HOUSE OF ASSEMBLY

Wednesday 15 November 2000

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 2 p.m. and read prayers.

PEDESTRIAN CROSSING, PROSPECT ROAD

A petition signed by 696 residents of South Australia, requesting that the House urge the government to install a pedestrian crossing on Prospect Road at Blair Athol, was presented by Mr Clarke.

Petition received.

PEDESTRIAN CROSSING, LOWER NORTH EAST ROAD

A petition signed by 696 residents of South Australia, requesting that the House urge the government to install a pedestrian crossing on Lower North East Road adjacent to the North Eastern Community Hospital, was presented by Mr Scalzi.

Petition received.

SCOTT-MURPHY, Mr R.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: On review of yesterday's *Hansard* report, it may be construed that Mr Scott-Murphy's employment with SA Water International was terminated. A letter terminating Mr Scott-Murphy's contract of employment with SA Water International was prepared, signed and dated by the former Chief Executive, Mr Sean Sullivan. However, prior to this letter being sent and in order to improve the terms of his severance, a letter of resignation from Mr Scott-Murphy was received by SA Water International, from which I quoted yesterday.

Mr Foley interjecting:

The SPEAKER: Order, the member for Hart!

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence will remain silent!

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the fifth report of the committee and move:

That the report be received and read.

Motion carried.

Mr CONDOUS: I bring up the sixth report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

WATER CONTRACT

Mr CONLON (Elder): My question is directed to the Minister for Government Enterprises—

The Hon. G.M. Gunn interjecting:

Mr CONLON: You made all the tellies last night, Gunny. Given the statement of Mr Scott-Murphy to the Economic and Finance Committee that 'it is certainly common practice in Indonesia to seek favour through associations and sometimes financial arrangements,' is the minister confident that the activities of the SA Water government representative in West Java, Mr Peter von Stiegler, fully complied with Australian law, including his appointment of Mr Nuriaman for policy and political advice, and will he say whether this appointment was made through an open competitive tender?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): Sir—

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: —the question of SA Water's contract, or arrangements, in West Java and all its consequent actions to ensure that the government to government relationship was appropriate were matters that I raised, I think, on three occasions—maybe four—in my regular meetings with both the Chair of the SA Water board and the then Chief Executive Officer, Mr Sean Sullivan. If there had been any irregularity in those matters, I would have expected Mr Sullivan to identify them to me, and he did not do so.

SOUTH AUSTRALIAN COMPANIES

Mrs PENFOLD (Flinders): Will the Premier outline to the House the success of South Australian companies in winning lucrative contracts that secure jobs for hundreds of people in our state?

The Hon. J.W. OLSEN (Premier): I thank the member for Flinders for the question. Clearly, she has been interested in rebuilding economies and expanding economies, and she has had a keen focus on the aquaculture industry—which, coincidentally, has had about a 30 per cent increase in export effort. That is, clearly, a great direction for the state.

Investment and job growth just simply continues in South Australia. Fresh on the heels of Motorola, Sheridan and EDS, Castalloy has signed a $10 million a year deal to supply cylinder heads annually to leading Malaysian car manufacturer Proton. That brings 50 new jobs to the state, in addition to the flow-on indirect benefits of about 150 additional jobs.

We are continuing to attract investment from other states. Virgin Blue is not the only thing coming out of Queensland at the moment. CSN, the agricultural manufacturer, is moving to our state out of Queensland. The Adelaide-based company John Shearer Holdings has purchased the Queensland company and will spend $5 million acquiring and relocating it.

An honourable member: Hear, hear!

The Hon. J.W. OLSEN: I am delighted that, at last, we get a 'Hear, hear' from the opposition. There is something positive about this. I think there has been a new dawn on the opposition benches, and I welcome it.

An honourable member: Tell us some more.

The Hon. J.W. OLSEN: And I will tell you some more. It is not only Queensland from which jobs are coming; it is also New South Wales. We get a company—

Members interjecting:

The Hon. J.W. OLSEN: No, Western Australia is holding firm: it happens to have a Liberal government at the moment. As it relates to investment, McGuigan, the company out of New South Wales, is not investing $15 million in its home state: it is coming to South Australia to invest. And I can advise the House that there will be another announcement shortly about the Labor state of Tasmania, where some 50 to 60 jobs will be relocating from there to South Australia.

As for Victoria, they are becoming quite specialised in terms of jobs—that is, in the export of jobs out of Victoria. The news for the Bracks government simply continues to get worse. We have had Pacific Dunlop Limited indicating that its tyre business and about a thousand employees are relocating out of Victoria.

Mr Foley: Here?

The Hon. J.W. OLSEN: No. You cannot blame business when you have Victoria's Auditor-General warning the Bracks government about reining in spending. I know that the member for Hart is an avid reader of the *Financial Review* and I refer the honourable member to today's *Financial Review*; it is on his desk. In that, the Auditor-General in Victoria is warning the Bracks government that it is actually spending more than the growth of GSP in the Victorian economy. Its spending has increased more than the growth of its economy in Victoria. Does that sound familiar? It certainly does, because it was the Labor Party in South Australia that was spending $300 million a year more than it was earning.

Mr Foley interjecting:

The Hon. J.W. OLSEN: The member for Hart has the absolute temerity, the hide and the hypocrisy to tell us to rein in our spending when other colleagues ask us to put more money into education, health, law and order and a raft of other items of expenditure—which we are going to do, because we have the finances right in South Australia. We can start targeting those areas of education, health and law and order. There is one common element in those examples that I have given, and that is a Labor government—and investment moves away.

It was the same here in the 1980s and 1990s: we saw investment go from our state to the eastern seaboard. What we are now seeing on the eastern seaboard is a flight of investment, a flight of capital, a flight of jobs, and we happen to be the beneficiaries of that. What we have had from the opposition—but for today's 'Hear, hear!'—is deafening silence: a policy vacuum.

Mr Foley: Be fair!

The Hon. J.W. OLSEN: The member for Hart says, 'Be fair'. It is the member for Hart who says, 'Too little too late,' and 'but' to every investment we have. 'Have we paid too much for it?' Not that we might have won it on merit or have a competitive advantage compared to the other states, but he has to put a wet blanket over investment, has to put it down, qualify it and take the gloss off what is happening to this state. Despite the best efforts of the member for Hart, I can guarantee that the public of South Australia are starting to see the jobs on the ground roll out for them.

Importantly, getting those larger companies here with pay packets is starting to roll out for small business. I want to repeat this, because it is important to understand that bringing larger companies and further jobs here means that more people in the community with a pay packet are spending in their local deli, service station, supermarket, and the list goes on. And small business, this state's largest employer, is a beneficiary of that. But what we get from the opposition is a deafening silence.

Members interjecting:

The Hon. J.W. OLSEN: Then let me pose some questions to you right now. Do the leader and the member for Hart agree that South Australia's unemployment rate is now at its lowest level for 10 years?

Members interjecting:

The SPEAKER: Order! The chair does not want to dampen the House's enthusiasm, but the minister is entitled to be heard and the chair will make sure that he is.

The Hon. J.W. OLSEN: Is the opposition pleased that state debt has been cut to one-third of its level when it left government?

Mr Foley interjecting:

The Hon. J.W. OLSEN: No, this is bigger. Once again, a deafening silence. There is a deafening silence, demonstrating a policy vacuum opposite. Apart from wanting to pre-empt government announcements, where is the positive public contribution? I admit that, in terms of industry attraction, there have been a couple of key projects—

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: The Submarine Corporation, all right. The State Bank was an investment attraction process that bankrupted not only the state but also the economy. I should not forget one other deal secured by the opposition and it was called the MFP. After a period, we fixed that and got an $850 million private sector investment into Mawson Lakes to reconfigure it. This state is at last heading in the right direction, and it is underpinned by voter confidence and a range of investment companies. The bottom line is more jobs and a future in this state.

CONSULTANCY REPORT

Mr CONLON (Elder): My question—

The Hon. G.A. Ingerson interjecting:

Mr CONLON: No, you defend it, Ingo. This is just your style; you defend it.

Members interjecting:

Mr CONLON: In fact, Ingo—

The SPEAKER: Order!

Mr CONLON: Will the Minister for Government Enterprises now table the consultancy report prepared for SA Water by the brother of the Governor of West Java for which South Australian taxpayers have paid at least $16 000? Is this consultant still on a retainer, and what is the Australian dollar value of that retainer?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I have not seen the report; I will look into whether or not it can be tabled. I did ask the rhetorical question last week about Mr Nuriaman, to which I have not yet received a response, needless to say. Does the fact that he happens to be related to any particular person preclude his being the best person to work on our behalf?

Members interjecting:

The Hon. M.H. ARMITAGE: But does it preclude him?

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: Now the member for Hart is saying, 'Well, it raises questions.' Right!

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: Then let us answer the questions. If it raises the questions, let us answer them. This man was appointed in accordance with the guidelines because he has quite specific skills: he was the head of the management committee of the Cooperation Board; he has considerable international business experience; he lived for five years in Japan; he is fluent in a number of languages; he understands all the government—

Members interjecting:

The SPEAKER: Order! I call the members for Elder and Bragg to order. We will not have a repeat of yesterday's performance. Minister.

The Hon. M.H. ARMITAGE: As I was saying, Mr Nuriaman is fluent in Japanese and English. He understands all government and parliamentary procedures and—

Members interjecting:

The Hon. M.H. ARMITAGE: Yes, he does; and he has a highly respected reputation in Indonesia. If one is drawing up a series of skill sets for the sort of person to help the commencement of a government-to-government relationship—so that you could in fact grow the water industry in South Australia; so that the Premier will be able to stand up in, six, 12 and 18 months' time—even two years' time—and give continual reports about how all of the small companies that are developing clever things back here in the water industry in South Australia have grown— the sort of person one would be seeking is, in fact, the person that the opposition is delighting in sledging. I find it extraordinary when, with all those skills, the benefits that will flow and the retainer—

Mr Foley interjecting:

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

The Hon. M.H. ARMITAGE: When a retainer of $16 000 was paid, I find it extraordinary that this fishing expedition continues. However, as we identified yesterday, the reason for the fishing expedition is that the whole internationalisation of the South Australian water industry is a success story, which the opposition continually tries to undermine. It does not like acknowledging that there are now in South Australia a number of companies that are quite capable of mixing it in the big brave world of international business. That is exactly the sort of company that we ought to be encouraging through our government to government relationship and having the leapfrog business benefits flowing back to the South Australian community.

MURRAY RIVER

The Hon. G.M. GUNN (Stuart): Will the Minister for Water Resources outline what steps have been taken to ensure that the South Australian government is well positioned to benefit from the Prime Minister's recent announcement that $1.4 billion will be spent on water and salinity management in this country? Will the minister further explain what benefits are likely to flow to the Murray River, particularly in Morgan, which is in my constituency?

The Hon. M.K. BRINDAL (Minister for Water Resources): I thank the member for Stuart for his question and remind the House that the Premier has already detailed the government's contribution in tackling Murray River salinity as part of our contribution to the national salinity action package. The Premier has publicly identified four salinity hot spots in our state, to which he would like to see salinity target funding directed. It is vital that this funding goes to areas where it will be most effective in combating the scourge of salinity, and it will be.

Catchment boards—people at a local level—have great potential for providing community input into this water management strategy. Catchment boards are involved in consultation with the community in preparing and implementing water management plans for their areas. I note in the paper today that Labor Party stalwart, Bill Hender, a man described in glowing terms by one of those few keepers of the light on the hill who are left—I refer to the member for Ross Smith—has been very critical of his party's disappointing approach to rural issues and, in particular, because it is relevant to this question, water management. Bill—

Mr Koutsantonis interjecting:

The Hon. M.K. BRINDAL: One day you might win one. There is a difference: one day you might win one. You have yet to prove that you can.

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member will remain silent!

The Hon. M.K. BRINDAL: Bill has a point. After all, this is a party whose platform for government document says that it will develop a comprehensive water plan and set up catchment boards. This government has a state water plan—our second since 1995—and we have catchment management boards.

Mr Koutsantonis interjecting:

The Hon. M.K. BRINDAL: For the member for Peake's benefit, we have seven now, and we will be operating eight next year. We do not need him to tell the people of South Australia that perhaps he will set them up: we have already got them. He is conning the people of South Australia. No wonder Mr Hender jumped the Labor Party. When it comes to quality water management, it was nowhere to be seen or heard. When it comes to providing regional jobs, it is nowhere to be seen or heard.

This week I have called for public submissions on proposals to expand the existing boundaries of the Murray River Catchment Water Management Board so that it will more realistically reflect the Murray River catchment area. I encourage the community to be involved, especially since I know that those members opposite who are involved on the select committee will recognise this as a position on which much evidence has been presented already to the select committee. I hope that at least the shadow minister will acknowledge that this government takes action before the committee has to report, and does not wait for it to report.

It is very timely, given the Prime Minister's plan and the opportunity for more country communities to have direct input into water management. The review, if adopted, will extend the boundaries of the Murray River catchment board to the existing arid areas to the north—abutting the member for Stuart's electorate—and to the south, abutting the area of the South-East Catchment Water Management Board. It will cut out the no-man's land in between.

One of the problems with the existing board's boundaries is that it really only covers a narrow corridor on either side of the river. It includes Murray Bridge, Morgan and Renmark, but at present omits towns such as Karoonda and Pinnaroo, which might benefit from being in the board's order of responsibility. A number of reports in the past 12 months have highlighted the Murray Mallee as a major source of salt in the coming years and much evidence before the select committee reaches the same conclusion. It is therefore vital for economic and employment growth in regional South Australia that we win the fight against salinity

which the Premier has led and he is now joined by the Prime Minister and the other premiers. Therefore, expanding the Murray River board to include the mallee region could have benefits and would further strengthen institutional arrangements needed to tackle rising Murray salinity levels.

We are going out and publicly consulting with people. Unlike Labor, we actually listen. We are going out—

Members interjecting:

The Hon. M.K. BRINDAL: They say, 'Come on,' sir, but they do not; they prove they do not. They do not listen any day in here; why would they listen to anyone else? We are getting on with the job. People have until 23 December. We will be going out and talking to them and the local members will be talking to them. We are getting on with the job: we just do not sit here and flap our gums.

Mr Venning interjecting:

The SPEAKER: Order, the member for Schubert!

WATER CONTRACT

Mr CONLON (Elder): Can the Minister for Government Enterprises explain the evidence provided last week by the head of SA Water International, John Caporn, that the implications of Keppress 7 mean that there can be no preferential treatment given to South Australian companies bidding for work in West Java, which is exactly the concern raised by former SA Water Development Manager, Mr Ric Scott-Murphy, and disputed by the minister. Yesterday, in parliament the minister quoted an Indonesian law firm which also confirmed this fact when it stated—

Mr Venning interjecting:

The SPEAKER: Order! The member for Schubert will remain silent.

Mr CONLON: It states:

> The concern of presidential decree. . . [Keppress 7] is the actual construction of infrastructure where definable values are at stake.

Last week John Caporn from SA Water's International Division told the Economic and Finance Committee on two occasions that no preferential treatment can be given to South Australian companies bidding for work in West Java because of Keppress 7, despite the SA government's entering into a deal with West Java in which it claims South Australian based water companies would be given preferential treatment with construction of infrastructure.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): Not only can I explain it, I will explain it; and I will explain it again because I think I have explained it on at least two occasions before. However, I am very happy to go through it again so that the member for Elder and the House actually understand. As I indicated to the House yesterday, the legal opinion provided by the Indonesian lawyer—and I will refer again to the communication—states:

> The concern of presidential decree 7/1998—

so it is 1998, it is not something or other that has suddenly appeared on the scenario—

> [Keppress 7] is the actual construction of infrastructure where definable values are at stake. Consulting services appear to lie outside its ambit. Therefore, this proposed agreement does not offend.

Mr Conlon interjecting:

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

The Hon. M.H. ARMITAGE: That is a particularly crucial piece of information which I read to the House yesterday and today and which I believe the Economic and Finance Committee was told last week, but nevertheless, for the benefit of everyone, I will try to expand on what it means. What it means is the government to government agreement, the management of the systems management contract, does not offend against Keppress 7. What then happens is that, because SA Water has a position on the Cooperation Management Board and because it provides the technical qualifications, if you like, to the company's requirements for the short list, the SA Water input will clearly be designed along a number of features which include: does a company have the required technical competence; does it have the requisite expertise; is it big enough to do the particular contract; has it got a track record of doing it; is it an international company; and so on and so forth.

Mr Conlon: It will be unlawful.

The Hon. M.H. ARMITAGE: That has never been in dispute.

The SPEAKER: Order! I warn the member for Elder for the second time for deliberately disrupting the House.

The Hon. M.H. ARMITAGE: That is what the member for Elder is missing, either deliberately or because it is going straight over his head. We have never said—and I do not believe Mr Caporn ever said—that there would be any illegal act that would provide direct preferential treatment to a South Australian company. I do not believe that that was the case. It was said that there would be an opportunity for SA Water, at the government-to-government level, to provide the names of appropriate South Australian companies to go onto a short list. That would be because, despite the sort of criteria I spoke about before—international expertise, technical competence, expertise, and so on—

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for also deliberately disrupting the House.

The Hon. M.H. ARMITAGE: When one looks at those sorts of criteria, one sees that the South Australian water industry's companies are actually able to fulfil those criteria. They are internationally competitive, they do have the technical expertise, they are competent and they have the sort of bulk that enables them to do the big jobs. Why do they have that? They have that because the South Australian water industry, since the outsourcing contract, since the election of the Liberal government, has begun to strut the international stage. Previously that could not happen. Why? Because the industry was inward looking and was not seeking broader pastures and ways of coming together, adding bulk and winning overseas export contracts by putting a couple of companies or more together.

That is how it will be provided to the South Australian companies, because they will be on the short list and the opportunity will then be there for them to be selected. When they are selected, as I am confident they will be for at least some of these opportunities, where does the benefit flow? It flows back to South Australia and to people who are employed in the international water industry companies. It flows back to the apprentices or trainees who are now getting training.

A year or so ago I went to a particularly interesting function where the training facilities for the people in the international water industry had suddenly been upgraded. The only reason they needed training was the fact that international opportunities were there. All this is the sort of benefit that an internationally focused water industry is able to provide to South Australia. It is exactly the sort of water

industry we now have that we had absolutely no hope of providing under Labor.

DENTAL PATIENTS

Mr MEIER (Goyder): My question is directed to the Minister for Human Services. What is the government doing to increase the number of treatments available to—

The Hon. G.M. Gunn: To the member for Elder.

Mr MEIER: Yes, to the member for Elder—I like that. What is the government doing to increase the number of treatments for public dental patients in South Australia?

The Hon. DEAN BROWN (Minister for Human Services): The member for Goyder has on a number of occasions raised this issue with me and, as a result of the delegation he brought from country dentists, the government responded by increasing the rate of payment for public services for those country dentists and we were able to secure the services for public dentistry out in the country where in fact there is no government clinic. In addition, this year we put $3.2 million more into extra treatments for public dental patients and also we have put about $2 million into upgrading facilities. However, we recognise that there is a very long waiting queue, as there is around the whole of Australia. The state and territory governments produced a very interesting report looking at the issue of public dental patients and the role that we believe the federal government should be playing in this area. For a very short period up until 1996-97, the federal government put $10 million a year into providing services for public dental patients here in South Australia.

In relation to the paper that we have prepared, it has been revealed that through the private health insurance rebate over $300 million of subsidy a year is going into dental services for people who can afford private health insurance and yet, at the same time, the federal government is contributing nothing towards public dental services for patients such as pensioners who present for dental treatment and must be dealt with entirely by state governments. So, now that 46 per cent of people are insured privately, we effectively have the federal government contributing a $300 million or more subsidy into the private health insurance through the rebate system. However, at the same time, the federal government makes no contribution at all towards dental treatment for pensioners—apart from Veteran Affairs pensioners—and welfare recipients.

So, there is an enormous imbalance, and this report highlights the extent to which there is an imbalance and why the federal government, having withdrawn a $100 million scheme and replaced it with a $300 million subsidy for private health insurance specifically into dental services, should now come back and at least re-establish a $100 million scheme for public dental patients throughout Australia—and that would mean about $10 million for South Australian public dental patients. We will be putting forward this paper to the federal, state and territory governments—

Ms Stevens interjecting:

The Hon. DEAN BROWN: I have already outlined what we are doing. I believe there is an urgent need for a national public dental service for recipients of welfare payments through the federal government system. It is time that some subsidy is granted for these people, who are on very low incomes indeed. If the federal government has $300 million to put into a subsidies scheme through private health insurance rebates for those who can afford to pay then, equally, there must be some subsidy at the other end of the scale, and the state and territory governments will be pushing for that very strongly indeed.

SOUTH AUSTRALIAN TRADE OFFICES

Mr FOLEY (Hart): Given that South Australia's 10 overseas trade officers have been summoned to a meeting with senior government officials in Adelaide this week, will the Premier say whether he is concerned about any aspects of their operations, and will he make these representatives available to give evidence to the Economics and Finance Committee in its inquiry into overseas trade offices?

The opposition has been advised that the meeting involves the state government trade representatives in Beijing, Jinan, Shanghai and Hong Kong, Jakarta and Bandung in Indonesia, Singapore, Malaysia, Japan and the United Arab Emirates, and the meeting has been called to sort out problems in their operations, including greater scrutiny of their spending. The Economic and Finance Committee has launched an inquiry into these offices.

The Hon. J.W. OLSEN (Premier): Here we go again with wild allegations from the opposition trying to create a story. I do not whether it has escaped the member for Hart's attention but our overseas officers come back once or twice a year. Why do they do that? They come back to have seminars and conferences with South Australian business that are wanting to do business overseas. They network with South Australian businesses to create opportunities. In addition, they develop a strategy to underpin the direction from which we want to take exports out of South Australia in the future in developing an export culture for our state.

I know it rubs salt into the wound of the member for Hart, but the export culture of this government over the last seven years has developed an export performance second to none in Australia. We are outperforming the other states in the range of export markets to which we are going and, importantly, the increase in the value of the export markets.

What are we doing as an integrated strategy? We are underpinning transport options to go to those markets. By way of example, I mention the Adelaide to Darwin rail link, the upgrading of the international airport terminal and, dependent upon a view in another place on ports, we will have a ports facilities which will be able to cater for the next 30 and 40 years and which will have a competitive advantage over the Victorian port of Melbourne. We are underpinning our strategy with transport options to go to market. We have our strategy with the food for the future, where we are working with a whole range of regional economic development boards, local council, communities and Chambers of Commerce. Why? So that we can develop our aquaculture industry, food and beverage, and fibre and fabric industries in country and regional areas of the state, linking them to the markets of the future, getting them to understand through the agents that we have overseas access to those markets and, importantly, making sure our representatives in those markets understand the strategy, know what the focus is and can implement and support South Australian businesses.

I am also reminded of the International Chamber of Commerce in South Australia which worked with those representatives overseas. I would be delighted at some stage to bring into the House letters that we have had back from a raft of South Australian small and medium businesses that have been helped by these overseas offices. It does you proud to know that there are public servants here and overseas who

are performing long hard work in the interests of our exports, and the bottom line of that is more jobs for South Australians.

The member for Hart should not get confused about a biannual conference to get the export focus and the networking right with small businesses. When they come back, it is important that they meet 30, 40 or 50 individual companies that are wanting to go to the market so one on one they can have a discussion and so that our businesses do not have to fly to the location. They can have a discussion here and the representative can go to the business, have a look at the quality of the product and look at what has been produced. give advice how to access the market, tell them who the wholesalers are and give them linkages with the retailers in the markets overseas. It is all about economic diversification, export markets and the bottom line is—and the ABS figures are showing this—more jobs for South Australians.

BUSHFIRES

The Hon. G.A. INGERSON (Bragg): That was a very good question. Will the Minister for Police, Correctional Services and Emergency Services inform the House how the CFS handled the first major incident of the fire season at Cudlee Creek last night?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the honourable member for his question and his interest in his constituents who were obviously seeing the effects of the first fire of the season. CFS crews were called out at 3.30 yesterday afternoon after a burn off got out of control in 30 km/h winds on the eastern side of Fox Creek, on Fox Creek Road, about three kilometres south-east of Cudlee Creek. One hundred CFS and forestry firefighters were involved in the combating of this fire, and it included 19 fire appliances and five command cars. I am pleased to say that early this morning the CFS reported that all control lines were in place around the fire, with little fire activity, but they were still watching the several hot spots and making sure that they did not flare up.

The other thing I am pleased to report to the parliament with respect to the first significant fire of the season is that the government radio network worked exceptionally well. This is the first chance we have had to really try the government radio network in a real incident. The Gumeracha group was able to perform simultaneous responses to all brigades as well as regional headquarters. Previously it would have taken multiple separate phone calls to a range of different paging systems in the ad hoc structure in which we were working before. Of course, what also helped those volunteers was the fact that they were well equipped with some of the new equipment coming through, including their own personal protective gear. Again, this highlights the reason why our government is committed to emergency services, and funding emergency services properly and appropriately and the reason why we will continue to support those 30 000 volunteers who again yesterday afternoon demonstrated their professionalism and, indeed, their commitment to saving property and life for South Australians.

This is only the start of what could potentially be a horrendous fire season, and it is sad to think that the opposition does not have the same commitment to those 30 000 volunteers or, indeed, emergency services per se, as I have just highlighted.

Mr Foley: It's outrageous.

The Hon. R.L. BROKENSHIRE: The member for Hart says that it is outrageous. Let us just look at how outrageous it is. The member for Hart has said that it is outrageous, and I agree that it is outrageous that the Labor Party is not committed to volunteers in emergency services. We all know—

Members interjecting:

The Hon. R.L. BROKENSHIRE: The member for Hart could take his bat and ball today and go home, and I think that everyone would be pretty happy. The fact of the matter is that the member for Ross Smith, at the Labor state conference, moved a motion to replace the current emergency services dedicated and quarantined levy with what he described as a 'progressive tax'. Of course, what happened at the Labor conference is very relevant to this question from the member for Bragg about emergency services, because the opposition spokesperson criticised—

Mr ATKINSON: Sir, I rise on a point of order.

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: Sir, I understand that the question was about a fire at Cudlee Creek at 3.30 yesterday afternoon. Can I ask you to rule with respect to relevance?

The SPEAKER: I understand the point of order. The chair is acutely aware that question time can be used for a comparison of the policies of the various parties. It has from time immemorial been used for that purpose. If a member strays and starts getting into pure party politics, the chair rules consistently that that member is out of order. The member is not yet out of order; he is just comparing policies. If he strays into pure party politics, he will be out of order.

The Hon. R.L. BROKENSHIRE: Policies are vital in supporting volunteers and ensuring that we have them trained and equipped. Of course, when the member for Ross Smith spoke at that conference about a progressive tax, for the first time the opposition spokesperson for emergency services, who has been very much one of the leading critics when it comes to the emergency services fund, quashed it. Not only did he quash it but the Leader of the Opposition and, believe it or not, the member for Hart were also very critical of emergency services and how we are going to get—

The SPEAKER: Order! I ask the minister to compare policies and not start telling us what happened at the conference.

The Hon. R.L. BROKENSHIRE: —a policy initiative that is very good for South Australians and for volunteers. But, of course, they also quashed that proposal. When one looks at the policies of the Labor Party with respect to emergency services and compares them to our policies (and it is very important to consider this issue at this point as we come into the fire season), one sees that the Labor Party has no policy for emergency services or for the 30 000 volunteers. Bearing in mind the Labor Party's stance on rural and regional South Australia, I need only refer to Mr Hender, who supported the policy of the government when it comes to emergency services—

The SPEAKER: Order! I caution the minister to get back to the substance of the question.

The Hon. R.L. BROKENSHIRE: Yes, Mr Speaker, thank you. The fact of the matter is that that member of the Labor Party supported the government's position on emergency services and, because of that policy support position, he now faces disloyalty charges and they want to kick him out of—

The SPEAKER: Order! I ask the minister to start to

wind up his reply.

The Hon. R.L. BROKENSHIRE: It is time that the Labor Party showed to South Australia and to the volunteers a policy on emergency services. At least that would be a start. We are not only showing policies: we are also delivering them.

BLOOD DONATIONS

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services. Why has the government not paid to the Red Cross the funds promised to help it to recruit new donors before a ban on blood donations from people who lived in the UK during the mad cow disease epidemic comes into force on 21 December? Does the minister support the Red Cross urging people to make blood donations before they are banned from doing so?

Following the mad cow disease epidemic in the UK, commonwealth and state health ministers agreed in September this year to phase in a ban on blood donations from people who had lived in the UK for six months between 1980 and 1996. On 21 September, the commonwealth committed an extra $1.6 million and asked the states to help fund a campaign by Red Cross to recruit new and lapsed donors. Whilst I understand that funds have been committed, nothing has yet been received.

The Hon. DEAN BROWN (Minister for Human Services): This issue arose on Sunday because of an article in the *Sunday Mail* urging people who would be banned from giving blood to the Red Cross from December (because they had been in Britain and therefore were potentially subject to mad cow disease) to give blood beforehand, and I indicated that I would take up the issue with the Red Cross on Monday. In fact, Dr Brendon Kearney did so on my behalf on Monday and had discussions with the new State Director of the Red Cross Blood Bank Service.

The Director agreed with him that what the Red Cross should be doing is engaging more people to give blood, and we should not be asking people who have been in Britain, and therefore potentially subject to mad cow disease infection, to come in and give blood before that ban is imposed. The Director supported that, and I understand that is the policy of the Red Cross throughout the whole of Australia. In fact, the Red Cross indicated that it would be out there promoting it on that basis. Therefore, the very issue that the honourable member has raised was put into effect on Monday, with the full support of the Red Cross itself.

Ms Stevens interjecting:

The Hon. DEAN BROWN: The other issue is the facilities, and there are two components here. One is the issue of money to build up the facilities of the Red Cross, and the state government is making a significant contribution to improve facilities. In fact, I have been around looking at the facilities just recently.

Ms Stevens interjecting:

The SPEAKER: Order! The member for Elizabeth has asked her question.

The Hon. DEAN BROWN: She asks 'When?' We put in money in the last financial year, and we are putting in money in this financial year for new capital facilities. Also, I want to thank South Australians who make a huge contribution to the blood donor service throughout Australia. South Australia is a net exporter of blood to other states of Australia. We have more people donating blood here in South Australia and, as a result, we are exporting blood, particularly to Victoria and New South Wales. Those states in particular, as well as some of the others, need to lift their participation rate in order to meet their own blood needs.

