LEGISLATIVE COUNCIL

Tuesday 26 August 1986

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

Classification of Publications Act 1974—Regulations—Exemptions from Classification.

By the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

Medical Practitioners Act 1983—Regulations—Practice Fee.

Australian Barley Board Staff Superannuation Fund—Report, 1985.

By the Minister of Health, on behalf of the Minister of Tourism (Hon. Barbara Wiese):

Pursuant to Statute—

Harbors Act 1936—Regulations—Various.

Director-General of Technical and Further Education—Report, 1985.

MINISTERIAL STATEMENT: BRITISH NURSES

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. J.R. CORNWALL: In the Legislative Council on 6 August 1986 the Hon. Martin Cameron made a savage attack on a recruitment agency named Medical Control Centre Pty Ltd. His allegations led to the publication of a number of grave charges in the next day's *Advertiser* under the headline 'Nurses recruited as "slave labour" '. As Opposition spokesman on health, Mr Cameron was quoted as telling Parliament that a British nursing recruitment agency operating on behalf of the South Australian Health Commission had agreements which constituted 'the next best thing to slave labour'.

On 12 August, I informed the Council that I had been contacted by Mr Bruce Richardson, a Director of Australian Locum Medical Service, which owns and operates Medical Control Centre. Mr Richardson hotly disputed the allegations made against his business and complained that Mr Cameron had not bothered to check any of the charges with him or with the company before launching his attack. Subsequently, Mr Richardson wrote a letter to me—which as I am sure now members will recall I read into the record—complaining about the treatment meted out to an Australian-owned business which has recruited more that 600 medical and nursing personnel for short-term employment in Australia. He was particularly angry because, he said, Mr Cameron had refused to comment on his denial of the allegations and had refused to set the record straight because—Mr Richardson quoting Mr Cameron—'that is not how the political process works'. If Mr Cameron did indeed make this scathing attack without giving the agency an opportunity to defend itself and, if he then refused to consider setting the record straight if his allegations were proved false, then his behaviour was deplorable.

In my original statement when this subject was raised, I said that, if these contracts would not stand up to scrutiny under the industrial awards and conditions under which these nurses worked, then I would take whatever steps were necessary to ensure the situation never occurred again. I gave the same undertaking with regard to the accepted conventions of the International Labour Organisation. The South Australian Health Commission has since advised me that the decision to use the services of the agency was made by the commission in consultation with the Royal Australian Nursing Federation, South Australian Branch. Agreement was not given by the RANF for the temporary recruitment of overseas nurses until the contract and information indicated that the holiday package offered to British nurses was optional. A breakdown of costs with or without the holiday package was provided by the agency. I am further advised that the contract has been scrutinised by industrial personnel of the South Australian Health Commission and that it does not impinge on the terms and conditions of awards under which nurses are employed in South Australian hospitals, nor does it contravene any of the International Labour Organisation conditions.

I will be providing replies to some of the specific questions raised by the Hon. Mr Cameron later today (provided they show up on my desk, which they have not done as yet). These include advice that the nurses are treated in a fair and reasonable manner by this organisation and that the recruiting procedures presently in place are fair. I am further advised that 'the recruiting procedures are monitored by the South Australian Health Commission and the RANF and legitimate concerns about procedures or clarity of documentation have been acted upon promptly by the agency'.

On 15 August 1986 Mr Bruce Richardson delivered to the Leader of the Opposition in the House of Assembly (Mr Olsen) and to Mr Cameron a detailed rebuttal of the allegations which had been made. As of yesterday, neither Mr Cameron nor his Leader had responded. I seek leave to table that document.

Leave granted.

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

That the document be authorised to be published.

Motion carried.

The Hon. J.R. CORNWALL: It is a sad commentary on Mr Cameron's non-existent sense of fair play that he did not acknowledge that rebuttal but that he found time to prepare and deliver a second attack on the agency, once again without checking the agency's version. This time the *Advertiser* headline said 'Nurse not allowed to return to Britain: MP'.

The story was that a British nurse recruited to South Australia for a year had been refused a request to return home to see her dying grandmother and sick father. Once again, the Hon. Mr Cameron sought to involve the Minister of Health on the basis that the Trades and Labor Council should investigate the conditions under which British nurses were recruited for South Australian hospitals and might then influence me to solve the nurses' contractual problems.

That is, of course, a ridiculous proposition. But at least it explains why Mr Cameron is prepared to behave in such an appalling manner. He seeks to implicate me in the alleged 'slave labour' employment of nurses in South Australian hospitals. These are trumped-up charges by a headline-hungry and cynical politician who does not care whom he hurts in the process. In a memorandum dated 25 August 1986, the Chairman of the South Australian Health Commission has provided this advice:

Re: British Nurses

The content of the rebuttal document provided by Mr Richardson has been examined by officers of the South Australian Health Commission as part of an overall examination of the issues raised from 6 August onward. The documents cited by Mr

Richardson as being provided to the nurses during the recruitment process are contained in the recruitment manual and have been since recruitment for South Australia began. A minor amendment (i.e. the underlining of information already contained in one information sheet) was suggested and agreed to by the agency. South Australian Health Commission officers are satified that appropriate information is provided to the nurses and further, that they are advised not to resign before the visa application is approved. The visa process takes approximately six to eight weeks and contracts are sighted and signed before that process begins.

The contract does not impinge on the terms and conditions of awards under which nurses are employed in the SAHC system, nor does it contravene any of the International Labour Organisation conditions. Independent confirmation of some of the information supplied by Mr Richardson in his rebuttal is being sought (e.g. the retail costs of fares and holidays). Subject to such confirmation being received, the Health Commission is satisfied that, on the basis of current information the practices of the agency are in accord with the conditions agreed by the RANF (South Australian Branch) and the SAHC.

This is an entirely different picture from the one painted by Mr Cameron. It is supported by a letter I have received from Marilyn Beaumont, the Secretary of the RANF, South Australian Branch. I seek leave to table that letter.

Leave granted.

The Hon. J.R. CORNWALL: It says, in part, that on 15 July two overseas nurses employed at the Royal Adelaide Hospital went to the RANF office complaining about their contracts. They were due to return to Britain in nine weeks. I interpose here the comment that, whatever the validity of their grievances, the complainants had been working in South Australia for some eight months before they sought union assistance. Ms Beaumont's letter continues:

The RANF (South Australian Branch) was approached by another overseas nurse employed at Glenside. This person we referred to the union's lawyers. It was their opinion that the contract could only be challenged in Britain as it is a British contract. The nurse, in further discussing the matter with the union, agreed to go to the Royal College of Nursing on her return to Britain and work with them to challenge the contract. I understand that this nurse has made the decision to break her contract to return to Britain because of illness in her family.

This is obviously a reference to the case quoted by Mr Cameron. Some six weeks after arriving in South Australia this nurse approached the agency and said she wished to return to the United Kingdom for personal reasons. She refused to say what those reasons were until, on advice relayed from the Principal Nursing Officer of the South Australian Health Commission, she wrote to the agency on 9 August advising that she had a sick father and a dying grandmother. Members will not be surprised to learn that there is another side to this story.

The same day that Mr Cameron stood up in Parliament to deliver a second broadside to the agency, the nurse met with South Australian Health Commission officers to discuss her complaint. She had already bought a return ticket to Britain and insisted she would be leaving the following Sunday. Under the terms of the travel insurance policy which was part of her contract she could have pursued a claim for reimbursement of any moneys she was required to pay the agency for breaking the contract. No reason was given to Health Commission officers why she did not follow this course.

Yesterday I received a copy of a telex sent to Mr Olsen by Mr Richardson. The telex said that, when the Director of Nursing at the agency's London office contacted the father of the nurse for further information, she was told the father was not sufficiently ill to consult a doctor. Her grandmother was 'of great age and her eventual death is to be expected'. In addition, the family was not aware of the nurse's impending trip back to the UK. Mr Richardson's telex said that in the light of this information it seemed unlikely that the insurance company would be prepared to pay the curtailment expenses incurred due to the sudden illness of a close relative.

When I addressed these matters in the Council on 12 August, I stressed that it is not my role to arbitrate in disputes between Mr Richardson and individual nurses who may for one reason or another be dissatisfied with their contracts. However, I said I was concerned to ensure that the South Australian Health Commission was fully aware of all the facts and that officers have acted in the best interests of employees and patients in our hospital system. On all the evidence available to me, I am satisfied that the commission has acted responsibly and efficiently. In her letter of 22 August, the RANF Secretary, Ms Beaumont, says that the 15 July visit from two nurses working at the RAH and the approach by the nurse working at Glenside are the only occasions on which the RANF has been approached by overseas nurses on ALMS contracts expressing dissatisfaction. The letter concludes: 'RANF (South Australian Branch) disputes Mr Cameron's statement that this employment of nurses is "the next best thing to slave labour".'

Quite clearly, a number of aggrieved nurses have been very vocal about their complaints, including the individual referred to earlier who worked at Glenside but lived at the Royal Adelaide Hospital. The Royal Adelaide Hospital was sufficiently concerned about the complaints made by nurses working at the hospital to decide against using the agency for recruitment in future. Whether the hospital consulted the agency about any of those complaints before making that judgment is not a matter of concern to me. As I have explained in my reply to Mr Cameron, the hospital opted to use the agency in the first place and it is free to change its view.

Neither the Health Commission nor the RANF supports the wild allegations made by Mr Cameron—which is also interesting. As usual, he is not constrained by the facts. I cannot redress the wrongs done to Mr Richardson but I can, at least, refute the irresponsible and untrue charges made by Mr Cameron and acknowledge publicly Mr Richardson's right to a fair go.

PERSONAL EXPLANATION: BRITISH NURSES

The Hon. M.B. CAMERON (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. M.B. CAMERON: Last week when I raised the question of British nurses I made one error of fact; that was in relation to funds that were being sought by the agency from the nurse who was leaving. I mentioned an amount of $2 200 when, in fact, that amount was $2 900. I seek leave, first, to table a letter from the nurse concerned, which is addressed to the agency and which details her complaints; and, secondly, a document that sets out the costs and expenses in relation to this whole argument.

Leave granted.

QUESTIONS

DRUGS

The Hon. M.B. CAMERON: I seek leave to make an explanation before asking the Minister of Health a question about drugs.

Leave granted.

The Hon. M.B. CAMERON: I have been approached by a medical practitioner who is concerned at the cost to the

taxpayer of supporting people who receive sickness certificates for reasons that are not genuine. I am told a number of people approach GPs for these certificates under the guise of being alcoholics or drug addicts who are unable to work.

The certificate means that they are under no obligation to report to the Commonwealth Employment Service; therefore, they do not have to look for work. In addition they receive more benefits through having a sickness certificate than they would if receiving the dole. The illness described on the certificates can be stated simply as 'medical condition' 'nervous disorder' or a similar euphemism. It is only when these people have had the certificates for 12 months and their condition is reviewed that a reason for this so-called illness must be given. Even so, they can simply change doctors in order to receive another certificate for 12 months.

Sickness certificates are usually sought by people on the dole who want a free ticket to more benefits and no responsibility to look for work. They allow for rental assistance, transport concessions, telephone rental concessions and the supply of most prescription drugs free of charge. In addition to these benefits, I am told many go to GPs for addictive prescription drugs, such as Serepax, which are then sold on the black market for $1 a tablet. Although it is illegal for GPs to issue two scripts for the same drug to one patient in a day, these people can see an unlimited number of doctors throughout Adelaide, which leads to quite a considerable boost to their profits.

The GP who approached me was concerned about this situation for a number of reasons: first, no justification needs to be given by the GP for issuing sickness certificates; secondly, alcoholics and drug addicts are receiving no treatment for their habits and are effectively being rewarded; and thirdly, the taxpayer should not be forced to bear the burden of people ripping off the system. The GP estimated that only 5 per cent of patients seeking Serepax had genuine problems. He said abuse of the drug was an enormous problem, which was currently being condoned, and not by this GP. He estimated the cost to the taxpayer would be around $100 per day per person in subsidies for consultations and scripts. I am told that there are GPs who are very concerned that they can be accused of supporting the situation to keep their patients happy and keep them coming back.

The GP who approached me contacted both the Department of Social Security and the Department of Health about the problem and the reply in both instances was that the guidelines have been set and nothing could be done about it. They said they did not question doctors' advice. The GP also contacted the Drug and Alcohol Services Council, which wrote to the Health Department on his behalf. However, the reply was the same.

Will the Minister approach the Federal Government to first, have this situation clarified to protect the genuine GPs who are legitimately concerned about the practice; secondly, have rules changed so that there can be a proper assessment made of people seeking sickness benefits under the guise of being addicted to alcohol or drugs? I understand that the Minister himself cannot do that and that it must be done at the federal level. Thirdly, will he ensure the reason for issuing the sickness certificate be put on the certificate at the time of issue rather than 12 months later, where drugs and alcohol are the basis of the certificate; fourthly, control the prescription of addictive drugs by registering those who require such drugs to one doctor; and finally, seek legislation to ensure that drug addicts are treated by GPs who are trained in the field, or referred to appropriate centres?

The Hon. J.R. CORNWALL: Anything for a headline! He is at it again—blaming the victims. With regard to controlling the prescription of addictive drugs or drugs confined to prescriptions generally, we have in place, and have had in place now for about two years, a fully computerised record system which keeps track of every prescription presented and dispensed to every pharmacy in this State for classes of drugs which are considered to be addictive or which might be diverted into the black market. As I said, that computer system was implemented as a direct result of my inquiring as to how we could improve the manual system which previously existed. We now have—and I cannot say this too often—a record of every prescription for these classes of drugs presented and dispensed at every pharmacy in the State. So much for that. I set that matter aside.

I must regard the Hon. Mr Cameron's comments with some cynicism, given the inaccuracies of the matters that he has brought before the Council since we resumed last month. However, the GP referred to by the Hon. Mr Cameron allegedly said that alcoholics and drug addicts received no treatment. If the alcoholics and drug addicts presenting to practices received no treatment, it would be because of the failure of the individual GP to use the existing agencies. In this State we have drug and alcohol services which are, I would argue, the best in the country. The entire spectrum of treatment, rehabilitation and early intervention for substance abuse (that is, for drug and alcohol abuse) has been completely revamped.

I have told the Council on numerous occasions that one of the first things that I did on becoming Minister was to call in the old Alcohol and Drug Addicts Treatment Board and set in train a whole series of events to ensure that it was replaced by a very much updated Drug and Alcohol Services Council. In the first instance, it was constituted as a ministerial task force: it reported to me with a blueprint for a three-year plan to drag the drug and alcohol services in this State from the 1960s into the 1990s. Fortunately, at about the time that that became available, there was also a massive increase of about 50 per cent in funding for drug and alcohol services; that was made available as part of the national campaign against drug abuse. So if any alcoholic or any person with an alcohol problem or with a drug problem is presenting to general practices, particularly in metropolitan Adelaide, there are very well established treatment agencies to which they can be referred. If the particular GP mentioned by the Hon. Mr Cameron has any problems regarding that, he should telephone the Drug and Alcohol Services Council direct, and he will be given a comprehensive list of the treatment services available.

