HOUSE OF ASSEMBLY

Tuesday 9 March 1993

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

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Mining (Precious Stones Field Ballots) Amendment,

Motor Vehicles (Wrecked or Written Off Vehicles) Amendment,

Statutes Amendment (Motor Vehicles and Wrongs).

CLERK, ABSENCE

The SPEAKER: I have to inform the House that, during the absence of the Clerk due to sickness, under Standing Order 24 his duties will be performed by the Deputy Clerk (Mr D.A. Bridges) and that I have appointed Mr G.W. Thomson, Clerk Assistant, to carry out the duties of Deputy Clerk and Sergeant-at-Arms.

CAPITAL PUNISHMENT

A petition signed by 17 residents of South Australia requesting that the House urge the Government to reintroduce capital punishment for crimes of homicide was presented by Mr Becker.

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 230, 235, 280, 305, 311, 370, 402 and 406.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. Frank Blevins)—

Financial Institutions Duty Act 1983—Regulations—Credit Unions—Non Application.

By the Minister of Housing, Urban Development and Local Government Relations (Hon. G.J. Crafter)—

Corporation of the City of Happy Valley—

By-law No. 5—Garbage.

By-law No. 10—Repeal of By-laws.

By the Minister of Environment and Land Management (Hon. M.K. Mayes)—

Valuation of Land Act 1971—Regulations—Trees Planted.

By the Minister of Labour Relations and Occupational Health and Safety (Hon. R.J. Gregory)—

Industrial Relations Advisory Council—Report for year ended 31 December.

Industrial Relations Act (SA) 1972—Industrial Proceedings Rules 1972.

By the Minister of Business and Regional Development (Hon. M.D. Rann)—

Corporation of Port Pirie—By-laws—

No. 1—Permits and Penalties.

No. 2—Taxis.

STATE BANK

The Hon. LYNN ARNOLD (Premier): By command, I lay on the table the Second Report of the Royal Commission into the State Bank of South Australia, and I seek leave to make a ministerial statement.

Leave granted.

The Hon. LYNN ARNOLD: In view of its length, I further seek leave for an extension of the normal time allowed for the statement until it is concluded.

Leave granted.

The Hon. LYNN ARNOLD: This Second Report of the Royal Commission into the State Bank of South Australia is a major step in the process of providing a detailed analysis of the circumstances surrounding the financial problems of the State Bank. This report makes it clear that the bank's former board, its former Chief Executive Officer, Mr Tim Marcus Clark, and the former management overwhelmingly bear the responsibility for the bank's losses—

Members interjecting:

The SPEAKER: Order! Leave has been granted to the Premier, and the House has granted him extended time due to the significance of this statement. The Chair will ensure that the statement is made so that we can all hear it.

The Hon. LYNN ARNOLD: This report is a condemnation of the actions of Mr Clark, other senior officers of the bank and the bank's former board. It details failings by management and the board that were wide ranging, ongoing and inexcusable. It shows that Mr Clark recklessly pursued a course that led to the bank's downfall and that the board acquiesced in that action.

Mr Speaker, when I tabled the first report of the royal commission on 17 November last year, I made it clear that the Government accepted its share of the responsibility for the problems experienced by the bank. I acknowledged that there had been an unsatisfactory level of communication and cooperation between the bank and the various arms of Government, within Government and between the Reserve Bank of Australia and the Government. In so far as the Commissioner's first report was critical of the relationship between the Government and the bank, the proper conventions of the Government have been met and discharged by the resignation of the former Premier and Treasurer as the responsible Minister.

The Government does not resile from an acceptance of its role in the bank's problems, notwithstanding the fact that the Commissioner acknowledges that the Government was misled by the bank about its true financial position. However, this report makes it clear that those failings of the Government were secondary to the massive failings of the people entrusted with and well remunerated for direct responsibility for the bank's

operations, and I repeat that the Royal Commissioner has identified no failing that can be attributed to the whole of Government and no corruption or impropriety by the Government or its employees.

This report contains the royal commission's findings under the under its second and third terms of reference dealing with the appropriate relationship between the bank and the Government and the role and performance of the former bank board. There should be no doubt about the task with which the former board of the bank was charged. The State Bank of South Australia Act 1983 requires the board to administer the bank in accordance with accepted principles of financial management on behalf of the people of South Australia and for their benefit. With respect to the board, the Royal Commissioner concludes:

> ...by its passive and acquiescent approach from the earliest days of the bank's history, the board failed to exert the influence and provide the guidance which a board properly in control of the destiny of the bank ought to have provided.

He adds:

> ...the conclusion is irresistible that there was a significant failure in the proper discharge of its [the board's] statutory responsibility to govern the affairs of the bank.

The Commissioner has found that, among other failings, the board exhibited a 'significant lack of due diligence' in its control and management of the bank's affairs; abdicated its responsibility to assess proposals by the management of the bank; had reason in the material provided to it to recognise that the bank's lending processes were 'superficial and deficient'; meekly capitulated to the management of the bank, in particular Mr Clark; showed little or no interest in the basic planning of the bank; and displayed an incautious attitude to lending approvals. The Commissioner says that it is impossible to reconcile some of the board's decisions with a conscientious and industrious board applying itself diligently to its tasks. Despite some criticism of the selection and composition of the board, he concludes:

> It did not require a greater level of skill or experience than the board possessed for the board to discern for itself long before mid-1989 and certainly by 1987, and despite the contrary assertions of management, that there were grave deficiencies in the capacity of management to plan and manage the operations of the bank, and that the bank's lending policies and asset quality must be unsatisfactory.

He says further:

> ...the board, with such commercial attributes as it possessed, had ample reason in the material provided to it to recognise that the bank's lending processes were both superficial and deficient.

I turn now to Mr Clark, who the Commissioner concludes failed in the discharge of some of his important responsibilities as Chief Executive Officer. The Commissioner characterises Mr Clark as, while persuasive, arrogant, not sufficiently astute and as displaying blind and unrealistic confidence and optimism. He said that in the early days of the bank Mr Clark encouraged a culture that lending should be undertaken without proper protective procedures and policies. He says:

> The failure or inability of Mr Clark to put in place, through the board, appropriate lending policies and procedures casts a very heavy responsibility upon him.

He says further:

> Mr Clark's responsibility to properly manage the affairs of the bank with due regard to section 15 of the Act was a critical responsibility which was not adequately discharged.

The Commissioner says that the management of the bank under the direction and control of Mr Clark was largely responsible for the bank's inadequate lending policies, inadequate loan management and unrewarding and ill-managed territorial expansion. He rejects Mr Clark's attempts before the royal commission to justify his action. He says:

> It ill becomes Mr Clark to criticise the board of which he himself was a member as inept, and to highlight its failing and shortcomings, nor can he be permitted to concede by inference that he should have been more rigorously supervised and controlled without conceding that it was his management strategy that sowed and nurtured the seeds of disaster. At the end of the day, it is difficult to escape the conclusion that it suited him to have the passive and compliant board which he publicly extolled and which he was so anxious to retain.

This report further confirms that the former Treasurer was correct in saying he felt 'let down' by the people in whom he placed trust and confidence.

In examining the appropriate relationship between the bank and the Government, the Commissioner acknowledges that the Government and the new bank board have already put in place appropriate new arrangements. The Commissioner notes with approval:

> Long before the publication of the first report of the commission and without the aid of Parliament and legislative change, the parties have themselves devised and implemented arrangements which go a long way towards redressing the defects in the previous relationship.

He specifically refers to the bank's revised mission statement and a document addressing arrangements between the bank, Treasury and the Reserve Bank of Australia for prudential surveillance and monitoring of the performance of the bank. The Commissioner endorses the arrangements 'without reservation'. He has, however, recommended 24 specific amendments to the State Bank Act. These recommendations assume continued Government ownership of the bank. As members would be aware, I recently announced that, on the basis of an agreement I had reached with the Prime Minister and conditional upon receiving a fair market price, I would recommend to Cabinet sale of the bank.

Sale of the bank would place it into the commercial and regulatory environment of the private banking industry and outside the specific relationship between the bank and the Government as the single shareholder. The Commissioner's recommendations for legislative change may therefore be overtaken by the sale process. Despite this, the Government believes it is appropriate to respond to these recommendations, given that the sale process is likely to be lengthy. The Government agrees in principle with all of the Commissioner's recommendations. Indeed, many have been accommodated by the changes the Government already has introduced.

It will be noted that the Commissioner has made no recommendations for a ministerial power of direction over the bank. He says he is unable to conclude that past experience and losses alone call for the control involved in a power of direction, and that the existing arrangements between the bank and the Government suggest that such control is not necessary. The

Government differs from this view. It stands by its belief that if a Minister is ultimately to be accountable there must be a power of direction. The Commissioner acknowledges that the process of the 'birth of the bank' focused on a strong desire for the bank to operate as an independent commercial entity while maintaining a meaningful role as a State bank. The dual and in some respects competing objectives were, to use the Commissioner's term, 'approved' by the Opposition.

That desire for independence was reflected in the principles embodied in the legislative framework, including the principle that the bank should operate in conditions as comparable as practicable with those in the private sector. It is now apparent that the proper balance was not struck between commercial independence and the obligation upon the bank, by virtue of its public ownership. The legislation was tragically skewed in favour of commercial independence at the expense of accountability. The Commissioner points to the current high level of communication and cooperation between the Government and the bank as evidence of the fact that the Government can effectively monitor, supervise and, when necessary, guide the bank's affairs without legislative change.

The Government does not share that charitable view. It must be remembered that the communication and cooperation we currently enjoy was born out of a failure of grave proportions and is underpinned by an indemnity which gives the Treasurer powers of intervention not previously available. The Government believes that, if the bank were to remain in public ownership, the imbalance in the legislation would need to be corrected. The risks attendant in not doing so are too great to come to any other conclusion. The Government believes there could be nothing untoward in a power to direct the bank because the State Bank Act specifically prevents influence which may lead to a decision being made other than on a proper commercial basis.

I said at the outset that this report is a major step in the process of providing the State with a detailed analysis of the reasons for the bank's financial problems. I believe it is a vitally important document, showing how and why the bank experienced the difficulties that it did. Combined with the action the Government has already taken to reform the structure and actions of the bank, it brings this State much closer to confidently being able to put the saga of the State flank to rest. The investigation by the Auditor-General and the royal commission's report under its fourth term of reference will provide the final chapters in this matter. The Auditor-General's investigation will examine the management practices of the bank, provide a detailed analysis of the transactions which led to the bank's losses, disclose whether there are matters involving a conflict of interest, unlawful, corrupt or improper activity and whether the external audits of the bank were appropriate and adequate.

It is in the report of the Auditor-General where any evidence of civil or criminal culpability will be found. The royal commission will consider this under its fourth and final term of reference. Despite the regrettable delays in bringing the Auditor-General's inquiry to a conclusion, the Government is duty bound to ensure that the report is completed and further considered under the royal commission's fourth term of reference. I give a commitment that if, at that time, criminal charges or civil proceedings are warranted against any individual or individuals, the Government will not hesitate to act accordingly.

The Hon, FRANK BLEVINS (Deputy Premier): I move:

That Standing Orders be so far suspended as to enable the Leader of the Opposition to make a statement.

Motion carried.

The Hon. DEAN BROWN (Leader of the Opposition): The Government hoped that this report would save its political neck. Instead, it is yet another guilty verdict on a discredited and desperate Government. The second report does not shift any responsibility from the Government: just the opposite. It reaffirms the financial mismanagement, negligence and incompetence of the Government. The Royal Commissioner has reinforced all the findings of the first report which implicated this Government, and he has now gone further.

I demonstrate this point by first reminding the House of the Government's three key defences through this whole sorry saga, defences it continues to put forward after the first report of the Royal Commissioner was handed down. First, the Government has argued that the State Bank Act did not allow the Government to take a more hands-on approach. This is now rejected by the Royal Commissioner in very strong and explicit terms in his second report.

Members interjecting:

The Hon. DEAN BROWN: For the Premier to say that is not true—the Premier should read the report.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The second defence of the Government is that the Government has attempted to lay all the political responsibilities on the shoulders of the former Premier and Treasurer, the member for Ross Smith. That has not washed with the Royal Commissioner either. In his second report he has carefully explained and defined how his references to Government are to be interpreted, and I suggest that the Premier read page 2 of the report, along with everyone else. That interpretation clearly includes the whole of Cabinet. It must especially include the current Premier because of the evidence about the warnings he was given three years before the State Bank's losses were first admitted.

The Government's third defence has been an attempt to blame the board and the bank management as a means of evading its own responsibility. We saw that further this afternoon. This second report confirms that each must accept some responsibility. While it is the Government that is ultimately accountable—and it is there in black and white for the Premier to read—with the release of this second report the buck must stop with the Government, and it is totally unacceptable for the Premier in the second paragraph of his ministerial statement this afternoon to say that most of the responsibility overwhelmingly must lie with the former Chief Executive Officer and the board of the bank, and for him on page 2 of that statement to say:

I repeat that the Royal Commissioner has identified no failing that can be attributed to the whole of Government.

That is plainly false, and anyone who reads the second royal commission report can see that. Let me return to the defence of the Government—that the State Bank Act did not allow it to have more influence over the bank's affairs. The Government has constantly argued that the Act prevented the Government from doing any more than it did to seek to ensure that the bank did not put taxpayers' money at risk.

In this, the Government also tried to criticise the Liberal Party, saying that we shared responsibility for an Act that was flawed because we supported the Act when it was introduced into this Parliament. This defence of the Government has been comprehensively demolished in this second report. Accordingly, this report compounds the Government's guilt. For more than two years the Government has been trying to place the blame for the $3.150 million of State Bank losses entirely on the shoulders of the board and its management, and it has tried to do so again today.

Ever since the release of the first report last November, the Premier has been urging South Australians to surrender or suspend judgment about anyone other than the former Treasurer until the release of the second report. He made that plea on at least six occasions in this Parliament alone. This was the recurring theme of the Government's response to a report which made plain the Royal Commissioner's view that the ultimate responsibility lay with the Government.

On 17 November the Premier was asked in this House who South Australian taxpayers should blame for the massive losses they must pay from the debacle. The Premier replied, 'I think we ought to wait for terms of reference two and three by the Royal Commissioner.' On the same day, the Deputy Premier told this House, 'Nobody in this Parliament looks forward more than I do to the subsequent reports of the Royal Commissioner.' I wonder whether he has read the report.

With the tabling of today's report that defence for the Government has also been destroyed. The former Premier and Treasurer has resigned. The former Chairman of the bank has resigned. The former board of the bank has resigned, including the former Under Treasurer. The former Managing Director of the bank has resigned. All the senior executives of the State Bank Group at the time the massive losses were run up have gone or are about to go. The Government is the only guilty party left that has not yet resigned.

This second report continues to demonstrate that the Royal Commissioner holds the Government ultimately responsible. Inevitably, there is very strong criticism in the second report of the performance of the board and senior executives of the bank—and of Mr Marcus Clark in particular. In its submissions to the Royal Commission, the Liberal Party recognised the responsibility that those parties must share for the losses of the State Bank. However, in this Parliament it is the Government that must answer for its role. It was the Government which appointed the bank's board and facilitated the appointment of Mr Marcus Clark by agreeing that he also should be a board member. It was the Government which failed to act when warned repeatedly from 1988 about the need to strengthen the board in view of the rapid growth of the bank's business.

In attempting to evade his responsibilities and those of other Ministers who sat in Cabinet at the relevant times, the Premier has questioned references to the Government by the Royal Commissioner in his first report. The Premier told this House on 17 November 1992, 'Where there are references to the Government, they are in the generic sense that they still more often refer to the Treasurer and Treasury.' In this second report, the Royal Commissioner has rejected this interpretation. On pages 1 and 2 he states:

It is to be noted that in speaking of 'the Government' the commission has adopted the wide definition in its terms of reference.

That definition includes Ministers of the Government unless the context otherwise requires, as the Royal Commissioner himself points out. In our response to the first report, the Liberal Party highlighted the extent—

Members interjecting:

The SPEAKER: Order! The Leader.

The Hon. DEAN BROWN: In our response to the first report, the Liberal Party highlighted the extent to which the Government, because of decisions which had to be taken by Cabinet and not just by the former Treasurer alone, was accountable. It will be noted that in his first report the Royal Commissioner stated that the Government, not just the former Treasurer, encouraged the bank to put stability at risk in pursuit of growth. He concluded that the Government had lost sight of the bank's statutory charter. He pointed out that the board was appointed on the advice of Executive Government and that this was a 'critical power' of the Government in controlling the bank's future.

I refer to these conclusions of the first report in drawing attention to the statement of the Royal Commissioner in his second report that 'it would be a fundamental error to regard the two reports as unrelated, and to weigh or analyse the contents of this report and its conclusion without due regard to the conclusions and findings of the first report.' It was in that first report that he clearly laid the majority of responsibility squarely at the feet of Government in its broadest definition.

The Royal Commissioner also warns that 'the findings of this report, with respect to the roles of the board and the Chief Executive Officer, are not to be weighed in isolation from those of the first report'. Clearly, the Royal Commissioner could see the line of defence that this Government was going to try to use to squirm and squeeze out of the position that it was clearly in.

The Liberal Party maintained that the first report gave sufficient grounds for the resignation of the Government. The second report reinforces that conclusion. The Royal Commissioner has reported that the findings of this report confirm the conclusion in chapter 12 of his first report that 'none of the players who are there referred to can escape a measure of accountability for the ultimate fate of the bank'. As we all know, the former Treasurer was only one of the players identified in chapter 12 of that first report.

As I have already mentioned, chapter 12 blamed the Government for encouraging the bank to pursue rapid growth while risking its stability, and this is the underlying cause of the bank's failure. The Government,

through Cabinet, also appointed the board. The current Premier was warned from early in 1988 that the board was unable to control the affairs of the bank. The Premier was warned from 1988 that the rapid growth of the bank required the appointment of directors with more banking and business experience and expertise. However, the Government continued to encourage the bank to give higher priority to growth than to stability of the bank.

Despite the warnings to the current Premier from 1988, the bank was allowed to almost double its assets over the following two years—from $11 000 million to over $21 000 million. The Government ignored warnings about the serious risks inherent in this strategy of uncontrolled growth.

As I mentioned in my introductory comments, the Government has tried to blame deficiencies in the State Bank Act for the bank's failure. The Government, in its proposal to the Royal Commission, asked the Royal Commissioner to conclude that the Act was deficient. The Premier told this House on 17 November:

It is clear from this report that changes will be recommended.

However, while recommending some changes, the Royal Commissioner has not concluded—as the Government hoped he would—that the Act was central to the failure of the bank. Let me quote from the Royal Commissioner's conclusions to chapter 11 on this point, at page 217 of the report:

It is still fair to say that the Act itself was not—

I repeat 'was not'—

a contributing cause or potent factor in the fate that befell the bank. The unsatisfactory relationship which existed between the Government and the bank and their respective failure adequately to address the clear warning signs were substantially due to the failure of both parties properly to understand and use the existing provisions of the Act.

I find it very disappointing, to say the least, that the Premier in his ministerial statement today did not even come out with that fundamental finding by the Royal Commissioner. I emphasise that in this conclusion the Royal Commissioner is very strongly critical of the failure of the Government—not just the former Treasurer—to address the clear warning signs. After the former Treasurer, it was the current Premier, of course, of all the members of that Cabinet, who received those warning signs, yet for three years he sat on his hands and did absolutely nothing.

The Hon. Jennifer Cashmore: Two hundred questions.

The Hon. DEAN BROWN: Two hundred questions were asked in this Parliament, as the member for Coles reminds me. Once again, the Liberal Party has been vindicated.

Members interjecting:

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

The Hon. DEAN BROWN: In our submission to the Royal Commissioner on this point, we stated:

The framework of the relationship between the Government and the bank is adequately spelt out in the Act. The Act itself did not contribute to the disaster.

Another constant Government defence has been the extent to which economic conditions contributed to the bank's failure. This second report also demolishes this defence of the Government. On page 25, the Royal Commissioner has reported:

...adverse external economic factors, important as they may have been, were a less significant factor for the bank than the demonstrable shortcomings of its board and management, quite apart from the management of Treasury surveillance. Nine of the Ministers in this Government were Ministers in 1988. They sat in the Cabinet room for three years as the signs became more obvious by the day that the bank was lurching from crisis to crisis. They made the decisions about the appointment of bank directors whom they now seek to blame. They made the decisions that led to the Government using the bank as a cash cow. Even Mr Keating has admitted that the Labor State Government must share the responsibility with the former Premier, the former board and bank management.

The Hon. Jennifer Cashmore: So does Mr Bilney.

The Hon. DEAN BROWN: Yes, so did the member for Kingston, Mr Bilney. In an interview on 26 February on radio station 5AA, Mr Keating said, 'Everyone has been walking around this problem as though it didn't exist.' That is exactly what this Government has been doing since 1988. Even now it has no debt management strategy in place to deal with the losses in the longer term. It has simply consigned the problem to future generations of South Australians.

The report makes abundantly clear that this is a matter of collective responsibility. The losses are so massive and the failures so grave that this Government no longer deserves the confidence of the people of South Australia. The final verdict is in. The Royal Commissioner's report on the first, second and third terms of reference finds this State Labor Government guilty of financial mismanagement, incompetence and negligence. Because of the failings of the Government of South Australia, South Australians have lost $3 150 million. This Government must resign forthwith.

QUESTION TIME

STATE BANK

The Hon. DEAN BROWN (Leader of the Opposition): Will the Premier admit that one of the Government's chief defences in the State Bank debacle—its claim that the State Bank Act was deficient and contributed to the bank's losses—has *been* explicitly rejected by the Royal Commissioner and, if so, why will the Government not resign? The Government asked the Royal Commissioner to find that the State Bank Act was seriously deficient in allowing the Government to influence the affairs of the bank. The Royal Commissioner has rejected this submission, concluding that 'the Act itself was not a contributing cause or potent factor in the fate that befell the bank'. Instead, he has reported that the Government failed to apply effectively the powers it had under the Act to control the bank.

The Hon. LYNN ARNOLD: I heard the Leader's comments on the report and also on my alleged silence on the matter, to which he refers on pages 216 and 217. If I recall correctly, he was reading from his text at that time. That text was written before my statement was

given to this place, and that is the only excuse that he can have, other than incompetence or foolishness, because my own statement spent nearly two pages on precisely that issue.

I specifically drew attention to the fact that there was one area where the Commissioner did not feel himself able to draw a direct conclusion, despite the Leader's statement that he made a firm recommendation. He did not. He did not feel able to make a firm conclusion. In the Leader's reference to the report, he threw in tantalising little quotes and chopped them off at a certain point. He did not follow them through with the logical rest of the sentence or paragraph that puts everything into context.

In reference to this particular matter, interestingly enough, he mentioned page 217, but he chose not to mention page 216. This is in response to submissions that were made to the commission about the desirable scope and extent of the Government's power to intervene and it referred to powers conferred on the Government by the legislation. The report states:

> However that may be, the commission is unable to conclude—

the Leader says that the Commissioner made a firm onclusion: he did not; he was unable to conclude—

> that past experience of losses alone call for such wide-ranging powers of control as are now suggested, and the existing arrangements between the bank and the Government, as referred to above, suggest that such far-reaching controls are not necessary.

That is no conclusion, at all.

Members interjecting:

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

The Hon. LYNN ARNOLD: The point that I addressed is that the Government has a different view—

Members interjecting:

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

The Hon. LYNN ARNOLD: The Government has a different view on this matter. It believes that a recommendation about the power of control should be put into any legislation if the bank were to remain in public ownership. The Government does not resile from that viewpoint, and I spelt that out in my ministerial statement. What the Leader does not want to do is focus on what this report spends its energies on, on what are the bulk of the recommendations, and that is the activities of the board and the management of the bank. The Leader chose not to talk about that. He chose to make no reference at all to those issues. All the time he was simply trying to echo back to the first report of the Royal Commissioner as if this document simply did not exist.

I detailed some references in my statement but there are many more for the Leader to have found had he chosen to do so. Those references detail clearly that the board did not act responsibly in acquitting its obligations, and that the management of the bank did not do that. A number of phrases are used about the board's choosing not to do something. The report states that on a number of occasions the board had the capacity to make appropriate decisions about the running of the bank, and there are a number of references to that in this document. For example, on page 164, the Commissioner states:

> What did the board know for itself, or what should an alert board have known, given the commercial and financial experience of its members, which was by no means negligible?

There are at least four other areas where the Commissioner states that the membership of the board, at the key times of this report, had the experience and the expertise to have made proper management decisions.

Members interjecting:

The Hon. LYNN ARNOLD: I suggest that members opposite should read this document, because I am happy to quote each occasion on which he makes the same reference. The Leader is very silent on this matter, because he knows it does not support his case. If we are to have an edifying debate about what the Commissioner has recommended in this second report, at least fair credit should be given to what the Commissioner has said and done in the document that I have tabled today.

VOLUNTARY WORK AGREEMENTS

Mr HAMILTON (Albert Park): Is the Minister of Labour Relations and Occupational Health and Safety aware of the attempt by a New South Wales employer, Byrne Trailers of Peak Hill, to impose voluntary work agreements upon its employees? Information provided to me yesterday states—

Mr BRINDAL: I rise on a point of order.

The SPEAKER: If the Opposition would keep the noise down, the Chair could hear the question. I had difficulty hearing the question.

Mr BRINDAL: I believe that Standing Orders require that members may ask a Minister questions on any topic for which he bears a responsibility to this House. I cannot see what the question has to do with South Australia.

The SPEAKER: I have not heard the question in full. I understand that it referred to an interstate company. It may operate here. I ask the member for Albert Park—

Members interjecting:

The SPEAKER: Order! I ask the member for Albert Park to ask his question again so that I can hear it.

MR HAMILTON: Is the Minister aware of an attempt by a New South Wales employer, Byrne Trailers of Peak Hill, to impose voluntary work agreements on his employees and the impact that would have upon South Australian employees?

Mr Olsen: It's a bit of a long bow.

The SPEAKER: Order! The member for Navel is out of order. Unless I can hear the question, I cannot make a ruling. I have no idea what the explanation of the question will be. I will allow the explanation. If I believe the question is out of order, I will rule it out of order.

Mr S.G. EVANS: On a point of order, Sir, I believe that Standing Orders refer to the question, not the explanation. The question related to a firm in New South Wales.

The SPEAKER: Order! At this stage, the Chair is not sure whether that company operates in Adelaide.

Mr S.J. Baker: It doesn't.

The SPEAKER: Order! If the Deputy Leader interrupts once more, I will have to speak firmly to him.

I understand the point that has been made, that, if there is no relevance to a business in South Australia, the question is out of order. I ask the honourable member to explain the question.

Mr HAMILTON: Information provided to me yesterday by my constituent states:

An employer in New South Wales is trying to impose upon its workers a volunteer work agreement which would strip employees of all award entitlements.

My constituent has further pointed out to me that this employer has offered employees only $12.36 an hour, nothing else, and he is concerned that the impact of such an agreement could flow on into South Australia.

Members interjecting:

The SPEAKER: Order! The question is out of order. The Minister has no responsibility for the company named or operations in New South Wales. If the company were operating in South Australia, the question would be valid.

STATE BANK

Mr S.J. BAKER: (Deputy Leader of the Opposition): My question is directed to the Premier. Who in Government is now accepting responsibility for the failure identified in the two reports of the Royal Commissioner to exercise effectively the powers available to the State Government under the State Bank Act to influence and monitor the bank's activities? Who in Government is now responsible?

The SPEAKER: Order! The Deputy Leader has had two bites at the question.

Mr D. S. Baker interjecting:

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

Mr Becker interjecting:

The SPEAKER: Order! The member for Hanson is out of order. I will not continue to caution members.

The Hon. LYNN ARNOLD: The Deputy Premier quite correctly identified just a moment ago—non-verbally, but that cannot be printed in *Hansard*—the answer to the question. The State Bank Act is committed to the Treasurer, and the Deputy Premier is the Treasurer. So that situation is quite clear. Coming back again to the Leader's statements earlier, he would do well to very carefully read pages 1 and 2. It is a bit of a pity he tripped up so early in his reading of the report about what the report actually says. He did not do this House any favours by failing to read on from his quote that he started on page 1.

Mr S.G. EVANS: I rise on a point of order, Mr Speaker. I believe the Premier is now referring to a previous debate.

The SPEAKER: Order! I ask the Premier to answer the question as it was put, reduce the debate and be specific.

EDUCATION POLICY

Mr QUIRKE (Playford): Is the Minister of Education, Employment and Training aware that every teachers union in Australia, including the Institute of Teachers in South Australia, has joined together to oppose the Liberal Coalition education policies because of concerns about these policies for schools, for vocational training and the universities? Will the Minister say why these unions, including the Institute of Teachers in South Australia, have taken this unprecedented action?

Mr Denning interjecting:

The SPEAKER: Order! I have had to speak once to the member for Custance; I warn him.

The Hon. S.M. LENEHAN: I thank the honourable member for his ongoing support and interest in this important matter. I am aware of the actions that have been taken by teachers and teacher unions right around this country. I share their concern, because education is a key and a fundamental issue. I believe that the Federal Coalition will see us return to an education system which is based entirely on a capacity to pay rather than principles of equality and merit.

Mr Meier interjecting:

The SPEAKER: Order! The member for Goyder will come to order.

The Hon. S.M. LENEHAN: A Federal Coalition Government would see education used as an economic experiment to serve the privileged and the wealthy. This is a key issue for South Australia, and I would like to remind all members in the Parliament about the recently announced cocktail of policies which have been announced by both the State Liberal Opposition and the Federal Coalition Opposition. First, we had the Leader of the State Opposition announce that he would oversee a cut of between 15 and 25 per cent in the money that would be available to teachers.

Mr Matthew interjecting:

The SPEAKER: Order! I warn the member for Bright. He has had a fair go; he has chatted a couple of times.

The Hon. S.M. LENEHAN: This would see either a significant increase in the number of students in every classroom in this State or a reduction in the number of teachers and/or in the salaries of teachers. Added to this we then have, as part of the cocktail, Dr Hewson's announcement that he does not support fiscal equalisation. That would see about $102 million slashed from the education budget of this State alone. Add to these ingredients in the cocktail the goods and services tax on such items as clothing, books, uniforms, equipment, pencils and other forms of teaching equipment; the cocktail is starting to look very potent indeed. Then we have Dr Kemp. Dr Kemp wants to shake the very foundations of the education cocktail with his plans to deregulate totally the higher education system and to replace the principles of equity and merit with up-front fees and a capacity to pay. Finally, enter the Leader of the Opposition to stir the cocktail with his cane. I ask you, Mr Speaker—

Mr BRINDAL: I rise on a point of order, Mr Speaker. Standing Orders require the Minister to address the substance of the question: I believe she is debating the matter.

The SPEAKER: Order! The Minister will come back to the subject of the question.

The Hon. S.M. LENEHAN: This cocktail is now in the poison chalice. I ask you, Mr Speaker: would you be

prepared to drink from this chalice? I do not believe anyone in South Australia would.

STATE BANK

Mr INGERSON (Bragg): Will the Premier admit that the two reports of the Royal Commissioner require the Government, particularly him and not just the former Premier, to accept major responsibility for the losses of the State Bank? In the first two pages of the second report, the Royal Commissioner specifically points out that references to the Government in his reports are to be interpreted widely to include all members of the Cabinet at the relevant time. This is a rejection of the narrow interpretation the Premier attempted to give to the use of the term 'Government' after the release of the first report. The Royal Commissioner has further reported in his second report that the Government—not just the former Premier—failed to address adequately clear warning signs about the bank. The evidence of the royal commission was that, apart from the former Treasurer, the current Premier received more warnings than any other member of Cabinet about serious problems in the bank over the three year period.

The Hon. LYNN ARNOLD: I thank the honourable member for asking that question, because it gives me the chance to complete the answer that I was going to give before, until the member for Davenport rose up to try to protect his Leader from his own trip up in his own statement. I am now am referring to a matter before the House by answering this question. I can actually do what the Leader and the erstwhile Deputy Leader should have done. It was interesting to note that, as the Leader discussed who resigned here and who resigned there as a result of the State Bank, he forgot to mention that the member for Bragg was one of those who resigned as a result of the State Bank episode last year. But that is another story. Page 2 (and you do not have to go far into the report to get to this) of the second report refers to the definition of 'Government', as follows:

> The 'Government' means the Government of the State of South Australia and includes, unless the context otherwise requires, a Minister of the Government and the officers of the Government and all public employees within the meaning of the Government Management and Employment Act 1985.

That is very telling indeed, because it refers to the ministerial responsibilities which, as I indicated in my ministerial statement, have been acquitted by the resignation of the former Premier and Treasurer.

Members interjecting:

The Hon. LYNN ARNOLD: Let us take this one step further. I know that this does not please members opposite, but they are the facts.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: Pages 12 and 13 of the report detail the relationship between this report and the first report of the royal commission; and it is certainly true that the two reports must be taken together—I am not suggesting for one moment that the two reports do not travel hand in hand and side by side, and the statement I gave today acknowledges that point precisely. Let us look at what the Commissioner says on pages 12 and 13 where he states that this report is not to be weighed in isolation. That is correct—we agree with that.

The Commissioner goes on to say effectively—and I am paraphrasing—'I will remind members of what I said in the first report; I will remind you of my conclusions about the relationship between Government and the bank.' The points listed on page 13 are the particular areas of Government on which the Commissioner focuses. In each of those points he refers to 'the Treasurer' or 'the Treasury'. They are the points he has distilled in refining his own conclusions from the first report. These are the points from which he says we should not take this report in isolation. He concludes that section by saying:

> ...none of the players who are there referred to can escape a measure of accountability for the ultimate fate of the bank.

My ministerial statement makes precisely that point: there is no variance between the Commissioner and me on that point.

LITERACY

Mrs HUTCHISON (Stuart): Will the Minister of Education, Employment and Training say whether a comparison has been done between the national language and literacy policy announced by the Federal Labor Government and the Coalition program entitled 'Literacy Start' and how they would each impact on the South Australian education system?

The Hon. S.M. LENEHAN: An analysis has been made of both policies, and I believe that is totally appropriate because they will have a major impact in terms of what we are doing with literacy and language in South Australia. The national literacy and language policy announced by the Federal Labor Government provides $20 million per year plus a $5.5 million scheme to help students with literacy problems in early primary years—a total of $25.5 million. In contrast, Fightback promises $5 million for language teaching to be applied by schools. I would like members to take note of this, because that will be by competitive tender and not on a needs basis. It is interesting that the Opposition has continually attacked schools and teachers over literacy standards but proposes only a pitiful $5 million for Dr Kemp's literacy program, which he calls 'Literacy Start'.

Labor's policy has targeted, and will continue to support, children in disadvantaged junior secondary schools and children with literacy difficulties during the very early years of schooling. That is a critical area in which to target literacy. It also focuses on the needs of literacy and language teachers by allocating over $6 million to a range of professional development activities. I, as Minister of Education, Employment and Training in this State, welcome that announcement.

