the Deputy Leader's attention to Standing Order 100 under which an extension is an ordinary motion of the House and does not require a suspension of Standing Orders.

The House divided on the motion:

Ayes (22)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker (teller), Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Meier, Oswald, Such, Venning and Wotton.

Noes (22)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood (teller), Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Quirke, Rann and Trainer.

Pair—Aye—Mr Matthew. No—Mr Mayes.

The SPEAKER: Order! The Leader will come to order. There being 22 Ayes and 22 Noes, I cast my vote for the Noes.

Motion thus negatived.

MINISTERIAL STATEMENT: STATE BANK

The Hon. J.C. BANNON (Premier): I seek leave to make a statement:

Leave granted.

The Hon. J.C. BANNON: A number of questions have been asked in this place regarding the remuneration package of the former Group Managing Director of the State Bank of South Australia, Mr Tim Marcus Clark, particularly the terms of his severance package. Following those requests I have approached the Chairman of the State Bank Board with the request that this information be provided, both publicly and to the Parliament. At present the Chairman is unable to provide that information by reason of the fact that the contract under which Mr Tim Marcus Clark was employed contains a confidentiality clause.

Members interjecting:

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

The Hon. J.C. BANNON: Of course, this is not an unusual provision in many areas of executive salaries, and any members involved in business would know that. However, the Chairman advised me that he was having discussions with the former Group Managing Director and anticipated that he would receive his permission to release those details. Unfortunately, to date that permission has not been forthcoming. I spoke to the Chairman immediately prior to coming into the House at the start of Question Time to obtain an updated report in order to advise the House of the position.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: The details that every other bank publishes in its annual reports are exactly the same as have been published in the case of the State Bank of South Australia: what is wanted here is the details as requested. The Chairman, obviously, was continuing his discussions with a view to having the information released, and it would be most appropriate if it were released at the earliest opportunity. However, I have advised the Chairman verbally, and will be confirming in writing, that, should that information not be provided and agreement not be reached on its release, I would consider issuing a direction under the indemnity agreement with the bank to require the bank to inform me of such details.

Before issuing that direction, naturally, I would take advice from the Chairman, because I believe that it is appropriate and do not see how it can be of harm for these details to be disclosed. On the contrary, I think that it is in the interests of everyone that those matters be made public. The position has been made quite clear, but I repeat: if that agreement cannot be reached, I will issue such a direction.

I make the point that, in the current circumstance, for the board to provide those details in breach of the clause of the contract could make it liable. Those matters must be resolved. On the other hand, I do have certain powers under the indemnity that I do not have under the State Bank Act, therefore these are powers that have been in existence only since the commencement of the indemnity, and at first instance I propose to use those powers if we are not able to obtain the information.

PERSONAL EXPLANATION: PREMIER'S REMARKS

Mr D.S. BAKER (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

Mr D.S. BAKER: During Question Time the Premier made some allegations against me personally—

Mr Hamilton: Albeit true.

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

Mr D.S. BAKER: —about the alleged use of the shredder and my involvement, as he claimed, in undermining the State Bank. I quote from a letter that the Premier sent to me on Friday, and I will quote my reply, which puts paid to that personal allegation against me.

The SPEAKER: The Leader has asked leave to make a personal explanation. While he restrains his comments to letters and responses and does not debate or argue the matter, the permission will stand.

Mr D.S. BAKER: I will quote two sentences from the letter I received from the Premier on Friday, as follows:

I have been informed by a number of people who have contacted my office today—

Members interjecting:

Mr D.S. BAKER: Would you like the lot quoted, Mr Premier?

The SPEAKER: Order!

Mr D.S. BAKER: For his edification, I will read the lot. The letter states:

Dear Dale,

I have been informed by a number of people who have contacted my office today that television news videotape screened last night showing State Bank documents allegedly being shredded was in fact arranged by your office. It has been put to me that the media was invited to your office at Parliament House while a member of your staff fed State Bank letterheads into your office shredder. No mention was made by you in any of your subsequent public comments that you had organised this coverage.

Such news coverage could be easily taken by viewers to mean that sensitive documents of the State Bank were actually being shredded and this could in turn undermine confidence in the bank. In fact, some members of the public have contacted my members' electorate offices asking why the shredding of State Bank documents was not stopped if television cameras were able to film it happening!

As you know, the Auditor-General advised me late yesterday afternoon that he was satisfied that no material relevant to his inquiry had in fact been destroyed. As you have conceded, both publicly and privately, it is vital to ensure that any public statements and activities do not damage confidence in the State Bank. I would appreciate it if you could confirm whether or not the reports are true that the shredding of documents actually took place in your office.

Yours sincerely (signed) John Bannon.

I was at another meeting, but dictated a reply as soon as my office received that letter, and I should like to read the reply. It states:

I have received your letter of today's date. No media were invited to my office yesterday for the purposes suggested in your letter nor did I organise any coverage as you also suggest. I am advised that television journalists requested a loan of a shredding machine—

Members interjecting:

The SPEAKER: Order!

Mr D.S. BAKER: I will repeat that for the benefit of members opposite:

I am advised that television journalists requested a loan of a shredding machine on the second floor of Parliament House to simulate the shredding of documents. You have acknowledged that I have done absolutely nothing to undermine public confidence in the State Bank. To the contrary, I have again today at a press conference strongly urged people to support the bank. Please do not hesitate to contact me tonight or over the weekend if you believe this matter is sufficiently important to discuss further.

Yours sincerely.

The letter was signed by my secretary in my absence. I have heard nothing since. However, I was contacted by the Chairman of the bank on Friday to ask if I would write a letter in support of the public's continued support of the bank. The further allegation of the Premier is that I had done something to undermine the bank, and I will read that letter into *Hansard*. The letter stated:

Dear State Bank Customer,

As you know, the Liberal Party has been concerned about issues surrounding State Bank of South Australia. However, I want to assure you that your deposits in the State Bank are secure. As I have repeatedly said, our concerns are a completely separate issue from the security of deposits. They have always been 'Guaranteed by the Government' and, ultimately, the people of South Australia, and are therefore secure and always will be available as normal. The normal day-to-day business of the bank, savings accounts and housing loans and other services provided to the community, continue to be unaffected by the debate and questions in Parliament about the bank. It is important you understand this will always be the case, notwithstanding any inquiries or the impending royal commission. Under the law your State Bank deposits are absolutely safe and readily available.

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That the time allotted for completion of the following Bills:
Local Government Act Amendment (No. 3),
Education Act Amendment,
Chiropractors,
Pharmacists and
Roads (Opening and Closing)
be until 6 p.m. on Thursday.

Motion carried.

JOINT PARLIAMENTARY SERVICE COMMITTEE

The SPEAKER: The Legislative Council informs the House of Assembly that it has appointed the Hon. R.J. Ritson as the alternate member to the Hon. J.C. Irwin on the Joint Parliamentary Service Committee in the place of the Hon. M.B. Cameron (resigned).

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.
(Continued from 11 December. Page 2599.)

Mr MEIER (Goyder): The Opposition supports this Bill, although there certainly are some points on which we will seek further clarification. It is recognised that, whilst the Bill was introduced in this Chamber, the respective Minister and shadow Minister are both in another place. I am sure that some of the questions answered in Committee will determine whether or not the Opposition seeks to amend parts of the Bill to a greater or lesser extent. Members would be aware that the freedom of information legislation has been under discussion for quite some time; in fact, the former member in another place, the Hon. M.B. Cameron, a great advocate of freedom of information legislation, brought in his own legislation. Probably as a result of the Hon. Martin Cameron's move, the Government has been forced into introducing its own legislation after considerable debate, both within these walls and in the community generally.

It is interesting to recall that, when the Government brought in the proposed legislation last year, the Local Government Association felt that it wanted its own freedom of information legislation rather than simply having it incorporated in a general Bill that applied to the State and to local government as a whole. Hence, we have this legislation before us. There is no doubt that the debate that took place in this House last week on freedom of information has a bearing on today's debate. It is not my intention to repeat the arguments that were put forward then, nor to go through those points.

However, I think it is interesting to reflect briefly on the situation in other States. We see that Victoria has excluded local government from the operation of its freedom of information legislation. However, Victorian councils are subject to the Freedom of Information Code, which embraces the principles and concepts of freedom of information but is not legally binding. On the other hand, in New South Wales, local government bodies are required to comply with aspects of freedom of information legislation and the scheme provides access to personal records. However, it appears that the Victorian Legal and Constitutional Committee has recently released its report on freedom of information in Victoria and has recommended that the legislation be extended to cover local government.

It is therefore probably appropriate that South Australia is showing the way in this respect compared to Victoria. The limited application of freedom of information to councils in New South Wales is likely to be reassessed in any future review. The New South Wales experience is that the more open is a council, the fewer problems it encounters in the area of development issues. There is no doubt that, as we have progressed down the legislative channels, people have been seeking more and more information and have been increasingly frustrated because they have not been given access to sufficient information.

The debate last week highlighted many examples. At local government level, too, there has been frustration from time to time as to what information is available and what rights ordinary citizens have to obtain that information. In South Australia we could argue, quite rightly, that the revision of the Local Government Act several years ago changed the provisions to such an extent that so much council information is freely available today. In that respect, this legislation simply reinforces some of those points. That is a heartening thing.

Soon after the local government legislation came in, occasionally a person would come into my office who had not been successful in obtaining information from the council. A phone call to the respective council or councils involved soon made me realise that perhaps the Chief Executive Officer or the person handling the inquiry was not aware of what local government needed to offer under that Act. Nevertheless, this Bill will make clear exactly what is to be available, and it provides many exemptions which I shall want to discuss further with the Minister in Committee. There is no doubt that basically this is a Committee Bill rather than one that requires general discussion, unless we want to go over all the arguments relating to freedom of information which, as I said earlier, are unneccessary because the House has had sufficient debate recently.

I endorse the feelings expressed by the Local Government Association which indicated that it was philosophically opposed to the inclusion of local government as an agency under the State's freedom of information legislation. I believe that local government is right in seeking to have its own recognition. We recall that in the not too distant past a referendum was held on this aspect. Unfortunately, because of the wording of the referendum, recognition of local government in the Australian Constitution still does not exist as clearly as the Local Government Association would like. Nevertheless, most members appreciate that local government is a very important part of our three tier system of government.

As a State member, I increasingly indicate to constituents who bring up local government problems that they must see their own local councillors rather than endeavour to get a State member to sort out problems. Most members recognise that Federal members of Parliament are capable of looking after their own issues and concerns, and I have a policy that Federal issues are referred to the particular Federal member so that we do not cross paths all the time. As I have indicated, I shall have quite a few questions to ask in Committee, and I look forward to raising them at that stage.

Mr LEWIS (Murray-Mallee): My concerns on this measure are identical with those of my colleague the member for Goyder. This is no exception to that point, but I add the same concerns as I placed on the record when we were debating the other related measure only last week. In this day and age, when it is technologically possible for computers to hold records about people and their business, it ought to be possible for people and businesses to investigate those records to ensure that they are correct and appropriately held for legitimate purposes and to ensure that there is nothing there that is mischievous, even if it may be correct information. For instance, there is no necessity for local government to keep information on computer file about people's backgrounds where that is irrelevant to any interaction there may be between a local government body and that citizen. Yet, to my certain knowledge, many people these days use computers, which do not belong to them, working for Government but upon which there are records

about citizens and businesses which are irrelevant to their tasks and to the needs of that agency. It is for that reason that I am underlining my support for this legislation.