The Hon. Mr Cameron says also that only 5 per cent of the patients who are presenting genuinely require Serapax and that they can in fact do the rounds of doctors' surgeries. I raised this matter as one of public concern almost three years ago. The question of the abuse in retail sale of prescription drugs has been a matter of concern to me ever since I became Minister of Health. I think it is probably a gross overstatement to say that only 5 per cent genuinely require Serapax. It is true, however, that prescriptions for Serapax by and large are written perhaps too freely by some practices. It is certainly true to say that abuse of Serapax by suburban housewives, in particular, is a problem. It is for that reason that we are about to conduct a major survey of drug use and abuse patterns by women in South Australia. We want to find out just how much abuse of drugs like Serapax is occurring among women, so we have taken every reasonable step that we can as a responsible State Government to stop the abuse of drugs and to make sure that we have available adequate—indeed, very adequate—treatment services.

The question of sickness benefits and the writing of prescriptions by doctors is a matter for a number of agencies including federal authorities and, of course, including the Medical Board of South Australia. I would be happy to have my senior officers in the Health Commission and in drug and alcohol services confer with federal agencies, particularly the Department of Social Security and the Federal Department of Health but, Ms President, I would be very loath to accept on face value the narrative of Mr Cameron. I would be very loath, as I always am, to get too quickly into blaming victims of the drug trade. My scorn, as everybody here knows, has always been reserved for the scum who trade and traffic in drugs.

However, in order to check absolutely everything that we might possibly be able to do, I would be very pleased if Mr Cameron would supply me in confidence with the name of the general practitioner, and I will have my officers contact that general practitioner, again in confidence. I hope that this general practitioner is not like the 241 patients who allegedly rang in when Mr Cameron conducted his bogus phone-in about waiting lists. The Hon. Mr Cameron at that time said he had received 241 calls; that the details of the callers had been recorded; that he would be making them available to my office; and that he would be seeking urgent action. To my recollection, that was at the end of March, and we are still waiting for one name and address. We are still waiting. This is the bogus operator with whom we are dealing. He nominated the exact number—241. They were said—

The Hon. K.T. GRIFFIN: A point of order, Madam President. Under Standing Orders, the Minister's answer at least has to be relevant to the subject.

The PRESIDENT: I am afraid it does not. Could you tell me to which Standing Order you are referring?

The Hon. K.T. GRIFFIN: I will find it in a moment.

The PRESIDENT: Standing Order 110 says, 'In answering any questions, the member shall not debate the matter to which the same refers.' There is no mention of relevance.

The Hon. K.T. GRIFFIN: He is debating it now.

The Hon. J.R. CORNWALL: Ms President, it is very relevant, because the whole matter under discussion is Mr Cameron's credibility. Concerning the 241 patients who allegedly telephoned him during that phone-in, he stated that he was going—

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: He stated that he would refer those names and addresses to my office. Four months later, we are still waiting.

VEHICLE INSPECTION STATION

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Transport, a question on vehicle inspection.

Leave granted.

The Hon. L.H. DAVIS: I have had a complaint from a constituent about the State Department of Transport's Vehicle Inspection Station at Regency Park. The constituent had purchased a 1978 MGB GT from a relative in Queensland. The car was in immaculate condition but, as it was an interstate vehicle, it had to undergo an inspection at the Vehicle Inspection Station. As the vehicle was unregistered, the constituent had to go to the Motor Registration Division in Wakefield Street to obtain a permit enabling her to drive down to Regency Park. The permit cost $5. She was told that the staff at Regency Park was inefficient but, if she hurried, the inspection should be completed before closing time. At the Motor Registration Division she filled in two forms—one for the registration and one for the permit. She affixed the permit and drove to Regency Park. She had to fill in another form there to allow an inspection of the engine number by the policeman on duty. As the vehicle was imported from England, it had no compliance plate, and she was then referred back to the office to fill out a compliance plate exemption form. Because it had no compliance plate, a technical inspection was required.

The constituent was now aware that she was running out of time and suggested to the staff that she should provide a cheque for $25 for the inspection plus the cost of registration if they could start processing the registration and provide the number plates. The constituent was pleased with the cooperation to that point. The technical officer then arrived and commented on the fact that the plates were already on hand and that it was, as he put it, 'A bit brash.' He inspected the vehicle alone and came back and said, 'The vehicle has problems.' He then said the internal sun visors did not meet Australian standards and had to be removed or replaced with Australian sun visors, and that the back seat had to be removed or, alternatively, seatbelts installed in the back.

He demanded proof that the car had been in Australia since 1985. The constituent offered an English export licence dated 1981 and referred to the Queensland registration sticker 1985-86. This did not satisfy him as he wanted the Queensland registration papers. The constituent said that five years earlier she had bought a similar car from Queensland and had not encountered the same difficulty. The technical officer said that clearly the officer inspecting her vehicle on that occasion was not doing his job. His manner was abrupt. The constituent was then required to fill in another form for a permit to drive the car away. The permit cost $5. She then drove to a garage and was told they would endeavour to fit the seatbelts at a cost of about $100. She arranged for registration papers to be sent from Queensland. The garage advised her that, after consultation with the very same technical officer, the installation of seatbelts was in fact impossible, but the back seat had to be removed to comply with his demands, notwithstanding the fact that an adult person or large child was quite unable to sit in the back seat.

The constituent returned to Regency Park, saw another technical officer, paid a further $25 inspection fee and filled out another form. She received prompt attention and was conscious that the staff were trying to compensate for the difficulties which she had encountered during her first visit. I have made several inquiries through garages and people in the motor trade, and the feedback is consistent: the work practices at Regency Park are dreadfully inefficient, and quite often people with vehicle inspections are forced to come back three or four times before approval to register is granted. According to my contacts, it is not uncommon for an inspector to pick out a defect and require it to be corrected before completing the rest of the check. This is time wasting and expensive with an inspection fee payable for each visit. It is a good revenue raiser.

In the case of my constituent, if she had not had an alert garageman, she could have spent $100 on seatbelts which were not in compliance with the law. In any event, she did not have to put the seatbelts in. Thirdly, although it is generally agreed that South Australia has high standards for vehicle safety, there are some anomalies which are hard to justify. For example, a Mercedes Benz, a car highly regarded for its safety features, needs new sun visors when it is

brought into Australia. There are also inconsistencies in Australian design rules as between the States. Perhaps I should add that the constituent to whom I refer is in fact my wife. Therefore, will the Minister ask his colleague the Minister of Transport to initiate an urgent review of work practices and procedures at the Department of Transport's vehicle inspection station at Regency Park?

The Hon. J.R. CORNWALL: I will refer the question to my colleague and bring back a reply.

PETROL RETAILING

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about petrol retailing.

Leave granted.

The Hon. K.T. GRIFFIN: We are informed by the press that by Thursday of this week South Australians will have 24-hour petrol retailing across the State. We are told that the Chairman of the *ad hoc* committee (Hon. G.T. Virgo) and oil industry representatives on the committee made this recommendation, but the petrol retailing industry representatives disagreed. There is no doubt, however, that there is strong support in the community for freeing up trading hours. Nor can there be any doubt that many small business operators will go to the wall and be forced out of the industry.

I understand that the *ad hoc* committee gave some consideration to this problem and made two major recommendations to assist small business operators. One was that the Motor Fuel Licensing Board should monitor the closure of sites and be the independent arbitrator between the oil company landlord and the small business operator, the tenant, if they cannot agree on reasonable terms and compensation for closure. I understand that the other recommendation was that, because automated card operated pumps would be allowed under the committee's recommendation, they could be installed only at sites manned for a minimum 38 hours per week to avoid the problems of 'ghost' stations, that is, unmanned stations dispensing fuel through automated card operated pumps. No indication has yet been given by the Government as to whether or not it accepts these two recommendations or how they are to be implemented. The uncharacteristic haste the Government is displaying to implement 24-hour trading, perhaps to deflect criticism of any increase in petrol tax next Thursday, certainly has not allowed any time for consultation with the Government on protection of small business operators who are likely to be bankrupted or otherwise forced out of business. Therefore, my questions to the Attorney-General are:

1. Will the Attorney-General table the report of the *ad hoc* committee?

2. Does the Government accept the other recommendations of the *ad hoc* committee?

3. If it does, what steps does the Government propose taking to enforce those recommendations?

The Hon. C.J. SUMNER: The answer to the first question is 'Yes'. The answer to the second question is 'Yes'. The answer to the third question is that it is the subject of investigation by the Minister of Labour.

The Hon. K.T. GRIFFIN: I desire to ask a supplementary question. Can the Attorney indicate within what time the recommendations are to be implemented and by what means they will be implemented?

The Hon. C.J. SUMNER: It is not possible to indicate that at this stage. As I said, those recommendations are being considered by the Minister of Labour. I believe that they are recommendations that deserve support, and that is also the view of the Government. Obviously, the recommendations require further inquiry before determining precisely how they will be implemented. I do not have the timeframe for that but, obviously, with the deregulation of trading hours, those matters will need to be examined as quickly as possible.

EDUCATION FUNDING

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister of Ethnic Affairs a question about education.

Leave granted.

The Hon. M.S. FELEPPA: As a result of the recent Federal budget handed down by the Federal Treasurer, it appears that specific purpose grants will no longer be made by the Commonwealth Schools Commission towards Multicultural Education Programs, the English as a Second Language Program, Special Eduction Programs and the Education Centres Program. Additionally, a ceiling limit on Commonwealth per capita grants under the Ethnic Schools Program of $35 per capita with maximum spending of $8 million for 1986-87 has been set.

These measures are ones that may drastically curtail school based education programs designed to deal with matters that arise in our society because of its multicultural composition. Furthermore, it appears that the funding for these programs, which appear to have been cut, is to be provided from recurrent grants to the State from the State commission. Therefore, my questions are as follows:

1. Will the Minister give or seek from the Treasurer and the Minister of Education an assurance that, with this apparent transfer of funds from specific purpose to recurrent grants, the programs mentioned will nevertheless be maintained at the current real levels?

2. Will the Minister indicate whether appropriate representations are made to the Commonwealth to reconsider the ceiling placed on Commonwealth funding under the Ethnic School Program?

The Hon. C.J. SUMNER: Obviously, I am concerned about the effect of the Federal Government's budget on some aspects of education funding in this State and, in particular, on its potential effect on the multicultural education programs that have been developed. Of course, it is not possible for the State Government to fund areas that have been withdrawn from support by the Federal Government without any qualifications, but the matter that the honourable member has raised will be referred to the Minister of Education who, I know, is considering the issue at the present time. I will bring back a reply to the honourable member as soon as possible. Obviously, as I said, it is not possible for the State Government to intervene with respect to every funding cut implemented by the Federal Government. However, if some assistance can be given in some areas then the possibility of doing that will be examined and I will bring back a reply to the honourable member once the Minister of Education has considered the issues relating to education in the Federal budget and the contents of the honourable member's question.

WOMEN'S SHELTERS

The Hon. J.C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Community Welfare on the subject of women's shelters.

Leave granted.

The Hon. J.C. BURDETT: I refer to the article in yesterday's *Advertiser* headed 'Women's Shelters $88 700 in red as Government Withholds Funding'. The report reads in part:

> Earlier yesterday the Minister of Health and Welfare, Dr Cornwall, said it was time the shelters became accountable for their expenditure which averaged about $160 000 a shelter last year.

However, as the editorial in today's *Advertiser* points out the shelters are already accountable and have to lodge with the department quarterly accounts and annual audited accounts. The so-called contracts, to which the Minister refers, are hardly contracts in the legal and commercial sense between parties in a free bargaining position. The Minister is saying that if the contract is not signed the money will not be provided. I do not see why the Minister insists on signing contracts. When I was Minister of Community Welfare the shelters declined to sign contracts on the grounds that they did not want their signing to be seen as endorsing what they considered to be inadequate levels of funding. That is what they are still saying. It is what they were reported in yesterday's *Advertiser* as saying.

I did not ask them to sign the contracts. I laid down guidelines which I expected them to observe as a condition of funding, and these included quarterly accounting. It was quite possible without a contract to exercise control by stopping funding if the conditions were not complied with. There was, in fact, while I was Minister, trouble with only one shelter, Naomi, which radically departed from the guidelines and which did not heed requests to comply. I did stop funding the shelter (and, I might add, was roundly criticised for doing so by the then Opposition), and the shelter closed. I set up an alternative shelter with similar funding with the help of the Women's Shelter Movement. I might add that in the whole of that process, including the closing of Naomi, I had support from the Women's Shelter Movement. The article in the *Advertiser* states (and I am pleased to read this) that the Minister announced a funding boost for shelters in the coming year.

My questions are as follows:

1. Why does the Minister insist on so-called contracts?

2. Cannot he exercise adequate control by laying down conditions and guidelines?

3. Are not the shelters already accountable through their quarterly accounts and annual audited accounts?

The Hon. J.R. CORNWALL: If I were the Hon. Mr Burdett I would not talk about his record, when Minister, with women's shelters. I can understand them not wanting to sign any sort of agreement with him. It was a formal protest about the inadequacy of funding. The Hon. Mr Burdett presided, in the unhappy three years of the Tonkin interregnum, over the decimation of community welfare services in this State generally.

The Hon. J.C. Burdett: That's rubbish!

The Hon. J.R. CORNWALL: It is not rubbish; that is recorded fact. If I were the Hon. Mr Burdett I would keep very quiet. However, he has asked me why I want these shelters formally accountable. The position has now been reached, under the sheltered accommodation assistance program, where this financial year, despite the constraints of the budgetary situation generally, the total amount of money to be distributed to shelter accommodation programs in this State will reach $6.74 million. That represents an increase in real terms of $713 000, close to 12 per cent, despite the difficult times in which we live.

The SAAP program is a joint Commonwealth-State program. Not unreasonably, the Commonwealth Government requires formal accountability, as does the Department for Community Welfare. There is nothing unusual about that; we do it with every health unit under the purview of the South Australian Health Commission. For example, we do it with almost every non-government agency that receives significant funding. If the argument were still valid that the shelters were receiving funding which was clearly and manifestly inadequate, as they did in Mr Burdett's day, then I could understand their refusing, as a matter of protest, to enter into any sort of formal agreement. That was the position when the Hon. Mr Burdett was the Minister of Community Welfare. The fact is that the shelters, under the current Federal and State Governments, have received a 36 per cent increase in their funding in real terms over the past two years, so it is no longer the hand to mouth existence that it was under Mr Burdett.

The 13 women's shelters received on average last year about $160 000. In the financial year 1986-87, taking into account inflation and the very substantial additional funding, they will receive on average close to $200 000. All we are asking for is some formal accountability. The negotiations between the department and the women's shelters are proceeding amicably, I would think, and are, as far as I can ascertain, close to resolution. There are indications, according to my Director-General, that most shelters are close to signing the undertaking.

The Hon. C.M. Hill: Why won't they sign?

The Hon. J.R. CORNWALL: They will not sign because they were insisting on having the ability to move money between the salaries line and the goods and services line up to $10 000.