In South Australia, the writing, reading and assessment program provides a framework for junior primary and primary teachers to examine the content of their literacy programs and to define what strategies are needed to meet the needs of individual students. Should a Coalition Government be elected on Saturday, the planned expansion of the education focus schools program through the introduction of network schools in South Australia will be under very great threat. Therefore, on

balance, having looked at both policies, South Australians will be much better off under the Federal Government's program on language and literacy.

STATE BANK

Mr D.S. BAKER (Victoria): My question is directed to the Premier. Did appointments to the board of the State Bank require the approval of Cabinet and, if so, does he accept any share of the responsibility for the failure to appoint a board of sufficient experience and expertise to supervise the bank's affairs after it embarked upon its rapid growth of business, its wide geographical expansion and its range of other new activities?

The Hon. LYNN ARNOLD: When I answered questions about this matter on 17 November and in the days thereafter I indicated what happened in this Government in terms of appointment to the board of the State Bank. I am not in a position to answer how those members who were on the State Bank board as a result of their earlier appointment by the Tonkin Liberal Government found their way onto the predecessor boards of the State Bank. The Leader referred to, I think, nine or 10 members of the present Cabinet who were there in 1988. He ought to refer to the fact that there are six members on the other side who were members of the Cabinet which appointed members to predecessor banks of the State Bank of South Australia. They are: the Leader himself; the member for Navel; the member for Heysen; the member for Coles; the member for Chaffey, and the member for Mount Gambier. I cannot answer for them or say what their process was in terms of appointments when they appointed to the boards of one of the predecessor banks Lew Barrett and David Simmons (who are referred to in this report) Rob Searcy, who is referred to as one of the directors, and Bill Nankivells.

Members interjecting:

The SPEAKER: Order! The Premier.

The Hon. LYNN ARNOLD: What is coming through again is an unwillingness to accept what the Commissioner says on the matter of the board. Just a moment ago—

Members interjecting:

The Hon. LYNN ARNOLD: I will give you some page numbers just wait. The member for Victoria indicated that the board was inexperienced and not up to the moment or up to the occasion. That is not what the Commissioner says. The member for Victoria should take a pen and write down the page numbers so that he can look them up afterwards. On page 79, the Commissioner states:

> The failure of Mr Clark to cause the bank to address it is inexcusable—

that is obviously a criticism of Mr Clark—

> but the board was surely skilled enough and had ample opportunity and reason to raise the matter.

In other words, those people, whether appointed by this Cabinet or by Cabinet under the Tonkin Liberal Government, formed a group which, in the Commissioner's view, was skilled enough to have done that. On page 148 he refers again to the bank board's not having been firm enough in certain areas of management of the bank, and states:

> ... it therefore could and should have sought to control the future with more rigour.

If one thinks that a group of people does not have the capacity to do something, one does not use the words 'could and should'. Let us go to page 160. Is the honourable member writing these down?

Members interjecting:

The SPEAKER: Order! The Premier.

The Hon. LYNN ARNOLD: On page 160 the Commissioner states:

> It did not require a greater level of skill or experience than the board possessed for the board to discern for itself long before mid-1989 and certainly by 1987, and despite the contrary assertions of management—

and then a series of things is listed about grave deficiencies of the bank.

Members interjecting:

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

The Hon. LYNN ARNOLD: I read the excerpt on page 164 a little earlier, but I will have to repeat it, because the honourable member missed it. The report states:

> What did the board know for itself, or what should an alert board have known—

now listen to this—

> given the commercial and financial experience of its members, which was by no means negligible?

Clearly, that keeps on putting the lie to what the member for Victoria says. On page 172, the Commissioner states:

> Directors of course can only use the skills which they possess—

that is a fair enough statement with which no-one would disagree—

> but directors of an enterprise with assets of $21 billion, embarking on an acquisition at a cost of $157 million, might reasonably be expected to be aware of the fundamental techniques of prudent company acquisition, and to satisfy themselves that management has adopted them.

He clearly recognised that that was a responsibility that could be put upon that group of people who constituted the board of the State Bank of South Australia. So, before the honourable member comes into this place and starts asking those sorts of inane questions, he would do much better to read the report and find out exactly what the Commissioner has said about the skills that those people brought with them to the board.

VICTORIA SQUARE

The Hon. J.C. BANNON (Ross Smith): My question is directed to the Minister of Housing, Urban Development and Local Government Relations.

Members interjecting:

The SPEAKER. Order!

The Hon. J.C. BANNON: Can the Minister advise on the current status of plans to redevelop Victoria Square?

Members interjecting:

The SPEAKER: Order! The honourable member will resume his seat. I have had to warn three or four members here today. I had to caution all members last

week about the way question Time was going, and I will not continue to warn members about their conduct. The member for Ross Smith.

The Hon. J.C. BANNON: The diminishing number of readers of the daily newspaper would have been rather surprised this morning to see on the front page that the most important and vital story of the day carried the headline 'Victoria Square shock'. This article purported to show that a $150 million redevelopment project had been shelved for 30 years. The article went on to quote various parties' views on this matter and ended with the conclusion that in fact nothing was happening as far as Victoria Square was concerned.

The Hon. G.J. CRAFTER: I too was shocked when I saw that article in this morning's paper. I can tell all members that there is no plan for a major development for Victoria Square before either the Adelaide City Council or the State Government. A working party, involving governments at the State and local level and also the private sector, has been working through proposals for the redevelopment of Victoria Square, but there is no major project. I do not know how on earth *the Advertiser* could have conjured such a headline out of the information. Indeed, I am rather surprised that the *Advertiser,* having spoken to an officer in my department, drew the conclusions that it drew and that, notwithstanding that for an extended period of time, I believe, whilst I was in Cabinet yesterday, it also spoke to the head of my department, who briefed them on what was happening with respect to Victoria Square, it did not print one word of what he said to them.

I want to put on record what is happening on behalf of the State Government with respect to Victoria Square; this Government is currently involved in expenditure of more than $70 million on projects already committed regarding the redevelopment of public buildings—Government buildings—around Victoria Square. I understood that some of the impetus from the private sector came from News Limited itself, which is an owner of buildings within the Victoria Square precinct. It seems it has slipped off the agenda itself, and perhaps the *Advertiser* might like to explain to the people of South Australia its own commitment to the redevelopment of its buildings. The Opposition and the *Advertiser* have been critical of the expenditure of money to refurbish the State Administration Centre—a major building which provides public services in this State and which houses a number of ministerial offices and the Cabinet office.

Work is committed to the Torrens Building, a historic building in Victoria Square, and to the Treasury Building. A major redevelopment of the magistrates courts in Victoria Square is proceeding, and the tram barn is currently being used to house the courts in the process. The police building is being transferred from Victoria Square to a building adjacent to Victoria Square in Flinders Street and, on behalf of the Commonwealth Government, two major buildings in the near vicinity of Victoria Square—the new taxation building and the Telecom building—will complement the development around Victoria Square. The Federal courts structure is also on the drawing board. With respect to private developments, the Roman Catholic Church is committed to a major restoration and the completion of the tower of St Francis Xavier Cathedral.

I have established a city-State forum for dialogue between the Adelaide City Council and the State Government, and that body is currently considering proposals to link in the work that we are doing in Victoria Square with work that we are doing in the east end of Adelaide, in the Rundle Mall precinct and further with the extension of the Glenelg tramway line. So, obviously, there is not only a commitment on the part of the State Government but also a very substantial expenditure of State funds in projects surrounding and associated with the redevelopment of Victoria Square. I think it is now up to the *Advertiser* itself and other sectors of our community to compliment that leadership and commitment that has been shown already by this Government.

STATE BANK

Mr OLSEN (Kavel): My question is directed to the Premier. Given the Premier's repeated statements, following the tabling of the first royal commission report, that the public should suspend judgment on the Government's responsibility until the report on terms of reference 2 and 3, when does the Premier now believe the public should make a final judgment about the Government's responsibility for the State Bank's losses?

The Hon. LYNN ARNOLD: Certainly, all members of this place and members of the public generally who pay attention to the findings of this report will know that we are now much better informed on the whole situation. As I said before, the two reports, running parallel—they run side by side—are equally important commentaries upon the failure of the bank, and all the recommendations have to be taken into account, as my own ministerial statement acknowledged. I acknowledge the fact that the Government has had to accept some responsibility for these matters, and that responsibility has been acquitted in the proper way by the resignation of the former Premier and Treasurer.

Term of reference 4 is now to be reported on and the Auditor-General's report is still to come but, in my view, inasmuch as these two reports deal with the first three terms of reference, they substantially tell us what the situation was with respect to the failure of the bank. The further matters that are to be reported on in term of reference 4 are dependent upon the Auditor-General's report on a series of other matters and, as I have indicated, they may lead to recommendations for further investigation as to whether or not charges should be laid against certain officers.

What is quite clear from both the first report and this report is that there is no suggestion in the Commissioner's mind—I draw attention to page 3 and repeat that the Royal Commissioner has identified no failing that can be attributed to the whole of Government and no corruption or impropriety by the Government or its employees. So, to the extent that anybody was looking for a finding by the Commissioner that there had been corrupt or improprietous activity by Government, we do not need to wait for term of reference 4, because it will not come out of that: that would have come out of these

first two reports. So, to that extent, this is the sum total of what there will be about the findings on the Government. So, to that extent, this is the combination of reports upon which opinion and judgment can be made.

However, with respect to these other matters that go beyond that, it would be premature to rush to judgment about the officers within the bank and within Beneficial Finance, for example. I for one do not want to rush to judge on that matter, because I think it is entirely proper that the full process be completed. As I indicated on the last page of my ministerial statement, despite the regrettable delays, the Government is duty bound to ensure that the report is completed and further considered under the royal commission's fourth term of reference. But, in terms of this Government in this place and the responsibility of this Government (and we have acknowledged our part in the responsibility for these things in my statements of today and 17 November), essentially these two reports do address that.

VOLUNTARY WORK AGREEMENTS

Mr HAMILTON (Albert Park): Is the Minister of Labour Relations and Occupational Health and Safety aware of any moves to introduce voluntary work agreements in South Australia, and has his department considered what effect such agreements would have on South Australian workers?

The Hon. R.J. GREGORY: Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: I thank the member for Albert Park for his question. I am aware—

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat.

Mr S.G. EVANS: Mr Speaker, I rise on a point of order. Orders of the Day: Other Motions, No. 20, covers the point that the honourable member is referring to. The motion provides the opportunity for debate or explanation of the position.

The SPEAKER: I do not uphold the point of order.

Members interjecting:

The SPEAKER: Order! I see nothing in No. 20 about voluntary work agreements in particular. That general motion is about industrial relations—anti-worker and anti-union measures. There is nothing about voluntary work agreements in particular. I do not uphold the point of order. The Minister.

The Hon. R.J. GREGORY: I thank the member for Albert Park for his question. There are plans for the Liberal Party to introduce voluntary wage agreements into the Australian industrial relations scene.

The Hon. JENNIFER CASHMORE: Mr Speaker, I rise on a point of order. A question on this topic was asked by the member for Playford on 21 October 1992.

The SPEAKER: Has the member for Coles a copy of that question available? I will go through it quickly.

The Hon. JENNIFER CASHMORE: Yes, Mr Speaker.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I will not say 'Order' again without smacking someone's fingers. The question contains no specific reference to voluntary work agreements. It is a question about the impact of the industrial relations policy of the Opposition. There is nothing specifically about voluntary work agreements in the question, and I cannot uphold the point of order. The Minister.

The Hon. R.J. GREGORY: As I said, there are attempts to create a situation where voluntary work agreements apply. I have a sample of a voluntary work agreement, and I will cite a portion of it.

Members interjecting:

The SPEAKER: Order! I warn the member for Murray-Mallee.

The Hon. R.J. GREGORY: The agreement is as follows:

I...—

and it leaves a space for the person to sign—

agree to perform work for Byrne Trailer Manufacturing Pty Ltd at the contract hourly rate of $12.36. This rate includes superannuation of 36Q per hour which will be paid into the approved fund by the company as required by Government regulation. I understand that there will be no penalty rate paid for any work I perform. I understand that the company will require me to work up to 44 hours ... per week in order to maintain an average of 40 hours of work per week for the whole year. Work over that time is voluntary and at the above rate of pay. I agree to supply my own protective clothing and basic tools of trade.

That agreement is similar to a number of agreements that I have seen from New South Wales. Members need to remember that New South Wales as the first Liberal Government in Australia to introduce voluntary agreements. If we see—

Mr S.G. EVANS: Mr Speaker, I rise on a point of order. The Minister is debating the issue.

The SPEAKER: I uphold the point of order. I ask the Minister to be specific to the question, which related to South Australia.

The Hon. R.J. GREGORY: Such an agreement, if introduced in South Australia, would reduce the average wages of metalworkers by $57 per week.

Members interjecting:

The Hon. R.J. GREGORY: The member for Victoria says 'Rubbish'. That interjection of the member for Victoria indicates that he just does not know what he is talking about in this area at all.

Members interjecting:

The Hon. R.J. GREGORY: It is a situation where workers are required to carry their own workers compensation insurance, to provide their own protective clothing and to work at the whim of the employer. There are no set hours, as workers are used to. The member for Victoria laughs about this, but it demonstrates the member for Victoria's lack of understanding about what happens in the industrial workplace. He does not understand how, where there is no award or protection, people are exploited. The member for Victoria refuses to accept how women can be exploited and stood over, as shown in a recent report on women who work in the non-award area. The penalty for not signing the

agreement is an offer of the sack. It is said, 'If you do not agree to sign this, I will cease to employ you.'

That sort of agreement is exactly the one I have been advised about in Victoria where, although workers cannot be given the sack, employees were told by the employer, 'There is the agreement.' The employee said, 'That is $128 a week less than I currently get.' The employer said, 'That is right.' The employee then said, 'I am not signing it.' The employer said, 'That's fine. I cannot sack you, but you will not be offered work in the foreseeable future.' That is what happens under voluntary work agreements.

The other point is simply this: there has been a long effort on the part of trade unions and Labor Governments in this country to ensure that female workers in our community get equal pay. That has not been totally achieved but there has been a measure of travelling down that route. What will happen under this measure is that we will see equal pay fly out the window. Women will be thoroughly exploited. We have in South Australia—

Mr S.G. EVANS: Mr Speaker, I rise on a point of order. The Minister is continuing to debate the issue.

Mr Hamilton: You hate the truth.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I do not uphold the point of order. However, I ask the Minister to draw his answer to a close. I think he has well covered the subject, and I ask him to draw his answer to a close.

The Hon. R.J. GREGORY: By interjection, the member for Fisher said, 'At least they will get a job.' So they would—at $3, $3.50 or $6 an hour, as was highlighted in the report which I launched last week and which explained what people would be getting—they get a job, but at what price?

STATE BANK

The Hon. JENNIFER CASHMORE (Coles): My question is directed to the Premier.

Mr Hamilton interjecting:

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

The Hon. JENNIFER CASHMORE: My question is directed to the Premier. In view of the warnings he received from Mr Rod Hartley from as early as 1988 that the State Bank Board could not adequately control Mr Marcus Clark and the bank's affairs, does he accept any share of the responsibility for the finding of the Royal Commissioner in both his reports that the composition of the board was unsatisfactory in terms of business and banking acumen and experience?

The Hon. LYNN ARNOLD: I look to the findings of the Royal Commissioner on that matter. In the first report, the Royal Commissioner did make some references to the appointment of the board. I indicated at that time that the Government did note the comments of the Royal Commissioner about the appointment of the board. But we then take that into account, alongside the words of the Royal Commissioner in this report when he comments on, notwithstanding what may be seen to be some negative comments about the board, whether or not they still had the skills required to be up to the occasion.

I have answered that question already in terms of the member for Victoria's earlier question. Clearly, the points made by the Commissioner are that the group of people could have been better, in the Commissioner's view, given what he said in the first report but, nevertheless, the group of people with the skills they had were still up to the occasion of properly managing the management of the bank, of properly fulfilling their board function.

Indeed, I think this document will become a very useful document in terms of directors anywhere understanding what their relationships are with management of the companies of which they accept appointment as board directors. In fact, it might become something of a text book. I can see this being a very useful document, eagerly sought by those taking a role as director on any board, because it really does define what board directors should be doing. It does lay open the very things they should be responsible for.

If it were the fact that this group of people did not have the skills or capacity, the Commissioner would not have made the comments that he made in this report about the things he said they, with their skills should have been able to look after. In fact, he makes a number of references to them and I will detail some of those in a moment. On a number of occasions he said, 'The board behaved in an inexplicable way.' If it was his view that the board was totally incompetent and had no capacity to do anything other than what it did, he would not have said that it was inexplicable: he would have said it was explicable by their incompetence. In fact, what he goes on to say is that they could do it and what was inexplicable is that they did not do it. If you then look at their weaknesses, you see that they do not actually relate to their CVs and professional qualifications that they may or may not have had: they relate to the style of that group of people as a board team.

In various parts of the report the Commissioner says that the board was irresolute, indecisive, complacent, rash, irresponsible, subservient, weak, timid and gullible. These are all things he criticises the board for, but he does not say—and, of course, what should have happened is that they should not have been there in the first place anyway—that another board should have been in place there. From the quotes to which I have referred, on key occasions in the operations of the bank he is able to say that that group of people could have done it and they did not do it, and he consequently has been harsh in his criticism of them.

The Hon. Dean Brown interjecting:

The SPEAKER: Order!

Mr ATKINSON: On a point of order, Mr Speaker, the member for Hayward was holding up a display in the course of the Premier's answer.

The SPEAKER: Order! The Chair did not observe the honourable member doing it. Of course, he does know that making a display in the Chamber is out of order, and I am sure he will comply with Standing Orders. The honourable member for Peake.

GOODS AND SERVICES TAX

Mr HERON (Peake): I address my question to the Minister of Housing, Urban Development and Local Government Relations. What effect would the Federal Coalition's proposed goods and services tax have on the cost of private rents? I understood that rents were to be exempt from the proposed GST but the Opposition Leader admitted on Sunday night's nationally televised debate that only some parts of rents are to be exempt; that body corporate fees, management fees and other costs are taxable.

The Hon. G.J. CRAFTER: I think the Federal Leader of the Opposition's statement in that debate indicates the insidious nature of the GST. Rents are certainly exempt, as I understand it, but in relation to fees, maintenance and other charges, millions of dollars will be added to the bill of private renters in this State and across the country. I remind the House that a recent national review of housing found that private renters are among the most likely group to live in poverty in this country, and the Opposition wants to tax them.

How will this occur? First, Fightback exempts rents from the GST but the tax will apply to transaction costs, management costs, maintenance expenses and body corporate fees. When we add all that up, that simply will be passed on to the renter. On an average priced three bedroom home in Adelaide, a GST on body corporate and management fees alone will add more than $100 per year to the cost of renting. Members may say, 'So what: an extra week's rent for the poor'. In addition, a house will cost more to buy—maybe $3 000 more—for the owner of the house. The cost of servicing the loan will be higher. Maintenance costs, often in the order of $5 000 per annum, will be caught by the GST. That all adds up to maybe an additional $1 000 each that the private investor has to recoup from the renter. Add to that the GST on management and body corporate fees, and the poor old renter will be paying an additional $25 a week rent.

If you think that is bad, it simply does not finish there. The Coalition will also stop funding new public housing and will force States to sell off some of what they currently own. That will force 1 000—maybe 2 000—more low income private renters into the private rental market every year. We all now understand free market economics: increased demand without increased supply equals higher rents. I think few would accept that philosophy.

One has to say that in some areas the Coalition has done a lot of work trying to understand particular policy problems, but the amount of work it has put into Fightback policy statements on public housing is simply woeful. It is really appalling to observe the Coalition's lack of detail and commitment for that group in our community. The outlook for that group is simply devastating. I can only conclude that GST stands for 'God save tenants'.

STATE BANK

Mr BECKER (Hanson): I direct my question to the Premier. When was the Prime Minister first advised of the findings and conclusions of the second report by the State Bank Royal Commissioner? Has the Premier had discussions with Mr Keating about the report and, if so, when?

The Hon. LYNN ARNOLD: Mr Speaker, can I say that the member for Hanson looked particularly odd on TV yesterday with his little sign at the airport. On the question whether I have had discussions—

Members interjecting:

The SPEAKER: Order! The Premier.

The Hon. LYNN ARNOLD: At least it was a more effective display than the member for Hayward's display just now. I did not even see whether he was displaying anything. Have I had discussions with the Prime Minister about the second report of the Royal Commission? No.

Mr Becker: Not yet.

The Hon. LYNN ARNOLD: I cannot answer what may be about to happen in the future. The member for Hanson says 'Not yet': I have many skills, but I do not think I can actually read a crystal ball as to whether I shall be telling him in the next few hours. The next matter was whether he was advised of the—

The SPEAKER: Order! There is a point of order. Will the Premier resume his seat.

Mr LEWIS: On a point of order, Mr Speaker, members should know that it is not proper to converse with strangers in the gallery, as is the case with the member for Playford at the present time and has persistently been so through Question Time.

The SPEAKER: Order! If the member for Playford is doing so, he is out of order.

Mr QUIRKE: Mr Speaker, I was not engaged in that activity. This is just another frivolous activity of the member for Murray-Mallee.

The SPEAKER: Order! The member for Playford will resume his seat. The Premier.

The Hon. LYNN ARNOLD: The next question was whether the Prime Minister was advised of the recommendations of the second—

The SPEAKER: Order! Will the Premier resume his seat. The Minister has a point of order.

The Hon. R.J. GREGORY: On a point of order, Mr Speaker, the member for Davenport has his back to you.

The SPEAKER: Order! The Premier.

The Hon. LYNN ARNOLD: I will do my level best to get back to answering the question of the member for Hanson. Was the Prime Minister advised of the findings of the second report of the Royal Commissioner? The answer to that is 'No'. As to whether he has been advised of anything about the Royal Commission report, one of my officers did speak with one of his officers but did not detail—

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: —any of the recommendations of the—

The Hon. Dean Brown interjecting:

The SPEAKER: The Leader is out of order.

The Hon. Dean Brown: Tell us when.

The SPEAKER: The Leader is out of order again. That is twice in one session, and I caution him. The Premier.

The Hon. LYNN ARNOLD: Just calm down and I will tell you.

Mr S.J. Baker: When did he do it?

The Hon. LYNN ARNOLD: I am about to tell you.

Mr S.J. Baker: Good.

The SPEAKER: Order! If all members are not interested in the Premier's answer, let me assure the House that I am. I call the House to order, and I ask the Premier to resume. The Premier.

The Hon. LYNN ARNOLD: I will repeat the point that neither the Prime Minister nor any member of his staff was told the findings of the Royal Commissioner's report. However, there was a conversation between an officer of my office and an officer of the Prime Minister's office on the weekend detailing that the report had been received, that it would be tabled in the Parliament on the Tuesday, that it did deal with the terms of reference 2 and 3—

Mr S.J. Baker interjecting:

The SPEAKER: I have spoken to the Deputy Leader twice also.

The Hon. LYNN ARNOLD: —and that as soon as a statement was available it would be made available to him.

HEALTH SYSTEM

Mrs HUTCHISON (Stuart): I direct my question to the Minister of Health, Family and Community Services. Will the Minister inform the House of the consequences for South Australia if a United States style of health system, such as that pursued by the Federal Coalition, were to be implemented in Australia and say what that means for members of the general community of South Australia? The United States is the only advanced country in the world without a national health care plan. Many commentators have reported that, among OECD countries, the American system is one of the most expensive and unfair.

President Clinton has vowed to introduce a universal health system along Australian lines to protect the estimated 40 million Americans who currently cannot afford health cover. I have had numerous requests from concerned constituents with young families asking how such a system would affect them personally.

The Hon. M.J. EVANS: I think this is a—

The SPEAKER: The Minister will resume his seat. The member for Davenport.

Mr S.G. EVANS: First, the system referred to is an American system; and, secondly, it is a hypothetical question.

The SPEAKER: The Minister has a responsibility for health care in this State. I do not uphold the point of order. I think the Minister can respond.

Mr S.G. EVANS: On a further point of order, Mr Speaker, are you saying that, if somebody asks a question about what the effect will be, that is not hypothetical?

The SPEAKER: Order! What is the point of order?

Mr S.G. EVANS: The point of order is that the member has asked the Minister what would be the effect if the American system was brought into Australia. I say that is hypothetical.

The SPEAKER: The questioner may not seek a solution to a hypothetical problem but a question may be asked about something that is, in effect, installed. There is a system in operation in America: if it were installed here, what would be the effect? The honourable Minister.

The Hon. M.J. EVANS: Far from being hypothetical, this problem is very real. It would be a very real problem for South Australians if there were to be a change in our health system after the election on Saturday. It is very clear, when one examines the impact of the United States system and the way in which that does not work for the vast majority of Americans, that if the same philosophies and ethic were to be imposed on our system in this State, South Australians would lose significantly from their health system. It is well known, for example, that the United States spends some 30 per cent more on its health care than any other country.

An honourable member interjecting:

The Hon. M.J. EVANS: If the honourable member disputes the fact that it is 30 per cent, he need only consult OECD reports to see that 30 per cent in the United States does not buy Americans any improvement in their health care.

Dr Armitage interjecting:

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

Dr Armitage interjecting:

The SPEAKER: Order! He is out of order again.

The Hon. M.J. EVANS: President Clinton himself has said that Americans spend far more on health and get far less for it. I think that is quite evident from the statistics which come from the United States. That amount, in fact, is some $800 billion a year, which still leaves 34 million people who are uninsured and who do not receive any legitimate coverage. I would not like to see that kind of system translated here in a way which would deprive South Australians of substantial funding for their public hospital system. I would like to quote briefly from the *Australian's* editorial of 8 March:

> The Coalition's proposed $1.3 billion cut in health grants to the States will hit the public hospital system, part of its effort to develop private hospitals as a competitive pressure. The Coalition has a bad record in health over the past 20 years. Its latest effort is an improvement on the past but it singularly fails to persuade on the critical grounds that it can contain health costs and therefore offer a better system.

We certainly do not want that kind of system in South Australia. We do not want the closure of public hospital beds forced by a massive cut in the grants to this State.

An honourable member interjecting:

The Hon. M.J. EVANS: What is happening now? We are providing South Australians with a decent health care system. That is what is happening now.

GRIEVANCE DEBATE

The SPEAKER: The proposal before the Chair is that, the House note grievances.

Mr MEIER (Goyder): Today we heard some outlandish answers to dorothy dixer questions from the Government side of the House—not only outlandish answers but in many cases downright lies, total untruths, and things that this State should be above.

The Hon. T.H. HEMMINGS: I rise on a point of order, Sir.

The SPEAKER: Until the House comes to order and members have resumed their seats, it is impossible to see any member who is on his feet. The member for Napier is on his feet.

The Hon. T.H. HEMMINGS: I know I am small, Sir, but I am standing. My point of order is that the member for Goyder has accused the whole of the Government front bench of lying.

The SPEAKER: Order! We went through this last week. Unless there is a specific allegation of a member lying, it cannot be upheld. The honourable member for Goyder.

Mr MEIER: Thank you, Mr Speaker. The untruths coming from that side of the House are outlandish and I want to—

The Hon. T.H. HEMMINGS: On a further point of order—

The SPEAKER: Order! The honourable member will resume his seat.

The Hon. T.H. HEMMINGS: Sir, I would not dare question your ruling. I understand why you have previously ruled that a person must be individually aggrieved by accusations from the other side, but the member for Goyder—

The SPEAKER: Is this an explanation or a point of order?

The Hon. T.H. HEMMINGS: The honourable member said this when there was a lot of hubbub and no individual Minister on the front bench would have had a chance to hear it and defend himself.

The SPEAKER: The honourable member will resume his seat. In future, the Chair will be very harsh on frivolous points of order.

Mr MEIER: To correct some of the untruths, I refer first of all to Liberal benefits for tertiary students. The Coalition's Fightback package provides real, tangible benefits and genuine opportunities for Australia's tertiary students. Everyone knows that Labor has failed students dismally. In fact, we see that the number of graduates obtaining full-time work after completion of a degree has dropped by 134 per cent in the last five years; whereas, back in 1989, some 91 per cent could expect to get a full-time job; last year only 70 per cent could expect to do so. In fact, 60 000 students cannot get positions, and we know how 60 000 Australians left Australia in the last year or two permanently, because they could not get work here. It is an outlandish situation.

Let us look at what the Coalition will do for tertiary students. It will initiate the following reforms: firstly, the abolition of all compulsory up-front fees, including Labor's compulsory student union fees. Hooray for that! Secondly, the HECS system will remain intact, with maintenance of the real per student level of funding by the Commonwealth. But again untruths have been pedalled around by the Labor Party. Thirdly, there will be a 6 per cent increase in Austudy, so the students will benefit to a great extent. Fourthly, an additional $3 billion will be directed by the Federal Coalition towards education and training.

If I can take the following scenario: at present a student earning about $135 per week and getting $108.91 Austudy pays $320 a year tax under the Labor regime. Under the Coalition's Fightback, he or she will pay no income tax at all and Austudy will be boosted by 6 per cent for a total gain of $12.68 a week. Of course, students who drive cars will save an additional $11 per tank of fuel; students who use a bicycle for transportation will save on the purchase of the bicycle; and students will also save on the purchase of groceries, with these prices falling by approximately 2 per cent. So, the students are going to be way out in front, and it is outlandish the way left wing radicals have been plastering notice boards around campuses trying to tell students they will be worse off. It is a blatant lie from those left wing extremists.

As for the industrial relations policy, the key thing to remember is that people cannot earn less but they can earn more under the Federal Coalition's policy. The Minister of Labour, who was raving on about some fictitious agreement, should at least have taken the opportunity to read the Coalition's industrial relations policy, because it is one that he should follow. People cannot earn less; they can only earn more. It is one of the greatest systems that this country will see.

In relation to health, we know we have 100 000 people on the waiting list and 10 000 in this State alone. Certainly, the Opposition will abolish those waiting lists, and people will be encouraged into private health cover so that private hospitals can be used to the full and so that our health system will improve and not fall back.

The SPEAKER: Order! I did not take the time previously to explain Standing Orders on this point because the honourable member's time had been interfered with, but before calling the next member let me point out that there are Standing Orders relating to offensive words and unparliamentary language. The increasing use of words such as 'lies' and 'liar' in general is reaching the stage where it is becoming inflammatory and if it gets to the stage where it becomes unparliamentary, I will rule such expressions out of order. The honourable member for Albert Park.

Mr HAMILTON (Albert Park): I have a great deal of delight in following the member for Goyder. He was talking about industrial relations' policies, he was talking about the truth and he was talking about workers. Let me remind the member for Goyder that his Leader, when he was Minister of Labour under the Tonkin Government, would not release a report on industrial relations here in South Australia. Every one of us who has been here knows what the Cawthorne report says.

The Leader of the Opposition did not have the guts to release that report to the working class here in this State. The member for Goyder hides behind a gutless Leader.

Mr BRINDAL: I rise on a point of order. The Speaker just referred to the use of unparliamentary language. The member for Albert Park called the Leader of the Opposition gutless. I think that is unparliamentary and offensive, and I ask him to withdraw.

The DEPUTY SPEAKER: I do not uphold the point of order at this stage. However, I believe that it is

intemperate language and I ask the member for Albert Park to give due consideration to his remarks and not to use such intemperate language.

Mr HAMILTON: Thank you, Sir, I will be guided by your wisdom. Let me remind members and the readers of *Hansard* that, every time I stood up today to ask a question about industrial matters, the wimps opposite jumped up and down to protect their silvertailed mates. That is a word they do not like but we all know that they represent the silvertails of this country, people who will go to almost any length to protect their own wealth at the expense of workers. That has been well illustrated. Again I remind members that in no way would their Leader, when he was Minister of Labour, release his policy on industrial relations, a policy that the taxpayers of this State paid for. What did that report reveal? It was very enlightening. In the *Advertiser* of 24 February 1982, it was reported:

Mr Cawthorne rejects some of the major industrial reforms proposed by the Liberal Party in the policy on which the Tonkin Government was elected in 1979. The proposals he rejects include compulsory, pre-strike secret ballots, cooling off periods and the use of sanctions generally in industrial disputes.

The report noted his comments about imposing heavy industrial fines on unionists who strike during the life of their award. Is it any wonder that the Liberal Party did not want to release that report? Liberal members talk about honesty. They would hide behind a corkscrew in terms of industrial relations. John Howard is not prepared to confront the workers in this country. He is not prepared to go before the Australian Press Council and be questioned by journalists about that industrial relations' policy. The Liberals are hiding behind a facade of public meetings rather than releasing their industrial policy. Workers have a right to know what an Opposition is prepared to bring forward.

They are saying the same as they said in Victoria: trust us. The Liberals will wipe out award conditions, as the Minister illustrated today. That is the reason for the hostility from members opposite. We have exposed them. No award provisions will be retained. Members opposite know that, and I challenge them to release their policies so that the workers in the country know what they are about. They do not have the intestinal fortitude to release their policies. If they could stand up to scrutiny, the Liberals should be able to release the policies to the workers, but they will not do so and they will not be questioned on radio or television about that industrial policy.

John Howard has said that he will not release it until after the election. What does that say to the workers? It says to any clear thinking worker in the community that they cannot be trusted. In my opinion, they are industrial liars and industrial cheats, and they will cheat the workers. That is why they will not release their policy. That is why they want to get stuck into over award payments, penalty rates and workers compensation, among other conditions. They want to prop up their silvertailed mates, to take conditions from workers and to take money out of the workers' pockets and give it to their silvertailed mates. That is what it is all about. I hope that it does not happen, because workers will suffer under a silvertailed regime if it were to come into power. The Minister of Labour in the previous Government—dishonest Dean—has been exposed for what he is. He is hiding behind what he did in 1981 and 1982. He will not release his Party's policy.

Mr S.G. EVANS (Davenport): I am pleased to follow the member for Albert Park. He asked why the Federal Coalition will not release its policy on industrial matters. I ask the honourable member to look at page 6 of today's Notice Paper. Item 20 refers to a motion moved by one of his colleagues to the effect that this House notes the industrial relations policies of the Liberal Party at the Federal level.

Mr Hamilton: Read the rest.

Mr S.G. EVANS: That is all I need to read. It is an acknowledgement by the member for Albert Park and his colleague that there is a Federal Liberal policy on industrial matters. The honourable member said that Mr Howard, the shadow Minister, will not come out and talk about them. He has announced the policies—and I note by the way he is shaking his head that the honourable member acknowledges that his colleague was wrong in moving the motion. The member for Albert Park spoke about employers as silvertails. I ask him to speak to the thousands of employees who have lost their job because employers have become insolvent and could not survive under the policies of the State and Federal Labor Governments, particularly their industrial policies. He knows it, I know it, and every person in the country knows that the ALP's policies have failed.