Ms Stevens interjecting:

The Hon. DEAN BROWN: I have already indicated to the honourable member that we gave money last financial year and we have given money this financial year as well.

Ms Stevens interjecting:

The SPEAKER: The member for Elizabeth has already been cautioned. She has chortled for the whole of the minister's reply, and I ask her to be silent.

The Hon. DEAN BROWN: Thank you for your protection, Mr Speaker; I appreciate it. This is an appropriate precautionary step. I do not want people to panic about blood supplies being unsafe. There has been only experimental evidence with animals which suggests that viruses or preons might be able to be transferred by blood transfusion. Therefore, people should not have any fear whatsoever about the safety of the blood service.

I would urge that more people go in and donate blood because, to maintain the high quality standards of our blood service, we are asking those people who have been in Britain and potentially subjected to mad cow disease not to give blood. Therefore, we need other people to replace them, and I am sure that the community of this state will continue to do so.

WORKPLACE HEALTH AND SAFETY WEEK

Mr WILLIAMS (MacKillop): My question is directed to the Minister—

Mr Foley interjecting:

Mr WILLIAMS: —for Government Enterprises.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will come to order.

Mr WILLIAMS: Will the minister advise the House the purpose of Workplace Health and Safety Week and what the government is doing as part of this week to increase community awareness?

Honourable members: Hear, hear!

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the member for MacKillop for his question and I acknowledge all the members who indicated their support for the question in the traditional parliamentary fashion by saying, 'Hear, hear', because Workplace Health and Safety Week is a very important week in South Australia. We are presently in the middle of that week, which is held from 13 to 17 November. The aim of the Workplace Health and Safety Week, quite sincerely, is to raise community awareness of the importance of work safety and of working to live. It is unfortunate that the statistics read very badly.

Approximately 50 000 claims are made for workers' compensation each year. With approximately 65 000 employers and 650 000 employees the issue of workplace safety touches everyone right across the community. Workplace safety costs the community very dearly, both in terms of its sheer economy but, perhaps even more importantly, in a social sense because for every injured person, obviously, ripple down effects are felt by families, businesses and communities. The economic cost of these 50 000 claims for workers' compensation is staggering. On an annual basis it is estimated to be $2 billion—that is 5 per cent of the state's GDP.

The Hon. I.F. Evans: $2 billion?

The Hon. M.H. ARMITAGE: Yes, $2 billion in essence is wasted as a result of the 50 000 claims for workers' compensation each year. If there are opportunities for the government and WorkCover to improve that safety record, not only will we improve the effects on families, businesses and communities in a partnership with the employees and employers—

Ms Key interjecting:

The Hon. M.H. ARMITAGE: I said with the employees and the employers. If we can arrange for that to cut into those 50 000 claims, we will obviously have a major effect. Prudential management has WorkCover now much better placed to concentrate on workplace injury rather than prevention of scheme collapse, because no-one in the House would forget the terrifying unfunded liability of WorkCover when this government came into office. There was $276 million of unfunded liability when the Labor Party was in government—ostensibly the supporters of the workers, the employees, and the scheme that was there to help people who were the sufferers of these 50 000 WorkCover claims was heading for disaster.

During Workplace Health and Safety Week, which has been organised by the WorkCover Corporation, more than 80 workshops will be provided, which will range across the scenario of management and storage of hazardous substances, drug use in the workplace, safety culture in the meat industry, OH&S for small business, occupational noise, stress management (which is becoming, obviously, more and more important) and employer rights and obligations. During Monday to Friday of the Workplace Health and Safety Week more than 80 workshops will be held and they are clearly focused an raising people's awareness.

It is expected that about 4 000 people will participate in these workshops, and independent research, very pleasingly, shows that they are active workshops. They are workshops from which the majority of people go back to their workplaces and implement the ideas and the solutions they have learnt. It is actually prevention in action. So, all those 4 000 people become ambassadors for greater workplace health and safety.

As well as the workshops, there are a number of community events, including a school exhibition for all primary and secondary school students on the basis that, if we can inculcate the values of a safe workplace in our student population, when they leave school and become members of the work force they will be more focused on safe workplaces.

A Health and Safety Week newspaper called *Staying Alive* is also being distributed to 470 000 metropolitan households with the *Messenger* newspaper, and there is a 'Work to live' feature for readers of the *Stock Journal*. The week culminates this Friday with the WorkCover Corporation safety awards, with about 1 400 guests, recognising that South Australian organisations, in fact, are leading the way in health and safety and helping to overcome some of the devastating effects of workplace injury.

BALFOURS

The Hon. M.D. RANN (Leader of the Opposition): Given reports of continuing difficulties facing Balfours and the massive community support that the company receives in South Australia, will the Premier assure the House that the government is making best endeavours to assist Balfours to maintain its head office functions and, indeed, its manufacturing base in South Australia, and also to assist it to relocate to new, more modern green fields premises located here in Adelaide? Balfours is Australia's largest privately owned bakery and employs over 550 staff, who recently voted to accept a pay cut of up to $28 per week. Last month the company was placed in voluntary receivership because of the impact of the GST. There has been recent media speculation regarding—

Members interjecting:

The Hon. M.D. RANN: It is certainly one of the issues that was raised. There has been recent media speculation regarding an interstate—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I cannot believe the contempt that these people—

Members interjecting:

The SPEAKER: Order! The member for Bright will remain silent.

The Hon. M.D. RANN: —are showing for jobs in a major South Australian iconic company. Mr Speaker, with your protection—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: There has been recent media speculation regarding an interstate takeover of Balfours. The company currently operates from within aged infrastructure in the city centre. The government recently assisted another South Australian icon, Coopers Brewery, with an $8 million loan to assist with relocating its brewing operations to Regency Park, a move which will improve the efficiency of that company. What is being done to help Balfours?

The Hon. J.W. OLSEN (Premier): I can advise the Leader of the Opposition that the government, over a number of years, has had discussions with Balfours. In fact, it is not a matter of having discussions over the last two or three months: I can remember having personal discussions with representatives of the board and management of the company some time ago. The Minister for Industry and Trade, I know, has been involved in discussions in recent times.

As I advised the House yesterday, the success in preserving the investment and jobs at Sheridan—Actil sheets—is equally as important a focus for this government as bringing new investment and new jobs into the state. There are certain probity and prudential matters that have to be undertaken in considering any support for any company, whether it be a South Australian icon company or anybody else. I reassure the leader that there have been discussions between the government and Balfours. We would want to see that company, like any other company that is a significant employer in this state and a contributor to the economy, continue to operate in this state.

LOCUSTS

Mr LEWIS (Hammond): Is the Deputy Premier interested in, and willing to help facilitate, a trial of a new locust control technology which is presently in commercial use on a large crop of brassica (brussels sprouts) in the Adelaide Hills, which uses no insecticide? The Samwell family have been very successful in developing a large vacuum cleaner device (bug sucker) which lifts white cabbage moths and caterpillars from the leaves of their vegetable crops. The Samwells are large-scale brussels sprouts growers who use no insecticides. This vacuum device

will suck up a football from several hundred millimetres, yet does not lift damp soil, save for a few pieces of grit.

I am told by its inventors representative that the machine will suck up grasshoppers or locusts from very rough terrain, whether they are still nymphs, or hoppers in the adult stage. They could then be pelletised to use as high value feed in farm fish diets with the rich juice residue being pasteurised, bottled and sold as a high-value, soluble complete liquid fertiliser for drip irrigation or as a stock feed supplement. It has been explained to me that, for a few hundred dollars to help meet the relocation costs, we could test and prove up this novel idea and get chemical-free locust control on a large scale as a world first for South Australia.

The Hon. R.G. KERIN (Minister for Primary Industries and Resources): I thank the member for Hammond for the question and the idea. We will look at anything in this regard, particularly where there are some restrictions on spraying horticultural crops along the river. I am not saying that what the honourable member has put forward does not have some merit in a few situations, but it would not necessarily reduce the amount of chemical that we would have to use on a bigger scale. Certainly, I have listened to what the honourable member has said. As the honourable member knows, locusts are not with us every year and then only for a very short period when they are here.

As an aside, the locust program as a whole is going extremely well so far. There is still risk with fly-in, so we might get to try his idea. As I said, in relation to horticultural crops along with river, there are some situations where chemicals would not be able to be used—and this would apply to withholding periods as well—so it may be able to be used in applications such as this. However, one of the things to be considered is the capital cost of this equipment if it can only be used for a short period once every few years, as this would make the economics of it prohibitive. However, I am quite willing to talk to the member about the idea.

INDIGENOUS FOOTBALL AND NETBALL CARNIVAL

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. KOTZ: Following all the good news that we have heard in the House today, I would like to advise the House that South Australia hosted the National Indigenous Football and Netball Carnival, which was conducted in Adelaide from 3 to 5 November. I am very pleased to advise members that the carnival was a tremendous success, and I am aware that the carnival organisers were so impressed by its success that they have pledged to try to make the carnival an annual event. The carnival was particularly successful for South Australia, with this state winning both the netball and the football competitions.

I would like to pay a special tribute to the primary coordinators of the carnival, former Central District footballer, Mr Wilbur Wilson, Mr Basil Coleman, Mr Vince Copley and Ms Patricia Buckskin, as well as many other members from the South Australian Aboriginal Sports and Recreation Association (SAASRA) who also assisted in the coordination of the carnival. The football carnival consisted of teams representing Western Australia, Central Australia (based at Alice Springs), Top End (based at Darwin), Victoria, New South Wales, Canberra and, of course, South Australia. Participants were aged between 17 and 25 years.

The football competition was officiated by 35 umpires, who were coordinated by the Department of State Aboriginal Affairs officer Darren Hincks. The netball title was fought out between sides representing Victoria, New South Wales, Central Australia and two teams from South Australia. In the football final, to answer the member for Spence's question, South Australia defeated Western Australia by 30 points, while in the netball South Australia was victorious over Victoria by 10 goals.

My congratulations go to Fred Graham, who coached our victorious football team, and to Beryl Wilson who was at the helm of our netball sides. Beryl was also named as the coach of the national squad which was announced at the conclusion of the carnival. I understand that an exhibition match was also played between a South Australian under 17 Aboriginal team and a South Australian National Football League under 16s development squad, and I am very pleased to say that the Aboriginal team came away the victors on that occasion.

As I mentioned, South Australia was represented by two sides in the netball competition which included an open side and also the under 17 development squad, which finished an admirable third, losing out to the South Australian open team in the final four competition. Indeed, South Australia will be ably represented in the national indigenous netball squad, and I extend the government's best wishes to the players named in the squad: Betina Jackson, Edie Carter, Kelly Wilson, Janolan Miller and Vanessa Wilson. I also congratulate DOSAA officer and well-known local amateur league umpire, Rick Starkie, who boundary umpired in the national final between South Australia and Western Australia. This carnival provided an excellent opportunity to showcase the many young talented indigenous athletes we have in this country and I again congratulate all those involved in making the event such a tremendous success.

GRIEVANCE DEBATE

Ms RANKINE (Wright): The people of Golden Grove have once again been let down by this government. It is not an unusual occurrence, I agree, but this time I have been misled and deceived and I am furious. This government continues to act in the most contemptuous manner, showing total disregard for any commitment or undertakings it gives. It means absolutely nothing, but why should I be surprised? Why would I expect that it would honour any commitment it gives? It continually shows that it is not capable of honouring anything. I will outline the scenario.

In June 1998 I raised concerns with the minister in the estimates committee about the state of the bus interchange at Golden Grove. It is congested, dangerous and has no car parking for public transport commuters.

The Hon. M.K. Brindal: Is there anything you do not grizzle about?

The SPEAKER: Order, the minister!

Ms RANKINE: I grizzle about the inaction and dishonesty of your government and I will continue to grizzle about it to continually shame you in public. I have continued to raise this issue and I was delighted in April this year to actually have a meeting with the Passenger Transport Board, a representative of Serco and the shopping centre management

to discuss the issues that were so prevalent in this interchange. We discussed a range of local options available to address the issue and generally agreed that the land at the Golden Grove High School was the most appropriate site. There were several obvious advantages to this site, but we highlighted that this was on the proviso that the site would be developed as a joint facility between the police and the Passenger Transport Board.

Julie Maxwell, the manager of the shopping centre, and I were initially reluctant to support the site in that the police patrol base is of such extremely high priority in my electorate, with crime rates continuing to rise and unfortunate incidents recently of serious car vandalism, cars being burnt and heavy machinery being torched. Thousands of local people have signed petitions that have been presented to this House calling on the government to honour its commitment to provide a police patrol base. It is a priority, but this government stalls and the people in my electorate continue to suffer as a result.

Mr Mouveri from the Passenger Transport Board indicated that it was not a problem. He was happy to co-locate with the police and happy to allow the police to build their patrol base on site and there were obvious advantages in that. But can you imagine my surprise, after contacting the Passenger Transport Board after some months, to find that it had done nothing? It indicated that it had no intention of doing anything. It made no approaches to the police on a formal level whatsoever, despite my continually raising the issue with the Minister for Police, so he cannot say he did not know about it.

I wrote to the minister immediately and clearly expressed my annoyance at being so misled. I received a letter from her some six weeks later saying that she noted the benefits I highlighted for establishing a community car park at this particular location, that is, the benefits of collocation. She assured me the Passenger Transport Board was keen to commence development by the end of this year, which is very much welcome as we very much need the new interchange. However, the minister was clearly ignoring my overtures about the collocation and the lack of action by the Public Transport Board. She finished by saying:

> I appreciate receiving your comments in relation to this matter and trust that the above information is of assistance.

Let me make it very clear: the information is not of assistance at all. I made clear to the minister the undertaking that was given but she has chosen to ignore the situation at Golden Grove—just as the Minister for Police continues to ignore it, and just as the latter minister also continues to ignore the undertaking he gave three years ago when, hundreds of thousands of dollars worth of machinery having been burnt, he said that he was looking at a five to 10 year capital works program. On 20 November, when he attends a cabinet meeting in the area, let him meet with the people face to face and explain the actions of this government.

Time expired.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I would be delighted to meet with the honourable member's constituents and talk about the very good police work that is going on out there. It is a sad situation when the member for Wright cannot even acknowledge the hardworking police officers in police cars who catch crooks. That is where police catch crooks—in police cars. How often does a crook walk into a police station and say, 'I want to give myself up'? Very rarely. That is why this government is committed to more and more police on the beat; out there in the community policing and catching crooks and keeping the community safe.

Try as I may, the member for Wright never gets the message. Perhaps she should speak to the hardworking Liberal candidate for Wright. Do you know why, Mr Speaker? Because the hardworking Liberal candidate for Wright, Mark Osterstock, is a police officer—a hardworking police officer, and the member for Wright knows it, Mr Speaker.

Ms Rankine interjecting:

The SPEAKER: Order, the member for Wright! You have made your contribution; you can make another contribution later if you wish. I ask you to be silent and let the minister have a turn.

The Hon. R.L. BROKENSHIRE: Thank you, Mr Speaker. The hardworking Liberal candidate for Wright, who is out there working for his constituency like you would not believe, is a police officer who lives and works in the member's area and knows the facts about policing. Go and talk to him and he will let you know what the police are doing. I have given up on trying to get the message across to the member for Wright.

Today, I want to thank the SES for its contribution because this week is SES week, a week of celebration for the State Emergency Services which will culminate on Friday in a parade through the streets of Adelaide. I also want to congratulate the police, the Metropolitan Fire Service, the CFS, and the ambulance service for supporting the SES in celebrating this fantastic week.

In recent times, we have seen a growth in the number of volunteers joining the SES. On Monday night, I had the pleasure of spending time with some magnificent and committed volunteers and their families and friends from the Noarlunga SES Unit, ably led by Graeme Wynwood and Trevor Arnold (now the President of the SES Association). The occasion was particularly important, because it was the 21st birthday of the Noarlunga SES Unit, whose members are very proud of their achievements over the 21 years—and so they should be.

I congratulate not only the volunteers but also the employers. The six employers concerned have created many jobs and put millions of dollars of investment back into my electorate and surrounding electorates. On behalf of the Noarlunga SES Unit, I had the privilege of presenting SES plaques to these employers, and I know that they will proudly put those plaques on the wall in their business premises in the southern districts.

As both the local member and the Minister for Emergency Services, I want to place on the public record my appreciation of the ongoing support of employers and volunteers, because there has to be that partnership if we are to continue to look after our community. We need employers who are prepared to release those volunteers so that they can get on with the job. And what a job they have had to get on with recently—road accident rescue, vertical rescue and confined space rescue. I was delighted to be able to commission a new, very well equipped and planned, self-developed confined spaces rescue trailer, which it received as part of the emergency services grants program, and also to be able to tell the controller there that he has priority for the next brand new Land Cruiser that will be coming out so that the SES can provide them with a new vehicle to update the very old Land

Cruiser that they could never have updated under the old funding system.

I also want to acknowledge the City of Onkaparinga for the fantastic work it did in partnership with government prior to the new Emergency Services Fund. I was delighted to present a plaque also to the Deputy Mayor, Mr Daryl Parslow, on behalf of our Mayor Ray Gilbert for their tireless effort in also supporting these volunteers. We are going very well in the south thanks to that partnership. Long may it keep up.

Mr KOUTSANTONIS (Peake): I rise today to congratulate a local program of Underdale High School in my electorate. Currently, two schools are shift focus schools. They are Aberfoyle High School and, of course, Glenunga High School.

An honourable member interjecting:

Mr KOUTSANTONIS: It's not a shift focus school. These schools take in children who are exceptionally gifted. They fast track their education and tailor their facilities to the needs of these students. We try to identify these students who are gifted at an early age in primary school and give them a path to follow. Unfortunately, there is no shift focus school in the western suburbs. That is not surprising, because of this government's attitude towards the western suburbs. However, I understand that the minister is expecting a report in the next week or so that will recommend which school is to become the new shift focus school, whether it be another school in the country area or in the metropolitan western suburbs.

I have spoken to the Principal of Underdale High School and the teachers at this school. They are preparing vigorously to become a shift focus school in the western suburbs. They are already in partnership with the University of Adelaide to fast-track partnerships with students and lecturers at universities, exchanging ideas and skills, and making sure that students from the western suburbs have an opportunity to go to university. Currently as it stands, one in three students from the eastern suburbs go to university, whereas only one in seven from the western suburbs go on to tertiary education. That is just not good enough.

It does not mean that there are students in the western suburbs who are not as talented. It means that obviously the opportunities and the career paths are not being highlighted to them as much as they have been highlighted in areas in the eastern suburbs. Underdale High School and its principal, Olivia O'Neill, are trying to bring a focus into the western suburbs about university education. They are trying to make this clear to all students throughout the western suburbs that university is an option for them, not just for students who are living in other suburbs.

If we can get Underdale High School to be a shift focus school, I believe it will encourage a greater participation amongst students to go to university and get a tertiary education. It is vitally important that we have a school in the western suburbs to cater for this. Currently, students from Torrensville, Henley Beach, West Beach and Lockleys have been required to drive to Aberfoyle Park or Glenunga to get their education if they are in a shift focus program. This is just not good enough. We need a school in the western suburbs to cope with this.

Underdale High School is in this not because it thinks the western suburbs deserves one but because we need one. Students who are qualifying for the shift focus program have been forced to travel great distances. Underdale is preparing the way to have a school that is focused on the western suburbs to make sure that we can cater for these students. I have a great deal of respect for Underdale High School, and it is doing a lot of great things. For example, it is changing its uniforms; the students themselves are asking for a more strict dress code; and they are knuckling down and studying hard for their exams which have commenced this week.

I was lucky to be with Labor's candidate for Adelaide, Dr Jane Lomax-Smith, at the end of year ceremony at Underdale High School to present awards to the students. In fact, I was lucky enough to present the Chris Gallus Award for Excellence to a lucky student at Underdale High School. Of course, Jane gave an excellent speech about the importance of learning and higher education. This school is doing a lot of hard work, but it needs a bit of assistance. It needs the government to be broadminded and open about looking to the western suburbs and saying, 'There is a need and a focus for a shift focus school in the western suburbs.' Hopefully, one day, if we are have gifted students, we can take them out of ordinary high schools, put them into these schools and fast-track them into universities, where they can put their knowledge to great use.

The most important thing about Australia is the knowledge nation concept. We must do everything we can to make sure that our young people get every opportunity, no matter where they live or where they were born.

Mrs PENFOLD (Flinders): The Melbourne Cup has become one of the enduring traditions in the Australian culture and psyche. The striving to be the top, the colour and pageantry and the unexpected are just some of the reasons why the nation stops for five minutes on the first Tuesday in November every year. Those reasons were fulfilled again this year when Streaky Bay jockey Kerrin McEvoy rode the New Zealand gelding Brew, first across the line to win the year 2000 Melbourne Cup.

Members would have all heard about the pub with no beer: Streaky Bay had the pub with no money. Streaky Bay Hotel manager Peter Johnson said Kerrin's win resulted in huge payouts to the Streaky Bay community members who literally cleaned out the safe, the tills and the office. In fact, some people had to come back the next day to collect. Just about everyone put a bit on the race, simply because Kerrin got a ride in the cup.

Kerrin McEvoy was born to ride. His parents and grandparents are active in the sport of racing as riders, trainers and owners. That does not always pass down to the next generation, but in Kerrin's case it did. As a child, Kerrin had a passion for horses, leaving school at the completion of year 10 to begin his riding career. His first ride at Ceduna when he was still 15 years old gave him his first win aboard Birdwood Flyer, with his successes continuing, winning the Port Lincoln cup on the Dennis O'Leary trained Final Statement in 1998. Kerrin moved from his grandfather's stables to spend six months at Morphettville with Russell Cameron, before joining the acclaimed Peter Hayes' stable in Angaston.

Fifteen months later, Kerrin was in Melbourne, and by the time he was 20 and riding in the Melbourne Cup he had ridden 170 winners, including trebles at Flemington and Moonee Valley. The 20 year old had completed his apprenticeship only one week before the big race and was not sure of a ride until the Saturday before the race.

Two other big name jockeys had refused the ride and, although Kerrin was in the short list because of his light weight, he was still not the next to be considered. It is the

stuff that legends are made of. Jockeys, especially successful jockeys, must understand the horse that they are riding and work with their mount. Kerrin had previously ridden Brew, so he had some familiarity with the way Brew likes to run. Kerrin's father, Phillip McEvoy, was also a jockey and said he knew his son would win when he turned into the home straight. He said:

> You never let your horse go until you reach the clock tower, and from there Kerrin just motored him forward.

Kerrin's parents, Phillip and Tracy McEvoy, and his grandparents, Bill and Atholy Holland, were at Flemington to share the excitement of the occasion, while other family members watched the race in the crowded bar at Streaky Bay Hotel. Even Kerrin's sister in London heard the race. However, whatever the future holds for this talented young South Australian, it must always be remembered that his start came in rural South Australia on country race tracks, with the support of his family, particularly uncles Tony and Darren McEvoy and friends.

Volunteers are the backbone of country racing, where the maintenance and improvement of facilities come back to what the local community is prepared to do. The McEvoy and Holland families have not only been riders and trainers but also have worked with their communities to present the best possible courses to the public for the enjoyment of the sport.

Streaky Bay hosts one meeting a year. Nevertheless, it has invested in an expensive set of starting gates which allow country jockeys such as Kerrin to gain all important experience. A race can be won or lost at the start. Therefore, it is an essential part of training that a jockey learns to start well.

I commend the state government's sports grants program, which enables rural and regional bodies to upgrade their facilities. Sports stars do not just happen: their dedication and commitment must be matched with facilities to develop skills to the highest possible level. The community on Eyre Peninsula is proud that Eyre Peninsula has produced another champion, and I congratulate Kerrin, his family and his community. This time, it is Streaky Bay that has been put on the world map in the sport of racing. I believe that it is possible to plan for the day when participants in the sport of horse racing recognise the advantage of Eyre Peninsula and base at least part of their operations there. The special people and the community spirit on Eyre Peninsula will ensure that we will continue to produce champions in all fields of endeavour, but particularly in sport, where we already have football, tennis, shooting, cricket and swimming champions, just to name a few.

Ms STEVENS (Elizabeth): The ability of and the propensity for the Minister for Human Services to constantly evade his responsibility and to shift blame with respect to problems in our health system never ceases to amaze me. Just yesterday, according to a report in today's *Advertiser*, he was at it again. Yesterday, Mr Brown gave a speech at the annual meeting of the Australian Health Insurance Association, and he said that private hospitals seemed more interested in performing lucrative elective surgery than meeting obligations to emergency patients. I find that very interesting, and I am not surprised at all that private hospitals would do such a thing. After all, private hospitals do not have the same mandate as public hospitals in our state. As private institutions, they can choose what services they prefer to offer their members. Quite obviously, they will not see their role as looking at the hard end of health service provision and of course they will focus on elective surgery, where they can get quick throughput and make more profit.

I found it quite amazing that this minister could attempt to appeal to the social responsibilities of the private health sector while he, as minister, completely abrogates both his social and his legal responsibility to provide public health care in our system. What a nerve he has, what a hide he has and what a hypocrite he is that he can go to this meeting and have a go at them for not doing the right thing and meeting their community obligation in relation to providing emergency health care, while the hospitals for which he bears responsibility are in absolute chaos. But that is what we are faced with in South Australia at this time.

Interestingly, at this meeting during his speech the minister outlined the problems that he saw in the South Australian health system, and I will just outline them to the House. He mentioned a shortage of nursing home beds in Adelaide; the ageing of the community; medical technology, which has created huge expectations in the community; and, finally, a three to four hour wait for a locum. He went on to say that most emergency patients in public hospitals were in the 75 to 85 years age group and needed access to a GP and a nursing home bed rather than accident emergency admission.

We have heard that many times before from the minister. Yesterday, interestingly, the only thing he did not point out as being a problem was his own government's lack of priority for health funding. This has been a constant refrain from this minister. Interestingly, it is not backed up by his federal counterpart. I refer to an article in the *Advertiser* of 10 July this year, where the federal Minister for Health, Dr Michael Wooldridge, said:

> The South Australian government blames everybody but itself for the state of public hospitals in South Australia.

He later said:

> If there isn't enough money for public hospitals in South Australia, it's because the state government is too mean to spend its own money on health.

And there we have the nub of the matter. I think that we are all becoming a little tired of the Minister for Human Services—his announcements, his speeches, his constant pointing of the finger at other people and his constant refusal to take responsibility for this very important part of our government's service provision.

I also would like to refer briefly to the issue that I raised today in question time in relation to mad cow disease and the safety and sanctity of blood donations and our blood supply in South Australia. I note that the minister refused to answer my question in relation to the additional money that he has committed to the South Australian Red Cross to enable it to recruit more donors. He constantly evaded that question. So, again, we have a minister who is keen on making announcements and who is keen on making commitments but, when it comes to meeting those obligations, he falls well short. And we saw another example of that today—filibustering, avoiding the question, evading an answer. The fact is that he committed himself to providing more money to the Red Cross on 21 September this year, but no funds have been forthcoming.

The Hon. G.A. INGERSON (Bragg): I have been very interested over the last few weeks to listen to what has been said during question time, to read what has been in the media and to just generally listen to what has been said in our town

and our state over that period of time. There have been some absolutely magnificent announcements. We have had the announcement of Email transferring staff here from Victoria and a significant expansion of BAE (British Aerospace) in the Salisbury-Elizabeth district. We have had the news about Amcor and Compaq (the computer company). General Motors is continuing to expand. Yesterday, Motorola announced an exceptional expansion, where a group of highly educated people with PhDs will come to Adelaide and expand our work force. We had EDS again expanding its work force here in Adelaide—and I remember the member for Hart publicly saying that we will never fill the EDS building but, again, EDS is expanding here in Adelaide. We have CSN being taken over by Shearer, a small but very significant machinery manufacturing company in the agricultural area. And, finally, today we heard about Sheridan and Castalloy. What an absolutely fantastic three weeks for South Australia!

The question that everyone is asking is: what are the Labor Party's policies? What do we get from the member for Hart? What do we get from the Leader of the Opposition? Nothing but knock, knock, here we go again. And we have had the best three weeks that South Australia has seen for years. It is about jobs; it is about hard work; it is about getting on and achieving the performances for which we have been working for a long time.

We have spent nearly seven years getting rid of $8 billion worth of debt, and that has been a fantastic achievement. But the most important issue is that, while we have been getting rid of all this debt, the South Australian Liberal government has been getting on with developing our state. I think that those are the most important issues: fix the debt and develop the state.

We have the magnificent freeway down south; and we have the magnificent freeway through the hills. All that work has been carried out in addition to reducing $5 billion worth of State Bank debt left by the Labor Party. And where is Mike Rann? He is silent. Where is the shadow treasurer? Knock, knock! Where is he? Not one single time has the aspiring treasurer, the member for Hart, come out and put anything positive on anything that they want to do. I have said many times in this place that this is similar to a football game. When you get to half time, if you are behind and kicking into the wind, nobody cares. When you get to three-quarter time and you are behind and starting to make improvements, as we have over the past three weeks, if you are the opposing coach you have to say, 'We've got a bit of a problem. We've only got a quarter to go. I must tell my players what we are going to do.' What do we have here? Silence. Where is Mike Rann? Everyone is saying, 'Where is the Leader of the Opposition? What are his policies?'

Ms Bedford: He's listening.

The Hon. G.A. INGERSON: He's listening? What is he listening for? It is three-quarter time. The public of South Australia ought to know what the opposition is going to do, Instead of that, it is a case of knock, knock: who's there? Knock, knock! Let's knock everything! And what have we had this week? Not one single congratulation exercise this week from the opposition. All the hard work, all the good work done by the government, and not one single thing has been heard from the opposition. All they do is knock.

Ms Thompson interjecting:

The Hon. G.A. INGERSON: And here we go again! It is the same old thing: complain, complain, complain. When will the opposition come out with an idea, with something that has a chance of being looked at by the community? Some very important questions now need to be asked. What is the opposition going to do in health? All I have ever heard from the member for Elizabeth is—

Time expired.

PUBLIC WORKS COMMITTEE: LE MANS TRACK

Adjourned debate on motion of Mr Lewis:

That the 134th report of the committee, on the Le Mans Track project—final report, be noted.

(Continued from 25 October. Page 246.)