The Hon. Diana Laidlaw: Also because the Minister wanted to take control.

The Hon. J.R. CORNWALL: The last thing I want to do is be involved directly or indirectly in running women's shelters. Let me tell the invisible woman here and now that the last thing I want to do—

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: I can assure you it is a very short nose and there is very little that I can poke it into at all.

Members interjecting:

The Hon. J.R. CORNWALL: Have you all finished? If you have, I will proceed. You are wasting your own time. If you think that is good parliamentary tactics, so be it. He who would be Premier!

The Hon. C.J. Sumner: Which one are you talking about?

The Hon. J.R. CORNWALL: 'Curly' is his stage name, but his friends call him 'Truthful'.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The amount of $10 000 was considered by the department to be too large. It, in turn, suggested $1 000. I discussed these matters as recently as this morning, and have always made clear that I want the shelters to have a substantial amount of discretion in moving money between the salaries line and the goods and services line. I have told my officers that in their further negotiations this week they should make an offer of $3 000, which I consider to be reasonable, if not generous.

I have also quite clearly instructed them that in the meantime the shelters are to receive ongoing funding on a fortnightly basis. Any suggestion that any woman, wife or child in the shelters will be disadvantaged during the time of these negotiations is mischievous and untrue. The shelters have now engaged a solicitor to formally assist them in drawing up these agreements, and I expect that the whole matter will be settled before the week is out. It is relatively easy to negotiate in a position in which one is seen to be generous, and that is very different, of course, from the bad old days when the Hon. Mr Burdett was closing shelters.

URANIUM SALES

The Hon. C.M. HILL: I direct two questions to the Attorney-General, as Leader of the Government in this place. First, what is the Attorney-Generai's view in relation to the Federal Labor Government's sale of uranium to France? Secondly, what is the State Government's view on this issue?

The Hon. C.J. SUMNER: This matter has already been canvassed by the Premier in another place. I do not intend to express a personal view on a matter that involves Government policy.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The honourable member is aware of what the Premier said in another place last week. The fact is that an indenture is in place in South Australia in relation to Roxby Downs, passed and endorsed by the Parliament. I do not see that Parliament is in a position to amend that indenture, given the history of the matter.

WETLANDS POLLUTION

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister for Environment and Planning, a question about wetlands pollution at Proper Bay, Port Lincoln.

Leave granted.

The Hon. M.J. ELLIOTT: It was not my intention to ask this question of the Minister of Local Government, who is also involved in this matter; but, as people involved in local government say, when you need her she is not there.

The Hon. M.B. Cameron: That is not fair.

The Hon. M.J. ELLIOTT: It is pleasing to see that reports so far on flouride pollution in Porter Bay—

The Hon. M.B. CAMERON: I rise on a point of order. It is not often I speak up for a Minister, but I indicate to the honourable member that the Minister of Local Government asked and was given a pair by the Opposition. It is unfair to reflect on her in that way. I ask that the member withdraw that statement about the Minister.

The PRESIDENT: Order! That is not a point of order, but I appreciate your comment, Mr Cameron.

The Hon. M.J. ELLIOTT: I apologise, Mr Cameron. I should follow his example and not do such things. It is pleasing to see that reports so far on fluoride pollution in Porter Bay and the area of the marina suggest that everything is fine in terms of environmental damage and risk to people. However, the reports so far are too scanty to be over confident. My concern is the competence of the Minister for Environment and Planning and the Minister of Local Government.

The Minister for Environment and Planning was informed in mid-February by letter of potential problems, yet it is only now that any significant attempt is being made to measure effects and to prevent the pollution. In a letter the Minister for Environment and Planning sent to Mr Peter Blacker on 13 May he said that it was 'unacceptable that the lagoon and stormwater channels be allowed to be polluted with acidic wastes'. He further said that the matter had been raised with the Minister of Local government 'who has powers and responsibility under the Local Government Act to prevent pollution of the areas concerned'. I imagine he is referring to clause 635 (1) of the Local Government Act.

At that time the diversion channel was only half completed, yet the work proceeded and in late June, at least five weeks after the Minister of Local Government—because the Minister for Environment and Planning had known for about five months—was first made aware of the problems, and for two or three days the drain flowed carrying pollutants. In this time somewhere between two and five tonnes of fluoride entered the wetlands. These wetlands at different times are used by about 40 species of birdlife. The diversion drain was belatedly closed off but there are still problems.

First, the wetlands are almost certainly polluted to a toxic level and through evaporation will become increasingly so in early spring. Secondly, pollutant is still finding its way into the wetlands. Rainfall is causing the Cresco Holding Ponds to overflow in the past week or so and the existing drain is overflowing into the diversion drain further polluting the wetlands.

In summary, the Minister for Enviornment and Planning was notified of potential problems in mid-February. He acknowledged the problems three months later and said that pollution of the lagoon was unacceptable. He said that the matter had been raised with the Minister of Local Government, who had the 'powers and responsibility'. One month later the predicted pollution occurred. Two months later it is continuing to occur. My questions are:

1. Is the Minister for Environment and Planning correct in stating that the Minister of Local Government was informed of the matters prior to his letter of May? If so, what date was the matter brought to her attention? If not, is the Minister for Environment and Planning misleading Mr Blacker?

2. Assuming that the Minister of Local Government was aware of the problem as asserted by the Minister for Environment and Planning, does the Minister know she failed to act to stop the pollution which occurred five weeks later?

3. Does the Minister know what action is in hand to prevent the continuing pollution due to overflow caused by rain, what is to be done to detoxify the wetlands and when will it occur?

4. What is the level of toxic substances in the wetlands into which the stormwater was diverted?

The Hon. J.R. CORNWALL: I will refer that question to my colleague and bring back a reply.

WOMEN'S SHELTERS

The Hon. DIANA LAIDLAW: I have a question for the Minister of Community Welfare in relation to his insistence that women's shelters sign contracts as a condition of receiving future grants. I ask the Minister:

1. While the issue of contracts remains unresolved, does the Government intend to provide shelters with ongoing funds for salaries? I understand that in the instance of the Christies Beach women's shelters there will be no money for salaries that are due to be paid tomorrow. I add that the Minister indicated that there would be money for food but made no indication earlier in answering a question whether there would be money for salaries.

2. Is it the Minister's intention that contracts in the same or a similar form to that which he is insisting shelters sign must be signed in future by all non-government organisations that will receive grants through the Department for Community Welfare?

The Hon. J.R. CORNWALL: I did not specifically mention that there would be money available for food only. I said that in the meantime, pending resolution of the current negotiations, that I had instructed that the shelters were to continue to receive funding on a fortnightly basis. I went on to say that no false accusation should be made that any

mothers or children in any of those shelters would be deprived of adequate sustenance and support because of the fact that there were ongoing negotiations. I have clearly instructed that they are to receive their funding on a fortnightly basis. Of course, that includes money for salaries as well as for goods and services.

The Hon. Diana Laidlaw: That is welcome news for some shelters.

The Hon. J.R. CORNWALL: This is the most incredible performance that I can recall—this week at least. It is an incredible Opposition. As I say, I am no longer amazed by its performance, but I am continually surprised.

The Hon. C.J. Sumner: Unbelievable.

The Hon. J.R. CORNWALL: As K.G. Cunningham would say—it is unbelievable. We had the great saga of Lyell McEwin Hospital and the lack of financial accountability in 1981-82—which was well before I was Minister, mark you. However, the Hon. Mr Cameron and his colleagues went on and on, day after day, week after week, naming senior officers in the Health Commission, slandering senior officers in the Health Commission and alleging a lack of accountability. Of course, when the Auditor-General went to Lyell McEwin Hospital and did a full investigation, he came back and said that the Health Commission officers had all acted properly. However, we did not get any apologies from members opposite; just as we will not get any apologies, I suspect, to Mr Richardson of the Nursing Locum Service. Members opposite demand financial accountability. I am a Minister of the Crown with a budget responsibility in 1986-87 across my two portfolio areas of about $900 million. What sort of a Minister would I be if I did not insist on some reasonable formal degree of financial accountability?

It will certainly be my policy to see that there are lines of clear accountability in any area in which I provide funding, and I will never apologise for that. If we are going to have any notion of ministerial responsibility—and that is something to be treasured in the Westminster system—of course it is absolutely imperative that we have clear lines of financial accountability for taxpayers' money. That will continue to be the position while I am a Minister, particularly while I am Minister of these two very large portfolios with combined budgets approaching $900 million.

COUNTRY DOCTORS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Health a question about the availability of country doctors.

Leave granted.

The Hon. PETER DUNN: We hear quite consistently about the number of doctors who cannot get work in the city. However, there is a shortage of doctors in the country. I refer particularly to the area in the west of the State which is between six and eight doctors short at this very moment. That figure varies, but for the past 12 months that is about the average. The reason for the shortage of doctors is very difficult to pinpoint. Some reasons are that they are under great pressure because they are single doctors in single doctor communities with the next doctor perhaps 20, 40 or 60 miles away; and there is the lack of a *locum tenens* in the area so, when doctors wish to go for a holiday and take their families, there is great difficulty in obtaining someone to take their place. Because of this, doctors tend to remain in country towns for very short periods. However, there are one or two doctors who stay for longer periods. The younger doctors tend to stay for relatively short periods.

When queried as to why the younger doctors do not stay and why there are no doctors in a particular area, many will say that it is because of the lack of preparation for country practice. The final thing is that whenever an anaesthetic has to be performed it is a requirement that there be two doctors: therefore, there must be more doctors in the country. First, what action is the Minister taking to help keep the State's health care (as the Minister often states) the best in the world? Secondly, is any action being taken by the Minister or his officers to influence the education authorities to prepare medico graduates for country service?

The Hon. J.R. CORNWALL: I thank the Hon. Mr Dunn for his questions, which are relevant and timely. There have been recent difficulties in recruiting GPs to some country areas. That applies particularly to the West Coast area generally, and the western sector in particular. As recently as last Friday night I discussed this matter at some considerable length with a group of GPs and specialists. The areas that have been identified in a number of discussions that I have had with doctors in the Health Commission, in the AMA and the specialist colleges are basically three: first, locum services; secondly, adequate training at GP level for competence specifically in anaesthetics, obstetrics and surgery; and, thirdly, adequate and ongoing postgraduate education. I have specifically and formally asked the commission to look at the manner in which we can best provide locum services on an ongoing basis.

Of course, under the recent agreement that was concluded with country doctors we provide single person practices or husband and wife practices with an annual allowance of $4 000 to pay a locum each year as part of their contract with local hospitals. In addition, it seems to me that we should be able to establish and maintain locum services based on one of our major metropolitan hospitals so that a locum could be rotated through the various country practices and have a base to return to. That is done in New South Wales. I am having that matter actively investigated at present, and I give it the highest priority. I acknowledge that the provision of an adequate locum service to single person practices or to married couple practices in rural South Australia is most important. Secondly, I think there would be nothing worse for a GP than to find himself in a remote, small hospital on the West Coast and to find that something by way of an emergency occurred which involved administering an anaesthetic or an obstetric or surgical procedure in which they did not have experience and for which, therefore, they did not feel competent.

I can certainly understand the sense of isolation and concern that that would cause. Because of that, I have also specifically asked the commission to look at how we can extend GP training in those areas in our hospital system to prepare them for country practice. I hope that in the course of developing those programs there will be consultation with not only the teaching hospitals but also with the Royal Australian College of General Practitioners. It is a point for definition as to how far that training should go. However, there is no argument that it ought to be provided. Thirdly, there is the question of ongoing education, and I have specifically asked that the South Australian Post Graduate Medical Education Association conduct regular and timely courses for country GPs. It would be my intention to support those not only morally but also, of course, financially.

QUESTIONS ON NOTICE

DEPARTMENT OF PUBLIC AND CONSUMER AFFAIRS

The Hon. J.C. BURDETT (on notice) asked the Minister of Consumer Affairs: According to the Auditor-General's Report, there is in the Department of Public and Consumer Affairs an increase of salaries for the year ended 30 June 1985, in Consumer Services, of $107 000. How does this reconcile with a reduction of staff in the same period?

The Hon. C.J. SUMNER: Aproximately $104 000 of the $107 000 increase related to the full year effect of 1983-84 wage and salary increases.

The Hon. J.C. BURDETT (on notice) asked the Minister of Consumer Affairs: According to the Auditor-General's Report, there is in the Department of Public and Consumer Affairs an increase of salaries for the year ended 30 June 1985, in Occupation Licensing, of $172 000. How does this reconcile with an increase of only three staff in the same period?

The Hon. C.J. SUMNER: Approximately $86 000 of the $172 000 increase related to the full year effect of 1983-84 wage and salary increases. The balance related to the employment of additional staff and increases in fees paid to members of statutory boards.

STANDARDS MAINTENANCE PROGRAM

The Hon. J.C. BURDETT (on notice) asked the Attorney-General: As the program estimates of 1985-86 for Standards Maintenance show an increase of $57 000 for that year to hire additional motor vehicles because of the Central Government Car Pool, is it the position that the Car Pool is costing the Standards Maintenance program additional money and, if so, is there any offset to this?

The Hon. C.J. SUMNER: The Standards Maintenance program employed 22 vehicles in the 1984-85 financial year. In 1985-86 the total number of vehicles in use under the program was reduced by a net two to 20 vehicles. In 1984-85 only four of those vehicles were Central Government Car Pool (CGCP) long-term hire vehicles, but 18 others used the CGCP parking facilities.

At the end of June 1985, 15 vehicles were converted from departmental ownership using the CGCP parking facilities to CGCP long-term hire vehicles. To simply compare the CGCP long-term and short-term hire commitments for 1984-85 with 1985-86 gives a false picture because it involves comparing the cost of hiring four vehicles against the cost of hiring 19 vehicles. Furthermore, there have been offsets in costs because the hire fee includes parking charges, fuel and oil, and some maintenance charges.

CENTRAL LINEN SERVICE BOARD

The Hon. R.I. LUCAS (on notice) asked the Minister of Health: Will the Minister of Health advise the names of members of the Central Linen Service Board?

The Hon. J.R. CORNWALL: Although the corporate status of the Central Linen Service is under review, it is currently organisationally placed under the corporate umbrella of the South Australian Health Commission with operational responsibility assigned to the Executive Director, Western Sector. Operational control rests with an informal Board of Management consisting of Mr I.R. Dunn, Director, Resources and Planning, Western Sector, South Australian Health Commission, Mr P.D. Agars, Director, Touche Ross and Co., and Mr R. Arnold, General Manager, Central Linen Service.

SCHOOL CLOSURES

The Hon. R.I. LUCAS (on notice) asked the Minister of Health:

1. In each of the past 10 financial years, what was the number of schools closed in South Australia?
2. For each school closure—
   (a) What was the name of the school and the description of the school?
   (b) What number of students were previously enrolled in the school?
   (c) What were the reasons for the closure?

The Hon. J.R. CORNWALL: I seek leave to have this reply incorporated in *Hansard* without my reading it. It includes a number of tables.

Leave granted.