The honourable member implied that every small business operator who is trying to survive is a silvertail who is trying to bleed the worker. All the workers want is for their boss to survive so that they can keep their job, keep their family together and pay for their home or other debts. An honourable member in his position, who works hard in his electorate, doorknocking to survive—we know he has to because of the policies of his own Party—knows that people are suffering. He knows that sometimes both parents, not just one, have lost their job. In other cases, the parents have a job but their children cannot get a job. Teenagers cannot get a job, they cannot get into university and they cannot get traineeships for general work when they leave the education system.

The member for Albert Park is a great one for accusing people of being gutless when he knows that his Party has brought this country to rack and ruin. Backing him is the union movement that has blatantly used the fees of its members to attack the policies of one Party, in particular, without asking the opinion of its members, some of whom have a democratic philosophy, or a Liberal Party, National Party or independent philosophy. Their money has been used blatantly in this campaign, and I am not referring to a few thousand dollars, because it will run into millions by the time the campaign has finished. Today the Minister of Education, Employment and Training said that the teachers unions throughout Australia had made a combined effort to fight the Coalition's policies. The Nurses Federation is doing the same thing, as are the metal unions and other groups.

The Teachers Institute in this State has not even used its own name. It has used the name of an individual at 163 Greenhill Road, knowing that it has used the resources of its financial members to attack one political

Party, in particular. A lot of teachers and nurses are angry about the actions of their unions. I know that it might suit you, Sir, and others who belong to the Labor Party to have unions spend the money of their membership. People pay over $200 a year to belong to a union, some of them because of fear and others because of belief. Whether they are conservative or otherwise in their philosophy, they join because they believe in the union movement and they need to have representation. I believe they need representation, but I do not believe in the abuse of power by taking people's money or subscriptions to set out on one course of action, to make sure that the radical left, which supports the member for Albert Park, keeps control.

The honourable member knows that the ALP has to win as many votes as possible to help pay for its campaign and he knows that he gets the backing of that group. He knows that the union movement is there to help a political Party survive. It has nothing to do with democracy, nothing to do with the solving of problems of the country, and it has nothing to do with creating jobs for the country or getting people out of hospital queues. That is a straight out abuse of power, which the honourable member supports and laughs about. The honourable member's fees are being used for that reason and he laughs about it.

The Hon. J.P. TRAINER (Walsh): What a strange piece of logic that was! We certainly did not hear anything from the honourable member about the subbies who were blackmailed by the HIA to contribute to its disgraceful $3 million campaign, which contains a pack of lies, or about those people who are Labor voters and who are shareholders of companies who are contributing to the Coalition's fibs. I would like to express my pleasure through you, Mr Speaker, at seeing the implementation of a heritage restoration project that I put forward in 1989, and I refer to the removal of the carpet that has hidden for 20 years the beautiful black and white tiles laid down—

The Hon. Frank Blevins: Congratulations!

The Hon. J.P. TRAINER: I thank the Deputy Premier for his congratulations. Those tiles were laid in 1889 along the length of the western corridor of the House of Assembly. I could not understand the lunatic logic that led to those tiles being covered in 1973 by the same architect who did so much other damage to this heritage building. One side benefit of the carpet pattern being removed and the tiles revealed in all their glory now that they have been cleaned and polished is that those pieces of patterned carpet that have been taken up can help to extend marginally the life of the especially woven carpet used for this Chamber and the area by its entrance doors. The way the area has been restored is a fine example of SACON workmanship. It is also a fine example of cost-effective heritage restoration in a time of financial restraint, as also I believe, was the 1989 partial restoration of Centre Hall. Unfortunately, the full beauty of Centre Hall cannot be appreciated for a little longer until the Centre Hall doors are opened to the public, who actually own this building.

I am curious as to where the Liberal Party finds some of its candidates. Recently we saw its Federal candidate for Adelaide eliminated by an unsavoury smear relating to his past. There was a very quick replacement, too, which rather overlooked some alternative candidates in Adelaide in favour of another one. I do not know very much about her—perhaps there are matters connected with her, too; I do not know. Certainly the independent candidate for Sturt was very disillusioned with the Liberal Party, and he is standing in Sturt because of what he believes was an abuse of the official position held by the person who is now the Liberal candidate in Sturt. Then we have corporate matters raised regarding the candidates in Bonython and Makin. One of those candidates apparently was even bragging through the *Advertiser* yesterday about his association in some way with the Nuganhand bank. That really threw me.

Of course, we have also had some very strange things at State level, such as a person of presidential calibre in the Liberal Party who went west in accordance with his name: he fled overseas in disgrace after having been caught with his fingers in the till. We have had some people with some very strange personal habits, people who had allegations regarding the feeding of cyanide and all sorts of things associated with them. Strange as they may be, it is a candidate in my area who has very much disappointed me with her sacrilege and vandalism. I refer to the Liberal candidate for Hindmarsh, Ms Gallus, who must have more money than she knows what to do with, given that I saw a reference to a holiday home in Hawaii on the *7.30 Report*. I know nothing about that.

Her campaign fund must have a budget of hundreds of thousands of dollars that she does not know how to use, as she has been creating traffic hazards on main roads such as Anzac Highway by having supporters wave posters at passing motorists at intersections. But worse, she and her campaign workers have begun placing the posters on trees along the median strip in the middle of Anzac Highway. Posters have a valid role at election time, but I have a distaste for those candidates of all Parties who place them on trees, because I believe that in most cases, this is environmental vandalism. In this case, the environmental vandalism along Anzac Highway is magnified by the fact that it is sacrilege of a war memorial.

Bay Road was renamed Anzac Highway in 1923 in honour of the war dead, and the entire road is a war memorial. My office has been alongside Anzac Highway for eight years, and I have always avoided placing any posters and any campaign material associated with me on those trees alongside Anzac Highway or on the median strip, because it is a war memorial. Furthermore, it is also visual pollution of a heritage area by a candidate who supposedly supports the current community redevelopment of Anzac Highway. The very same candidate whose posters sacrilegiously litter Anzac Highway attended the launch of the Anzac Highway Redevelopment Committee just a month ago. I call on her to respect Anzac Highway and to desist from this sacrilege and vandalism.

Mr OSWALD (Morphett): I cannot let the blatant untruths of the Minister of Housing, Urban Development and Local Government Relations in Question Time go by without some sort of response here this afternoon. I will address the impact of the GST on the average dwelling and rebut once and for all some of the outrageous

allegations that were made by the Minister of Housing, Urban Development and Local Government Relations this afternoon. The point that the Minister refused to make was that a hidden Keating tax is included when houses and land are developed. That hidden Keating tax comes in the form of a wholesale sales tax—a wholesale sales tax which the Minister this afternoon refused to bring into the debate. But it is there, and it is a very real impost on the cost of housing. For example, the wholesale sales tax and the petrol tax applied during the construction of a house costing $84 000 and built on land costing $36 000 amounts to $3 771. That is the hidden Keating tax. The impost on the land amounts to an additional $771. Therefore, if you add that up, the total wholesale sales tax and petrol tax is $4 082. The GST on a house of the same value is $2 856.

The Hon. J.P. TRAINER: interjecting:

The DEPUTY SPEAKER: Order!

Mr OSWALD: The one thing that the $2 856 does not include is the first home buyers' scheme. The Coalition has made a commitment to bring in a first home buyers' scheme, whereby the Government will provide $2 000 upfront for first home buyers. So, for first home buyers' that $2 856 is further reduced to $856. We already have the wholesale sales tax of $4 800. Time does not permit me to develop the argument much further than that, because there is something else that I want to raise. It is obvious that the goods and services' tax will be a benefit to a young couple purchasing their first home.

I would also like to get on the record a couple of very important factors that did not come up this afternoon in the Minister's response, and in that regard I refer to public housing. A Coalition Government will retain the existing public housing system and provide accommodation to low income earners. The Housing Trust is not under threat. The letters being put out by the Labor candidate for Hindmarsh are scurrilous, untrue and inaccurate, and they are being used for purely blatant political purposes. The Housing Trust will continue under a Federal Coalition Government.

The public housing policy of both the Federal Coalition and the State Liberal Party will ensure that the Housing Trust moves on. What will happen—and let us be quite clear about this—is that we will shift ownership of some of the housing stock over to the private sector, with the State leasing it back on a long-term basis. There is nothing wrong with that because, as has been proved in New South Wales, it unlocks the billions of dollars that are tied up in the AMPs of this world so that large amounts of money that are not being used for public housing can be released into the public housing system.

The Coalition's policy means that public housing will continue to be available for tenants, rents will continue to be determined according to income and security of tenure of tenants will be guaranteed. A Coalition Government will continue to manage properties and tenants will continue to be. dealt with the by the housing authorities in each State. I do not read into that statement the threat that is incorporated in the garbage being pedalled by Mr Rau in Hindmarsh, that people are about to be thrown on to the streets and into expensive private accommodation. That is absolute nonsense, and I refute it entirely.

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

Mr ATKINSON (Spence): Our morning newspaper, *the Advertiser,* has a good story that has been written by one of its reporters, Debra Read. It concerns Mrs Patricia Worth, the Patient Services Manager at Gribbles Pathology and the Federal Liberal candidate for Adelaide. Mr Waldemar Rientals, a former employee of Gribbles Pathology, makes allegations to the effect that Mrs Worth and Gribbles Pathology are involved in the giving of secret commissions to general practitioners and that they are guilty of alleged breaches of the Health Insurance Act. Mr Rientals is not making anonymous allegations against the Federal Liberal candidate for Adelaide. He is happy to be interviewed by the appropriate authorities.

Members interjecting:

The DEPUTY SPEAKER: Order! I do not want to interrupt the honourable member, but I must ask members of the Opposition to permit him to say what he is allowed to say.

Mr ATKINSON: Rientals has discussed his allegations with the Health Insurance Commission and, unlike Mr Michael Pratt, the former Liberal member for Adelaide, he is happy to make his allegations publicly. Our morning newspaper, the *Advertiser,* has decided at editorial conference level to support the Liberal Party in Saturday's Federal election. The *Advertiser* has the right to make that choice in its leading article, but it is not right when the *Advertiser's* editorial preference affects its news columns.

I cite two examples of the way in which the *Advertiser's* editorial management policy is affecting its news columns: first, in the case of Patricia Worth and, secondly, in the case of Dr Lindsay. As I said earlier, Debra Read of the *Advertiser* has had this story for a week. I appreciate that Mr Rientals' allegations need to be tested.

Dr Armitage interjecting:

The DEPUTY SPEAKER: Order! I will not tolerate the member for Adelaide's shouting down the speaker. He has already been warned today, and I will not hesitate to use my powers.

Dr ARMITAGE: I rise on a point of order, Mr Deputy Speaker. I point out that I have not been warned today.

The DEPUTY SPEAKER: Well, if you haven't, you have now. The member for Spence.

Mr ATKINSON: The *Advertiser* has the story. The question is: when will it be published? If the *Advertiser's* editorial conference is influencing its news columns in the way in which we suspect, the story about Mrs Worth, which will be published without parliamentary privilege, will be a 'Monday special'. That story is of interest to the electors of Adelaide—it is in the public interest. So, I alert media organisations, other than the *Advertiser,* that Mr Rientals is happy to discuss his allegations—

Mr S.J. BAKER: I rise on a point of order, Mr Deputy Speaker. The honourable member is abusing this Parliament and the privilege that he holds in this Parliament.

The DEPUTY SPEAKER: There is no point of order.

Mr S.J. BAKER: He is making unfounded—

The DEPUTY SPEAKER: I warn the Deputy Leader. The Deputy Leader must sit down. There is no point of order. In view of the interruptions that have occurred to the honourable member's time, I will allow him to continue for a further minute after his allotted time.

Dr ARMITAGE: I rise on a point of order, Mr Deputy Speaker. In a previous debate, when he gave similar licence to an honourable member of my immediate opposition, the Speaker indicated that he did not have the power to do that. Accordingly, I ask you, Sir, to withdraw your ruling.

The DEPUTY SPEAKER: I have no intention of withdrawing. The member for Hayward.

Mr BRINDAL: I dissent from your ruling, Mr Deputy Speaker.

The DEPUTY SPEAKER: The honourable member must put it in writing.

The SPEAKER: I have just come into the Chamber. I understand that the point of order concerns the extension of the five minute time limit. The Chair made a ruling previously on the extension of the time limit, but then, on consultation with members of the Standing Orders Committee, it was agreed that we would not allow an extension of time. I am at fault for not informing the Chairman of Committees of the previous ruling, but I think it is on the record somewhere. The Standing Orders Committee agreed that we would not extend the time limit.

Mr BRINDAL: The Deputy Speaker was asked to withdraw—

The SPEAKER: Order! I cannot allow the member for Hayward to make a speech, but he can withdraw his dissent if he wishes.

Mr BRINDAL: No, Sir.

Members interjecting:

The SPEAKER: Order! I am not quite sure what the honourable member is now dissenting from. I have informed the House that, following consultation with members of the Standing Orders Committee, an extension of time is not allowed. I do not understand what the member for Hayward is dissenting from.

Mr BRINDAL: I did not understand that you were overruling the Deputy Speaker, Sir. If that is so, I withdraw my dissent.

The SPEAKER: The member for Adelaide was well aware of the previous ruling. I am sure that, if the member for Hayward speaks with the member for Adelaide, he will sort it out.

Dr ARMITAGE: I rise on a point of order, Mr Speaker. As I understand it, the Deputy Speaker said that he would not withdraw his ruling to extend the time given to the member for Spence. We must proceed with our dissent because the Deputy Speaker has not indicated to the House that he was wrong and that he will withdraw his ruling.

The SPEAKER: Order! The member for Adelaide will resume his seat. The Speaker is now in the Chair and, under the Standing Orders of this House, the Speaker makes the ruling when he takes the Chair. I have made a ruling. The honourable member who indicated his dissent has withdrawn it. If the member for Adelaide has a motion of dissent, he must put it in writing and bring it to the Chair, otherwise there is no point of order.

SELECT COMMITTEE ON JUVENILE JUSTICE

The Hon. T.R. GROOM (Minister of Primary Industries): I move:

That the time for bringing up the committee's report be extended until 20 April.

Motion carried.

GUARDIANSHIP AND ADMINISTRATION (MENTAL CAPACITY) BILL

The Hon. M.J. EVANS (Minister of Health, Family and Community Services) obtained leave and introduced a Bill for an Act to provide for the guardianship of persons with a mental incapacity and for the management of the estates of such persons; and for other purposes. Read a first time.

The Hon. M.J. EVANS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill has several important purposes—

- it introduces new, more flexible provisions to facilitate the operations of the Guardianship Board and to assist the people it serves;
- it creates the key position of Public Advocate, with an important watchdog role on behalf of mentally incapacitated persons; a role which will advocate for the rights and interests of mentally incapacitated persons; a role which will seek to negotiate and resolve problems on behalf of mentally incapacitated people, people who are among the most vulnerable groups in our society;
- it removes the guardianship and administration from the legislative base of the Mental Health Act and establishes it under its own legislation, which more accurately reflects the broad range of the people the Board can assist.

The Bill is the first major revision of guardianship and mental health legislation since the 1977 Mental Health Act. South Australia was a national leader with the development of the system of guardianship and review which was embodied in the Mental Health Act 1977. At that time, the role of multidisciplinary tribunals and the notion of guardianship were new to the mental health arena. The legislation was pioneering and far sighted.

The need was recognised at that time for an independent guardian who could protect the rights of persons with a mental illness or handicap. Guardianship was seen as providing an alternative decision maker, in areas such as financial

management and accommodation, for people incapable of making those decisions themselves. Concurrently, it was recognised that some mental health treatment decisions which involve coercion, such as detention in hospital and compulsory treatment, should be determined or reviewed by an independent body. The mechanism for making these mental health treatment decisions, as well as the guardianship decisions, was placed within a new legislative framework of the Guardianship Board and the Mental Health Review Tribunal. The Board and the Tribunal were established as multidisciplinary quasi-judicial bodies to conduct hearings into the circumstances of individuals.

The legislation provided for the Board to receive a person into its guardianship. As guardian it could then exercise a series of powers and make decisions in regard to that individual. Receipt into guardianship was also a prerequisite for the Board to make compulsory treatment decisions for people with long-term mental illness.

An appeal system was established by which the Mental Health Review Tribunal would hear appeals against orders of the Board and against orders of detention to hospital made by psychiatrists. The Tribunal was also required to review certain orders made by the Board or by psychiatrists.

In 1985, amendments to the Mental Health Act vested in the Board authority for it to consent to medical and dental procedures on behalf of a person with a mental illness or mental handicap. It also provided for the appointment of other persons in the community, such as a family member or professional care giver, to act as delegates in the exercise of those powers.

Having regard to the passage of time since the commencement of the arrangements, a Review of the Guardianship Board and Mental Health Review Tribunal was established in 1988 and reported in 1989. The Review identified a number of issues of concern in the current arrangements.

These included:

- the potential for the role of families and carers to be inappropriately restricted and undervalued;
- the resolution of problems on a case by case basis with no apparent forum or mechanism for resolving underlying common problems;
- a conflict that existed for the Board in its roles of investigator, formal decision maker and guardian;
- the confusion that arose from mental health treatment decisions being made within the guardianship framework;
- the limited availability of information about the operation of the Board and its decisions, and alternative courses of action;
- the potential for duplication and confusion in the appeal and review systems.

The Review recommended a significant restructuring of the system. In 1990 a Review was undertaken of the 1985 Consent to Medical and Dental Procedures provisions inserted as Part IVA of the Mental Health Act. That Review reflected some of the concerns of the earlier Review and supported its philosophical directions. In particular, it acknowledged the legitimacy of the family as a decision maker in the area and sought to simplify arrangements for most routine treatments, whilst focussing the Board's involvement on matters which are complex and/or contentious. I table the Report for the information of Members.

Following release of each of the reports, extensive consultation has occurred with a wide group of consumers, carers, Government departments, non-government organisations and professional groups.

The Bill before Hon. Members today seeks to give effect to the major recommendations of the Reviews, as refined by the consultation process. The thrust of the Bill is consistent with the emerging national model of gaurdianship. Since South Australia's lead in this area, guardianship legislation has been enacted or passed in most States and Territories in Australia. Learning from South Australia and overseas experience, a model has been developed which is now common to New South Wales, Victoria, Australian Capital Territory, Western Australia and the Northern Territory and is under consideration in Tasmania and Queensland.

The Bill proposes that the guardianship and administration system be removed from the legislative base of the Mental Health Act and established under its own, specific legislation, in recognition of the range of circumstances of the people it can assist.

This Bill focuses on maintaining family and local support for individuals with a mental incapacity. It seeks to reduce and minimise the level of bureaucratic intrusion into the lives of such people, yet ensure that checks and balances exist for protecting these vulnerable members of our community. It will provide a sound balance between an individual's rights to autonomy and freedom and the need for care and protection from neglect, harm and abuse.

The Bill establishes a clear philosophy for the way in which all matters will be dealt with, by establishing a set of principles to guide decision makers. These principles emphasise the primacy of the decision which the person would have made (to the extent that this can be determined) had they not been mentally incapacitated.

To take a simple example, it may have been a person's practice to make a regular donation to their local church. The system should enable that to continue, despite another person taking over the management of their financial affairs.

The principles also require due consideration to be given to maintaining existing informal arrangements which are working well, for the care of persons or the management of their finances.

Changes in the Board's operation are proposed to ensure the Board's efforts are most effectively employed. For example, currently most matters regardless of complexity, are dealt with by a five person division of the Board. The new arrangements propose that the Board's expertise is redirected so that routine matters can be handled by one member and more complex situations are dealt with by three members. Some less complex matters are already dealt with by the Chairman alone but these changes will allow greater flexibility through the use of any single member of the Board.

Clear direction is provided on a number of procedural matters. In addition a position of Registrar of the Board is proposed. As in other jurisdictions, such a position, with the approval of the presiding officer of the Board, will exercise certain routine functions of the Board, thereby assisting the Board in the efficient execution of its duties.

The Bill establishes as a major initiative, a statutory position of Public Advocate. The Public Advocate will seek to resolve problems so that, unless appropriate, the legal processes of the Board need not be invoked. When they are invoked, the Public Advocate will provide significant assistance.

A range of supports to clients and carers will be available through the Office of the Public Advocate. These may include assisting clients to obtain services, raising concerns regarding service provision, giving information about the operation of the Board and promoting alternatives such as powers of attorney.

The Public Advocate will play a major watchdog role investigating issues and concerns raised by any member of the

community about the well being and treatment of a person with a mental incapacity. Investigations may also be made in regard to a person with mental incapacity who is the subject of a Board order or application.

Where the Board is unable to locate a suitable guardian in the community, the Public Advocate will also have the key role of the public guardian or guardian of last resort.

The Public Advocate will operate on the fundamental principle of promoting agency and community responsibility rather than seeking to develop an extensive service provision role for its staff. Thus it will remain a small, but vital, advocacy agency.

The Public Advocate will be required to report annually to the Minister and the report will be required to be tabled in Parliament.

Another significant initiative of the Bill is the power for a person to make provision for his or her future incapacity by appointing an enduring guardian. Just as, under the Consent to Medical Treatment and Palliative Care Bill, a person may make specific provision for a medical agent to consent to his or her medical treatment during any period of mental incapacity or, under the Powers of Attorney and Agents Act, may make specific provision for an enduring power of attorney that will cater for all financial or property matters during such a period of incapacity, so under this measure he or she could cover the area of his or her personal care and welfare. To avoid confusion, such a guardian will be able to consent to medical treatment only if there is no medical agent reasonably available and willing to act. An enduring guardian will have to abide by the principles stated in the Act and may, in certain circumstances, have his or her appointment terminated by the Board.

It is proposed that the Board maintain its role in making guardianship orders. The Board can appoint only natural persons to be guardians and, subject to any terms of the Board's order, a person so appointed will be able to exercise all the powers of a guardian instead of the Board taking over such decisions.

This moves the decision making from a panel to a person who is closer and better placed to make those decisions. Guardianship orders in these new arrangements only relate to traditional guardianship responsibilities. (Coercive mental health treatment decisions, for example, will be made as orders in their own right not as decisions by a guardian.)

Criteria are included in the Bill to assist the Board in establishing the need for guardianship and the person best able to provide that role. Guardianship orders may be limited to only those areas of a person's life where intervention is essential, rather than the current single option of all-encompassing orders. Special power is included to enable the Board, on application of a guardian, to direct that a person reside in a particular place, in the interests of the person's health or safety, or where the safety of others would be at risk were such an order not to be made.

In the area of administration orders, a major change is the removal of the Public Trustee's "preferred provider" status. This allows the Board to appoint administrators according to the needs of each particular person. The Public Advocate will also be able to assist families to undertake this role. The Bill transfers the powers of administrators from the Administration and Probate Act 1919 to this Act and establishes the Board as the single authority for the execution of powers under this Act. The Bill also provides for the remuneration, where appropriate, of private professional administrators.

The Bill provides updated powers in relation to consent to medical and dental treatment where there is no medical agent available and willing to act. It enables certain defined family members to give their consent to most routine treatments for a person with a mental incapacity without any formal process of appointment by the Board. The Board only becomes involved where there is no suitable family member, or in contentious or complex matters (for example, termination of pregnancy and sterilisation). It may also become involved where there is some concern about the manner in which a family member may exercise this power, or where the clinician considers independent scrutiny of the decision is appropriate.

The Bill also reflects an overhaul of the current review and appeal processes, streamlining what has been criticised as a complex and repetitive system. It is expected that with the greater attention and assistance to be provided to persons under the mechanisms and directions established by the legislation, there will be a reduction in the current numbers of reviews and appeals. That has been the experience elsewhere. Nonetheless, it is important to ensure that the legislation enshrines clear mechanisms for review and appeal.

The Bill obliges the Board to review the circumstances of a protected person at regular intervals, to determine the continuing appropriateness of the order to which the person is subject. Decisions or orders of the Registrar are subject to review by the Board, on application to the Board by a party to the proceedings. The Board may confirm, vary or set aside the decision or order.

Appeals against Board decisions will be available through the Administrative Appeals Court. The Court will sit with assessors, who will be persons appointed to panels by the Governor. The panels consist of persons whose expertise is appropriate to the Act and persons concerned with promoting the rights of mentally incapacitated persons or who have expertise in other appropriate fields. If the appeal relates to an order or decision of the Board under the Mental Health Act 1993, a psychiatrist must be an assessor. These arrangements provide an efficient and effective administrative and legal framework for the hearing of appeals. Appeals will be conducted as a review of the decision, with the option of further evidence being heard, rather than as complete re-hearings of matters. An automatic right to appeal will only be available in matters of detention, sterilisation or termination of pregnancy. In all other situations, an aggrieved person requires the leave of the Board or the Court for the appeal to proceed. Legal representation for the person with a mental incapacity will continue to be available, without charge to the person. In certain circumstances, a party dissatisfied with a decision or order of the Administrative Appeals Court may, with the leave of that Court or the Supreme Court, appeal to the Supreme Court.

With the proposed restructuring of the review and appeal processes, the Mental Health Review Tribunal, which is established under the current legislation, will no longer exist. Its functions are transferred to the Board or the Administrative Appeals Court.

As Honourable Members will be aware, this Bill was introduced into this House last year. Since then consultation has taken place on this measure and on the companion Mental Health Bill. The only significant changes made to the Bill as a result of this process have been the removal of certain investigative powers that were accorded to the Public Advocate under the previous version, and the addition of the power to appoint an enduring guardian.

I commend the Bill to the House. It proposes a sound balance between an individual's rights to autonomy and freedom

and the need for care and protection from neglect, harm and abuse.

Clause 1 is formal.

Clause 2 provides for commencement of the Act by proclamation.

Clause 3 sets out the definitions of expressions used in the Act. The definition of "mental incapacity" includes a person who cannot look after his or her own health, safety or welfare or manage his or her own affairs as a result of a physical illness or condition that renders the person totally unable to communicate.

Clause 4 makes it clear that this Act does not, in the absence of clear expression to the contrary, detract from the operation of other Acts.

Clause 5 sets out the basic principles that govern the administration of this Act by all persons involved, including persons appointed as guardians or administrators. The principle widely known as "substituted judgment" is embodied in paragraph (a). This principle requires the relevant decision maker to give pre-eminent consideration to what, in his or her opinion, the person with the mental incapacity would have wished in the circumstances had he or she not been incapacitated, so far as there is reasonably ascertainable evidence on which to base such an opinion.

The current wishes of the incapacitated person must also be ascertained where possible and given consideration. Consideration must be given to the existing arrangements for the care of the incapacitated person and to the desirability of not disturbing them. Finally, all decisions must be the least restrictive of the person's rights and autonomy as is possible in the circumstances, given that he or she does need care and protection.

Clause 6 establishes the Guardianship Board. For any particular proceedings before the Board, it will be comprised of the President of the Board or one of the Deputy Presidents, plus two panel members, one being from the panel of professionals (doctors, psychologists, etc.) and one from the panel of "consumer advocates". The members who constitute the Board for the purposes of hearing appeals against decisions or orders under the *Mental Health Act* will not deal with any other class of matters. A psychiatrist must be on the Board for all matters under the Mental Health Act. The regulations may provide for the Board to be constituted of one member sitting alone to deal with such matters as the regulations may prescribe. Board members who have a personal or financial interest in a matter before the Board are disqualified from hearing the matter.

Clause 7 provides for the appointment by the Governor of the President and such number of Deputy Presidents as may be appropriate. For a person to be appointed to such an office, he or she must be a magistrate, a retired magistrate or judge or a legal practitioner of at least five year's standing. Interstate experience is counted.

Clause 8 requires the Governor to set up the two panels from which Board members will be drawn. One panel will be appropriate professionals, the other will be persons interested in promoting the rights of mentally incapacitated persons, or with other relevant expertise.

Clause 9 deals with vacancies in and removal from office of Board members.

Clause 10 provides for Board members' allowances and expenses.

Clause 11 provides that vacancies on the Board or panels do not affect the validity of Board decisions.

Clause 12 provides that the President or a Deputy President will preside at Board meetings and will determine all questions of law. Other matters will be determined on a majority basis. The Board is not bound by the rules of evidence.

Clause 13 empowers the Board to appoint assistants for the purposes of conducting proceedings.

Clause 14 provides the Board with the usual powers to summon witnesses, etc. Subclause (4) requires the Board to give notice of any particular proceedings to the applicant, the person to whom the proceedings relate, the Public Advocate and such other persons as the Board believes have a proper interest in the matter. The applicant and the person to whom the proceedings relate may call and cross-examine witnesses and make submissions. Interim 7-day orders may be made in urgent cases. The Board has a wide power to hold closed hearings or to exclude specific persons from a hearing. The Board has no power to award costs against a party.

Clause 15 empowers the Board to require certain medical and psychiatric reports. If the person fails to produce such reports the President (or a Deputy President) can issue a warrant authorising the Public Advocate or a member of the police force to apprehend the person and take him or her to a medical practitioner, etc., nominated by the Board for examination. The Board will bear the costs of such an examination.

Clause 16 requires the Board to furnish the Minister with an annual report. The report must include details of warrants issued by the Board during the year.

Clause 17 provides for the position of Registrar of the Board. The Registrar may be given certain Board matters to deal with if the President so directs.

Clause 18 provides for the position of Public Advocate.

Clause 19 provides for the appointment of the Public Advocate by the Governor on terms and conditions fixed by the Governor.

Clause 20 provides that the Public Advocate's term of office will be five years, and makes the usual provision for vacancies in and removal from office.

Clause 21 sets out the general functions of the Public Advocate, which include speaking for mentally incapacitated persons generally or for a particular person. The Public Advocate will also have a general duty to monitor the operation of the Act and to keep under review all Government and private sector programmes for mentally incapacitated persons.

Clause 22 empowers the Public Advocate to delegate powers to any Public Service or Health Commission employee on the staff of the Public Advocate's office.

Clause 23 requires the Public Advocate to furnish the Minister with an annual report. Again, this report must contain particulars of applications made by the Public Advocate for the issue of warrants.

Clause 24 provides that a person of or over 18 years of age may appoint an enduring guardian. It is made clear that the powers extend to consenting to medical treatment, except where the person already has a medical agent under the Consent to Medical Treatment and Palliative Care Act who is available and willing to act. A person must be of or over 18 to be appointed as a guardian and cannot be appointed if he or she is involved in the medical care or treatment of the appointee.

Clause 25 empowers the Board, on application, to revoke the appointment of an enduring guardian, if the guardian seeks the revocation or if the Board is satisfied that the guardian is unable or unwilling to act, is incompetent or has acted negligently or contrary to the principles stated in the Act.

Clause 26 extends the operation of clause 31 of the Bill to include enduring guardians. The effect of this is to enable a guardian to apply to the Board for an order empowering the guardian to have the person of whom he or she is the guardian placed and, if need be, detained in some place (e.g. a nursing home). Such an order gives protection to nursing home administrators and staff in cases where a resident with a mental incapacity requires to be physically restrained from wandering, etc.

Clause 27 empowers the Public Advocate to carry out investigations into the affairs of any persons alleged to be in need of the protection of an order under this Act at the direction of the Board.

Clause 28 provides for the making of guardianship orders. The Board may make a limited order (i.e., specifying particular areas of the protected person's welfare that will be handled by the guardian). If a limited order is not appropriate, the Board may make a full guardianship order. Orders may be subject to limitations and may be made for a specified period of time. A guardian must be a natural person, and joint guardians may be appointed where appropriate. The Public Advocate may be a guardian if no other suitable person can be found.

Clause 29 provides for revocation or variation of a guardianship order.

Clause 30 provides that a guardian has the powers that a guardian has under common law or in equity. These of course can be modified by the terms of the Board's order.

Clause 31 gives the Board the power to direct that the protected person reside in a particular place or such place as the guardian may decide and, if necessary, that he or she be detained there. The Board may also authorise the use of force in the day-to-day care of a protected person or in ensuring he or she receives proper medical treatment. These powers can only be exercised if the Board so authorises on the ground that, if it were not to do so, the health or safety of the person, or the safety of others, would be seriously at risk. This section does not authorise detention in a mental institution. An order under this section protects a person who seeks to enforce the order in the event that the protected person leaves, or attempts to leave the premises without lawful authority or excuse.

Clause 32 sets out the persons who can make any application under this Division. The mentally incapacitated person (or a person alleged to have such an incapacity) may make any application, as may the Public Advocate, a relative of the person, a guardian or medical agent (if one has already been appointed), an administrator or any other person with a proper interest in the matter.

Clause 33 provides for reciprocal administration of guardianship orders between States that have similar laws.

Clause 34 provides for the making of administration orders in relation to a mentally incapacitated person's estate. As with guardianship orders, a limited order may be made in respect of only portion of the estate, but if this is not appropriate, a full administration order may be made. Trustee companies, the Public Trustee or a natural person may be appointed. An administration order may confer extra powers on the administrator beyond those spelled out in clause 38.

Clause 35 provides for variation or revocation of administration orders.

Clause 36 sets out who may apply for orders under this Division.

Clause 37 requires the Board, on making, varying or revoking an administration order, to forward a copy of the Board's order to the Public Trustee.

Clause 38 sets out the powers that an administrator may exercise, subject, of course, to the terms of the administration order itself. The administrator is in the position of a trustee. Subclause (3) provides that monetary limits on the powers of administrators may be prescribed by the regulations. Sale or long term lease of the protected person's real property, or purchase, etc., of new real property can only be effected with the Board's prior approval.

Clause 39 entitles an administrator to get access to wills and records relating to the protected person's property. Failure to give such access is an offence. An administrator cannot disclose the contents of a will except with the approval of the Board.

Clause 40 empowers an administrator to continue to act after the death of the protected person or the revocation of his or her appointment, but only up until he or she becomes aware of the fact of the death or revocation. Even after becoming aware of the protected person's death, an administrator may pay the person's funeral expenses. Subclause (3) empowers the Board to extend the period during which the administrator may act, but not so as to exceed two months after the date of death.

Clause 41 gives an administrator the power to avoid a disposition of property or a contract entered into by a protected person, except where the other party did not know and could not reasonably be expected to have known that the person had a mental incapacity at the time.

Clause 42 empowers the Supreme Court to adjust entitlements between beneficiaries of a protected person's estate, if it appears that the actions of an administrator have lead to some disproportionate advantage or disadvantage in those entitlements. An application for adjustment must be made within six months of the grant of probate, unless the Court allows otherwise.

As this clause is a direct repetition of section 118s of the Administration and Probate Act, which provided that the section did not apply in relation to the will of a person who died before the commencement of that section (1 January 1985), subclause (8) of this new provision preserves that cut-off point.

Clause 43 requires an administrator (other than the Public Trustee) to give a statement of the accounts of the estate at regular intervals to both the Board and Public Trustee. The statement is to be examined by the Public Trustee who may recommend disallowance of items of expenditure in certain circumstances. The administrator is personally liable to reimburse the protected person's estate for a disallowed item of expenditure, and must pay the Public Trustee's costs in the matter. (A right of appeal exists should an administrator wish to object to an order of the Board disallowing an item of expenditure.) Subclause (6) requires the Board to allow the protected person (or some other appropriate person) access to the statement of accounts prepared under this section.