It is not appropriate for people's security to be so threatened. It is not appropriate for servants of Government agencies—in this case local government and its agencies—to hold such records in computers which are paid for and operated at the expense of ratepayers. In addition, this measure contains proposals which tend to be in conflict with parts of the Local Government Act, and I am curious to know which has precedence.

Members will realise that local government in session needs to have only one member move that it go into confidential session and, with the mute concurrence of other members, it does so. In consequence, the documents or information it is discussing is said to be confidential and the record of those discussions is confidential. Will this measure override that confidential provision? All too often the device of confidentiality is used by local government to the detriment of the interests of the ratepayer in general and of proponents of projects or ideas for developments for the improvement of the community. In consequence, people cannot check the record or know of its factual validity. I have been advised on previous occasions by members of local government that certain information put before them in confidential session of the full council or of the council in committee has not been factually based. But they do not know then, until further research on their part or upon discovery of other information quite spontaneously without any deliberate inquiry being made by them reveals it. In view of that, I believe this legislation to be well justified.

It is stupid to allow a Government instrumentality in quasi constitutional form, as local government most definitely is, to have a great number of prerogatives which impact enormously on the lives of people who are its ratepayers, and of people who are proponents for improvements in those communities for which it has responsibility, and yet not be accountable for the kind of information that it considers when it makes a determination in secret or confidential session.

If the legislation does not cover that point with clarity and does not prevent local government and its agencies from continuing to operate in such secrecy, that is a great tragedy—not just a pity, but a tragedy—because it means that the fanfare of trumpets about the freedom of information legislation being made relevant to local government is a contradiction in terms and will not happen. As it stands, it is anathema. I do hope that we are addressing this problem and that in future no such scant regard is paid to the interests of citizens and the communities in which they live by these local government bodies and agencies in their deliberations, as has been possible in the past. It is a gross abuse of the kinds of things that I stand for and needs to be rectified. I thank members of the House for their attention to the matters that I have had the opportunity to put before them.

The Hon. G.J. CRAFTER (Minister of Education): I thank the members of the Opposition who have spoken in this second reading debate and for their indication of support for this measure, which is complementary to the legislation that passed this House last week with respect to a similar provision relating to the State Government sector. To be consistent, it is entirely appropriate that we have this measure before us in the form of amendments to the Local Government Act. As has been said in this debate, there was negotiation and consultation with the Local Government Association, representing local government authorities in South Australia, about how freedom of information legislation would be applied to the local government sector and, rather than have provisions in the substantive Act relating to the State Government sector, it was seen as appropriate that there be amendments to the Local Government Act, which is, after all, the Act by which local government receives its power and its authorisation to provide services and to administer the powers vested in it.

This Bill is similar in its thrust, philosophy and structure to that which will apply in the State Government sector. However, it does differ in a number of respects, and that matter is referred to in my second reading explanation. However, in the main, it provides for a similar set of actions that need to be taken by members of the public who are concerned to ascertain information about themselves or about the activities of local government which are of interest to them. I think there is a good deal of interest in local government and, perhaps unfortunately in the past, some of the practices of local government have not allowed for full disclosure of its decisions and some of its activities.

As has been said, to a large extent that practice has now been altered: nevertheless, we need to ensure that this right, which will be enjoyed with the passage of this legislation, flows right through the sectors of government and that we will have in this State legislation providing freedom of information with respect to Commonwealth, State and local government sectors. That will undoubtedly help our community to understand government a little better and to see that government acts in the best interests of individuals and the community and that it conducts its activities with the degree of probity that is expected by the community; and it will ensure that information that is held by government agencies is accurate and that remedies are available where any of those sequences do not eventuate.

The outcome of this can only be that members of the community will have a greater degree of confidence in the respective tiers of government, will feel that they can participate more fully in the processes of government and can be reassured that errors can be corrected and that government does act in their best interests at all times. It is important legislation, but it will no doubt take time to seep through to all corners of our community. Some people may be reluctant to avail themselves of the rights that are contained in this legislation, so it is beholden on us all to ensure that every person knows the law and knows the rights that are available to them. Obviously, quite thorough education campaigns will be conducted by organisations such as the Local Government Association to ensure that local government authorities and their staff are aware of the nature of these measures and that they apply them in accordance with the law and in the interests of the overall community. I commend this measure to honourable members.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Insertion of Part VA.'

New section 65a—'Interpretation.'

Mr MEIER: I note that the definition of 'council' in this Bill differs from the definition of 'council' in the Local Government Act, which simply provides that 'council' means a council constituted under this Act. The Bill provides that 'council' includes a council committee or a controlling authority established under Part XIII. What is the reason for that change? Also, the definition of 'document' seems to be very broad (perhaps I should say 'unusual') because it provides that a document includes anything in which information is stored or from which information may be

reproduced. Does this mean therefore that audio tapes, video tapes, computer discs and the like are included in the definition of 'document'?

Additionally, I would like clarification of the definition of 'policy or administrative document'. It would appear that local government under this proposed provision must supply policy and administrative documents, yet the State Government must supply only policy documents, and I would ask the Minister why this addition has been made to the Bill.

The Hon. G.J. CRAFTER: The Bill provides for a broad definition of 'council'—broader than that referred to by the honourable member in the substantive Act. Of course, it is necessary to control, under the heading of 'councils', the activities of council committees or a controlling authority established under Part XIII. I understand that the Local Government Association is somewhat concerned whether all of those structures should be embodied in this definition or whether they should be dealt with in another way, and that is a matter about which representations are being made to the Government.

If there is benefit to be had in redefining 'council' in another way, the Government will consider it before the Bill is debated in another place. The definition of 'document' is intended to ensure that media such as computer tape, as the honourable member referred to, are treated as documents. Definitions in the legislation of other States include similar provisions to the one before us. The matter of access to these forms of document is contained in new section 65ab.

Mr MEIER: Under this provision local government must supply policy and administrative documents, yet the State Government must supply only policy documents. Can the Minister explain why that is so?

The Hon. G.J. CRAFTER: The definition is the same in the legislation that we passed last week. However, at the request of the Local Government Association it has been described in this way; that is, the definition of 'policy and administrative documents' is the same as the definition of 'policy documents' in the Freedom of Information Bill (No. 2).

Mr MEIER: Returning to the Minister's explanation in respect of 'document', does the Minister see it as an enhancement to include a reference to such items as audio tapes, video tapes and computer disks?

The Hon. G.J. CRAFTER: The advice available with respect to the commonly used definition of 'document' is that it does include all the other forms of media which have been referred to and which are of concern to the honourable member. However, it is not a matter on which the Government has an utterly fixed view. If the Government can obtain additional advice on this matter and it improves the definition, it will do so.

New section agreed to.

New section 65b agreed to.

New section 65c—'Effect of this Part.'

Mr MEIER: After reading this new section I question whether it is necessary. Can the Minister explain what is to be achieved by this provision? I could see the legislation working just as well without this provision. Also, in line 45 on page 2 of the Bill, should the word 'this' be included after 'permitted or required by'?

The Hon. G.J. CRAFTER: New section 65c provides that Part VA does not prevent a council from giving access to a document without formal application and without other formality. Part VA does not derogate from other provisions of the Act under which access to documents is required or permitted. Nothing in Part VA is intended to prevent or discourage the publication of information, the giving of access to documents or the amendment of records as permitted or required by or under any other Act or law.

I suggest that that is an important provision to retain in the Bill. With respect to the inclusion of the word 'this', I am advised that it is not necessary to include it in the sense that the honourable member suggests. New section 65c (1) does contain the word 'this', and that seems to cover the concern the honourable member has raised.

New section agreed to.

New section 65d—'Documents subject to order under section 64 (6).'

Mr MEIER: I believe that the first paragraph should be numbered (1).

The CHAIRMAN: The Chair will correct that typographical error and insert '(1)'.

Mr MEIER: Proposed new section 65d (1) provides:

> A document is an exempt document if the council or a committee of the council has made an order under section 64 (6) that the document or a part of the document be kept confidential.

Can a section of a document be kept confidential from a person or the public and the rest of the document be released?

The Hon. G.J. CRAFTER: A wide discretion is vested in the council either to declare part of or the whole of a document confidential. It may determine that it should remain confidential for a brief or a long period, depending on the circumstances. The council itself is subject to the democratic sanctions that are placed on all levels of government with respect to pernicious withholding of information or some other inappropriate policy adopted by a local government authority.

Many matters appropriately remain confidential: for example, matters of a business nature, where a competitor would be able to obtain information that would cause harm to a business activity in a particular community. It is not in the interests of a council to see that result from a requirement or request by that council for that piece of information which would assist it in making the best decision it can with respect to an application or some other matter. There are many such examples in the planning area where councils deal with highly confidential information with respect to business activities, investment policies and decisions that are taken, so it is quite right that such information should remain confidential in appropriate circumstances.

New section agreed to.

New section 65e—'Exempt documents under interstate freedom of information legislation.'

Mr MEIER: I wonder about the consistency of the language under this new section. Paragraph *(a)* indicates that a document is an exempt document if 'it contains information communicated to a council by another council, the Government of South Australia or the Government of the Commonwealth or of another State'; under paragraph *(b)* a document is an exempt document if 'notice has been received from the Government of the Commonwealth or of the other State that the information is exempt matter within the meaning of a corresponding law of the Commonwealth or that other State.'

To my way of thinking, paragraph *(a)* would cover both examples. In other words, we are saying that, if a document comes from another State, the Commonwealth or another council, it is automatically exempt but paragraph *(b)* seems to say that not only is it exempt but, if it has been declared exempt, it definitely cannot be released. Will the Minister clarify that?

The Hon. G.J. CRAFTER: It is not absolutely protected from freedom of information legislation. Presumably, Commonwealth material that is provided to councils in this way is subject to Commonwealth freedom of information leg-

islation, and so with information that comes from the State Government or from other State Governments, I suppose that with the limitation there are perhaps one or two jurisdictions in Australia which do not yet have freedom of information legislation. However, I understand that both of those jurisdictions are currently drafting such legislation, so the material to which we are referring here is, in fact, covered by, in the main, freedom of information legislation, albeit in other jurisdictions.

However, there may well be some benefit in a review of the drafting in this regard, and I understand that, after this matter is dealt with in this House and before it is dealt with in another place, Parliamentary Counsel will be asked to re-examine the precise wording of this new section.

New section agreed to.

New sections 65f to 65h agreed to.

New section 65i—'Documents affecting the conduct of research.'

Mr MEIER: This new section and new section 65j contemplate that incomplete documents will be available to applicants. It has been put to me that legislation should provide that only complete documents, and not incomplete documents, be available. Why are incomplete documents to be available? Would the Minister not see a potential problem arising in the case of what is commonly referred to in other areas as 'selective quoting'. A considerable amount of material may be regarded as confidential or not for release and, if incomplete documents were released, a distorted picture could be gained by the recipient.

The Hon. G.J. CRAFTER: The honourable member's fears may be allayed if he refers to new section 65j, which relates to internal working documents, because they are dealt with in a different way. I think the honourable member would agree that documents relating to the conduct of research, particularly documents where conclusions have not yet been drawn from that research, are not helpful and may in fact be misleading and not of benefit to those who claim access to that information or to the decision taking processes of a local government authority.