1. The table below summarises two categories of closures, that is, complete closures, as well as consolidations of schools. The second category includes the disestablishment of junior primary schools where their reduced enrolments have required it, schools consolidated by the combination of former boys and girls high schools, and groups of small rural schools replaced by the development of new area schools.

Financial Year	Number of Closures including Consolidations
1976-77	8
1977-78	8
1978-79	8
1979-80	6
1980-81	10
1981-82	6
1982-83	3
1983-84	9
1984-85	3
1985-86	3

2. The attached list of schools shows:
   (a) the name and type of school;
   (b) the number of students at the closest census date to the closure or consolidation;
   (c) the reason for the closure.

Financial Year	School Name	Last Enrolment	Reason for Closing
1976-77	Burra High School	158.0	Consolidated to Burra Area School
	Burra Primary School	218.0	Consolidated to Burra Area School
	Hectorville Junior Primary School	154.0	Consolidated to primary school
	Koongawa Rural School	13.0	Closed. Students transferred to Wudinna and Warramboo School
	Minnipa Area School	190.0	Replaced by Karcultaby Area School
	Nailsworth Girls High School	432.0	Consolidated to Nailsworth High School
	Norwood Junior Primary School	150.0	Consolidated to primary school
	Poochera Special Rural School	101.0	Replaced by Karcultaby Area School

Financial Year	School Name	Last Enrolment	Reason for Closing
1977-78	Commonwealth Hill Rural School	8.0	Closed due to small enrolments
	Enfield Junior Primary School	153.0	Consolidated to primary school
	Ethelton Junior Primary School	151.0	Consolidated to primary school
	Moonta High School	115.0	Consolidated to Moonta Area School
	Moonta Primary School	227.0	Consolidated to Moonta Area School
	Payneham Junior Primary School	140.0	Consolidated to primary school
	Port Adelaide Junior Primary School	105.0	Consolidated to primary school
	Estcourt House Special School	15.0	Closed due changed function of Estcourt House
1978-79	Vaughan House School	40.0	Replaced by SAYRAC
	Dover Gardens Junior Primary School	158.0	Consolidated to primary school
	Gilles Plains Junior Primary School	112.0	Consolidated to primary school
	Morphett Vale Primary School	474.0	Replaced by Hackham West Primary School
	Stockport Rural School	5.0	Closed due to small enrolments
	Unley Junior Primary School	123.0	Consolidated to primary school
	Adelaide High School (Grote Street)	370.0	Consolidated to West Terrace site
	Iron Bank Rural School	13.0	Closed due to small enrolments
1979-80	Le Fevre Peninsula Junior Primary School	124.0	Consolidated to primary school
	Mitchell Park Junior Primary School	129.0	Consolidated to primary school
	North Adelaide Speech and Hearing Centre	5.0	Closed due to small enrolments
	Sturt Special School	47.0	Consolidated with Ashford School
	Taperoo Junior Primary School	105.0	Consolidated to primary school
	South Australian School for Deaf	41.0	Closed due to integration policy
1980-81	Hope Valley Primary School	259.0	Replaced by Ardtornish Primary School
	Blinman Rural School	5.0	Closed due to small enrolments
	Hilltown Rural School	7.0	Closed due to small enrolments
	Ingle Farm Central Junior Primary School	133.0	Consolidated to primary school
	Northfield Junior Primary School	119.0	Consolidated to primary school
	Paringa Park Junior Primary School	102.0	Consolidated to primary school
	South Road Junior Primary School	119.0	Consolidated to primary school
	Nonning Rural School	9.0	Closed due to small enrolments
	Mudamuckla Rural School	6.0	Closed due to small enrolments
	Alberga Mobile Rural School	17.0	Supporting Alice Springs Rail Development—completed
1981-82	Anna Creek Rural School	10.0	Closed due to small enrolments
	Dover Gardens Primary Speech and Hearing Centre	4.0	Closed due to small enrolments
	Keilura Rural School	14.0	Closed due to small enrolments
	Kingoonya Rural School	12.0	Closed due to small enrolments
	Woomera Primary School	201.0	Consolidated to Woomera Area School
	Agery Rural School	12.0	Closed due to small enrolments
1982-83	Eden Park Special School	7.0	Closed with closure of Salvation Army Home
	Ingle Farm Junior Primary School	86.0	Consolidated to primary school
	Smithfield Plains Speech and Hearing Centre	7.0	Closed due to small enrolments
1983-84	Ascot Park Junior Primary School	101.0	Consolidated to primary school
	Brahma Lodge Junior Primary School	119.0	Consolidated to primary school
	Haslam Special Rural School	65.0	Replaced by Miltaburra Area School
	Hesso Rural School	12.0	Closed due to small enrolments
	Holden Hill Junior Primary School	100.0	Consolidated to primary school
	Nungikompita Rural School	16.0	Replaced by Miltaburra Area School
	Prospect Junior Primary School	113.0	Consolidated to primary school
	Purnong Rural School	10.0	Closed due to small enrolments
	Wirrulla Special Rural School	59.0	Replaced by Miltaburra Area School
1984-85	Mount Gunson Rural School	12.0	Closed due to small enrolments
	Hincks Avenue Junior Primary School	119.0	Consolidated to primary school
	Vine Vale Rural School	7.0	Closed due to small enrolments
1985-86	Cowandilla Junior Primary School	96.0	Consolidated to primary school
	Darlington Junior Primary School	96.0	Consolidated to primary school
	Olary Rural School	8.0	Closed due to small enrolments

BRITISH NURSES

The Hon. M.B. CAMERON (on notice) asked the Minister of Health:

1. *(a)* Was a meeting called between the British nurses and the administrators at the Royal Adelaide Hospital?

(b) If so, on what date was that meeting held and what was the result of that meeting?

(c) Was the Health Commission advised of the results of that meeting?

2. Will the Minister table any documents forwarded to him by either the nurses or the administrators at the Royal Adelaide Hospital concerning the meeting?

3. *(a)* Who made the decision to recruit British nurses through the Medical Control Centre?

(b) Was it the Health Commission?

4. Why did the Royal Adelaide Hospital not do its own recruiting?

5. Did the Royal Adelaide at any stage request that it be granted permission to do its own recruiting?

6. *(a)* Will the Health Commission continue to recruit through the Medical Control Centre?

(b) If not, why not?

7. Will the Royal Adelaide in future do its own recruiting?

8. What alterations have been insisted upon by the Health Commission to the existing contracts that were signed by the British nurses now working at the Royal Adelaide?

9. Did the existing contracts cover both South Australian and Victorian hospitals?

10. Before making his statement on Tuesday 11 August, did the Minister check on all cost factors associated with those contracts?

11. *(a)* Does the Minister support clauses 4.1.1 and 4.1.2 of the contract, which says: First, in reduction of the MCC Agency charges and expenses incurred in placing the nurse in her employment and arranging her travel to Australia. Upon receipt of the moneys herein provided the nurse acknowledges that property in same shall pass to the MCC

Agency and nothing in this agreement shall be construed to imply such moneys to be held on trust. Secondly, after repayment to the MCC Agency of all moneys referred to in clause 4.1.1 the MCC Agency shall open a passbook savings account, or such similar account, with a building society to be nominated by the MCC Agency in the name of the MCC Agency as trustee for the nurse. The MCC Agency shall thereafter deposit moneys received in the account whereby the principal shall be trust moneys and all interest paid thereon shall be in favour of and shall become the property of the MCC Agency. At the completion of the work period specified in the Third Schedule the MCC agent acknowledges that there will be sufficient funds to make repayment of the deposit referred to in clause 4.2 and to cover the costs of the excursions referred to in the Sixth Schedule. The nurse acknowledges that all deductions referred to in clauses 4.1.1 and 4.1.2 shall be non-refundable to the nurse should she fail to complete this agreement for whatever reason or should the nurse not undertake the holiday as arranged by the MCC Agency.

(b) Does the Minister also support clause 4.3, which says: The MCC Agency shall not be liable to the nurse for any loss or damage suffered by the nurse howsoever caused including but not limited to loss or damage caused by the negligence of the MCC Agency, its employees, servants or agents, relating to all provisions of this agreement and including travel arrangements, accommodation, income or loss thereof, delays in obtaining visas and invalidation of insurances.

12. Will the Minister also insist that nurses in Britain are provided with copies of the potential contract and terms and conditions associated with those contracts at the time of initial contact with the organisation and not almost immediately prior to departure?

13. Did the Minister check on the costs of the holidays for the nurses?

14. Did he seek details from the nurses about their request to change both the destination and times of holidays and also when the holidays were actually booked?

15. Was the Health Commission aware at the time of using this organisation, that the Medical Control Centre not only offered a recruitment facility, but also operated a brokerage firm for holiday packages and travel insurance?

16. Was the Minister aware that nurses were compelled to use both these Medical Control Centre organisations?

17. Was the Minister aware that the Health Commission had made inquiries into the Medical Control Centre?

18. Was he aware of a letter from the Health Commission regarding those inquiries?

19. Why was the expression used 'Unfortunately as we all thought there is nothing that can be usefully done by the SAHC to help you and other nurses that are already here'?

20. What problems had the SAHC identified that should have been corrected?

21. Was the Minister aware of the further statement in the SAHC letter that stated 'The best that can be done is to try to avoid problems in the future'?

22. What problems had the SAHC identified that should be avoided in the future?

23. Will the Minister table all documentation associated with the SAHC letter tabled by the Hon. M.B. Cameron on 12 August 1986?

24. Was the Minister aware of the statement in the letter 'We intend to check the ALMS process and make sure that in future they meet the conditions laid down by SAHC'?

25. What conditions laid down had the SAHC stipulated that the MCC had not adhered to or what conditions will the SAHC require in future that were not required in the past?

26. Was the Minister aware of the further statement in the letter 'I'm pleased that at least we can do something for future recruits and I thank you for letting us know what has happened'?

27. What will the SAHC do for future recruits that it has not done for present recruits that it is so pleased about?

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

1. *(a)* Yes.

(b) 22 July 1986. The hospital decided it would recruit directly in future.

(c) Yes.

2. No documents have been forwarded to the Minister of Health by either the nurses or the Administrator of the Royal Adelaide Hospital.

3. *(a)* The South Australian Health Commission in consultation with the RANF (South Australian Branch) in June 1985. Both organisations had reviewed the recruitment package developed by the agency for use in recruiting nurses for the Victorian Health Commission. The package approved for use in South Australia differed from the Victorian package in two respects: (1) the holiday package was optional in South Australia; and (2) the administration fee to the agency was, in South Australia, paid by the employing hospital and not, as in Victoria by the nurse.

The effect of both these changes was to reduce the repayments made by the nurse during his/her period of work in South Australia.

(b) Yes.

4. The quotas for migrant nurses were agreed to by the South Australian Health Commission and RANF. Hospitals were asked if they wished to be involved in this process. The RAH opted to use the agency.

Recruiting was done by the agency and monitored by a South Australian Health Commission/RANF group to ensure that professional criteria were met, and numbers not exceeded. The hospital had the responsibility of accepting or rejecting an applicant, just as if they were doing their own recruiting directly.

5. No. The hospital does not need permission to recruit directly.

6. *(a)* and *(b)* The South Australian Health Commission does not recruit. Hospitals and/or agencies do. The commission's role is to monitor and assist in recruiting. Medical Control Centre, operating as the Australian Locum Medical Services, is acceptable to the Health Commission if hospitals wish to recruit through an agency.

7. The hospital may recruit directly if it so wishes.

8. None. The variations—see 3 *(a)*—were made before consent to recruit was given by RANF (South Australian Branch) and the South Australian Health Commission.

9. Except as indicated, the contract does not, so far as commission officers are aware, differ significantly from the contract in use in Victoria. (However, the last Victorian contract sighted by them is dated 18 March 1985.) Since the holiday is optional, the Sixth Schedule (Excursions) is noted 'not applicable' if the nurse elects not to take the holiday package.

10. No.

11. *(a)* Whether or not I support clauses 4.1.1 and 4.1.2 is immaterial, as the contract is between the nurse and the agency. Schedule 6 is deleted in the contracts of nurses not wishing to take the holiday option. The South Australian Health Commission's Principal Nursing Officer believes it is reasonable that the moneys paid by the nurse to the Medical Control Centre Agency and held in trust for payment of holidays, return air fares and deposits, should

accrue interest paid to the Medical Control Centre, as the nurse is not charged interest on the advance moneys paid out by the agency for his/her air tickets, insurance, etc., on leaving the United Kingdom.

(b) The agency's view is that clause 4.3 is a normal commercial disclaimer common in situations when many of the services included are provided by third parties (for example, airlines) and that nurses retain all the normal rights to claim against these parties. In any event, the contract is between the nurse and the agency.

12. No.

13. No. It is neither possible nor practical for the Minister of Health to check individual employment contracts in an organisation which is the legal employer of more than 20 000 personnel.

14. See 13.

15. The South Australian Health Commission was aware that the agency also had connections with travel agencies.

16. See 13.

17. Yes. A minute from the Principal Nursing Officer, dated 24 July 1986, was forwarded to my office.

18. No.

19. I am advised that this refers to discussions between the nurses and an officer of the South Australian Health Commission during which the nurses acknowledged that, since they had signed the contracts, the South Australian Health Commission could probably not assist them.

During these discussions it emerged that some nurses wished to vary the terms of their contracts retrospectively. They conceded they had not read those contracts thoroughly.

20. I am advised that the South Australian Health Commission had not identified any problems except those associated with the wish of some nurses to opt out of provisions of their contracts. The South Australian Health Commission, in an attempt to ensure that future recruits understood what they were signing, requested that information already in the information sheet be underlined to ensure it was read. Confirmation of the agreed process was also requested from the agency, and the cost breakdown information sheets were requested to be given at interview, to support the verbal discussion on costs. This has been done by the agency.

21. No.

22. See answers to questions 19 and 20.

23. No.

24. No.

25. See answers to questions 19 and 20.

26. No.

27. I am advised that, at the time of writing, it was intended to inform the nurses that their perceived problems had received attention from the organisation responsible for monitoring the recruitment program.

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Residential Tenancies Act 1978. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

This short Bill seeks to correct a problem which has occurred with different sections of the Residential Tenancies Act Amendment Act 1981 coming into operation at different times. The Residential Tenancies Act 1978 commenced operation on 1 December 1978. Following a review in 1980, amendments were introduced to Parliament. On 16 April 1981, section 6 of the Residential Tenancies Act Amendment Act 1981 (section 7a of the Act) commenced operation. It provided for the application of the Act to certain periodic tenancies entered into before 1 December 1978 and continuing after the commencement of section 7a. By proclamation of His Excellency the Governor on 24 October 1985, section 4 of the Residential Tenancies Act Amendment Act 1981 (section 6 of the Act) commenced operation on 1 March 1986. Pursuant to that section, the Crown is bound by the Act.

Because section 7a commenced operation before the Crown was bound by the Act, any periodic tenancy agreement entered into by the Crown between 1 December 1978 (when the Act commenced operation) and 1 March 1986 (when section 6 commenced operation) is not a residential tenancy agreement and therefore not bound by the Act. Since 1 March 1986, various Government departments and Crown authorities have been complying with the Act. However, the problem created by sections 7a and 6 commencing at different times means that any periodic tenancy entered into between the relevant dates and continuing is not within the ambit of the Act. It also means that the Residential Tenancies Tribunal, in this situation, has no jurisdiction to deal with disputes between the parties.