Clause 44 places a similar obligation on the Public Trustee to provide statements of account for estates administered by the Public Trustee. If the Board disallows an item of expenditure the Crown is liable to the protected person for that amount.

Clause 45 gives the Board power to determine whether or not an administrator who carries on the business of administering estates is to be remunerated for acting as an administrator, whether the administrator commenced before or after the commencement of the Act. A rate will be prescribed by the regulations, but the Board may fix a higher or lower rate in any particular circumstances. This section does not affect the Public Trustee's or a trustee company's right to recover charges and expenses.

Clause 46 enables an administration order to be registered under the Registration of Deeds Act or the Real Property Act in

relation to any interest in land that forms part of the protected person's estate.

Clause 47 deals with administering property held in different States or countries by a mentally incapacitated person. The Public Trustee may administer property within this State belonging to a mentally incapacitated person subject to an administration order in some place outside this State.

Clause 48 makes it clear that a person may withdraw any application under this Part at any time.

Clause 49 sets out the criteria for determining whether a person is eligible for appointment as a guardian or administrator. In looking at the question of conflict of interest, the Board cannot give any weight to the fact that the proposed guardian or administrator is related to the protected person by blood or marriage.

Clause 50 provides that a person cannot be appointed as a guardian or an administrator unless he or she consents to the appointment.

Clause 51 provides that if two or more persons are appointed as joint guardians or joint administrators, all must concur in any decision made or action taken, unless the order appointing them provides otherwise.

Clause 52 provides that an order of the Board commences on the day on which it is made, or some future date specified in the order.

Clause 53 provides for termination of appointment of a guardian or an administrator on death, on revocation of the order or on revocation of the appointment. The Board may revoke an appointment on various grounds set out in subclause (2) (*b*).

Clause 54 obliges the Board to give the person to whom proceedings relate a statement of his or her appeal rights against any order or decision the Board may make in those proceedings.

Clause 55 empowers the Board to direct that a protected person can only make a will in accordance with precautionary procedures set out by the Board. A will made in contravention of such a direction is invalid.

Clause 56 obliges the Board to review the circumstances of a protected person at least every three years. If the person is being detained in any place pursuant to an order of the Board, the first review must be within six months and then at least every year. The Board must, on completing a review, revoke the orders to which the person is subject unless satisfied that it should remain in force.

Clause 57 provides that the provisions of the Act that deal with consent to medical or dental treatment apply to any mentally incapacitated person, whether he or she is subject to a guardianship or administration order or not, but will not apply if he or she has a medical agent who is reasonably available and willing to act.

Clause 58 sets out the persons who may give consent to the medical or dental treatment of a mentally incapacitated person. If a person has been appointed as a guardian under any Act or law, the guardian is the person who may give consent. In cases where there is no such appointed guardian, a relative may give the consent or the Board, if application for it to do so has been made by a relative, a doctor (or dentist, where relevant) or any other person with a proper interest in the matter. Effective consent will be deemed to have been given if the mentally incapacitated person consents to the treatment and the doctor or dentist did not know, and could be expected to have known, of the mental incapacity. If a person falsely represents to the practitioner that he or she is able to give effective consent (e.g. that he or she is an appointed guardian) the practitioner may go ahead with the treatment with impunity.

Clause 59 makes it an offence to give consent without being authorised by or under this Act to do so, or for a person to falsely represent that he or she is so authorised.

Clause 60 makes special provision for consent to prescribed treatment (i.e., sterilisation, abortion and any other treatment prescribed by the regulations). This kind of treatment cannot be given (except in emergency situations) unless the Board has given its consent. A medical practitioner who does so will be guilty of an offence punishable by imprisonment. The same criteria on which the Board must make its decision as are set out in the current Mental Health Act are set out in subclauses (2) and (3).

Clause 61 provides that any consent given by the Board must be in writing.

Clause 62 provides that if the Registrar makes a decision or order while exercising the jurisdiction of the Board pursuant to this Act, the decision or order is subject to review by the Board.

Clause 63 empowers the Board or the Administrative Appeals Court to state a case to the Supreme Court on any question of law.

Clause 64 provides for the appointment of assessors to sit with a District Court Judge for the purposes of hearing appeals to the Administrative Appeals Court. Assessors will be drawn from two panels established by the Governor for the purpose. One panel will be of persons with appropriate expertise, the other will be of persons who have expertise in promoting the rights of mentally incapacitated people or expertise in other forms of relevant expertise. Subclause (8) provides that a psychiatrist must be one of the assessors for any appeal against orders of the Board made under the Mental Health Act.

Clause 65 gives a right of appeal against decisions or orders of the Board (whether made under this Act or any other Act) to the Administrative Appeals Court. The applicant in the Board proceedings, the mentally incapacitated person, the Public Advocate, any person who made submissions to the Board in the original proceedings and any other person who has a proper interest in the matter may exercise the right of appeal. The appeal is as of right in the case of an order for detention or a decision relating to sterilisation or termination of pregnancy. In all other cases, the appellant must seek leave to appeal either from the Board or the Administrative Appeals Court. Appeals relating to termination of pregnancy must be instituted within two days of the decision or order being made. The Court has an absolute discretion to close the Court during a hearing or to exclude specific persons from the courtroom.

Clause 66 sets out the powers of the Court to set aside, confirm or make substitute orders on an appeal. Costs can only be awarded against a party who has deliberately delayed the proceedings or whose conduct in relation to the appeal proceedings has been frivolous or vexatious.

Clause 67 provides that the Court is to conduct an appeal as a review of the original decision or order on the evidence that was presented to the Board. The Court can accept fresh evidence if it sees fit to do so.

Clause 68 provides for appeals to the Supreme Court of the decisions or orders of the Administrative Appeals Court. Certain matters are not so appealable, e.g., orders relating to terminations of pregnancy and orders made in relation to orders of the Board in exercising its appellate jurisdiction under the Mental Health Act. An appellant must seek leave to appeal under this section from the Administrative Appeals Court or the

Supreme Court. Costs cannot be awarded against the mentally incapacitated person.

Clause 69 provides that the Supreme Court must conduct an appeal as a review of the Administrative Appeals Court's order on the evidence that was before that court. The Supreme Court may admit fresh evidence.

Clause 70 allows for orders that are appealable to be suspended pending the outcome of an appeal.

Clause 71 entitles an appellant who is the mentally incapacitated person to be represented free of charge by a legal practitioner provided by a scheme to be established by the Minister. The Health Commission will pay legal fees, in accordance with a prescribed scale, where a private practitioner represents a mentally incapacitated person under the scheme.

Clause 72 enables a guardian or administrator (including an enduring guardian) to seek advice and directions from the Board as to the exercise of his or her powers.

Clause 73 requires administrators and guardians of the one person to keep each other informed over all substantial decisions.

Clause 74 makes it an offence for a person who has the oversight or care of a mentally incapacitated person to ill-treat or wilfully neglect the person.

Clause 75 provides a number of offences relating to falsely certifying that a person has a mental incapacity, making such a certification without examining the person, or otherwise fraudulently attempting to have a guardianship or administration order made.

Clause 76 makes it an offence for a medical practitioner, psychologist or other health professional to sign any certificate or report in respect of a person to whom he or she is related by blood or marriage (including a putative spouse relationship).

Clause 77 deals with improper inducement of a person to sign an instrument supporting an enduring guardian. This is identical to the offence in the Consent to Treatment and Palliative Care Bill.

Clause 78 provides that persons engaged in the administration of the Act must not divulge personal information regarding persons subject to proceedings under this Act, unless required or authorised to do so by law or his or her employer.

Clause 79 prohibits the publication of reports of proceedings before the Board or any court under this Act, unless the Board or court authorises otherwise. If it does so, the report must not disclose the identity of the person to whom the proceedings relate.

Clause 80 provides for service of notices personally or by post or fax.

Clause 81 provides the usual immunity from liability for persons engaged in the administration of the Act (this does not include guardians or administrators).

Clause 82 provides for certain evidentiary matters relating to orders of the Board.

Clause 83 provides for the making of regulations.

Dr ARMITAGE secured the adjournment of the debate.

MENTAL HEALTH BILL

The Hon. M.J. EVANS (Minister of Health, Family and Community Services) obtained leave and introduced a Bill for an Act to make provision for the treatment and protection of persons who have a mental illness; to repeal the Mental Health Act 1977; to amend the Adoption Act 1988, the Administration and Probate Act 1919, and the Aged and Infirm Persons' Property Act 1940; and for other purposes. Read a first time.

The Hon. M.J. EVANS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill makes provision for the treatment and protection of persons suffering from a mental illness and repeals the current

Mental Health Act 1977. It reflects the transfer of the guardianship and administration provisions to a separate Act, namely, the *Guardianship and Administration (Mental Capacity) Bill 1993* and the licensing of psychiatric rehabilitation centres provisions to the *Supported Residential Facilities Bill 1992.* It is essentially a redrafting of the remaining provisions of the current Act, with some restructuring of the administration of the Act, general updating and clarification of powers and inclusion of several new provisions designed to assist the persons coming within its ambit.

In relation to detention orders, a new provision is included to enable a person to be detained for a second 21-day period if two psychiatrists have separately examined the patient and believe such an order to be justified. Under the current arrangements, only one 21-day detention may be ordered (unless the person is considered to be a danger to others in the community). The amendment recognizes that some people require a longer period of assessment.

The Guardianship Board will continue to have a significant role in relation to persons coming within the ambit of the *Mental Health Act.* The concept of continuing detention orders is introduced (in lieu of the current custody orders). If the Board, on application, is satisfied that a person detained in an approved treatment centre is still suffering from a mental illness that requires treatment, and should be further detained in the interests of their own health and safety or for the protection of other persons, it may order detention for a further period not exceeding 12 months. An important feature of the new provision is its time-limited nature, as opposed to the current open-ended orders. Applications for such orders are to be made by persons in a position to provide the necessary service.

In relation to treatment orders, the Board continues to have an important role. Compulsory treatment orders for patients subject to long term detention will continue to be made by the Board. For people who still require treatment but not hospitalization, the Board may make treatment orders requiring attendance at a medical clinic. This could only be done under the current Act by the making of a guardianship order. The authority of the Board to consent to psychosurgery has been removed. In line with the United Nations Convention, it is no longer acceptable for psychosurgery to be performed without the consent of the individual who is to undergo the surgery.

In relation to reviews and appeals, under the current Act provision is made for the Mental Health Review Tribunal to review detention orders made by psychiatrists and custody orders made by the Board. The Bill provides for these reviews to be conducted by the Board, although the latter order is to be known as a continuing detention order.

As provided in the *Guardianship and Administration (Mental Capacity) Bill 1993,* appeals in relation to certain Board

decisions will be to the Administrative Appeals Court. A right of appeal to the Board against detention decisions by a psychiatrist will be continued, but with appeals going to a specific division of the Board, in lieu of the Mental Health Review Tribunal. The members who constitute the Board for the purpose of considering such appeals will sit exclusively in that jurisdiction. Legal representation will continue to be available for the person with the mental illness at no charge to the person for appeals to the Board and Court.

A number of other provisions are drawn to Hon. Members' attention. Consumers have argued strongly for mentally ill persons who are being transferred to hospital to be given the option to travel by ambulance in lieu of police vehicles. The Bill provides for this option.

Mental Health authorities in each State and Territory have agreed on the need for each State's legislation to assist the transfer of patients across State borders. The Bill makes provision for this to occur.

The Bill also establishes the position of Chief Adviser in Psychiatry. This position will provide independent oversight of clinical practice in the administration of this Act.

Transitional provisions have been included to ensure the smooth transition from the current arrangements to the new *Mental Health Act an*d *Guardianship and Administration (Mental Capacity) Act.* On enactment, all existing guardianship orders made under the previous legislation, including all ancillary mental health treatment orders, will continue to have effect as per the terms of the previous legislation. These orders will be reviewed by the Board within twelve months to arrange appropriate transition. All administration orders will, on commencement of the new Act, be considered to be administration orders under the *Guardianship and Administration (Mental Capacity) Act.*

This Bill, which was first introduced into this House in May 1992, has since then been the subject of consultation with interested parties. No substantial amendment to the Bill has resulted from this process.

I commend the Bill to the House.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides for commencement of the Act by proclamation.

Clause 3 provides necessary definitions.

Clause 4 charges the Health Commission with the administration of this Act. The Commission is subject to the control and direction of the Minister in discharging its functions under this Act.

Clause 5 sets out in subclause (1) the principles that are to guide all action taken under this Act in relation to a person who is mentally ill. Subclause (2) sets out various objectives that the Commission and the Minister are to endeavour to achieve. These principles and objectives are virtually identical to those set out in the current *Mental Health Act.*

Clause 6 creates the office of Chief Advisor in Psychiatry, to which the Governor may make an appointment, from time to time as necessary, on terms and conditions fixed by the Governor.

Clause 7 sets out the functions of this office, which is basically to be an advisor to the Government on matters relating to psychiatry.

Clause 8 allows for the Minister to declare any premises, or a particular part of any premises, to be an approved treatment centre where persons can be detained and treated pursuant to the Act. Such a declaration can only be made if the Health Commission so recommends.

Clause 9 obliges the director of an approved treatment centre to keep a register of patients within the centre.

Clause 10 obliges the Chief Executive Officer of the Health Commission to inform an inquirer who has a proper interest in the matter as to whether or not a person has been admitted to or is being detained in a treatment centre. On a patient being discharged from a centre he or she may obtain a copy of all orders, etc., by virtue of which he or she was detained or treated.

Clause 11 makes it clear that a person admitted to an approved treatment centre of his or her own volition is free to leave the centre at any time. Detention orders can be made in respect of such a person.

Clause 12 provides for the detention of mentally ill persons in approved treatment centres for the purposes of being treated for their illness. The first order is effective for 3 days, the second for up to 21 days and the third for up to 21 days. Thus the patient can only be detained under this section (i.e., under orders of medical practitioners or psychiatrists) for a continuous period of no more than 45 days. Orders may be revoked at any time by the director of the centre. Psychiatric reports on which 21-day orders are founded must be forwarded to the Board, as such orders are appealable.

Clause 13 provides for the continuing detention of a mentally ill person beyond the initial 45-day period, by order of the Board. Such an order cannot exceed 12 months, but of course a further such order can be made on the expiry of a previous order. The Public Advocate and the directors of treatment centres (or their delegates) are the only persons who can apply to the Board for such an order. A wider range of persons can apply at any time for the revocation of the order, including, of course, the patient himself or herself.

Clause 14 requires directors of approved treatment centres to comply with detention orders except that they may, before admission, arrange the transfer of patients to other approved treatment centres where desirable in the interests of the patient.

Clause 15 requires the director of the approved treatment centre to give a patient who is admitted and detained in the centre a written statement of his or her legal rights. A relative of the patient must also be sent the same statement, unless it would not be in the patient's interests to do so.

Clause 16 deals with the transfer of patients to other approved treatment centres.

Clause 17 empowers the director of an approved treatment centre to grant a patient leave of absence from the centre, which may be cancelled at any time by the director.

Clause 18 deals with the giving of treatment to a patient during the initial 45-day period of detention. This treatment (if it is not prescribed psychiatric treatment) may be given to the patient notwithstanding the absence or refusal of consent to the treatment, and includes medical treatment (other than sterilization or termination of pregnancy) as well as treatment for the mental illness.

Clause 19 deals with the giving of treatment to a patient who is being detained pursuant to a continuing detention order of the Board. In this situation, treatment can only be given if it has been authorized by order of the Board. Again, this does not include prescribed psychiatric treatment. Applications for treatment orders can only be made by a medical practitioner or the director of the approved treatment centre in which the person is being detained. Again, consent to the treatment is not

essential, nor is it to any other medical treatment of the patient (not being sterilization or termination of pregnancy).

Clause 20 deals with the compulsory treatment of mentally ill persons who are not being detained in approved treatment centres. The Board can authorize the giving of treatment to such a person (not being prescribed psychiatric treatment). Applications for this kind of order can only be made by the Public Advocate or a medical practitioner.

Clause 21 provides that a wide range of persons can apply for revocation of any treatment order under this Part, including, of course, the patient himself or herself.

Clause 22 deals with the giving of prescribed psychiatric treatment. Category A treatment (essentially only psychosurgery falls into this category at the moment) requires the authorization of the person who will administer it and of two psychiatrists (one being a senior psychiatrist) and also the consent of the patient, who must have the mental capacity to give effective consent. Category B treatment (i.e. shock therapy) requires the authorization of one psychiatrist and the consent of the patient or, if the patient is incapable of giving effective consent, the consent of a guardian or parent in the case of a child under 16, or a medical agent or, as a last resort, the Board, in the case of someone of or over 16. Consent can be dispensed with for any particular episode of treatment that is so urgently needed that it is not practicable to wait for the normally necessary consent. An offence of giving prescribed treatment in contravention of this section is an offence carrying division 4 penalties.

Clause 23 deals with the power of the police to apprehend a person who is believed to be mentally ill and to be a danger to himself or herself or others. If this occurs, the person must be taken to a medical practitioner for examination. Subclause (2) deals with the power to apprehend persons who have "escaped" from approved treatment centres in which they are being detained. This power can be exercised by the police and by directors of approved treatment centres and authorized staff of those centres. Subclause (4) empowers the police to apprehend persons for the purposes of enforcing compliance with a treatment order made by the Board. Ambulance officers are given the power to convey persons who have been apprehended and a power to assist medical practitioners in carrying out examinations or treatment, if requested to do so. An ambulance officer may also assist a police officer in the exercise of powers under this section. Police officers also have the power to assist medical practitioners on request, and may assist ambulance officers in transporting persons.

Clause 24 requires the Board to review detention orders made by medical practitioners or psychiatrists if such an order is made within 7 days of the patient being discharged from hospital after being detained under a similar order. The Board has a discretion as to the review of other detention orders under section 12.

Clause 25 requires the Board to revoke a detention order on completing a review unless the Board is satisfied that there are proper grounds for the order to continue in force.

Clause 26 gives a right of appeal to the patient, the Public Advocate, and any other person who the Board is satisfied has a proper interest in the matter, against a detention order made under section 12 by a medical practitioner or psychiatrist. The Board is the forum for determining such appeals.

Clause 27 provides that the Minister must establish a scheme of legal aid for patients who appeal to the Board against detention orders made under section 12. Private legal practitioners who act for a patient under this scheme will be paid by the Health Commission in accordance with a prescribed scale.

Clause 28 informs that the *Guardianship and Administration (Mental Capacity) Act* gives certain rights of appeal against orders made by the Board under this Act.

Clause 29 requires the Board to give the person to whom an order relates a statement of his or her appeal rights.

Clause 30 creates an offence (identical to that in the current Act) of a carer neglecting or illtreating a person who has a mental illness.

Clause 31 creates offences (again identical to those in the current Act) relating to the giving of authorizations or making of orders by medical practitioners, or by persons who falsely pretend to be medical practitioners, etc. These offences are punishable by division 5 imprisonment or fines.

Clause 32 provides that a medical practitioner cannot sign any order, etc., under this Act in respect of a person who is a relative or putative spouse.

Clause 33 makes it an offence to remove a patient from an approved treatment centre in which he or she is being detained, or to assist the patient to leave.

Clause 34 provides the usual duty to maintain confidentiality relating to persons with respect to whom proceedings under this Act have been brought.

Clause 35 prohibits the publication of reports on proceedings under this Act unless the Board authorizes publication. If a report is published, it must not identify the person concerned.

Clause 36 gives the usual immunity from liability for persons engaged in the administration of this Act.

Clause 37 provides for the making of regulations.

The *Schedule* contains various repealing and amending provisions. *Division 1* repeals the current *Mental Health Act. Division 2* firstly amends the *Adoption Act 1988* by giving an appointed guardian under the *Guardianship and Administration (Mental Capacity) Act* the power to give directions under section 27 of the *Adoption Act* on behalf of an adopted person or natural parent who is mentally incapacitated. Secondly, the *Aged and Infirm Persons' Property Act 1940* is amended by replacing the section that deals with the problem of "competing" orders under that Act and the *Guardianship and Administration (Mental Capacity) Act.* Basically, orders under the latter Act prevail. Thirdly, the *Administration and Probate Act* is amended by striking out the Part that dealt with the powers of administrators appointed under the *Mental Health* Act—these provisions are now incorporated in *the Guardianship and Administration (Mental Capacity) Act* 1993. Fourthly, the *Consent to Medical and Dental Procedures Act* is amended consequentially. None of these amendments is substantive, they merely pick up the different terminology used in that part of the new *Guardianship and Administration (Mental Capacity) Act* that deals with consent to treatment. It is obviously desirable for the two Acts to be the same.

The changes are mainly the result of the definition of "treatment", which replaces the narrower expression "procedure", thought by some not to include such things as the prescription of medicines, etc. *Division 3* contains necessary transitional provisions. The current Guardianship Board will of course continue to complete part-heard proceedings but any orders to be made must be made in accordance with the new Act. Existing guardianship orders must all be reviewed by the Board within the first year of the operation of the new Act and, if any such order is to remain in force, the board must vary its terms so that a guardian is appointed in accordance with the new Act. Similarly, all delegations of the Board's power to consent to medical and dental treatment under the current Act must be reviewed within three years of the commencement of the new

Act and must be revoked. Where necessary, a delegation will be replaced with a limited guardianship order empowering the guardian to give such consent.

Dr ARMITAGE secured the adjournment of the debate.

PUBLIC AND ENVIRONMENTAL HEALTH (REVIEW) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 1 (clause 3)—After line 19 insert new paragraph as follows:

'(ab) by striking out the definition of 'notifiable disease' and substituting the following definition:

'notifiable disease' means—

(a) a communicable disease included in the first schedule; or

(b) a communicable disease prescribed by regulation to be a notifiable disease:;'.

The Hon. M.J. EVANS: I move:

That the Legislative Council's amendment be agreed to.

This amendment was moved in another place by the Hon. Bernice Pfitzner. It seeks to extend and incorporate in the Act the nature of a definition of 'notifiable disease'. It is not a matter of enormous import, but I believe it does add to the Bill and, accordingly, I commend it to the Committee.

Dr ARMITAGE: The history of this amendment is as the Minister has said. The Opposition has no qualms with this whatsoever, so we are very happy to see it pass.

Motion carried.

SOUTH AUSTRALIAN HEALTH COMMISSION (INCORPORATED HOSPITALS AND HEALTH CENTRES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 2101.)

Dr ARMITAGE (Adelaide): The reason for this Bill which, I have to say at the beginning, the Opposition supports, is a great tragedy and, indeed, an indictment of an appalling situation over the past 18 months to two years in the South Australian mental health system, in which the denouement was the unfortunate death of a psychiatrist at Hillcrest Hospital. The gravamen of the Bill is such that the length of time for which an administrator in drastic circumstances can be appointed for an incorporated hospital or health centre is to be extended from four months to 12 months. Before dealing with that, I would like to deal with the unfortunate and drastic circumstances behind what happened at Hillcrest in late 1992.

The genesis of the debate in the House today is a hastily planned devolution of psychiatric services into the community by this Government, for many reasons which, I have to say, are valid, because there is no question that the devolution of psychiatric care into the community with the provision of appropriate services is undoubtedly the way to go. However, when one looks at a cash-strapped Government and sees large tracts of vacant land to be subdivided and sold for profit, one wonders whether dollars did not enter the discussions.

The Cabinet decision to devolve psychiatric care from Hillcrest and hence to close Hillcrest Hospital was a clear case of bureaucratic bulldozing and, from the speed at which it was done and the proposed speed of the actual devolution, unfortunately it was predictable that it would lead to the problems that occurred. The original decision was made secretively by Cabinet on 4 February 1991, without consultation with board members of the two hospitals who had been involved in initial talks regarding the proposal. I would put to the House that there is a clear relationship between the secrecy and the clandestine nature of the Cabinet decision and the ultimate failure of those changes.

Following initial discussions with the board members from the two hospitals in December 1990, all participants, including all board members, were prohibited from discussing the matter further. Between that time and the decision being made public, no-one outside the Health Commission was aware of it. Hillcrest Hospital board members, who were clearly to be intimately involved in any devolution process, first knew of this decision when they read about it in the *Advertiser*. Given that Hillcrest Hospital was the first psychiatric hospital in Australia to be given a three-year accreditation, given that it has a world-wide reputation, and given that the board members had every reason at that stage to be proud of the hospital which they were shepherding and caring for, it was an appalling lack of grace on behalf of the Government that it did not bother to consult those board members prior to announcing the decision. I put to all members that it is little wonder that things fell apart from there.

Indeed, the board of directors at Hillcrest Hospital very soon issued a special information bulletin and circulated it to all staff. That bulletin stated:

> The board, executive and staff of Hillcrest Hospital were extremely disappointed and angry to learn of the proposal in the way that they did. Subsequently, the executive discovered that a sizeable proportion of the projected savings from the closure of Hillcrest were to be directed to other areas of the health services, rather than to be redirected into mental health.

So, given that the board executive and the staff of Hillcrest Hospital, when they heard of this momentous decision, expressed disappointment and anger about learning of the proposal in the way that they did, it is little wonder that things went from bad to worse. The indictment of the Government is twofold: first, that it did not inform the board members and staff members that these changes were to occur, in other words, that it handled the situation like a bull in a china shop; and, secondly, that, despite repeated warnings that things were going wrong, those repeated warnings were ignored and tragedy resulted.

As I said, it was hardly surprising that things went from bad to worse. Once this had occurred, there were a number of disturbing signs, which included staff unrest and a variety of other easily predictable and identifiable reasons for things going wrong. I refer to another information bulletin put out by Hillcrest Hospital in

February and signed by Dr Norman James, of whom there will be more later, as follows:

It is unfortunate that staff were unable to be advised regarding the major changes put forward by the South Australian Health Commission and published in the *Advertiser* on Wednesday 6 February. The hospital executive believed that staff had a right to know prior to the general public, but permission was refused.

That is the underlying tenor of what the staff at Hillcrest Hospital were feeling about these quite momentous changes. I repeat: all international and interstate advice indicates that the changes themselves are laudable if enough support services are provided in the community. Another information bulletin from Hillcrest Hospital on 7 March states:

Board members learnt of the matter from the article in the *Advertiser* on 6 February, this also being the first communication to most staff. The board, executive and staff of, Hillcrest Hospital were extremely disappointed and angry to learn of the proposal in the way that they did. Subsequently, the executive discovered that a sizeable proportion of the projected savings from the closure of Hillcrest were to be directed to other areas of the health services.

Clearly, that was another reason why the staff felt uneasy; the money that ostensibly was to be saved by these plans of devolution, in fact, were to be siphoned off into other areas. Lord knows the staff, executive and board members of Hillcrest Hospital knew just how tightly their funds were already stretched. The sorry saga continues. I say that it is a sorry saga because it does indicate a complete lack of control by the Government over health services in South Australia. I refer now to an information bulletin from Hillcrest Hospital dated Monday 10 June to Sunday 16 June 1991, as follows:

An extraordinary meeting of the Hillcrest Hospital Board of Directors was convened on Monday 3 June at the request of the South Australian Health Commission.

What this official meeting was to do is set out as follows:

The board was requested to pass a resolution to repeal its constitution and dissolve the board on 30 June 1991, thus allowing the Minister to request the Governor of South Australia to dissolve the incorporation of Hillcrest Hospital so that SAMHS [South Australian Mental Health Service] could commence operation on 1 July 1991. This date of operation is now 12 August 1991.

We have the Government, via the Health Commission—and presumably the Minister had fingers in that pie—suggesting to the Hillcrest Hospital Board that it might dissolve itself, via the passing of a resolution to repeal its constitution, which would have left Hillcrest Hospital without any mode of operation. The hospital would still have had all its patients, because not one patient would have been devolved into the community. In other words, between 1 July and 12 August 1991, all the responsibility would have been there without any acceptable mode of operation. Indeed, there was no-one to run the hospital; there was to be no board. It was expected to have dissolved itself by motion and the SAMHS Board was not to take over for another six weeks—in a hospital with about 250 patients.

This indicates the absolute lack of attention to detail in this whole process. Unfortunately, the Government is hoist on its own petard, and it indicates a complete lack of sensitivity and planning on its part. How can a Government, with all its resources, with all its 323 people or whatever number in the Health Commission and all its ministerial advisers and research staff, expect Hillcrest Hospital to be without a board for six weeks? Plainly, it is an untenable situation, and it is a further indictment of how this Government has not managed but mismanaged the health system.

A further example is evident. Having been so definitive—like a bull in a china shop—about the closure of Hillcrest Hospital, the then Minister of Health was quoted in the *Advertiser* on 16 April, about two months after the closure had been announced and was causing such distress, as follows:

Closure will be reconsidered if community based psychiatric services will be more costly to run than the existing hospital.

I put to you, Mr Speaker, and to all sensible, sane and rational people—amongst whom I certainly include you, Sir—that this clearly indicates that the Minister of Health had not considered all the implications.

How can a Government sensibly expect a community to accept that one of two major psychiatric hospitals will be closed on the basis that there are savings to be made, despite the fact that the money is to dodge around the system and end up in different pockets, and then six weeks later have the Minister say, 'Closure will be reconsidered if community based psychiatric services will be more costly to run than the existing hospital'? That indicates two things, the first being that homework had not been done. Clearly, the Minister had no idea whether community based psychiatric services would be more or less costly to run and, given that the whole basis of the closure as well as the devolution of patient responsibility into the community was to save money, it was an appalling admission for the Minister to make.

I put to the House that this statement of the then Minister—'Closure will be reconsidered if community based psychiatric services will be more costly to run than the existing hospital'—clearly means that what the Minister was looking at was cost effectiveness rather than the provision of better health services. This indicates clearly that the then Minister of Health could not have cared less what the services were like. He could not have cared less because, on the one hand, on 6 February he announced with much gusto and glee that the hospital was closing and that the Government would save much money and, on the other hand, six weeks later he said, 'Hang on, we will reconsider that. May be we will not do that, because it might be more cost effective to run the hospital than the community based psychiatric services.' First, the Minister did not know the facts. Secondly, he did not care about what sort of health services were being provided. Further, there were many internal memoranda from the South Australian Health Commission. The first that I have is dated 3 December 1990 to the then Chairman concerning Hillcrest Hospital rationalisation and signed by the then director of the Mental Health Unit of the Community Services Division of the South Australian Health Commission, Mr David Meldrum.

As I mentioned earlier, I would refer to Dr Norman James, then Chief Executive Officer of Hillcrest Hospital, and it is in this context that I wish to bring Dr James into the debate. The SAMHS Board as it was constituted had a number of meetings to determine who

would be the Chief Executive Officer of Hillcrest Hospital. I am told that Dr Norman James was the most suitable applicant and, indeed, was a unanimous choice. Dr Norman James—who is one of the most eminent figures in psychiatry in Australia, and Hillcrest Hospital had been lucky to have him—said, 'Thank you very much. I would like very much to do the job. I am capable of doing it. I have had a lot of experience as the CEO of Hillcrest Hospital and I would now like to be involved in the SAMHS board in the broader context.'

The Government's decision was, 'That's great; here's your salary.' He said, 'I'm sorry; I don't wish to go down in salary. I'd like to have a right of private practice to continue to earn what I have been earning until now.' For whatever stupid reason, the Government said 'No', and within days of the Government's saying that to the person who was the first choice of the board, within days of that decision being taken, Dr Norman James was snapped up by an interstate hospital which was thrilled to get him. It could not believe that it was so lucky to pick up a person who was so eminently suitable in the provision of psychiatric care—and that hospital was in either Melbourne or Sydney, although I am pretty sure it was Melbourne.

For ideological reasons we have sacrificed the person who was the choice of the board. That is a great shame because the former Director of the Mental Health Unit, Community Services Division of the South Australian Health Commission, was given the job and it is he who caused some of the dissent. I have to say openly, Mr Speaker, that I do not in any way blame that person for what happened, because I believe that that person and the board of SAMHS were given a totally unfinishable job. I believe that the poison chalice of expecting those changes to occur in the short time in which they were given was unrealistic. So I do not blame in any way that individual, but it is, nevertheless, a fact that Dr Norman James, who was eminently suited for the position and who was the first choice, was not given the job despite repeated requests to the Government to allow him to do it.

We then come to the actual events of late November-December 1992. Again, I think this indicates a lack of ability or forethought and planning by the Government. I say that because, once the warnings had been continually rejected and once the tragedy had occurred at Hillcrest Hospital, there was about a week of uproar in the whole of the psychiatric services in South Australia from which it has not really recovered: it is recovering, but it has not yet recovered. We then see the decision of the present Minister of Health, Family and Community Services to make some major changes to the administration of the South Australian Mental Health Service, and it is that change we are debating today in that the board was dismissed and an interim CEO was put in in place.

I would like to quote from a notice to the staff of the South Australian Mental Health Service from the Minister of Health, Family and Community Services, dated 10 December 1992. It refers to the review team, which would include the administrator, who was then identified (and has since been) as Mr George Beltchev and who, as the Minister says, has a long history in public sector human services management. He will manage SAMHS for a period of four months, the term specified under the South Australian Health Commission Act (which is what we are now about to change). The Minister's notice to all staff of SAMHS says:

> A review team will also be put in place chaired by Mr Beltchev to advise on reform, and it will report directly to me. The other members of that committee will be an eminent South Australian psychiatrist, Dr David Ben-Tovim—

Dr Ben-Tovim was not on that review team: in fact, he has been replaced by Professor Cramond, who was the author of the Cramond report which was given to me, as Opposition spokesman on health, and which indicated many of the predictable changes and dilemmas to which the Government should have been wise enough to listen. I have absolutely nothing but praise for Professor Cramond being a member of the review team; I can think of no-one more eminent. But I do say that that is a measure of the administration of the Government that, in this absolute crisis situation, it got it wrong: it got two out of three correct, but 33 1/3 per cent wrong—and that does nothing to instil confidence in the process.

The process of the administration of SAMHS in this four month period has been an interesting one. In agreeing with the time frame of having that four month period expanded to 12 months, a number of inputs to me have said that a four month period is far too short because of the fact that changes are perhaps not identified in that time and that a lot of people were so busy, particularly with the advent of Christmas, holidays and all those sorts of things (for which I do not blame the Government). Those sorts of things occur. Given those outside factors, I believe that a four month period in this instance has not been enough to allow people who are busy and who are working for the good of their patients in distressing circumstances to sit down and prepare input which they may do otherwise. I am very relaxed, as is the Opposition, about extending this period.

It has also been put to me that 12 months is too long: 12 months, people have said to me, will allow a sense of casualness, a sense of, 'Well, we have still got another six months to go, we do not have to make the changes.' In fact, someone suggested to me that the change period should be eight months. I am certainly not moving an amendment; I am merely raising with the House the fact that in any of these periods people will say that it is a little too short or too long. However, I think that with a maximum of 12 months (as I understand it) there is some flexibility, so I believe that it is appropriate that that time be extended from four months to 12 months as this amendment Bill does.