Ms THOMPSON (Reynell): I want to speak on this matter and, with the agreement of others, have given it some priority because of the disturbing matters that have been raised in relation to the Le Mans report after it was tabled and presented to the Speaker during the break. In his earlier remarks the member for Hammond, as the chair of the committee, pointed to the fact that some issues were raised about the protection of parklands and the damage that could occur to the parklands because of the timing of the Le Mans project and the Clipsal 500 project.

This was going to mean that the parklands would be covered for quite some time by stands in the Victoria Park racecourse. I want to repeat the concerns that the chair raised in relation to this matter, but I particularly want to draw attention to issues that were raised after the presentation of the report to the Speaker. These matters relate to the arrangements for television coverage of the Le Mans 'Race of a thousand years'. The submission that was put to the Public Works Committee indicated:

> As part of the Race Staging Deed entered into by the Premier, the following television coverage must be provided by Panoz Motorsport Australia and is an essential term of the contract:
> - Two hours prime time national coverage in the United States of America from 4 p.m. to 6 p.m. on NBC on Sunday 31 December 2000.
> - Live national coverage throughout Australia.
> - International cable television coverage on Star TV Asia and Eurosport in Europe.

Later in the submission, where some of the details of the project were being spelt out, there was also reference to a national domestic television coverage package, which would be staged by Network 10, to be broadcast on the Sunday afternoon following the race. For those who do not have a calendar in their head, that means that the two hour package will be shown six days after the race has been conducted.

At the time when the Public Works Committee was hearing evidence, there was no indication that there was anything wrong in the submission put to us, and we assumed that there would be live national coverage of the race on New Year's Eve. Certainly in my case, I could imagine my brothers with shed parties watching the race, much to the distress of their partners. Then, for those who are not able to see the race on New Year's Eve, a package of two hours of the race highlights would occur six days later.

This seemed like quite an exciting arrangement: people who could not see the race either at the race or on live TV would be able to catch up with it afterwards. Indeed, the 'Race of a thousand years' could in this way provide a bit of a focal point for celebration of the new year's activities. It was my feeling from the publicity surrounding this event that it was an important event, warranting live national coverage.

It was quite disturbing, then, to be contacted by the Minister for Tourism (Hon. Joan Hall) after the report had been tabled, telling us that an error had been detected which

flows from a clerical mistake in the report submitted to the Public Works Committee and that, in fact, there was to be no live national coverage throughout Australia. We are spending $4.6 million of public money on an event that does not even warrant live coverage.

The only coverage that is warranted is two hours six days later. The implication that the television channels were judging this event as not being terribly important really concerned me, when we were spending so much public money. So, we sought to clarify what had gone on. We were provided with an extract of the contract with Panoz, which indicated that the US coverage on the day on which the race itself is staged was part of the contract, and the wording of the contract is quite interesting and indicates:

> The company [Panoz] will cause to be provided the following television coverage of the first race:
> - two hours prime time national television coverage in the United States from 4 p.m. to 6 p.m. (local US time) on NBC on the day on which the race itself is staged;
> - national coverage in Australia of the race itself for a minimum of two hours; and
> - international cable television on Star TV (in Asia) and Eurosport (in Europe) or their agreed equivalents.

The section relating to Australia is a little unclear. It just talks about the race itself and does not say when this coverage is to go to air. The term 'the race itself' is a little unclear. The 'itself' seems, at the very least, redundant, so we sought more information from the minister, to find out the date on which that contract was signed and the day on which the agreement with Channel 10 had been signed.

That letter went on 18 October, but to date we have had no reply. However, there has been other correspondence that is pertinent, and that relates to correspondence from the chair of the committee on 6 October asking the Minister for Tourism whether the submission that cabinet received and approved was the same as that given to the Public Works Committee. We were assured by the minister on 6 October that the document presented to the Public Works Committee is the same as the submission that cabinet received and approved on 10 August. In her letter, the minister states:

> I can also confirm that there are no variations between the document approved by cabinet and that discussed at the Public Works Committee hearing.

Given that this referred to live television coverage, the committee was somewhat concerned that the information that went to cabinet may not have been accurate. The Presiding Member of the committee therefore wrote to the minister and indicated that the two statements relating to the live national coverage and the package were not mutually exclusive, and that the committee took it to mean that there would be live national coverage throughout Australia during the race, as well as the two hour presentation to be broadcast through Network 10 after the event. The Presiding Member's letter states:

> In your letter you have reassured me that cabinet has approved the proposition in an identical form to the document presented to the Public Works Committee. Therefore, cabinet must also be under the impression that there will be live national television coverage of the event.

The Presiding Member suggested to the minister that she advise cabinet of the variation. He also wrote to the Executive Director of the Cabinet office pointing out that there had been an error in the information provided to both cabinet and the Public Works Committee and requesting that this matter be drawn to the attention of cabinet. We have no indication whether this has occurred. I hope that it has occurred because, if cabinet did make its decision to spend $4.6 million on the basis of incorrect information, it is very important that this be corrected.

I am not suggesting that this is a major hanging offence. I am, however, suggesting that it is yet another indication of the sloppiness and poor administration that this government demonstrates on far too many occasions. There is a big difference between an event which warrants live national coverage (plus supplementary coverage) and one that warrants only two hours coverage six days later. The decision about how much money should be spent on the different events is important and needs accurate information. We should not be making a decision about the expenditure of that amount of money on information that is at odds with the facts.

It is also disturbing that the minister has not provided us with the details of when the contract was signed so that we can better understand just what went wrong in this whole sorry story. The attempt to present it as a mere clerical error, I think, is obfuscation and does not warrant any further consideration.

Ms STEVENS secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: LYELL McEWIN HEALTH SERVICE

Mr LEWIS (Hammond): I move:

> That the 136th report of the committee, on the Lyell McEwin Health Service Redevelopment—final report, be noted:

The Lyell McEwen Health Service is a major hospital facility of the north-western suburbs. The North Western Adelaide Health Service has been developing a strategic framework that has a number of objectives. The committee is told that these are four in all: improve access to health services for the families in the northern suburbs; improve its recurrent budget deficit and reduce an accumulated debt; improve its physical facilities and quality of care; and continue to promote and support an academic teaching and research environment across all of North Western Adelaide Health Service sites.

Prior to the amalgamation of the Lyell McEwin Health Service and the Queen Elizabeth Hospital into the North Western Adelaide Health Service, a number of planning studies had been undertaken in relation to the redevelopment of the Lyell McEwin Health Service. These studies, plus a review of the existing buildings, form the basis of options for redevelopment. The reviews have concluded that the newest buildings (that were constructed in 1987 and 1989) should be retained and that all other buildings should be demolished to make way for the redevelopment. This will retain some 15 000 square metres of existing built floor space, which will constitute a significant contextual parameter for redevelopment.

The Lyell McEwin master plan is a two stage development over six years. Stage A will cost $87.4 million, we are told, and achieve a fully operational clinical and in-patient function at that campus through the following: construction of two new wards; redevelopment of the critical care unit; a women's health centre; rationalisation of administration and education; redevelopment of the central sterilising and supply department; emergency services; imaging; intensive care; high dependency; operating theatres; and the demolition of the old imaging department.

The redevelopment will see a significant expansion of the clinical facilities within new buildings and will enable the

Lyell McEwin Health Service to meet the growing health needs of the northern suburbs, the population of which is expected to grow by approximately 22 per cent in the next 10 years.

Completion of the program at the Lyell McEwin Health Service will increase its capacity from 167 overnight beds to 280 and from 16 same-day beds to 50. Further, facility size will increase from 24 675 square metres, or thereabouts, to 44 780 square metres.

The Public Works Committee visited the Lyell McEwin Health Service on 29 March last. Members noted difficulties arising from space and design shortcomings in the building in its older parts and, in particular, we saw that the emergency unit is crowded and corridors are literally littered with barouches and chairs. The older wards are dull and cramped, and often nurses are unable properly to observe patients. Many areas around the hospital feature very unattractive landscaping. Corridors are narrow and make movement of beds extremely difficult. There is a lack of ramp access. The sluice room is situated next to the tea room. Paint is peeling in many places. There is no unaided access to toilets for disabled patients, nor is the storage space sufficient.

We also noticed that there was a strong, unpleasant odour permeating the chemotherapy unit, and there is a confusing and convoluted layout of units, which one would have to learn as ritual to understand where to go to get to where one wants to be.

Almost half of the existing floor space in the Lyell McEwin Health Service is more than 40 years old. The committee was told that these areas are very dysfunctional, costly to maintain and no longer meet the health requirements and health service delivery models of current practice. There are asbestos roofs and non-insulated walls and ceilings, and there has been extreme wear of the non-durable materials and surfaces to the point where they have now reached the end of their serviceable life.

There is inadequate ventilation and climate control, and little acoustic or vibration control is the norm throughout these parts of the building. The sprawling layout involves enormous inter-departmental and intra-departmental distances, in some cases involving exiting and re-entering the building envelope and disruptive through-department corridors. It is all a bit of a worry, because it does not help control infection. The committee was told that the redevelopment proposal will establish the framework for substantial improvement in the quality and effectiveness of health service delivery and recurrent cost performance. It will do that through improved configuration of the hospital services and its departments, with improved public access and reduced travel distances that will maximise patient care, service delivery and, at the same time, minimise the opportunity for clinical complications such as the cross-infections to which I referred earlier. It is crazy that staff waste so much time traipsing around such an outmoded building. It is just dead time: it is not down time. It does not enhance staff morale or performance because, for each task, the physical effort to get somewhere, in a building of that kind, is much greater than tasking effort required by nursing staff in other more modern hospitals.

So there will be an improved functional relationship of hospital departments to ensure more effective and more efficient use of staff. There will be a replacement of ageing infrastructure that will substantially upgrade the life cycle status for building maintenance, as well as engineering services and equipment services. There will be improved layout and traffic configuration of the campus, making it more conducive for ease of movement of patients, visitors and staff, to which I have already referred in observations of the place. There will be increased focus on ambulatory care, on day surgery and on day care facilities in line with current trends in health care which seem to deliver the service more efficiently, more effectively, with greater satisfaction and at far less cost. There will be reduced potential for cross-infection through better design of services and providing the necessary dedicated and/or isolated space. There will be reduced waiting times through the provision of new purpose-built facilities. There will be efficient and functional buildings through improved infrastructure, and there will be an improved aesthetic environment, matching patient demand.

There are additional features of the project which will improve women's and children's health services through the construction of dedicated facilities; enable increased levels of surgery through the provision of a new operating theatre facility, with increased numbers of theatres; and enable increased levels of ambulatory care through the refurbishment of existing spaces to convert them to more functional spaces. The project will facilitate a broader range of diagnostic services being available at the Lyell McEwin Health Service through the development of expanded imaging and laboratory departments. It will enhance the main entrance to the hospital and provide a close proximity car parking space which will improve access to the hospital for everybody, whether they be staff or visitors. There will be an improved occupational health and safety outcome as a consequence of the redevelopment.

As if that was not enough to commend the project, the committee is told that the health status of the northern community is below that of most other areas of Adelaide. Issues of poor health can be attributed to low socioeconomic factors, as well as poor access to health services. The redevelopment of the Lyell McEwin Health Service will assist in increasing the level of health within the northern community through improved access to locally based services and the development of an integrated community hospital approach to health.

There was one other observation which the committee made, and that is that in no small measure in the northern suburbs there is also a significant level of obesity, contributing to poor health amongst the population, regardless of age. That is a factor outside what the Lyell McEwin Health Service can deliver but, as I am sure members would appreciate, it is a factor which ought to be the subject of a public education program to ensure that people, regardless of their age and place in the family, understand that it is their life, it is their future and it is their comfort and enjoyment which they will jeopardise if they simply sit around on their fat whatsit and engage in insufficient exercise. I am no grand example in that respect—

Mr Atkinson: I don't know: you are not too bad.

Mr LEWIS: —but I could do with about 15 kilos less, as the—

The Hon. R.B. Such: Who would you give it to? I do not need it.

Mr LEWIS: The honourable member for Spence is one person who does not need any more, but he is carrying far less than I am.

Mr Atkinson interjecting:

Mr LEWIS: This is a pity here in this place: it is gone. I lament that. However, where the Lyell McEwin Health Service catchment area exists, there must be a commitment

by government to an education program which encourages people to understand the great benefits and, indeed, greater joy and comfort that they will get from life if they exercise properly and manage their weight by balancing their diet along with that exercise. It is not difficult to do: all you have to do is start today.

Notwithstanding those observations, the Public Works Committee supports the proposal to redevelop the Lyell McEwin Health Service and, pursuant to section 12C of the Parliamentary Committees Act 1991, recommends that the proposed public work proceed.

Ms STEVENS (Elizabeth): I rise as a member of the committee, the shadow minister for health, and, most especially in relation to this project, as the local member, the member for Elizabeth. The Lyell McEwin Health Service—

The Hon. R.G. Kerin interjecting:

Ms STEVENS: No, definitely not a conflict of interest; well, perhaps one that I am really proud of. The Lyell McEwin Health Service is a major issue and the redevelopment of that hospital in the Elizabeth area has been a major issue in the community over all the years that I have been the member for Elizabeth. The community has been disappointed, on a number of occasions, when the Lyell McEwin Health Service redevelopment was announced in the capital works program and then nothing happened, to such an extent that people—

Mr Lewis interjecting:

Ms STEVENS: Yes, about five times, I think. Seven times for the Queen Elizabeth Hospital, but about five times over the last four or five years this hospital has appeared in the capital works budget. To date, this is the furthest all of those announcements have got. So I am pleased, at last, that we have got to the point of a plan, a proposal and a report to this House by the Public Works Committee.

The Presiding Member has already outlined the major physical features of the redevelopment, so I will not do that again, except to say that in terms of the catchment area of the Lyell McEwin Health Service—which includes the areas of Munno Para, Elizabeth and Salisbury, with secondary catchment areas stretching to Gawler and Tea Tree Gully—the current size and capability of the Lyell McEwin Hospital is well below what is required now and certainly into the future. So this development is absolutely needed and must happen as soon as possible.

The committee referred, in the report, to the health status of the northern suburbs community as part justification for the hospital redevelopment. It is important for members to realise that the health status of the northern community across a range of clinical areas is below that of most other areas of Adelaide. The priority health concerns relate to lifestyle issues of diet, exercise, family relationships, violence and substance abuse. In terms of the national health priority areas, the health status of the northern community is generally low in all of the major areas, including cardiovascular health, cancer control, injury prevention control, mental health, diabetes and asthma.

The northern suburbs also have the highest level of resident children under the age of 15 compared with other parts of Adelaide, with Salisbury and Playford having the highest level of resident children. The major health issues for those children include mental health, child abuse, attention deficit hyperactivity disorder and Aboriginal health matters. The committee was told that those issues have been further exacerbated by poverty, family breakdown and a recognised lack of therapy services within the region. There is a great need, in terms of both the health status of the community and their lack of access to adequate services, to meet those needs. This hospital and the redeveloped hospital will be very important in providing a focus for acute care (which is what the hospital will develop and deliver), but also as a focus for the much wider primary health care approaches that need to occur in the community.

One of the things which the committee was very clear and concerned to ensure and which was included in its final recommendations was the following:

> Members stress that the redevelopment of the Lyell McEwin Hospital will not alone be enough to address the low health status of people in the northern suburbs.

We went on to say that there needs to be a comprehensive primary health care, education, disease prevention health advancement approach delivered in an integrated way by health and community service providers from all levels of government, other agencies and with the support and involvement of the community. I cannot emphasise that too strongly.

The hospital development we are discussing and approving today is a very important development, but this alone will not be enough: it needs to be developed and run in conjunction with a much wider range of services that will help to address some of those major underlying health problems of the northern area. In relation to that, one of my concerns is the fact that this redevelopment will take 10 years to be finally completed. The committee drew attention to this fact. We are saying that the health status of the people in the northern suburbs needs to be addressed at a faster rate than over a 10 year period. We have recommended that the minister investigate, as a matter of urgency, the possibility of fast-tracking this project to ensure that works are completed in a shorter time frame. We cannot afford to wait yet another 10 years for this project finally to be completed. The issues are too important and too serious to be left that long.

I draw attention to another matter. In giving evidence to us the Department of Human Services told us that the funding for this project has been included in forward estimates until 2002-03. The total cost of the project is $87.4 million and those forward estimates get us about half way towards that. Continued government priority will need to be given to this redevelopment to ensure that the rest of the funds flow through, hopefully in a fast-tracked situation to ensure that the development is progressed. We were also told that, once the redevelopment is complete, funding for the Lyell McEwin Health Service will be progressively increased as a proportion of the total health budget over the ensuing five to 10 years. We were told that this increased funding would enable service expansion at the Lyell McEwin Health Service without compromising current levels of service to other communities at other metropolitan hospitals.

Finally, I mention a very important service which needs to occur much faster than has been set down on this plan; that is, the establishment of 10 dialysis chairs at the Lyell McEwin Health Service. According to the plan and the project, 10 dialysis chairs are a part of the project but they will not be in place until 2005. The need is great in the area, and the committee made special mention of this in the report. We need to ensure that people in the north do not have to travel the long distances, do not have to have their lives interrupted to the extent that they are and do not have to pay the enormous cost of transport to get to the Queen Elizabeth Hospital, North Adelaide or even to Wayville to undergo this

critical treatment: they have to have this, otherwise they do not survive. That needs to be fast-tracked. I understand that it is possible to shift five to six machines from the Queen Elizabeth Hospital and establish something temporary right now with the expenditure of $300 000 to $400 000 to upgrade a facility at the Lyell McEwin Health Service to ensure that happens as a transitionary measure.

Motion carried.

PUBLIC WORKS COMMITTEE: SALISBURY INDUSTRIAL PARK

Mr LEWIS (Hammond): I move:

That the 137th report of the committee, on the Salisbury Industrial Park—Stage 1, be noted.

The Department of Trade and Industry has been working for some years on the development and maintenance of industrial land strategy. New industrial land is required to service the needs of not only new enterprises but also existing companies seeking to expand or relocate. Encroachment of residential development into some of the older industrial areas, combined with increasingly stringent environmental standards, has resulted in conflicting demands and thereby limited the capacity of some companies to adapt their operations to remain competitive in global markets. Much of the existing stock of industrial land suffers from these encroachment problems: it is poorly located for the needs of companies or it is fragmented, making it virtually impossible to secure large sites required for efficient operations.

Land extending from Elizabeth westwards through the defence precincts, Mawson Lakes, the cast metals precinct at Gillman in Regency Park and through to Outer Harbor represents a unique opportunity in comparison with other Australian cities for those of us who live in the Adelaide metropolitan area. Within this arc are the defence industry clusters, the automotive and manufacturing groupings, their critical support industries, training facilities and suitable infrastructure which are being continually strengthened. The area includes large tracts of land which can be developed for defence, automotive, high technology, metals based manufacturing, general industrial, food processing and distribution industries. Surrounding this arc are the suburbs where urban regeneration is being promoted. Hence employees of firms locating in the arc will have convenient access to good quality housing.

I note that Mawson Lakes gets quite a generous subsidy out of the state taxpayers for housing for people on upper middle incomes. It is a pity we cannot make that money available for housing for those on the lowest incomes in our society, notwithstanding the fact that we are doing it for the richer. However, to continue: a specific opportunity has arisen in relation to the development of the defence precinct at Salisbury, and in order to improve their asset and to have modern, all purpose facilities the Department of Defence is concentrating its facilities at the defence precinct. This will result in its operations being consolidated and completed, thus releasing about 650 hectares of land for development. It is this land that will be used for the so-called Salisbury industrial park.

Moreover, the automotive industry in South Australia is restructuring the way it conducts its business. Current changes include consolidation of firms, resulting in only a small number of very large companies, of which General Motors is the largest; consolidation of assembly with a move to larger plant size and specialisation of manufacture in each plant; and a new direction from full design by the car maker to the systems assembly where the systems supplier is also the designer, that is, the car electronics and line sequence manufacturing.

As a result of this restructure, Holden's (as we know it) will be outsourcing whole sections of the vehicle first tier suppliers. These sections or systems include, for example, engines, transmissions, front suspensions and brakes, which are assembled and delivered to the assembly line on a just in time basis in order that the vehicles can be produced efficiently. This increases the efficiency of the component manufacturers, because components are being handled only once rather than being delivered to a warehouse and stored there, later to be retrieved and transported on to a holding bay in the final assembly campus area, which results in sorting for use in vehicles and then final installation.

The experience overseas with this approach shows that for efficiency to be maximised the first tier suppliers should be connected to the plant by a dedicated road which allows the tuggers and the trailers (which deliver components direct to the line) to be loaded at each supplier's factory in the required sequence for the final production assembly.

For such a change in operating practice to be successful, the first tier suppliers will need to be located in close proximity to the existing Holden's plant, as well as being linked by a dedicated road. The defence precinct is physically adjacent to the Holden's production facility and provides an excellent location for these first tier suppliers. Approximately 56 hectares of land, it is estimated, will be required for this purpose and the Department of Industry and Trade propose that the development of this land form stage 1 of the Salisbury industrial park.

DIT (as the Department of Industry and Trade is known) considers that generally the entire site—the 650 hectares of it—would also be attractive to broader industries, and it is proposed that subsequent stages of development occur over time according to the demand that emerges.

Our Public Works Committee report deals with the development of stage 1 of the Salisbury industrial park at an estimated cost of $16.5 million and includes head works of $8.2 million, of which there are six parts: the electricity supply; water supply; sewerage; stormwater drains and basins; common trench and conduits for telecommunications; and, roads and a roundabout. Subdivision works are to be $8.3 million, and this includes: roads; a tuggerway and bridge; common trench and conduits; water supply; landscaping; electricity; and, sewerage.

The estate is being planned and designed as a high quality industrial park, which is meant to mean that all roads are B-double capable; all the services are underground; the public areas are well landscaped, provided with recycled stormwater for lower irrigation costs; and the stormwater drainage system will be in the form of landscaped swales. The park will be connected to three electricity substations in order to provide supply at the same level of security as the Holden plant.

Stage one is planned with each allotment having access to a private tuggerway, which allows line sequenced systems to be delivered directly to Holden's production line. This will take the form of a bitumen roadway with its own lighting leading to a bridge over the railway and the Kettering Road linking to Holden's Elizabeth plant. Within its property Holden will develop the tuggerway itself.

The committee was told that there are three basic ways in which the park could be developed to capture the immediate opportunity presented by the restructuring and expansion in

the auto industry. They are: commonwealth development; private development; and, a joint development by commonwealth, state and local governments.

As a matter of policy the commonwealth does not undertake development of its surplus land, which is wise. When it did it got too involved in politicking and social engineering. The policy is either to realise the land to the private sector through open tender or direct to the state or local governments. Due to the high up-front costs of the infrastructure, there is no certainty that a developer could be found on a financial basis which would allow the commonwealth to proceed. Assuming an agreement could be reached, the former process of finding a suitable developer or financier, then negotiating an arrangement with them and bringing this to contractual form would generally take 18 to 24 months. The development of the site would take another six months, failing to meet the time frame needed to maximise beneficial outcomes from this opportunity.

So the committee was told that the third option of a joint arrangement between the commonwealth and state governments is the only way that could enable the first stage to be developed within the time frame required. It is therefore proposed to enter into a legally enforceable agreement with the commonwealth in which the commonwealth sells the first stage requirement of 56 hectares to the state at an agreed price, but with payment only being made on sale of each block. Under the agreement, the commonwealth will remediate and clear the land according to its agreed environmental and conservation management plans. The state will invest in the development of headworks required for stage 1, comprising the road services and landscaping for the subdivision. An alternative delivery mechanism for future stages could be investigated.

The committee was told, given the urgent time frames for the project, that it is necessary to fast-track the planning process and, whilst we were curious about that, we accept its rationale. As the land is excluded from zoning at present, the Salisbury City Council and the state government have agreed to bring the plan into early operation by giving priority to its processing. Planning approval for stage 1 land division and necessary headworks under section 49 of the Development Act is in train, and the planned amendment report to rezone the area for industry use is presently on exhibition.

DIT has acknowledged that several approvals remain outstanding and, although the committee understands the reasons for this and the urgency attached to the project, members note that several key steps are yet to be completed. As such, the committee is of the view that the project should not proceed until all appropriate approvals and agreements are secured. We do not want another stuff-up like Hindmarsh.

Further, the committee requires the Department of Industry and Trade to provide the committee with appropriate documentation for all approvals and agreements when they are secured. The Department of Industry and Trade has told the committee that the following benefits will accrue as a result: economic growth predicted to increase the gross state product by over $750 million in a period of 10 years; employment growth of between 1 450 and 3 150 jobs over the next five years; private investment of at least $300 million to $400 million in buildings and equipment over the 10 year period; increase in state taxation revenue of $50 million over 10 years; promotion of local training and employment by working closely with community-based training providers; strengthen the automotive component supply base, benefiting both the South Australian based vehicle assemblers (that is, Holden and Mitsubishi); and, opening a new major industrial site to become the Regency Park of the next 10 to 15 years.

The committee is further told that stage 1 development will: assist in the restructuring of the auto industry; promote direct investment; contribute to a more effective urban form for Adelaide; assist the Department of Defence to realise its asset; and, result ultimately in environmental improvement of both the built environment and the natural environment.

The Public Works Committee strongly supports the proposal to develop Salisbury Industrial Park and, pursuant to section 12C of the Parliamentary Committees Act 1991, recommends that the public work proceed subject to the conditions I have mentioned during the course of my remarks. In other words—don't do it until you have got it right.

Ms STEVENS secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: QUEEN ELIZABETH HOSPITAL REDEVELOPMENT

Mr LEWIS (Hammond): I move:

That the 138th report of the committee, on the Queen Elizabeth Hospital Redevelopment—final report, be noted.

The Queen Elizabeth Hospital is one of the major hospital facilities of the North Western Adelaide Health Service. The hospital facility is 30 to 40 years old and the infrastructure is much larger in terms of building space, beds and engineering services than is needed to meet the health requirements and health service delivery models of current practice.

The QEH was originally built as an 800-bed hospital. Today, due to changes in clinical practice resulting in more day admissions than longer-stay and overnight admissions the QEH no longer requires a facility as large as its current size and, at present, functions on 339 overnight beds and 40 day beds. I must say, sir, that that is an engineered outcome and not one that spontaneously emerges as a consequence of public demand.

It is engineered centrally by the Health Commission which does not allow market forces to operate within the system. The North Western Adelaide Health Service has developed a strategic framework with a number of objectives to which I have referred in my earlier remarks about the Lyell McEwen Hospital. To achieve those strategic objectives in the planning time frame of 10 to 15 years, both the QEH and the Lyell McEwen Health Service will require simultaneous development—hence the reason for the Public Works Committee delivering its reports in close proximity to each other; we received the evidence in equally close proximity.

The proposal to develop the QEH involved the creation of a master plan that deals with the redevelopment of the entire hospital. The master plan involves a four stage development program over a nine year period that will see the construction of new clinical facilities, the retention of one of the existing buildings, and the demolition of all other buildings on the site. The QEH redevelopment is proposed to be staged to ensure that early availability of new inpatient accommodation is available on both sites and early commencement of facility-driven savings strategies for the North Western Adelaide Health Service can begin together with early commencement of the change in management processes.

This report deals only with stage 1 of these works and involves the construction of new inpatient accommodation of 200 beds and associated facilities. It is estimated that the stage 1 works will cost $37.44 million. Mind you, the views I have just expressed are those contained in the evidence

provided to the committee and not necessarily those of the committee itself.

The proposed new building footprint is 3 500 square metres, with a total floor area of 10 500 square metres. The wards are a diamond configuration and will produce the most efficient ward layout and provide a generous landscaped buffer zone between the built form and vehicular traffic. This approach will reinforce the hospital and the garden approach that was identified in the master plan for as long as it is possible to leave the vacant space around the building unoccupied—which may not be for long.

There is the potential for the addition of a third ward configuration to the north of the site if it is ever required in that open-space area. The public entry is clearly defined on the western side of the ambulatory care building visible from Woodville Road. The ambulance entry is well segregated, being located north of the diagnostic and treatment precinct.

The chosen design allows for expansion to the south of the growing areas to the ambulatory care building into that open space. In addition, private clinics and facilities could be built in the southern space or zone with exposure to Woodville Road. This option includes the retention of the maternity building, the Crammond Clinic, the kitchen, workshops and service buildings.

The Department of Human Services has advised the committee that extensive consultation has occurred with various stakeholders in the hospital—you talk to whom you want to, it seems to me. The stakeholders included the northern and western divisions of general practice, the cities of Charles Sturt, Playford, Port Adelaide/Enfield, various patient groups, staff groups, medical staff societies of the QEH and the Lyell McEwen Health Service, Transport SA, and residents surrounding the existing Queen Elizabeth Hospital—so we are told.

In addition, the department engaged the services of Dr Cathy Alexander to undertake a consultancy to assess the level of community expectations of services from the QEH along with overall planning parameters for health care services. The committee has been told that the links between the Lyell McEwen Hospital and the Queen Elizabeth Hospital were specific issues considered by this consultant.

On 16 February this year, members of the Public Works Committee visited the site of the QEH campus and toured all areas of the hospital involved in the redevelopment. Members of the committee were able to see firsthand the need for the proposed work. In particular, we saw that many of the facilities are outdated and in poor repair, the layout of the wards is both inefficient and labour intensive, and staff observation of patients in the emergency department is difficult, if not impossible.

Light does not bend. It travels in straight lines, so you cannot see around corners. There was a lack of ramp access, and there are poor physical links between various departments of the hospital. Altogether, the staff does an excellent job making use of the existing building envelope and the facilities it encloses, but that is less than desirable. The master plan aims to provide modern functional buildings to facilitate efficient work practices and improvements in the standards of patient care and staff amenity. That plan will provide new inpatient accommodation, diagnostic and treatment facilities and an ambulatory care unit as a new built project. There will be a retention of the current maternity building with the progressive demolition of all the other existing buildings. The master plan will:

· improve patient and visitor amenity through the provision of improved patient waiting spaces and support facilities and improved staff support facilities;
· improve opportunities for changes to clinical practice through the design of buildings which optimise functional relationships and provide for the use of new technology—and so it should;
· improve occupational health and safety standards through the construction of buildings that are compliant with current health industry standards and expectation;
· achieve fire safety standards and provision of safe egress;
· improve disability access through the provision of appropriately located ramps and drop-off and pick-up areas;
· provide environmentally sustainable buildings with a focus on the whole of life costs, rather than the narrow preoccupation with capital cost which ultimately results in detrimental consequences for the recurrent costs in using the space so created by the stingy approach to investment in capital;
· improve building and landscaping aesthetics through the construction of low-rise buildings on a site which has improved landscaping;
· improve staff morale through staff involvement in the planning process and through the provision of improved staff amenities as described above—as described by me earlier—and it will improve their morale, too, by virtue of the more appropriate facilities in which they will work, enhancing the efficiency with which they can deliver the service they have been trained to provide for the sick and broken bodies they will be caring for; and
· improve access to car parking which we will see at the conclusion of the program. At present, most short-term patient car parking is located on the western side of Woodville Road requiring patients and visitors to take their chances whilst they attempt to walk the reasonably long distance across a busy road to the hospital.