So, it is wise that information of this type be excluded, and that needs to be distinguished from 'internal working documents', which may well form the views that are taken by councils and their staff with respect to matters that come before them. Therefore, that is dealt with in a different manner. It is not wise for documents affecting the conduct of research to be subject to this provision, because it is not in the interests of anyone to act on that information. Certainly, the final documents that form part of the decision-making process that involves firm conclusions are a different matter.

New section agreed to.

New sections 65j to 65n agreed to.

New section 65o—'Documents concerning operations of councils.'

Mr MEIER: I note that a document is an exempt document if it contains matter the disclosure of which could reasonably be expected to have a substantial adverse effect on the management or assessment by a council of the council's personnel. I believe that such wording will cause considerable difficulty. How does one ascertain that there will be a 'substantial adverse effect' on a council's operations? It would have to be a very subjective assessment. One person might think that there could be a substantial adverse effect and another person could say that no way would there be an adverse effect. We are providing the potential for people to put undue pressure on council employees in the first instance. One person might say that something would have a substantial adverse effect on the council and the person concerned could go to their local member with the argument that it would not have an adverse effect on management. Will the Minister explain why that wording was chosen? When the matter is debated in another place perhaps more appropriate wording could be used.

The Hon. G.J. CRAFTER: I do not believe that more appropriate wording can be chosen and can achieve this objective. The Government simply does not see difficulties in ascertaining what is 'a substantial adverse effect'. It is a very strong test, the onus of which is being placed on the council or local government authority. That is the same terminology as is used in the Freedom of Information Bill with respect to the State public sector. It is a matter of known definition: it is a test that has to be applied in each case, and it is precise and can well be understood by councils, subject of course to the internal and external review processes provided for in the legislation.

Mr MEIER: Did the Minister say that he does not believe that any change in the wording should occur?

The Hon. G.J. CRAFTER: Yes, I did.

New section agreed to.

New sections 65p and 65q agreed to.

New section 65r—'Publication of information concerning councils.'

Mr MEIER: Under this new section councils will prepare up-to-date information statements going back some 12 months. Is it therefore proposed that the maximum time that a council can go back is 12 months, or can a person seek information from 10 years back?

The Hon. G.J. CRAFTER: A distinction must be made with respect to which documents can be obtained following enactment of this legislation and which ones predate this legislation but also can be covered by the ambit of this measure. Division III of this Bill places a requirement on councils to publish certain information. One of the requirements is that policy and administrative documents be published. Policy and administrative documents are defined in the Bill and the definition refers to a document used by council in connection with the exercise of its functions and so on. Therefore, the requirement extends to cover policy and administrative documents created before the commencement of the Act if they are still utilised by councils in their decision-making processes and for other relevant purposes.

Division IV of the Bill deals with access to documents held by councils generally and it is this access that is limited to documents created after the commencement of this Act. So, there is a distinction between those two types of documents and the impact of this legislation on the ability of the community to gain access to those documents.

New section agreed to.

New section 65s—'Availability of certain documents.'

Mr MEIER: I note that the council must cause copies of information statements and information summaries to be made available for inspection and purchase by members of the public. How will this occur? Will one copy be made available so that, if anyone comes in, they can ask for it, or will there be no copies so that a copy must be made if someone asks for it? In other words, could unnecessary paperwork be created?

The Hon. G.J. CRAFTER: There is already a requirement in the Act under section 65r *(b)* that a council must, within 12 months after commencement of this section and at intervals of not more than 12 months thereafter, cause to be published in the newspaper circulating in the area of the council an up-to-date information summary. Councils are required to provide for that flow of information and to

make it available to members of the public. I refer the honourable member to new section 65s (1), which provides:

A council must cause copies of—
(a) its most recent information statement;
(b) its most recent information summary; and
(c) each of its policy or administrative documents,
to be made available for inspection and purchase by members of the public.

Those specific requirements are provided for in the legislation. In addition, I should have thought it prudent for a council to have information that it knows will be of interest to the community published and made available for inspection. Perhaps only one or two copies will be available on the counter or wherever else for inspection, with other copies available for purchase, depending on what is anticipated to be the demand for those by members of the public.

Mr MEIER: New section 65s (3) provides that a council should not enforce a particular policy to the detriment of a person if the relevant policy should have been, but was not, made available for inspection and purchase in accordance with this section at the time the person became liable to the detriment. I believe that it would be extremely difficult to ascertain when a person became liable to the detriment. How does the Minister see the situation?

The Hon. G.J. CRAFTER: The honourable member raises a complex matter, and I can assist him only by saying that it comes at the time of the knowledge of the detriment that is being caused to that person.

Mr MEIER: Is this new subsection meant to apply to policy of council or to administrative documents? If it is meant to apply to documents, I believe that it should say so. It will be difficult to ascertain the owner of a particular policy document. Consider a supplementary development plan, for example: it is the Minister's document, not the council's. Suppplementary development plans usually allow a particular type of development known as consent development. It is possible that a person could suffer an actual or perceived detriment under aspects relating to consent applications.

The problem will then arise in determining whether that part of the supplementary development plan is the Minister's document or the council's document—which brings me right back to the point that it is extremely difficult to ascertain when a person becomes liable to detriment. Will the Minister enlarge on what he said earlier?

The Hon. G.J. CRAFTER: The council does not enforce a policy document, it enforces a policy. It is that policy, when applied to the detriment of a person in the circumstances provided in subsection (3), that is the subject of this clause. Subsection (3) refers to a matter of council policy. The aim of the section is to ensure that council policy which may adversely affect a person is readily available. It will ensure that the hidden law which agencies apply in making decisions is clearly known.

Virtually all statutes administered by councils are affected by interpretations that are used when a question arises about the application of a statute. The requirement for policy or administrative documents to be available ensures that information concerning the operations of the council, including information concerning the policies, rules and practices followed by the council in its dealings with members of the public, be readily accessible to the public.

New section agreed to.

New sections 65t to 65x agreed to.

New section 65y—'Determination of applications.'

Mr MEIER: Subsection (2) provides:

A council that fails to determine an application within 45 days after the application is received by the council is, for the purposes of this part, to be taken to have determined the application by refusing access to the document to which it relates.

Why do we have only 45 days? In many situations I believe that we would find that councils meet on a monthly basis. If a person put in an application for a document a day or two after the last council meeting, that person would have to wait some 28 days before council could consider that application. If it did not meet all the normal requirements, council might have to determine whether it is of particular significance.

That has happened quite often with councils in my electorate: that for one reason or another an item that is supposed to go on the agenda does not get on; the CEO hears about it after the council meeting and it definitely is put on the next agenda. But we have a situation in which, if a person approached a council shortly after one council meeting, 28 days must expire before the next council meeting and, if the person finds that the item is not on the agenda so that the particular document was not considered for release, that person approaches council and asks what council did about the matter.

The clerk says, 'I forgot to put it on the agenda; sorry about that, but I will put it on the next agenda.' However, the 45 days will have expired before the next council meeting; therefore, under this subsection the council has refused access to the document. Can the Minister see how this would be overcome?

The Hon. G.J. CRAFTER: The honourable member raises a matter of valid concern, although I understand that the practice in other jurisdictions with a similar time frame has not caused the problems to which he refers. Obviously, this matter needs further consideration in another place if the practical situation to which the honourable member refers proves to be a valid criticism.

The 45 days referred to in the subsection is similar to the legislation that we passed last week with respect to the State sector, which is why it is in this subsection: to provide consistency in the law. However, if the honourable member is referring particularly to rural councils, where there may be practical problems of this type, that matter needs to be considered.

New section agreed to.

New section 65z—'Refusal of access.'

Mr MEIER: New section 65z *(e)* again seems to illustrate the point that the legislation is unclear about the ownership of documents. Would the Minister not think that perhaps there should be a stipulation that all documents available to the applicant are only those produced by council? I recognise, of course, that this refers back to new section 65r. Does the Minister care to comment further on the time frame?

The Hon. G.J. CRAFTER: I would have thought that it was not in a council's interest for the limitation to be applied as referred to by the honourable member. That information, for example, may be available from another source and, if it is council's direction that a member of the public must go to that other source to gain it, I would have thought that that would not be helpful to the council in its service to the community but also in relation to the spirit of this legislation, that is, in making relevant information available to members of the public.

Mr MEIER: If the Minister looks at new section 65z (2) *(a)*, he will see that subsection (1) *(e)* does not permit a council to—

refuse access to a document that contains information concerning the personal affairs of the applicant.

Why not? Why should not the council be able to refuse access to a document that contains personal information?

The Hon. G.J. CRAFTER: I think this really goes to the essence of this legislation. Whilst I have explained to the

Committee previously that certain documents are not available to members of the public prior to the commencement of this legislation—that is, documents that were in existence prior to the commencement of this legislation—I think it is appropriate that councils cannot refuse access to members of the public where there is, for example, a file or some other document that concerns the personal affairs of an applicant. Indeed, the strongest thrust of freedom of information legislation is to allow members of the public to inspect and, where necessary, ensure that any corrections made are, in fact, made to incorrect information contained in those files concerning the personal affairs of the applicant for that information. So, it is entirely appropriate that that individual is able to go back in files of that particular local government authority and has the right to check that any information held is correct and, where it is not correct, to have it corrected.

New section agreed to.

New sections 65aa to 65an agreed to.

New section 65ao—'Review by the Ombudsman.'

Mr MEIER: Here we have the reference to the Ombudsman, and I simply query whether this provision should not be addressed in the Ombudsman's Act rather than in the Local Government Act.

The Hon. G.J. CRAFTER: I think that it would be an error to exclude that right from this legislation because it could be presumed that people seeking to ascertain and enforce their rights under this legislation will want to have all of those rights explained to them within the one enactment. To exclude it, as the honourable member suggests, to leave the existing power in the legislation relating to the Ombudsman, or to amend the Ombudsman's Act in some way, would tend to overlook the ease of access to this information on the part of members of the public. This enactment will, of course, be available at local government authority offices and one can assume in many other places, such as information centres, and the like, throughout our community. So, it is appropriate that it contains within it that right of review by the Ombudsman that applies after there has been an internal review. If a member of the public remains dissatisfied following that review, that further right of review remains with the State Ombudsman.

New section agreed to.

New section 65ap—'Right of appeal.'

Mr MEIER: We note that a person dissatisfied with the determination of a council may appeal against the determination to a district court. It has been pointed out to me that there could well be cases that may be relatively trivial ending up before the district court and costing everyone a lot of money. Surely it would be sensible to consider the option of having some of these cases addressed before the magistrates court?

The Hon. G.J. CRAFTER: One would assume that trivial matters would not go before the district court and that they would be resolved by the prior internal and external reviews that exist under this Act and under the legislation that we passed last week. So, matters that do go to the district court are, in fact, the final appeal. They have moved well and truly out of the trivial category, and by that stage there needs to be addressed a substantive question of law or fact which needs to be resolved by the district court. I suggest that trivial matters would not be going to the district court: that is not the aim of the legislation. Such matters will be dealt with by internal and external reviews that are provided for in the legislation prior to this final judicial review.

New section agreed to.

New sections 65aq to 65au agreed to.

New section 65av—'Council certificates.'

Mr MEIER: Here we have a situation which applies section 64 (6) documents a time limit which currently does not exist. Councils may vary time limits of certificates. There seems to be no advantage in the provision. There is no need for a separate certificate, because a resolution is recorded in the minutes of the conclusive record. There is no reason for another conclusive record. Will the Minister comment?