I wish to make another observation in relation to that matter. I have had a number of discussions with people on the review team about the review process, and I signal to the House that I find it slightly disconcerting that, in all the discussions I have had with members of the review team, in answer to the direct question, 'Is four months long enough?'—because I am hearing distressing feedback that some of the changes will take longer than that—the answer has been, 'Yes, it's all covered. We will have absolutely no problems. It is a good period.' I find it disconcerting that we are now debating this Bill in relation to this circumstance at SAMHS. However, I believe that a 12 month period is appropriate.

In expressing the Opposition's support for the principle of a 12 month period during which boards can be dismissed and an administrator put in, I signal that the only reason we are having to debate this Bill is that the Government, over the past two to three years, has not heeded warnings, has not listened to feedback, and, when feedback was given, believed that that feedback was wrong. I hope that lessons have been learnt from this and that when people in the field give repeated warnings to Government it is acknowledged that they are doing it for the best outcome for their patients.

Mr Lewis: Witness the State Bank!

Dr ARMITAGE: I believe that there are other circumstances: as the member for Murray-Mallee says, input and feedback from people about the State Bank. I signal our general agreement with the principle. It is unfortunate that we have to discuss it in this circumstance but I do understand that, given the circumstance, something must be done. I intend to introduce one particular question in the Committee stage in relation to constitutions of boards, whether simple majorities of boards would need to be able to vote themselves out of existence, and whether the clause which we will be debating later in Committee will go against the constitutions of any hospitals in South Australia.

The Hon. JENNIFER CASHMORE (Coles): As the member for Adelaide has just indicated, the Opposition supports this Bill and has no difficulty in seeing the practical necessity for it. Nevertheless, it would be inadequate, I believe, simply to indicate support for the Bill without endorsing a great deal of what the member for Adelaide said in giving the background to the necessity for the Bill.

In speaking in this debate, I am really making a plea for deep consideration by the Government of the needs of the mentally ill and psychiatrically disturbed. I believe that those needs have not been well met and there is ample evidence, including the hideous tragedy which occurred at Hillcrest, to indicate that this is the case. The situation must be changed.

As the member for Adelaide so eloquently said, it may well be that one psychiatric hospital for South Australia is sufficient, and it may well be that community care is more appropriate than institutionalised care for a vast number of psychiatric patients. Nevertheless, the method and the manner of moving from one system to another is critically important, and it has not been well handled by the Labor Government.

I refer to an article published in the *South Australian Medical Review* in 1991, entitled 'What is the true cost of closing Hillcrest Hospital?' and signed by Philip Harding, then President of the South Australian Branch of the Australian Medical Association. Dr Harding pointed out that there was then, and there is certainly now, 'a considerable shortfall in establishing the kind of service that is being proposed' and that 'a current working facility will no longer be available to the people of South Australia'. He went on to say:

> This is particularly interesting in relation to the kinds of facts that are being unearthed by the Burdekin inquiry into the human rights of the mentally ill as noted in the *Australian* on 10 April, 1991.

I think he may also have been referring to an article in the *Australian* of 11 April 1991, from which I propose to quote shortly. Dr Harding said:

> The effectiveness of hospitals in treating the mentally ill is being questioned in its current form and if one envisages a further reduction—

that is, in addition to the reductions that had then already taken place—

> it is likely that further pitfalls will emerge. It is also interesting to note that provision for young people with psychiatric conditions has been described as 'pitiful'...

Later in the same issue of that journal, Dr Michael Huxtable, representing the South Australian Salaried Medical Officers Association, quoted from an article entitled 'The assault on psychiatry' in the *Lancet* of 17 May 1986. We are now going back more than 15 years, but it is very relevant to what is happening in South Australia today. He said, in quoting the words of a United Kingdom expert, Dr D. Goldberg:

> The policy of closing old-fashioned mental hospitals and replacing them with community care provides the rhetoric to justify financial cuts in high-quality services. District managers refer to efficiency savings and cost improvements when speaking of the remorseless destruction of clinical services built up over many years.

That is what we are seeing in South Australia with the closure of Hillcrest Hospital, which event, in effect, has led to this Bill, because it led to a tragedy which prompted the Minister—and all power to his elbow, because he acted decisively—in dismissing the Board of the South Australian Mental Health Service and installing an administrator. A Minister who lacks confidence in a board is entitled to take that drastic action. The purpose of this Bill is to ensure that any administrator who is trying to clean up an inadequate system, or a system that the incumbent Government believes is inadequate, has sufficient time to do it.

I do not want to dwell at length on what the member for Adelaide said because, in my opinion, as shadow Minister, he covered the issues very effectively. I simply want to plead with the Minister to recognise that, unless sufficient funds and sufficient resources are made available, the sufferings of the mentally ill in South Australia will be exacerbated. Not only that, but the difficulties imposed on those who care for the mentally ill will also be exacerbated.

I have just had a quick flick through the file in the Parliamentary Library which deals with mental hospitals. There is article after article, best summarised perhaps by the one from the *Advertiser* of 13 April 1991, which is headed 'Crisis for psychiatric services'. The author of the article, Mr Barry Hailstone, says that those working in South Australia's mental health services fear the move (that is, the move to close Hillcrest Hospital and the associated Invicta workshops) has been inadequately planned and will have disastrous consequences, resulting in insufficient funding for community-based services and 'homelessness' among psychiatric patients. That could not have been more pressing because disaster is exactly what did happen.

I go back to the early 1980s when the psychiatric hospitals were the last of the major hospitals in the Adelaide metropolitan area to be incorporated under the South Australian Health Commission Act. At that time

and still, I believe, as amply demonstrated by this Bill, there was a pervasive feeling that the mental services were the cinderella of the health services in South Australia and that the psychiatric hospitals were somehow or other of lesser status and importance than the other teaching hospitals in this State.

In a serious effort to overcome that pervasive attitude, I went to considerable trouble to appoint boards to both Glenside and Hillcrest which would give status to both those hospitals. I spent considerable time selecting board members who had standing and influence in the South Australian community and who I believed could be relied upon—and my belief was well placed—to administer those hospitals with all the skills that such administration requires. My recollection is that I appointed Mr Adrian McEwan as the Chairman of the Glenside Hospital Board and Mr Alan Swinstead as the Chairman of the Hillcrest Hospital Board. Some members of that original board were reappointed by my successor, Dr John Cornwall—some were not, but most were—and some were subsequently reappointed by the present Minister's predecessor, the member for Baudin, Dr John Hopgood. Among those who remained throughout, I would like to pay tribute to Mrs Yvette Amer, whose dedication to the mental health services of South Australia has been sustained and who has been a powerful and effective advocate for the mentally ill in this State.

As I said, I support the Bill, but I suggest that the Minister re-reads, if indeed he needs to, some of the clippings in the file that tell the sorry saga that has led to the introduction of this Bill. There was little faith in the way the South Australian Health Commission went about closing Hillcrest, leaving Glenside, other teaching hospitals and, indeed, private hospitals for institutional treatment. The mess that has had to be cleaned up as a result of the inadequate resources made available by the Health Commission has led to tragedy, which has really pulled the system up short and made the Minister respond.

I conclude by quoting from the article to which I referred earlier and which was published in the *Australian* of 11 April 1991 in which Dr David Leonard, representing the Royal Australian and New Zealand College of Psychiatrists, is reported as having told the national inquiry into the rights of the mentally ill in Australia that the move towards community care had led to a 70 per cent reduction in hospital beds in the past 25 years despite a 25 per cent increase in the general population. Dr Leonard went on to tell the inquiry that the most poverty-stricken group in the community, alienated or alone, eke out their days in a monotonous way often still tormented by the symptoms of mental illness. They are poverty-stricken because they cannot earn income and they cannot earn income because of their mental illness. Dr Leonard told the inquiry that these patients should have access to extended care in hospitals where they could be provided with adequate treatment.

In South Australia, the Government is proposing to close one of the institutions that provided that adequate treatment, but, in the opinion of many members on this side of the House and, I suspect, many of the Government's own members, it has not yet provided sufficient resources to compensate for the lack of institutional care. Of course, an administrator may need more than four months to ensure that the system is set on the rails. It is questionable whether the four months allowed to Mr Beltchev at Hillcrest are sufficient. If they are not, I hope that the Minister will see that whatever needs to be done to ensure that Mr Beltchev's brief is extended is done. I repeat that it is not only a question of adequate resources; it is how those resources are used. The psychiatric patients of South Australia need powerful advocacy if their needs are to be met sufficiently. I support the Bill.

Mrs HUTCHISON (Stuart): My comments will be brief, but I rise in support of the Bill as other members have done because I feel it is a necessary part of the structure that will enable us to provide equality in mental health service for all South Australians. I have become increasingly aware, certainly during the time that I was Chairperson of the Port Augusta Hospital Board of Directors, of the need for services to be taken out to country areas. I support the system that is being offered because I believe that we can provide a better service to country areas such as my own through this system. I have had discussions with groups in my electorate regarding the proposals for a new mental health service for South Australia and, by and large, I believe those discussions have been positive although a number of areas of concern have been expressed.

I do not think there is any need for me to go into the background of this legislation but I should like to say that I am very optimistic about the new direction that is being taken. I should also like to congratulate Mr Beltchev, who was appointed by the Minister to take over when the unfortunate events occurred which necessitated the appointment of an administrator. When I contacted Mr Beltchev with some of my concerns, he was very cooperative and proved that he was quite willing to go out to country areas in order to find out what were the concerns at that level and to see whether he could implement some changes. I congratulate Mr Beltchev on the cooperative way he spoke to me and to the individual groups in my electorate. He listened to their concerns and tried to allay some of them. He also tried to take on board the advice he was given with regard to the increasing need, particularly in country areas, for the provision of a good community-based mental health service. Obviously, I cannot speak for the needs of the metropolitan area. That is what can be achieved through this legislation and through the negotiations that are occurring at all levels.

I am hopeful that Mr Beltchev will have sufficient time to consider very thoroughly all the concerns that have been expressed. I am aware that he is prepared to go to other areas and, although I am not sure which of those areas he has been able to get to at this stage, I know that he will travel to all areas of the State to discuss the needs at local level. I congratulate the Minister on the appointment of Mr Beltchev. I feel that he will do a very good job and I look forward to some good recommendations from him when he has an opportunity to look at the legislation that will be put in place.

Mr LEWIS (Murray-Mallee): It has already been stated that the Opposition supports the measure.

However, it warrants some observations as to the consequences of using the unfortunate and avoidable incidents at Hillcrest Hospital as the vehicle for altering the law as it impacts in the general case. Existing section 58a provides:

Where the board of an incorporated hospital or incorporated health centre:

(a) contravenes or fails to comply with a provision of this Act or of its approved constitution;

(b) has, in the opinion of the Governor, persistently failed properly to perform the functions for which is was established;

the Governor may, by proclamation, remove all members from the board...

The Governor may, by proclamation under subsection (1) or a subsequent proclamation, appoint a person on conditions determined by the Governor to administer the hospital or health centre or a new board.

The interpretation that has been placed in the Acts Interpretation Act on the meaning of the word 'Governor' is, quite literally, the Government. In this case then, it is the Minister. No Cabinet would go against the directions of a Minister, certainly not a Government of the ALP. That has never happened, in my knowledge. In fact, we have had some real crazies in the job as Health Minister. Cornwall was one of them. Can members imagine giving this power to John Cornwall when he was Minister of Health? The kind of fits and tantrums that that man used to throw in hospitals would have him, under the amendments, dissolving hospital boards right, left and centre and threatening to do that if not doing it. He was never one for attempting to understand a position anyone else might take where it differed from his own. That simply was not within his ken or inclination.

So, the amendments which differ from that which I have just read into the record, the provisions of the Bill, effectively strike out section 58a (1) and replace it with, 'has, in the opinion of the Governor, been guilty of serious financial mismanagement.' In other words, John Cornwall could have claimed that in his opinion a hospital board had been guilty of serious financial mismanagement and, in a fit of temper, he could have decided that it needed to be gingered up and he could have threatened it with the sack. Additionally, we already have the second provision. That is explicit, because that is written into its articles of incorporation. Moreover, there is an additional provision that the board can dissolve itself if the majority of it decides to do so; it can simply disappear into the dust.

I agree with my colleague the member for Adelaide that, where an administrator is appointed in place of a board, at present the law allows it to be for only four months, but the provisions of this Bill enable the administrator to be appointed for 12 months, and that is too long. The Government ought to be required to make a further proclamation. That being the case, it would enable the Parliament and the public to be reminded of what is happening and to be able to debate the measure if the things that are happening are not appropriate. I am talking not just about country hospitals—and I am certainly going wider than the Hillcrest Hospital to which this measure is addressed to avoid the circumstances which arose there ever recurring—but about country health centres. I have a couple of those in my electorate that in my judgment are very well run and ought not to be tampered with by the Minister—and nor should the Minister have the power to tamper with them.

All members need to be aware that, wherever we see the word 'Governor' in legislation, it really means 'Minister'. It really does: that is the way the ALP has chosen to define that, and that is the way it has been accepted in recent times. I am worried about that aspect because I know that, had John Cornwall had access to the powers contained in this amending provision, he would have sacked the boards of the Blythe and Tailem Bend hospitals long ago and simply taken over the assets of those communities. So, I am apprehensive about the width of the powers which are now provided for the subjective determination of the Government, naturally acting on the advice of its Minister. Nobody in this place will convince me that my concern is not well founded.

Earlier this afternoon, we heard the Premier saying that he was not responsible for the State Bank, yet he is a member of the Government, and it is the Government's advice to the Governor which determines what the Governor will do in Executive Council. Just last week we saw the member for Unley wearing his current ministerial mantle disclaiming responsibility for something which had been done in his electorate at his instigation for his political advantage by the Government in Executive Council, and the list could go on. That is the reason for my concern. It is too subjective, and there is inadequate opportunity for real debate of the decision here in the place where the people's representatives assemble, and there is inadequate opportunity for the amendment or alteration of any such discretionary action.

Having then taken a close examination of my concerns about the powers which the Governor—indeed the Minister—is given by the provisions as we see them, I now turn to the remarks which were made in substance by both my colleagues the members for Adelaide and Coles, particularly the member for Coles. It is not good enough to adopt the rationale which appears to have been taken on board by the Government in closing hospitals such as Hillcrest and determining as a matter of philosophical principle that the people who have otherwise been kept there as patients in an institutional setting are simply turned loose in the community. I looked at the kind of mess which that policy created in America some seven years ago, in 1986. In the cities where the climate is more pleasant, you can see someone freaking out every 30 seconds as you walk along places such as Mission Street, Spring Street, in the tenderloin district of San Francisco or in the downtown areas of Los Angeles, along the beaches of San Diego and all the way between San Diego and Los Angeles.

For that reason, I think it is quite the wrong way to go to remove 70 per cent of the patients from those hospitals. As was pointed out by the member for Coles, that is a 70 per cent reduction in bed numbers, in spite of the fact that the population has increased by 25 per cent. To allow them to go back into the wider community is simply not proper. It is not compassionate and it is not reasonable. It is neither helpful nor healthy for the person who is so afflicted, and it is not helpful to others of limited intellectual capacity to understand in the wider community. Children and some adults do not understand the aberrational behaviour or behavioural

disorders which may manifest themselves in the people who are released from institutional care and who are unable to look after themselves.

If we want a graphic illustration of the kind of prejudice, fear and bigotry that can develop in the minds of children, all we have to do is remember the example provided for us in the book *To Kill a Mocking Bird,* in which the children of Atticus, the attorney, were so prejudiced in their outlook and attitude towards Boo Radley, who was simply a person afflicted by not only physical disability but mental illness of one kind or another. To have a person who is otherwise harmless in every way released in the general community where they look different in the eyes of children, to be ridiculed by those children, become the butt of their jokes, and so on, is cruel to both, because it develops the wrong kind of attitude in the minds of the young people.

It also is cruel to the person who is otherwise of limited intellectual capacity afflicted by some mild or even chronic mental illness. What was done at Hillcrest provides a model of the sorts of things which should not be done. Better institutional care needs to be provided in which proper supervision of medication can be undertaken and appropriate supervision made of the day-to-day activities of patients to ensure that we care for them in a compassionate way and enable them to live a life that is as fulfilling and undisturbed as possible.

Hillcrest Hospital had a zoo in which a number of animals were kept and with which the patients could relate. Being exposed to those animals helped the mid or long-term patients and even some of the short-term patients in their recovery. They developed more sociable behaviour patterns through their relationship with those animals, which they were able to look after. Some species could be petted and, indeed, they enjoyed that—

The SPEAKER: I ask the honourable member to relate his remarks to the Bill.

Mr LEWIS: I am, Mr Speaker, because in his second reading explanation on page 2107 of *Hansard* of 17 February, the Minister drew attention to what he perceived as adequate provision for the treatment of patients who leave Hillcrest by way of these amendments, which make good what was wrong then—something that I dispute. The Minister said:

> Members will recall the unfortunate circumstances which arose in the South Australian Mental Health Service late last year. The tragic death of a doctor was followed by a series of events which necessitated decisive action to restore stability and ensure the maintenance of patient care.

I am referring to what happened at Hillcrest and the way in which the delivery of care for those patients was altered forever by the changes facilitated by the amendments in this measure and referred to by the Minister in his second reading explanation. That goes to the heart of my protest at this point. It is not good enough for us as a society to turn those people out and deny them adequate access to social workers or to the kinds of experiences which otherwise they would and have been able to get. I worry about that.

I have an interest in mental health services not only because of my professional interest in the work of my wife but for other more personal reasons. I am disappointed that the Government has dealt with mental health services in this way and decided to change the way in which it can dissolve a hospital board in the general case based on, in particular, that unfortunate experience at Hillcrest last year.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I would like to thank members who have contributed to this debate and the Opposition for its formal indication of support for the measure. These amendments canvass a very limited area of change. The first proposed area where the Governor may consider the removal of a board relates, of course, to serious financial mismanagement. Arguably, that term of reference was included in the previous definition, but the previous wording was somewhat broader. Because of the enormous sums of taxpayers' dollars that flow through many health institutions, I believe that it is essential that, in respect of issues of financial mismanagement, which, Mr Speaker, as you are aware, have come much more to the fore in the early 1990s in this State, we have those kinds of controls in relation to the health area as well. So, it is quite arguable that it is not an addition to the existing terms of reference but merely a clarification of the fact that serious financial mismanagement is, and must constitute, grounds for the removal of a board. I do not think that anyone in this Parliament would dispute that.

Term of reference (c) regarding the failure to perform a function for which it was established is obviously a repetition of an existing provision and merely restates the present law. Paragraph (d), which provides that the board may seek its own dissolution based on the majority of members of the board advising the Minister that they are unable to perform properly the functions for which it is established, is an addition. That provision is based on an existing case where, I think, it would have been desirable, and it is sensible to allow boards to seek a dissolution, but of course this does not necessarily mean that that dissolution would be granted. An individual board, which felt that it was having those kinds of difficulties, might well seek its dissolution, which the Governor would or would not grant, based on the Governor's interpretation of the existing situation. So, the board does not have an automatic right to obtain dissolution.

A number of members have canvassed issues relating to the Mental Health Service, which is not particularly detailed in this Bill. It is the most recent and substantial example of this kind of power being exercised; therefore, it is relevant to talk about that matter today. The member for Adelaide went into considerable history about this matter, some of which I do not necessarily agree with in all its fulsome detail. However, I do not believe that it is productive to examine that history in detail in this debate: first, because it is only one part of the topic covered by the Bill and, secondly, because it is an area in which we need to move forward.

As the honourable member correctly indicated, the review team has been in place for a while. I have spoken to members of the review team collectively on a number of occasions, as I know the honourable member would have, and it is making substantial progress with its work. I am fairly confident that, as the honourable member has said, the review team could complete its task within four months. However, the review team is not the sole subject

of this part of the debate. The administrator is actually the subject of this debate rather than the review team. While I am sure it is correct to say that that team could complete its review of the directions of mental health in a four month period, it may not then follow that the administrator would be in a position to hand over the administration of the Mental Health Service to a new board within that same period. So, I think we must examine both aspects of that issue.

I certainly would not like to come up against that four month deadline in terms of the seriousness of the issues that are raised here, with the review team having completed its task with a few days to spare within that four month period and then finding that the administrator did not have an adequate opportunity to implement some of the preliminary recommendations of the review team and put them in place before a new board took over. It is also the case that preparing a new board, obtaining the consent of members to serve and, indeed, consulting with the community to determine who should serve on such a board would take some time. So, I think the period of four months is too limited. The reality is that, in some cases—and I assume specifically in this case—12 months would be too long.

As the member for Adelaide correctly pointed out, one can appoint an administrator for a lesser period if that is desirable, but this amendment covers all health units not just one particular unit, and it may well be that in examples of very serious mismanagement or in the case of a large institution one might need up to 12 months to ensure that the problems were sorted out. Members should not underestimate the sheer size of some of our health units and the diversity of the work they undertake, and it may well be desirable to have a longer period. That point was recognised in the only comparable legislative change, which relates to local government, where the period for the replacement of a council by an administrator was expressed by this Parliament to be 12 months. I think that is an appropriate term. However, where a lesser period can be fixed, I as Minister undertake to ensure that the administration of the health unit concerned, is turned over to the normal processes in the minimum possible time. Of course, Ministers are subject to parliamentary and public scrutiny if they do not meet that kind of time frame.

Other members have raised the issue of patients in the mental health system being 'turned loose in the community' or dislocated from Hillcrest Hospital and simply left to their own devices in the community. That is not what the devolution process is about at all. Certainly, the review team has very correctly identified the importance of establishing alternative facilities at three of our major metropolitan hospitals—Lyell McEwin, Noarlunga and the Queen Elizabeth—and for those extra beds and facilities to be in place before the corresponding wards at Hillcrest are closed. Indeed, the proposal relates to some 20 beds at Lyell McEwin, Noarlunga and QEH, that is, some 60 beds in total. The proposal also includes the relocation of additional beds to Glenside Hospital and, at the end of the day, the same number of hospital beds for our mental health patients would be available after devolution as before devolution, except that those beds would be located in the community where the patients live.

We would be devolving those services out into the community but, because they would be incorporated in existing hospitals, the efficiency of that operation would be such that we would expect to free up funds from the devolution of Hillcrest; that facility at Hillcrest would no longer be required and, as the member for Adelaide indicated, the land could be sold and staff savings could be made at that location. This would free up funding to be used both at the devolved hospital location and in the community support teams, which would be funded as part of that process. They go together. As I know you are well aware, Mr Speaker, the importance of those community support teams cannot be stressed enough.

They are a vital, parallel component of the hospital-based support that will be available under devolution. Indeed, I have given a commitment that the funding that is freed up by the Hillcrest devolution process will be quarantined within the Mental Health Service to the extent that we need to fund all those extra services in the community and the hospital based services. They will have the first and absolute priority call on the funding that is freed up. This is not about budget measures, particularly: this is about the national health strategy of devolving mental health services to the community. I know that all members support that devolution on a bipartisan basis, and it is quite critical that we do so.

However, it is also essential that the staff, the client groups and the community understand that process and are comfortable with the management of it. That is clearly where the previous administration of the mental health system had not succeeded; while it had the correct strategy and objective, it had not succeeded in explaining to the staff members involved, the client groups involved and, indeed, the community how this process was to be undertaken and to satisfy those people that the correct steps were in place. That is why it was essential that the Government had to act as it did last year to put an administrator in place.

As other members have indicated, that administrator and his supportive review team are doing an extremely good job. I believe that the State should be grateful to the work of the review team, the members of the community, who have assisted considerably, and Mr George Beltchev who, as the administrator, has put a great deal of work into this process and, I believe, has brought much order and stability to it.

Members should not assume that the only basis of this is the mental health system: it is not. It is a general amendment which restates and clarifies the existing law and which provides a much more realistic time frame under which the appointment of an administrator, the resolution of problems and the restoration of normal processes of Health Commission activity can be restored. It is on that basis that I commend the Bill to the House.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Provision where incorporated hospital or health centre fails persistently to properly discharge its functions.'

Dr ARMITAGE: I understand the reasons behind new paragraph (d) of section 58a, and I support it. My questions are based on the fact that this clearly means a

simple majority of the board; are there constitutions of hospitals around South Australia that would indicate that, for a board to seek to dissolve itself, it may require a two-thirds majority or some other majority other than a simple majority? If that is the case, does this clause supersede those other constitutions, or how would that be handled?

The Hon. M.J. EVANS: This clause would supersede any contrary provision in the constitution of the health unit, because this Act prevails over the constitution of any individual health unit. So, to that extent, it would supplant an individual constitution that had a contrary provision. I think many of the clauses in those individual constitutions would be on the basis that the institution was being wound up and would cease to function in its present form. That is not the basis on which this is contemplated: it really is looking at it from the point of view that the institution should continue but that for a brief period it needs intervention to sort out internal problems of whatever nature and that, therefore, an administrator should be appointed to supervise the continuing operation and then hand back the process to a board at the end of that time.

So, I think that, while the provisions of the constitution to which the honourable member refers would indeed be supplanted by the precise terms of the Act, they are probably addressing a different area and seeking to prevent boards from closing down their agency or health unit without a substantial majority, and that is quite correct. This is a question about continuing management, and I think it addresses a different area. A majority would be a majority of the members of the board then in office so, while it is a simple majority, it would have to be of the members of the board. So, I think it does contain the appropriate safeguard. Of course, one has to remember that by definition this would obviously be a board in some degree of crisis, and therefore one would not look to impose undue constraints on that, because clearly it would not be seeking the appointment of an administrator, unless there was some substantial difficulty to be resolved.

Clause passed.

Title passed.

Bill read a third time and passed.

DISABILITY SERVICES BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 2137.)

Dr ARMITAGE (Adelaide): This is essentially a Bill that will allow some transition funding, so-called, to come to the State via the Commonwealth-State Disability Agreement, which was signed at the special Premiers Conference in July 1991. This disability agreement establishes three categories of funding to the State from the Commonwealth, as follows: first, the transition funds of $1.7 million, which the passage of this Bill will see come to South Australia; secondly, grants moneys and an additional amount of money to be determined regarding the administrative or overhead costs for the transfer of the services from the Commonwealth to the State; and, lastly, funding of growth or need of disability services. It is about this third of the funding aspects—third in importance but not in actual dollar terms—that I wish to speak. The Commonwealth has agreed to provide growth funding for each year of this disability agreement, and in 1992-93 South Australia will get $499 000, which will increase over the term of the agreement, which finishes in 1995-96, to $987 000.

I applaud that. However, there is a real dilemma for this State in that the growth funding, according to this agreement, ceases in 1995-96, and there is absolutely nothing binding the Commonwealth to provide any growth funding under this agreement. The problem for South Australia is that we have a low tax base and there is not the flexibility within the tax system, as the larger States have, to necessarily grow services as they are needed. This is especially important when the larger States clearly in their self-interested manner (and I understand all of that; we would be the same) suggest that funding for disability and health services and so on ought to occur on a per capita basis. Quite clearly, that would disadvantage States such as South Australia that have a small tax base.

Whilst I understand the specific terms of this disability agreement signed in July 1991, and whilst we will benefit in the interim, the big red light is flashing for 1995-96. Services for the disabled are clearly of import to all thinking and rational people in South Australia, and I believe it is a credit to the maturation of society that the principles and objectives as noted in the Bill would be regarded as quite *de rigueur,* in fact, almost *a fait accompli* in society today. That was not the case a few years ago. To have people with disabilities discriminated against because of those disabilities is absolutely abhorrent in our mature, educated and hopefully intelligent society. That is highlighted by our talking about such things as people with disabilities having the inherent right to respect for their human worth and dignity, and people with disabilities having the same rights as other members of the Australian community to the assistance and support that will enable them to exercise their rights, discharge their responsibilities and attain a reasonable quality of life.

The fact that we can talk about those sorts of elements, as stated in the principles and objectives under schedules 1 and 2 of the Bill, and feel at home and comfortable in agreement with them without being at all affronted is a credit to society. However, it is also a fact that, without focusing on those elements in a legislative fashion, society might tend to slip back. In some instances, it has paid mere lip service to the disabled, and we must do better.

I quote the case of disabled access. We talk in the Bill about people having the right to normal life-styles, fundamental human rights and respect for disabled human worth and dignity. Yet, as I have been known (even against Standing Orders) to interject sometimes in Question Time (on rare occasions, I hasten to add), there is no disabled access to my electorate office, despite numerous requests to various Ministers for such disabled access.

Members interjecting:

Dr ARMITAGE: I note that members opposite agree that their office is the same. Until we as a Parliament provide for the disabled access to the offices of members

of Parliament, we can be regarded as shams because, to me, it is absolutely appalling that my office, by dreadful design, has a large step so that, if people in wheelchairs come to see me—indeed, a number of people come to see me, first, as their local member and, secondly, as the shadow Minister of Health—there is a fiasco in getting those people into my office.

A number of potential solutions to the problem have been suggested, including the provision of ramps on the footpath—and that is against council by-laws—or the installation of doors at the back—but the office is too small and the door will not open. It is my view that such difficulties should be overcome by a caring, intelligent, rational and thoughtful society. If that means expenditure of a little money so that I have to change my office to make it accessible to the disabled, so be it.

In Parliament House we have exactly the same problem of access: people have to come up via all sorts of odd entrances to get in, and thus their rights are not respected. Why should people who are disabled have to enter through unusual doors when they have just as much right to enter Parliament House as anyone else?

While talking about the general subject of disability regarding a number of people who have a variety of disabilities, I point out that the matter of disabled access to toilets in public establishments has been raised with me on a number of occasions. Again, we as legislators must address this issue, because it has been put to me that the disabled loo, for instance, may be there, with facilities behind the door of the toilet, but in many instances getting to these toilets is like a snakes and ladders course: people have to go up in lifts and down through other places, and it can be a real nightmare. As legislators, we ought to ensure that there is better supervision of design. While people can present a design for a building which ostensibly has 'disabled toilet' marked with all sorts of big red signs and ticks, if it is not accessible, we might as well not have it there. Having addressed the matter of growth funding, I believe the whole question of disability services clearly revolves around funding. As I indicated concerning my electorate office, if that means a change in lease or whatever, so be it.

The Bill talks about obligations on service providers and researchers, but there is no specific mention of any monitoring of the quality of service or service providers, other than the fact that the Minister 'may require any funded body to enter into a performance agreement containing terms and conditions which the Minister believes will ensure the objectives of the Bill are carried out'.

Certain standards have been developed by the Commonwealth for monitoring service providers as to the quality of service they provide. It is my view that this is an important element in the provision of disabled services. On that topic, further input has been given to me that, unless there are realistic—I hesitate to use the word 'penalties'—

Mr Lewis: Sanctions.

Dr ARMITAGE. I thank the member for Murray-Mallee. Unless there are realistic sanctions on service providers for the provision of good services, the obligations on service providers are toothless. It has been put to me that one of the conditions that the Minister might well include in any performance agreement with the providers of services would be the possibility of removal of funding, because it is my experience that the sword of Damocles hanging over the head of a service provider—of having their funding removed—constrains the mind quite remarkably on the provision of their services and on the quality of those services which they provide.

Much is made in the Bill about the consultation with persons with disabilities and their carers. Whilst in the broader sense that is admirable, suggestions have been made to me that individual advocates of people with disabilities ought also to be included. I believe that in the community at present there is unease about the concept of advocacy within the disabled area, and at this stage I would not be in favour of enshrining that particular clause in legislation. I am a great supporter of advocacy, but I believe that, in order to address the whole question of advocacy, it might be important that a review of advocacy in general be sought. I seek leave to continue my remarks.

Leave granted; debate adjourned.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

The SPEAKER: I inform the House that at the stage of preparation of the Royal Arms Bill, a clerical error was discovered in the Firearms (Miscellaneous) Amendment Bill. An amendment to the last clause in the Bill which was passed by the House of Assembly was inadvertently omitted from the Bill transmitted to the Legislative Council.

There is no doubt that the amendment was properly passed in Committee and that the error is clerical. I have therefore prepared a message to the Legislative Council which draws attention to the omission and requests reconsideration of the Bill by the Council.

DISABILITY SERVICES BILL

Adjourned debate on second reading (resumed on motion).

Dr ARMITAGE: I was mentioning the concept of advocacy. I am a great believer in the role of advocates, particularly in the vexed area of services provided to the disabled. It has been put to me that, because of some of the difficulties, dilemmas and uncertainties being experienced with the role of advocates and the general concept of advocacy in this area, a broad review of advocacy may well be opportune.

The Bill refers to the review of services, but a number of questions remain unanswered. The most important of these is who will actually do the reviewing of the services, as well as the fact that persons with disabilities and their carers ought to have the right to participate in these reviews. Some of the amendments which I shall move later, without anticipating the debate, will see some of those rights looked at.

The review period in the Bill of not more than five years seems too long, particularly given that so many of

the bodies which provide services to the disabled are clearly given annual funding. I believe that the input to me in relation to this has been quite relevant. Accordingly, we shall move to see that changed from five to three years.

I shall deal with a number of other matters in the Committee stage, but prior to concluding I point out that the Bill specifically provides that any proposed review of the Act must include consultation with a wide range of providers of disability services and the persons who use those services—a laudable aim. However, I was surprised when I circulated the Bill within the past 10 days, given that it came into the House not long ago, that so many of the peak disabled/disability services and other groups knew nothing of it, particularly given that there has been so much discussion over the past several years in regard to the disabilities directions project.

It was a surprise, and some people felt quite disfranchised by the fact that they had had no input into the drawing up of the legislation. The first thing they knew of it was when I had written to them. Equally, they point out to me, in fairness, that since my letter to them they have received notification of the legislative process advancing, but I believe that in the overall scheme of things, given that the disability directions project has been discussed for such a long time, to have this Bill brought into the House and then debated so quickly without input from those peak groups is a mite inconsiderate.

The other point I wish to make involves the question of funding. In his second reading explanation the Minister indicated that members would be aware that there are many demands on services in the disabled area. He further went on to say, 'Regrettably there are waiting lists for services'. Indeed there are. It is a mark of our society as to how we care for the people who are unable to care for themselves. It is an indictment on the Government and indeed on society, and I will just take one example of waiting lists. There are 200 families on the urgent accommodation list of the IDSC. A number of those families are at absolute breaking point, and this society—

Mr Holloway interjecting:

Dr ARMITAGE: The member for Mitchell interjects: perhaps the honourable member would like to come out with me and visit some of these families.

Mr Holloway interjecting:

Dr ARMITAGE. The honourable member indicates that there are plans which he believes will not help these families. I am trying, as I am discussing this matter, to be as constructive as possible. It is a fact that the Minister has identified a waiting list for these services, and it is a fact that there are over 200 families on an urgent accommodation list. It is further a fact that these families are being absolutely devastated by these waits. In many instances, they are foster or adopted children and the families have saved the State hundreds of thousands of dollars—indeed, perhaps millions of dollars collectively—and it is appalling that we as a society continually say to them, 'I'm sorry; we don't have the money.' Perhaps it requires reorientation of our priorities, but nevertheless it is an indictment that there are 200 families on an urgent waiting list for the Intellectual Disability Services Council accommodation services. I would hope that that may well be altered in the very near future via an injection of funds.