So, the Public Works Committee acknowledges that the refurbishment of the Queen Elizabeth Hospital is long overdue and, pursuant to section 12C of the Parliamentary Committees Act, the committee recommends that the proposed public work proceed.

Ms STEVENS secured the adjournment of the debate.

BARLEY MARKETING (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

EDUCATION (COUNCILS AND CHARGES) AMENDMENT BILL

In committee.

(Continued from 14 November. Page 509.)

Clause 3.

The ACTING CHAIRMAN (Mr Williams): With the indulgence of the committee, the member for Taylor has asked that she be allowed to address this matter whilst remaining seated.

Ms WHITE: At the beginning of this committee process, I would like to state that the opposition is disappointed that this bill was not referred to the Select Committee on DETE Funded Schools, because we believe there to be so many

inadequacies in this bill as to have demanded the attention of that parliamentary scrutiny at this stage. Despite the appalling way in which this bill has been rushed through parliament without the opportunity for public consultation on the draft as was promised, Labor played a constructive role in not obstructing its passage to the second reading stage. However, unlike others who are willing to pass into law inferior legislation with unknown or negative possible consequences for our public schools on nothing more than the say so of the minister that he is simply to be trusted to do the right thing in practice, Labor is conscious of the fact that, once this bill passes, as it seems destined to do—at least in the House of Assembly—then these changes transcend even any good intentions of this current minister and protections removed from the current act are potentially lost.

We signal that, depending on answers given by the minister today, we will be unwilling to support a flawed bill. Our hope is that the minister will reassess his legislation before it is dealt with in the Legislative Council. My first question relates to the definition of 'governing council'. This definition relates to a fundamental change in this legislation that has wide ramifications, and I will return to this concept when we reach later clauses where it comes into play. Due to its importance, I wish to begin my questioning of the minister on this matter now.

As I indicated in my second reading speech last night, the question of the meaning of joint responsibility in this definition is not a trivial matter, as it impacts fundamentally on a few things. It impacts on accountability for the provision of education and other services in our public schools, and it impacts on accountability for decisions on expenditure of government funds in schools. It also impacts on liability for decisions made about the provision of services and expenditure of funds in schools, as well as ministerial powers over councils and head teachers, a group that 'jointly' is a mixture of the minister's employees and private individuals who are not employees of the minister.

As this is such an important aspect of this legislation, will the minister address the question of exactly what is the meaning of 'joint responsibility' in the definition of 'governing council' in terms of two things: first, the lines of accountability, which are conferred in this legislation by two very different and possibly conflicting mechanisms—that is, the act, on the one hand, which confers certain accountability to the minister and his delegates or employees (and they come under another act, of course) and, on the other hand, these constitutions which deal with accountability for councils that are broadly outside the control of the legislation? Will the minister address what 'joint responsibility' means in terms of those lines of accountability? The second context in which I am asking this question concerns the aspect of liability of government versus governing council, given this scenario.

The Hon. M.R. BUCKBY: The joint responsibility (and this is the fact with a governing council) is that the council and the head teacher, as it is defined in the act, or the principal, has joint responsibility for the policy and the operations of the school. The head teacher, or principal, has the control of the curriculum, the control of staff, the control of any provisions to do with students in the school—basically, anything to do with the curriculum or the control of students within the school.

New section 84 describes the membership of the governing council. Proposed new section 84(1)(e)(ii) provides that the council is to fulfil the roles specified in the constitution in respect of strategic planning, determining policies for the school, determining the application of the total financial resources available and presenting operational plans. So, the boundaries, so to speak, of the governing council's role are quite clearly set down in that clause. Likewise, with respect to the head teacher, his or her role and responsibilities are specified.

So, with respect to the joint management, or the joint governance, of the school, quite clearly, the council has the role in the strategic planning, in the overall policies for the school and in the application of the financial resources. The head teacher is an ex officio member on the governing council; and the governing council and the head teacher work through their global budget. However, the governing council cannot step over the line in terms of the delivery of the curriculum and any matters involving the students or staff of the school.

If the governing council—not the school—employs, for instance, a cleaner or a gardener, obviously, as is currently the situation in many cases, the governing council obviously has control over the person whom they employ, but not a departmental employee. So, if the governing council employs a private person as a gardener, or whatever, it obviously has control over that person, but not any employees.

Ms WHITE: That did not quite answer all that needs to be answered about the impact of that joint responsibility in terms of the lines of accountability. That was more of a surface answer and was not what I was looking for. The liability implications are quite significant. However, given the limit of three questions per clause, I will pick up that point further on when we again talk about governing councils.

Still with reference to a governing council, in this bill there also is an amendment to the Children's Services Act and a clause that comes up later. Under this definition, a governing council refers to a school council only, whereas there is specific mention in the bill of Partnerships 21, for example, and the managing committee of a children's services site will be something akin to a governing council but is not a governing council.

Where in this bill are the necessary definitions and concepts relating to the Children's Services Act as regards Partnerships 21, rather than a governing council? That definition strictly precludes the management committee of a Partnerships 21 site, and I cannot see anywhere else in the bill where all the associated legislation for a children's services site would be picked up.

The Hon. M.R. BUCKBY: Because at the moment we have an Education Act and a Children's Services Act, any procedures, the constitution and the management committees' directions and control will come under the Children's Services Act. So, it will not come under this act, because they are two separate acts at the moment.

Ms WHITE: We are also amending that one at the same time as we are this bill.

The Hon. M.R. BUCKBY: We are amending it so that the constitution of a management committee and that of a governing council can come under the same constitution. For instance, let us say that you have a preschool and a primary school on the same site and they want to operate under one constitution. In this bill we are allowing that to be undertaken, so that they could operate under one constitution rather than having two separate constitutions. This allows them to operate as if under that one constitution.

Ms WHITE: They would have to have separate constitutions if one was a P21 site and the other was not, would they not?

The Hon. M.R. BUCKBY: They must be consistent. To come together, they both must be a governing council. So, if one is a P21 and the other one is not a P21 site, they could not come together, because they are two different bodies. If a preschool is on the same site as a primary school and the preschool is not a P21 but the primary school is, they could not form together under one constitution. They would have to have separate constitutions, and the preschool's constitution will then come under the Children's Services Act and the primary school's constitution will come under the Education Act. This bill purely allows that, if both of them are P21s on the same site, they can come under the one constitution.

Ms WHITE: Why has the Minister done that? He has opened both acts, he has addressed school governing councils, yet he has not addressed the Partnerships 21 governing councils for kindies, if that is what he is going to call them, in the Children's Services Act. The minister has not put anything into the Children's Services Act apart from the amendment of this one clause to allow the same body of people to function in both ways.

As the minister himself points out, we might have a Partnerships 21 children's services site and a school that is not one, so they must have different constitutions under this bill, yet the minister has not put anything into the Children's Services Act to pick up the whole range of measures that he picks up for schools. Is that the oversight that it seems to be?

The Hon. M.R. BUCKBY: We have not opened the Children's Services Act, only the Education Act. With what is passed here, there would then be a consequential amendment to the—

Ms White interjecting:

The Hon. M.R. BUCKBY: No, we have not. They are consequential amendments that will flow on to the Children's Services Act from the changes in this act. We have opened the Education Act to allow for this, saying that the provisions in this bill will allow for this to occur. If the bill is passed, then there will need to be consequential amendments to the Children's Services Act to flow through to allow that to happen.

Ms WHITE: The minister has done this in an awful rush, has he not?

The ACTING CHAIRMAN: The member for Taylor has had three goes at this clause.

Ms WHITE: There is another important definition in this clause that I need to canvass with the minister, if that is okay.

The ACTING CHAIRMAN: There is no opportunity at a later stage?

Ms WHITE: Not really.

The Hon. M.R. BUCKBY: I am happy for the member to ask a question.

Ms WHITE: In the present legislation the definition of 'head teacher' is that person to whom the administration and control of a school is committed, which is fair enough. Also, in the current legislation regulation 37 provides that head teachers are responsible to the Director-General for management, organisation and administration of the school, plus the welfare and development of its pupils. That definition seems to imply pretty clear lines of accountability and responsibility when we acknowledge that currently no question of this concept of joint responsibility comes into this new act, with the school council under the current definition.

In the government's second reading explanation the statement is made that:

> The functions and responsibilities of head teachers who work with a governing council will change, commensurate with the strengthened role and functions of the governing council from an advisory to a decision-making body. The roles of both will be articulated, they will jointly exercise authority and control, and will therefore have responsibility for the successful integration of leadership, governance and management.

The new definition for head teacher in this bill essentially states that the head teacher is simply the person designated to be the head teacher. Nowhere in this bill are the functions and responsibilities of head teachers specified. Of course, the functions and responsibilities of governing councils do not appear in the legislation either; they are picked up in the yet unseen, yet to be approved constitutions. Surely this parliament should have a bit more of a hint about the roles and functions before it gives up legislative control over that matter?

Where will the head teacher's roles and functions be articulated as the second reading explanation said they would be? Will head teachers at all Partnerships 21 sites have the same roles and functions? Will they be 'jointly responsible' with their governing council in exactly the same way as another head teacher at another school? What if the governing council is one that operates two or more schools, as can be the case under clause 83(2) of this bill?

What does joint responsibility mean in that scenario? Is one principal equally responsible as another in the governance of one school in that group of clustered schools, and how does the responsibility of the governing council divide between this group of principals? The minister says that the roles of both 'will be articulated' and that they will have 'joint responsibility' for certain authority and control. What are the extents and limitations of the authority of a head teacher in the context of their joint responsibilities with the governing council, and what controls?

I am really asking just how the lines of accountability work under such a scenario. How will the minister articulate these and why is none of this in the legislation? If the government is to remain accountable for the provision of public education and the expenditure of public funds in state schools, then this legislation must, at least in some form, articulate the answers to these pretty fundamental questions, otherwise there is no government accountability, and that is not what the public intends, even in a system of local school management.

A definition that says that the head teacher is simply the person designated to be the head teacher looks a little inadequate in the light of all the issues I have raised, I would have thought.

The Hon. M.R. BUCKBY: I will try to address the 10 or so questions that have been raised by the opposition. If I forget a couple, I will ask to be reminded by the member for Taylor so that I can address all her questions. The head teacher's duties will continue to be described, and the current education regulation 37(1) describes those. It provides:

> The head teacher shall be responsible under the act to the Director-General for the management, organisation and administration of the school, and the welfare and the development of its pupils.

The head teacher continues to be the educational leader of the school. Clause 93, 'General limitation in respect of curriculum, discipline and staff' provides:

> (1) A school council or affiliated committee must not interfere, or take any action that interferes, with—
>
> (a) the provision, or the day-to-day management of the provision, of instruction in the school in accordance with the curriculum determined by the Director-General. . . ; or
>
> (b) the administration of discipline within the school.

(2) A school council or affiliated committee must not give directions to the head teacher, or any other member of the staff of the school. . . in relation to the manner in which the person carries out his or her duties.

So, it is defined within the bill. As I said before, this is not a matter of trust, because the bill guarantees the community about the respective and joint roles of the council and the head teacher, so the governing council that operates under its constitution is jointly responsible for the governance of the school in those areas that I noted before of strategic planning, determining policies, determining the application of the financial resources, and presenting operational plans and reports on its operations to the school community. But new section 93 ensures that the governing council cannot interfere with the management of the school under the head teacher.

The head teacher will retain the responsibility to the Director-General for the management, organisation and administration of the school and the welfare and development of its pupils and for the professional development of teachers and staff and their participation in decision making on school policies and problems. All head teachers will remain responsible and accountable for educational leadership, educational outcomes of students and the management of the school, including the staff.

If the council is a governing council, the head teacher is also accountable to the governing council and jointly responsible with the council for the governance of the school. The honourable member asked about a cluster of schools so, for example, let us take a junior primary school and a primary school, which is the easiest example. On the governing council both head teachers of the junior primary school and the primary school are ex officio members of the governing council. That joint responsibility is assured by both members being appointed to that governing council. I am sure that I have missed a couple of points raised by the honourable member. If the honourable member could tell me what I have missed I will attempt to answer her questions.

Ms WHITE: The minister said that regulation 37 gives responsibility for management, organisation and administration to the head teacher. That appears to give total responsibility for the management, organisation and administration to the head teacher. Is that not in conflict with what the minister's second reading explanation states, that is, that they jointly exercise authority and control and have joint responsibility for leadership, governance and management?

The Hon. M.R. BUCKBY: That is within the policy of the school. You have two very separate roles but they jointly manage. The role of the head teacher, who has—

Ms White: We are also informed that the head teacher solely manages.

The Hon. M.R. BUCKBY: The person whose role aligns to curriculum, management of staff and discipline of students retains that sole management. According to new section 93, the governing council cannot interfere with that operation. Nothing changes in that respect. The policies of the school—and it might be the uniform, fundraising or some other policy—becomes an issue of joint management between the head teacher and the governing council. Also, the management of the budget of the school is jointly undertaken between the head teacher and the governing council.

The governing council cannot say to the head teacher, 'We want you to sack five SSO's so that we have more money to do this', because there are guidelines within the industrial relations act in terms of the enterprise agreement. It cannot cross over that line, so to speak, with respect to the day-to-day operations of the school. It can jointly manage only the policies of the school, the budget or any affiliated committees. For instance, parents and friends committees jointly manage, with the principal, the policy of the school.

Mr McEWEN: It is very difficult to hear the minister, who tends to speak softly and project his voice across the floor of the chamber. That notwithstanding, I think that we are touching on the Achilles heel of this part of the bill that relates to governing councils in that there seems to be a degree of ambiguity over roles and responsibilities. Before I ask a question, I seek clarification: did the minister quote section 93 of the old act?

The Hon. M.R. BUCKBY: New section 93, 'General limitation in respect of curriculum, discipline and staff'.

Mr McEWEN: I still do not understand. The minister tells us that there will be joint responsibility for policy, operations, curriculum and staffing, yet we have this situation where the department has responsibility for a number of those matters. We have the dilemma now where the head teacher can be torn between a policy setting of the department and a direction of the council. I do not think that the clear functions and responsibilities are separated to allow this conflict. The more the minister responded to questions from the member for Taylor the more apprehensive I became about there being no clear delineation between roles and responsibilities and lines of accountability, the head teacher being responsible to the governing council and the head teacher quite separately having responsibilities to the department.

The Hon. M.R. BUCKBY: I apologise to the member for Gordon. The honourable member cited a couple of instances that are not the responsibility of the governing council. For instance, the honourable member mentioned staffing. Staffing is and remains solely the responsibility of the head teacher. Nothing changes in that respect. If the governing council, as I told the member for Taylor previously, employs, for example, a gardener or a cleaner outside of the school it takes over that contract and operates the management of that person.

The policy with respect to staff of the school, that is, the teachers, SSO's and the administration of the school, remains exactly as it is now: it is solely within the management of the head teacher. There is no delineation in that respect. The governing council is accountable to the minister for developing, negotiating and meeting the objectives and targets of the strategic plan of the governing council of the school; the service agreement by the strategic planning and allocation of resources; the monitoring of key indicators and levels of client satisfaction; and reporting to the department and to the community.

The governing council is responsible for local policy development within broad departmental frameworks. It participates in the appointment of key leadership positions and has employer responsibility for staff employed by the governing council. That is the sole level of its accountability, in addition to its being accountable to me, or to any minister, but that is the delineation. The principal is accountable to the Chief Executive for the educational leadership and management of the school and the development of the services agreement, resulting in the following: quality curriculum provision; quality teaching programs and learning outcomes for students; a safe learning and working environment; and effective operational and day-to-day management and supervision of all staff on site.

The principal is accountable to the governing council for the following: implementation of the partnerships plan and

services agreement; the implementation of local policy that is set in a joint management agreement by the principal and the governing council; the provision of accurate and timely information; advice to the governing council; and the supervision and development of staff employed by the governing council. To my mind the delineation is very clear in terms of the accountability of the head teacher to the Director-General of the department and the accountability to the governing council; and likewise the governing council's accountability to the minister of the day and to the community that it serves.

Mr McEWEN: Is the minister interchanging the words 'principal' and 'head teacher'? Are they one and the same person? Could we have a situation where we have a head teacher of a number of schools that have principals?

The Hon. M.R. BUCKBY: I think the easiest example is a junior primary and a primary school; then you would have two head teachers. I will try to stick to the one terminology in that we are talking about head teachers of a junior primary, a primary school or another primary school. So, if you had a cluster of three (if you had a junior primary and a primary on one site, and then another primary, all of which decided to form a cluster), the head teachers of each school would be ex officio on the one governing council, if it was decided to bring them in under a cluster of one governing council.

Mr McEWEN: Can I beg your indulgence with another supplementary question, sir? There are many questions, unfortunately, in relation to clause 3.

The ACTING CHAIRMAN: As there are a number of proposed new sections under clause 5, I propose to put each of those separately, so there will be plenty of opportunity to address a number of questions as we move through clause 5.

Mr McEWEN: We are dealing with definitions, and I think we are still not obtaining the degree of clarification for which I had. A governing council means, under the constitution, a school council jointly responsible with a number of head teachers, whereas the minister's definition says 'with the head teacher'.

The Hon. M.R. BUCKBY: Parliamentary counsel's advice to us is that the definition itself is just that: it does not do the substantive work. It is the regulations and the constitution that will do the substantive work in terms of defining head teachers and their roles of responsibility. So, the definition just defines a head teacher. The constitution, and elsewhere in this bill, will define the role of the head teacher. As I have gone through proposed new section 93, in terms of where a governing council has and does not have responsibility and where the line is between the two, the constitution will spell out exactly what the head teacher's responsibilities are.

Mr McEWEN: 'Governing council' means the school council that is, under its constitution, jointly responsible with the head teachers—plural. The minister has described a situation where there is an umbrella governing council and more than one head teacher. He described it in terms of different levels of schooling within a campus but, equally, you could have a number of small rural schools that choose to have one governing authority with each having a head teacher. So, again, this definition is seriously at variance with the practicality that I have just described.

The Hon. M.R. BUCKBY: My advice is that it is not there to undertake the function. The situation that the member described is where there would be one governing council and three or four small rural schools, for instance. The head teacher still remains the head teacher of each rural school. So, you are not changing the definition of a head teacher, because that is the head teacher of ABC school. That is what we are trying to define in 'head teacher'. When it comes to joint management, the constitution looks at joint management in a cluster of schools and how that is set up. By developing a cluster, you are not changing the fact that the head teacher is still the head teacher of that school.

The ACTING CHAIRMAN: The member for Gordon, you have already had four questions. I have indicated that there will be many opportunities as we go through at least clause 5. So I am going to put the question.

The Hon. M.R. BUCKBY: I am sorry to interrupt, but can I add this, because I think this will clarify it for the member? I am advised that, under the Acts Interpretation Act, 'singular' includes plural as necessary. Is the member for Gordon listening?

Mr McEWEN: I am trying to find another way to circumvent the ruling of the acting chair.

The Hon. M.R. BUCKBY: I think I can solve your problem. As I just mentioned, I am advised that where, in an act, it relates to a single person—as the member is saying, a single head teacher—that singular includes plural, as necessary, under the Acts Interpretation Act. So, while it might appear as the singular here, if necessary, it can be plural.

Mrs MAYWALD: My question relates to the definition of 'affiliated committee'. Is there any such thing as a non-affiliated committee?

The Hon. M.R. BUCKBY: Yes, there is, and that would be one that would not be approved by the minister and one that is not affiliated with the governing council. A committee could be set up by a group of parents, for instance, within a school—it might be a rowing committee. It might be that it is not affiliated with the governing council and it is not approved by the minister, so it would be a non-affiliated committee. That could happen now within the school council set-up.

Clause passed.

Clause 4.

Ms WHITE: I hope that we have the opportunity to return to some of those points, because they were not clarified and I have several other questions. There were clear conflicts in the minister's responses. I ask the minister what is envisaged in the scope of the term 'other services to students' under this clause. Are we talking about fee for service arrangements? The clause provides:

> The Minister may provide courses of instruction or other services to students who do not reside in this State.

Are you talking about fee for service, or other things? What exactly are you talking about? Are you talking about sponsorship or revenue raising activities?

The Hon. M.R. BUCKBY: This allows the minister to provide online courses, for instance, to overseas or interstate students—either offshore or non resident students. So, it allows for provision of education services—for instance, delivery of curriculum or whatever—to students either online or via any other form—for instance, the Open Access School, which is available at the moment.

Ms WHITE: Does the definition of 'other services to students' include the sorts of fee for service arrangements that we have in our TAFE system? Does it include and allow for schools going out and hunting for that sort of business?

The Hon. M.R. BUCKBY: It allows the department or a school to be able to seek students outside—say, interstate or overseas students; and take Glenunga International High School as an example—and they can then seek further students by the delivery of online courses. Then, because those students are not residents of the state, they are charged full fee recovery. Further on in the bill it allows the minister to charge the full fee to those students because they are non residents of South Australia.

Mr HILL: I was curious about the language used in this section. My understanding of the way in which the education system has worked in past has been that the Director-General (or the CEO) has been responsible for the provision of curriculum services to students. Is this breaking with that tradition? Is this the thin edge of the wedge; will the minister now be responsible for curriculum in South Australia to some extent?

The Hon. M.R. BUCKBY: The answer to that is a clear no. The CEO or the Director-General is still the head of that, but, in terms of marketing, it allows the minister to attract students from elsewhere. For example, Education Adelaide, comes under my control in that we are seeking to market education in South Australia and it allows me to be responsible for that marketing to attract international students, either via online or by coming to live in South Australia. There is no control over the curriculum by the minister, purely the ability to market and attract.

Mrs MAYWALD: As a point of clarification, there is a difference in marketing and providing courses. New subsection (9a) says that the minister may provide courses of instruction, which, in my view, does not limit it to marketing.

The Hon. M.R. BUCKBY: It allows me to provide for the delivery of courses in the same way as I provide for the delivery of courses now to somewhere in South Australia. The minister has the responsibility to provide the delivery of courses and education to every school in South Australia. This does no more than that.

Mr McEWEN: How does the minister reconcile the insertion of new subsection (9a) with the wording of section 9 in the principal act, which concludes by saying that it considers desirable in the public interest? I am not sure that new subsection (9a) is necessarily meant to be in the public interest.

The Hon. M.R. BUCKBY: This relates to offshore delivery, for instance, if we are selling courses online to students overseas. Obviously, it is in the public interest because, if we are providing those courses on a full cost recovery basis, then it is in the public interest because we are winning additional revenue for the state by doing so. What this allows me to do and what the current act does not allow me to do is to provide those courses online to offshore students or via other ways offshore.

Mr McEWEN: The section refers to other kinds of education that are considered desirable in the public interest, not other kinds of economic activity. I am wondering why the minister is inserting this as subsection (9a), rather than as a separate clause under the general powers of the minister, because I think there is a trap in trying to link it to section 9 of the principal act.

The Hon. M.R. BUCKBY: The clause that the honourable member is referring to in the current act, section 9(2), only allows me to deliver courses within the state; it does not allow me to provide courses outside the state. This gives me the additional power to provide courses outside South Australia, whether they be online or whether they be through hard copy courses. At the moment section 9(2) of the original act does not give me the power to do that. That is only for correspondence courses within this state.

Mr McEWEN: The minister neither understood my question nor gave me a satisfactory answer, but I actually gained a satisfactory answer from the member for Chaffey, so I am happy.

Clause passed.

Clause 5.

The ACTING CHAIRMAN: As I indicated, I propose to put each of the sections included in clause 5 separately, so we will move to section 83.

Ms WHITE: First, new part 8 concerning school councils replaces part 8 of the present legislation as well as part 7 of the education regulations, which, I understand, will be repealed. I ask the minister to clarify this at the beginning in order to avoid any misunderstandings as we get into the details of this part of bill. Am I correct in understanding that part 7 of the regulations will be repealed and the government has incorporated what it wants to keep in the bill before us and, if that is the case, when is the minister planning to do that? Is it as soon as the bill passes? What is the plan?

The Hon. M.R. BUCKBY: On the passing of this bill, the regulations would then be amended and regulation 7 would then come into the constitution of the governing council. So that would be amended and removed and those roles come into the constitution of the governing council.

Ms WHITE: What, everything that is in there?

The Hon. M.R. BUCKBY: The appropriate matters that are in that regulation. The matters that are appropriate to be transferred to the constitution would be transferred. Those that are not appropriate would obviously stay in the regulation.

Ms WHITE: It makes it a little bit hard to know what we would be approving. Will we deal with each of those subsections of section 83 separately because each of the subsections are significant?

The ACTING CHAIRMAN: That was not the intention of the committee.

Mr HANNA: Mr Acting Chair, I rise on a point of order. I think it is appropriate, and in fact it is the usual practice when we are dealing with inserting a series of sections into an act, to deal with each complex section at a time.

The ACTING CHAIRMAN: In relation to the member for Mitchell's point of order, the chair has already indicated that we are breaking this clause up into the separate sections.

Mr HANNA: Sorry, I thought you just said the contrary.

The ACTING CHAIRMAN: No, the member for Taylor has asked that we further break it up into individual words almost. I have already indicated that the committee will be looking at each proposed new section as if it were an individual clause.

Ms WHITE: It does make it very difficult when there are so many concepts in nearly every line of this clause to limit myself to three questions. First, section 83(1) basically says that all schools are to have a school council, whereas at the moment they do not necessarily have to have one. What happens in terms of legal status of councils and schools if there is a period, for whatever reason—and the minister would know that often it is difficult to find members for school councils for certain schools—that a school council does not have a legally constituted school council? Under the present legislation there is no requirement for a school to have a school council, so the issue does not arise in the same way as it might under this bill. What happens to the legal

status of councils or schools if there is not a properly constituted council because now it will matter much more than it did under the current legislation?

I will go through a few scenarios that the minister might address. For example, does the absence of a properly constituted school council at any given time mean that the responsibilities, liabilities or accountabilities that I spoke of earlier that would otherwise attach to the concept of this joint responsibility of governing council, for example, then revert to the minister instead? What about contractual or other arrangements that a governing council might have entered into? Where does liability fall if the council subsequently ceases to be a legally constituted council, either under this act or under its own constitution? Does it automatically revert to the minister? If that matter is not adequately dealt with (and I do not know that it is) it could be a convenient way for either party to escape some accountabilities or liabilities. That is the first aspect of the clause that I want to canvass with the minister.

The Hon. M.R. BUCKBY: In the hypothetical situation where there is not a school council, the current act allows the minister to appoint a school council, so that can be done currently. In the interim the principal or head teacher would take over the role of running the school. Proposed section 98 in this bill gives the minister the power to suspend powers or functions in urgent circumstances. However, if the minister is of the opinion that it is necessary or desirable to limit the powers and functions of a school council or affiliated committee, as a matter of urgency the minister may, by written notice to the presiding member of the school council or affiliated committee, prohibit or restrict the exercise of a specific power or the performance of a specified function for a specified period or until further order of the minister. In other words, if there was not a school council it gives the minister the power to appoint a school council.

Ms WHITE: My question related to the legal standing of any arrangements in place with that council if there is a period, which there can be, when there is not a legally constituted school council. Do all those accountabilities and liabilities that would normally attach jointly to the school council and the head teacher revert to the minister?

The Hon. M.R. BUCKBY: Yes, the minister would underpin them; so any contract undertaken by that school council would have to be underpinned by the minister. If a cleaning contract was undertaken by the school council and the school council dissolves, that contract would come back and the minister would have to indemnify and be accountable for that contract in the interim period when another school council is being established, the minister is establishing another school council as a matter of urgency or the school council is re-establishing itself. Yes, the minister would have the responsibility for any contracts or indemnity if there was not a school council for some unknown reason.

Ms WHITE: I refer to new section 83(2) and to the ability to cluster school councils or governing councils. One of the issues that was not satisfactorily answered before relates to the issue of what 'jointly responsible' means when you have a cluster of councils. I will repeat some of the questions I asked previously in this regard. Do the head teachers at all Partnerships 21 sites have the same roles concerning budget? Will they be jointly responsible with their governing council in exactly the same way as another head teacher in another school? In this joint responsibility between several head teachers and one governing council, exactly what is the division between the responsibilities? Is each head teacher equally as responsible as the other, and how does that relate to the level of responsibility with the school? That is not very clear.

I am also looking, in relation to this clause, at what protections there are or will be to ensure that a governing council of a cluster of schools is not taken over by private interests. I understand that a clause in the bill provides that the majority of members of a governing council must be parents, but are there any protections in here? We know that companies such as Serco and others have expressed interest in managing schools and the like. What protections would there be to ensure that private interests—interests outside all of the constituent schools—cannot take over, and what are the limits on the influence of one school council, governing council or principal over another?

In an advisory scenario where you have school councils rather than governing councils, the consequences are not as severe. Obviously members would be able to think of many scenarios where there could be manipulation of any result that a governing council wants over certain schools, such as the closure of the school in the weaker position. When you read this clause in conjunction with new section 85, which talks about the way councils are set up by the minister, the members of such a council need not even be elected: they can be appointed. The chair of the governing council is appointed. One of the protections in the current regulations is that, when it comes to voting for members of a school council currently, only parents of the school can vote. However, under this clustering scenario you can have appointments or elections, and there is nothing in the legislation that says that only parents of that school or even of all the schools have influence. Obviously there is a potential danger for small or country schools under this scenario. I am looking for some assurance in all of this on that aspect.

The Hon. M.R. BUCKBY: I am having difficulty keeping track of the number of questions the member is asking.

The ACTING CHAIRMAN: Order! I appreciate the member for Taylor's difficulty, but standing orders provide for only three questions of the minister. In order that the committee is not bogged down totally, I must ask the member for Taylor to frame her questions so that she asks all that she wishes to within three questions.