The Hon. G.J. CRAFTER: The meaning behind this provision is that it offers an opportunity for documents which were but are no longer confidential to be obtained without having to wait for the 30-year rule to apply. If a council considers that the document is confidential, a certificate can be extended. That is the reason why this section is included in the legislation.

Mr MEIER: The Opposition does not have any great concern with the other items, but perhaps I might comment that it has been useful to have the Minister's answers on this clause and on the previous ones. I know that the Opposition will be taking some of the comments further when the matter is considered in another place.

The Hon. G.J. CRAFTER: I thank the member for Goyder for those comments. This is another provision which, if there is a problem with it, can be looked at more carefully in terms of its drafting. I have explained the reason why it is included. Of course, it is open to further review before it is dealt with in another place.

New section agreed to.

Remaining new sections (65aw to 65az) agreed to.

Clause passed.

Title passed.

Bill read a third time and passed.

EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 1943.)

Mr BRINDAL (Hayward): In essence, the Opposition is not opposed to this Bill, but we will be introducing an amendment which stands in my name at the appropriate stage in Committee. In addressing this Bill I will not detain the House overlong. As the Minister said, the purpose of the Bill is to ensure that teachers who have worked or who are working parts of a teacher's normal duty day do not secure salary payments in excess of their fractional time entitlement. It is not a weighty matter which should detain the House overlong. However, a number of important principles need to be addressed.

First, I place on record my and many of my colleagues' total disbelief that this education measure should be the first to come before the House in what seems to be a very long time. It is well documented that the Minister has for some time been promising to introduce amendments to the Education Act. Problems with education over the past 12 months at least, and certainly beforehand, have been mounting. Yet we see, after years of promises, no action in respect of the Education Act; but, when a decision is handed down by an industrial authority, we see a measure introduced to try to cap it relatively quickly.

We could look at and talk in this debate about what is going on in special education, the selection procedures that the department is using and the fact that they are falling apart, the total level of teacher dissatisfaction in this State, the parents who are becoming more and more dissatisfied with the system that the Crown offers to children in this State and the top-heavy administration of education in

South Australia where we have a number of area offices in which functions and duty are replicated. Whereas a few years ago large amounts of money could be saved because a small number of people in the same office could discuss something in 20 or 30 minutes, we now have people travelling from Whyalla to Adelaide, from Elizabeth to the city, from Noarlunga to the city, from all over the place, to conduct meetings, with all the associated costs.

We need a complete revamp of the education system. We have a Government that will not acknowledge that there are real problems in our education system and that in many ways it is in chaos. Yet what is the measure that comes before this House? It is a relatively minor industrial matter.

In highlighting the chaos I mentioned, I refer to some remarks recently made in the media concerning the much touted operation of the new Open Access College. The Minister, and the Director-General I believe, announced with fanfare and aplomb that this was the new direction for those who were disadvantaged, for those who were geographically isolated and for many of those who live at least near the member for Stuart's electorate. Those people were to get a new deal. But what happened? Weeks after the college at Marden was opened there were no telephones, no fax machines and parents could not contact the school. Students are still waiting for books. There is complete chaos at Marden. In the meantime, the school year proceeds.

Children in this State are being disadvantaged and are missing out. The last people who seem to count in education are the students. If there is one group of students for whom the Minister should have special concern, it is those students who are geographically isolated and who, through no fault of their own, cannot be provided with education at a face-to-face level with teachers. Those students deserve and should have special attention and support from this Government. The Minister, in revamping his open access plans and college, has promised much, but to this stage at least he has delivered little.

Rather than sort out those problems, we are here today on an industrial matter which the Minister, from his second reading explanation, would have us believe is most weighty. It was the result of a case which Mr Rossiter won on 3 September 1990. There have been many sitting days since 3 September 1990, yet here we are on 19 February 1991 and this matter of great weight and urgency has finally reached this Chamber. I am sure that the Minister will tell us that it is important that we pass this legislation and limit the liability of the Education Department. If it is so important, why has there been such an inordinate delay in presenting the Bill to this Chamber?

The Minister would have us believe that this measure, if not passed, could cost the Education Department $20 million. Where does he get that guesstimate from? Our information suggests that in November there were five claims, of which three totalled $31 000, and that as of 7 February 1991 there had been 16 claims, nine of which totalled $100 000. I suggest that as this matter has been long and heavily canvassed in education circles, that as a determination was made on 3 September 1990 and that as it is now six months later, the total liability of the Education Department would have to be substantially less than $20 million.

In analysing this matter it is important that all members understand the basis of the Rossiter case. The Government's concern for its exposure or possible liability hinges on the fact that all other claims would be successful. However, my advice and that of the Opposition is that the Rossiter case was a very specialised instance and that it is highly unlikely that in any other matter brought before the courts a similar determination would be made. A number of solicitors have indicated to the Opposition that it cannot and should not be regarded as the legal precedent which this Government apparently feels it should be.

The Minister would have us believe that changing the Education Act is necessary, but it is necessary for only one reason, because surely the appropriate way to alter an award payment is through the Teachers Salaries Board award. The Minister would tell us that it is necessary to change the Education Act, solely so that this matter may be resolved retrospectively and that it is only through the Education Act that a retrospectivity clause can be applied. All members of this House will know that for a long time members on this side of the Chamber have had great concerns about changing legislation retrospectively, and the substance of the amendment that I will move at the appropriate time, while seeking not to be irresponsible and expose the Government to a level of claim that we do not think it should sustain, nevertheless seeks to uphold the right of people who have already initiated a claim to pursue that claim in the courts.

We believe that, privately, most members opposite would not support the principle that an industrial award should be varied retrospectively; that somebody can be granted a level of payment or a level of service under an industrial award that is subsequently changed retrospectively. I do not know how they will argue, given their industrial philosophy, that this can be countenanced, but I am sure that they will.

Members interjecting:

Mr BRINDAL: If they make no interjection of sense, they make one at least of noise. As I have said, we do not support the retrospective aspect of this measure, and the nature of our amendment is such as to allow those claims that have been rightly put forward to go forward and to allow any other claims that may be made until such time as this legislation becomes law to go forward and to be tested in the appropriate manner in the appropriate courts.

Mr Quirke interjecting:

The ACTING SPEAKER: Order! The member for Playford's comments are out of order.

Mr BRINDAL: Thank you, Sir. One of the reasons advanced by the Minister or by officers of the Minister's department for not going through the Teachers Salaries Board is that the Institute of Teachers might not concur and, therefore, it might get the board to make an award other than that which might be desirable for the Minister and his department. However, we have consulted with the Institute of Teachers and we find this claim somewhat spurious in that the Institute of Teachers says that it would agree to change the Teachers Salaries Board award properly to provide for part-time employment. So, here we have an instance where the teachers institute—the teachers' union—is prepared to agree with the employer but, apparently, the employer does not trust it enough to go to the appropriate body for a determination.

The institute says, quite simply—and this is its only condition—that, in changing the award, it would want to see an end to the practice that occurs in some secondary schools where part-time employees are timetabled to teach the first and last lessons of each day. I believe that many other unions would not countenance such an action where somebody could be required to work from 9 a.m. to 9.50 a.m.; basically, not to be employed until about 3 o'clock, when they would then be required to teach from 3 p.m. to 3.40 p.m.; and be paid just for the two lessons. As was Rossiter's argument, this is not a position that many unions would sustain. That is the only condition that the Institute of Teachers would request, namely that, if teachers are to

teach part-time, that part-time work should be sensibly allocated.

It is worth pointing out in this House that one of the unusual occurrences in the Rossiter case was that he had a .6 appointment, for which his teaching load was in fact heavier than when he previously or subsequently had a full-time appointment so that, when he was supposedly working .6 time, he was working more hours than when he was supposedly working full time. One of the department's witnesses who spoke at the hearing said that the department cannot, had not and would not determine what a full-time teaching load was, and that leads to other very serious questions.

The other problem that the Opposition has with this legislation is that it is broader, we believe, than its stated intention, which is that it will affect teachers but, of course, it will affect not only teaching staff, either contract or permanent, but also other employees such as school assistants, who are engaged under section 9 (4) of the Education Act. Unlike teachers, who have prescribed hours of duty under the Education Act or under the Teachers Salaries Board award, school assistants already have detailed provisions relating to part-time work and hours of duty in their award.

The effect of the proposed section 101a (2) *(a)*, we are advised, is to remove from either the Teachers Salaries Board or the Industrial Commission the power to determine that a part-time employee should be paid something other than a strict percentage of the full-time rate. This would apply regardless of merit or circumstances that might arise in the future. I promised not to detain the House long and I will keep my promise. We basically support the legislation, provided the Government will agree to my amendment, but we will discuss that during the Committee stage.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of (I believe) support for this measure, albeit in an amended form, which the member for Hayward foreshadowed to the House in his second reading contribution. The honourable member began his comments with a diatribe of attacks on our education system, of which he was formerly an officer and, given the questions that he puts on notice and the speeches that he makes in this place, I am somewhat disappointed that he cannot find some good things to say about the system which, I believe, served him well and which he served well in the years he worked for it. Perhaps one day he will return to the system and make another contribution to it, because in this State we have—

An honourable member interjecting:

The Hon. G.J. CRAFTER: He might have a different attitude if he did become so. In this State we have a very good education system. It is experiencing difficult times, as are education systems right across this country and, indeed, throughout the Western world. We are going through a time of very substantial change within education systems, within our schools and, certainly, with respect to the community's attitude to and expectations of our schools. That is a good thing; it is something that we must embrace and work our way through. In this State, we have had particular difficulties because of a very substantial enrolment decline; there are some 53 000 fewer students in our schools than there were 15 years ago and, indeed, some of the staffing problems that are being experienced in our schools this year—and our secondary schools in particular—are a result of that enrolment decline in those schools.

There are other factors too, such as the introduction this year for the first time of the 10-year placement rule, which was negotiated with the South Australian Institute of Teachers as part of the curriculum guarantee package, and the *quid pro quo* for that, which the Opposition conveniently excludes, is the fact that now compulsion is no longer placed on teachers to work in country schools across this State. That is welcomed by those teachers who wish to reside in Adelaide. Now we have a package of incentives that enable us to staff our schools in the community in a different way, and I believe we are well served by those teachers who are serving in the country and who are very agreeable to go and teach in our country schools, which is preferable to compelling teachers to go to the country.

Indeed, some of those teachers who are displaced and others who will be displaced need to reflect on the fact that in other circumstances, had this policy not been in existence, they would have been either going to the country or taking four years leave without pay. That policy no longer exists. The other fact that members opposite conveniently overlook (and I would have thought that it would be in the interests of country members) is that teachers who have served our schools faithfully and well in the country can now return to the city and gain access to career opportunities in many schools where they were previously not available. The staff in many of our schools in the city were simply not moving on and teaching positions were not available.

Those teachers who had served, sometimes in difficult circumstances, in the country and had made considerable sacrifices during their career but wanted to return to the city were placed in PAT positions and in other more temporary circumstances whilst teachers remained, for 15, 20 or 25 years or longer, in the same school. That was not regarded as being in the best interests of those teachers or their schools. We now have a new policy in this area. It has been roundly attacked by the Opposition and I note that its statement indicates that it would eliminate the policy. I would have thought that that would not serve well our education system. It may need reviewing, refining or some amendment, but to throw it out the window is certainly another knee-jerk reaction by the Opposition to education policy.