As I have indicated before, disability services frequently require an injection of capital. I do not back away from that, because as I have said before it is an indication of how we as a society actually provide services to those people who are unable to provide them for themselves; it is a mark of what sort of society we wish to be regarded as. In discussing this whole question of disability services, I note that there is a sense of disagreement, perhaps even within the various providers of disability services, regarding the provision of service by generic groups or by groups that have a wider focus.

It is my view and that of the Opposition that, provided the services that are being provided by a service-providing body are of suitable quality—and I have talked about the measurement of standards in relation to the Commonwealth standards which are required—and provided those services meet those standards and provided the disabled person has the choice of utilising those services, that is the most appropriate end result. It is not a good idea for services to feel as though 'they own' the client or the disabled person, but I believe that that is no longer a view which is extant in the community. Most of the providers of disabled services are well alert to that danger and are, in fact, quite conscious of and take great pains to ensure the freedom of choice of the disabled people for whom they are providing the services. As I mentioned, there are a number of minor amendments which the Opposition will seek to move to this Bill. In essence, we are in favour of the money coming to us, whilst we signal the dangers of the growth funding ending at the end of the disability services agreement. Further discussion I shall undertake with the Minister during the Committee stage.

Mrs HUTCHISON (Stuart): It gives me a great deal of pleasure to support this Bill. The objectives of the Bill are laudable, and I hope all members of this House will feel free to accept them in a bipartisan manner. The member for Adelaide related some problems that local members' offices and also local government have had in trying to get disabled access into offices such as ours. I, too, had some problems in my first office. I was trying to negotiate to have some disabled access up very steep steps into my office but, because of the size of the doorway and so on, it was almost impossible to achieve. That is one of the things that we need to address. As the honourable member said, you cannot have ramps extending out onto a footpath, so all sorts of problems are involved. If you do not have any access from the back because the area is completely blocked off, there are further problems.

In addition, a number of times in my electorate offices, in both Port Pirie and Port Augusta, the matter of insufficient parking spaces for disabled persons has been raised, with the problems that occur involving people who are not disabled using those spaces. Again, the honourable member mentioned the problems we have in providing access for people visiting Parliament House, with provisions for disabled access being very restrictive.

For a long time, disabled people have been our hidden resource. I must say that I am extremely pleased that this Bill gives due recognition to these people, who have a lot

to contribute to our community. They are an important resource, and we must make sure that we can allow them to contribute to our communities in a very real way, as provided for in this Bill. It recognises that disabled people, no matter what their disability, do have a contribution to make. I am particularly pleased with the recognition of that fact in the first and second schedules, which actually delineate that provision.

[Sitting suspended from 6 to 7.30 p.m.]

Mrs HUTCHISON: Prior to the dinner adjournment I said that I supported the legislation that is currently before us and, in doing so, I would like to add to the comments that I then made. It is very important that we have an ongoing monitoring program to update the services that we provide to disabled people because those services will change from time to time. Some of the things that I think we need to look at are people with disabilities from non-English speaking backgrounds. *Link,* Australia's Disability Magazine, of March 1993, states:

> Only a very small percentage of people with disability using mainstream disability services are from non-English speaking backgrounds...

That could be for a number of reasons. I think we need to be very careful when we monitor these services that we make sure they get to the people who need them, and one of those groups would be people from non-English speaking backgrounds—and that could be for a variety of reasons. It may be that they are not aware of the services that are available so we need to do more in advertising those services; or it could be for any other of a number of reasons. However, it is important that we keep that in mind when we look at the services that are provided for disabled people.

Another article in *Link,* under the News and Views section, quotes a Miss Heumann who came out from America and who was talking about the huge opportunities for people with disabilities in Australia. The article states:

> ...most positive factors for people with disabilities here is support from the Government.

Apparently they do not receive that support in the United States. The article goes on:

> 'You have that in a way we have not in the USA', she said. 'From my contact with organisers and people from Brian Howe's office, I could see the Government's support to put disabled people in a position of power.'

She was really quite complimentary about the situation in Australia and said that we did a lot more here for people with disabilities. Apparently in the USA there is only funding for individual projects. She believes that the situation in Australia is a lot better. The article concludes with her saying that a lot of really good work was going on in Australia in the disability field and that she was very impressed by people she had met in that area.

I pay tribute to the resource centres that we have, particularly the Independent Living Centre. I hope that that will be looked at in the monitoring of the legislation and that the review committee will look at what is happening at the Independent Living Centre. I know that a lot of research is conducted into aids that are available for people with physical disabilities and to make sure that the advice that is given from that centre is first-class.

I am aware, because it was raised with me on a previous occasion, that there was a problem with a wheelchair from that centre and that that was corrected very quickly. So, the advice given was correct with regard to that. I totally support the legislation that is before us and I look forward to its being promulgated and to us being able to lead the way in a number of areas in providing services for disabled people.

Mr LEWIS (Murray-Mallee): It has been pointed out already that the Opposition supports the Bill. Without any doubt the necessity for the legislation is well understood. My purpose in making a contribution to this debate is to draw attention to what I regard as being some of the things to which the legislation can address its purpose once it is passed (in whatever form). I have a few concerns about the kinds of treatment which people with physical disabilities get these days in the wider community. Sure, there is a greater sensitivity to the needs of those who are, by degrees, less fortunate than the norm—and I do not use that expression in any way intending to be condescending but, rather, trusting that it will be taken in the spirit in which the comment is made, that is, to be helpful about identifying ways of dealing with the problem.

Let me give explicit examples of the kinds of things I am talking about. Like the member for Adelaide, the member for Stuart and, I am sure, several other members in this place, I, too, have a very steep step from the pavement in the street straight through a sliding door into my office. There is a bevelled ramp from within the office which would make it impossible for anybody in a wheelchair, if they were successful on a planetary triaxle rotating wheeled system, to get up the step; they would not be able to negotiate the slope unless they were extremely fit. In fact, they cannot get into my office and, in the event that they wish to see me, they let me know and I visit them at home or meet them at one of the health care facilities around the electorate. I do that from time to time: it is not an uncommon occurrence.

Those sorts of problems have been addressed by and large by local government more effectively than they have been addressed by us as members of Parliament and, more particularly, the State Government in its allocation of resources. I am not advocating expenditure of the order of millions of dollars to immediately change the face of the streetscape and the rest of the amenities in buildings and so on so that absolutely everywhere anyone with a physical disability wishes to go is accessible to them; I am just drawing attention to what I regard as being the essential basics, and they are still not there.

As you would know, Mr Speaker, I am not as anxious about the facilities here at Parliament House as some other members might be. When we have to consider the kinds of interference there is in our prerogative decision making about the way we modify this building by people who are anxious to ensure that its structural form and heritage value are not in any way affected and balance that against the necessity to provide access to the building for all kinds of people you, Sir, and I both know the dilemma we face. We have done that quite

conscientiously together in the Joint Parliamentary Service Committee. I sincerely believe that the ramp we have erected—

The Hon. H. Allison: Is there a great inadequacy of funds?

Mr LEWIS: There could be; it depends on how one identifies the need for funds. Here in this Parliament we have put the ramp at ground level at the entrance door on the western side. Since the building is on sloping land and is lower than ground level from the front and east, ground level for the floor level upon which this House is based is higher than any point at ground level nearby. I suspect that, in the fascist concept of the design of this building the notion was that, in coming into the Parliament, you should rise a bit above the level of the common earth by taking some steps upward in order to give you a sense of being in the precincts of a more important edifice, a more significant building, in society.

Whilst those mores have been appropriate to engender the kind of respect which was thought to be appropriate in the days in which these buildings were designed—and I will not quarrel with that; these buildings were erected by people with good conscience at the time—they are now proving somewhat difficult for us as current occupiers of them. Nonetheless, as I have said, I think we have done fairly well. There are more important places in our community where we can expend funds to improve the lot of those who are physically less mobile than the majority.

I want to illustrate that point by referring to what I consider to be the intransigence of Australian National. Let me explain. Railway lines, as you would know, Mr Speaker, to anyone in a wheelchair are more or less a moat which it is almost impossible for them and their operators to negotiate, and it is no better for 'gophers'. The small wheels on those chairs with electric motors make it even more difficult to cross railway tracks. In the larger provincial towns such as Murray Bridge and in some smaller towns such as Coonalpyn there are overpass or underpass facilities with footways to provide secure passage for pedestrians who wish to go from one side of the tracks to the other. They are very common throughout rural South Australia. In some places in the metropolitan area the only passage across the railway lines is at the level crossing where vehicles pass, and there are no footpaths or footways up to the edge of those railway lines. More particularly, those level crossings are located at either end of the station yard precinct limits in towns such as Tailem Bend, and I am sure there are hundreds of similar places around the State. This means that the commercial district of the town where it is situated in the centre of the town near the station is inaccessible.

Given that that is the case, a person in a wheelchair or a gopher has to go a minimum of 200 or 300 yards in either direction to a level crossing to get from their home to the central part of the business district on the other side of the tracks and then repeat the process to get home. That is at best an inconvenience. Moreover, it is no less or more risky to cross the tracks in any one place than another. Finally, in certain instances I have arranged for local service clubs to volunteer to meet the cost of buying the materials to build a concrete pathway 1½ metres wide across the tracks so that it would be possible for wheelchairs and gophers to cross without risk, impediment and discomfort to the disabled person in the chair or gopher. However, Australian National behaves like a dog in a manger and simply will not allow that to occur. It bans it, blocks it and objects to it, and it expects the people who get around in these chairs to negotiate the crossings where semitrailers, cars and trucks cross. That is no fun.

I cannot think of anything more bloody abominable. It is appalling to adopt such an attitude. I am sure that the Minister would agree that there is no reason at all for Australian National to take such a view. In Tailem fiend, for instance, if a crossing were constructed at the end of the platform or adjacent to that position, it would save a distance of 200-odd metres which wheelchair owners and operators would have to travel to get to the level crossing and back again. Local service clubs would be happy to mix the concrete, pour it and trowel it off in accordance with specifications which would ensure that the safety of the rolling stock passing over that pathway was not impaired in any way, and erect fences on either side of it to ensure that the approach was appropriate and that the attention of the person making the crossing was focused.

Strobe lights that are automatically activated by vibrations on the line could be installed if my suggestion to make rural level crossings safe is not acceptable. I refer to FM radio transmitters installed in all locomotives constantly sending out a signal with a transponder and strobe lights activated by that signal when it gets within, say, 400 metres of a level crossing. When the train goes past, on the Doppler effect it would mean that when the train is well past it automatically switches off the strobe lights before the signal gets too weak. That would avoid the necessity of any great expense, because the power necessary to operate the strobe lights for a minute or two every time the train went through could be stored in NiCad batteries in the stem of the pole on which photovoltaic panels could be mounted to collect the sunlight and turn it into electricity.

It would be cheaper than the cost of putting in stobie poles and reticulating the 240AC power to level crossings in most instances. What is more, it is more reliable because if the power fails the level crossing lights fail if it is connected to the general reticulation electricity grid. Solar power on the other hand stored in NiCad batteries to operate these rare earth filament strobe lights is an excellent piece of technology, and they should be erected in station yards adjacent to where pedestrians and wheelchairs cross, but Australian National will not have a bar of it. I do not mind what Australian National thinks of me, because I believe that it belongs in the last century and that it is worse than Hitler.

The Hon. H. Allison: Australian National has tunnel vision.

Mr LEWIS: Australian National has tunnel vision, as the member for Mount Gambier says, and that is the case on more than one issue. That is a great tragedy not only for the disabled but for a good many other people in this State and nation. In due course, Australian National will come to its senses; it is a pity that it takes 30 or 40 years for it to wake up.

The Hon. H. Allison: It has some good points.

Mr LEWIS: Yes, it has, when it is going in the right direction and when rolling stock goes where it is intended. This Bill is about disability. I know that Australian National must have some staff who suffer from disabilities. I am not sure what treatment we should suggest they seek to overcome their disabilities, which I am sure have something to do with their intellect. I wish they would recognise the good sense of what I am saying and permit a cooperative effort to solve the problem. All they would have to do is to approve this suggestion and allow the community to provide the kind of access I am talking about. Service clubs would be happy to do it.

The SPEAKER: I point out to the honourable member that Australian National is not under the ambit or control of the State Minister of Health, Family and Community Services.

Mr LEWIS: I understand that, Sir; however, I was drawing attention to the intellectual disability of some of the senior staff of Australian National as well as to the physical disability of people who want to cross its property. It causes great inconvenience and risk to them by preventing them from doing so at places where it is safe. Some of those people are perhaps disabled because they have been involved in a mix up with a train, so in three ways Australian National has got itself into this debate. I did not mean to be disrespectful of anybody, least of all Australian National: I am just pointing out where it is at and how it needs to get its act together. I will leave Australian National on the sleepers to think about that for a bit and trust that it will come to its senses.

The last issue I wish to raise in the course of this debate—and I know that many of my colleagues have points they wish to make—is the allocation of resources to the higher education of people with disabilities. I trust that the Minister will be able to provide us with this information—if not in his response to the second reading, at least in a week or so. As members would appreciate, a special bucket of money is put aside to provide for the cost of facilities that enable the sight impaired (not totally but partially blind people), the hearing impaired and even the physically impaired and people with other disabilities of one kind or another, as covered under the definition of 'disability' in clause 3, to go to our higher education institutions and pass the course satisfactorily if they apply themselves diligently to their studies. Their disability or impairment is in no way related to their intellectual capacity: it merely reduces their ability to obtain information in the way that others have obtained it in the past.

We have only a limited amount of money, and we all appreciate that, but I would like to know how much money we get in South Australia each year to provide people who go to higher education institutions with the help necessary to overcome those difficulties with their hearing, sight or mobility and so on, and how many students have obtained that money. I do not want to know the names of the students, but I would like to know how many of them went to each of the higher education institutions in South Australia. I would also like to know the least amount that was spent to assist any one student through their course over the past two or three years, and the least amount proposed to be spent this coming year. Particularly, too, at the other end of the scale—so that I can get an idea of the normal graph involved and the standard deviation from it—I would like to know the greatest amount to be spent on any student.

For instance, it would cost us $500 000 or more to make it possible for someone who was severely sight impaired to do a course of study involving the acquisition of practical skills and competence at using complex machinery that was otherwise very dangerous unless one could see what one was doing, or involving the ability to drive and so on; it might cost the public purse what I would regard as being a disproportionate amount of the limited resources available. I would not want to see a situation in which one student ended up soaking up most of the money, to the detriment of many others who might equally legitimately need it and be entitled to it.

Our resources are not unlimited and, where compassion dictates that we must make some effort and provide, we cannot not do everything. We cannot make it possible for every blind person who is a quadriplegic to become a jet pilot, and that is the absurd limit to which I am referring. I know that no other member has referred to this limit, but there has to be a cut-off point somewhere.

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

Mr HOLLOWAY (Mitchell): I support the Bill. It is the vehicle for Commonwealth funding in the disability area over the next few years. It reminds us that we have come a long way in handling the disability area over the past decade. However, we still have a long way to go. We have made advances even in my three years in this Parliament. We have passed legislation to improve the situation in terms of parking for disabled people. A number of advances have been made in my electorate to assist the physically disabled. The member for Murray-Mallee referred to Australian National. I will not comment on those matters, but I can say that in my electorate, fortunately, over the past couple of years the STA has shown a more enlightened attitude towards the disabled. In the past few weeks a new pedestrian crossing was opened at the Edwardstown railway station, and that will make matters much easier for disabled people in that area. These new ramps that are being built at pedestrian crossings conform with the latest Australian standard: I think it is a 1:12 slope, which is suitable for wheelchairs, gophers and other powered vehicles.

One of the other problems relating to the mobility of disabled people has been the gutters and ramps on our major roads. The Department of Road Transport has spent a lot of effort in recent years on improving access for wheelchairs at such crossings. There is no doubt that some crossings are so badly designed in terms of the location of signal equipment and so on as to put the lives of people in danger. I have inspected some of these crossings with disabled people, and the risks that people have to take just to get out of their home are horrifying. Fortunately, when new roads are planned or existing roads are upgraded by the Department of Road Transport—for instance, the new third arterial road—solutions to deal with the problems are well in hand. The Department of Road Transport has certainly done a lot to improve access for disabled people. However, as I said, we still have a long way to go.

I want to refer briefly to housing for the disabled, an issue that the member for Adelaide raised earlier, saying that 200 families are involved. I have dealt with a few such families in my area, and I cannot but admire the dedication that such people have shown in caring for their children who have intellectual disabilities. Parents have been looking after their children who are now 30 or 40 years old and who, in some cases, have severe intellectual disabilities, and what these people go through is hard to believe. They really do suffer extreme difficulties in coping with their children's problems. Basically, they have no breaks. I am aware of one couple who had had no holiday in nearly 40 years. The situation really is extremely difficult for such parents.

In many cases these parents are getting on in years, and they worry greatly about what will happen to their children after they have looked after them at home so well for 30 or 40 years: will they be able to cope, and who will look after them in the future? I have nothing but the utmost admiration for people in those situations. The problem is simply one of cost. If we look at the capital and recurrent costs of housing for people with severe intellectual disabilities, we see that $1 million does not go very far. It really will be difficult for us to cope with the problems. Fortunately, this Bill is a start.

I am pleased to see that there is some injection of Commonwealth money into this area. It is greatly needed, and I hope that in the future we can find more money to deal with this problem, because I believe that one of the most needy areas in our society is these parents who are getting on in years and who are worried about their children's future. I have the utmost sympathy for them. This Bill will at least be a start, and I hope it gets speedy passage through this Parliament.

Mr BLACKER (Flinders): I support the Bill and its general thrust. It is a good move that we are trying to focus on the general provision of disability services, and I hope that through this measure we will facilitate or access whatever Federal funding might be available at this time. I note that a word of caution has been put forward by the shadow Minister of Health in referring to what might happen after 1995-96, and I share his concern about that inasmuch as, whatever we do set up in terms of organised disabled services, we need a reasonable assurance that we will be able to continue those services, provided they are heading in the right direction.

Disabilities take all forms, and it is nigh on impossible to create legislation that will cover the range of disabilities that confront the community. As a partially disabled person myself, I have touched on the edges of some of those problems, and I have empathy with what both disabled persons and carers face in trying to address some of those difficulties. The community is now being asked more and more to take on the caring role and the service delivery aspects of looking after the disabled, because there has been a trend away from institutionalised hostel care for the disabled. That is the right move for many people, but in extreme cases there is still a necessary role for acute service delivery. The hostel arrangement must still be available for extreme and excessive cases.

My interest in the provision of services to the disabled goes a little further than that. I am Chairman of the local Eyre Disability Coordinating Group, which does not have a great deal of legality inasmuch as we do not have any constitutional power to direct anyone to do any specific task, but we are a coordinating group to get together all support services within our community and, hopefully, help point them in the right direction so that the individuals they are trying to serve can get greater assistance.

To a degree, we have been relatively successful on some issues. For example, we have been able to negotiate with the Highways Department and the local council to provide a pedestrian crossing in Liverpool Street, Port Lincoln. We have been able to get the council to provide better wheelchair access to local parks, and we have liaised with the council to try to provide a reasonable and practical slope on footpaths. For many able-bodied people, unless they are confronted with problems encountered by disabled people, more often than not they do not understand or are not aware of that problem.

I would like to cite one brief example involving a disabled person in a wheelchair who wanted to access the local park. The barbecue area provided was surrounded with relatively flat lawns, but that disabled person could not get from the main road down the winding track to the park. I looked at the path and thought someone might be able to get down there with a wheelchair. With the council works manager, our group put an able-bodied person in a wheelchair and said, 'Okay, get out of the vehicle and get down to the park.' There was no way that that person could get to the park because of the crossways slope on the winding path down to the park. While everyone believed that the park was wheelchair accessible, in practical reality it was not. I guess it is to the credit of the council and our little demonstration that we were able to make appropriate changes so that wheelchair access is now available to the park. It can happen. That was a small exercise compared with what we are talking about in this Bill, but still it is an area that this legislation may be able to encompass in due course.

There is another aspect: the Adelaide Technical Aid to the Disabled (TADS) group has established a branch in Port Lincoln and, although to this time no projects have been undertaken in Port Lincoln, it is nevertheless a sub-branch of the Adelaide group, and I hope that some benefits can be achieved for some of our local handicapped persons. I refer to TADS, because I would like to explain that organisation. It is comprised of a group of persons who are willing to give up their time and provide their expertise to try to fill a gap relating to commercial appliances for physically disabled people in special needs circumstances.

If a commercial appliance is available, TADS will not step in, but if a commercially produced appliance is not available, someone is assigned the job of trying to find a solution to the problem encountered by the individual concerned. Should the resolution of that problem become a commercial operation, it no longer is the responsibility of TADS and it is directed to other areas.

There are a number of other areas in which we have been involved. I thank the member for Adelaide for his

prompting me about the mobile mammography unit and the caravans that are travelling around the State, providing a great service for the women of South Australia. However, I refer to one fundamental mistake in that mobile unit, and it was brought to my attention when the secretary of my disability coordinating group made an appointment to go to the mobile unit; there was absolutely no way that she could access that caravan.

I do not know how many tens of thousands of dollars were spent on that unit, but there was a major oversight by someone along the line, because a handicapped person—in this case not a wheelchair confined person—one who had great difficulty in walking, was unable to get into the mobile unit. I trust that the second unit, which is being built, will have suitable access. There were red faces about that, because provision of facilities for disabled people has been on the agenda for a considerable time. What I am saying goes to show that, even with the best intention in the world, important facilities for the disabled can be bypassed if it is not recognised that people who confront those situations should be on the scene at the time.

I would like to raise another issue about which I have some concern; it is more of a technical matter, and perhaps some provisions of the Bill can impact on it further along the track. As most members know, I am an amputee, having an artificial limb with a hydraulic ram. It is a rather expensive little hydraulic ram, and it is even more expensive when it comes time to service it. It cost about $756 last time just to have the hydraulic ram serviced and to get a new seal so that I can walk with relative ease. I believe that that is totally wrong; the handicapped people of Australia are being used in this instance, because there is a patent arrangement under which no-one in Australia is authorised to service that hydraulic ram. Clearly, there is plenty of expertise in Australia so that it could be serviced but, because of the patent requirement, that is not possible. Therefore, people like me—and I know of at least eight in my immediate area who have the same hydraulic ram, which needs servicing occasionally—are up for enormous amounts of money, although it probably costs only a few cents for a new seal and the expertise to put it together. I would like to have a go myself, because I think I could fix it.

So my chances of any future success with the ram would consequently go out the window. Parts of the Bill, particularly in relation to interpretation, refer to the disability service and to the carers of the people concerned. I am finding that, in the case of organisations with which I have some contact, more often than not it is necessary for those carers to be given respite and some break from the continuous service that in most cases they are only too willing to give. They need a break or they would be unable to continue. Consequently, if those carers are not looked after, the whole system of disability services provision breaks down. It is equally important that the carers are given the support services just as important as for the disabled—because they do need a break and they need the opportunity to live an independent life of their own as well as try to provide that independence for handicapped persons.

Clause 7 provides for the review of services or activities funded under this Act, and it has been suggested that this should be for not more than five years. I tend to think that that is a bit long and maybe three years would be more appropriate. I take the point that it is at the discretion of the Minister, and I would assume that if the Minister considered it was not performing as well as it might he would have the power to bring about that review earlier than the five year period provided.

However, that is only part of the story: under clause 11, the Minister must cause a review of this Act—the Act itself rather than the provision of the services—and its administration and its operation upon the, expiry of one year from its commencement. I think that indicates a requirement on the part of this House in relation to the Minister that we expect to see some results within 12 months. If we do not, we would like to know why, and maybe then the matter should be brought back to the House for further review.

The principles enunciated in schedule 1 are something with which I think we would all agree. It is a general all-embracing statement that attempts to cover every aspect of disability and, whilst one might be able to find minor areas of change that are necessary, I think that what the Minister is trying to do is appropriate. We could say the same thing for the objectives.

I think the objectives of the legislation are good. I trust that this House will pass the Bill so that there can be some coordination of the disability services for the people of this State and so that it will create the vehicle for access to Federal funding at least until 1995-96. I support the second reading.

The Hon. H. ALLISON (Mount Gambier): As the member for Flinders has just said, the aims and objectives of this legislation are beyond dispute. All of us want to see everyone in society enjoying a better world. As one who, I suppose like many others members of Parliament, has been invited to become patron of this association and that association, I have shared the experiences of a number of disabled in my own electorate in Mount Gambier, more ephemerally than closely, because the very nature of parliamentary work keeps us away from our closest friends for a lot of the time. But by being patron we can all of us recognise the work being done within our communities. My wife and I share the joint patronages of adult cancer, which can itself be a long and debilitating decline, and childhood cancer (very often it is swift in action but fortunately, thanks to the work of the researchers in Adelaide, particularly Dr Ian Toogood, possibly 80 per cent of youngsters suffering from cancer are now cured, which is marvellous progress from the situation which pertained 10 or 15 years ago).

I mention those diseases as part of the overall range of disabilities, because we generally tend to regard disability as something different. Yet another aspect of disability is the sheer act of ageing. The community in South Australia has a greater proportion of aged than any other community in Australia: we have a higher proportion of aged. A number of people have reported to my electorate over the last few days with regard to the Federal election and have claimed that they were unable

to leave their homes and, therefore, were unable to vote. Despite having mental acuity, they did not have the physical ability even to leave home and climb into a motor vehicle and go down to the polling booths. That is an area of disability which is increasingly in need of attention.

One other patronage that I have enjoyed over the past 17 or 18 years has been that of the Mount Gambier Branch of the South Australian Paraplegic and Quadriplegic Association, although I cannot mention all the people involved in those associations. Then there are the Mount Gambier Special School; the Mount Gambier Centre for Hearing—one at the Mulga Street school, the other at the McDonald Park school; the people who are involved with Orana—Graham Earl is currently in charge of that and he is doing an excellent job; the people who are involved with the Mount Gambier Community Health Centre, formerly Extended Care; and the many support agencies responsible in their own way for individual sicknesses and disabilities. These people are volunteers and do their best to look after people with disabilities within our society in the South-East. I have tremendous admiration for all of them, because while many of them are involved in their own family sufferings they nevertheless look outwards and help others in distress.

I would like to mention by name one or two people, because the Quadriplegics Association in Mount Gambier brought me into contact some 37 or 38 years ago with Harold Moulden and Tom Hall, who were then in close touch with Sir MacFarlane Burnett in Adelaide. Between them they evolved the South-East Paraplegic Games, which was an interstate competition held in Mount Gambier annually between South Australia and Victoria wheelchair paras who thoroughly enjoyed their sport. It is only in the last few years that Adelaide, which I suppose has always regarded itself as being far more progressive than those country bumpkins could ever hope to be, has got onto that bandwagon and has been staging its own games. I regard that as unfortunate, because our South-East games as a result have largely folded up, being unable to compete as the games were held about the same time in Adelaide, but they were always planned in the South-East. Nevertheless, there is still in South Australia an opportunity for those people to enjoy sport.

One of the more pleasing aspects of that recreational and sporting activity that is available to our disabled is the fact that in national and international competition—in the Barcelona Olympics, for example—South Australians were among the gold medal winners—not just among them but were high up there among the gold medal winners in a whole range of sports. The range of disabilities is frighteningly extensive. Only over the past couple of days, I was reading the latest edition of *Link*, which I find to be a very interesting magazine. I also find it quite stimulating because invariably it has cartoons by Simon Kneebone and the disabled are having a laugh not only at themselves but at society in general. They retain a wonderful sense of humour.

One of the articles contained in the March 1993 edition of *Link* takes a critical look at mainstreaming of students with disabilities. It just made me reflect that some 10 or 12 years ago, John Steinle, the then Director-General of Education, and I as Minister were looking at mainstreaming students, of gradually phasing out special schools in South Australia and of placing students with disabilities within the classroom, on our assumption that this was the ideal for everyone, that it would be wonderful to have children with disabilities mixing generally with other children with quite normal health.

I realise now, after having read this article, that not all children want to be normal; they do not aspire to normalcy. According to the article, there is a proportion who have been thoroughly liberated by mainstreaming but that, they say, is only a part of the picture. When you look at the wide variety of disabilities, paraplegics, quadriplegics, people whose disabilities have been brought on by accident, sometimes of the gentlest kind and often of the more severe kind, disabilities congenital, disabilities which may be long-term curable (cures are being found for a number of disabilities which would never have been envisaged 10, 20 or 30 years ago), people with varying degrees of severity—

The Hon. Jennifer Cashmore interjecting:

The Hon. H. ALLISON: —people with the chronic diseases—arthritis, as the member for Coles has interjected, quite properly—people with Parkinsonism, and the whole range—

The Hon. Jennifer Cashmore interjecting:

The Hon. H. ALLISON: Yes, the disability of deafness, although Beethoven did not seem to suffer greatly: some of his greatest compositions were finished while he was deaf. That, I suppose, just highlights the fact that, while we may think that people are disabled, they may have the greatest talent in the world, and one who comes to mind, of course, is none other than Stephen Hawking who is regarded on a par with if not greater than Einstein himself. He certainly is a remarkable young person who is absolutely physically disabled and yet has a scintillating mind.

As I have said, diseases can be permanent; they can be intermittent, such as epileptic attacks. In school, we always told the rest of the class, 'If anyone has an epileptic attack, it's only an illness, a passing phase; we'll all get together and help; we know what to do; we are schooled, intelligent people; it is nothing to be alarmed about.' I refer also to motor and sensory illnesses. With regard to my attitude of 10 or 12 years ago, I think that I might have been quite presumptuous in thinking that mainstreaming students, putting them all in the classes with the rest of the children was what everyone wanted. It may well not be what everyone wants.

One thing which members I am sure will all be striving to do is to increase the degree of acceptance of all illnesses, all disabilities, and to try to remove the barriers which the disabled have always felt existed between them and the rest of society. One only has to realise that someone in a wheelchair is inclined to get a cricked neck from sitting and looking up and talking to someone else in conservation for any length of time and that simply to bend down and talk to them at eye level on a person-to-person basis would not be condescending: it would simply be an acceptance of a situation and a compromise to make the best out of a difficulty which otherwise makes them feel in some way inferior when people are sitting at a lower level. I know there are colleagues who have said that they wished that they were 10 feet taller, and I suppose that is another reflection that

people who are my height have to look up to the basketballers and the ruckmen of the world.

I recommend the March 1993 edition of *Link,* Australia's disability magazine, although I will not quote extensively from that very interesting and worthwhile article. This Bill is acknowledged by all members on both sides of the House as being a very worthy Bill, given its aims and objectives. But the Minister, in clause 4, has funding provisions whereby he may approve the funding but it is out of money provided. Of course, that is really the key to the whole situation. People with disabilities, people within the health system, people right across Australia today are constantly complaining about the inadequacy of funding. One only has to realise that the State Bank Royal Commission second report was handed down today further highlighting the loss of $3.15 billion to South Australia for us all to realise that funding may be extremely difficult. Therefore, I hope that this legislation will not simply pay lip service to the problems of people with disabilities but that the Minister will in his own right have adequate funding allocated to him so that this can be spent in those admirable aims which are listed under the heading on page 2 of 'Disability Services'; for example, a whole range of things such as accommodation, home care, family support, independent living training, information, print, recreation, respite care, educational training, advocacy, therapy, equipment, counselling and support are listed.

Just to give members of the House some idea of how crucial this issue of funding is, I know of one single case where a young man, schizoid, autistic, very difficult, very well made, over 20 years of age, inclined to violence, with a single mother and a senior school age sister, is proving very difficult to handle. Simply to provide the special respite care for that young man was, I am told, somewhere in the region of $100 000 over a year, and that would have absorbed almost completely the funds allocated to one country region. I will give those people in that Australian region their due: they did not quibble; they recognised that this was a very special case and that the young man's proneness to violence created an extremely difficult situation for the mother and the sister, and they decided as a group that it would be preferential to allocate those funds to that young man and his family than to press for their own funding. Of course, they are still pressing for their own funding—more in hope than anticipation under the present economic circumstances.

That again simply highlights that families who are associated with acute disability do not act selfishly: they appreciate the dilemma in which other people find themselves, and all too frequently they will compromise by trying to help out other people. As I said, having associated with groups of people with disabilities, it makes one realise that to quibble and to complain about one's own lot is indeed churlish when one finds people in the community such as this with such admirable, unselfish traits and with voluntary dedication to alleviating the suffering of others.

A further reason why I draw the Minister's attention to the funding clause, which I am sure will be debated a little later by the member for Adelaide, lies in the fact that it was not so long ago that we had another Minister of Health in this place, the Hon. D.J. Hopgood, the member for Baudin, who said that, with the ultimate closure of Hillcrest (a closure which then seemed imminent but which now seems to be further away), the funds derived from that closure would be, in part, allocated towards the disability services of South Australia, getting people into accommodation, assimilating them into our normal communities, whether they are elderly or young, making life within the general community easier for them and making the general community itself more accepting of people with disabilities.

The former Minister said that closer association, one with the other, would benefit society, and I do not disagree with him in that aim. However, the closure of Hillcrest has not yet transpired. Some of the Hillcrest patients have been moved out to Glenside and elsewhere, and the aims and objectives which were being lauded or criticised, depending on the point of view, are still to be achieved. So, while the legislation before us is indeed admirable, I just hope that the Government sees fit ultimately to provide the necessary funding so that the Minister has funds to approve to the various organisations across the community that are so vitally involved with looking after our disabled.

Let us not forget that funds allocated to these organisations often represent a massive saving on the actual cost of hospitalisation or institutionalisation of these patients. To return them to a normal life is the wish of everyone, and the devolution of responsibility upon the general public and more specifically upon individual families is something which should be accompanied by the necessary support services if we are to be fair about this. I conclude by acknowledging once again the tremendous amount of voluntary work which is done within my own electorate, and for which I for one am most appreciative, because it helps to make life so much better for so many people who are in difficulty.

The Hon. JENNIFER CASHMORE (Coles): I support the Bill in which I have a considerable personal interest which developed when I was Minister of Health and which continued after that time through my own care of my elderly and frail mother who was confined to a wheelchair for the last four or five years of her life. That experience brought me into close contact with the impact of disability on individuals, those who care for them, and on the relationship between the individual, the carer and society.

I must confess that after three years in the health ministry I felt that it would be much to the benefit of the State and the nation if everyone could have that experience. Clearly it is not possible, but in few other ways I think could one be brought so powerfully into contact with such a wide range of people, with such differing disabilities, and assess the changes that that disability makes to life and the way in which it limits life. Very few people understand the effect of those limitations. The experience also made me realise the extraordinary resourcefulness, ingenuity and courage of ordinary people when confronted with a disability.