Ms WHITE: How are to we deal with this because so many issues are involved?

The ACTING CHAIRMAN: If the minister interrupts the member for Taylor at this stage, she has used her third opportunity, so I ask the minister to refrain at this stage. Unfortunately for the member for Taylor, I am constrained by the standing orders of the House; this is the member's third opportunity to ask questions on this section.

Ms WHITE: What about supplementary questions?

The ACTING CHAIRMAN: I am advised that there is no opportunity for supplementary questions under standing orders.

Ms WHITE: So far my question has concerned joint responsibility in terms of clusters of councils, and protections against the governing council of the cluster making decisions that are not in the interests of one school in a weaker position, and the manipulations that might come into play through proposed new section 85 and the appointments of that council. The second part of my question relates to proposed new section 83(3)(c), which provides:

A school council—
(c) is to consist of members as prescribed by its constitution;

I have looked at some Victorian model constitutions which have a mechanism for categories of memberships. Is that how the government will dictate membership? Currently, there is an AGM of the school council and provisions for general meetings of school councils. A number of school council representatives are elected at that AGM, but there is nothing in the new legislation specifically relating to an AGM or provisions for general meetings.

Yesterday I raised the issue of what happens in a small community such as Mintabie, but equally it applies to any community—particularly with small schools and, therefore, a small number of parents. Obviously the ability to attract contract work would give some groups outside the school an interest in the affairs of the school. I am looking for guarantees in relation to AGMs and procedures for meetings, which I believe have been problematic in the past. Will the minister advise why this area been left open and outside the control of the legislation?

In relation to proposed new section 83(3)(d), which refers to the functions prescribed by the act or its constitution, will the minister explain the legal significance of the word 'or', when new section 83(3)(e) uses the word 'and'? Why are the functions of a council not mentioned in the act? Surely that is a fundamental concept. Will the minister provide examples of how the functions of governing councils would differ between schools, because it seems to me that the functions of all school councils are the same. I believe that in proposed new section 83(3)(d), the word 'or' weakens the clause, or is a let out; I would have expected the word 'and' to be more appropriate.

Finally, in relation to proposed new section 83(3)(f), the current act is silent about whether school councils are agencies or instrumentalities of the Crown. I know it does not explicitly say that, but will the minister advise what the legal significance is of explicitly putting this into the act? Has there been some uncertainty in the past that the government is trying to cover? Why is that explicitly mentioned in the current act?

The Hon. M.R. BUCKBY: I will talk about a governing council being in control of a cluster of schools. By way of example, in a junior primary/primary school, both head teachers are on that governing council as ex officio members. The governing council will have the responsibility basically of being a governing council for both schools. So they would have to take into account the needs of junior primary school and those of the primary school. It would not be a play off of one against the other. It is purely a matter of one council addressing the needs of both schools within the decision making and management policy of both schools. A group of parents might say, 'Let's get together and make this one governing council' and both head teachers are in favour of that. They would treat it as though it were only for the one school. A decision could be made about uniform policy of the junior primary school. They will look at that as though they were dealing with just the junior primary school, yet they are the governing council for both schools.

Likewise, a policy might come up from the primary school that is looked at purely in terms of the primary school. The governing council could not close one school or the other, because the current provisions within the act, which was brought in 1998, provided that all those things would still have to operate. If school closure was going to occur, the provisions currently in the act have nothing to do with the governing council. It has to go through the minister, the review group has to be called, and all those sorts of things that must happen for a closure of a school to happen. A governing council cannot say, 'It is our policy that we close the junior primary and become just a primary school.' It has to come back to the minister in terms of the review group being set up as it is in the act.

Ms WHITE: That is in one instance. There is entering into contracts and all sorts of other things that councils do.

The Hon. M.R. BUCKBY: The governing council will take the position of, 'We are here for the management and the policy in the best interests of each school.' So, it is not a matter of saying, 'We have school A here. Let's see whether we can weaken that one and put all the resources in school B.' The governing council is accountable to its community. By way of policy, it is accountable to the minister, and the head teacher is accountable for the operations of both schools to the Director-General through its service agreement. So, the governing council has to take the decisions that are in the best interests of each school.

Ms WHITE: Why do they have to? The membership of that governing council can be appointed.

The Hon. M.R. BUCKBY: The only way that it would be appointed is as it is now; for example, if a new school starts at Burton, as there is no current school council, the current act has the ability for a minister to appoint a school council as the first school council. Following that, they can then have their annual general meeting and then parents can come forward and take over from those appointed members. That remains exactly the same as is in the current act.

Ms WHITE: Is there a guarantee that there will be election procedures in every constitution? It certainly is not in the act. If it is meant to be the case, why should it not be in the act that there must be an election procedure?

The ACTING CHAIRMAN (Mr Williams): Order! The chair has been overly lenient here. This conversation across the chamber is well outside standing orders.

The Hon. M.R. BUCKBY: You would not put in the act the rules governing an annual general meeting or the calling of an annual general meeting. You would not be that prescriptive within an act. That is what a constitution is for.

Ms White interjecting:

The Hon. M.R. BUCKBY: They would not be, because you have a school council or a governing council. This bill provides that each school council or governing council must have a constitution. Within that constitution, there will be rules for the membership of the governing body or the school council, when an AGM is called and the rules of that school—the constitution. We provide four model constitutions for governing councils or school councils to look at. If they do not want to pick up one of those, they can develop or change one of those constitutions to their own local needs, and then that constitution would come back to me or the minister of the day for approval. I must give three months for the school to put forward a constitution.

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

The Hon. M.R. BUCKBY: I will continue with an explanation of the member for Taylor's last question. She asked about new section 83(3)(d) and why the word 'or' is used there instead of 'and'. The answer is that, if the word 'and' was used, the functions would have to be prescribed in the act and the constitution. By providing 'or', it means that it can be either in the act or in the constitution.

With respect to the member's question about the legal significance of new section 83(3)(f), the school councils or

governing councils are not an instrumentality of the Crown; they are not an agency of the Crown. So, this just recognises their particular place. They are not an agency or an instrumentality of the Crown but operate purely under the government.

Mr HANNA: I strongly take issue with the minister's comments about the way in which a school council might operate if it covered two or more government schools. When the minister said that, for example, in dealing with the uniforms of a junior primary school, the school council would consider what is in the best interests of that school, I suggest that the minister was wrong. If there is a school council that covers two or more schools, the duty of that school council will always be to consider the schools as a whole. It is easy to imagine scenarios where what is in the interests of the primary school will not be in the interests of the high school, or vice versa; for example, decisions about whether to have a middle school in the high school could have a drastic effect on the future of the primary school if there was a school council which covered both a primary and a high school, which is not inconceivable. So, I give the minister the opportunity to reconsider that issue, to recant and to suggest that, in fact, if there was a school council covering more than one school, their paramount duty at all times will be to consider the schools as a whole and not to consider the interests of any single school under their umbrella.

The Hon. M.R. BUCKBY: The member for Mitchell is correct. I was referring to decisions that had to be made about a particular school. But the member is right in saying that the governing council would need to take into account the best interests of the whole cluster, so to speak. It is a case not so much involving a junior primary and a primary that might be on the same side but one of where, particularly in the country, you might have two schools that are 20 kilometres apart and they decide to form one governing council. Obviously, there will be decisions that will relate to one school or the other, in particular, because they will be slightly different. But the member is right in saying that the governing council would need to take into account the best interests of both schools, or all the schools in the cluster.

The ACTING CHAIRMAN: New section 83 stands as printed. The committee will now deal with new section 84.

Ms WHITE: New section 84 is a very long and complicated section, so I hope that I incorporate in my three questions all that I need to ask. New section 84(1)(a)(iv) stipulates that the presiding member of a governing council cannot be a member of the staff of the school or an employee of the minister. I think that that might rule out some current chairpersons of councils, and I ask the minister to expand on his thinking regarding that proposed section.

The main issue I want to raise regarding new section 84(1)(a) concerns the appointment of the presiding member. I know what the current legislation says in terms of the presiding member of a council but when you read this section and acknowledge that, in the new environment, the presiding member is the person, for example, who signs services agreements with the principal and the department, and with the increased responsibilities, if you like, of councils when they become governing councils under all the measures of this bill, 'presiding member' takes on a new significance—and the word there is 'appointed' rather than 'elected'. Who does this appointing—is it the minister; is it the principal?

The Hon. M.R. BUCKBY: I will deal with the last issue first, because that is more simple. The proposed section provides that the presiding member is appointed from among the members of the governing council, so it is the governing council set down in the constitution which appoints, or elects, the presiding member. It is not the minister who would appoint: the governing council would appoint a member from among the members who are elected to that governing council.

The current situation is that you do not have an election for a chair of a school council: you have members who put up their hand or who are elected to the school council. They then appoint or elect (whichever way they wanted to do it) the chairperson of that school council. That is what will happen here. The membership, which must be predominantly parents, would be elected or would put up their hands to indicate that they want to be on the school council. They then would appoint the member from within their group. That might be done by way of an election through rules that they decide, and those rules will be set down in the constitution, or it may be that whoever wants to do it puts up their hand. That is no different from what currently takes place in the school councils.

Ms WHITE: Can the—

The ACTING CHAIRMAN (Mr Hamilton-Smith): Order! Is this the member's second question?

Ms WHITE: Am I allowed a consequential question?

The ACTING CHAIRMAN:. I think we will make this the second question and see how we go later on. We have a considerable amount to get through.

The Hon. M.R. BUCKBY: I will cover the first point that the member for Taylor asked, with respect to the presiding member of a governing council. The member is right in saying that there are a few teachers or principals who are currently presiding members of a school council—not of their own school council but of another school council. It does preclude any teacher or member of the staff of the department from being the presiding member. They can still be a member of the school council or the governing council but they cannot be the presiding member.

This was one issue that emerged very strongly during the review consultation. Members of the public wanted a parent to be the presiding member of the school council: there was very strong community support for that to be the case. The principals associations support it and SAASSO, the school council association, also supports it. It means that you do not have a conflict of interest, in terms of a teacher, for instance, who might be a presiding member, between their duty as a presiding member and their being employed by the department.

The ACTING CHAIRMAN: I call the member for Taylor; this is her third question.

Ms WHITE: I have not had my second question yet.

The ACTING CHAIRMAN: That was the member's second question.

Ms WHITE: No, it was not. That was the minister answering my first question.

The ACTING CHAIRMAN: On this occasion we will go ahead with the second, but I will be sticking by the standing orders in respect of three questions per clause. I will allow that misunderstanding to go through.

Mr HANNA: On a point of order, as I understand it, there may be a convention in relation to three questions per clause in committee, but I would ask the Acting Chair, if he is relying on a particular standing order, to point it out to the committee.

The ACTING CHAIRMAN: My understanding is that that is not correct: that it is a standing order and that the chair

has discretion as to whether to allow more than three questions. That is the understanding on which I will be working. On this occasion, we will allow that as a supplementary and regard this as the second question for the member for Taylor. From there on we will be sticking to three questions per clause. So, I ask the member for Taylor to ask her second question.

Ms WHITE: I wondered from the minister's response to that first question whether the wording of the legislation before us actually precluded, because this legislation does surpass the first round of constitutions that will be approved by the minister; it will presumably be in place for all time. I understand that the wording of section 84(1)(a)(iii), which talks about appointment from amongst members, means that the presiding officer ends up being one of those members of the council. I wonder whether the wording 'is to be appointed from' is the same as meaning that it is the council members who collectively appoint that person.

Moving on to my second question, proposed new section 84(1)(b) basically provides that the council constitution should specify some functions. Nowhere in the bill does it actually say what those functions should be: not prescriptively but even in general terms. Surely, for the maintenance of standards and operation of councils within a cohesive system, there should be at least some guideline in the legislation. Will the minister explain how there would be different functions for different councils?

I also want to question the minister on proposed new section 84(1)(c), which talks about delegation powers of the council. Under this provision, the council has the powers to delegate functions or its powers to non-members of the council or to other school councils. Will the minister address the issues about which we have been talking a lot throughout the previous clauses, that is, the lines of accountability and liability when you have those delegations to non-members, particularly, of the council and councils of other schools that may be jointly responsible with their head teacher, for example?

The whole issue that I am raising here is that, whilst in proposed new section 84 there is an implied delegation power by the minister, section 12B of the act gives the Director-General other powers and enables him to perform such duties as are imposed under the act; or, he may be directed to exercise or perform those duties by the minister. However, there really is nothing in the current act that I can see which authorises the minister to delegate to councils the responsibility for the governance of schools.

There is a whole range of powers in the current act that sheet the clear responsibility of certain functions to the minister. For example, under section 9 of the act the minister must establish and maintain schools; under section 9(4) the minister may appoint officers and employees as he considers necessary for the administration of the act or the welfare of students; and under section 12 the Director-General is responsible to the minister for maintaining a proper standard of efficiency and competency in the teaching of the service.

It is conceivable, looking at this issue of the minister's powers in the current act and the delegatory powers that are implied in the new section 84, that there may be some conflict between the concept of a constitution that confers joint government responsibility and the power upon school councils where the act itself specifically provides that the minister is responsible for establishing and maintaining schools, and the Director-General in turn is responsible to the minister.

Will the minister explain exactly how those lines of accountability and issues of liability work under this section 84(1)(c) where he is delegating functions of the governing councils or councils that may have joint responsibility with the head teacher to non-members of the council or members of another council?

The Hon. M.R. BUCKBY: May I just correct the member for Taylor? The delegation by the governing council is not to non-members: it is to the committees of the council. This is how it reads:

> for the establishment of, and the delegation of, functions or powers to, committees comprised of members, non-members or both members and non-members;

So, the committee may be made up of members of the school community who are not members of the council but are members of the committee, and the delegation of the function is to the committee. It is not delegating my functions: it is only delegating the functions of the governing council. My function does not come into it in terms of the provision of schools or anything like that; it is purely the function of the governing council or the school council, which is set down in the constitution.

The governing council has the ability to delegate part or any of those functions to a committee, so the committee becomes responsible for the functions, and that committee may be made up of people who are members or non-members of the governing council. You might have a finance committee, for instance, and you might bring in an accountant from the community who is not sitting on the governing council. However, the function of reporting on the finance of the school is given over to that finance committee, which can be made up of governing council members or non-members. So, it is purely the function being handed to the committee. It is not to the non-members of the committee but just to the committee itself. The committee exists under the constitution and the members of that committee are protected in terms of immunity under the constitution.

Ms WHITE: My point relates to the blurring of accountability and the possible conflict between the minister's powers of delegation and, further, the delegatory powers of a governing council to a committee of people who are non-members of that council or, indeed, to an entirely different school council. It is a further blurring of the lines of accountability and that was my point. New section 84(1)(f), which basically provides that the constitution will include provisions setting out how the constitution is amended, is quite open and I wonder why the minister was not a little more prescriptive about something as fundamental as that. That new section indicates how one goes about amending the constitution but, under this legislation, that would be in the constitution, which seems a little open.

New section 84(2) refers to the school council including provisions to limit the powers exercised by the council. I do not see anything wrong with that but I do ask the minister to give an indication of what sort of limitations he would expect to be invoked under such provisions. I want to raise a very important issue with respect to new section 84(3), because that is where amendments to the Children's Services Act appear in this bill. The new section basically provides that the same group of people can be the governing council of a school and the management committee of a children's service under the Children's Services Act.

A range of provisions is provided in this bill that establish how a governing council operates. A governing council, by definition of this bill, refers only to a school council, not a

management committee of a site under the Children's Services Act. Aspects in the Children's Services Act, for example, section 43(3), refer to the constitution under which a management committee operates. That constitution, for example, under the current legislation, is approved by the Director. That is a different operation from the way in which governing councils for schools that are Partnerships 21 sites would operate.

What changes are necessary? The minister flagged that changes were necessary to the Children's Services Act in this respect. Is it the intention that constitutions of children's services and Partnerships 21 sites would operate differently from governing council constitutions, because there would, to my mind, be a clear conflict if a governing council of a school and Partnerships 21 site were to act under the same constitution. This section indicates that that constitution can include provisions relating to the children's services site. Surely there is a conflict because, under the Children's Services Act, the management committee's constitution is approved by the director, whereas under this bill the governing council's constitution is approved by the minister.

That is one aspect that stands out. Probably a range of other amendments are necessary to the Children's Services Act to bring it into line with all the Partnerships 21 structure that is provided in this bill. Could the minister, first, describe what changes are necessary, address that particular point about constitutions, and indicate why those changes have not been made with this bill?

The Hon. M.R. BUCKBY: I will work backwards on the questions. The kindergarten and the school would have separate constitutions, so each would operate under its own constitution. If one looks at schedule 2 of the bill, that is the amendment that would be required to the Children's Services Act to allow the provisions under which the membership of the management committee may also constitute a school council. That amendment in schedule 2 allows for a governing council to also be a management committee.

Ms White interjecting:

The ACTING CHAIRMAN (Mr Hamilton-Smith): Order! The minister has the call. I ask that the minister be heard.

The Hon. M.R. BUCKBY: Separate constitutions, separate bodies. The honourable member queried new section 84(2) and what might be an example of a provision of limiting the powers. Say that someone on a governing council suggests that it should be involved in dealing in shares. That may be a limiting power. The governing council may move that it does not have the power to deal in shares, invest in foreign exchange money markets or other such matters. New paragraph (f) to which the honourable member referred relates to provisions setting out the manner in which the amendments to the constitution are to be made. That is purely a procedural matter and would be dealt with in the constitution.

The honourable member talked earlier about the delegation of accountability. Accountability cannot be delegated. That is the whole point of the governing councils: they are accountable to the minister and to their school community in terms of, first, the service agreement with respect to better educational outcomes for their school community; and, secondly, in terms of the governance of the school with respect to accountability to their school community. Governing councils are fully accountable and transparent. They must provide the accounts to the school community and—

Ms White interjecting:

The ACTING CHAIRMAN: Order!

The Hon. M.R. BUCKBY: Yes, to a committee. That is not their accountability. Governing councils can delegate their functions or powers to a committee, not to a non-member. They cannot delegate one of my functions, and this bill indicates exactly the areas under which they can operate. They can delegate some of their functions, for instance, financial policy making, to a committee, but they cannot delegate it any further than that and they cannot delegate it—

Ms White interjecting:

The ACTING CHAIRMAN: Order!

The Hon. M.R. BUCKBY: Yes, they could to another school council, I am advised.

Mr HANNA: My first question relates to the issue of delegation. Under what possible scenarios does the minister foresee the operation of new section 84(1)(c)(ii), given that new section 84(1)(c) concerns provisions specifying the quorum and the procedures of a school council? How could those matters possibly be delegated to another school council?

The Hon. M.R. BUCKBY: They may want to employ a contract groundsperson shared between schools. In small schools they may need only a half-time person and they may wish, across two schools, to share that particular person.

Mr HANNA: They are contracts, not procedures.

The Hon. M.R. BUCKBY: But that is the delegation. You are talking about the procedures to be determined by the council. So, the procedure may be that they wish to share a person who is employed by the governing council, not by the department. It might be a groundsman or it might be a cleaner, but this is the procedure by which to do that. For instance, there may be specialisation of labour services requested by schools and preschools, particularly at smaller sites, so as to outsource some functions to another site. It is exactly as I said: you might have country schools where there might be 20 or 30 children to a school and it might be that some function is to be delegated to another school. It might be the function of the groundsperson: they might want to delegate that because another school council is employing that person. Therefore, they will delegate the employment of that person to the other school council so that the service is supplied to both schools, but one school council is actually employing the groundsperson.

Mr HANNA: I think the ordinary meaning of 'procedures' in that context concerns the methods of voting and the methods of deliberation, etc., of a school council. That is why I think it does not make sense for provisions, which specify the procedures of a school council, to deal with the delegation of functions of a school council such as arranging joint labour contracts, or whatever. I say that in response to the minister's answer to my first question, but I move on to my second question, which relates to the representation of parents on school councils. I query the rationale for the stipulation that a majority of members of each school council must be parents of students of the school. I say that particularly because there are some schools, in some years, which struggle to get parents to join the school council.

After all, it means purely voluntary effort, going to at least a couple of hours of meetings a month—several hours more than that if people are on subcommittees, etc.—and it probably means an hour or two a month spent reading papers or relevant documents. Parents would do all that without necessarily having been trained in financial affairs or corporate governance, and in addition to the business of running a household, a family and perhaps being in paid

employment as well. I query, then, whether there will be provisions in the model constitution put forward by the minister which will cater for the situation which frequently occurs at school council AGMs when there are insufficient parent volunteers. That may not have mattered in the past, but it certainly matters if a school council has a constitution under which eight or nine non-parent positions might be allocated ex officio to either staff or members of the community and there is a mandatory requirement of nine or 10 parents. What will happen if that requisite number is not achieved at the AGM? As well as answering that specific question, I ask the minister to justify the rationale for having a majority of parents on each school council.

The Hon. M.R. BUCKBY: I can only say that I am surprised by the member's question, because parents are the prime stakeholders in the school. It is their children who are being educated and, as a result of that, I would most certainly want them to be in the majority on a governing council or a school council, because, if you say that they do not have to be in a majority, there is no guarantee as to who is going to run the school council and direct the school. That is the whole reason why the parents, who have the most to gain or lose with their children in a school, are those people who should be represented on the school council. I find it very surprising that the member would want it to be any other way, because it is the prime interest of parents—and I am a parent myself—to ensure that we are happy or that we are satisfied with the school that our child is attending and, in governing councils' cases, to then have a decision making role, not just an advisory role, within that school.

So, as far as I am concerned, the current situation is that parents are to be in a majority on school councils, as it is set up now. I certainly would not want to relinquish that. Parents will be trained because, in the governing councils and the constitutions that will come in, we have set aside funding to ensure that there are training sessions for parents who go onto school councils or governing councils so that they are aware of the constitution, what it means, their powers and also the decision making process in which they will be involved.

Mr HANNA: What happens if you do not get the numbers?

The Hon. M.R. BUCKBY: If, for example, you have a current school council and at the annual general meeting you do not get a sufficient number of parents for a majority, there are provisions that the old school council could continue—which would have a majority of parents—until such time, I dare say, as it is decided that there are enough parents to call a special general meeting to then hand over to those parents. The result in all the schools that I have seen operating under local management and constitutions where parents have a decision making role and power is to encourage parents and promote parents' activity rather than their just being in an advisory role where they do not have any power or any ability to make decisions on what they believe is in the best interests of the school. That causes more parents to want to be on the school council.

The ACTING CHAIRMAN: The member for Mitchell. This will be the honourable member's third question.

Mr HANNA: I suggest that the illusion of parent power in that situation is either a fond wish of the minister or some misguided dreaming on the part of his bureaucrats. The reality in most school councils is that most parents, most of the time, will go along with what the principal pushes. If the principal, the bursar and the staff representative on the council push for a particular direction, it is almost unheard of that parents will revolt and say, 'No, we are not going in that direction.' There are several reasons for that. Although, as the minister says, every parent on a school council wants the best education for their children, and that is a substantial motivation for their choosing to go on to the school council, the reality is that most parents on school councils have not had sufficient training; and the kind of governance training or financial training that the minister talks about will not change the dynamics and the group psychology of a school council where there are staff such as the head teacher and the bursar or finance officer of the school laying down the hard facts usually at the meeting without a lot of notice about the detail. Parents generally will have to go along with it because they will not have the detailed day-to-day knowledge of the school to be able to alter the course of the principal and the finance officer. I am not suggesting particularly that there is a difference between Partnerships 21 governing councils and the old school councils. In reality, they are the same. This is a fiction. It is playing with words to come up with these terms of 'governing council', and so on.

That leads me to my third question in relation to proposed new section 84(1)(e)(ii) which deals with the roles that the governing council must fulfil, namely, strategic planning, determining policies, determining application of financial resources and presenting plans and reports to the school community and the minister. I put it to the minister that that is exactly what school councils do now and, on the whole, they do it well. Is it not the case that this is nothing more than replicating the status quo?

The Hon. M.R. BUCKBY: The honourable member is quite wrong, because all that school council members have at the moment is an advisory role—and I repeat, an advisory role; they have no power.

Mr Hanna: You are dreaming; you are not talking about the reality.

The Hon. M.R. BUCKBY: I do not know what school councils the member for Mitchell goes along to, but the ones that I—

Mr Hanna interjecting:

The Hon. M.R. BUCKBY: I am sure they are. However, the ones I attend, and particularly now with Partnerships 21 schools (and this is the whole thing about joint governorship of the school), the members of the governing council have the power to make policy and to undertake strategic planning. Yes, a certain amount of cooperation goes on now between members of a school council and the principal; and, yes, the honourable member is correct, the school council parents will not suddenly revolt, because they do not have the power to revolt. There is nothing in their rules and regulations that allows them to revolt against the head teacher.

Under the governing councils, there is a definite sharing of the management of the school between the school council and the head teacher. Of course, the head teacher will in future make recommendations to the governing council—

Mr Hanna interjecting:

The Hon. M.R. BUCKBY: Exactly; and so they should continue. But, the change is that the governing council will set the policy of the school. The principal—

Mr Hanna interjecting:

The Hon. M.R. BUCKBY: It may well be, but they can disagree. They cannot do that at the moment. That is what the honourable member does not understand: it is only advisory. They can disagree because they can take a vote on it. That is the difference. The current situation is that school councils are advisory; they have no power. This proposed section

provides them with areas under which they are able to have power such as strategic planning, determining policies, and reporting to the school community; this changes that advisory role to one where they do have power.

Mr Hanna interjecting:

The ACTING CHAIRMAN (Mr Hamilton-Smith): Order!

Ms THOMPSON: I return to proposed new section 84(1)(a)(iv) which relates to the fact that 'the presiding member is not to be a member of the staff of the school or a person employed in an administrative unit for which the minister is responsible.' That causes me considerable concern, given that it is certainly the case in a number of schools in my electorate that the school council chairperson has been an SSO in the school. One example that is particularly important is that of Pam Borthwick at Christies Beach High School. Pam's service to the community is so outstanding that she represents parents on a number of bodies around our community, including Partnerships 2000 Vocational Education.

Her role on the council has been very much more informed because of her employment in the school and the fact that, sitting as she does on the reception counter and at the switchboard, she knows everything that is going on in the school. She is the parent liaison officer, and parents come to her to raise concerns about the school. She has provided outstanding leadership in that school as chair of the school council, and it really seems to me to be an extremely backward step to deprive any school of the leadership of such an outstanding person as Pam Borthwick. I want to know why the minister considers it necessary to deprive Christies Beach High School and other similar schools of the leadership of such outstanding individuals.

The Hon. M.R. BUCKBY: It is not depriving them of membership on the school or the governing council, and I can only reiterate what I said before; that is, in the review of the act there was very strong community support that a parent must be the presiding member of the school council and that they should not be an employee of the department. It raises again, as I said earlier, the conflict of duty that might arise as a result of the employee being a presiding member.

A similar precedent under the Local Government Act precludes employees of a council being elected to the council and from being mayor. It is no different from that. There has been very strong community support for this—and we received 3 500 submissions (and I am not saying it is stated in every one)—and support from the principals' association and the school councils' association has also been extremely strong. That is why we have included it in the bill. It ensures that there is no conflict of duty between the employee and that employee being the presiding member of the school council.

Ms THOMPSON: They will be very disappointed. My second question relates to paragraph (e)(ii), which provides that the governing council must have provisions stipulating that the council is to fulfil the role specified in the constitution in respect of strategic planning, determining policies, determining the application of the financial resources, presenting operational plans and so on. Is it expected that these provisions will be different from school to school? Will the minister give some examples of the ways in which these provisions might differ between schools?

The Hon. M.R. BUCKBY: These provisions will not differ from governing council to governing council. It is quite uniform and quite consistent between governing councils as to what their functions will be.

Ms THOMPSON: If the provisions will be the same, why are they not spelt out in the bill?

The Hon. M.R. BUCKBY: How prescriptive do you want to be in the bill?

Mr Hanna interjecting:

The Hon. M.R. BUCKBY: That would be covered in the constitution, as it is—

Mr Hanna: We shall see.

The Hon. M.R. BUCKBY: It will be; I give that undertaking. As I said, it will be consistent in terms of giving broad directions for policy setting for the governing council. I think what is required is quite clear.

Mr HILL: I refer to proposed section 84(1)(e)(iii), which provides that the members are to comply with a code of practice approved by the minister. Is it possible under this provision for there to be different codes for different councils? If the answer is no, why is the code not specified in the bill?

The Hon. M.R. BUCKBY: It is not specified in the bill because it is a regulatory mechanism. It would not be part of the act and the codes of practice will be the same for each governing council. You may have a code of practice on conflict of interest. So, that code of practice will be set out and will be the same for each governing council and be in their constitution.

Mr Hanna: Haven't you worked it out yet?

The Hon. M.R. BUCKBY: Yes, we have.

Mr HILL: Proposed section 84(3) at the bottom of page 5 refers to the Children's Services Act. I am a little unclear—and I apologise for my naivety in asking this question—but do I take it from reading this proposed section that in order for a children's services site to be a P21 site it has to be attached to a school that is also a P21 site? If the answer is no, what provisions are there in any act, in particular the Children's Services Act, which specify how a CSO site becomes a P21 site?

The Hon. M.R. BUCKBY: They have to register into a constitution, which is accepted by the Director of Children's Services.

Mr HILL: I take it that the mechanism is based on a different legal framework from the mechanism that applies to Education Department schools—is that correct?

The Hon. M.R. BUCKBY: The same legal framework but a different act and a different structure. The legal framework for a constitution is exactly the same, but they come under a different act and a different framework within that act.

Mr KOUTSANTONIS: I refer to proposed section 84(1)(e)(iv), which provides that the council is to participate in a scheme for the resolution of disputes between the council and the head teacher. What exactly is the scheme and what sort of scheme would it be?

The Hon. M.R. BUCKBY: The constitution will determine that scheme and the minister will determine what that scheme will be. The constitution will allow for that scheme, so the constitution the governing council or school councils will abide by will allow for that scheme and it will be determined by the minister.

Mr KOUTSANTONIS: I assume that it will be the same for every school. Going down to proposed section 84(1)(g) relating to provisions of any other kind considered appropriate by the minister, will the minister give an example of these other provisions and elaborate a bit more on it?