The Residential Tenancies Tribunal considered this issue on 2 May 1986 in the matter of the *Highways Department v. Yeend* and decided it had no jurisdiction to deal with an application made by the department. It was clearly the intention of Parliament that the Crown be bound by the Act. If Parliament imposes requirements on private sector landlords, the Crown should also be bound by those same requirements. This Bill seeks to implement beyond doubt Parliament's intention in this regard when it passed the Residential Tenancies Act Amendment Act 1981. It seeks to amend section 7a of the Residential Tenancies Act 1978 so that any periodic tenancy agreement entered into by the Crown after 1 December 1978 and which continues after 1 March 1986 shall be a residential tenancy agreement to which the Act applies. It is proposed that the application of the Act to such agreements should commence on and from the first day after the commencement of the amending section on which rent is payable under the agreement. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 amends section 7a of the principal Act. That section ensures that the principal Act applies to a residential tenancy agreement entered into before the commencement of the Act where the tenancy under the agreement is a periodic tenancy, that is, a tenancy for an indefinite period. Section 6 of the principal Act provides that the principal Act binds the Crown, but was, however, brought into force after the commencement of the principal Act. As a result, the present provisions of section 7a do not serve to apply the principal Act to a residential tenancy agreement that provides for a periodic tenancy where the agreement was entered into by the Crown with some other person before the commencement of section 6.

The clause amends this section by inserting a further provision, the effect of which is to ensure that the principal Act also applies to a residential tenancy agreement to which

the Crown is a party where the agreement provides for a periodic tenancy and was entered into before the commencement of section 6 of the principal Act. Under the new provision, the Act will apply to any such agreement on and from the first day after the commencement of the new provision on which rent is payable under the agreement.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

GOVERNMENT FINANCING AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 21 August. Page 519.)

The Hon. L.H. DAVIS: The Tonkin Government introduced legislation to establish a central financing authority with borrowing powers designed primarily to supplant the many small Government agencies in the capital market. It was styled the Government Financing Authority. This central authority was designed to take over the State's financial obligations to the Commonwealth under the Housing Agreement, the Financial Agreement and other specific purpose agreements. It obviously had as its aim a desire to be more efficient and effective and hopefully to reduce costs involved in borrowing funds.

The 1982 election saw the Bill lapse. The Labor Government reintroduced similar legislation and, early in 1983, the South Australian Financing Authority was established. It is interesting to note that the acronym for the South Australian Government Financing Authority—SAFA—has been used rather than the acronym—SAGFA—which would be a more accurate acronym.

In recent years other States have established central borrowing authorities. Since SAFA was established 3½ years ago it has enjoyed strong growth, which is reflected in its triple A credit rating from Australian Ratings. That is the highest rating obtainable in the Australian capital market. In 1984-85 SAFA had a Loan Council borrowing allocation of $607 million and, in pursuance of the dual policy set out in the 1984-85 annual report, SAFA has done extraordinarily well. The first leg of that dual policy is:

> A mechanism for the central coordination of borrowing and related financial activities of the State public sector as a whole.

The second one is:

> One of the several vehicles by which the State can use its high credit status to take advantage of opportunities in financial markets, both domestically and overseas, and reduce net borrowing costs or earn profits for the benefit of the South Australian community.

So, during 1984-85, which is the last year for which a report is available, SAFA made loans to many bodies that have been proclaimed as semi-government authorities. I instance the Lotteries Commission, the Australian Formula One Grand Prix, the State Transport Authority, Technology Park and the South Australian Oil and Gas Corporation.

So, it can be seen that, by establishing this large authority with an umbrella over many smaller authorities which previously borrowed in their own names, there has been a centralisation of borrowing which has been both efficient and effective in reducing costs and also, of course, in enabling funds to be distributed to a wide range of important activities within the State public sector.

Funding from SAFA has been provided for public housing, natural gas pipelines, the construction of the O-Bahn, the construction of the headquarters complex for the South Australian Metropolitan Fire Service, arts and recreational facilities in regional centres and, most recently, the Formula One Grand Prix preparations. As I have mentioned, there has been a bipartisan approach to both the establishment and the operation of the South Australian Financing Authority. The investment policy of SAFA has also been established, and I instance again the 1984-85 report, which states:

> The investment policy has been developed with two main objectives in mind. First, to improve the coordination of short-term cash management and investment within the State public sector and, secondly, to preserve the financing capacity of the State and to build up financial reserves prudentially to help guard against financial fluctuations and the uncertainties of the future.

So, SAFA has accepted deposits from the Treasury. It has been found that section 17 does not apply to all of the moneys held in the working and trust accounts operating under the Public Finance Act, so we have before us today an amendment to the Government Financing Authority Act to specifically correct the defect which had been noted in the 1984-85 SAFA report.

The investments of SAFA have been directed towards short-term investments, mainly by way of bank bills, and secured and unsecured deposits, and at 30 June 1985 there was $524 million in such short-term deposits. Longer-term investments at that date accounted for $369 million, so one can see that a year ago the investments of SAFA were approaching $1 000 million. It has been a rapid growth. It has been a successful operation, and I am pleased to say that the Liberal Party, having initiated this move, supports the operations and objectives of SAFA. We have before us amendments, some of which are procedural and to which the Opposition in another place has already indicated it has no objections.

However, I want to canvass some policy matters, which are raised more particularly in clause 4. There is a philosophical difference, I think, between the Government and Opposition with respect to clause 4, which seeks to broaden the powers of the Government Financing Authority in so far as it provides that it should have the power to purchase shares, enter into partnerships and joint ventures, and form companies. We have some reservations about this extension, and I indicate to the Attorney-General that I will be questioning him about the reasons for this extension.

Let it be said quite clearly that SAFA is really a conduit pipe, in the sense that it gathers funds in on the fixed interest market and has the power to borrow both domestically and overseas. It then lets those funds out to the bodies which I have instanced and which are deemed to be semi-governmental authorities for the purposes of the Act. It is not an investment vehicle as is, for example, the South Australian Superannuation Trust. It does not have the general powers of investment of the State Government Insurance Commission, for example. Thus it is important to draw a distinction between such operations as SGIC, the State Bank and the South Australian Superannuation Fund and the Government Financing Authority.

I have some reservations about extending that power to encompass the purchase of shares, joint venture arrangements and so on, when, in fact, there has been no intimation in the 1984-85 annual report that such an extension of powers is warranted. In fact, I can remember very clearly that, in the initial debate on the establishment of the Government Financing Authority in 1982, there was no question of the Government Financing Authority having the power to purchase shares. The Treasurer in another place indicated that these amendments were of a procedural nature, but it cannot be said that the power to acquire shares is just a procedural change. There is a very fundamental difference between acquiring fixed interest securities, where the risks

are limited to the fluctuations which may occur from time to time in interest rates, and the risks associated with the purchase of shares or joint venture arrangements, which may necessitate the Government Financing Authority having an equity interest.

I reiterate that it is extremely disappointing and, perhaps, rather surprising that, in a second reading explanation seeking to extend the investment powers in such a fundamental way, no example is given as to why this is necessary. In fact, there is no indication whether or not the other central borrowing authorities which have been established in other States have such powers and, if they have, what investments, what shares and what joint ventures they have made. The amendment on file indicates very firmly the Opposition's position—we have grave reservations about the extension of power for investment purposes as set down in clause 4 of the Bill before us. Certainly, we have no objection to clause 1, which seeks to increase the number of members on the South Australian Financing Authority board. To increase it from four to six seems a sensible measure, given the responsibilities that exist on the board and given the problems of a quorum where there is a board of only four members. I indicate support for that measure and consequential support for the amendment which alters the quorum provisions, as set down in clause 3. Similarly, clause 3 provides that a decision in which all members of the authority concur is a decision of the authority notwithstanding that it is not made at a meeting of the authority. Again, that is a sensible decision. Quite often an investment or borrowing decision may need to be made at short notice. Perhaps it was dependent on a final piece of information coming into place after a board meeting, and a telephone hook-up between the board members will be all that will be needed to trigger a decision.

Clause 3 ratifies the fact that a decision made by all members of the authority, which is not made at a meeting of the authority but through some other means—for example, a telephone hook-up—will still be deemed to be a decision of the authority. I indicate general support for the procedural amendments, but point out that amendments on file seek to register the reservation we have about the extension of investment powers and some other matters.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his contribution. The Opposition objects to broadening the authority's powers contained in the Bill, particularly the powers to form companies and own shares. The authority is a large and complex financial intermediary engaged successfully in a very wide range of transactions. It is desirable that its functions and powers be as wide as possible so that it can operate flexibly in financial markets. When the legislation to create the authority was first formulated and introduced into the Parliament, as the honourable member mentioned, by the Liberal Government at the time, it was believed that the investment and ancillary powers of the authority under section 11 of the Act were sufficient to give SAFA power to purchase shares and form companies.

Subsequent advice from the Crown Solicitor's Office cast doubt on this, and similarly on the powers of other bodies such as the SGIC. The honourable member will recall that we had to pass amendments to the SGIC legislation in the last session because of deficiencies that were considered to exist in its powers to invest in equities. It is desirable that the doubt that has been cast on SAFA's powers in this respect be removed. Other statutory bodies, for instance, the Timber Corporation, already have the powers that are sought in this Bill. This is an unexpected deficiency in the Act. To give one example, it precludes the authority purchasing shares in the National Mortgage Corporation, as proposed by the Victorian Government. I understand that the Hon. Mr Davis, on occasions, might well have supported such a move in this Council.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: The honourable member has supported it, but the Opposition's attitude to this Bill will mean that we cannot participate in it through SAFA.

The Hon. L.H. Davis: You can't say that SAFA is the only vehicle—

The Hon. C.J. SUMNER: Of course not, but why should it not be done through SAFA? There is no answer from the honourable member. Anyhow, it precludes the authority purchasing shares in the National Mortgage Corporation as proposed by the Victorian Government. This body helps in the development of housing finance markets and the Government would wish to take up the invitation by Victoria through SAFA, if possible. The proposed power is subject to the specific approval of the Treasurer, thus maintaining full ministerial accountability. I find the honourable member's objections have no substance.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Functions and powers of the authority'.

The Hon. L.H. DAVIS: I move:

Page 2—
Lines 1 to 6—Leave out paragraphs *(a)* and *(b)*.
Lines 9 and 10—Leave out paragraph *(d)*.
Lines 15 to 18—Leave out paragraph *(g)*.

The Opposition seeks to leave out paragraphs *(a)* and *(b)*, which provide for the Government Financing Authority to engage in such other Financial activities as are determined by the Treasurer to be in the interests of the State. We believe that that is far too broad. We also seek to delete paragraph *(d)*, which extends the powers of the authority to invest in shares. We also seek to delete paragraph *(g)*, which provides for the authority to enter into partnerships and joint ventures and form companies.

The Attorney-General, in his second reading reply, sought to rebut the proposition I advanced about the broadening of investment powers of the authority, in particular in respect to shares. He said that the State Government had been invited to enter into the National Mortgage Corporation being established by the Victorian Government, and the Government's wish was that SAFA should be the vehicle used to enter into an arrangement, whether an equity partnership or joint venture arrangement, I am not quite sure.

I seek to rebut the Attorney-General very simply by saying that SAFA is not necessarily the appropriate body for the National Mortgage Corporation. Surely other Government instrumentalities could just as easily hold an interest in the National Mortgage Corporation. For example, it would not be inappropriate, one would imagine, for the State Bank of South Australia to hold that interest in the corporation, given the bank's commitment to both public and private housing. I would not see a conflict involved in the State Bank's holding an interest. I continue to remain bemused about why the Government has not given examples.

The Hon. C.J. Sumner: I just did.

The Hon. L.H. DAVIS: I would be most interested if the Government could give some other examples of what it has in mind. I would be interested to see whether other central borrowing authorities interstate have this power and in what way the power has been used. The reservation we have on this side of the Chamber is that on past occasions Government instrumentalities, such as this, have grown like Topsy and have entered into inappropriate investment arrange-

ments that have jeopardised the financial strength of the State. One does not have to have been around all that long to remember the South Australian Development Corporation as an example of imprudent investment policy on the part of an earlier Labor Goverment.

I repeat my questions to the Attorney-General. Can he instance any examples of other central borrowing authorities having such powers? If so, to what purpose have these powers been used? Furthermore, does he not agree that the primary role of the Government Financing Authority in South Australia is, as I have said, to act as a conduit pipe for the raising of funds on the fixed interest markets, both overseas and domestically, and for the distribution of those funds for the benefit of the State?

The Hon. I. GILFILLAN: Although we have had little time to consider the significance of this amendment, in honouring our duty to help facilitate the proceedings of this Parliament I indicate how we will react to the amendment, which will possibly help with any divisions. On our understanding there does not appear to be any real reason to be horrified at the prospect of the authority's having the option to purchase shares. In indicating that we will support the Government's intention in this case, I point out that we have not had time to look at the matter thoroughly because we do not have the facilities or staff to do so, and we will not have time in the foreseeable future. We will oppose the amendment.

The Hon. C.J. SUMNER: I am informed that the Queensland Government Development Authority has a similar power. We are attempting to ascertain whether the other central financing authorities have similar powers, but at least that one does. Of course, that is a Government that is somewhat more akin to the honourable member's stamp of politics than I assume he considers us to be. Queensland seems to have found these powers necessary. I do not think I can say very much beyond what has been indicated to the honourable member in my second reading reply.

If we want the organisation to operate effectively and to be able, in effect, to invest with a capacity to maximise its return to the State or to invest in a way that assists the State in some other way, I think these powers are necessary. The powers under section 11 (1) *(b)* of the Act were considered to be too narrow to engage in such other activities relating to the finances of the Government of the State or semi-government authorities as contemplated by this Act or approved by the Treasurer. The argument there concerns the activities relating to the finances of the Government of the State. One can envisage a number of examples which would not come within that definition but where it may be desirable for SAFA to advance funds: for instance, in a situation where Commonwealth funds have been promised and are expected but not forthcoming for a particular project and the Government wishes to use SAFA to lend money to bridge the situation awaiting those federal funds.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: That is the problem for a semi-government authority. However, I am talking about an authority that is not a semi-government authority. It could be a senior citizens home or something of that kind where funds are clearly forthcoming from the Federal Government but not yet available, there is a delay and it may be in the interests of the organisation that the project proceeds: SAFA can then advance moneys as bridging finance. At the moment that is not possible. I refer to the sorts of activities that I outlined before with respect to Mortgage Corporation, which has been proposed by the Victorian Government. That was strongly supported by the honourable member in this Chamber, and that would not be uncovered—

The Hon. L.H. Davis: I supported the concept.