In recent days the Opposition has made much of the Open Access College. We have transferred the largest school in this State out of the Education Centre—a high rise building in the centre of town—into a school setting where I believe it should be. There are now some 160 or more teachers back in a traditional school setting where they can relate to other teachers. Students who want to access those teachers and the resources of the Open Access College can do so in the relative ease of a suburban school setting rather than having to come into the central city area.

The Opposition continues to attack our education system for being bloated and refers constantly to the Education Centre as being a building full of bureaucrats. I can assure members opposite that four of those 17 floors are now occupied by the Education Department. It is disappointing to see the transfer of the Correspondence School, now the Open Access College, to the Marden campus being attacked in this way. It is a massive job for our staff to undertake, but they have done it very quickly and in difficult circumstances—and they have done it very well. It is important that I place on record the reality of the situation.

Members opposite have said that they have had representations from a woman in the far north of the State who claimed that she did not know the mailing address of the college. The address is exactly the same as it has always been—GPO Box 1152, Adelaide. That fact was well published across the State last year. It is a pity that the Opposition did not check its facts before launching into an attack

on the Open Access College, its staff and its management, who are working under great pressure at the moment.

Why are they working under great pressure? It is because there are 1 528 new enrolments in the Open Access College this year, with 1 442 new enrolments being in years 8 to 12, the bulk in the senior secondary years. Newly enrolled students in years 8 to 12 in 1990 totalled only 974, so there is almost a 50 per cent increase in new enrolments. That has placed the dispatch of materials under considerable stress. There are only 30 new enrolments currently being processed for the dispatch of materials, and they are senior secondary enrolments. Enrolments are currently being received at the rate of approximately 40 per day. In those circumstances I would have thought that the Opposition, had it bothered to check the facts (and one can only ask why it did not want to check the facts), would be congratulating the staff of the Open Access College on their ability not only to receive and process those enrolments but also to process the additional materials required with all the complex arrangements necessary for developing those very positive and creative relationships that exist between the students and teachers in that very special school.

Because of the unusually high number of new enrolments, some materials in some subject areas have been exhausted, necessitating reprints, which have been conducted as a matter of urgency. The dispatch of materials has been operating at capacity from Friday of the first week of this term. Delivery staff have been contacting students about their subject enrolments as they have been processed. They have been coming in well after the beginning of term.

For the Opposition to carry out this attack on the Open Access College in these circumstances is most unfair. Communications at the Open Access College have been in operation from the beginning of the school term. The college telephone is a PABX terminal—number 362 2000—and has been in operation from day one of the school term, with two full-time operators taking incoming calls. It is accepted, given the number of inquiries, that some incoming calls have experienced delays. Literally thousands of people have called the school, and that is in strong contradiction to the honourable member's statement damning our State education system and indicating that people are walking away from it. The reverse is happening this year: thousands more students than anticipated are coming to our schools. One could ask, 'Why are they coming and where are they coming from?' The production of additional materials has been necessary because of the high number of new enrolments and delivery teachers have been instructed to send photocopied sections of course work to students to minimise the impact of print delays.

It is important to put on record my appreciation of the work done by the Open Access College and its staff in education in our community now and in the past. It does not deserve to be attacked in the way that it has been attacked this afternoon by the Opposition in this place. The reality is that the standing of our schools and the programs they are delivering have never been of a higher quality. If one compares education systems around this country, one finds that we have a lot to be proud of in our teaching service, our curriculum offering and our schools generally in this State. They are under scrutiny from parents every day of the school year, but they are also under formal review of the Education Review Unit and are subject to the school development plans being developed by schools throughout the State to fit into the three-year plan promulgated by the department. For the very first time we have in place planning structures at the systems level and the school level for the community to see what are our priorities as a department and to participate in the decision-making processes of education in our community.

I am quite amazed by the honourable member's statement that people are driving cars all around the State to talk to each other and to attend meetings. In fact, in recent years we have established the most comprehensive Faxnet system of facsimile machines in schools throughout the State to enable a much improved and speedier flow of information across our system and a much more efficient use of time and staff, hence our ability to deliver services right across the State to the 700 schools that comprise our Education Department and the many other sections that serve South Australian schools. I do not think that generalisations help to advance the important education debate which has been going on and which will continue in our community.

This important measure was introduced last year to indicate to the community that the Government intended to resist a flow of claims from people who wished to emulate the success of Mr Rossiter, who succeeded in the Magistrates Court in winning a full day's pay for a part day's employment. The implications of that are enormous for a large employer such as the Education Department, and it would have been irresponsible of the Government not to introduce legislation in this form. The threats that have been made to the Government on the part of some groups of teachers underlined that this legislation was important. People intended to organise large groups to make claims to try to obtain money which they had never expected and which could only be described as a windfall, so it would have been irresponsible of the Government to allow this matter to flow on.

It was for those reasons that the legislation was introduced very quickly last year. The public knew that the legislation was to be debated here and it can now be dispatched. The amendment that the Opposition has foreshadowed is really not helpful, because it would allow for a period from now until proclamation of the legislation during which tens of thousands of claims could be lodged. That would allow a totally unworkable system to proceed, leading to opportunism of a most undesirable kind. It would be an irresponsible run on the revenue of the State and would produce an intolerable situation for the administration of education. It would clog up our court system and be a bonanza for the legal profession.

For all those reasons the Opposition's amendment is simply not practical, not responsible and is certainly not in the interests of our education system. There may well be room for discussions between the Government and the Opposition with respect to the application of this legislation, but the form in which the Opposition has brought forward this amendment is entirely unacceptable to the Government and it is irresponsible. I commend this measure to honourable members.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Special provisions relating to rate of remuneration for part-time officers and employees.'

Mr BRINDAL: I move:

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Line 6—After 'affects' insert '—*(a)*'.

After line 8—Insert the following word and paragraph:

or

(b) the determination of any other claim made by or on behalf of any person who was at any time or is an employee under this Act, if that claim was lodged with the department at its central office or an area office before the commencement of this section.

The Hon. G.J. CRAFTER: I oppose this amendment for the reasons that I gave in the second reading speech. To

allow for claims as of right to be met until the time of the commencement of the legislation, that is, to an indeterminate time in the future, is not a responsible course of action, particularly when we are dealing with revenue. The figures to which the honourable member referred are probably within the realm of possibility; that is, many millions of dollars may be paid out if the Opposition's amendment were carried.

That is why the legislation was introduced last year in the form that it was, to give the public notice that the Government intended to legislate in this matter. As the member for Hayward has indicated, the question of the appropriate award is also being attended to, but that is with respect to the future and not the past. This matter must deal with the past. It is a decision that could not have been anticipated by the department, and it has implications not only for the Education Department but also for all public sector employers of part-time employees and, in that sense, it needs to be clarified and resolved by legislation. All responsible South Australians would see that this is the appropriate course of action.

Mr BRINDAL: The Opposition does not agree with the Minister. I canvassed the amendment in the second reading. We believe that the number of claims so far submitted is nowhere near what the Minister originally thought, and the Opposition is responsibly pleased with that. We cannot see that in a matter of two or three weeks there would be a great proliferation of claims until this legislation was proclaimed that would take it from about $150 000 well towards $20 million. We do not accept that. We do not believe that measures should be introduced that vary awards retrospectively.

The Hon. G.J. CRAFTER: The honourable member has not addressed the question of the flood of claims that would flow from the passage of this amendment this afternoon in this form in this place. True, one does not know how many claims would be forthcoming, but one could envisage an organised campaign. Indeed, if people were advised that many thousands of dollars were available to them simply for the asking, one can only guess that quite a few people would be willing to queue up, given that information. Why that has not occurred is because this Bill was introduced into the Parliament.

I believe that the Institute of Teachers has acted responsibly in advising its members of the introduction of this legislation, and legal practitioners, where people have obviously sought advice, have been told the same: that this matter is now before the Parliament and, rather than waste money on claims that are not going to be successful, the matter is best left and dealt with in this way. The more responsible people in our community who have looked at this matter have also decided that this is really a windfall. It is not money that is properly due to them: for them it is a moral question and they should not seek the money in this form. The Opposition's amendment would allow for all those people to gain this windfall, and that is quite improper.

Amendment negatived; clause passed.

Clause 3 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.

The Hon. P.B. ARNOLD (Chaffey): I wish to bring to the attention of the House the plight of the Riverland community of Lyrup, which is the only such village in the southern hemisphere. Indeed, its history dates back to 1894 when the Lyrup village settlement was established. However, the Government appears to be making a concerted attack on the Lyrup village community. Following the announcement by the Department of Education that the Lyrup Primary School would be closed, I am pleased to say that, as a result of the concerted effort by residents and of proposals put to the Education Department and the Minister, that decision of Government is not to be proceeded with.

Lyrup residents have now been confronted with the prospect of losing their 24-hour ferry service. The Government's intention is to close the ferry from midnight until 6 a.m. I believe that it is absolutely imperative that the residents of Lyrup have direct and easy access across the river and that the essential services of police, ambulance and fire have reciprocal access to Lyrup. Just why the Minister of Transport is going down this path I am not sure, because it places the Lyrup community at a distinct disadvantage. The Murray River itself creates a real barrier between communities. I refer to a letter written by the Regional Superintendent and St John Ambulance Station Officer, Berri branch. Directed to the Commissioner of Highways, the letter states:

> Following recent media releases regarding the imminent closure of the Lyrup ferry during certain hours, our organisation also voices disapproval of the proposed closure. For the past 12 months our records indicate there have been seven cases; four cases requiring emergency treatment, three of which were attended during the proposed closure times. Lyrup is already isolated with regard to medical services. If the closure eventuates, delays would be greater, further jeopardising lives.

The effect of closing the Lyrup ferry between midnight and 6 a.m. means that, in the case of emergency, travelling or servicing time is extended by at least half an hour purely to reduce the cost of operating that ferry, and one must ask whether or not that cost of additional operation can be justified. I certainly do not support the closure, especially not putting the community and the families at additional risk which is quite unnecessary and which cannot be justified.

Fifty residents of Lyrup—and, may I say, the Lyrup community is small and closely knit—have signed a petition that states:

> We the undersigned are protesting against the closure of the Lyrup ferry because closure, combined with the poor condition, and in flood times total closure, of the alternate route to Berri via the hazardous unsealed Gurra Road, will seriously downgrade access to emergency services and cause other ferry users such as shift workers unacceptable hardship and risk.

Those 50 residents would be a reasonable percentage of the adult population. In the mail today I received a copy of a letter from the President of the Our Lady of the River Parish Council at Berri, Father Quinn, who wrote to the Minister of Transport, stating:

> I am writing on behalf of the Berri Parish Pastoral Council. The parish takes in the village of Lyrup, the inhabitants of which have been disturbed by recent reviews of services to their town. For a protracted period the State primary school was in danger of closure. This has been avoided, largely due to the demonstration by residents of a tenacity and commitment which signifies their genuine community spirit.
>
> Your brief, I believe, covers the Highways Department, charged in turn with operating the Lyrup ferry. Recent talk has been of reducing the hours of service, placing in jeopardy the secure existence of the Lyrup people. As you doubtless know, the alternative routes to and from the town are either lengthy or susceptible to flood. The reduction of services may appear to be a saving, but the price the Lyrup people would have to pay is a penalty well out of proportion to any savings. The anxiety visited upon them would be deeply felt by neighbouring communities as well.