The Hon. M.R. BUCKBY: We are talking hypothetically. It purely allows the minister the provision. I cannot give the member an example, but it allows for that provision to be undertaken if circumstances arise.

The ACTING CHAIRMAN: New section 84 stands as printed. The committee will now deal with new section 85.

Ms WHITE: Under proposed section 85 the minister can establish school councils for any school or dissolve school councils under certain conditions. For example, two separate schools could be dissolved and the minister could establish a council for the two schools. If the schools are amalgamated, two councils could be dissolved and an amalgamated council established. Proposed section 85(3) makes clear that the minister in establishing a school council may determine the constitution under which the council is to operate and make arrangements for the election or appointment of its members. Again the minister is granted under this bill the broadest possible power to dictate the membership and the rules which govern any school councils. They are wide-ranging powers and, read in conjunction with some of the other measures of this bill, are quite broad. In relation to proposed section 85(1)(b), under what conditions does the minister anticipate that he would dissolve the councils of several schools and establish a single school council—obviously the clustering type of situation we referred to before? Will the minister talk about the conditions under which he sees this power operating?

The Hon. M.R. BUCKBY: This would come about as a result of a review of the schools by an approach, for instance, by the schools to establish a single council for two or more schools. It may be either as a review of the schools in the area or as an approach from one of the schools that might say we want to dissolve two school councils and form into one. In answer to the question of proposed section 85(3), it only relates to a new school, 'The minister may, in establishing a school council. . . '. Those conditions relate purely to a new school and the school council then has to decide if it is to become a governing council. I would appoint the school council, but the council then decides whether it wants to become a governing council.

Ms WHITE: In response to the minister's last point that proposed section 85(3) only refers to a new school, I am not sure whether he meant a new school that has not existed before or a council that has not existed before because it seems to be a little bit odd, given that 85(1)(b) says that you can dissolve several councils and make one new council.

The Hon. M.R. Buckby interjecting:

Ms WHITE: Well, it is a power you have.

The Hon. M.R. Buckby: A power I may have, if I want it.

Ms WHITE: But as I understand it, this can only come in for a new school, but under 85(1)(b) it can come in any time you amalgamate or dissolve school councils. The minister has talked only about a single council being established after the dissolution of several councils where there has been an amalgamation or a school closure. However, that provision would not be restricted to that. That power is available to the minister under any conditions he wished. Will the minister clarify that for me?

The Hon. M.R. BUCKBY: In relation to proposed section 85(1)(b), if two school councils were dissolved and a new school council was established, under proposed subsection (3) it may be that a minister would take that action or it may be in the establishment of a new school that the minister will take that action as well.

Ms WHITE: We agree that the minister has a fairly broad power. For the dissolving or amalgamating of school councils under proposed section 85 a notice must be put in the *Gazette*. Am I correct in saying that this parliament does not have to ratify that and that it has no power to disallow such an event? As I understand it, it is just a notice that the minister gazettes, and the parliament does not have the power to overturn a minister's decision to dissolve or establish councils.

The Hon. M.R. BUCKBY: We are talking about a school council, not about the closing of schools and the associated accountability to parliament. As I said earlier, the dissolving of two school councils to establish a new one would be undertaken only when a review of the schools involved had occurred, or if the schools approached the minister of the day and advised him or her that they wished to dissolve two councils into one. Under the current school closures section, the parliament has the role to overview that. I do not see the need for school councils to come to parliament.

Ms WHITE: Some of the previous comments apply to proposed section 86 as well. This proposed section allows the establishment of affiliated committees, but again they can operate only under constitutions approved by the minister. The same broad powers in relation to the constitutions of these committees and the use of model constitutions are similarly authorised by proposed section 89. A lot of the comments that I made before apply. In my second reading speech I flagged some correspondence from the peak association in relation to these measures. I am sure that the minister has prepared a response to those concerns. Basically, I was concerned that the measures in this bill may act as a deterrent to parent participation, just by the nature of how some councils work in relating to their committees currently.

The Hon. M.R. BUCKBY: The minister can authorise the continuing establishment of the committees affiliated with the council. It does not change the independence of an affiliated committee from a school council and constitutions of each body, and formally recognises their relationship. The provision will continue for a nominee of an affiliated committee to be elected to the school council as a full voting member. So, there is no change in terms of the excellent role that the affiliated committees and, for instance, parents and friends, play in current school councils, and I would want to see that role continue in the governing council.

Ms WHITE: Currently a lot of those affiliated committees keep their own bank accounts, and I understand that they are responsible to the principals rather than to the school councils at present. Concern has been expressed that here that relationship changes. A lot of them currently work under a constitution, and I know that the peak association offers a model constitution for these committees to operate under. Would there necessarily be a change in the way they operate their accounts, given the measures in this bill?

The Hon. M.R. BUCKBY: There is no proposed change. An affiliated committee will still be independent, as I mentioned before, the same as an affiliated committee is now. It will still be able to operate its own bank account and will be responsible for that bank account. Basically, no change is proposed from the way committees currently operate.

Ms WHITE: The association has intimated that there is nothing in the section on council constitutions and councils' relationships with their affiliated committees, only about committees generally. The concern was that, unless that relationship was spelt out, the school council will treat these affiliated committees as any other of its committees, and it is referring to new section 84(1)(c)(i). If that occurs, in some

schools at least, given the nature of the relationship between the council and the peak parent committee, it would mean the demise of the committee and, therefore, a diminution rather than a strengthening of the opportunity for parent participation.

The Hon. M.R. BUCKBY: The relationship between the affiliated committees and the school council has to be reflected in the constitution, and it is intended that the relationship with affiliated committees be reflected in the school council constitution. Members of the school parents' association were advised of that in a reply to them about various issues that they had raised about the bill.

The ACTING CHAIRMAN: New sections 85, 86 and 87 stand as printed. The committee will now deal with new section 88.

Ms WHITE: New section 88(2) talks about directions given under new section 88(1). Will such directions appear in the department's annual report?

The Hon. M.R. BUCKBY: No, it is not intended to include that in the annual report.

Ms WHITE: I understood that all ministerial directions had to appear in all annual reports.

The Hon. M.R. BUCKBY: Not in this area. The minister must allow for three months' consultation to occur with the school council or the governing council, and it is only after that period of time that a direction could occur.

Ms WHITE: I question the minister about that. I understood that it was either ministerial practice or ministerial code that all ministerial directions must appear in the department' annual report. I am sure that matter has been raised in this House before, and I would like it clarified.

My third question relates to new section 88(6), which provides that a council can move an amendment to its constitution to become a governing council only if the head teacher and the Director-General are signatories to an agreement which contemplates that result. I want to raise a question that I also will raise later in relation to another clause. There is a fair bit of mobility between principals and chairpersons of school councils. How does the minister see that factor impacting on the wording of this new section, which refers to the identities of those three parties at a specific point in time? At the end of each year a number of principals change and a number of chairpersons change. I am sure that the minister understands the issue to which I am alluding, and I ask him to address that issue in relation to what is specifically in the legislation before us.

The Hon. M.R. BUCKBY: It is, of course, the signature to the services agreement that has to be signed by the council, the head teacher and the chief executive. In relation to the mobility to which the member is alluding, it is my intention later to introduce an amendment that recognises a former presiding member, head teacher or Director-General, so that is covered in terms of the mobility to which the member is referring. This would come in schedule 1, clause 2, line 35: after 'Director-General', insert 'or a former presiding member, head teacher and Director-General'. So, that then covers the signatories to a services agreement that it would align to, and those former signatories are covered in instances of that mobility that we all know occurs.

The ACTING CHAIRMAN: New sections 88 and 89 stand as printed. The committee will now deal with new section 90.

Ms WHITE: The last comment made by the minister is very interesting, because it changes completely the operation of that clause in relation to schools opting out of Partnerships 21. However, I will address that issue when we come to it. New section 90 talks about the public availability of constitutions and codes of practice. So, there is an intention by the minister to keep those documents for public inspection, but we are being asked to vote on legislation without seeing any of the model constitutions and without the minister's being able to specify very much what these will look like. Indeed, the powers under this bill are very wide ranging as to what they can at any point in time look like.

Parliament is really being asked to give the minister a complete discretion as to the basis on which he will establish and run school councils and, really, it is moving the control out of the hands of the parliament, where the legislation resides, because if some of these things that the minister says will be in constitutions were actually in legislation any changes would have to come back to the parliament. So, it is a significant change to the powers of members of this place in overseeing how school councils in public schools operate in this state.

The proposed changes effectively hand over the entire responsibility for councils to the minister who, without any further reference to parliament, can change those models, hence the control over school councils, again, without any further reference to parliament. It is interesting that these documents are not available. When will the model constitutions be available; will they be tabled in this House; and will parliament get to see them?

The Hon. M.R. BUCKBY: The member for Taylor talks about voting on a bill without seeing the constitution. I remind her that we vote on bills here all the time but we do not see the regulations to that bill. What is going into the constitution is basically what is currently in the regulations, and sections 83 and 84 specify what it will look like. The constitutions will be consistent with incorporated associations.

The constitution establishes the objectives, functions, powers, duties and manner of appointment of council, membership of the council, accounting and auditing practices and procedures, ways in which the constitution can be altered, the quorum of the council and the operational procedures of the incorporated body. They are not matters that should concern the full parliament, particularly in the context of empowering the local community. What we want to do here is ensure that the local community has control over this.

There must be a 75 per cent majority vote to make any changes to the constitution. Model constitutions may be published by the minister under new section 89, providing the mechanism for consistency across all councils but also allowing flexibility through offering a framework for councils to meet their unique requirements according to the nature of the site and local or regional community.

The Australian Education Union, the parents' committee (SASSPC) and the South Australian Association of School Councils are being involved in the development of the model constitutions and the code of practice and will continue to be so involved.

The ACTING CHAIRMAN: New section 90 stands as printed. The committee will now deal with new section 91.

Mr HILL: New section 91 deals with prohibiting the acquisition of real property unless the minister's consent is provided in writing. That raises the question of what happens if one of these autonomous P21 schools decides to go and buy a camp site, or something like that, which I know schools in the past have done. Is it a legal contract? If so, who has responsibility for maintaining and looking after, and so on?

Is it the school itself or the council? Presumably, the minister would exercise his disciplinary procedures and sack the council. Who would take on the ongoing responsibility?

The Hon. M.R. BUCKBY: This new section 91 is no different from what is in the current act, that a school council can enter into a transaction only in terms of disposal or purchase of real property, and the minister has to sign off for the purchase or disposal of any property that is to be purchased for a school. The governing council would need to go through due diligence. If it is going to buy a camp site for $100 000—

Mr Hill interjecting:

The Hon. M.R. BUCKBY: It might have, but this basically says that it has to have my written consent to do it.

Mr HILL: If it did not have your consent and it entered into a contract, would it be a valid contract and, if it were, who would have to wear the responsibility?

Ms Breuer: Don't you know?

The Hon. M.R. BUCKBY: No, what we are sorting out is that this is purely a hypothetical question. As I said, the act provides—

An honourable member interjecting:

The Hon. M.R. BUCKBY: I'd like to know where.

Members interjecting:

The Hon. M.R. BUCKBY: Where? The point is that this says that the protection is that it must be with the minister's written consent. I would imagine that if councils operate outside that, then we are dealing with a hypothetical situation, because you are setting down in an act what the rules and regulations will be. The governing councils then know that if they wish to purchase property they must have the written consent of the minister.

Mr HILL: I am asking a real question. I know it is hypothetical, but presumably laws are written in contemplation of hypothetical acts occurring. If a P21 council, a governing body, makes a decision that is contrary to the rules of the minister or contrary to the permission of the minister, where does the responsibility lie? Does it lie with the particular group of people who made the decision, with the ongoing body (which is the school governing body), or does the minister take the responsibility?

Ms Breuer: You should know that.

The ACTING CHAIRMAN: The member should also know that she is interjecting out of her seat.

The Hon. M.R. BUCKBY: Absolutely. If they have acted in good faith, as a result of that, it becomes my liability; that is what we would assume. If they have not acted in good faith, then they could well be prosecuted.

Mr Hill interjecting:

The Hon. M.R. BUCKBY: That is right.

Ms WHITE: It is true, as the minister says, that this new section is included in the current legislation, but the context is rather different, because the minister has stated to this House that it is his full expectation that governing councils, more than Partnerships 21 councils, will sell property and be able to keep the profits. The scenario that my colleague raised is, if anything, more significant an issue under this bill than it is under the current legislation. I do not think it can be dismissed quite so simply.

The Hon. M.R. BUCKBY: What this is doing is limiting the powers of a school council or a governing council. The land with which we are dealing 99 per cent of the time is government land. A school council cannot sell Crown land: that has to be signed off by the minister. What we are doing in this is limiting the power of the governing council to do that. We are saying that you cannot sell land or purchase land without the written consent of the minister.

Members interjecting:

The Hon. M.R. BUCKBY: I have just answered that to the member for Kaurna. If they have acted in what they believe is in good faith, with the knowledge that they have at the time, then that is the responsibility of the minister. If they have not acted in good faith, they wear it; it is their responsibility as a governing council or as a school council.

Ms THOMPSON: I also want to tease this out further, because it seems to me that it is indicative of a real conflict in the messages being given to school governing bodies. On the one hand they are told that they are autonomous bodies, to get on with managing the school yet, on the other hand, if they decide to buy the block next door to build a drop-off and parking spot and think 'This is us being responsible, we are negotiating with the council, we are doing it', and they do it and then discover that they have to go to the minister and say 'Please, sir, may we?' the messages do not seem to be consistent or congruent. Why is this as it is? I understand about disposing, but in the acquisition, if they make a decision that they will be responsible for maintaining it, that it is an important adjunct to their school, why do they have to go and say, 'Please, minister'?

The Hon. M.R. BUCKBY: The reason is that it would be the responsibility of the minister of the day to ensure that the best interests of the school were being served. Let us take the honourable member's scenario. If a school decided to buy a block of land and use it as a car park for the school, the school would need either cash in hand to pay for it or it may have to enter into a loan agreement to pay for it. As a result of that and because it becomes government land, the minister should sign off on that deal and say, 'Yes, this is a sensible decision. The due diligence process has been followed to ascertain that the school council has the funds'; or, if the school was going to borrowings, does the school have the ability to repay?

It is purely responsible management by the minister of the day to ensure that the governing councils sign off on their agreement. If the governing council has made out a good argument and can easily justify it, it would be a simple matter of the minister's agreeing to the decision that has been made.

Ms THOMPSON: I refer the minister to new section 84(1)(b) and (c), under which it is indicated that the council has responsibility for determining the application of the total financial resources available to a school. There is no qualification on that, so why may a school not buy property?

The Hon. M.R. BUCKBY: We are just placing a limitation on it. We are saying that, when buying or selling property, we are limiting the power of the governing council, because in that situation usually you are dealing with very large sums of money. We are saying, 'Yes, you have the responsibility to run the school budget but we are limiting your powers in respect of the sale or purchase of property in that it must be done with the written consent of the minister.'

Mrs GERAGHTY: The minister talks about the sale of property, and I may have asked him this question previously. Where it is deemed that some of a school's property will be sold, what percentage of the proceeds of the sale will return to the school and under what conditions?

The Hon. M.R. BUCKBY: That is a matter of policy between the Chief Executive, or the Director-General, and the school itself. For example, I visited one school in the northern suburbs which at present has excess land it would like to sell and it would like to spend that money on a hard play area. It

is a matter of the school and the Director-General, or the CEO, reaching an agreement and saying, 'We are happy to sell off this land as long as you are prepared to allow us to put part of or all of the proceeds towards the redevelopment of this hard play area.' It is not a matter for the act: it is a matter of negotiation between the school and the Director-General of the day.

Mrs GERAGHTY: As an example, the department might make the decision that a building, or two, and some land may be surplus to a school's general community needs; and the decision is made that if the school wishes to keep those buildings and the land the school then becomes responsible for the maintenance of those buildings. If the school says, 'Yes, we want to keep the buildings because we need them, not necessarily for the students' necessities but as part of our school needs' (which may include parent activity), and if the department then says, 'Sorry, you are responsible for the upkeep, otherwise they are sold,' what then happens to the money from the sale of the buildings and the land? Where does all that money go and, if it goes back to the school, does the department then dictate how it is spent?

The Hon. M.R. BUCKBY: Schools have an allocation of area per student. If the population of a school has decreased from 500 to 200 students—

Mrs Geraghty interjecting:

The Hon. M.R. BUCKBY: I am just giving the honourable member a hypothetical; the honourable member is giving me hypotheticals.

Mrs Geraghty interjecting:

The Hon. M.R. BUCKBY: If a school has excess space—right. Let us say that you have two spare buildings and an area of land: if the school wants to keep that space, whether it be for parents or community groups to use, that is a decision of the school, and the department would say, 'It is your responsibility to maintain that. You will pay for the cleaning and maintenance, as the area is not required for the teaching of the curriculum, because that is done in the balance of the buildings—these are spare buildings.'

Mrs Geraghty interjecting:

The Hon. M.R. BUCKBY: Under any situation, whether the school is P21 or non-P21. If the school says, 'We do not want to maintain them; we are happy for the department to go ahead and sell them,' again, it is a matter, as I said previously, for discussion between the school council, the school and the department. The school might say that it would like a gym, or the hard play area improved, or certain maintenance done within the school and come to an agreement with the department on how much of the proceeds of that land is spent on the school.The department may well say, 'No'—and this is what happens now—'your priority of needs is not as great as another school down the road and so we will expend the moneys that we have received from the sale on the building of another school, or on the maintenance of another school, because their priority is higher than yours.'

Since I have been minister, in pretty well all of the cases with which I am familiar there has been a very good negotiation process with respect to schools that have been either closed or amalgamated. Money is put back into the amalgamated school in terms of ensuring that we upgrade the facilities in the amalgamated school. I have not had a complaint, I can honestly say, apart from one school where questions were asked about the amount of money that was spent by the department. In fact, when we added it up, we had spent more than the sale proceeds from the old school. It is certainly a negotiation process and there is give and take on both sides.

Mrs GERAGHTY: While I appreciate what the minister is saying, I am still confused, because the minister is saying that the same principle applies to a P21 school and a non-P21 school. What if there were a need to upgrade an external facility around a school, without going into detail, which was in the best interests of the school community and its students? There may be a need for education funds to go into that upgrade, such as to assist students to access school grounds. Hypothetically, if that school were to relinquish a building, or two, and some school grounds, would consideration be given to that money being utilised to upgrade the existing school facilities and any residue money being used for the hypothetical external services to assist children to access their school?

The Hon. M.R. BUCKBY: You would have to take it on a case by case basis. To take an example of something external to the school (because anything that is external to the school is on somebody else's land: it might be on local council land, for instance), it is a matter of agreement between the local council and the department, and any agreement, obviously, must be in the best interests of the schoolchildren and of the school. For instance, if schoolchildren drive to school and you say that you are going to provide parking facilities on council land for them because you have sold some land and can say, 'We have got some money, so we want to—

Mrs Geraghty: Movement to the school crossing.

The Hon. M.R. BUCKBY: We are getting into the area of responsibility of the Department of Transport.

Mrs Geraghty: I know it is a grey area, but that is where the money should go.

The Hon. M.R. BUCKBY: In that situation the school council and the local member would be making a very strong representation to the Minister for Transport to say, 'We need a school crossing, and here are the reasons why.' In terms of then transferring money between the Department of Education and the Department of Transport to provide for a school crossing—I cannot think of an instance where it is done, but—

Mrs GERAGHTY: I am sure you would like to talk about it.

The Hon. M.R. BUCKBY: I would love to. You give me the example and I will talk about it.

The ACTING CHAIRMAN: New section 91 and 92 stand as printed. The committee will now deal with section 93.

Ms WHITE: This section basically stipulates that school councils and affiliated committees cannot interfere with the day-to-day management of a school or the administration of discipline within a school. Basically, the school council or affiliated committees cannot give directions to a head teacher in relation to how they are carrying out their duties, and that is fair enough. However, when you read clause 84, which deals with the constitution of a school council, it shows that the constitution can still stipulate, in the case of a governing council, that the governing council is jointly responsible with the head teacher for the governance of the school and that the council must fulfil certain roles in respect of planning policies, finances and so on.

Given that the minister has repeatedly said, and in his second reading speech he emphasised, that these governing councils will jointly exercise authority and control, one can see that there might be a conflict between the perception by

councils of what their powers are and the limitations that are set out in section 93. Earlier, in debate on section 83, I questioned the wording in terms of functions under the act or its constitution. I am not a lawyer, but I thought that it should have been 'and'. Given that there can be a difference between the perceptions that a council might have about their authorities and controls and this measure, is it the minister's intention to stipulate specifically in the constitutions as well that councils do not have these powers to avoid that conflict?

The Hon. M.R. BUCKBY: The answer to that is yes. It will be expressed in the following way in the model constitution:

> The governing council is accountable to the minister and to the school community for—

and this would be in the model constitution—

- Setting the broad direction and vision of the school;
- Developing, monitoring and reviewing the objectives, strategies, targets and indicators of the three year strategic plan;
- Approving and monitoring the school global budget, human resource allocation and asset management plan and the budget for any other resource allocation for which it is responsible;
- Ensuring that the annual review of the strategic plan is undertaken;
- Determining local school policies in the context of statewide and government policy guidelines and frameworks.
- Participation in external reviews of the school;
- Monitoring compliance with legislative requirements and ministerial directions;
- Annual reporting to the school community, the Chief Executive and the minister;
- Participation in the selection process of the principal and deputy principal of the school;
- Ensure proper consultation with the school community (parents, students and staff) and the broader community, as appropriate, including seeking and taking into account the views of all sections of the school's parent community, including indigenous, multicultural groups and parents of children with disabilities.

The principal is responsible for and supported by the governing council in:

- Educational leadership, day-to-day management, administration and organisation of the school;
- Welfare of the pupils of the school;
- Implementation of the services agreement and strategic plan;
- Implementation of local and departmental policies and departmental procedures.

That will appear in the model constitution.

The ACTING CHAIRMAN: That new section stands as printed. The committee will now deal with section 94.

Ms THOMPSON: New section 94(1)(b) provides:

> A member of a school council who has a direct or indirect pecuniary interest in a contract or proposed contract with the council—
>
> (b) must not take part in deliberations or decisions of the council with respect of that contract.

Until two weeks ago, I thought I knew exactly what that meant. However, the matter has become somewhat cloudy as a result of discussions and questions in this parliament over the past two weeks. I refer particularly to an answer by the Premier, as appears in *Hansard*, in response to a question regarding the Minister for Information Economy, where the Premier said:

> Consistent with the way in which this cabinet operates, we have collective responsibility for major decisions. Any major contract goes through a probity process before it is presented to cabinet for final deliberation. These probity processes ensure that prior to final sign off collectively by the cabinet we are aware of the detail of the contract to protect the interests of the taxpayers of South Australia.

Presumably, a school council, when it is considering a major contract, would also go through those probity processes. We know that the Minister for Information Economy was not required to withdraw from his chair for the exercise of that vote. Will the minister clarify for people who are on school councils and who may be holders of shares in, for example, Telstra or Optus, when that school council is considering what for them is the awarding of a major contract in relation to the supply of information technology for that school, exactly what is expected of those persons in regard to participating in the decision on the awarding of that contract?

The Hon. M.R. BUCKBY: I will first deal with what the constitution will set down in terms of conflict of interest and disclosure, and then try to address the concerns of the member. The conflict of pecuniary interest is elevated into this bill from section 94 of the regulations. The code of practice, in accordance with section 83(e)(3) states:

> All members of governing councils must comply with the code of practice. The code of practice extends pecuniary interest to associated people, including spouse, parent, brother, sister and companies and businesses in which these associates may have a direct material interest.

This is modelled on the Australian Institute of Company Directors and also has elements of the Public Corporations Act. It requires all council members to act honestly in the best interests of the school and in accordance with their duty to use due care and diligence in exercising the powers of office. The council member also has an obligation to be independent in judgment and to take all reasonable steps to be satisfied about the soundness of all decisions taken by the council and they must also, in exercising the duty of care and diligence, keep informed about school policies and obtain sufficient information and advice about matters to be decided by council.

This issue was raised by the member for Gordon in consultation with me prior to the bill coming into the House. At that time we sat down very sensibly and looked at the issues that might arise and we looked at the local government area in terms of conflict of interest, and that is what we will be building into the code of conduct in relation to conflict of interest to ensure that a school council has to abide by the Supply Act. For example, let us say that you are on the school council and you have a friend who is prepared to paint the school. You say, 'My friend can do it for $50 as against the company down the road from whom we have a tender for $1 000.' The council has to abide by the Supply Act, which means it has to call for three tenders and therefore conflict of interest cannot occur.

In terms of Telstra shares, I believe that a member of a council would declare an interest in the fact that they were holding a number of Telstra shares only if—and I cannot think of why they might be dealing with Telstra, but, anyway, let us say they are taking up a contract with Telstra—as a result of the council's signing that contract and their being a member of the school council they will receive a benefit which is in excess of what any other member of the community will receive. This is my understanding and I would need to take further advice, but I am trying to answer the member's question for her.

My understanding is that, if they receive any greater benefit by having this knowledge than any other member of the community who does not have the knowledge, then they would have to withdraw from voting on it; and they would have to withdraw from any discussions and any negotiations. If their benefit was going to be no greater than any other member of the community and they had declared their interest, they could then continue with discussions. What we are saying is that we recognise that conflicts of interest will

take account. We are saying that those personal interests of the governing council and those of the governing councillor's family must not be allowed to prevail over those of the school, the pre-school students, children and parents generally.

A governing councillor should seek to avoid conflicts of interest wherever possible. Full disclosure of any conflict or potential conflict must be made to the council, and in considering these issues account should be taken of the significance of the potential conflict and the possible consequences if it is not handled properly.

Ms THOMPSON: The minister mentioned the example of having a friend who can paint the school for $50. Presumably, there is no direct or indirect pecuniary interest there. If the appropriate procedures of getting three quotes have been followed, is there any requirement for the person to withdraw their chair?

The Hon. M.R. BUCKBY: No, but we are now talking about the letting of a contract and the correct procedures under the letting of a contract.

Mr McEWEN: I concur with the minister's comments in relation to the conflict of interest for members of school councils. We did explore this at some length and I am now more comfortable with the code of practice that has been alluded to. There is another part of the process though, and that is the sourcing of the information. Again I talked to the minister about how staff can become involved in this process and, to some degree, can sift advice and information before it comes to the attention of the council. I looked for some reassurance about the fact that that process could not be biased in any way due to a conflict of interest existing between the member given the advice and some other party, which tends often to happen in small communities.

What I am alluding to is the audit trail in relation to decision making, and quite often these protections need to be put in place because the person who gives the advice, the person who issues the order and the person who receives the goods are all different people. Could the minister expand on that, because, obviously, that is not covered in the bill in any detail under the conflict of interest section?

The Hon. M.R. BUCKBY: It is a matter of process and best practice and by the accounts of the school having full transparency and full disclosure to the school community, it would then follow that the members of the council must undertake best practice. I know we have talked about what the member for Gordon is alluding to and we can only work with him and take his comments on board to ensure that, as I said earlier, the regulations under the Supply Act are followed by the governing council and that it is set down in the code of practice that they must follow those regulations. We will ensure those conditions are put into that code of practice.

Mr HANNA: I want to clarify the example that the minister gave about the member of the school council who might have Telstra shares and the school council choosing to switch from one carrier to another and so consider entering into a particular plan for their phone system with Telstra. As I understood it, the minister was saying that the member of the school council who has the Telstra shares should declare an interest and withdraw from deliberations if they will receive a benefit beyond which any member of the public will receive. Is that right?

The Hon. M.R. BUCKBY: That is my understanding. Now I stand to be corrected, but that is my understanding; that is, if the member of the council will receive no greater benefit than you or I who might hold Telstra shares from the result—

Mr Hanna interjecting:

The Hon. M.R. BUCKBY: Surely the honourable member is referring to a member of the community who holds Telstra shares and who is not on the council versus the member who holds Telstra shares and who is on the council. My understanding is—and I stand to be corrected—that, if I am on the school council and I hold Telstra shares and you are not on the school council and you hold Telstra shares and the school changes carriers to Telstra and the contract is signed, as long as I do not receive any greater benefit than you and I declare my interest, then I do not have to withdraw. Now I stand to be corrected on that, but that is my understanding of it.

Mr HANNA: Why does the test not involve a comparison between the Telstra share owning member of school council and any other member of the community who does not own Telstra shares? Surely if somebody owns shares in the company and they will receive even one cent in an increase in the share price of the shares they hold, they will receive the benefit which other non-shareholding members of the community do not receive. So, I am quite happy for the minister to take his time to get proper legal advice from his advisers. Is not that the relevant test between somebody who might hold the shares and therefore gain a benefit and other members of the community who do not hold the shares and therefore have no chance of obtaining the benefit?

The Hon. M.R. BUCKBY: I will take the member's example on notice and ensure that we follow that through in terms of the code of conduct. We will make sure that any examples we give in the training sessions are vetted by Crown Law to ensure that the examples given are correct. I would have thought that the benefit of signing the contract would not necessarily go to the holder of the shares but would go to the school council because, if they were changing from one carrier to another, they are doing so because of better service or because of a better price.

Mr Hanna: That is a different benefit than we were discussing.

The Hon. M.R. BUCKBY: I do not see how you can align the two, but I will take the member's example on notice and follow it through.

Mr HANNA: To put it another way, is the test in proposed section 94(1) the same as the test in the cabinet guidelines in respect of conflict of interest? I ask this question because I want to make clear for future school council members or governing council members whether or not the Lord Armitage exception applies.

The Hon. M.R. BUCKBY: I will seek advice from Crown Law on this issue.

Ms WHITE: Proposed section 96 deals with the minister's administrative instructions to school councils or affiliated committees. It is a broad power. Proposed section 96(4) says that those councils and committees are bound by those administrative decisions, and proposed section 96(3) says that those administrative instructions may be of general or limited application. It would be possible to give separate instructions to different schools. Would the minister give some idea of what type of instructions would fall into the limited application definition, that is, those who would go to one school and not another?

The Hon. M.R. BUCKBY: This allows for general and specific instruction so, as the member is saying, instructions might be different from one school to another. It is consistent

with the council's being a public authority and, for issues such as contractual actions, expenditure of public funds and charges affected by the GST, it provides a safeguard and a safety net for the school, for students and for parents. It does not contradict the promotion of local management and decision making and assists councils in making decisions within their legal parameters and managing the risk to the government of local management.