The Hon. C.J. SUMNER: The honourable member supported the concept. What is wrong with SAFA being the vehicle? The honourable member has no logic in the situation. He says that he supports Mortgage Corporation, but he says that South Australia's participation in it must be restricted in certain ways. In other words, we cannot use what is probably the best authority to use as a vehicle to invest in the corporation. The honourable member says that we cannot use it. That does not seem to be logical. The honourable member says that we should use the State Bank or something else. Why should there be that sort of restriction?

The Hon. L.H. DAVIS: In view of the Democrats' indicated opposition to the amendment, I do not seek to prolong the debate. The Democrats' response, for which I have some sympathy, underlines the problem of making legislation on the run. I am not attacking the Democrats in any way when I say that. We all appreciate the enormous workload that we are under when we have many Bills rushed into this Chamber at the one time. I am disappointed at the Democrats' response. It is not as simple as the Attorney-General would have us believe. The mandate given to SAFA by Parliament did not contemplate joint ventures initially. There was no discussion of that, and the Attorney-General knows that full well.

I can only repeat the fact that there was a dual policy set down for SAFA. In fact, it was enunciated very clearly in the 1984-85 annual report. It was a mechanism for the central coordination of borrowing and related financial activities of the State public sector as a whole. Secondly, it was one of the several vehicles by which the State can use its high credit status to take advantage of opportunities in financial markets and reduce net borrowing costs or earned profits for the benefit of the South Australian community. By his very admission the Attorney-General seeks to extend the role of SAFA well beyond that originally conceived in 1982. There is very little point in prolonging this debate. I indicate that the Opposition, notwithstanding the fact that the Democrats have indicated their lack of support for the amendment, will divide just for the purpose of putting it on the record.

The Hon. C.J. SUMNER: I am instructed that it was intended that joint ventures should be covered by the powers to be given to SAFA and that the power to invest in shares should be the powers of SAFA when the Bill was originally introduced. I am instructed that Treasury officials—

The Hon. L.H. Davis: That's not in the second reading speech. You were trying to get it in through the back door, but it didn't work.

The Hon. C.J. SUMNER: When the honourable member's Government introduced the SAFA legislation, the instruction was to deal with joint ventures and to deal with investment in shares. That was the instruction to Parliamentary Counsel, and Parliamentary Counsel indicated that section 11 (2) *(i)*, *(j)* and *(k)* were sufficient to encompass that situation. I do not know, because I was not privy to the instructions given by the then Treasurer to Parliamentary Counsel. However, my advice now is that it was originally intended that the things now being clarified by this Bill, at least with respect to shares and joint ventures, were part of the instructions when the original legislation was introduced. So, we are not extending the authority of SAFA to any great extent from what was envisaged in 1980, except perhaps with respect to section 11 (1) *(b)*, where it can be

argued certainly that to include a clause which gives SAFA the authority to engage in such other financial activities as determined by the Treasurer to be in the interests of the State is certainly broadening the capacity of SAFA to engage in activities that are not covered at the present time. Apart from that, which I concede does extend the powers of SAFA, the original intention was to give it power to enter into joint ventures and to purchase and sell shares.

The Committee divided on the amendment:

Ayes—(9) The Hons M.B. Cameron, L.H. Davis (teller), Peter Dunn, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes—(10) The Hons G.L. Bruce, B.A. Chatterton, J.R. Cornwall, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, T.G. Roberts, C.J. Sumner (teller), and G. Weatherill.

Pair—Aye—The Hon. J.C. Burdett. No—The Hon. Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 5 and 6 passed.

Clause 7—'Liability of authority to State taxes, etc.'

The Hon. L.H. DAVIS: I move:

Leave out this clause and insert new clause as follows:

7. Section 23 of the principal Act is amended—

(a) by striking out from subsection (1) the passage 'Subject to this section, the authority' and substituting the passage 'The authority';

and

(b) by striking out subsections (2) and (3).

The amendment to the Government Financing Authority Act on file provides:

(2) The Treasurer may, by notice published in the *Gazette*, exempt from a tax, duty or other impost, to the extent specified in the notice, any of the following:

and there are then three categories listed. An exemption can be granted to the authority or any instrument to which the authority or semi-government authority is a party, and that, of course, covers a wide range including the Pipelines Authority, the Grand Prix Board, the South Australian Oil and Gas Corporation—a whole range of authorities which have been deemed to be semi-governmental authorities under the Act, or finally:

(c) instruments that arise from or are connected with a transaction to which the authority or a semi-government authority is a party.

The practical import of that is that these entities will have a trading advantage over their private sector competitors when it comes to the payment of stamp duty. Members will remember, when the State Bank of South Australia was established, the Government made it quite clear that the State Bank was to be treated the same as the commercial banks in the arena. There were no advantages given to the State Bank in that enabling legislation. However, this clause now seeks to provide exemptions not only for the authority but for semi-governmental authorities dealing with the Government Financing Authority, and that could well include the State Bank and a whole range of semi-governmental authorities. The Liberal Party believes that it is fundamentally wrong in principle to give an advantage to entities dealing with the authority, so we have sought to amend clause 7 by striking it out and inserting new subclauses *(a)* and *(b)*.

The Hon. I. GILFILLAN: I would like to move an adjournment of this debate. We have not had a chance to read these amendments, let alone deliberate on them, and we seek the indulgence of the Council to have further time to consider them before being expected to vote on them.

The Hon. C.J. SUMNER: I suggest that progress be reported.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT FINANCE AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 August. Page 530.)

The Hon. L.H. DAVIS: The amendments that have just been canvassed in the Government Financing Authority Act Amendment Bill are also the core of the Bill that we now have before us. The amendments fall into three broad categories. We have no objection to the first category. Clauses 2, 3, most of 6, and 9 are procedural in nature and seek to make more efficient and simple the existing provisions. However, the second clutch of clauses, being clauses 4, 5 and 8 and, in particular, clause 4, do seek to extend the powers of the authority in a similar way to those set down in the Government Financing Authority. It seeks to give the Local Government Finance Authority the power to purchase shares and to form a company, certainly subject to the Treasurer's approval, so I do not want to canvass all the ground that we have just traversed in the previous debate.

However, it should be restated that, as far as I can see, there has been no pressure from the Local Government Finance Authority and local government as a whole for this amendment, and I would be interested if the Attorney-General could enlighten the Council as to where the pressure for this amendment came from. I think it is important to draw the distinction between the Government Financing Authority and the Local Government Finance Authority. The Local Government Finance Authority provides an automatic membership for all councils, whether they be in the city or in the country. The Local Government Finance Authority was established in 1984, so it has been operational for just 2½ years. Although all local authorities are automatically deemed to be members of the Local Government Finance Authority, there is no compulsion on them to use the Authority either for investment of surplus funds or for loans which a particular council may require.

Nevertheless, it is pleasing to see, from the second reading explanation, that the Local Government Finance Authority has been well received in a very short time, and that some 90 per cent of all councils are now using the Local Government Finance Authority. A year ago its total assets were $244 million, and quite clearly that figure will be considerably higher when the 1985-86 report becomes available. A modest profit was made in 1984-85 of some $850 000 which will extend to over $2 million in the current year.

Again, the Local Government Finance Authority has a similar operation: it holds an umbrella over local councils, as it were, and borrows on their behalf where that is required. Also, it invests for and lends to them and, hopefully, through the borrowing power that it has in borrowing larger sums in the market place—the authority having the imprimatur of being the Local Government Finance Authority—those rates will be cheaper. The sums will be borrowed more effectively and the overall cost will be lower. This is a much smoother and simpler operation and of course it takes administrative pressures off local councils, whether they be large or small.

The main functions of the Authority as reflected in its first report brought down in December 1984 include:

To develop and implement investment and borrowing programs for the benefit of councils and prescribed local governments

and to engage in such other activities relating to the finance of those organisations as are contemplated by the Act or approved by the Minister.

When the authority was first established there was not the contemplation that it would enter into share purchases and joint venture arrangements. As I have already indicated, the Attorney would argue along similar lines that it would be just a natural extension of its power for the authority to have the power to enter into the purchase of shares and joint venture arrangements.

I want to come back to the point I made just fleetingly a few moments ago: one cannot argue that the Government Financing Authority and the Local Government Finance Authority are on all fours—they are not identical in their operation, in the sense that the Local Government Finance Authority holds an umbrella over about 150 councils. Some country councils might be conservative (and indeed city councils, too) and might have had reservations about the financial operations of the Authority when it was first established. Its tight operation, and its confined investment powers have given councils the confidence to invest with the authority. That is supported by the fact that 90 per cent of councils now use the authority in some way.

However, one would only need one or two bad moves to be made, for example, an investment in shares, however attractive it might have appeared at the time. Notwithstanding the fact that it was sanctioned by the Treasurer, some conservative councils might not like what was done and might claim that they did not know the Authority had that power, that they do not like it and that they will not use the Authority again.

That is not the same situation as applies to the Government Financing Authority, which is dealing with more sophisticated semi-government authorities which in themselves have professional management who know what is going on. As the Attorney knows, local government relies on the decision making, good faith and hard work of many volunteers, as well as some professional management. I believe strongly that this Council should think carefully about extending the investment powers of the Local Government Finance Authority, especially as it has not been asked for.

It was not asked for in regard to the Government Financing Authority; certain amendments were required and specifically talked about in the annual report, but no mention was made about the need to extend investment powers. I indicate to the Attorney firmly that the Liberal Party will not be supporting the proposal to extend the investment powers of the Local Government Finance Authority. I conclude my comments by saying that, in view of the inability of the Democrats to look closely at the provisions of the Government Financing Authority Act Amendment Bill and the provisions of this Bill, it may be appropriate to suggest that the Attorney take the Bill into Committee at the completion of the second reading stage and report progress.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported: Committee to sit again.

PLANNING ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 19 August. Page 424.)

The Hon. K.T. GRIFFIN: The Opposition is prepared to support this Bill, which seeks to improve procedures within the Planning Appeal Tribunal with a view to reducing some of the significant delays that are occurring in the hearing of appeals in that jurisdiction. In his second reading explanation the Attorney indicated that appeals lodged with the tribunal in February this year are being listed for a September hearing, which is an unacceptable delay of seven months.

I understand that the backlog is growing and that even if matters are listed for a September hearing there is no guarantee that they will be heard in that month. I understand that the Bill results from the work of a small committee comprising the lay commissioners in the Planning Appeal Tribunal, two legal practitioners who practise in the area of planning in the private profession, and a practitioner from the Crown Solicitor's Office who is involved in planning work. That seems to be a good cross-section of experience brought to bear on the procedures of the tribunal with a view to improving the procedures, and thereby reducing delays.

The principal change in the Bill is that matters that come before the tribunal can be heard and determined by a single judge or a single commissioner, or by a full tribunal comprising a judge and not less than two commissioners. Under the present provisions of the Act it is only possible to have a planning appeal heard by a full tribunal. Section 27 of the principal Act provides for a conference of parties to the proceedings and, if such a conference is held, the person convening that conference can determine whether the matter should be heard by a full tribunal, a single judge or a commissioner.

If that determination is not made, the Bill provides for it to be decided by the Chairman of the tribunal, although an amendment on file provides for an alternative mechanism for making that decision. If the parties to the appeal so request, the appeal must be heard by a full tribunal, but that is a provision which requires the concurrence of all the parties to the planning appeal. I have no difficulty with that.

There is a provision in section 34 of the principal Act for appeals to be taken from a decision of the tribunal to the Land and Valuation Division of the Supreme Court, so there is an appropriate check or balance on the exercise of power by a single member of the tribunal when hearing an appeal. Some concern has been expressed to me that perhaps this will merely encourage more work rather than reducing the work and maybe, in some instances, that is the position. A person who is disenchanted with a decision of a single commissioner or judge may well want to appeal where previously that litigant may have been satisfied with a decision of the full tribunal. I would suggest that, on past experience in the courts, a person who has had his or her day in court before a single commissioner or judge hearing a planning appeal will be satisfied that the matter has had a reasonable airing and a decision has been made by an independent arbitrator.

If a few appeals occur, one has to accept that as a consequence of trying to streamline the procedures. In the hope that this Bill will be passed and will assist in the speedy hearing of matters before the tribunal, the Opposition is prepared to support it. I just say in passing that, if the right of appeal had not been in section 34, I would have had some hesitation in supporting the Bill in so far as it allowed a lay commissioner to hear and determine matters relating to planning, because they are issues of importance to the litigants and do affect the living environment of the litigants, and I would have thought that, therefore, there needed to be a wider range of expertise available to make a decision on such a planning appeal.

With the provisions in section 34, however, I see that the rights of those litigants are safeguarded. I will have an

opportunity during the Committee stage to express a point of view on the amendment placed on file by the Attorney-General, but at this point I can indicate general concurrence with and support of that proposition, which will in itself allow more supervision and more flexibility within the operation of the tribunal, consistent with the proposition I had in mind back in 1981-82 to give the Senior Judge more authority over all of the appellate tribunals comprising judges of the District Court. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Administrative responsibility of the Chairman.'

The Hon. C.J. SUMNER: I move:

Page 1, lines 15 to 17—

Leave out all words in this clause after 'is' in line 15 and insert the following:

'repealed and the following section is substituted:

24. (1) The Senior Judge may give directions as to the sittings of the tribunal and the arrangement of its business.

(2) Subject to any directions of the Senior Judge the sittings of the tribunal and the arrangement of its business shall be under the control of the Chairman.'.

This amendment is designed to clarify the position of the Senior Judge of the District Court in relation to the Planning Appeal Tribunal. As the Hon. Mr Griffin said, when the current Planning Act was introduced he felt that the Senior Judge ought to have greater authority over the various appellate tribunals for which there needed to be a District Court Judge, and one of those, of course, was the Planning Appeal Tribunal.

I think it is reasonable to say that for the good administration of the whole of the court (whether sitting in its civil, criminal, planning or general administrative jurisdiction) there is merit in the Senior Judge having the ultimate authority over all matters and, of course, he would then liaise with the Chairman of the Planning Appeal Tribunal to determine which issues would be deputed to the Chairman of the Planning Appeal Tribunal. It is with that broad philosophy in mind that these amendments are moved.

Amendment carried; clause as amended passed.

Clause 4—'Repeal of s. 25 and substitution of new section.'

The Hon. C.J. SUMNER: I move:

Page 1, lines 26 and 27—Leave out subsection (2) and insert the following subsections:

(2) Subject to this section, the Senior Judge, or a judge nominated for that purpose by the Senior Judge, may give directions as to the constitution of the tribunal.

(2a) The nomination of a judge under subsection (2) may be withdrawn by the Senior Judge at any time.

The same arguments apply with respect to this amendment.