I vividly remember visiting a group of intellectually disabled people in an independent living environment, I think in the electorate of the Minister, and I was greeted very warmly at the door and immediately asked what my

favourite television program was. There was not so much as a hello—it was just a recognition of my face and what did I like watching. I thought how often we so-called 'normal people'—and we all remember that the slogan of the International Year of the Disabled is 'What the hell is normal anyway?'—often waste time on preliminaries that have no meaning and fail to get down to the crux of the question at the forefront of our own mind, as those mildly intellectually disabled people did.

This Bill is important for many reasons, the main one being that it implements a Commonwealth-State Disability Agreement which resulted from the special Premiers Conference in October 1990. It has other important ramifications such as the whole impact on State finances of Commonwealth-State agreements. I will deal first with the Commonwealth-State Disability Agreement and its merits. Under the agreement the States and territories will be responsible for providing all accommodation and other support services for people with disabilities. The Commonwealth will have responsibility for all employment services. Each State and territory must enact its own legislation to complement the Disability Services Act 1986, as we are doing tonight. Advocacy services, joint planning research and development activities will continue to be carried out by both levels of Government. Over the five-year period additional funds of $100 million will be made available to the States to fund new accommodation places, and $145 million in transition payments will assist the States to improve the quality of services.

The Minister's second reading explanation states that $1.7 million in transition funds will be made available to South Australia this financial year. Certainly in the Committee stage I would like to know whether South Australia's share of those transition funds is directly related to South Australia's population share, and indeed whether this State has a higher percentage of identified disabled people than any other State in the Commonwealth. It may well be that South Australia's distinction of having the most ageing population in the country contributes to a greater number of people with disabilities. It is only logical that that should be so. If that is the case, I would like to know whether the Commonwealth has responded to that through grants that reflect that situation.

The goal of the new arrangements is a less confusing system for consumers who may currently receive services from both the State and the Commonwealth, and a benefit for service providers who receive funding from both Governments. Certainly the special Premiers Conference was designed to reduce the overlap and, therefore, reduce the cost of providing services by ensuring that there was effective coordination between the Commonwealth and the States. To look at this Bill tonight and to look at the 1986 Disability Act is to see these things in isolation, unless we look at the historical context in which they have been developed. In fact, in Australia it was as early as 1910 that the importance of disability was recognised and the invalid pension was introduced in order to provide some means of sustenance to those who, to quote from the original debate, 'had physical or mental defects' and as a result had 'failed in the purpose of life'. Some people argued that the State owed these people nothing, while others argued that the State owed them something. However, the principal movement which is influencing us still is the Independent Living Movement which developed throughout the Western World in the 1970s and which found its expression in the United Nations' Year of the Disabled in 1981.

Prior to that, in South Australia in 1978 the State Government established the Bright committee which presented a report that identified ways in which both the law and policy could recognise the needs of people with disability. I think it is appropriate to pay tribute, more than 15 years after that, to the late Sir Charles Bright whose intellect, enlightenment and compassion was instrumental, I think, in ensuring that South Australia led the way in enlightened legislation and compassionate administration. It was certainly my great privilege to work with him when he was special adviser to the Government on health matters in 1979-80.

Although International Year of the Disabled was more than a decade ago, it is worth summarising some of the achievements in this country since 1981. Australia has taken several initiatives to translate the theme of the year, which was full participation and equality, into practical reality at all levels of society. In 1984 people with disabilities and their families were asked by the Commonwealth Government what they most wanted. Their answer was simple, and it does not differ in my eyes from what all of us want: they wanted a job, a home and a chance to live an ordinary life just like other Australians.

This Bill and the funds that go with it will help to achieve that goal. During that decade we saw the establishment of advisory bodies on disability matters at both State and Federal level; and we saw the establishment of technical aids and appliance programs for people with disabilities throughout Australia. These programs were administered by State Governments and were funded jointly by State and Federal Governments. In respect of those programs, I pay tribute to DIRC. Technology has made the world of difference to the disabled but, unless you know what is available, all the aids in the world might as well not exist. DIRC has fulfilled a very valuable role in making known the range of aids and options which are available.

We have also seen the gradual extension of anti-discrimination legislation, the extension of equal opportunities for employment, the introduction of 24 hour State subsidised taxi support schemes for people with disabilities throughout the major urban areas of Australia, and a move away from large federally funded rehabilitation centres some of which I think had somewhat of an impersonal atmosphere. The Access cab scheme in this State has been an outstanding success and many tributes have been paid to it by many members.

This desire by disabled people to participate in the work force and have greater access to employment opportunities and fair pay for the work that they perform should be—if it is not already—one of the main focuses of this Commonwealth-State agreement. If people can be independent, not only are their lives transformed but they cease to feel a burden on the State, and the State can direct its funds to others who are in greater need.

That brings me to the question of the growth component of the funds which are being made available

as a result of this agreement. I mentioned the $1.7 million transition funds this financial year. In addition, there are growth funds this year of $499 000 increasing to $987 000 in 1995-96. My concern—and I would voice that concern whichever Government was in power—is that the Commonwealth has made it a practice over a sustained period of entering into agreements with the States whereby the Commonwealth makes a very good fellow of itself by establishing new programs and making available fairly substantial sums of money to get them off the ground. However, when the term of the agreement is up, the Commonwealth withdraws leaving the States, which have been progressively starved of funds—and certainly that has been the case over the past decade of the Federal Labor Government—to pick up the programs.

South Australia does not have the capacity to continue to pick up programs which have considerable merit but which can be financed only on a joint basis. In the early 1980s the classic example of this was the early childhood services program which was established by the Commonwealth Government: it then withdrew leaving South Australia to carry the baby. Was the baby going to grow and thrive or was it going to be literally starved to death? Because of South Australia's priorities, State Governments have made sure that those programs have been maintained, but it is at the cost of other things—and that will be the case with these programs if the South Australian Government is able to continue them.

By 1995-96 one might say that growth funding will not be required and only maintenance funding will be required. I cannot agree with that because everything we see points to the fact that the number of people with disabilities will expand progressively. It will do so for a variety of reasons. Let us start at the beginning of life. More and more children who would otherwise not have lived are being saved through postnatal and neonatal care and survive with some degree of disability, albeit minor. More and more people are suffering from degenerative diseases which affect them in the ageing process, arthritis being a classic example of a crippling disease which is not decreasing; it is increasing, and it will throw more and more people into the disability area.

In addition, road trauma, whilst it is fortunately being reduced as a result of strenuous efforts by State Governments in respect of alcohol laws, road traffic laws, engineering, speed limits and all the other mechanisms we can use, is nevertheless a very significant contributor to disability. I do not see the numbers of disabled people decreasing: on the contrary, I see them increasing with the ageing of the population. Therefore, the fact that growth funding will cease at the end of the agreement causes me a great deal of worry.

I think that South Australia will be very hampered in the growth of services after this period because of our relatively small tax base and our massive debt. All these things can be foreseen here and now; they are inherent in the agreement. I cannot (and nor is this the appropriate place) suggest remedies to the Minister. He is obliged to take the funds that are offered and it would be foolish not to do so. I think we must continue to emphasise to the Commonwealth that to establish these programs when there is no intention of continuing them is to raise false hopes and expectations and do a disservice to the people of the States. I am not saying that the programs should not be monitored—they should be. However, it is no good raising people's hopes and then dashing them again.

I conclude by making brief reference to a research paper prepared by Mr Richard Llewellyn, the Executive Director of the Paraplegic and Quadriplegic Association based on a survey conducted in December 1991 (ISBN No. 0646081918). I commend that paper to members, because it identifies through a pilot study the average cost per month of disability to those who are severely physically disabled. We are talking about the cost of home modifications; special transport, especially for wheelchair users; personal care; and aids to mobility and ordinary daily living. What is not and cannot be costed financially is the social isolation which this survey reveals, the deteriorating general health of many people with other disabilities and the amount of money which needs to be spent on a host of items which the rest of us would never think of as being part of our normal budget. So, that survey contains a great deal of valuable information, including information on the principal causes of disability.

Members may be interested to note that the major cause is multiple sclerosis, 30 per cent; then there are cerebral palsy and muscular dystrophy, 20 per cent each; spinal injury, 10 per cent; stroke, 10 per cent; and the other disabilities are linked at 10 per cent, including the range of disabilities which the member for Mount Gambier mentioned in his speech. In many ways, this is a Committee Bill, because the facts that we need to know about the impact of the agreement on South Australia can be answered by the Minister only in Committee as they are not inherent in the Bill itself. With those words and with a plea for continuing recognition of the needs of the disabled, which South Australia has always recognised, I support the Bill.

The Hon. D.C. WOTTON (Heysen): I support the legislation, and I would like to commend members on this side of the House who have already participated in this debate, particularly the spokesperson, the member for Adelaide. I am always delighted to have the opportunity to learn more about the work that is being done in this State by the many institutions and individuals who are committed to helping those with disabilities. I have had the opportunity recently to look closely at two such areas. The first institution at which I looked was Torrens House. I was pleased to be present at Torrens House recently for a launch. It was the first opportunity that I had had to visit Torrens House, and I was delighted with what I saw. There are many opportunities for those with disabilities to learn and to gain from the magnificent equipment that has been installed recently in Torrens House. We were able to see at first hand how people with various disabilities were being assisted in a number of ways. I came away feeling very humble. The people involved at Torrens House should certainly be commended. I use that as only one example of the many magnificent institutions that we have in this State.

The second matter to which I would like to refer is very recent. In fact, today I had the opportunity to attend the State launch of the Skillshare and Royal Society for the Blind employment and training facility at Gilles Plains. As I understand it, this is the first time in South

Australia that Skillshare and a disability agency have worked side by side in a joint facility, and I was very pleased with what I saw. While each organisation will operate individually, the facility has been renovated to allow the exchange of services and information, and that is exactly what is happening. As we moved around that facility, we could see people who were partially or totally blind using magnificent equipment.

Mr Brindal: Is there enough of it, though?

The Hon. D.C. WOTTON: Yes, there is in this particular facility. However, I doubt very much whether there is enough equipment if we look at the situation across the State, because there are many people who need more services. I want to refer to those two facilities: Torrens House and the Royal Society for the Blind facility. If members of this House have not taken the opportunity to look at those facilities, I strongly suggest they do. I will be very interested to follow through the Skillshare and Royal Society for the Blind employment and training facility, because I think there is tremendous potential for people to gain from that facility.

With the responsibilities that I have for the aged, I am always pleased to learn of opportunities that are being provided for older people who have disabilities or who, for one reason or another, seek some form of assistance. One organisation with which I am always pleased to be associated is Recreation for Older Adults. The Minister has on a number of occasions attended with me functions arranged by that organisation. It is great to see older people doing exercises—people in wheelchairs, people who are not able to get around but who are able, as a result of the commitment and dedication shown by those who make up that organisation, to participate in one way or another. That organisation is to be commended. In fact, much of the work that is being done to help the elderly in many different ways is very welcome and is to be commended in this State.

While on that subject, I want to refer to one matter which relates to a question that I have put to the Minister regarding the report of the ministerial task force on successful ageing. That report followed the release of the publication *Social Network Needs Among Older People. I* have asked the Minister why the report of the task force has not been released publicly and what action the Government will take to implement the recommendations contained in it. I reiterate the concern that I expressed in my question, because I believe the report is an excellent one. It was prepared for the then Minister of Recreation and Sport (the member for Unley) and, following the change in portfolios, for the current Minister.

If the Minister on the front bench is not aware of that task force report, I would strongly urge him to seek information about it. The report has been brought to my attention. It makes magnificent recommendations, which I suggest should be implemented as a matter of urgency, and I hope that the Minister will consider it. Certainly, the Executive Director of Recreation for Older Adults played an important role as chairperson of that task force, and I would suggest to the Minister that it is imperative that that report be released publicly.

This evening I also want to refer to some of the initiatives that are being put forward at this time by our Federal colleagues in regard to disabilities throughout Australia, in particular in South Australia, because the Coalition is very conscious of the problems that people with disabilities face in every aspect of their lives: in trying to find suitable transport; in trying to find employment that recognises their abilities, not their disabilities; and in finding housing, so they can live independently if they so wish. They share a vision for all Australians with disabilities—a vision in which all people can participate independently in society and enjoy its opportunities. In this vision, people with disabilities will be assured of access to appropriate assistance according to their needs. Disability is not necessary a barrier to working, and appropriate support is available.

Opportunities for people with disabilities should be enhanced. To achieve this, the Coalition has adopted these priorities: first, support for the individual, including a review of employment policy; secondly, family and carer support; and, thirdly, community understanding and support, including an emphasis on support for provider organisations. The Coalition believes that people with disabilities have the same needs as do all people. However, people with more severe disabilities require specialised support through supported employment services, vocational training services, daytime community access/skills development services, and accommodation services in individual and small group settings.

The Coalition certainly recognises the support for the individual and, in doing so, it has listed a number of initiatives in its policy. One of the areas in which I am particularly interested is that related to support for family care. The Coalition has indicated that, on coming into government, it will provide a range of appropriate care opportunities and options for people with disabilities, recognising the needs of those still dependent on elderly parents. It will review HACC funding and administration to maximise service provision, particularly respite care, without compromising standards or quality of care. The Coalition will maintain and improve the attendant care program and will provide $10 million to assist the families of dementia sufferers, with emphasis on respite care. It will also guarantee to maintain the current carers pension for all carers, including wives, who are required to provide full-time care to their spouses.

I am particularly pleased to learn of that, because I am sure that all members of the House who have had the opportunity to become involved with those people who care for others (and in the vast majority of cases those carers are older people looking after disabled children and so on) know that those people certainly deserve tremendous support.

An honourable member interjecting:

The Hon. D.C. WOTTON: Yes; quite often it is older women who find that they have that responsibility and who need particular assistance and understanding. I was also pleased to see reference to community support and understanding, and the Coalition will provide extra funding to voluntary welfare agencies of $100 million *per annum* in each of its first three years in office. It will foster special programs within the Public Service and examine the feasibility of setting aside a certain proportion of the Government's contract and service work for agencies working with people with disabilities. It will provide continued funding for recreational or community access and a wide range of supported

employment. It will encourage diversity in the provision of services responsive to local needs, in consultation with consumer groups and service providers.

The Coalition will continue to work to improve the flexibility of the Disability Services Act. It will provide for security of contracts between Government and service providers and establish an appeals procedure. It will regularly assess funded services against applicable standards, and it will include measures to ensure cooperative relationships between relevant departments and grant recipients. As far as discrimination against disability and Commonwealth-State relations are concerned, the Coalition will continue to consult with State Governments, local government, service providers and consumers on devolution. It will monitor and reassess the effectiveness of the devolution of Commonwealth responsibility for disability services to the States, and it will continue to ensure that the guidelines of the Disability Services Act are tabled in Parliament for debate, amendment if necessary and approval.

Special reference is made to the Commonwealth Rehabilitation Service. A Liberal and National Party Government will continue to support the services provided by the Commonwealth Rehabilitation Service. Further, it will reaffirm commitment to the Commonwealth Rehabilitation Service and reassess its performance. As far as administration and program reviews are concerned, in the first term of office, the Coalition will develop a strategy plan with the following priorities: first, to reform the administration of the Disability Services Act and return savings to direct services; secondly, to introduce a quality assurance program to guarantee the quality of services that consumers receive; and, thirdly, to complete a review of disability services and finalise a plan of action for the next decade.

I believe that the Coalition policy is excellent, because it believes that people with disabilities have the same needs as do all people: for respect and recognition; to establish important relationships; for equitable treatment and equal access to appropriate programs; for information to enable them to make choices and exercise maximum independence over their lives; for opportunities to continue to learn and develop skills; and to engage in meaningful employment for fair wages and to contribute to the community.

Finally, as far as this policy is concerned, I indicate that the Liberal and National Parties have made perfectly clear that they will end the growing division of Australia into insiders and outsiders, because the Coalition wants to include everyone in a society where no-one has a special place but everyone has a secure place. I believe that is extremely important, and I would support that policy very strongly. We look forward to the Coalition Government being able to put that excellent policy into effect.

I was interested in a survey that has been carried out recently of people aged 65 years and over living at home. According to this survey, 42 per cent of males and 43 per cent of females reported being disabled. The majority reported being limited—and 'limited' is defined by the Australian Bureau of Statistics as handicapped—by that disability in their everyday living. Of those who are 65 years and over and disabled, 57.8 per cent live alone at home. I was surprised indeed to learn of that statistic.

Of those who are 65 years and over and disabled, 57.8 per cent live alone at home. I was indeed surprised to learn of that statistic. These statistics are taken from the Annual Report 1991-92 of the Office of the Commissioner for the Ageing. As I have said, I have a special feeling for those carers of older people with disabilities. Most carers of people with severe disabilities who live at home are women aged between 45 and 75 years and the males who make up the remaining 26.3 per cent of carers of people with disabilities are more likely to be 70 years of age or older. The younger female carers are generally caring for a parent, while the older male and female carers are usually looking after a spouse. Reference is made to the heavy reliance of older people on the informal care system, both with carers living with the person receiving care and carers. As I said earlier, we all realise the magnificent work that these people do. Finally, in the last minute I have remaining, I have been most interested to read many of the articles in the March edition of *Link,* Australia's disability magazine.

I do not have the opportunity to refer to those articles but again I would suggest that members of the House take the time, because all members receive a copy of this excellent publication, to read the many fine articles that come from throughout Australia and refer particularly to matters relating to this State. I refer only to two of those very briefly: first, the need for Access Cab loading spaces in South Australia and, secondly, an excellent article given to the setting up of the Disability Services Office in this State. I commend the publication to all members and urge them to read it. I urge members of the House to support this legislation.

The DEPUTY SPEAKER: The member for Hayward.

Mr BRINDAL (Hayward): Christians throughout the world are observing Lent at present, and I know that Muslims are observing Ramadan. That might be why today this House seems preoccupied with food and drink. I note the Minister of Education, Employment and Training had poisoned chalices stirred with canes earlier, and I want to complete the analogy by likening this Bill to a pie. All this Bill does is represent the crust, the pastry of the pie, and the test of the sincerity of the Government in respect of people with disabilities is not this Bill. However high flying and well it sounds, the test will be in the services provided to people with disabilities in South Australia.

The provisions in the Bill make me wonder whether this Parliament is being put through a sham or whether this Government is sincere about the intent that the Bill purports to have. One provision that greatly concerns me is clause 9, as follows:

> Nothing in this Act gives rise to, or can be taken into account in, any civil cause or action.

In Committee the Minister might correct me if I am wrong, but that seems to suggest that we can say what we like in the Bill; we can say that this is the requirement of the Legislature of South Australia and that this is the law of the State but, if the Government does not administer the law justly or fulfil the letter and

spirit of the law as we determine it in this Parliament, let not one of those people take this Government to court and contest the Government's action in light of the Government's own legislation. We will not wear that. In other words, this provision strikes me as being a wonderful out clause to have for the Government to say anything but in the end produce nothing. That is the nub of the matter. If we read the Bill carefully, it is laudable and all my colleagues, especially the member for Adelaide, have commented on some of the excellent principles that the Bill embodies, which is why the Opposition supports the Bill.

I repeat: proof of the Government's sincerity is not in the Bill but in the services it can provide because of the Bill and I hope that I am wrong about the import of clause 9. 1 hope that I am wrong that it is an escape clause to get the Government out of something before it ever gets into it. If I am right, this would be one of the most cynical acts of a very cynical Government. Certainly, I would expect better of a Minister who has joined a Government for the good of the State rather than for his own personal good and who may well have done so at some personal cost to his own integrity. From that sort of person I would expect more than to be involved in some sort of sham. Schedules 1 and 2 set out the principles and objectives of the Bill and I am informed that they come from the Federal Act. Schedule 1 provides:

Persons with disabilities have a right to protection from neglect, abuse, intimidation and exploitation.

Further:

Persons with disabilities have the same right as other members of the Australian community to assistance and support that will enable them to exercise their rights, discharge their responsibilities and attain a reasonable quality of life.

Finally, and this is where the Government's concept of mainstreaming people and keeping them out of institutions comes into effect, clause 4 provides:

In receiving the services that supply such assistance and support, persons with disabilities—

(a) have the right to have those services provided in a manner that—

(i) involves the least restrictions of their rights and opportunities;

(ii) takes into account their individual needs, goals, age and other personal circumstances; and

(iii) takes into account any further disadvantage that may be suffered as a result of their gender, ethnic origin, aboriginality, financial situation or location;...

In developing those points I point out that, while age itself is not a disability but rather a physical fact, in many ways age gives rise to the very definitions of disability embodied in this Bill. When we are talking about the disabled, as many of my colleagues have said, we are talking about cohorts throughout the whole community who may be disabled because they are paraplegic, quadriplegic, blind, deaf or suffering from many other of the impairments that we can suffer as a result of birth or injury, but we are also talking about people who become disabled simply because they get old and because, according to the definition, they have a condition that is attributable to intellectual, physical, cognitive, neurological, sensory or physical impairment or any combination of those impairments.

In that context and in the context of this Bill, we need to look at the performance of this Government. I am sure my colleague the member for Adelaide and all my colleagues in this House have had the same number and quality of representations as I have had from people who are carers of those with disability. Generally speaking those people who have come to see us are not at all satisfied with the performance of this Government. They generally say things like, 'The rhetoric is good but that is where it ends.' They say, 'The Government is heavy on rhetoric and light on the actions that follow.'

I know that all members are appalled when they are occasionally confronted with a situation where somebody dies—generally an old person—in the most squalid circumstances. From time to time the press reports on this matter and goes into details that somebody has died alone and neglected. People will often think, 'How can somebody come to end of their life like that; how can they live in those sorts of conditions?' But often I believe it is not the conditions that they choose to live in that give rise to the stories. It is the condition that they are forced to die in. People who are alone and do not have adequate support and are ill lose the ability to cope with the normal circumstances of their life. So, as they get ill and are fighting for their very existence, the papers tend to litter the floor, the cat litter tends not to get emptied, the food tends to rot in the sink and the dishes are not done, not because the people did not care but because they were incapable any longer of coping.

In that situation there is a spiral, a deterioration, and eventually the person dies and the people who retrieve that person go in and say, 'How could this be allowed to happen?' I believe it is often allowed to happen because there are not adequate support services and there is neglect. Those people are alone. They have nobody to care for them, nobody to support them, and they are in fact neglected. Their death and the situation in which they die is a reflection not on them so much as it is a reflection on all of us and on the inadequacies of the service which we say we provide.

If there is one thing that is important about this Bill it is this: if the Minister believes in this Bill and in the principles and objectives that this Bill provides there is but one test, and that is that this Bill must be adequately resourced. If the Bill is not adequately resourced it is hollow, it is a sham and it is a farce. This Government should take note of that.

People with disabilities, the carers of people with disabilities and the community generally have had enough of hollow rhetoric and logic. They have had enough of hospital beds being full, of hospitals being closed and of people being forced into the community on the argument that, 'We will put you into the community; it will improve your quality of life; you have a right to live in the community.'

No-one on this side of the House will argue with that, but we will argue strongly and raise our voices for those people who are thrust out into the community and who are then not adequately supported. For instance, when they want a piece of equipment which their doctor considers absolutely essential they are told, 'We are sorry, we have expended that money in that budget this year; come back next year'. It is too bad that that means that they might have to lie in a bed for six months

because they cannot get around—'We have expended that bucket of money for this year'. In other words, support for their disability does not count; what counts is the dollars in the bucket this year. If they do not get their fist in quick enough and get their dollars out they have to come back next year. How is that caring for those people with disabilities? It is not. It is neglecting them. It is making them statistical data which has to fit into the economic needs of a Government. The Government cannot ignore economic imperatives; neither can it ignore people. It has to make up its mind whether it puts people first or whether it puts dollars saved in the health budget first.

I notice that when things are getting tight none of the Government's senior bureaucrats have to go a week or two without pay. That would cause absolute furore. There would be editorialisation, there would be people out there with banners, they would be getting up-tight and disgusted—never threaten the pay of the public servants if we run out of money, but too bad if somebody needs a walking frame, too bad if somebody needs a hearing aid or something else. The member for Murray-Mallee has difficulty hearing. He has not had a hearing aid, I am sure. It is too bad if all those things are neglected; they are just the clients; they are just the people this Government says it cares about. It strikes me that it is about time this Government got its priorities right.

Mr Hamilton: You sound holier than thou.

Mr BRINDAL: I am not trying to sound holier than thou, as the member for Albert Park suggests. I am trying to instil some reason in this debate. The member for Albert Park stands up and takes his Ministers to task if he thinks they are doing the wrong thing. In the next Parliament the member for Albert Park can call me holier than thou if I sit on the back bench and have my colleague the Minister of Health doing the wrong thing. If I do not stand up, as he stands up, and correct my Minister of Health, then he can call me holier than thou, but not yet.

The Government, therefore, has to make up its mind what is important. I was diverted by interjections and I should not have been. I was rather hopeful that when this Minister was appointed we might have seen a general change in the direction of health. This Minister was new to the job and he is known by this House to have good ideas and a fresh approach to things. I, along with many of my colleagues, was heartened when the Minister took such decisive action in the matter of Hillcrest Hospital. I am worried that the Minister may well be seduced by, first, his office and, secondly, the bureaucrats of his department. I can appreciate, even for a Minister such as we have at the table, that it must be very difficult to determine that the Minister may well be right when an entire bureaucracy is possibly telling him that he is wrong. I understand the difficulties, but I think a number of members on this side would have hoped that this Minister would introduce a bit more flair and light into this portfolio. That flair and light has been lacking in the past.

Like my colleagues, I support this Bill. I believe the measure has our qualified support. As it stands, the Bill is fine, but it is not this Bill by which this Government and this Minister will be judged. As I said, this Bill is really the crust. It is the Government's performance on which it will rise or fall. It is on the Government's performance that the member for Adelaide will stand up day after day and ask questions about whether the aims of this Bill are met. The Bill does not matter. What really matters are the people in this State with disabilities and the way that this Government provides and cares for those people. The Bill makes it quite clear that they are Australian citizens and as entitled to our respect, our protection and our nurture as are any other Australian citizens. Either this Government acknowledges that, not with words but with actions, or it does not. If it does not, it will have to answer not only this Opposition but also the people of South Australia. I commend the Bill to the House.

Mr SUCH (Fisher): I would like to make a brief contribution in support of this Bill. First, I make the observation that I believe it is an indication of how civilised the community is and that it can be judged by the way it treats people who have disabilities, whatever form those disabilities take. As the member for Hayward pointed out, this Bill is fine in so far as it goes, but unless it is supported by adequate funding and resources it will not achieve what it should. So the plea from the Opposition is that the Government adequately resource the legislation and does not simply introduce a provision which will do nothing for the disabled without adequate funding.

I would like to pay tribute to those who work in the area of assisting people with disabilities of one kind or another. I would have to be honest and say that in most cases it is not the sort of work, either paid or voluntary, that I could or would seek to undertake; therefore, I have great praise for and recognise the work that is done by these people, whether it be paid or voluntary. To that extent, we should acknowledge the work of some of the community groups, such as Lions, Rotary and Kiwanis who assist in fund raising and direct assistance, as well as the paid employees of Government and non-government organisations who assist those with disabilities.

I have had representations from parents in particular in my electorate, as I would imagine have others, who have youngsters and those who are not so young who have severe intellectual disabilities and who have experienced great problems and trauma as those youngsters get older and particularly reach young adulthood. It has been a matter of grave concern, and on several occasions I have had to take up with the former Minister the issue of trying to obtain either respite care or satisfactory adult accommodation for young adults with intellectual disabilities. I must say that it was not an easy or speedy thing to achieve, but I am pleased to say that in the bulk of cases the former Minister or his department did ultimately respond. We should not overlook the fact that many families in our electorates carry a very heavy burden in respect of caring for and assisting in the caring of those with various disabilities.

During this time of recession, we should focus on the fact that, whilst it is very tough for everyone in terms of getting jobs and obtaining employment or being gainfully occupied in terms of work-type activities, it is especially difficult for those with disabilities. If you look at the

statistics in respect of those who are unable to obtain work, you will find that a very high percentage suffer from a significant disability. When we focus on unemployment statistics, we should bear in mind that the road is particularly difficult for those who have to endure some disability. It behoves us not to forget the situation in which those people find themselves.

For many years I have lived near Craigburn Farm at Blackwood, an organisation run by Minda Incorporated. That has been a very interesting experience because, to the credit of Minda Incorporated, over recent years it has made great efforts to be more closely integrated into the community. For example, it has allowed cycleways and footpaths to be constructed on its land, when there was no legal obligation to do so, and by allowing members of the community to access its property. In addition, members of the local community have purchased houses and have many of their people living in cottages and commuting either on foot or by bus to Minda Farm to undertake daytime activities, including the operation of the farm.

I believe it has been a very useful and continuing experience that has helped to break down some of the barriers. Years ago it was not uncommon to hear young people referring to others, in derogatory terms, as a 'minda', and it was meant as an insult. I must say that in recent years I have heard less of that sort of talk from young people, particularly in the area, who have increasingly come to accept that those with an intellectual disability should not be seen in that light or should not be the subject of abuse by others.

In respect of disabilities, one area is often overlooked in terms of the fact that it is a hidden disability, that is, deafness. I am talking about not necessarily total deafness but about where a person has partial deafness (and I know this because it affects one of my own children). Because it is not visible in a school or other settings, people are often not appreciative of that disadvantage, whereas if you are in a wheelchair—and this is no reflection on people who are in wheelchairs—or you have a bandaged arm or something you get immediate sympathy, although it is not sympathy that these people want: it is a recognition and consideration of the disability they have.

I must say that, in respect of deafness, particularly nerve deafness, for example, affecting one ear, often teachers and others are not fully appreciative of the way that affects the behaviour and educational performance of children and that of adults as well. One of my children had total nerve deafness in one ear which was not detected until that child went to school. It was picked up by the school health service, because the child was and is very capable of lip reading and is quite a capable young person. In respect of disabilities, whilst we can all readily sympathise and empathise with someone who has a visible disability, we should all be cognisant of the fact that many people have disabilities which are not so visible but which nevertheless are real and require special consideration.

I am pleased that clause 3 of the Bill refers to training to be provided for persons engaged in the provision of disability services. That is critically important, but it will happen only if adequate funding is provided. Recently, I met with people who are involved in the provision of care for people with disabilities, and one of the key aspects, of course, is who will fund the training? How will it be funded? I hope that the provision in the Bill will be adequately serviced by way of resources, because training as we know, particularly in this day and age, in a rapidly changing world is critical whether it is in this area of human services or in other areas. So, I am pleased to see that reference in the Bill and trust that it will be adequately resourced.

One aspect of the Bill that is missing relates to promoting an understanding within the community towards those who have a disability. I guess we can argue about the best way of doing that. We cannot legislate for it; we cannot make it a legislative requirement that people empathise or understand, and we are talking not about phoney sympathy but about constructive assistance, and so on. It is something that, if he is not already aware of and committed to it, I trust that the Minister will be in respect of doing all he can to promote a greater awareness and empathy in the community towards those who have a disability. I believe that can often be done through the school situation, which is not within his ministerial responsibility, and I acknowledge that. I nevertheless see that as a place in which empathy can be created, and I know this happens in some situations at the moment.

It is important that, as well as providing services and so on, there is a conscious effort from within the resources of the Minister's department to encourage the community to understand and empathise with people who have disabilities. As I said, not in a phoney sympathetic-type way but in a general way in which understanding is promoted, encouraged and in which those with disabilities are accepted as members of the community.

I believe we have a long way to go in respect of accepting those with disabilities on equal terms. We still hear people using terms like 'stupid', 'dumb', 'retarded' and so on. The sooner that we get rid of that sort of attitude and approach in our community the better. Once again, it cannot be legislated for but it is something that can be cultivated, and I believe Acts of Parliament can send the right signals even though they cannot force a change in attitude. Schedule 1 provides:

> Persons with disabilities, whatever the origin, nature or degree of their disabilities might be, are individuals.

Then it specifies that among other things they have the same fundamental human rights and responsibilities as other members of the Australian community, and have the same right as other members of the Australian community to realise their potential for intellectual, physical, social, emotional, sexual and spiritual development. I do not have a concern with that particular expression, but I do raise as a matter of concern a tendency in some sections of the community to suggest that the fulfilment in respect of sexual activity should go even further in terms of reproduction, and in that respect I am talking specifically of those with severe intellectual disability.

I know from talking to people in this area that some professional people believe that it is appropriate for those with severe intellectual disability to have children, even though those individuals are often unable to take care of their personal hygiene and similar matters. So, whilst I

do not have any objection to people with severe intellectual disabilities engaging in sexual activity, I believe there is a requirement that our society does not take it upon itself to encourage those people to have offspring. That is not meant in any sort of elitist way. I think it is just a commonsense recognition of the fact that in many cases they have difficulty fully looking after themselves, let alone looking after a child. Clearly that is not an aspect that can be legislated for, but I believe it is something that social workers and others should be mindful of.

I believe that this Bill offers the hope of a new charter for those with disabilities. I have considerable respect for the Minister. I believe, as most of us on this side would acknowledge, he is a doer rather than just a talker, and I believe he will give this measure full support to make it a meaningful piece of legislation. As I said at the start, it will do that only if it is backed by adequate resources and finances. I conclude by indicating support for the Bill and noting the amendments that have been proposed by my colleague the member for Adelaide. I believe the incorporation of those amendments will create an even better piece of legislation to assist those in the community who suffer from one form of disability or another.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I would like to thank those members who have contributed to this evening's debate and the member for Adelaide and the Opposition for their support of this very important enabling legislation. I think it is very important to stress the fact that this is enabling legislation. It allows us to take advantage of the provisions of the Commonwealth-State Disability Agreement and of the substantial Commonwealth funding which flows from that agreement.

A number of members of the Opposition have drawn attention to the requirement for significant resources on the part of the State as well as the Commonwealth to be channelled into the area of disability and service provision. Of course, that is very true and I think the Government fully acknowledges the extent of that commitment, and indeed the fact that that commitment must be extended over a substantial period. Obviously the society in which we live has not always paid adequate and due regard to the needs of people with disabilities over many decades past, and many of our services and service provisions have been predicated on the assumption that all of the people using them will be totally able to take advantage of every aspect without any requirement for additional access or other provisions of information for people who may not be fully sighted or have other issues and disabilities which affect them. Of course, to change that situation by providing services which do take into account those many different requirements is indeed a substantial commitment. I believe that this enabling legislation, which is the first step in a long process, will ensure that we at least are committed to the basic principles and objectives which underlie the long-term trend.

Through the provisions of this Bill, should it become an Act, and the agreement with the Commonwealth we will be able to devote significant resources in terms of the various areas which we need to address. The Government's action in establishing a disability services office and an intermediate implementation committee to examine the directions which we need to take indicates that the Government has started that long path towards ensuring that our services are adequate and mainstreamed. The office, like the legislation, has been set up with the basis to review and on the basis that there will be an extended provision of consultation and review of the services available. Over time we will be able to improve the understanding we have of the various needs and services that must be provided. We will be able to accumulate additional funding in this area through further agreements with the Commonwealth, and we will be able to take advantage of the various moneys that have been allocated to date.