Mr HANNA: Does the minister then rule out giving administrative instructions in respect of the day-to-day running of the school on matters such as uniform, discipline, whether or not there should be a school canteen or not, and matters of that nature?

The Hon. M.R. BUCKBY: Yes.

Ms WHITE: Proposed section 97 is about the minister's power to remove members. There is a catch-all power in proposed section 97(d) that says that this could be done for any other reasonable cause. What would come under that definition? What would be an example of such a reasonable cause that was outside any of those other conditions?

The Hon. M.R. BUCKBY: Perhaps there are circumstances that relate to an unacceptable risk or jeopardy to the well-being of the students of the school. If any other reasonable cause involved students being placed at risk, the minister of the day may then remove a member from the school council if he deemed that that person was a risk to the students.

Mr HANNA: This may be a good point to tease out the problems associated with conflicts of interest and to see what might happen if a member of a school council takes part in a decision which involves a conflict of interest. Let us take the scenario where a member of a school council has shares in a local building contracting company, even if it is a private company, and in the area in which the school is situated, which after all might be a country town, there may be only two or three possible suppliers of building services, within reason. In that situation a school council comes to decide which of the local building contractors will build the new hall—for example, a member of the school council or governing council might say, 'I have shares in the Acme building company, but they are a good building company and they seem to be able to do the job properly at the best price': it so happens that the other members of the council agree that that is the best company and everyone is aware that the building company that gets the contract will have work provided for the next year in building this massive school hall. So, there will be a substantial return to the people involved who share the profits of that building company.

If the school council member who has shares in that company says, 'I do have shares in the company; they may increase in value or I may receive a share of the profits if this company gets the contract, but nonetheless I want to take part in the deliberations and the decision on this issue', and all of the school council agrees that that is appropriate—because, after all, they know the school councillor; they like him or her; they know the local builders and they are quite happy with that particular company; and they say, 'That's fine, you don't need to leave the room; we'll make the decision; you can be here for the vote and we will award it to the Acme building company,' is that a breach of proposed section 94(1) and, if it is, would that represent grounds for removing the member from the school council under proposed section 97?

The Hon. M.R. BUCKBY: In the first place, the person holding the shares would be very unwise to stay in the room to take any part in that decision. Under all this, proper process has to be followed. If the school council overrules that and the person says, 'I believe I should leave the room,' and the school council says, 'Stay. We are happy for you to stay,' it may well be that the minister could decide that the council or the school council member had acted improperly and could then give a direction to remove that member. The member has admitted to a direct conflict of interest and, regardless of what the school council said (that it is happy for him or her to remain in the room), that person should have withdrawn themselves from any deliberations or any voting on that contract. It may well be that in that case the minister could direct the removal of that school councillor for not removing themselves from the room when that decision was taken.

Mr HANNA: I appreciate the minister's answer with respect to that scenario. I am comforted, as I am sure all opposition members are comforted, if the Armitage exception does not apply to school councils. It is reassuring to think that standards in respect of conflict of interest guidelines would apply to school councils that are higher than the current cabinet standards. Equally, I can give the assurance that a cabinet under the next Labor government will have the standards which the minister has outlined this evening—

The ACTING CHAIRMAN (Hon. G.M. Gunn): Order! The member's comments are not relevant to the clause.

Mr HANNA: —in relation to school councillors, particularly in the scenario that we have just been discussing.

The ACTING CHAIRMAN: That new section stands as printed. New sections 98 and 99 also stand as printed. The committee will now deal with new section 100.

Ms WHITE: Proposed section 100 deals with the immunity for individuals on a school council or governing council, or a member or former member of an affiliated committee. As I said in my second reading speech, Labor does support a power of immunity. Is its coverage broad enough to achieve the aim intended if a member or former member of a council has acted in good faith, or the omissions to act were in good faith, in the exercise of the roles and functions and powers of the council? Given that there are in this bill provisions for a council to delegate those powers, how does that impact on the immunity of individual members of either the council or the members to whom the powers and functions are delegated?

The Hon. M.R. BUCKBY: I had a significant interest in this issue with regard to members who were volunteers to the school or were on an affiliated committee. Such an affiliated committee could designate that a member of the school community undertake a certain action—for instance, football or netball coach—and, as long as they have acted in good faith, regardless of whether they are on an affiliated committee or on the governing council, immunity should cover those people. If they have not acted in good faith, that is a different story. If they have carried out in good faith the directions of the governing council or of the affiliated committee, their immunity is assured.

Ms WHITE: Given that the delegation powers can also apply for delegation to another council, does that also extend to all members of that council and, further down the chain, to any members or non-members of that second council who have delegated responsibility, and so on?

The Hon. M.R. BUCKBY: Yes, it does.

Ms WHITE: Is the coverage broad enough? It covers acts or omissions in good faith, but that immunity would not cover anything that was deemed to fall outside the meaning of 'good faith', or outside the meaning of 'discharging the powers or functions of the council or committee'. A number

of things that fall outside that may indeed deserve the immunity that is intended here. What is the effectiveness of that wording relating to 'acting' or 'omitting to act in good faith'?

The Hon. M.R. BUCKBY: That issue was consistently raised in the consultations on the Education Act. It is why we have been very careful to ensure that it is very broad in its coverage to cover volunteers of a school who are either directed to undertake or are undertaking the directions of the school council or affiliated committee. Good faith means that you have, in your understanding of a direction from the affiliated committee or from the school council, acted in good faith in relation to that direction. If you go outside that direction, you are obviously not operating in good faith, because you have decided yourself to go outside the direction of the affiliated committee or the governing council. So, good faith has been breached, and as a result you would lose that immunity. It involves the interpretation of the person to whom the delegation has been given. The directions must be very clear, and they act upon those directions given by the council or the affiliated committee. They have then done so in good faith. If they move outside those directions, that good faith is breached.

Mr HILL: Does the notion of good faith in this act imply that the members of the school council must prepare themselves in any particular way in order to exercise their duties? Do they have to be educated? Do they have to be aware of the full dimensions of their role? Do they need to know what operating in good faith means? Does it apply only to those people who have been properly trained and are aware of their duties, or does it apply to anyone?

The Hon. M.R. BUCKBY: It does apply to anyone, and the fact is that if the governing council, the school council or the affiliated committee is delegating part of its powers to a member, be that a member of the committee or the council, or indeed a person who is not a member, they must ensure that proper directions are given and understood by that member, so that they are fully aware of, first, the directions that the council is asking them undertake and, secondly, any consequences that might come from those directions.

The duty of care requires school council members to take reasonable steps to be informed about the school, the policies, the activities, the circumstances and the context in which the school operates, to take reasonable steps through the processes of the council to obtain sufficient information and advice on all matters to be decided by the council, and to exercise an act of discretion with respect to all matters to be decided by the council and to take reasonable diligence in attendance and the preparation of the meetings. In other words, to undertake a direction in good faith, the person has to ensure that they fully understand the direction of the council—basically, the policy of the school—to ensure that they are acting in the best interests of the school and in good faith with respect to the direction that has been given to them.

If I have been given a direction to coach the school footy team, for example, I would need to undertake that direction with the knowledge of the care of the children, the rules of the game and all those things that go with that duty. If I do not make myself aware of that and I am then in breach of that direction in terms of not ensuring the safety of the children, for instance, it may be that I have not acted in good faith.

Mr HILL: That raises an interesting scenario. To take the minister's example, if the school were to delegate to the minister the duty to coach the school footy team, and the school council was negligent in determining whether or not the minister had the skills and responsibilities for looking after a team of children and there was an accident, or something, the minister, as the coach, may have acted in good faith but with ignorance, but the school council would have been derelict in its duties because it did not undertake proper scrutiny of the minister's skills. So, it could well, in fact, be responsible for a problem.

The Hon. M.R. BUCKBY: When the school council decides to delegate part of its functions, it must make sure that it undertakes due process and takes all reasonable steps to ensure that that person is a fit, sound and proper person to undertake that delegation. If it does not, the member is exactly right; they could well be negligent.

Mr HILL: That raises the further question about the operations of a school council. I am a member of a school council and I know that decisions are made pretty quickly. It really raises the question about what kinds of protocols school councils will need to develop in order to do those jobs, because they might undertake those kinds of duties many times in the course of the year. It also raises the question about the kind of process that might have to occur in order for the minister to prove that someone has not been acting in good faith. Has the minister thought about both aspects of that? What kinds of protocols must a school council develop in order to go through that proper scrutiny process and, if it has made a mistake, what kind of grievance procedure would individuals who were accused of not acting in good faith have access to in order to defend themselves?

The Hon. M.R. BUCKBY: With respect to the first part of the question, the school councils association will undertake training of all school councillors to ensure that they are aware of their responsibilities. In addition, in the constitution adopted by the school there will be a code of conduct for school councillors or governing councillors to ensure that they have to operate under that code of practice. Can the member remind me of the second part of the question in terms of if a breach has occurred?

Mr HILL: I am really asking what kind of grievance procedure there might be, or what kind of process one might go through.

The Hon. M.R. BUCKBY: I am advised that a normal grievance procedure would be established by the Director-General and the minister. So, it would be a grievance procedure that would already be in place for other issues within the schools.

Mrs GERAGHTY: How long will the training periods continue, and will they continue with each changeover of the council? Does the minister expect the previous council to train the incoming council, or will some sort of mechanism be set up so that each time the council changes, or part of the council changes, some procedure will be in place to train those people and advise them of their liabilities?

The Hon. M.R. BUCKBY: It would really depend on the structure of the council. If there was only one new council member, it is likely that the other council members would train that person. But if there was a complete changeover of the council, that council would have SAASSO, the school councils association, at their disposal and could request training sessions. So, it is really a matter between the school council and the school councils association, because it would be undertaking much of the training of school councils in this area, and if a school council requested further training SAASSO or the department would be able to provide it.

Mrs GERAGHTY: If half the council changes over and people are trained by the existing council or through

SAASSO, and if they act in what they believe is good faith but their actions prove to be detrimental to the school, where do they lay the blame? If they are liable for that action, to whom do they look to address their situation?

The Hon. M.R. BUCKBY: They will not be liable, because they have acted in good faith and they have undertaken training. As long as they have acted in good faith and have taken reasonable note of discussions and of literature, or whatever, that comes before the school council, they have that immunity. It all comes down to the act of good faith. If they have undertaken reasonable training and have acquitted themselves in terms of knowledge of what is going on in the school council and have acted in good faith, they are immune to any action.

Mr FOLEY: This is an area that has concerned me from the outset with respect to P21, and I want to come at it from this angle. I understand what the new section is attempting to achieve, but it is about how a school council will function.

Progress reported; committee to sit again.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

SHOP TRADING HOURS (GLENELG TOURIST PRECINCT) AMENDMENT BILL

Received from the Legislative Council and read a first time.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

CONTROLLED SUBSTANCES (DRUG OFFENCE DIVERSION) AMENDMENT BILL

Received from the Legislative Council and read a first time.

EDUCATION (COUNCILS AND CHARGES) AMENDMENT BILL

In committee.

Mr FOLEY: In relation to Partnerships 21, the issue of immunity has concerned me for some time, having, like my colleague, served on a number of school councils both prior to and since becoming a member of parliament. I want to come at it first from the role of a school principal. There is no doubt that school principals enjoy quite significant power in a school and quite significant power on a school council. Some primary school principals can abuse that power from time to time, but that is another subject for another day.

If you have a domineering principal, some members of the school council may feel intimidated, may feel that they simply will go with the flow in terms of the position put forward by the principal. Equally, it could be the chairperson or another strong individual on the school council. It might be a business person, let us say, who is on the school council (not just to identify school principals as a particular grouping), people with vast amounts of information and experience in these areas. If the principal or the chairperson of the school council makes a fundamental error that brings the council into disrepute—and it may be argued that they did not, as the law says, act in good faith—where do individual members stand?

The Hon. M.R. BUCKBY: If the members have accepted the information put forward by the chairperson, say, and they believe that information to be correct and so have acted in good faith in accepting that information and in making decisions on that information, my advice is that they would be immune, because they have accepted that information from that particular member of the council in good faith.

Under the code of conduct, as I stated earlier, they must ensure that as a member of the governing council they acquaint themselves with all aspects of the decision that is being made. If they have done that and then have been swayed by a very persuasive argument, then they have acted in good faith. That argument might have been wrong, as the honourable member says, or might have brought disrepute on the school council, but they have acted in good faith in making themselves aware of the knowledge and then accepting the argument of that person on the council.

Mr FOLEY: I know that this is a fine point, a grey area, but I think it is one that has the potential to cause some problem. We have all served on school councils or boards on which there have been domineering people, and you are reluctant to make a point, reluctant to criticise. It sounds plausible and feasible and you go along with it. It is easy for us to say that the school council member should have been smart enough, self-informed, self-taught or whatever, but the reality is that that just does not happen all the time.

Dare I say that I am sure there are times when the minister sits around the cabinet table and one or two of his colleagues have domineering positions, normally the Premier of the day, and the minister may not really agree with them but does not have much choice. That is an extreme example, but the reality is that this does occur and we have all seen it. The minister has been on boards of companies, and that is an area in which I think we are vulnerable.

I do not know how you address it: I do not know whether principals have to be very careful or make the effort to make sure that, if there is a domineering person on school council, proper process is followed and councils are not caught up in the momentum of someone breezing into school council with a bright idea that sounds plausible and ends up costing them significant amounts of money because it was a bad decision. I am not sure how we get round that, but I think it is something worth noting.

The Hon. M.R. BUCKBY: I take the honourable member's comments on board, and I have been on school councils where you have a very dominant personality. Again, it is a matter where due process is followed. I guess it is the responsibility of the principal but also of other members of council that, where you do have a domineering personality who comes in with a bright idea, the strategic plan of the school set down by the governing council is followed, and you then act in good faith on that strategic plan.

THE ACTING CHAIRMAN: Proposed new section 100 stands as printed.

Clause passed.

Clause 6.

The ACTING CHAIRMAN: I propose to deal with this clause as proposed new sections 106A, 106B and 106C, and the committee will deal first with proposed new section 106A.

Ms WHITE: This is the part of clause 6 that deals with all the materials and services charge issues. First, I would like

to canvass the legality of the way the materials and services charge is incorporated in this bill. Much of this debate has been heard several times in this place before, so I will try to canvass briefly some of the issues. Australia, obviously, is party to the International Convention on the Rights of the Child, and article 27 of that Convention says that primary education should be compulsory and free and that secondary education should be available and accessible with appropriate measures in cases of need.

Section 9 of the Education Act says that the state is responsible for primary and secondary education and that it should be provided free. Obviously it is not, because for a great number of years we have been paying school fees, and in South Australia we pay compulsory school fees. I refer the minister back to the Crown Law advice that the Hon. Rob Lucas, when he was Minister for Education, put forward, which was basically that the Education Act precluded the charging of any fee associated with tuition.

Section 9 of the Education Act, and other sections, provide that what is encompassed in the materials and services charge is limited by the act and that tuition or tuition related expenses cannot be included in the materials and services charge. Is it the minister's argument that charges under the materials and services charge are for non-essential aspects of the provision of education, because, clearly, if they were for essential aspects of the provision of education (in reference to section 9 of the act) they cannot have a charge attached to them?

The Hon. M.R. BUCKBY: I will read to the committee the opinion of the Solicitor-General in this area.

Ms WHITE: Is that the previous Hon. Rob Lucas opinion or a new opinion?

The Hon. M.R. BUCKBY: This opinion is from the Solicitor-General in 1995. It states:

> In my opinion, the minister may charge for books and materials provided by him to a student, or, to put it more accurately, it is my opinion that s. 9(1) does not impose an obligation upon the minister to provide free of charge all books and materials which a child may use while receiving primary or secondary education. The primary obligation of the minister under s. 9(1) of the act is to provide premises, teachers and the materials required by those teachers so that they may provide primary and secondary education. At times it may be difficult to draw the relevant line, but in my opinion a distinction can and must be drawn between that obligation of the minister and, on the other hand, materials used by the students.

The opinion further states:

> I merely make the point that the distinction between what is embraced by fee for tuition and things which the parents of the child should provide is one which is regularly drawn in many schools. In my opinion s. 9(1) of the act is to be interpreted in that context. The minister's obligation in relation to the provision of educational materials is only to provide, free of charge, such materials as would ordinarily be regarded as falling within the obligation of the provider of education. That is a line to be drawn, as I have indicated, applying every day experience and commonsense.

Solicitor-General Doyle's opinion in 1995 indicated the following:

- implicit obligation on state to provide free primary and secondary education;
- minister can charge for materials and services, if their provision is not an essential aspect of the provision of education;
- minister/school council can provide materials to children in return for payment;
- power to engage in such provision, and extent to which it should occur, should be put beyond doubt.

In terms of international conventions and free public education, some argue that compulsory charges contravene the international contraventions, namely, Article 27, Convention on the Rights of the Child, in terms of free public education. The article states:

- primary education should be compulsory and available free to all;
- secondary education should be available and accessible with appropriate measures in case of need, such as the introduction of free education in offering financial assistance.

The Convention on Economic, Social and Cultural Rights sets a higher standard. Tuition fees imposed by the government, local authorities or the school and other direct costs constitute disincentives to the enjoyment of the right to education.

So, the consideration and determination by Solicitor-General Doyle in 1995 indicate that the government must provide the buildings, teachers and all the resources that teachers require to deliver education to children, but that the school may impose a charge on materials that are used by children, such as books, pens and pencils in their education.

Ms WHITE: Given the restriction on my questioning, I will try to ask about several GST-related issues in this question. In copies of correspondence from the minister's Project Director, Legislation Review Team, in response to queries from various parties, a statement is made that the charges for materials and services are not in conflict with sections 9 and 106A(1)(b)(ii) of the Education Act because 'charges are only made for materials and services which are not an essential aspect of the provision of education.' That is the response of the minister's Legislative Review Team to stakeholders in this issue.

With reference to the 2001 information pack that was distributed to principals and schools, listed under 'Examples of the compulsory materials and services charge' are matters such as lease or hire of curriculum-related goods. I draw attention here to the seeming conflict regarding the claim that materials and services are for non-essential aspects of the provision of education. However, listed amongst those allowable items under the compulsory component are lease or hire curriculum-related goods, curriculum-related activities and instruction facilities (example, computer levy), internet access, library levy, sports levy, etc.

I question whether those matters are non-essential aspects of the provision of education, particularly computers in modern day education. There are conflicting accounts within the information pack in terms of what is compulsory and what is voluntary, what attracts a GST charge and what does not. Some items appear to be listed in both categories; certainly some computer related services fall into that category. For example, at another place in the document computers and access to the internet through an internet service provider are listed as taxable charges, and therefore appear in the voluntary component of the charge. So, there is a little conflict in that respect.

In the information pack for the 2001 school charge, the statement is made that non-P21 schools can seek the difference between the School Card grant and the maximum compulsory charge as a voluntary contribution from parents. In the past, the minister stated that the policy has been that the difference between the School Card and the charge levied by the school was voluntary. Who pays the GST—and I guess that is more general than that specific case—if parents do not pay the voluntary charge, because the GST is on the voluntary component? So if the parent does not pay it, does the school chase the parent for the GST on the voluntary charge; does the school have to make up the GST on the voluntary charge; does the department absorb the cost; or is there some administrative way that you are not going to pay the tax

office? So who pays the GST on charges that are labelled voluntary when parents decide not to pay?

In relation to the wording of what is allowable and what is not allowable in terms of fixing the amount of the compulsory component of the charge under new section 106A, there is a list of items that the head teacher may have regard to and there is a list of items under 106A(1)(b)(ii) that he or she may not have regard to. However, there is a number of things that do not seem to fit into either category: for example, one may not have regard to the cost of teachers' salaries or teachers' materials or costs associated with school buildings or fittings. What about those items that do not fit into either category, such as, for example, the salaries of other types of educational workers—SSOs, groundkeepers and so on—and facilities that are not school buildings or fittings: carparks, ovals and those sorts of things? What is the legal significance of all those items that do not fit into either category?

The Hon. M.R. BUCKBY: I will go back to the first part. The member was referring to computers and she said that they are voluntary in some part of the information pack and compulsory in other parts. Perhaps she would point that out: I am going by the schedule of school charges where, under 'Facilities Levy'—for example, computer levy, internet access, library levy or sports levy—that comes under the compulsory component and, therefore, does not attract GST. Can you clarify that?

Ms WHITE: The clarification of that is on page 4. It lists computers as taxable supplies. Taxable supplies can only come under the voluntary side of the list, not the compulsory side of the list, given the instruction earlier in the paper that a compulsory charge can only include GST-free supplies.

The Hon. M.R. BUCKBY: The member is overlooking the fact that, in quite bold print, it says 'become the property of the student'. The Australian Taxation Office has ruled that for a computer, a calculator, a musical instrument, or any such item where a lease or a levy is not charged by the school and the item becomes the property of the student, then a GST will apply. That is a ruling of the Australian Taxation Office and that has been consistent since they finally brought it down at the end of May or June, I think. So, if a student leases or hires a musical instrument or a laptop computer from the school, the school still retains ownership and, therefore, the student does not pay GST. If the student purchases that same piece of equipment, then the student will pay GST.

I move on. In relation to the School Card, the member for Taylor talked about where parents decide not to pay the voluntary gap between the School Card amount and the materials and services charge, and that any GST that comes about because of that voluntary gap not being paid would be the responsibility of the school. There is no change in this from the current situation with School Card.

In terms of teachers and the issue of SSOs, for instance, paragraph (b)(ii) provides:

> regard may not be had to the cost of teachers' salaries or teachers' materials or costs associated with school buildings or fittings;

I am advised that these are guidelines and that SSO salaries would be precluded, so regard would not be able to be had to SSO wages.

Ms WHITE: That is in conflict with what you have said in this House about schools gathering fees to pay for extra SSO hours, to buy extra SSOs.

The Hon. M.R. BUCKBY: I am not quite with you, but I assume that you are talking about where a P21 school, for instance, has additional resources available to it and decides to purchase additional SSOs, for instance, or additional teachers in terms of delivery of education to that school. I will take advice, but I do not see that as being included in the materials and services charge because that is directly related to the running of the school and to the provision of the curriculum of the school. The materials and services charge comes from those items. It is no different from what has operated. If you go back to the early 1960s, parents purchased rulers, pencils and pens, exercise books and crayons, and everything else that their child needed at school, from Coles or Woolworths.

An honourable member interjecting:

The Hon. M.R. BUCKBY: Yes, exactly—the footballs, the cricket bats, the whole works. In 1960, the then government and the department decided that, because the government was sales tax exempt in relation to the bulk purchase of these items, it would be cheaper for parents for the schools to purchase those items and then charge the parents through a materials and services charge for the items that were then used by the students in the school.

Mr Hanna interjecting:

The Hon. M.R. BUCKBY: They are, and the honourable member will note from the information pack and the recommendations to schools that the invoice they will deliver to parents is itemised. I have supported the member for Mitchell before in this House when he raised this very issue and I do believe they should be itemised. When I received an account this year for my son's schooling it said: 'Materials and services charge, $140'. I had no idea what I was paying for, and I totally agree with the honourable member in saying that it should be itemised so that I do know the breakdown of that charge. That is in the information pack, as is the suggested outline of what sections would be itemised in that particular account to parents. So that is being done.

Mr Hanna interjecting:

The Hon. M.R. BUCKBY: It will be a direction of the department that it is done. The honourable member raised the issue about school buildings and car parks. The department's guidelines when we set up a new school state that sufficient car parks will be allocated for the staff of the school to be able to park their cars and also usually a few visitor car parks so that visitors to the school can also park on the school grounds. I have forgotten what context it was in now, to be honest—

Ms White: Ovals.

The Hon. M.R. BUCKBY: Ovals form part of the school grounds involving the delivery of the curriculum. Again that forms part of the school grounds, and health and physical education is part of the compulsory part of the curriculum. The oval is a required part in the delivery of that curriculum.

Ms WHITE: I question the minister's answer on a couple of grounds. Firstly, I looked up the definition of 'teacher' in the act and it does not include SSO or any other education worker. So the minister's answer about what regard may not be had does not include those non-teaching salaries, as I understand it. Given that I have only one more question, I draw attention to new section 106A(2), which says that different charges may be fixed according to the year level for which the student is enrolled or any other factor. That is a pretty broad power. Obviously, different charges for different year levels is something that happens now, so we do not need to discuss that, but surely there should be some limitations on what 'any other factor' means. It certainly seems to be open to some rorting or undue favouritism.

'Any other factor' could include a particular class of students, for example, disabled students. It could include anything, just as it says, 'any other factor'. I am little concerned about the lack of limitation on what could come under that different charging category, because it could lead to some rorting, if you like, or manipulation of which students can attend a public school by charging high fees for those students who cost a lot. Disabled students would fall into the category of being more expensive than other students to educate, and perhaps schools may decide to start charging to reflect those costs. I would certainly have a problem with that. I raise the point and ask the minister why limitations are not put on those words 'any other factor'?

The Hon. M.R. BUCKBY: I remind the honourable member that a maximum charge is stipulated in the bill and it is the same maximum charge as currently stipulated in the regulation.

Ms White interjecting:

The Hon. M.R. BUCKBY: Just a minute. 'Any other factor' does allow a charge which might be less than the cost involving students. Also 'any other factor' might cover things such as different costs of course materials and texts. It might be about required excursions or whether the student enrolled as a part-time or a full-time student. I understand what the honourable member is saying, but it enables a different charge to be fixed, and that is at the discretion of the governing council. As I said, the charge could be a lower charge than the actual cost at the discretion of the governing council or on the recommendation of the head teacher of the school. It does not mean to say that it will be rorted. The protection is that the maximum charge that can be levied is $161 or $215. Anything above that is purely voluntary by the parent, and that is no different from what it is currently.

Mr HILL: New section 106A(1) states that the head teacher determines what the fee will be and then in new section 106A(1)(c) it says that the proposed charge must be approved by the school council. That raises in my mind two questions. First, does the school council have any choice in the matter: must it, or can it, back away and say 'No'; and, if it does say 'No', how is the matter resolved? Is there a disputes process that is undertaken or can the school council impose a new fee to which the head teacher must agree?

The Hon. M.R. BUCKBY: The honourable member is exactly right. The head teacher would come before the governing council and propose that this would be the materials and services charge for the calendar year. If the governing council or the school council decides that it does not agree with that, particularly in terms of a governing council, the school council being an advisory body, then so be it. Obviously, the principal would then have to justify to the governing council why this is an appropriate materials and services charge. Obviously, the principal would need to go through the make-up of that charge with the governing council to convince the council that that is an appropriate charge. Because the governing council is a decision making body, it could overrule the principal and therefore not agree to the materials and services charge. I am advised also that the school council can do the same thing.

Mr HILL: The wording is somewhat ambiguous if that is the case, and it may need to be looked at; but I will not waste another question. My second question relates to proposed section 106B(1), which provides that in fixing the amount of the charge regard may be had to the cost of stationery, books and a whole range of things. It says that regard may not be had to other things. Does that imply that when a school fee is set and collected a separate account is established so that the accumulated school fees can be spent only on those items, or is it really a fiction in that the school fees are collected, put into a big bundle and the money is spent in any way that the school chooses to spend it?

The Hon. M.R. BUCKBY: My advice is that if they are identified as being collected for those specific things, such as school excursions, they must be spent on school excursions.

Mr Hanna: It doesn't say that.

The Hon. M.R. BUCKBY: I am telling you what my advice is. If there is an amount in there for books and pencils, obviously it must be spent on providing the students with books and pencils. Let us use common sense here. If it is not spent there, the governing council of parents will jump up and down and say, 'In my itemised account [which we both agree they have] an amount is designated to be spent on pencils and exercise books, but my son or daughter has not received any for the year, so where did the money go?' Let us apply a bit of common sense. If it is itemised, which is the whole idea of itemisation, the school must spend the collection of the charge on those items.

Mr HILL: I understand the minister's response, but it will require a fairly intensive auditing process to ensure that that has happened. It is one thing for an individual parent to get a list saying, 'four exercise books, two pencils, a ruler' and so on, but the parent does not necessarily know the value of those items, especially when they are grossed up across the whole school community. There will be an interesting auditing process, and the taxation office will be interested in that.

I refer also to proposed section 106B(3)(a), which says that if the student is not an adult the parents of the student are jointly and severally liable for the charge. Does that relate to non-custodial parents also? If it does, is that a fair thing, especially if there is a separation between the parents and the non-custodial parent pays a regular fee to the other parent to look after the child or children involved? Would they still be liable for a fee that is unpaid, even though they paid some money to the other parent to pay those fees?

The Hon. M.R. BUCKBY: In the Education Act the parent is defined within the act as follows:

'parent' of a child includes—

(a) a person who has legal custody or guardianship of the child, and

(b) a person standing in loco parentis in relation to the child, but does not include a parent of the child where another parent or person has legal custody or guardianship of the child to the exclusion of that parent.

Ms THOMPSON: Like the member for Kaurna, I have been perplexed by how compatible are the roles between the head teacher and council and where areas of tension might arise. The member for Kaurna has explored one in terms of the fixing and approval of school fees. The other area on which I would like more information is in a similar vein in proposed section 106A(5), which provides that the head teacher of a government school may allow a materials and services charge to be paid by instalments or waive or reduce or refund a materials and services charge in whole or in part. Proposed section 106A(6) provides that a materials and services charge is recoverable as a debt due to the school council. It seems that the school council, which owns this debt, does not have a say over the amount of the debt. I cannot understand why it should not be appropriate for a subcommittee of the school council to take responsibility for

those waivers and instalments so that the school council does maintain control over its debts.

The Hon. M.R. BUCKBY: It is at the direction of the Director-General that the head teacher of a government school can decide to waive, reduce or pay by instalment the school materials and services charge. The concern of the member is that, where in subsection (6) it is recoverable as a debt of the school council, that relates to the situation where parents who have not received a waiver or are in breach by basically not paying the school charge the debt can be recoverable. In subsection (5) we are talking about a head teacher being able to make a decision about a particular student and family circumstances to allow that person to waiver, pay by instalments or reduce the materials and services charge. Under subsection (6) we are dealing with a matter where it is deemed that the parent is responsible for a certain amount of money, be that the full amount or part thereof and the school council can then take action to recover that amount of money.