The Hon. K.T. GRIFFIN: I agree that this gives flexibility to the Senior Judge and appropriate authority in respect of all of the judges under his jurisdiction in whatever capacity they sit—the criminal court, local court or one of the appellate tribunals. The only question I have—and I am not too worried about it—is whether the amendment we have just passed to section 24, and the way in which this amendment before us on clause 4 is drafted, would create any overlapping of responsibility between the Senior Judge and the Chairman of the tribunal. However, if the Attorney-General is satisfied that all the authority is generally exercised by the Senior Judge and the Chairman exercises it in relation to the arrangement of the business, the sittings of the tribunal and the directions as to constitution of the tribunal, subject to the directions of the Senior Judge, I am satisfied. It seemed to me there was some potential conflict between the two provisions in the way in which they will operate on a day-to-day basis within the tribunal.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: I am just raising it. I am perfectly happy to have the earlier clause amended to put everything under the control of the Senior Judge or the Chairman or other judge nominated by him. Under section 24—as amended by clause 3, on which we have just made a decision—the Senior Judge gives directions as to the sittings of the tribunal and the arrangement of its business and, subject to that, the business is under the control of the Chairman. On a day-to-day basis the Senior Judge will give some directions as to the times at which the tribunal will sit and the arrangement of its business.

Presumably those directions are to the Chairman. On the other hand, under the amendment now before us, the Senior Judge, or some other judge—maybe the Chairman or someone else—gives directions as to the composition of the tribunal. I wonder whether on a day-to-day basis that will create difficulties in administration and whether it is better not to have everything in the hands of the Senior Judge who can give directions and make nominations to whomever he likes, and not limit section 24, for example, to the responsibility of the Chairman.

I am not making a great point about it, but I raise it as an issue for the Attorney to consider. If he is satisfied, I make no major objection to it; the matter can pass and be considered in the House of Assembly. If the Attorney thinks, after considering it in the next few days, that there might be a problem, he can always bring it back here.

The Hon. C.J. SUMNER: I understand what the honourable member is saying. I suppose that the only way out of it is to formulate an amendment to section 24 in a similar way to the amendment to section 25. I do not know whether the honourable member wants me to do that.

The Hon. K.T. Griffin: You can think about it.

Amendment carried; clause as amended passed.

Clause 5 and title passed.

Bill read a third time and passed.

CORONERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 479.)

The Hon. K.T. GRIFFIN: This Bill is designed to widen the jurisdiction of the State Coroner in line with the extension of the jurisdiction of the State under the recently proclaimed legislation to remove residual constitutional links with the United Kingdom, and also to amend the principal Act to widen the jurisdiction of the Coroner in respect of the sorts of events that the Coroner may investigate. The second reading explanation refers to the adjacent area under the Commonwealth Coastal Waters (State Powers) Act 1980, which was one of the numerous pieces of legislation that constituted the offshore constitutional settlement between the States and the Commonwealth. It is obvious that unless this Bill is passed the Coroner's jurisdiction is limited to the coastal waters of the State and not to the adjacent area. It is conceivable that in relation to ships lost at sea or even aircraft lost beyond the coastal waters of the State the Coroner is unlikely to have the appropriate jurisdiction to conduct an inquest into the loss of the ship or aircraft, and loss of life.

It is important, for a number of reasons, for the Coroner to have jurisdiction. It is relevant in testamentary matters for some inquiry to be made as to the disappearance of individuals presumed dead. It is also important for insurance purposes, and for that reason, too, the Coroner should

have power to consider the cause of a disappearance of a ship or aircraft and the loss of life outside the coastal waters of the State.

The map, which I am not sure the Attorney actually tabled but which was referred to in his second reading explanation as being tabled, and the definition of the adajacent area, are quite enlightening for those who wish to consider the extent of the adjacent area of South Australia. It goes to a point very much south of Tasmania, and that is an area over which there may well be ships or aircraft passing. The extension of the jurisdiction in terms of area, extends to the air above the sea as well as to the sea in the adjacent area.

The Opposition has no objection to the proposal. It is consistent with our view that the State should be able to exercise these sorts of powers extraterritorially. It enhances the power of the Coroner rather than limits it. There is clarification of the sorts of event that the coroner is able to investigate and we support that, too. I support the second reading.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No.2)

Adjourned debate on second reading.

(Continued from 13 August. Page 279.)

The Hon. K.T. GRIFFIN: This Bill is really to be taken into consideration with the Road Traffic Act Amendment Bill (No.3), both of which deal with issues involving road accidents. This Bill deals specifically with penalties for causing death or injury by dangerous driving and for driving while under the influence of alcohol or a drug, and certain procedural matters relating to alternative verdicts. The Liberal Party has expressed concern about what appear to be low penalties for the offence of causing death by dangerous driving, and the justification for that is substantiated by the facts quoted by the Attorney-General in his second reading explanation: in sentences imposed by the courts for these offences, during January 1983 to May 1985 in the majority of cases involving bodily injury by dangerous driving a suspended sentence was imposed; and in the offence of causing death by dangerous driving, penalties have ranged from fines and suspended sentences to terms of imprisonment of up to 24 months.

The present maximum penalty for causing death by dangerous driving of a motor vehicle is imprisonment for seven years. The maximum penalty for causing bodily harm by dangerous driving or by riding a vehicle or animal is two years. In each case the court may order a licence disqualification where the offence involves the use of a motor vehicle.

The Bill provides a substantial increase in penalties, and they are very much supported by the Opposition. Where a motor vehicle is used in the commission of an offence and grievous bodily harm is caused, for a first offence it is proposed that the maximum term of imprisonment be 10 years and that there be disqualification from holding or obtaining a driving licence for a minimum of five years. For a subsequent offence, the penalty is imprisonment for not more than 15 years and disqualification for a minimum of 10 years. Where a motor vehicle is used but grievous bodily harm is not caused to any person, the penalty for a first offence proposed by the Bill is imprisonment for a term not exceeding four years and disqualification from holding or obtaining a driving licence for a minimum of one year. For a subsequent offence, the penalty is imprisonment for a term not exceeding six years and licence disqualification of not less than three years. Where a motor vehicle is not involved, the penalty is imprisonment for a term not exceeding two years. The disqualification from holding or obtaining a drivers licence operates to cancel any drivers licence at the commencement of the period of disqualification.

We support the procedural changes relating to alternative verdicts. I do not think that I need to spend any time on them; they are commonsense proposals. The Bill also removes the defence of self-induced intoxication where a person is charged with causing grievous bodily harm by dangerous driving. The law currently allows the person charged with that offence to escape criminal liability if the person is so much under the influence of alcohol or drugs that he or she does not know what he or she is doing—that is, that the offence is not done voluntarily and of the offender's own free will.

I express some concern about the extent to which self-induced intoxication is considered by the courts in not only determining whether a person is guilty or not guilty but also in mitigation of penalty. While this provision relates only to causing death or bodily injury by dangerous driving, I would like to think that the Attorney-General will consider the use of that defence in a whole range of other offences and the extent to which it is relied on in the reduction of penalty. It may be that that defence or mitigating circumstance is allowed because there has been a certain complacency in the community about the use of alcohol and the extent to which alcohol may blur the senses and affect the capacity of individuals, notwithstanding that the individual has voluntarily consumed alcohol or taken a drug.

It has always seemed to me to be somewhat inconsistent to say that, although the consumption of alcohol or the taking of a drug has been voluntary, there comes a point where the person so consuming alcohol or taking a drug is no longer responsible for his or her actions as a result of voluntarily becoming intoxicated or under the influence of a drug. It is time that the community recognised that there should be a penalty for that sort of behaviour which causes death or injury to individuals or damage to property within the community. In my view, it is no longer appropriate for that to be pleaded as a mitigating circumstance where in the beginning the consumption of alcohol or the taking of a drug was a voluntary act by the person causing the injury, death or damage—apart from those areas addressed by the Bill. I call on the Attorney-General to undertake a review of those areas of the law and the current sentencing practices which allow self-induced intoxication or the effects of drugs taken voluntarily to have a bearing on innocence or guilt and the penalty which might be imposed.

The only area with which I personally would have some concern, but about which I raise no objection, is the aspect of minimum periods of disqualification from holding or obtaining a driver's licence. There are already minimum periods of disqualification in the Road Traffic Act and the Motor Vehicles Act, so one cannot say that the provisions of the Bill break any new ground. Nor can one say that the driving of a motor vehicle is a right, when in fact it is a privilege. The licence to drive carries with it heavy responsibilities towards other road users, and any person who causes death or injury by dangerous or reckless driving ought to be prepared to accept the consequences of abusing the privilege and ignoring the responsibilities which accompany the holding of such a licence. Generally speaking, I have an objection to minimum penalties, because I do not

believe that minimum penalties prescribed by Statute have the capacity to take into consideration all of the circumstances which might surround a particular offence. So, at least with monetary penalties and penalties imposing prison sentences, there ought to be flexibility in the courts in sentencing offenders, and those penalties should be subject to review by higher courts of appeal.

Where there is an offence such as that referred to in this Bill, and where it does involve the abdication of responsibility and the abuse of privilege in the driving of a motor vehicle, I am prepared to support the minimum periods of disqualification which are provided for in the legislation. I would hope that the increase in penalties signalled by this Bill will be a clear indication to the courts that tough penalties must be imposed for offences involving a motor vehicle and which involve dangerous or reckless driving, without any respect for other people using the road or those who might merely be innocent bystanders.

With respect to intoxication, those who consume alcohol or take drugs have to carry the full brunt of the law if they offend the rules of the road and the rules of society, and where that consumption of alcohol or use of drugs so blurs their sense of responsibility they no longer should have the respect and care of the community.

The Opposition supports all of the provisions of this Bill. I would raise only two questions, which probably can be more effectively dealt with during the Committee stage. They relate first to the desirability of having some definition of 'motor vehicle' (the present section in the Act has a definition), and secondly, to an apparent inconsistency between new section 19a (3) *(b)*, which refers to causing bodily harm to another, and subsections 4 *(a)* and 4 *(b)*, which refer to greivous bodily harm. It may be that there is a simple answer to those two questions, but I would certainly want to have them considered before the Bill passes, although I do not see them as major impediments to the Bill, all the provisions of which the Opposition very strongly endorses and supports.

The Hon. M.J. ELLIOTT: While we will be supporting this Bill, I think it is based on a couple of premises which I believe are weak. We seem to be acting very much in an eye for an eye, tooth for a tooth type situation whereby, if somebody is killed, a very high penalty follows but, if a surgeon saves their life and they spend the rest of their life in a coma, a lower penalty follows. If nobody staggered off the footpath at the time and therefore nobody happened to be in the vicinity when the dangerous act was committed, under what is being considered in the Bill, no penalty applies. What we should be looking at is the act of dangerous driving, regardless of the offence. If we want to introduce stronger discouragements etc., we should be looking at the offences committed, whether or not someone is hit or killed. The driving is just as dangerous if it is done at 100 km/h without lights through an Adelaide street at night, whether or not somebody steps off the footpath. This Bill is very much an eye for an eye, tooth for a tooth situation and is not really looking at what sort of penalties should exist for the offence of dangerous driving.

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for their support for the Bill. I will report progress in the Committee stage. There is one matter that I need to examine as well as those brought to my attention by the Hon. Mr Griffin. As to the Hon. Mr Elliott's contribution, the law already distinguishes between causing death by dangerous driving, causing injury by dangerous driving, and dangerous driving. There are different penalties for each of those offences. The reality is that causing death by dangerous driving can in some cases amount to manslaughter. Historically, it was difficult sometimes to ensure that all the ingredients of manslaughter were proved to the satisfaction of a jury. It was for that reason that the lesser offence of causing death by dangerous driving was introduced. However, there is no doubt that in very severe cases, manslaughter could be charged.

The fact is that there is a difference between simple dangerous driving and causing death by dangerous driving, just as there is a difference in the criminal law between an assault which does not kill someone and an assault which does, and different penalties apply. Obviously, in assessing a penalty, it is relevant to take into account the consequences of the particular act that one is dealing with. So, it is legitimate to have one penalty for dangerous driving and a much more serious penalty for causing death by dangerous driving.

The intention may be the same so far as it can be defined, that is, the fact that someone drives dangerously and intends to drive dangerously, but the consequences in each case as to what actually happens are different, and that needs to be reflected in the penalty, just as one would reflect in the penalty for the different consequences of an assault. The assault may result in the death of someone or it may not result in death, and there are different penalties applying in those situations. In any event, this Bill is not changing the law in that respect. There has not been a case made out by the honourable member, to my mind, to alter the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 13 August. Page 280.)

The Hon. K.T. GRIFFIN: The Bill seeks to increase the penalties for failing to stop after an accident. The penalties presently provided in section 43 (3) of the Act for failing to stop after an accident where someone has been injured or killed is a maximum of a $500 fine or imprisonment for a maximum of six months. For other breaches of section 43 (3) the maximum penalty is a $300 fine. The Bill proposes that the penalty for failing to stop after an accident, where a person is injured or killed, or where the defendant fails to render assistance, should be a fine not exceeding $5 000 and imprisonment for not more than one year, and disqualification from holding or obtaining a driver's licence for one year or such longer period as a court orders.

The fine for other breaches of section 43 (3) is to be a maximum fine of $2 000. The Bill also provides that the licence disqualification is not to be reduced or mitigated in any way unless in the case of a first offence the court is satisfied that the offence is trifling. Then the minimum period of disqualification must be at least one month.

There has been much public concern about hit-run accidents in the past two or three years and the apparent low penalties imposed. It is for that reason that the Opposition strongly supports the Bill. In some respects we would even prefer to see tougher penalties where death or serious injury occur because it is the height of irresponsibility for a driver of a motor vehicle to cause an accident and then leave the scene hastily while someone may be dying on the road or suffering severe injury and there is no one to render assistance.

While I do not propose any amendments at this stage, it would be appropriate for the Council to consider an increase in the term of imprisonment from the one year proposed to a longer period. I have already made reference to the minimum penalties when talking on the Criminal Law Consolidation Act Amendment Bill (No. 2) and raised no objection to the minimum disqualification proposed in this Bill. I want to raise one case, though, and refer to several others involving hit-run where there are other issues involved. Indeed, I would like the Attorney to investigate urgently the delays and administrative problems which have occurred and which are still occurring in investigating hit-run cases and bringing offenders to justice.

Also, I would want the Attorney to consider the procedures adopted in bringing matters before the court and having matters dealt with by the court. The Attorney is well aware of one particular case which has been the subject of comment periodically in the press and, with the concurrence of the family involved, I raise that matter again now in order to reinforce my plea to the Attorney to review the procedures which are occurring and the delays which are being experienced in the court with a very serious detriment to the family of victims.

The case to which I refer specifically is that of Lenore Allison, who was killed in a hit-run accident on Christmas day 1984. At least one aspect of that matter is still unresolved. It is important to put the matter in context and for that reason I want to quickly identify the sequence of events. The accident occurred on Christmas Day 1984 and was investigated by police. On that Christmas Day they interviewed a person believed to be the owner of the car that caused the accident, wrongly believing that person to be the driver. The police interviewed the driver of the car more than a day after the accident, that is, on 27 December 1984, and by then that person had a lawyer with him.

Some witnesses were interviewed as to the alleged consumption of alcohol by the driver, but later they retracted their statements and indicated that they were not prepared to go to court to give evidence. Because of inadequate police resources that matter was not followed up. Initially there were two police officers on the case: one left the Police Force after seven months—otherwise he would have had a break down from pressure—and the other indicated that he had at that time 23 road fatalities across South Australia to investigate. My information is that other police officers are labouring under the same sort of workload and pressures which create considerable concern for them individually and for their families as well.