As the Education Department grew to realise, Lyrup village is no apathetic target waiting for an exercise in 'efficiency'. Knowing your appreciation of country people, I trust that you, too, will show how you value the common good of these residents.

The community is very much isolated by the river in that, in the event of closure, the time factor in travelling between Lyrup and the major towns these people utilise (that is, Berri and Renmark) is extended by up to half an hour. I believe that the Minister of Transport should look very seriously at the consequences of the proposed action. I urge the Minister, as did the Minister of Education, not to penalise this community any further, and to give it access to the services that have been outlined by the St John Ambulance, by medical officers in the area and by the police, so that the people of Lyrup can continue to enjoy the same sorts of facilities and services provided to other people living in country areas.

It is well known that services provided in country areas generally by the Government are fewer by far than those provided to people in the metropolitan area. However, most of us living in country areas have learned to live with that. But to deliberately reduce the services that currently exist, particularly when they relate to the health and wellbeing of that community, is totally unjustifiable, and I urge the Minister to reconsider his proposal.

Mrs HUTCHISON (Stuart): This evening I should like to address some remarks to a project recently undertaken by ETSA at the Northern Power Station at Port Augusta. The Electricity Trust of South Australia launched a $2.3 million pilot study at the Northern Power Station to investigate the uses and advantages of ash concrete. Some of the techniques used in the project will be world firsts, I believe. The project is called the fly ash utilisation project, and the study is to investigate various mixes of fly ash, bottom ash and cement to form varying concrete compositions.

Fly ash and bottom ash, as members probably are aware, are waste products of burning coal at the power station. The fly ash is a very fine, powdery substance with a floury consistency, which causes problems from time to time. Bottom ash is a coarser substance with a sandlike consistency. The first project was undertaken late last year, and that was the capping of coal stockpiles to make them weatherproof and to prevent coal dust blowing off them, which was causing a bit of a problem in the community.

A low strength concrete comprised of 3 per cent cement and a 50-50 combination of the bottom ash and fly ash was used. To date, I believe that that has been quite successful in keeping down coal dust emissions from the Northern Power Station. The low strength concrete seal is supposed to be waterproof and capable of withstanding lighter traffic. The pilot study also was to investigate the use of a land-fill composite called condition ash, and various higher strength combinations of ash products and cement.

Condition ash is a combination of fly ash and bottom ash, and it is anticipated that it could possibly be used as a land-fill for levelling surfaces and constructing levy banks, while higher strength ash concrete will be tested in roadworks. I believe that for some time this has been an idea of the General Manager of the Northern Power Station, Mr Roley Miller, who said that, if the pilot study proves favourable to the use of ash concretes and composites, it could be used in local projects, for example by the Port Augusta City Council and the Department of Road Transport.

The ETSA people are showing quite a bit of initiative and innovation, and Mr Miller said that he hoped that the pilot study would prove that ash concrete could be shown to be more cost-effective than some traditional construction methods while, at the same time, being environmentally friendly. The benefits have yet to be proved, obviously, but that is the aim of the first pilot study.

Some of the principles that will be used are pioneering techniques, and some aspects of the project are leading edge technologies, so members can see that people should be watching this with a great deal of interest. The ash collection, storage and mixing plant cost $300 000 to construct, and ETSA has purchased $300 000 of mobile equipment for the project. The *Transcontinental*, at the time of the launch of this project, carried an editorial, which reads as follows, under the headline 'Innovative Industry':

In this 'green age' when industry is often attacked for its effects on the environment, it is pleasing to see at least one corporation trying to make amends. Today's story on studies by ETSA to make concrete from its waste products is well worthy of praise.

I support that comment, because I think that it is worthy of praise. The editorial continues:

Not only is ETSA trying to use its waste and therefore save the environment, it is also bringing leading-edge technology to Port Augusta, as well as products which could prove beneficial to the city.

Let's hope other companies and industries take a leaf from ETSA's books and start looking at practical ways they too can recycle waste and unwanted products.

I agree with that, because in the very recent past people probably would not even have thought of using fly ash for any sort of product until Adelaide-Brighton Cement actually started to take the fly ash from ETSA and make its cement with it. It takes 100 000 tonnes, which it blends with cement.

They actually supply most of the South Australian market with cement made from that fly ash at the Northern Power Station. Fly ash can be used to deal with environmental problems. For example, it can be used to eliminate midge flies, as land fill to get rid of salinity and to protect mangroves, and it also has an effect on pollutants in the gulf.

A paper dealing with the Northern Power Station and its production of fly ash and other matters states that the Northern Power Station presently produces some 400 000 tonnes per annum of fly ash of commercial quality. Of this, Adelaide Brighton Cement takes some 80 000 tonnes per annum for blending with Portland cement to supply the South Australian concrete market, with the remainder wet-sluiced to the ash disposal area at the Northern Power Station at Port Augusta. It is proposed that ETSA place a development construction program at the power station to demonstrate the potential for fly ash in other than concrete markets. As I mentioned before, that includes land fill, road works, bank construction, and so on. At the same time, ETSA believes it will be able to gain experience with dry fly ash handling and disposal using conditioned ash.

In July 1988, SMA attended the Concrete 88 Workshop for the utilisation of fly ash, slag and silica fume. In simple terms, fly ash of appropriate quality has the following advantages and properties: it is cheap and is produced as a by-product of the power process; it has a slower heat of hydration, which is lower thermal cracking; it has higher workability; higher ultimate strength; increased impermeability; and improved sulphate resistance, which has marine applications. In comparison to other fly ashes, northern fly ash has a borderline fineness and could be improved by classification or regrinding. I believe that Adelaide Brighton Cement presently uses zone 1 ash without further treatment. It has a very low loss of ignition product compared with other Australian fly ashes. It is excellent for Portland cement replacement and colour control. There is a relatively high lime content—approximately 5 per cent—which makes this ash nearly cementitious.

In relation to market potential, Portland cement replacement usually is a 20 to 25 per cent blend, although current development is towards much higher proportions. The prin-

cipal use is for concrete work. The South Australian and surrounding market in this area is actually saturated by Adelaide Brighton Cement. It also has the potential for concrete products, such as building blocks, wall sheeting panels, etc. There has been little development in Australia at present, although it is being considered as a joint venture to produce blocks. Conditioned ash can be used on land fill operations, for example, banks, dam cores, mining backfills, etc. It is easy to place and form, it sets off to a reasonable compacted earth strength and it has significant potential as a road base material in areas deficient in natural cheap rock sources. This could have great potential for South Australia in the area of road making.

In relation to market value, fly ash as a Portland replacement has a value of about $70 per tonne at the point of use. Consequently, the overall cost structure can tolerate quite a high component for transport to markets some distance from Port Augusta. We are looking at something that will be much cheaper to use and probably, if it can be proven in these pilot studies by ETSA, it can be used effectively in those projects. The potential for South Australia as a State can be absolutely enormous. I support and congratulate the Electricity Trust of South Australia, particularly the Northern Power Station at Port Augusta, on its very innovative idea in regard to this commercial product.

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

Mr OSWALD (Morphett): I raise a subject which I raised in the media and in my district during the Christmas recess. I think it is an important subject and one which, since I raised it, has not been picked up by the Government. The backpacking industry, which is part of the tourism industry, is becoming well-established in this State. It is becoming a very popular form of accommodation, and as we move into the recession—or should I say the depression—I think we will find more and more young people availing themselves of this type of accommodation.

It is a relatively cheap form of accommodation where primarily young people avail themselves of packages on buses and travel interstate or intrastate, and they know of hostels where they can sleep where there may be three, four, six or eight beds to a room. They know that they will get a relatively light but substantial breakfast at an economy rate and on the next day they can go on their way. However, no standards are set down for these backpacking hostels. The normal hostel and nursing home and other types of establishments such as hotels and motels are rigidly controlled and have fire safety requirements, but the backpacking-type establishment, which offers accommodation, has no requirements other than certain regulations set by a fire safety committee that is controlled primarily by the local council. The committee has representatives from the fire brigade and local government and some others, but it lacks teeth and does not seem to be able to set controls in place. I think the Government has to make a move in this direction to set some firm controls in place.

I know of one backpacking establishment at Glenelg that is extremely well run (and I am not saying that all backpacking establishments are not well run). The proprietor has made an attempt to install fire safety equipment and to ensure that there are alarms and signs. He also keeps a register of those who are staying there and runs a very good ship. However, there are others who are not in this category. I know of one establishment in the western suburbs where there are no extinguishers, no fire hose reels, a poor water supply and no emergency lighting. In addition, there is poor security with no keys on outside doors, no keys to rooms and no notices on doors stating the number of beds allowed in the rooms, and staff training is almost non-existent. I have been told of one establishment where backpackers sleep in the basement. In the event of a fire on any of the other floors, there would be a tragedy.

I understand that on many occasions youngsters come off the bus at night, tired from travelling all day and all night; they go into these places and if they were to wake up in the dark with smoke from a fire they would be disoriented and a tragedy could occur. We have seen it happen interstate and we need to make a move to ensure that it does not happen here. All it requires is that the Government recognise the fact that it has not regulated the hostels that are utilised by the backpacking industry and set in train some type of regulation.

In talking to officers informally at the Metropolitan Fire Service, I have found that they totally agree with what I said in January and they would agree with my statements to the House tonight. This is the place to ventilate it; this is the place for the Government to pick it up and know that, if it does bring in regulations that will improve safety standards for the people staying in this type of hostel, it will receive the support of the community and certainly the support of the Opposition. It is a major part of our tourist industry in which we all have a part to play in seeing whether we can increase the numbers of people using it.

Another matter that I should like to raise is one which has not been taken up by the Government. Indeed, an attempt was made to discourage the suggestion that I made. I think it is agreed that the public by and large is fed up with the young larrikins and troublemakers who roam the streets of Adelaide and the suburbs, the graffiti, the fighting that goes on in the streets, the disturbances and the drunken youths who do not know how to behave in public. Indeed, people are now screaming out for the Government to do something about it.

I am aware that Mr Sumner, the Attorney-General, has announced that a review is under way for the Children's Court procedures. I understand that he is hoping that something will come out of that review procedure which will incorporate meaningful penalties. I have said to the House before, and I say again now, that it is about time that we got some lateral thinking into this whole question of what we do with these kids who need discipline. Basically, many of them do not get discipline at home.

The law, which is implemented by this Government, is such that parents are frightened to discipline their kids at home for fear that they will get a knock on the door from some DCW or, as they are called now, FACS worker, because the kid has gone to school the next day and said, 'My Mum—or my Dad—beat me.' Then there has to be a mandatory report by the teacher to the department and the department is obliged to take that child for examination. This seems to run in cycles. I have been inundated from time to time by mothers with teenage or sub-teenage children not knowing where they stand on disciplining their offspring.

Mr S.G. Evans interjecting:

Mr OSWALD: That is correct. It is a very serious matter. It is the reason why parents are reluctant to discipline their children. They leave it to the police to do it when the kids stray. Basically, that is wrong. It is not the way to go. Indeed, it is a matter on which I shall have quite a lot to say when the Children's Protection and Young Offenders Act and the amendments to the Community Welfare Act come before this House. I will save my remarks until that time.

In November, when we were discussing this matter, I referred to two areas that we should look at. One was that

the age of 18, when children become offenders, should be reduced to 17 at least when they are treated as adults. Many of these kids, as 16 and 17-year-olds, are fairly mature. If at 17 they knew that they would be having the same penalties imposed on them as an 18-year-old, it could act as a deterrent. Indeed, I suggest it would, and I would even bring it back to 16 in some cases.