It is true, as the member for Coles said, that the Commonwealth Government has an unfortunate track record of establishing commitments in these areas and then abandoning the States to pick up the tab in the future. That is something which is difficult to avoid. We all know the Commonwealth's history on both sides of the political spectrum and I am sure it is something we will have to continue to live with in the future. I intend to make sure from my own perspective in the South Australian Government that the Commonwealth Government continues to honour this agreement and that in future we can take the agreement even further. Of course, South Australia will be subject to fiscal equalisation in this area and at the end of the five year period of the CSDA we expect parity across the States to be achieved.

While we have a commitment to the growth funds in this agreement, once that agreement has expired we have no guarantee of future growth funding. However, there is certainly a general commitment to maintain the level of effort between the States and the Commonwealth, and I would hope that future growth funding is available, but it is certainly not something to which there is an immediate commitment at this stage. The member for Hayward also correctly identified the fact that the Bill—

Mr Brindal interjecting:

The Hon. M.J. EVANS: He put his comments to the nub of the issue. He correctly identified the fact that the Bill is but a shell unless there is a commitment to resources and to future directions. I believe that, while I certainly cannot tell the member for Hayward that we have immediately available to us the substantial resources that are required, we do at least have the correct commitment and will proceed down that path. I think that, unless we take steps such as enacting this kind of enabling legislation, the community will not focus in that direction and will not channel resources in future years into these areas, and the very objectives and goals set out so well in this Bill will not be known to the general community or to the various Government agencies that need to focus attention on this area.

Mr Brindal interjecting:

The Hon. M.J. EVANS: While at this stage we are setting out those objectives, we certainly have to move down the path of providing funding, and I do not resile from that at all. However, I certainly make it quite clear that it is not an implication that the funding for all of this is immediately available. The reality is it will have to be provided over time, but I think it does set out an important pathway down which the State and the Government of the State, and indeed the service providers of the State, can progressively move.

It is certainly true that the clause to which the honourable member referred in relation to civil liability ensures that these issues cannot be the subject of litigation. That is the very purpose of the clause—on the understanding that what is being set out here are long-term objectives, that not all those objectives can be immediately realised but that we will realise some of them in part, others in total and others not at all for a period of time, yet we would like to set all of them out as goals and objectives in an Act of this Parliament at this time. Of course, were they all to be the subject immediately of 100 per cent enforceability in the civil courts, obviously that would be something for which this State and the service providers in it could not possibly provide the necessary resources overnight and, therefore, we would find ourselves in some difficulty with the legislation. Indeed, one could not proceed with setting out all the objectives and goals unless one had that safety provision within the system.

I remind the honourable member that New South Wales, in implementing its disability services legislation, included similar provisions; and the other States of equal political colour to the honourable member's own have picked up that idea, because it is an essential safeguard to allow the legislation to proceed without the litigious encumbrances which it would otherwise have suffered. I think that members who have spoken tonight have correctly identified the importance of this legislation as goal setting legislation. Indeed, I commend it to the House on that basis. It allows us to pick up the terms of the agreement and to start to receive the funding stream which that agreement promises. Most importantly, it correctly identifies the goals and objectives for this State that we intend to provide in the future for people with a disability. I believe that it is very worthwhile legislation for that reason alone.

The legislation is subject to review. It is enabling legislation and I would expect that, further down the parliamentary track, after further and much wider consultation with the disability community, we will be in a position to build on and improve the legislation. However, it is essential that something be brought before the House in the short term. I believe this Bill represents the best process we can offer at this point in time, and I commend it to the House on that understanding.

Mr Brindal interjecting:

The SPEAKER: Order!

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Objects of this Act.'

Dr ARMITAGE: The Minister in his summing up said words to the effect of 'a general commitment to the provision of funds after 1995-96 when the agreement runs out'. Could he be more specific, as members on this side have not heard of those specific details? What are those details? Are the maintenance funds guaranteed? Are they CPI indexed? How do South Australians know what we are to get afterwards?

The Hon. M.J. EVANS: It provides for a maintenance of effort but not for a commitment to growth funds. Certainly, the State and the Commonwealth are committed to the maintenance of that present level of effort to maintain the services and provisions that we have, but there is no legal commitment to ongoing growth funding after that date. The agreement will be renegotiated when it expires, and it would not be unreasonable to expect that that would be one of the topics of discussion. Legally, right now, there is only a commitment to the maintenance of the effort, not to continued growth funding.

Clause passed.

Clause 3—'Interpretation.'

Dr ARMITAGE: 'Disability' in this clause means a disability that is attributable to intellectual impairment, amongst others. Schedule 1 (Principles) in clause 1 (c) provides:

> Persons with disabilities...are individuals...who have the same right as other members of the Australian community to realise their potential for intellectual, physical, social, emotional...development.

A psychiatric disability is a disease process rather than a disability as such, and I wonder why the word 'intellectual' was not 'emotional', given the wording of the schedule. Also, 'disability' means a disability that is attributable to sensory impairment that results in a person having a reduced capacity for social interaction and a need for continuing support services. Where we have a sensory deafness in particular, that person can be very severely disabled but not be in need of continuing support services. I merely highlight the dilemma in terms of that definition where a sensory impairment is entailed.

I have personal experience in my family of someone who suffered a sensory deafness; they suffered a severely reduced capacity for social interaction but certainly did not need continuing support services, as I take the true meaning of this Disability Services Bill to be. I point that out as a dilemma. I move:

> Page 2, after line 18—Insert new paragraph as follows:
>
> (m) transport services.

This amendment adds the words 'transport services' to the clause and means transport services provided whether wholly or partially for persons with disabilities or their carers. I move this amendment because of the number of meetings and inputs I have had in particular from DPI. It is clear to me that transport services is one of the major concerns—not only public transport but other methodologies of transport. It mentions the difficulties. of chair and other transportable walking equipment that is transported on STA services and the huge dilemmas with Access Cabs. Whilst Access Cabs services are a move in the right direction, they are severely lacking at this stage. I believe that the insertion of those words in the definition will help focus people's attention on that whilst signalling that those services are not specifically a part of the Commonwealth-State disability agreement.

The Hon. M.J. EVANS: I am prepared to accept the amendment so as to include transport services. The exclusion of it in this context was mainly based on the concluding remark of the member for Adelaide to identify that these are not part of the mainstream CSDA agreement. In fact, transport services, under the assistance that is provided to people with disability, would have been part of a mainstream service provision approach as well. I do not think there is any problem in adding that. It may indeed help to focus people's attention on this important area. As such, I am quite happy to accept the amendment.

In relation to the honourable member's earlier question about people with a degree of deafness and so on, I would have thought that they would still have a requirement for some continuing support services in the way of equipment provision, hearing support facilities, lecture theatres and so on. Most people with any condition of that kind need support services of one kind or other in the community. I do not think that that will in any way exclude them from the definition, because the continuing support service is not restricted to something of a major kind; it can be any sort of support service, and usually that is the case. While I accept the amendment, I do not think that the definition is quite as restrictive as the honourable member feels.

Dr ARMITAGE: The point I was making was not about the exclusion of people from the definition but rather the inclusion of people with what would be regarded as minor disabilities in comparison with some of the ghastly stories with which the House has been regaled tonight. I think it is an inclusive rather than exclusive definition; hence there may be some difficulties.

Amendment carried; clause as amended passed.

Clause 4—'Funding provisions.'

Dr ARMITAGE: I move:

Page 3, line 11—After 'Government' insert

', non-government'.

A number of non-government agencies have indicated to me that under clause 4(2)(a) money may be granted to Government and local government bodies on the understanding that they would not be excluded in the future, and it was felt that, if Government and local government bodies were referred to, non-government agencies should be included. I understand that they may be regarded as coming within the definition of 'any person, body or authority', but it focuses attention on the importance of the non-government sector.

The Hon. M.J. EVANS: I agree with the member for Adelaide in that I am sure they are already incorporated in the definition but, as it will help focus attention on them, I am happy to accept the amendment.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6—'Consultation with persons with disabilities and carers.'

Dr ARMITAGE: I move:

Page 3—

Line 30—Leave out 'should' and insert 'must'.

Line 33—Leave out 'should encourage' and insert 'must ensure'.

A large part of the representation I have received in relation to this Bill was quite specific about the desire of disabled persons to be consulted on any major decisions, reviews or recommendations in regard to their services. I feel that this extra compulsion on the Minister, to the extent that it is practicable—and by that I mean the peak bodies being asked for their input—to consult with persons with disabilities or carers, is justified. The rationale behind both amendments is that persons with disabilities should be involved in decisions related to their services.

The Hon. M.J. EVANS: It is my intention, and I am sure it would be that of any future Minister of Health, to consult to the extent that is practicable with persons with disabilities or carers. That is a very important part of this provision, and I am happy to accept the change from 'should' to 'must'. However, I think it would be difficult in the subsequent amendment to change the words 'should encourage' to 'must ensure', because in this area it is difficult to enforce that kind of participation and discussion. The Minister could only encourage it to the maximum extent that he or she is able. Requiring the Minister to ensure it may be well beyond his or her power or capacity. I am happy to accept the first amendment, but regrettably I must oppose the second amendment.

Amendment to line 30 carried; amendment to line 33 negatived; clause as amended passed.

Clause 7—'Review of services or activities funded under this Act.'

Dr ARMITAGE: I move:

Page 4, line 3—Leave out 'five' and insert 'three'.

Under this clause, a disability service, research project or development activity funded under the Act is to be reviewed at intervals of not more than five years. As many of the bodies that provide these services undergo an annual process of running the gauntlet for their annual funding, they can see no reason why the intervals should be of not more than five years. As a reasonable person, in an endeavour to come to a reasonable conclusion, I suggest that we leave out the word 'five' and insert the word 'three'.

The Hon. M.J. EVANS: The original choice of five years was based on the Commonwealth provisions. However, I understand the argument advanced in favour of three years. I share the desire of the member for Adelaide to have these things held accountable. The period of three years is not an unreasonable compromise, so I am happy to accept the amendment.

Amendment carried; clause as amended passed.

Clauses 8 to 11 passed.

Schedule 1—'Principles.'

Dr ARMITAGE: I move:

Page 4, after line 19—Insert new paragraph as follows:

(aa) have the right to choose between those services, and to choose between the options available within a particular service, so as to provide assistance and support that best meets their individual (including cultural) needs;.

I move this amendment because there is a debate in terms of disability service provision, to which I referred during my second reading speech, whereby there are conflicting thoughts, if you like, some people believing that there is a tendency for generic services to own a particular client and hence to stop that client from making a choice about the services which may best be taken from the smorgasbord of services that are available

to provide that patient with the greatest ability to lead a normal and proper life. However, it is felt by members on this side, as has been expressed in a number of contributions tonight, that what is most appropriate is not whether the services ought to be propped up or have the rug pulled from beneath them by legislative process but rather that the disabled persons themselves ought to have the ability and the right to choose services they might like not only from within services but between services so that the people pulling the strings are the disabled rather than the service providers.

The Hon. M.J. EVANS: I support the objective behind this amendment, and I appreciate the willingness of the member for Adelaide to modify it slightly following discussion. My view is that paragraph (d) expresses that viewpoint. It certainly reflects the pro choice argument advanced by the honourable member, but I agree also that it is entirely appropriate that we should cover services specifically, and I think the honourable member's amendment adds to what is set out in the schedule. Accordingly, I am happy to support the amendment.

Amendment carried; schedule as amended passed.

Schedule 2 and title passed.

Bill read a third time and passed.

COURTS ADMINISTRATION BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 2141.)

Mr S.J. BAKER (Deputy Leader of the Opposition): As the House would appreciate, the Opposition has reservations about the Bill. There is a question mark about how this new Bill, which gives the administration of the courts to the courts themselves, will work in practice. It is useful to reflect that this proposition, as I understand it, emanates from changes at the Federal level. We are reminded that in 1979 the High Court was given responsibility for its own administration. In 1990, the Federal Family Court and Administrative Appeals Tribunal were given the same privilege. The argument that has been used in the second reading debate and in much of the material that I have read is that the courts must be independent in all areas of endeavour and operation. I am reminded that the Fitzgerald inquiry concluded that the independence of the courts was paramount and that such independence included administrative and financial resources.

This matter has been canvassed over considerable time. It was before the House last year and it was referred to the Legislative Review Committee for further consideration, and changes have been made to the Bill as a result of that committee's deliberations. That does not in any way depreciate from the fact that, despite a parliamentary committee having looked at the proposed arrangements, those new arrangements have the wholehearted support of the Opposition. We believe that there is a good reason why the courts and their funding should be a matter of the Executive Government. That will no longer be the situation, although the Attorney-General will have the passage of the financial matters associated with the courts in relation to the Parliament and the budget.

I will not read out the compelling reasons that were placed on the record when the Legislative Review Committee reported as to why there was concern about the existing system and why we should be moving to the new proposition, which means self-determination on matters financial and matters of administration by those involved in the administration of justice. The reservations do emanate from the fact that the courts should be responsible to Government, and there is a very good reason for that. When something goes wrong within the courts system, I believe it is imperative that a Minister of the Crown take the responsibility for those breakdowns or those difficulties that are being created. This proposition of setting up a statutory corporation removes the courts from what I believe is essential direct scrutiny of the Parliament and direct responsibility of the elected Government.

I do question whether control of money through to the courts in any way impacts upon their impartiality and independence; I question that, because the system has worked reasonably fairly. We would all recognise that in the various levels of the court there are priorities, and what we have seen over a period of time is that the level of difficulty experienced because of time delays has been shared almost equally by all courts. We do not have a very efficient courts system in this State but, if you like, the inefficiencies have been shared between the various jurisdictions. Because power is vested in particular people responsible for the corporation, the danger is that this Bill could allow a flow of resources into certain areas that happen to be pre-eminent in the minds of those who are involved in administering justice.

I note that the Bill refers to the Judicial Council, and that should really be the State Courts Administration Council, as the Legislative Review Committee recommended. The council is a body corporate and is an instrumentality of the Crown. Importantly, the council consists of the Chief Justice of the Supreme Court, the Chief Judge of the District Court and the Chief Magistrate of the magistrates courts. Those three people play a very important role in the proposed new arrangements. However, I believe that none of those three individuals has any administrative skill whatsoever, as far as I am aware. I do not believe that the current Chief Justice has any particular skill in administering budgets. I do not believe that we will see that level of management emanating from those three individuals. A new structure will have to be set up, because those people have more than enough to do with their time in terms of dispensing justice and ensuring that the courts function effectively so that they will not have the capacity to be involved in the day-to-day running of the courts. That raises questions as to whether independence via a statutory corporation is the appropriate way to manage the courts system.

I do not believe there is a threat to judicial independence by the way the courts have been administered and financed, presumably since the State was first established and, more importantly, since the turn of the century. Judges *per se* are not equipped to take on the managerial responsibility with which this Bill vests them. We know, for example, that perhaps the

worst thing one can do to an education system is to put a former teacher in charge of it. We know that in hospitals administration, just because we—

The Hon. Jennifer Cashmore interjecting:

Mr S.J. BAKER: One should not impose a result, and that is what this Bill does. At least we have a choice: when a Minister is chosen for his or her expertise, it is presumably on the basis of their capacity to do the job. The three individuals named in this Bill have no given capacity to do the job. It is a pre-ordained result, so there is nothing of which I am aware to suggest that the three individuals represented by the positions outlined in the Bill have some special knowledge, expertise or capacity to carry out the administrative arrangement and financial management of the courts.

There is a question of accountability. Who is finally accountable for the actions of the courts in the way that they dispense justice and the way that they manage the resources? We are talking here about a $47 million or $48 million budget. It is a large and complex budget that requires the balancing of a number of priorities. Previously, that balancing has been done by the elected Government and the Bill proposes that the balancing act now be done by three individuals.

We know that the major action or flow through into the court system is in the Magistrates Court and the Civil Court. The number of cases dealt with in the Supreme Court is limited and in the District Court the number multiplies. It is in the Magistrates Court where the volumes are and where most people who have committed some indiscretion appear. If we are talking about balance, it is an uneven distribution of power in relation to where the priorities should be set. Assuming that the people we are going to allow to administer the budget—in this case the council—are people of total goodwill and are willing to do this, they may not be capable of doing it.

My colleague from another place raised questions about other matters that may impinge on them and add to their areas of responsibility, including civil disputes on such items as occupational health and safety. Many of the concerns about the legislative framework have already been dealt with and it is not my mission here in any way to recanvass those matters. The Bill has been tidied up as much as possible. It is my intention not to debate the arrangements but the principles in the Bill about which the Opposition has reservations. I do not want the courts to come rushing to the Government saying, 'We have spent the $48 million and we still have people waiting 12 months or two years to have a case heard. We need more resources.'

The question of accountability and how we go back into the system and see whether the money is being spent wisely is reduced by the passing of this Bill. If there are some miscarriages within the system, I do not want the Government to blame the courts and divest itself of all responsibility because it must be the nature of the beast that elected Governments must be made responsible for the conduct of Government.

The courts happen to be a very essential part of the business of Government and I do not want excuses made after the event and the Government saying, 'It is not working well, let us modify the system.' I believe that we are making a break from the current practice and, with all its faults, I believe that the relationship between the Executive and the courts is a healthy one at the moment. There is a check and a balance. The elected Government can set the priorities and ensure that people have an equal right to justice in this State. I have some reservations as to whether that practice will be continued under this arrangement.

I am not going to spend much time on the Bill, because it has been adequately debated. All the matters of administrative detail in the legislation have been thoroughly canvassed in another place. With those few words I can only say that the Opposition will wait with bated breath to see the outcome. It is a bold step. It may not be the appropriate one and we will have to see the final result.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank the honourable member for his indication of support for this measure on behalf of the Opposition. He refers to the debate in the other place where this matter was thoroughly scrutinised and debated in considerable detail. It comes to this House in a form that I believe is acceptable to all members. Obviously, we do need to scrutinise the legislation and monitor its application when the Bill comes into force to see that it carries out the desires that this place has of the measure.

The honourable member tended to lapse into giving a lecture to the Chief Justice and the court administrators in prudent management of public funds. The honourable member can be assured that for many years now there has been an efficient administration in our courts system and certainly within the judicial leadership of this State, where I believe we have been well served. It is not easy to predict what the demands on the courts will be.

Lists can lengthen unexpectedly, trials can become complex, long and costly and judicial officers can take ill or perform other duties, and so on. There are many unpredictable factors. To simply bring down a harsh judgment on judicial administrators, as the honourable member has just done, is I think somewhat unfair. The principle that the honourable member has been grappling with when he refers to the philosophy of this measure is clearly about the expression of the separation of powers under the South Australian Constitution Act and the traditions that we have inherited in our Westminster parliamentary system. I would suggest that that system has served this State well.

It has been said that we are the sixth longest continuously serving democracy in the world—the South Australian Legislature—and I believe that that in itself is a measure of the confidence that the community has in our system of Government and parliamentary democracy. People might become a little tired or frustrated at political Parties or individual politicians, but in fact the system of Government that we have is one that I believe we should work hard to preserve and protect in order to maintain that confidence that the community has in it.

The essence of this measure is to give a perception to the community as well as a basis in fact that there is clearly a separation of power. The administration of Government, as well as the administration of the courts, is becoming much more complex and those activities are now much more under public scrutiny, and the public

requires there to be much greater accountability than there has been perceived to be in the past. It is appropriate that not only is there a separation of powers but that the community also sees that that is the case.

Perhaps this is one of the more vivid examples that the community can see where the administration they deal with as a result of this measure is then quite separate from the bureaucracy as provided under our State Constitution Act. This measure comes to us as a result of the work of a committee, which took into account what is occurring in the Federal sphere and in other jurisdictions in this country and in other countries.

The matter has been carefully studied, scrutinised, and certainly so in the other place. May I just say this about the administration of courts. In recent times in a number of jurisdictions in South Australia court lists have decreased and not increased. I have heard comments by many practitioners about the strict and much admired administration that is applied in our courts in this State.

I make particular mention of the leadership that has been shown over many years by the Chief Justice, who is renowned around this country as a very fine judicial administrator, as well as being an outstanding judge. He has made a special study within his career as an administrator and I think he has brought many benefits to this State, to judges, to administrators and to those who work in the courts and appear before them as a result of the energy that he has put into this area of his responsibilities. Given this new responsibility to be vested in the courts administration, that discipline will bring about further efficiencies within the system and a much better allocation of resources according to need and according to changing needs, which often come about, as I mentioned earlier in this speech, unexpectedly and which need to be dealt with in an expeditious manner.

So there will be the capacity to reallocate resources to meet those changing needs, whether they are unexpected or whether they are planned needs, and also to engage in some longer term planning so that resources can be provided in a way which can bring about those benefits that are required and which are found very difficult under our present annual budgetary and allocation systems. I predict that, contrary to what the honourable member has indicated to the House, where difficult decisions are to be taken and needs emerge, rather than simply coming back to Government and demanding the resources, there will now be an opportunity for a more efficient administration, better planning and better allocation of resources. If that is the case, obviously the community will be better served by its courts, and that is our ultimate aim. I commend the measure to all members.

Bill read a second time.

In Committee.

Clauses 1 to 18 passed.

Clause 19—'Disciplinary proceedings.'

Mr S.J. BAKER: I briefly express my opposition to clause 19, which provides:

> No disciplinary action may be taken against a member of the senior staff of the council except with the consent of the council.

I find that a difficult provision to remain within the Bill. I guess it revolves around determining where discipline ends and prosecution commences. I realise there is a difference between the actions of employees and whether they are negligent or whether they have caused harm, as distinct from actions by employees where some criminality is involved. In this case I appreciate that we are talking about disciplinary action and not legal proceedings.

I find clause 19 to be very restrictive. It means that, if the Executive believes that action should be taken in respect of the performance of particular individuals as they interface with the public or as they interface with the elected Government, that cannot occur because of the restriction imposed by clause 19 of this Bill. In the opinion of the Opposition that is not appropriate. I do not intend to divide on the issue but to express our opposition to this provision because it does restrict accountability in its widest sense. I would ask the Minister at some stage in the future to have his colleague in another place review that provision because I do not believe that it enhances the administration of justice.

The Hon. G.J. CRAFTER: On a point of clarification for the honourable member, the provision is similar to that which exists in the respective Acts which now provide for the administration of the courts. The District Court Act, which relates to the Registrar and Deputy Registrar of that jurisdiction, contains a similar clause. So, it is not something that is new or has been dreamt up. It is an appropriate procedure to have. There must be some method of taking disciplinary action against staff. This provides a structure for that to occur along with appropriate safeguards.

Clause passed.

Remaining clauses (20 to 31), schedule and title passed.

Bill read a third time and passed.

LEGAL PRACTITIONERS (REFORM) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 10.38 p.m. the House adjourned until Wednesday 10 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 9 March 1993

QUESTIONS ON NOTICE

GOVERNMENT VEHICLES

230. **Mr BECKER:**

1. What Government business was the driver of the vehicle registered VQB-118 attending to on Friday 9 October 1992 at 7.50pm when it was at a Dulwich Kentucky Fried Chicken drive-in outlet?

2. To which Government department or agency is this vehicle attached?

3. Were the terms of Government Management Board Circular 90/30 being observed by the driver of this vehicle and if not, why not and what action does the Government propose to take?

The Hon. M.D. RANN: The replies are as follows:

1. The Officer who was driving this vehicle is a senior employee of the Senior Secondary Assessment Board of South Australia (SSABSA) who was working that night on legitimate business. At the time of the car being seen at the Kentucky Fried Chicken Outlet, this officer was purchasing dinner before returning to SSABSA to continue working.

2. The vehicle is owned and registered to State Fleet and, at the time in question was leased on long-term hire to the Senior Secondary Assessment Board of South Australia.

3. The terms of GMB Circular 90/30 were adhered to in this instance.

235. **Mr BECKER:**

1. What Government business was the driver of the vehicle registered VQB-781 attending to on Saturday 10 October 1992 at 4.40 p.m. on Fullarton Road, Rose Park?

2. To which Government department or agency is this vehicle attached?

3. Were the terms of Government Management Board Circular 90/30 being observed by the driver of this vehicle and if not, why not and what action does the Government propose to take over the use of this vehicle?

The Hon. M.D. RANN: The replies are as follows:

1. Vehicle registration VQB 781 is leased to the Open Access College and is frequently used outside of normal working hours and weekends. At the time in question it was being driven home by an officer from the College's Homestead Video Scheme who had been video taping the Latin American Festival at the Migration Museum.

2. The vehicle is registered to State Fleet and is leased on Long Term Hire to the Open Access College.

3. The terms of the Government Management Board Circular 90/30 were being observed by the driver of this vehicle.

ABORIGINAL HOUSING

280. **The Hon. D.C. WOTTON:**

1. Who in the Aboriginal community was consulted prior to the decision being made to have -

(a) the Minister of Aboriginal Affairs take over responsibility for Aboriginal housing policies from the Aboriginal Housing Board; and

(b) the South Australian Housing Trust deliver the Aboriginal Housing Program, probably on a regional basis, under a contract or other agreement with the Department of State Aboriginal Affairs?

2. How can the Office of State Aboriginal Affairs run the current programs of the Board, i.e. Housing Management Committees, Forum, Rent Tribunal, Newcastle Street Student Hostel, program consultation, research, collection of statistics, information source, advocacy, elections, Training work-shops, mailing service etc?

3. Will the quality and detail of advice now given by the Board, and its Committees, on the Aboriginal Housing Program, be maintained?

4. Who will be on the new advisory committee, how will they be appointed, will there continue to be Aboriginal grass-roots involvement in the program and what staff with any housing program experience will be employed by the Department?

5. How will the Board's relationship with ATSIC be improved by these changes taking into account the fact that ATSIC has membership on the Board now and the Board has strong links with regional councils and the State Advisory Committee?

6. How can these changes be justified in the light of the recommendations and community responses to the Board Review, the reconciliation process, the Kaurna Regional Council's Draft Regional Plan, the Commonwealth Government's recent recommendations on Aboriginal housing, and the trends in other States towards giving greater responsibility to Aboriginal Housing Boards and in particular, how do these changes conform with the State Governments published support of the recommendations of the Royal Commission into Aboriginal Deaths in Custody (eg. Recommendation No.192)?

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

1. (a) The Government is committed to allowing the Aboriginal community a greater input and involvement in Aboriginal issues and providing a focus for pursuing these issues. It was therefore appropriate that the Minister of Aboriginal Affairs portfolio include responsibility for Aboriginal Housing and that the Department of State Aboriginal Affairs be the focus for co-ordinating various Aboriginal programs.

I have met with the Aboriginal Housing Board and the Chairperson on a number of occasions and made it clear that the current arrangement is an interim measure to enable the Government, through the Department of State Aboriginal Affairs with advice from the Board, to progress the recommendations of the Review of the Aboriginal Housing program promptly and appropriately.

In the context of the new arrangements the Aboriginal Housing Board has been given an undertaking that they would continue to play a pivotal role in the delivery of the Aboriginal Housing program.

In fact a working party has been established to advise the Government on options to effect the successful implementation of the interim arrangements with representation from members of the Aboriginal Housing Board, Aboriginal Housing Management Committees, Department of State Aboriginal Affairs, South Australian Housing Trust and the Aboriginal and Torres Strait Islander Commission. So you can see that there is wide consultation with Aboriginal Agencies and the Aboriginal community.

(b) The South Australian Housing Trust will continue to provide for the delivery of housing services to Aboriginal people but it is intended to formalise this arrangement through a performance agreement which will stipulate program outcomes.

2. It is not the intention that DOSAA run the current programs of the Board. One of the Department's key functions will be its priority role in negotiations with ATSIC on behalf of South Australian Government Agencies. This is particularly pertinent in view of the increasingly important role being played by ATSIC in Aboriginal housing. In fact in 1993-94 Federal funding will be broad banded and channelled though ATSIC. DOSAA will perform a co-ordinating role and provide advice to the Minister on the Aboriginal housing program.

3. As I explained earlier in my answer the Board will continue to play a pivotal role in the provision of advice to the Minister through the Department of State Aboriginal Affairs.

4. There is no new advisory Committee and in relation to grass roots Aboriginal involvement in the program I have written to the Chairperson of the Aboriginal Housing Board stating that I am personally committed to the structure of Aboriginal Housing Committees which successfully utilise the skills and knowledge of Aboriginal people at the local level.

Indeed this aspect of the program is being considered by the Working Party with a view to strengthening the role of the Committees.

The Secretariat of the Aboriginal Housing Board is a body with considerable expertise in the Aboriginal housing program and this group will be merged with DOSAA as part of the interim arrangements once the details have been worked through. The Executive Officer to the Working Party who is a Housing Trust employee will also be located in the Department during the period of operation of the Working Party.

5. It is absolutely imperative that a close working relationship with ATSIC be promoted particularly as in the next financial year Commonwealth Aboriginal Housing Funds will be broad

based and channelled to the State through the Aboriginal and Torres Strait Islander Commission.

The Department of State Aboriginal Affairs consults regularly with ATSIC and the Working Party has a representative of the State Office of ATSIC together with the South Australian ATSIC Commissioner as members.

The Working Party is producing a paper for my consideration outlining the States position in relation to the funding issue seeking ATSIC's agreement that all Aboriginal housing funds, including capital and recurrent components, be identified at a national level and combined into one Aboriginal housing program. It is intended that this paper will be presented to the State Advisory Council (SAC) by the Chief Executive Officer of DOSAA.

6. As I have explained the interim arrangements will allow the progression of the recommendations of the Aboriginal Housing Review which will be overviewed by the Working Party.

In relation to Recommendation 192 of the Royal Commission into Aboriginal Deaths in Custody, the South Australian Housing Trust will continue to provide for the delivery of housing services to Aboriginal people but through a contractual arrangement with DOSAA.

The process to be adopted in the delivery of the services will be agreed by the Working Party and will be appropriate to the needs of the Aboriginal clients.

The Government not only supports this recommendation but is committed to increasing Aboriginal input through strengthening the Aboriginal Housing Management Committees which play a vital part in the service delivery process.

HOUSING COOPERATIVES

305. **Mr BECKER:**

1. How many cases of fraud or misappropriation of funds have occurred in housing cooperatives since 1 July 1991 and how much money has been involved?

2. What insurance and/or protection do housing cooperatives have to ensure all monies and investments are safe from loss by fraud, misappropriation or theft?

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

1. One case of fraud has occurred since 1 July 1992 with the total amount being $63 000. The Co-operative involved is the Central Districts Housing Co-operative.

2. The minimum level of insurance for co-operatives is covered by Section 14 of the Funding Agreement between the respective Housing Co-operative and SACHA.

SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

311. **Mr BECKER:**

1. What was the term and interest rate charged by SAFA to SGIC for providing finance for the purchase of 333 Collins Street, Melbourne?

2. Was finance provided through Westpac and if so, why?

The Hon. FRANK BLEVINS: The replies are as follows:

1. As part of the arrangements whereby SGIC acquired on 16 August 1991 the property commonly known as 333 Collins Street, Melbourne, SAFA provided loan funds to SGIC at a fixed interest rate of 12.75 per cent p.a. with interest payable six-monthly in arrears, for a term concluding on 15 October 2000. As part of Government support arrangements for SGIC as at 30 June 1992, SGIC's liability to SAFA in respect of this loan was assumed by the Treasurer.

2. The 333 Collins Street property project involved funding provided to the developer, 333 Collins Street Pry. Ltd. under three financing facilities

Construction Debt Facility
Medium Term Debt Facility
Long Term Debt Facility

The Construction Debt Facility was extinguished on 16 August 1991 from the loan funds provided by SAFA. It was considered expedient for the remainder of the acquisition cost to be financed by the consortium of financiers to the Medium Term and Long Term facilities. In the case of the Medium Term Debt Facility Westpac acted as the representative of a syndicate of banks. Westpac provided funding pursuant to the Long Term Debt Facility.

The Medium Term facility has since been retired and replaced with funding from SAFA on more favourable terms.

As a consequence of the Securitization Agreement with SGIC effective from 30 June 1992, SAFA has the ultimate responsibility for borrowings related to 333 Collins Street.

BOATS

370. **Mr MATTHEW:** How many boats are used by each department and agency under the Ministers responsibility, what is the name of each boat, who owns it and if it is not owned by the department or agency, what are the terms and conditions of its lease?

The Hon. J.H.C. KLUNDER: The reply is as follows:

SACON

- SACON owns one boat.
  - It is a 3.6 metre aluminium row boat used when servicing submerged pumps and other irrigation equipment.
- The boat does not have a registered name.
- SACON neither owns nor leases any other boats.

Engineering and Water Supply Department

The total number of boats used by the Engineering and Water Supply Department, Murray Darling Basin Commission and South East Drainage Board is 93.

The Engineering and Water Supply Department owns 65 boats of which 4 are named:

Niara
Wyuna
Peter Cole
D J Alexander

The Murray Darling Basin Commission owns 27 boats of which 5 are named:

Boats: Maratala; Irabina
Barges: Bunyip; J Ligetwood; A J Kinnear

The South East Drainage Board owns 1 boat.

All of the boats which are not named are identified by departmental identity numbers and the Department of Marine and Harbors registration numbers.

There are no boats on lease to the Engineering and Water Supply Department or Murray Darling Basin Commission or South East Drainage Board.

Electricity Trust of South Australia

ETSA currently owns 3 boats. The detail of these is as follows:

3.8m dinghy registered number XFO3S4
4.2m dinghy registered number AE134S
5.8m cabin boat registered number ZQ63S

Pipelines Authority of South Australia

The Pipelines Authority owns a 4.3 metre Mark II Zodiac inflatable rubber dinghy, with a 25 HP Johnson Outboard Motor and a boat trailer.

ASER

402. **Mr D.S. BAKER:** For each financial year since the Principles for Agreement dated 1 October 1983 for the ASER project were implemented, what were the respective annual rentals paid to the State Transport Authority under clauses 2(b) and 2(m) of the Principles?

The Hon. M.D. RANN: The State Transport Authority has received the following rentals for the ASER project:

	Ground and Air Rights	Casino Rental
July 87-June 88		1 024 146.28
July 88-June 89		1 115 361.23
July 89-June 90	154,470.81	1 178 409.04
July 90-June 91	153 185.39	1 458 624.62
July 91-June 92	162 233.47	1 423 983.70
July 92-Feb 93	109 768.56	986 739.27

406. **Mr D.S. BAKER:** For each financial year since the Principles for Agreement dated 1 October 1983 for the ASER project were implemented, what was the rental paid for the lease of-

(a) the Convention Centre; and
(b) the car park,

under the clause 2(c) of the Principles?

The Hon. M.D. RANN: The reply is as follows:

The first lease payments commenced in the year 1986-87 and all subsequent payments are shown as per the table below:

	Convention Centre ($'000)	Car Park ($'000)
1986-87	-	969
1987-88	2 135	1 060
1988-89	2 588	1 156
1989-90	2 816	1 257
1990-91	3 022	1 348
1991-92	3 212	1 432