Ms THOMPSON: I understand that. What the minister does not seem to have included is the fact that the head teacher may decide to reduce the materials and services charge, but the parent may not pay it, so it is a debt to the school council but the school council has not had the chance to determine the size of that debt. The size of the debt has been determined by the head teacher. It seems to be about the third example of where the act is setting up areas of possible conflict between the heed teacher and the school council. It does not seem to be a healthy way of establishing new relationships in our schools.

The Hon. M.R. BUCKBY: It is no different from the current situation. I am sure that in the deliberations by the school council in deciding whether they will chase an amount owed to the school for the materials and services charge, they will be made fully aware by the head teacher of the circumstances of those parents or the child so that, when they make that decision either to recover the debt or support the head teacher in waiving or reducing the fee, the head teacher would inform the school council of the reasons why that is either being reduced or waived or the reasons why the school council should follow up the amount owed to it.

Ms THOMPSON: One of us is still not getting something. The issue is that we are changing the system. I know how school councils operate. I sit on several of them, and the principal or bursar normally negotiates with the parents and the debt is payable to the school council. We are supposed to be moving to a new system where the school council is taking on far greater accountabilities. In the minister's view this will stimulate much more interest in the school council by parents, etc. However, in a situation where the school council is supposed to have this accountability and responsibility in relation to the financial dealings of the school, we have an agent of the Director-General making the decisions about how much that debt is. It is another example of where the philosophy of the act, of delegating the powers to the school council, is not reflected in the wording of the bill, as it is with the acquisition of property. We are consistently finding that the detail is where the devil is, as usual, and the philosophy is not being reflected in the detail.

The Hon. M.R. BUCKBY: I do not agree with the honourable member. As the honourable member says, the fact is that the governing council is responsible for the total school budget in joint management with the head teacher. The head teacher is responsible for the students within the school and, as has happened in the past, makes decisions in the best interests of those students in the schools. Therefore, it is at his or her direction from the Director-General that they can make this decision and then inform school council of the reasons why, and would have to be accountable to the governing council as to why they are waiving or reducing the charge to particular students, given that the governing council is accountable to the school community for the school budget. I do not see a problem with this. To my knowledge this has worked well in the past, and the head teacher would have the utmost concern for students who were going to reduce, waiver or change the instalment payments.

Mr HANNA: I will follow on from that point because, like the member for Reynell, I have perceived that, although there is a lot of truth in what the minister has said about setting fees, etc., it misses the point of the member for Reynell's line of questioning. I would like to put it to the minister this way: in new section 106A(1) why has he in this bill made it that the head teacher sets the fees and not the school council, when the head teacher is a member of the school council, it becomes a debt owed to the school council, and the school council incorporates the views of the parents, as well as the views of the head teacher? It just does not make sense in the context of this bill when so much focus is placed on the school council for a particular function—a crucial function, for most schools, that of setting the school fee regime—to be allocated to the head teacher. It just does not make sense in light of the whole philosophy of Partnerships 21 and the tenor of the rest of this bill. So, why did the minister choose the term 'head teacher' instead of 'school council' in new section 106A(1)?

The Hon. M.R. BUCKBY: This is basically set up to account for School Card, so the head teacher will look at what a fee might be. As the honourable member would well know, School Card exempts those parents from paying any charge at all. The head teacher will decide on the proposed materials and services charge, because the head teacher is responsible for the administration and the operation of the school and the delivery of the education in the school and therefore knows what level of charge should be enacted, because he or she is the chief educator of the children and knows through the teachers and the bursar what sort of level of services and materials will be required by the students or is advised on that.

As I said earlier, the head teacher, as an ex officio member of the governing council, may well put up to the governing council the suggestion that the school charge should be $215 for the year. The governing council can reject that if it desires, and the school council can reject that. The head teacher then would have to justify in his or her argument to the school council or governing council as to why it has to be set at this level. If that person can obviously justify charging $200, by the bursar providing school accounts, the school council then has to make the decision, 'Do we accept that information or do we reject it?' It is fairly likely that it will accept it, because the head teacher is responsible for the administration and operation of the school.

So, the head teacher has that responsibility, as I said, because he or she is the educational leader. They have to provide a level of accountability in this in the terms I have just said; they have to be accountable to the school council. The school council takes the governing and approving role versus the managing role of the head teacher. As set out in this bill the head teacher is responsible for the daily administration and delivery of education to the students in the school. A governing council is responsible for the policy of the

school and for the budget of the school. Therefore, that is where—

An honourable member interjecting:

The Hon. M.R. BUCKBY: Yes, that's right. I would suggest that the head teacher is the one with the most knowledge in pretty well all cases of the administration requirements and the materials and services requirements of that child in the school and will, therefore, recommend to the governing council, 'Here is the level of fee that I believe appropriate.'

Mr HANNA: This wording has been overlooked in the drive to remodel school fees and play around with school councils. Somebody has forgotten to seriously consider why 'head teacher' has been put there instead of school council and, unfortunately, now we are in the parliament the minister has to defend what the people who drafted this came up with. We need to look only at new section 84(1)(e)(ii)(C) to see that it is the governing council which would be responsible for the application of the total financial resources of the school.

A critical part of the deliberations about the total financial resources of the school is the consideration of the income available to the school, and a significant part of the resources available to the school will always be the amount of school fees collected. So, it fits neatly and squarely and entirely within the province of the overall budget considerations—the resource considerations—of the school to consider the level of school fees. And yet this bill misses that opportunity. I think that is something that might be revisited when this bill reaches another place.

My main question concerns the maximum amounts set down in this new section. As I said in my second reading contribution, the baseline is that public schools should be funded to a decent level of education service provision by the state. That does not happen any more. It has been happening progressively less over the past seven years, and it is true that schools are relying more and more heavily on school fees, not to get ahead of the pack but just to survive and offer a basic, decent level of education. That is an increasingly difficult task.

In the circumstances in which school councils have to make their decisions, they are looking at cost recovery in respect of certain courses. I know that the minister will have a prepared answer to this question, because I raised this issue in my second reading contribution. Quite clearly, many courses would consume more materials and services in terms of value than the maximum amounts set down in new section 106A. For example, there are physics and particularly chemistry courses that can consume a lot of quite expensive resources; technology courses can consume quite a bit in terms of wood, metal, tools, etc.; and technology courses can involve heavy expenditures on the part of a school for computer programs and all the paraphernalia that goes with the latest technology. For example, at Hamilton Secondary College there is a MAPS program, which incorporates advanced technology and which is very expensive. The school quite deliberately charges students reasonable fees but they are substantially above the maximum provided in new section 106A.

So, I see a contradiction between what the minister is trying to do with the principle of local school management and whacking schools when they are trying to recover costs for a particular course if those costs exceed $215, in the case of a secondary school. When schools can show quite clearly that the resources for a particular course cost in excess of $215, why does the minister not allow schools to recover that amount? I am not advocating the approach to fees that the minister has taken but, for the sake of consistency, if you are forcing compulsory fees on parents and you have local school management, why does the minister place this critical limit on school councils?

The Hon. M.R. BUCKBY: Let me clear up a couple of points. Anything that is used within the tuition component is not charged for. The member mentioned chemistry and physics classes. Chemicals that are used in the delivery of chemistry classes are not charged to the student; neither are materials used in the delivery of physics, for instance, to the student. Where the student might undertake woodwork, or something similar, and the student takes home a manufactured piece of equipment from the school—if the student purchased the wood to make a coathanger, or whatever—no GST applies to that, because it is part of the course. But they may well pay for that particular component because they are taking an article home which, in the end, becomes their property. Under this new section, the school cannot charge above a maximum charge.

The member's question was: why do you set that maximum charge; if you are going to allow for a compulsory charge, why do you set a maximum? For a start, 80 per cent of all schools in South Australia charge less than the maximum charge. That maximum charge was arrived at by looking at the average of school charges across the state—and this is going back four or five years now—and then deeming that to be a reasonable charge and a maximum that should be set. It protects the parents or the guardians of the children from a school which might go ahead and do exactly what the member is suggesting—charge greater amounts than is necessary to put into general funds. It ensures that there is a compulsory component which should cover the materials and services required by the student, and then anything above that is voluntary. It is the very reason why, in the current billing structure, the school does not have to identify to the parents what is voluntary and what is enforceable.

If a high school is charging $350, until now the parent has received an account stating that the materials and services charge is $350. Unless the school is honest and up front with the parents and advises them that $215 is the maximum that need be paid and the rest is a voluntary component, the parent would be of the belief that the $350 is totally enforceable. That is not the case. It has always been set down in the regulation that has come to the parliament and then been disallowed. It has always been set down that this is the maximum that a school can charge, and anything above that is voluntary. It is there, basically, to ensure that a reasonable level of maximum charge is adhered to and that schools cannot go out and charge a $1 000 compulsory charge, so to speak, and the parents have to wear it, when it might be quite unreasonable for that to happen.

Mr HANNA: There is a concern in some schools that there may be a compulsory form supplied by the government through regulations, or the like, which will stipulate the wording, the size of the print, and so on, in terms of invoices. Already the minister has said that there will be a direction from the department or the Director-General, as I understand the minister, in relation to itemising the materials and services invoices. Will the minister be prescribing other matters which relate to the invoices—for example, the amount which is voluntary, the amount which is compulsory, what happens if certain amounts are not paid, and so on?

The Hon. M.R. BUCKBY: That is set down in the act. The standard EDSAS invoice will be sent to parents. As the honourable member would recall, in this House it was the opposition and the Independents who requested of the government that GST be identified on each and every account that the government sends out. So, there will be a GST component, which will be identified on the—

Ms White interjecting:

The Hon. M.R. BUCKBY: Well, it was a ruling of this House—and the Taxation Department; it was a ruling of this House that it apply specifically to South Australian government departments in terms of all invoices, and we are complying with that and are happy to do so. There will be a direction to schools that they must identify what makes up the components of the charge.

Mr Hanna interjecting:

The Hon. M.R. BUCKBY: No, that is a matter in the constitution of the school council; it will not be set out on the document. It is in the act: it is the responsibility of the school or governing council to ensure that their school community is aware of the maximum charge that can be imposed.

Mr LEWIS: My first question relates to the kinds of materials that can be provided under the authorisations contained in this section. Can the minister assure me and the committee that there are no circumstances in which he, the Director-General, or any minister or Director-General in future, would use the provisions contained in the act in general, or these amendments in particular, to allow dispensing machines to be installed in schools to dispense condoms or syringes, and that the school would not use either this source of revenue or any other resource at its disposal to make available condoms or syringes at general expense?

The Hon. M.R. BUCKBY: It is outside the guidelines of this bill, but it would come into the code of conduct of the governing council or the school council, in that they would need to make that type of decision in the best interests of the students in the school. The honourable member asked whether it would be at the minister's discretion—but that would not be for the minister to direct; that would be a decision of the governing council. They must ensure that they are making a decision in the best interests of the students of the school.

Mr LEWIS: Will the minister clarify that it is possible for a school council to use these funds or funds from any other source to provide condoms and syringes and/or the dispensing equipment for them in schools at generalised expense?

The Hon. M.R. BUCKBY: That raises a very tricky issue.

Mr Lewis: Not for me, it's not.

The Hon. M.R. BUCKBY: I understand where the honourable member is coming from, and I have full sympathy with that. I am advised that the governing council would need to ensure that it was in some part of the curriculum to which it was related, but I would need to take some more advice on that for the honourable member, and it is a matter of trying to get that advice as the bill moves to the Upper House.

Mr LEWIS: I am not at all comforted by the minister's response, but I know him to be an honourable fellow, so I will acquiesce at this point in the belief that I can be reassured that he will get me an explicit answer about these matters before the measure goes into the upper house. I have then another question, which is more particularly in the form of a suggestion.

It struck me earlier in the course of inquiry being made by a member opposite about the definition of liability residing with the parent, where the parent is the parent of a student who is a minor. I suggest that the Education Act needs to be brought up to date. The Family Law Act has been amended. No longer does it provide custodial responsibility: it provides residency for the minor or, in this case, the student.

Indeed, some Family Law Court judges nearly go ape if a parent starts talking about custody, because they do not want parents to believe that they own their children. Custody implies ownership. Residency implies a responsibility to provide shelter and sustenance, and that is why the act has been amended: to accommodate the sensitivities of some of these judges in the Family Court.

In some measure, I see the benefit, so I think it is important that the act be amended to ensure that the parent who has the responsibility as determined by the Family Court is the parent (or parents) who will have to meet the costs, and not the parent who does not have, and maybe did not seek the responsibility to provide residency for the child who, in this instance, is the student.

The Hon. M.R. BUCKBY: When I was asked about the definition of a parent, I indicated that it could be the guardian. To pick up the member for Hammond's point, if the Family Court has identified a person who might not be the parent but who is the guardian of that child, then the guardian would be the person responsible for the materials and services charge incurred by the student. It might well be that a grandparent, for instance, is the guardian and with whom the child resides. If that is deemed appropriate by the Family Court, then that grandparent, being the guardian, would be the person responsible for the payment of the charge.

The ACTING CHAIRMAN: New section 106A stands as printed. The committee will now deal with new section 106B.

Ms THOMPSON: I have been looking at the issue of overseas and non-resident students in the principal act and I cannot find anything in relation to such students in government schools, only in non-government schools. I am not clear from the bill before us tonight how the fees and charges are to be dispersed. We see that the Director- General may, by notice in the *Gazette*, fix the charges payable. We see that these charges may vary depending on the school; that the Director-General is the person who can determine whether the fees are paid by instalments or can be reduced, refunded, etc. (which are similar powers to the head teacher in relation to materials and services charges with respect to a school); and that the debts are payable to the minister rather than to any school council.

I do not see what happens in terms of the relationship between the school, the Director-General and the minister in the decision to open the school to such overseas or non-resident students and how the arrangements in relation to financing are made. I would like more information.

The Hon. M.R. BUCKBY: In the full cost recovery of the fee for an international or interstate student not all of the fee that is charged for the subjects that the student is taking will go to the school because some system-wide costs are incurred by the department. As a result of that, part of the money will go to the system and the balance will go to the school for the supply of teachers and the delivery of that education. The payment is made to the minister rather than the governing council because system-wide costs are incurred. If it went to the governing council we would not be able to recoup those system-wide costs. It goes to the minister, the system-wide costs are taken out and then the balance passed onto the school

Mr LEWIS: My first question relates to the overseas students. Is it likely that the Director-General will charge what the market will stand or, alternatively, calculate what will be full cost recovery of both variable costs and fixed costs per capita as estimated on a per capita basis within the school in which the student is enrolled, and why would he choose to do it one way or the other? No tricks; I just want to understand from the minister what rationale is used for the manner in which the fees will be determined.

I will give this much by way of explanation of where I am coming from. There is this bit about competition, I think. A fellow called Hilmer was running around the place saying, 'You all must be fair.' Some private schools might be saying to the government, 'You have good amenities in this government school. They are equal to anything we have in our school, yet you are only slugging these overseas kids half as much as we have to charge to make it pay, and that is not fair.' I do not want the South Australian Education Department to find itself in that predicament. Equally, I do not want the department to be charging less than it really costs to provide such education. By way of further explanation and as an aside, I was one of the people who protested strongly in the late 1960s and 1970s when I wanted to enrol my foster children, who were stateless and who came to live here, and the department would not allow me to do that. I had to go to private schools and, in consequence of the protests that I raised at that time and continued to raise, the department saw the good sense of it.

I argued with the department that it was crazy: it had a marketable product and it was doing nothing about selling it and it would expand the state's economy. It would not only be the fees paid to the government schools for the tuition of the student, but there would be all the money they were spending while they were resident here. The departmental officers at the time sort of glazed over, had their blinkers on, and the bureaucratic background through which they had progressed, made it impossible for them to see the point I was trying to make, and that distressed me immensely.

Nowadays, of course, we do understand that, and I think that in no small measure the more aggressive approach that has been taken by the department in marketing its services is attributable to the efforts of the second level director (I cannot remember what the title was), a fellow called Tim Brooks a few years back who was given the responsibility and who was answerable to the Director-General for the development of this service marketed outside South Australia, indeed, overseas. That is the first question. My other question I will leave for a minute.

The Hon. M.R. BUCKBY: The Director-General may go down both tracks about which the honourable member seeks advice. Full fee paying includes the payment for tuition and associated administrative costs, as well as materials and services. It also includes a margin for generation of an income stream, and I am saying that it is not limited to full-cost recovery. The Director-General can look at what is full cost recovery and then look at what the market might be able to sustain. In other words, he can look at other interstate public schools and what they are charging international students, or look at the independent schools and what they are charging and make a decision on what the market may be able to sustain.

Mr LEWIS: I am impressed by the efforts that are made by our state schools now to attract and enrol overseas students and what that means for the state's economy, for the students who attend those schools from within South Australia, and the additional benefit they get from interacting with students from another culture and another country, the friendships that they can develop in consequence and, also, of course, the better understanding which arises about South Australia in the mind of those students who are so enrolled and the likelihood that they will go on and enrol in our tertiary institutions, or post-secondary institutions, once they have completed it.

Moving on then from that, and I commend the minister for it, I wanted to draw attention to new section 106B(1)(b) and ask whether the minister has taken advice about the constitutionality of such a charge in light of the High Court ruling. I think that it all started with the engineer's case and went on to the occasion when the people who live just south of the border, in Tweed Heads, wanted to enrol their children in the university in Brisbane. The Queensland government said, 'No, you can't. This is our university. We put it there for the students who are sons and daughters of Queensland parents. You will have to go to your universities in Sydney or elsewhere in New South Wales.'

As a consequence the people who were living in those communities just south of the border, where there was contiguous urban development, said, 'Like, hell. The constitution guarantees us access to the same services as are available in our state where we choose to accept them in other states, and we are entitled under that provision of the constitution to enrol in the university in Brisbane. It is more convenient for us because our children will be able to come home on the weekends, even if they do not commute daily.' It is only about 60 miles, as the minister would know.

I am apprehensive that in relation to a student of a government school who is not resident in the state, under this provision, the charges, which may be fixed by the Director-General, could be different from those charges that other students who are resident in South Australia would be paying at that same school.

The Hon. M.R. BUCKBY: This allows the Director-General to make that charge to an interstate student but he or she also has the power to waive that charge to an interstate student. In cases that I can think of along the Victorian-South Australian border, reciprocal arrangements exist whereby students go across the border into Victorian schools and the Victorian government supplies the teachers, the classrooms and everything else: in other areas, Victorian students come into South Australia. So, reciprocal arrangements apply. Of course, the commonwealth government pays for the supply of degrees in universities, whereas here the state endures the cost of the delivery of the education. There are some commonwealth funds, but the majority of it is state funds.

So, I believe that it is covered by the ability of the Director-General to make the charge or to waive it, and there are reciprocal arrangements between states in terms of the education of students who live close to the border and decide to go into one state or the other.

Ms THOMPSON: Earlier, we were exploring the issue of the fees payable by overseas students and the fact that there are system-wide as well as school based costs in relation to those fees, and that is why the Director-General fixed the charge and why it was a debt payable to the minister. The system could work the other way around, in that the school council could be liable for a sum on top of the fee payable to the minister in recompense for the system-wide services provided in the handling of overseas students, including their recruitment. That is by the by, to some extent. What I really want to know is where it is set out how schools

might go about enrolling overseas students and the arrangements for the payment of fees and charges.

The Hon. M.R. BUCKBY: That is set out in departmental policy. We actually have an international education unit within the department that both attracts and also advises students of charges. It also works with schools in South Australia that have international students in terms of the care and provision of education to those students. So, it is through the department.

The ACTING CHAIRMAN: Proposed new section 106B stands as printed. The committee will now deal with proposed new section 106C.

Ms WHITE: This essentially deals with the voluntary component of school fees, among other things, so I would like to ask a fairly important question relating to this, as well as to clause 106A. Essentially, this is in a bit of a mess. To avoid the implications of section 9 of the Education Act, which basically says that the provision of primary and secondary education must be free, the government argues that the compulsory charge can only be for non-essential aspects of the provision of education. I have read out a number of things in the compulsory component which to me, according to the sample schedule for schools that the minister has provided recently, certainly look essential to the provision of that education. But then the government uses the contradictory argument that, in order to avoid the GST, everything that appears in that column must be curriculum related. So, there is an obvious conflict there. On the voluntary component—the other side of the ledger—is a whole lot of items that you would have to say are essential to the provision of a child's education. That is the debate that I guess we have on all of this.

The specific question I want to ask, and I think I will ask only one, relates to materials or services. All of this has been a manipulation of definitions in order to, first, get around the GST and, secondly, to get around the principal act, which talks about free provision of education. It is an artificial manipulation and it relies heavily on definitions. However, when it comes to materials and services, there is no definition and there is a specific clause, and I agree with proposed new section 106A(8), which provides:

> A student is not to be refused materials or services by reason of non-payment of a materials and services charge.

What is the definition of 'materials and services'? 'Materials and services' is used to mean different things in different contexts. Students cannot be refused access to materials and services. Then there is the definition of 'materials and services' to be provided to students in connection with courses of instruction: that comes in the compulsory component of the bill. There are also materials and services that come within the voluntary component of the bill.

My question specifically is: what is the definition of 'materials and services'—generally and specifically—as it applies to a student not being refused access to materials and services? Does it mean that a student cannot be refused access to everything that appears in the compulsory component column and everything that appears in the voluntary component column, or does it just refer to things in the compulsory side of the ledger or things in the voluntary side of the ledger? It is a pretty crucial concept. It is a pretty strong provision in the bill, that you cannot refuse access to those materials and services, but nowhere is there a definition that says what is or is not included in materials and services.

The Hon. M.R. BUCKBY: My advice is that students cannot be denied anything related to the compulsory component, so any part of those materials and services which apply to the compulsory component cannot be withheld. Because the parent makes a decision about the voluntary component, I am advised that there could be things that might be withheld from a student: the parent has made the decision because it is a voluntary component of the school operations or of the student's curriculum.

Ms WHITE: Included in the sample column of the voluntary component items are things such as calculators. The minister is saying that this protection in new section 106A(8) of the bill does not guarantee that a school can withhold calculators from those students who do not pay that portion of the fee.

The Hon. M.R. BUCKBY: No, that is right, because, if the member refers to page 5 of the information pack, she will see that the Australian Taxation Office has ruled that a calculator is taxable. I must admit that when I was interviewed about this by a *Sunday Mail* reporter last week or 10 days ago, I expressed surprise as well that a calculator was not an essential part of the curriculum. I said that I would be (and I will be) taking it up with the Australian Taxation Office. I consider that a calculator and a ruler are essential parts of the curriculum. We will make representations to the Australian Taxation Office and see what the answer is, but at this stage the Taxation Office has ruled that they are not an essential component and, as a result, attract the GST.

I do not know, but I am assuming that it might have considered that the student is in receipt of a calculator; it is not leased but is owned by the student; and therefore will attract GST because the ownership is in the hands of the student. I do not know about that, but we will certainly raise that with the Australian Taxation Office.

Ms WHITE: I point out to the committee that that is a significant change in policy because previously the minister had said that schools could not deny or refuse these materials to students for reason of non-payment. I point out that, by saying things in the voluntary component column can be refused to students if their parents or care-givers do not pay those fees, the minister is saying that those things do not come under the definition of materials and services.

Mr LEWIS: I move:

> Page 13, after line 34—Insert:
> Review of sections 106A to 106C
> 106D. The minister must—
> (a) cause sections 106A to 106C of this act to be reviewed in light of the report of the parliamentary Select Committee on DETE Funded Schools established on 9 November 2000; and
> (b) cause the results of the review to be embodied in a written report; and
> (c) cause a copy of the report to be laid before both houses of parliament no later than three months after the making of the report of the parliamentary select committee.

This amendment simply requires the report of the select committee which was established, I think, last Thursday to be reviewed at the direction of the minister and the results of the review put into a written report and laid on the table of the House within three months. This is an entirely appropriate course of action to follow in order to determine whether or not school fees in their present form are considered desirable and, if so, whether or not they are established at the right mix and rate. I believe the select committee ought to go out of its way to discover from the general public not just the vested interests that are peddling the attitudes around the state but

also what the majority of the population thinks about school fees.

It is a controversial issue, especially if one talks to members of the AEU, members of the Labor Party and the Democrats; and the reasons why it is controversial to those people are not the reasons why it is controversial to other groups in the community who not only believe that there is a role for school fees but also would be quite happy to see them increased. The select committee will do us all a favour if it conscientiously sets out to take that evidence and reflect the views that it discovers from all sectors, balance one against the other, and determine it in the public interest in its report. I commend the amendment to the committee.

Ms WHITE: I expressed at the beginning of the committee stage the Labor opposition's disappointment that the vote was lost to send all clauses of this bill to this particular select committee, given the importance and fundamental nature of the changes being made and the very many concerns in relation to these clauses under consideration now about the impact for the 2001 school fee collection by school communities. This is a far inferior course of action in my view—it does not change anything. I find it an extraordinary argument to say that it is important enough to consider the clauses on that select committee, while avoiding the opportunity of actually doing something with them in terms of altering, through amendments to the bill, that which could have been recommended had the course I proposed been followed, and taking this lesser look at the issue, which changes nothing.

The minister has already shown a reluctance to even have this matter looked at on the occasions over past years when I have brought a request for a select committee to look at these matters. He has shown a reluctance to change anything in this bill. It is folly to believe that we will get much of a report from the minister tabled in response to anything the committee comes up with, and the opportunity is lost: the law has been made, the bill has been passed and there is no compulsion on the minister to change that bill. This is an inferior course of action to the one I had proposed, but I certainly support, as I have made clear to the House, the process of that select committee considering these issues. It is very important that it does so, whether or not this bill passes through the House. However, I do say that this is an inferior course of action to the one that the House had the opportunity to vote on.

Mr LEWIS: I have only a limited amount to say about that aspect of the remarks made by the member for Taylor. I respect the views of the member for Taylor, but for as much as she may find this an inferior, subjectively so determined by her, course of action to be followed, it is the proper course of action in that the select committee cannot change the law in any part and, more particularly, the parliament can. If the minister is compelled to respond to whatever the select committee may say, then the minister's views and, embodied in them, the views of the department policy advisers on the question will be contained in the report that comes before the House in response to what the select committee said, and it has to be done within three months, and then the House can decide whether or not it wishes to change the law by any one of the members of the House, or even the select committee itself if it is still operational at the end of that three month period. The select committee itself can recommend to the House a bill which deals with that aspect. It is an entirely appropriate course of action, and I am sure you, Mr Acting Chairman, would agree.

I do not know that the member for Taylor really understands the process by which law is changed by the parliament. Select committees do not have that power; they cannot. In any case, I thank the honourable member for her support for what is a commonsense approach to glean the evidence from around the community of the way in which this question of fees and the compulsory and voluntary elements of them and the extent of them is to be examined by the committee and brought back.

Ms WHITE: It is all a question of timing. Had the other course of action I proposed been successful, the suggested amendments to the bill would have come back for consideration by this House before law was made in this chamber. The course of action proposed by the honourable member for Hammond comes after the event, and the minister is not compelled to consider amendments to the act during the debate on the bill. I see a difference, but I have said all that I need to say on that.

Amendment carried; clause as amended passed.

Clause 7 passed.

Schedule 1.

The Hon. M.R. BUCKBY: I move:

Clause 2, line 35—After "Director-General" insert:
(or a former presiding member, head teacher and Director-General)

By way of explanation, I have moved this amendment after picking out an issue in the member for Taylor's second reading speech last evening. The amendment puts without doubt any issue about the previous signatories of the service agreement, and the current persons who occupy the positions of head teacher, presiding member and Director-General. In the bill, it relates to the current head teacher, Director-General and presiding member, and the member for Taylor raised the issue of teacher mobility in particular schools. By the inclusion of this, there is then no doubt about the previous signatories in relation to the services agreement.

Ms WHITE: The minister referred to an issue I raised in my second reading speech which involved a glaring inconsistency, and he has moved an amendment in response to that. However, I do not want the minister to take that as support for his amendment. The way the minister has worded his amendment has the effect of changing the whole process by which schools become Partnerships 21 sites or opt out of being Partnerships 21 sites. How does a school that was a Partnerships 21 site under a former school council chair or former head teacher now opt out once it has a new head teacher or a new school council chair? This is an issue of concern to a lot of schools. Partnerships 21 has been going for this school year, and we are coming up to the second year of it. Some of those head teachers and presiding officers of school councils are changing for next year or have already changed, and the new councils may feel differently. Under the minister's amendment they remain Partnerships 21 sites, so how do they opt out now, given this amendment?

The Hon. M.R. BUCKBY: I am advised that this is only for the transition arrangements in becoming a Partnerships 21 site. The honourable member mentioned the case where a school council, the head teacher or the presiding member changes, it is a P-21 school and it wants to opt out. We have not come across that situation and I do not expect that we will, but you never know; we will leave the option open. The fact is that an agreement has been signed by a former head teacher and former presiding member and, as a result of that, I believe that the governing council would be required to

continue with the agreement. I will seek some further advice on that, but that would be my understanding.

Ms WHITE: I have more issues with that but, given the cut-off time, I will move on to schedule 2.

Amendment carried: schedule as amended passed.

Schedule 2.

Ms WHITE: This involves an amendment to the Children's Services Act. Will the minister be making any changes to the Children's Services Act in relation to Partnerships 21?

The Hon. M.R. BUCKBY: No; there is no need to do so.

Schedule passed.

Title passed.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I move:

That this bill be now read a third time.

Ms WHITE (Taylor): As we come out of committee I still have a number of concerns in a number of areas. Given the time, I will be brief. There is still a conflict in the definitions of 'head teacher' and 'governing council' in relation to the true extent of the meaning of their joint responsibility under this bill. Issues still remain with respect to joint responsibility in clusters of schools. We are being asked to take much of this bill on trust. Not enough protections are provided in the act. There is necessarily a conflict between the act and the constitutional powers.

I would question the minister on a couple of his answers. Perhaps I will talk to him about those separately and ask him to correct the record if there is a problem. Basically, the GST on school fees is a mess, and the system of compulsory and voluntary manipulations and contradictory concepts and definitions in this bill make it very difficult for schools to operate properly. I am disappointed in the way the bill has come out of committee, and I hope the minister will reassess the situation before the bill goes to the Legislative Council.

Bill read a third time and passed.

RACING (TRANSITIONAL PROVISIONS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION No. 2) BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT

At 12.01 a.m. the House adjourned until Thursday 16 November at 10.30 a.m.