The other matter that I suggested was a scheme, which was tried in New Zealand and other areas, called JOLT. These young larrikins are taken by a senior police sergeant to the local gaol for the day for a taste of what it would be like if they continued to offend. I was disappointed that Mr John Dawes, the Director of the department, said that the scheme had been thoroughly discredited and was no longer used. To my knowledge, the Labor Government in Western Australia is trying this scheme again, so someone in this Commonwealth must see some value in it. I see some value in it.

Surely, with some lateral thinking we could try something new. No-one seems to want to try anything new in this place. We are prepared to let parents be frustrated in their inability to discipline their kids and leave it to the police. The police are frustrated because they do not know what to do with kids under 18 as they cannot touch them. Yet, when we come up with a suggestion such as this, it is ignored. We have the Director of the department saying that it has been discredited and, therefore, we should not try it. If the Labor Government in Western Australia is prepared to give it a go, I suggest that the Labor Government in South Australia should be prepared to give it a go. I suggest that if kids were taken by a senior police sergeant, who knew how to handle kids, to spend a day at Yatala—took them around, sat them in the mess and had a meal or two there, but not too close to the crims—to see what life behind bars is all about if they continue to transgress, many of them would be brought up with a start. I suggest that we should give it a try.

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

Motion carried.

At 5.55 p.m. the House adjourned until Wednesday 20 February at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 19 February 1991

QUESTIONS ON NOTICE

CRIME PREVENTION UNIT

131. **Mr MATTHEW (Bright)** asked the Minister of Emergency Services: How many police officers were employed in the Crime Prevention Unit in each of the years 1986-87 to 1989-90?

The Hon. J.H.C. KLUNDER: The establishment of police officers attached to the Crime Prevention Section is as follows:

30/6/86—8
30/6/87—8
30/6/88—6
30/6/89—6
30/6/90—7
9/7/90—9

BACKYARD LIVESTOCK SLAUGHTER

216. **The Hon. B.C. EASTICK (Light)** asked the Minister of Agriculture:

1. Is the Minister aware of the suburban backyard slaughter of livestock, particularly sheep, goats, pigs and calves, by mainly ethnic residents and, if so, has the issue been seriously addressed by the Meat Hygiene Authority and what, if any, reports exist relative to the practice?

2. Is action against such practice impeded by any deficiency in Acts administered by the Minister or by his colleagues and, if so, what are the Acts and the ministries involved and is legislative action contemplated to control the practice?

The Hon. LYNN ARNOLD: The replies are as follows:

1. Yes. Before 1980 slaughtering stock in a township was prohibited under section 552 of the Local Government Act. This section was repealed in the process of enacting the Meat Hygiene Act. Since then there have been a number of reports of occasional slaughter of animals in urban areas.

The Meat Hygiene Section of the Department of Agriculture has investigated about 20 cases that came to its attention and has attempted to prosecute where possible. However, the Crown Solicitor has advised the authority that because the Act is designed, *inter alia,* to regulate the standards of hygiene and sanitation of slaughtering works, it does not encompass backyard slaughtering. To come within the definition 'operating an (unlicensed) slaughtering works' there must be evidence of frequency of use.

2. To come within either the Health Act or the Public and Environmental Health Act, slaughtering in a township would have to be shown to result in an unhygienic condition.

AFTER SCHOOL CARE

270. **Mr BECKER (Hanson)** asked the Minister of Education:

1. How many funded and unfunded 'After School Care' programs are in operation?

2. Was each program registered and was advice given physically and verbally by the Children's Services Office on the administration of each program?

3. Have all program committees of management recently received correspondence from the Statewide Superannuation Fund and the Federated Miscellaneous Workers Union advising them of their obligations under the Child Care Workers Award and, if so, why were these obligations not advised to the unfunded programs by the Children's Services Office before commencement of the programs when budgets were drawn and fees set?

4. Does the Minister support the union stand and is he aware that it is threatening the viability of unfunded programs and, if so, what action will the Minister take to ensure all programs are able to continue and if none, why not?

The Hon. G.J. CRAFTER: The replies are as follows:

1. There are at present 100 funded out of school hours care programs and approximately 40 unfunded programs in operation in South Australia.

2. As part of the funding process, all funded programs received advice and support from the Children's Services Office and Network SA in the establishment of a management committee and a budget, the formulation of policies, employment of staff, and operational procedures. Representatives of all funded programs attend an orientation seminar on administrative requirements conducted jointly by the Children's Services Office and the Commonwealth Department of Community Services and Health.

3. All programs, whether funded or not, are eligible to receive a copy of the CSO Out of School Hours Care Kit, and to be included in CSO regional staff development programs.

4. The degree of support provided to unfunded programs depends largely on whether support is requested. Because out of school hours care is not a regulated area, unfunded programs do not automatically come to the attention of the Children's Services Office. However, any administrative information requested is provided.

SAGASCO

287. **Mr BECKER (Hanson)** asked the Minister of Mines and Energy: How long does it take the South Australian Gas Company to complete new domestic gas installations, what is the reason for the time taken and what action will the Minister take to ensure installations are made sooner?

The Hon. J.H.C. KLUNDER: The word 'installation' needs to be defined. From the customer's point of view, an installation includes all work necessary to make an appliance operational. This work can be quite minor in the case of a replacement appliance. The work involved, however, where no gas is connected to the home is much more involved. The work is classed as 'new service' work and involves laying a gas inlet service from the roadway to the meter location. The installation contractor then takes over and runs pipe to the appliance and installs it together with any flue equipment that might be required.

The question needs to be answered in two parts:

(1) New home installations.

(2) Existing home installations.

New home installations: The installation of gas appliances by SAGASCO into new homes is a scheduled part of the building process. The gas pipe runs are installed at frame or wall topping stage, prior to roof tiles and wall cladding. The appliances are then installed at painting stage just before occupation. The gas inlet service is run from the main in the roadway to the meter at some time prior to the appliance installation. The process is coordinated by our installation inspector between the installation contractor and builder.

The number of times this process fails to achieve its aim, of providing a new home owner with operating appliances at occupation stage, would number less than 20 per year, *viz*, 20 out of 5 500 new homes connected to gas in the year to date. The time taken will of course vary with the speed of construction of the house itself. This is obviously beyond the control of SAGASCO. Currently the industry average would be 12-16 weeks from foundation to completion.

Existing homes: Existing homes gas installations are divided into two categories:

1. Those where gas is already connected to the home, and the appliance is a replacement or additional appliance.
2. Those where the house is currently 'all electric' and gas must be connected to an adjacent main and an appliance installed.

1. Replacement or additional appliance installations—The time taken to install a replacement appliance, that is, where a new appliance replaces an old one in the same or nearby location varies with the appliance type. Current times are shown.

Hot water units—Within 24 hours, 7 working days per week, at any time of year.

Cookers—Currently within 2-3 working days of order provided model is in stock. This time may extend in the winter to 10 working days due to the overall workload.

Space heaters—Currently 3-4 working days from order provided appliance is in stock. This can extend to 14-21 working days in winter due to the overall workload. Additional appliances, because of the more complex nature of the work, will usually extend the above times by a few days.

2. Appliance installations which require an inlet to be laid from the gas main (new service jobs)—

The great majority of this work tends to be for a space heater installation as an initial appliance. This, naturally, tends to occur at the first sign of cool weather. The gas company goes to great lengths to encourage new consumers to have new service heaters installed during spring and summer; however, this has limited effect. New service work tends, therefore, to be seasonal in nature and occur in autumn and winter. The gas company uses installation subcontractors to do its installation work and to some extent its inlet work also.

Gas installation is a somewhat specialised field, and the gas company uses a group of contractors, 50 or so, to maintain a high standard of work. The gas company gives a five year labour and material guarantee on all of its installation work.

The winter demand for gas installations in general and new services in particular causes delays in completion of work. The overall delay is a function of stretched resources in winter coupled with the need to retain, if possible, an adequate workload in the summer or quieter times. The gas company works and expands its contractor workforce in the peak times.

Inlet Only: SAGASCO will provide a gas inlet, from the roadway to an agreed meter position, so that a consumer's own gasfitter can then install an appliance in the home. These jobs are known as 'Inlet Only' jobs. Currently 45 per cent of inlets to existing homes are in this category. There are some 1 800 registered gasfitters in the State.

The laying of a gas inlet from the roadway involves other utilities also. The gas company is required to obtain locations of other utilities services underground to ensure the gas pipe is laid safely. This service tends to take longer in the winter. The combination of all these factors can, in winter, result in a completion time of some 7-8 weeks. However, at other times of year this type of work would be completed in 2-3 weeks.

The demand for existing home new inlets has, over the last few years, been very strong. In fact in the current year the demand has been so high that it has outstripped the available gas company resources. Since September the gas company has placed the following priorities on the provision of new inlets to existing homes.

1. The gas company will lay an inlet to an existing home on the reticulation system where an existing electric hot water service is to be replaced by a gas unit as the high priority. At present this would take approximately two weeks to be laid. In the meantime the gas company provides a temporary LPG cylinder to fuel the hot water unit. The unit is converted from LPG to natural gas when the inlet is laid.
2. Urgent new service cookers will, similarly, be connected to LPG temporarily and the natural gas inlet laid early in 1991.
3. Space heater new service jobs will be installed within a few weeks of order. Because of the warm weather a temporary LPG supply is not normally provided. A natural gas inlet will be completed in early 1991. Customers may receive a special financial benefit from ordering a heater now but waiting for the inlet installation until February 1991.

SAGASCO staff explain the arrangements to potential new customers before any firm order is taken.

The gas company in this State has a proud record for efficiency and service and, while it continues to strive for improved performance, the economics of providing new domestic gas installations would not currently justify any increase in the present level of investment in resources to significantly reduce the installation period. I would point out to the honourable member that the gas company is a subsidiary of a public company, operating under the terms of the Gas Act and, as such, I have no control over the speed with which new domestic installations are completed.

BUNJEE JUMPING

293. **Mr BECKER (Hanson)** asked the Minister of Labour:

1. Does the Minister intend to approve bunjee jumping off tall city buildings and bridges over the Murray River, and, if so, why?

2. Has the Government received any requests from organisers or promoters of bunjee jumping to hold such events at Murray Bridge, and if so, when and what was the reason for the Government's reply in each case?

The Hon. R.J. GREGORY: The replies are as follows:

1. Bunjee jumping from buildings and bridges does not come within the responsibility of any legislation under my control. However, the administration of the Lifts and Cranes Act does come under my control and, in particular, the use of mobile cranes for recreational purposes.

2. An application was received from Bungy Fun Australia by the Chief Inspector, Department of Labour on 4 December 1990 to use a mobile hydraulic crane for recreational bunjee jumping. Approval was granted pursuant to regulation 9 of the Lifts and Cranes Regulations 1988 and was subject to 13 conditions. The Minister of Consumer Affairs also received an application from Bungy Fun Australia for a licence for the conducting of bunjee jumping at Murray Bridge pursuant to the provisions of the Places of Public Entertainment Act 1913. On 24 December 1990 this licence was approved subject to some 45 conditions.

NATIONAL CRIME AUTHORITY

349. **Mr D.S. BAKER (Leader of the Opposition)** asked the Premier: Will the Premier seek an explanation from the National Crime Authority for the failure of any of its 1989

operational reports to the inter-governmental committee to provide any information about the Operation Ark investigation and why members of the Federal Joint Parliamentary Committee on the NCA only became aware of Operation Ark on 12 December 1989 after a segment on the ABC *7.30 Report*, as stated by that committee at page 2 of its report tabled in the Federal Parliament on 17 October 1990?

The Hon. J.C. BANNON: Reporting arrangements between the inter-governmental committee on the National Crime Authority and the authority and reporting arrangements between the Joint Parliamentary Committee on the National Crime Authority and the authority are matters for those bodies to determine subject to the duties, powers and obligations prescribed by the Commonwealth National Crime Authority Act.

SASFIT

357. **Mr S.J. BAKER (Deputy Leader of the Opposition)** asked the Premier: Further to the answer of 2 October 1990 concerning SASFIT's investment strategy, when will the trust be making the investment report available?

The Hon. J.C. BANNON: SASFIT received a report in four parts (over the period 30 July 1990 to 24 August 1990) from Mercer Campbell Cook and Knight on asset/liability modelling. The report is comprehensive, technical and confidential to the trust for the purposes of determining appropriate investment strategies. SASFIT does not intend the report to be generally released.

Despite the nature of the report, SASFIT is prepared to make copies available of the summaries of each of the four parts of the report which relate to each of the four schemes for which SASFIT manages funds. The summaries will be forwarded direct to the member. Should the honourable member require it, SASFIT would be prepared to discuss the report with him.

DISCIPLINARY ACTION

409. **Mr BRINDAL (Hayward)** asked the Minister of Education:

1. What disciplinary action does the Minister intend to take against the Director of Education in the Eastern Area and other senior administrators in the Education Department for improperly circularising the minute, 'Organisational Arrangements—1987 and Beyond' as an official minute and instruction of the then Director-General?

2. Given the Minister's advice that it had 'no status other than as a draft proposal', what action is proposed to correct the actions of more junior officers in implementing the proposals and will parents be informed that the actions taken at the time were the result of incorrect assumptions by departmental officers?

3. What procedures does the Minister propose to implement to ensure future instructions are appropriately issued, verified and implemented?

The Hon. G.J. CRAFTER: The replies are as follows:

1. Disciplinary action is not necessary. The minute circulated had no status other than as a draft proposal. The details in the minute were, in fact, the results of year long negotiations and consultations by a working party between schools, parents and the State coordinators of each program.

2. Changes to the management of the programs as already outlined in response to Estimates Committee question 14 *(a)* and *(b)* reflect some of the intentions outlined in the draft proposal. The most appropriate means of managing these programs will continue to be reviewed.

3. Existing procedures are adequate.

KINDERGARTEN GUIDELINES

410. **Mr BRINDAL (Hayward)** asked the Minister of Children's Services:

1. What status do the administrative guidelines requiring kindergartens to have an allowance of 3.25 square metres of unencumbered space per student exclusive of office provisions, storage, toilets, verandahs and the like have and, specifically, what are the occupationally health and safety consequences if they are ignored?

2. Is the Government a self-insurer in matters of public liability and, if not, who is the insurer?

3. Is the student capacity of the Oaklands Estate kindergarten based on the above guidelines, who made the calculations and when were they made, and were the measurements undertaken in accordance with the guidelines?

The Hon. G.J. CRAFTER: The replies are as follows:

1. In planning for the establishment of new preschool centres, the Children's Services Office has adopted the design guidelines of 3.25 square metres of unencumbered building space per student exclusive of office provision, storage, toilets, verandahs, and so on. The level of spatial allocation is identical to that of the provision for child care services which is endorsed by all States as a reasonable building space allocation per child. All preschool centres are advised of their respective building capacities. If guidelines were ignored the requirements of the Occupational, Health and Safety Act would apply.

2. The Children's Services Office is a self insurer in matters of public liability.

3. *(a)* Yes.

(b) Asset Information Unit of SACON on behalf of the Children's Services Office.

(c) 1988.

(d) Yes.

KINDERGARTEN ATTENDANCE SURVEYS

411. **Mr BRINDAL (Hayward)** asked the Minister of Children's Services: What were the attendances recorded during daily attendance surveys undertaken by the Childhood Services Office on which staffing decisions were taken in respect to the Mitchell Park Kindergarten and how do those attendance patterns vary from those at the Oaklands Estate kindergarten?

The Hon. G.J. CRAFTER: In the recent annual statistical analysis the average attendance at Oaklands Estate kindergarten was 32 children. For Mitchell Park average attendance was 53. In making staffing decisions, issues considered included—the pattern of attendances; enrolment projections; special needs—Mitchell Park kindergarten is providing an Aboriginal program; Mitchell Park kindergarten has a high number of children attending assessed with developmental delay and language delay and disorder.

CURRICULUM UNIT

415. **Mr BRINDAL (Hayward)** asked the Minister of Education:

1. Does the Minister intend to relocate the Curriculum Unit from Warradale in view of the fact that, of the 94 priority project schools in the Adelaide metropolitan area, 82 are located considerably north of the Warradale Curriculum Unit in which the Disadvantaged Schools Program is housed and, if not, why not?

2. In view of the Minister's reply to a question in the Estimates Committee in which he stated that in October 1989 the Curriculum Coordinating Group endorsed the operation of the Priority Education Unit including 'further developing the close working relationships between field officers and area support staff', and 'further developing the relationship between priority education management and area management', will he consider the further devolution of field officer positions to area officers and, if not, why not?

The Hon. G.J. CRAFTER: The replies are as follows:

1. The costs associated with relocating the Priority Education Unit and the co-sited Warradale urban campsite are not warranted.

2. The development of working relationships between priority education staff and area management and support staff is not dependent on field officers being located in area offices. By locating at least the metropolitan field officers in one site the Priority Education Unit is able to fulfil the curriculum functions expected of it by both the Commonwealth and the State Education Department, for example, the development of programs to increase the educational opportunities of students disadvantaged by poverty or by geographic isolation.

COUNTRY AREAS PROGRAM

416. **Mr BRINDAL (Hayward)** asked the Minister of Education:

1. Did the Western Area Director of Education (Dr Keith Were) and the State Committee of the Country Areas Program make a decision to relocate a Country Areas Program field officer from Port Lincoln to Whyalla in 1988 and, if so, why?

2. Given the current dispersal of Country Area Program schools, what is the justification for the location in Port Lincoln of the Field Officer, Priority Education position advertised in the *Advertiser* of 23 November?

The Hon. G.J. CRAFTER: The replies are as follows:

1. The relocation of the field officer from Port Lincoln to Whyalla was negotiated between the Western Area Director and the Coordinators of both the County Areas Program and Priority Projects. The relocation was done in order to reduce travel costs and ensure a sensible allocation of schools to field officers across the western area.

2. In 1991 it is anticipated that additional schools in lower Eyre Peninsula will be included on the declared list of priority projects schools.

The field officer positions for 1991 were advertised with the intention of taking account of appointees' preferences when making decisions about location. This has been done to ensure that the advertisements attract the widest group of applicants.

TEACHER VACANCIES

420. **Mr BRINDAL (Hayward)** asked the Minister of Education: What action is proposed by the Education Department to ensure that all vacancies in country locations are filled prior to commencement of the 1991 school year?

The Hon G.J. CRAFTER: All Band 1 teacher transfers in country areas for 1991 were completed by the end of the 1990 school year. Early recruitment to specific high demand vacancies such as Languages Other Than English commenced in November 1990. The recruitment of new applicants to remaining vacancies commenced in December 1990.

Offers of employment were made to fill all remaining Band 1 vacancies prior to the commencement of the 1991 school year. Arrangements were made to fill all Band 2 and 3 positions for the commencement of the 1991 school year.

421. **Mr BRINDAL (Hayward)** asked the Minister of Education: By what process do teachers of the Education Department who are on leave and other qualified public sector employees obtain information of job vacancies within the department?

The Hon. G.J. CRAFTER: A summary list of the vacancies which are advertised in the Education Department's weekly vacancy circular is published in the Employment section of Friday's *Advertiser*. Interested permanent Education Department teachers who may be on leave and other eligible qualified public sector employees may view the circular in schools and area offices.

COUNTRY EDUCATION SUPPORT UNIT

428. **Mr BRINDAL (Hayward)** asked the Minister of Education:

1. How many employees were employed by the Country Education Support Unit when the Minister announced its formation, how many are now employed and, if there has been a decrease, what are the reasons?

2. What have been the functions of the Board of the Country Education Support Unit since its formation?

3. What are the projected staffing levels and administrative arrangements for the unit?

4. What are the plans concerning the future of the board?

The Hon. G.J. CRAFTER: The replies are as follows:

1. There were 2.0 FTE counsellors and 0.8 clerical officers employed in the Country Education Support Unit when it was formed. The function of the unit has now been incorporated into the Open Access College.

2. The functions of the board of the Country Education Support Unit are to—

provide advice and assist with establishment of accommodation centres in metropolitan and large regional centres for country students;

liaise with Country Areas Program State Advisory Committee and the Priority Education Unit about the administration of the CESU.

3. See 1 above.

4. The future of the CESU Board of Management is currently being reviewed.

TEACHERS

429. **Mr BRINDAL (Hayward)** asked the Minister of Education:

1. What money, if any, has been set aside by the Education Department either centrally or at an area level to support the in-service and development of permanent staff who are filling temporary vacancies?

2. Is the Minister aware that principals are reluctant to spend money allocated to their school for in-service purposes on staff who are only there on a temporary basis?

3. If no money has been set aside or if the Minister is aware of reluctance to spend such money, what action will

he take to address this matter in view of the equity issues which it raises and, if none, why not?

The Hon. G.J. CRAFTER: The replies are as follows:

1. There are no specific funds allocated at central or area levels to support the in-service development and training of staff undertaking temporary assignments.

2. Principals are responsible for the management and allocation of training and development funds in the light of school development plan priorities, and the training and development strategies to achieve those plans. Approval to attend out of school conferences is contingent on these as well as resource considerations, the well-being of students, the suitability of the activity for the applicant and the ability of the school to sustain teacher absence.

3. See 2 above.

URBAN CAMP SCHOOL

448. **Mr BRINDAL (Hayward)** asked the Minister of Education: Is the Education Department planning to establish a second urban camp school and, if so, what is the proposed location and, if not, what has happened to the $100 000 which the Country Areas Program State Committee set aside for that purpose?

The Hon. G.J. CRAFTER: The replies are as follows:

1. A second urban camp school is under active consideration.

2. The funds committed by the Country Areas Program State Advisory Committee are still available.

EDUCATION DEPARTMENT NEPOTISM

449. **Mr BRINDAL (Hayward)** asked the Minister of Education:

1. Does the Education Department have a policy relating to members of staff appointing persons with whom they cohabit to positions over which they exercise some control and, if so, what is that policy?

2. Is the Minister aware of instances where this type of nepotism has occurred?

3. What action is the Minister prepared to take in any such cases brought to his attention?

The Hon. G.J. CRAFTER: The replies are as follows:

1. The Education Department is committed to appointing staff on the basis of merit. In the case of advertised positions, membership of selection panels includes officers with experience relevant to the vacancy, officers familiar with the principles of equal opportunity and, in some cases, a union nominee. Appeals provisions exist, either against the selection process, the nomination, or both.

2. I am not aware of instances where nepotism has occurred.

3. Allegations of nepotism will be investigated where evidence on which an investigation can be justified is forthcoming.