I think that anyone with any knowledge of the extent to which investigations ought to occur would recognise the impossibility of giving proper attention to 23 or some other large number of road fatalities across the State at any one time. In the Allison case the Road Traffic Act charges of failing to stop after an accident had to be laid within six months and, as the end of that six month period after the accident came closer, the family of the deceased victim had to urge the police to hurry up their investigations and to lay the charges; otherwise, they would have been out of time.

Another case where that occurred was in the death of a woman on Beulah Road, Norwood, in January of this year, where there had to be an amount of high level agitation to get the police up to the barrier to lay the appropriate charges within the six month period.

In the Allison case the traffic charges and a charge of conspiracy were finally laid. The conspiracy case was called on in the Holden Hill Magistrates Court on three occasions during 1985 and was finally listed for hearing with half a day set aside, on 31 January 1986. On that day the police prosecutor at the court applied for an adjournment and indicated that he was not aware of the reason why the police could not proceed. As it turns out, I am informed that the prosecutor had not been able to get through the file, which was something like four inches thick, to be properly prepared for the committal proceedings. On 30 June 1986 the committal hearing of the conspiracy charge was held. The Crown Prosecutor handled the case after representations had been made to the Police Commissioner by friends of the family, but the magistrate dismissed the charge.

The traffic charges were eventually heard on 17 July of this year and the defendant Phillips entered pleas of guilty to four charges. On that occasion, the police prosecutor indicated to the court that he did not have the file because it was with the Crown Prosecutor, who was considering an appeal on the conspiracy charge. The defence counsel was able to make all sorts of assertions to the magistrate in mitigation of penalty on those road traffic charges, and the prosecutor did not have the file and was not able to present the other side of the picture to the court to ensure that the magistrate had both sides of the case available to him upon which he could then make a decision in respect of penalty.

The magistrate imposed penalties, but the curious thing was that he took into account the long delay in bringing the traffic charges on for hearing and the alleged effect of that delay on the defendant when, in fact, it was no fault of the family of the victim that the trauma of the case had been drawn out for over 18 months. I understand that the Attorney-General and his officers are still considering whether or not to proceed on the conspiracy charge by *ex officio* indictment direct to the Supreme Court.

That was the subject of a question which I raised at the beginning of this session and to which I am still awaiting a reply. It is a complex matter, but it would be in the interests particularly of the family if the matter could be resolved at the earliest opportunity.

There are several issues which arise from the recitation of the facts of that case, and the first is that urgent attention needs to be given to the resources available to pursue investigations of hit-run accidents quickly, and to ensure that they are brought to court quickly.

It is also critical that prosecutors have an adequate opportunity to prepare their cases and that they do, in fact, refute allegations made by the defence when the defence is making submissions on penalty. The court needs to have all the alleged facts before it to ensure that justice is done, and it is important that prosecutors are not diverted from a plea of guilty but have time to give attention to all the issues being raised in serious matters such as hit-run cases.

The tendency is to breathe a sigh of relief when there is a plea of guilty, and then to immediately move on to the next presssing matter and not give the appropriate attention to the submissions which are made in mitigation of penalty by defence counsel. That particular case highlights the pressure on the police, the pressure on resources available to investigate and bring to trial, and the deficiencies which are occurring and which cause long delays in bringing matters to hearing.

I have had other hit-run cases drawn to my attention, where lack of resources available at the time the accident occurs has meant that there has not been a full and satisfactory investigation of the offence, with the offenders brought to justice. I have also had my attention drawn to long delays in getting matters finally before the court to be resolved once and for all. If we are really concerned about the victims and the families of victims it is imperative that matters are brought on as early as possible and that they

are kept fully informed of the developments in the case. I want to make it clear that the Allison family certainly does not wish to be vindictive. It wants to have the question of justice resolved at the earliest opportunity and, certainly, the members of the family do not bear any grudges against individual police officers. They are very sympathetic to the pressures under which those police officers labour.

I hope, therefore, that not only will that matter be given attention but all of the other issues to which I have referred. In conjunction with the Criminal Law Consolidation Act Amendment Bill (No. 2) the Opposition endorses the toughening of penalties and, in fact, in some respects believes that further consideration ought to be given to even tougher penalties for failing to stop and render assistance after accidents where death or injury occurs. I support the second reading of this Bill.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his support of the Bill. He has made a number of other comments to which I cannot reply in detail at the present time. With respect to court delays, I have already indicated publicly that the Government is addressing that issue along with other measures to try to ensure that the courts are operating as efficiently and effectively as possible. Clearly, it is in the interests of everyone concerned—particularly victims—to have cases brought to the court as soon as possible. That is certainly an aim I intend to pursue. With respect to police resources, I understand the points being made by the honourable member, but the police have in fact been given added assistance over the last 12 months, and we will have to see what the budget on Thursday brings with respect to further assistance to the police.

However, the honourable member is no doubt aware of some of the problems that have been outlined with respect to the Police Force. Currently a review is proceeding into administrative aspects of the Police Force, and that may produce some results to overcome some of the problems that have been identified in the past.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

OIL REFINERY (HUNDRED OF NOARLUNGA) INDENTURE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 August. Page 530.)

The Hon. DIANA LAIDLAW: The amendments proposed in this Bill relate to the collection of wharfage at Port Stanvac and have been the subject of review and unanimous endorsement by a select committee of the other place. Port Stanvac, the State's only lubricating oil refinery, produces about 70 per cent of our petroleum requirements and it is an important part of our State's energy sector.

I understand that the select committee was of the view that the amendments will serve to strengthen the viability of the refinery by providing an incentive to the refinery operators to process more feedstock. Currently, under the wharfage arrangements, which were agreed in 1958, inward wharfage is payable on refinery feedstock calculated on the basis of the volume of products sold within the State. Therefore, the finished products from the refinery which are sold interstate or overseas do not pay wharfage. This acts as an incentive to the operators to process more feedstock through the refinery for export.

Also, beyond the question of incentive, which is a positive aspect of this Bill, there is the question that many of the arrangements considered to be valid when this indenture was drawn up in 1958 are no longer so. First, (in 1958) the production of condensate from Port Stanvac was not necessarily envisaged. Secondly, at that time there was no onshore production of crude oil in South Australia. What was envisaged in 1958 was the processing of products which came from beyond our shores. This situation has certainly changed considerably over those years, particularly in relation to Bass Strait crude, but also in relation to light crudes discovered in areas such as the Cooper Basin.

This Bill ensures that the indenture agreement accepted in 1958 is brought in line with modern reality. I should point out for the benefit of honourable members that the incentives are considerable for the refinery to process more feedstock than has been the case in the past. In the 12 months ending January 1986, the State received approximately $680 000 in wharfage from Mobil and $908 000 from Esso—a total of $1.59 million.

Under the revised arrangements outlined in this Bill it is estimated that total revenue will be $1.75 million for the year ending January 1987 growing to $2.75 million by the year ending January 1991. These figures, I understand, have been calculated on the assumption of a 7 per cent per annum average CPI increase. The Opposition is happy to accept this Bill which, I repeat, was considered by a select committee from the other place and was unanimously agreed to not only because of the incentives that the Bill will provide in relation to the production of local product at Port Stanvac but also because of the undeniable benefits to general revenue that will certainly, I hope, be put to good use for the benefit of all in this State. The Opposition supports the Bill.

The Hon. J.C. BURDETT: I, too, support the second reading of the Bill. This Bill and the Mobil Lubricating Oil Refinery (Indenture) Act Amendment Bill are Bills to amend indenture Acts. Indentures are solemn, formal agreements made under seal. Those ratified by Parliament are agreements between the Government and the venturer concerned. It is in cases where some legislative activity is required that they are made the subject of Bills. This Bill and the next Bill have had correct procedures applied to them. The other party—the venturers—gave evidence before the select committee and said that they agreed, so the indentures are not being amended unilaterally. Both parties—the Government and the venturers—have agreed and this is what should happen.

This contrasts with the Bill with which we will be dealing tomorrow and which was introduced by the Hon. Mr Gilfillan—the Roxby Downs (Indenture Ratification) Act Amendment Bill, which seeks an amendment unilaterally. The honourable member is seeking to have Parliament change an indenture—a solemn agreement—unilaterally without the consent of the venturer; in fact, quite contrary to their wishes and interests. In this case the Government and Parliament have followed the correct procedures, and I am very happy to support the Bill.

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

MOBIL LUBRICATING OIL REFINERY (INDENTURE) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 August. Page 531.)

The Hon. DIANA LAIDLAW: This Bill, like the one just passed—the Oil Refinery (Hundred of Noarlunga) Indenture Act Amendment Bill—was also the subject of the select committee in another place. The comments that I made in relation to the previous Bill are pertinent to this one. The report in both instances was unanimously accepted by representatives of both major Parties in another place. So the Opposition is happy to accept the second reading of the Bill.

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

[*Sitting suspended from 5.57 to 7.45 p.m.*]

ROSEWORTHY AGRICULTURAL COLLEGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 479.)

The Hon. R.I. LUCAS: This is the first of three Bills which seeks to introduce consistency in the way in which various institutions of higher education deal with real property. The package includes this Bill, the South Australian College of Advanced Education Act Amendment Bill and the South Australian Institute of Technology Act Amendment Bill. Basically, the Bills provide that the three institutions will not be able to sell, mortgage, charge or otherwise dispose of real property except with the written consent of the Minister. One exemption provided by the Government in the legislation is that the restriction will not apply where the property is leased, at the best rental available, for a term not exceeding 21 years.

The argument put forward by the Government has been that it intends to bring these three institutions into a consistent line with the two universities, the only difference being that Adelaide and Flinders universities require the consent of the Governor, and these three institutions will require the consent or approval of the Minister of Further Education. Ms President, in general terms the Opposition supports the three measures to be put before the Chamber this evening. We do not do so on the basis of consistency, as we do not believe that bringing these three institutions into line with the two universities is, on its own, a sufficient reason for supporting the passage of these three Bills. However, broadly, we accept that, where the Government provides funding for these three institutions to purchase real property, after the governing body of the three institutions makes the decision about a particular piece of real property, there then ought to be the consent of the Minister concerned. So, the Opposition supports the general principle that, where public money is involved, there is good justification for what the Government is seeking to achieve.

The Opposition will be moving an amendment in the Committee stages. I will not spend any time at the second reading stage outlining the amendment other than to say that we will seek to limit the Bill solely to public moneys being used in the three institutions for the purchase of real property. When a piece of real property had been left in an estate from a private person to, for example, Roseworthy College, we believe that that ought to be treated differently. We will move an amendment to provide a further exemption to the one that has been provided by the Government in this legislation. In the case of the first of the three Bills that we will be looking at as a package, I indicate the broad support of the Opposition and give notice that I will move an amendment during the Committee stage.

The Hon. PETER DUNN: In supporting this Bill, I wish to digress just slightly. I wish to speak for just a few moments about what is happening within the crop sciences and what the Government intends to do with the wheat breeding program, in particular, and perhaps the oat breeding program at Roseworthy, and the wheat and barley breeding program at the Waite Research Centre. In the early 1980s, under the Agriculture Department, the Field Crop Improvement Review Committee decided that it would possibly be a good idea to amalgamate all the crop sciences into one body and have them situated in one area.

I must say that I disagree wholeheartedly with what the Minister in another place has decided to do. First, he has decided to amalgamate the two into one large area and establish it at the Northfield Research Centre. That to me is a step backwards. There is a lot of evidence before us to show that the two separate programs, as now established in South Australia, have developed naturally over a long period and have been able to produce some excellent wheats and barleys, so good in fact that I believe that the South Australian produced wheats, barleys and oats are probably the best in the Commonwealth. The proof is that the wheat Halberd, which was developed at the Roseworthy Agricultural College, was, and probably still is—I do not have exact evidence of this—the most popularly grown wheat in Australia.

The program that has developed side by side at Roseworthy and at the Waite centre has been for a long time fundamentally financed by the Government through the Agriculture Department and through industry funds. The Minister is proposing to amalgamate all of these centres into one body and establish it at the Northfield Research Centre, and that is where I believe that this Bill is involved. In doing this, the Minister will have to establish a large and complex system of buildings, including libraries and other facilities, for just such a program, whereas at the moment we have them already established at the Waite, which is part of the University of Adelaide, and at Roseworthy College, which is a college of advanced education.

The problem concerns what may be taken away from these institutions that now provide the wheat and plant breeders with these facilities that are so necessary in order to establish what may develop during wheat breeding programs, and I refer particularly to the sciences of biology, entomology, chemistry and maybe even physics.

A very necessary part of the breeding program for wheat, barley, oats, medics or whatever herbage may grow in this State is to have the back-up of those facilities. The Minister of Agriculture is establishing an organisation separate from both Roseworthy and Waite. In the *Stock Journal* and in his press statements over the past two months, he has announced that the new Crop Science Institute will go to Northfield, and I think that is a retrograde step. In fact, in the very first of the field crop improvement reviews that were put up by the Agriculture Department, that was not the preferred option. As outlined in the preamble to its report, the committee considered two views.

The first option is to maintain the status quo, that is, to keep the two breeding programs separate and form two evenly balanced programs with altered structure and direction. The third option is to amalgamate the two into one large program of existing wheat breeding centres. The third option is what the Minister has accepted. The Minister, in doing what he has done, in amalgamating these two centres into one is really empire building and only his Department of Agriculture will benefit from the change. I point out to him that in these days of financial constraints, the Minister will be bringing great problems on himself in having to

build the necessary infrastructure to establish the crop science institute.

The respective institutes are well established now—they are very successful. The institutes have excellent staff and excellent cooperation. The staff travel into the country to do their research. To demonstrate that, on my neighbour's property are more than 10 000 plots of wheat alone. In other areas are plots of barley, oats and so on. They all come from Waite Institute or Roseworthy College. These institutes have a record of excellence, and that excellence should be maintained. In supporting the Bill I urge the Minister not to join these two institutions in order to form one conglomerate and build it at Northfield.

For the moment, both institutions can be left where they are, where they have facilities and where they can relate to the other sciences and library facilities and so on. How are we to know what will happen in the near future: wheat breeding and cross-breeding of plant materials is on the edge of known science where already we are using radiation and genetic engineering, and such activity requires a sophisticated laboratory organisation. The Minister would be foolish to shift these sciences from Roseworthy College and Waite Institute to an unknown quality at Northfield.

Other States have carried out similar projects and separated organisations from capital cities. They have been moved to country areas and the moves have proven to be a disaster. The report of the Coordination of the Field Crop Breeding and Research Working Party highlights those problems of sending exacting science people away from universities and capital cities. Every piece of evidence I read points to the fact that what the Minister is doing is wrong. I urge the Minister to refrain from this action and take heed of the extra expense that will be incurred, especially when in these days costs are exceedingly high and money is scarce. Rather than putting the project back by up to 10 years, let us continue in the manner that we have followed successfully so that we have two excellent breeding programs.

Certainly, Northfield Research Centre has an excellent program in the medic field, and I suggest that that program remains there. Roseworthy College and Waite Research Centre should proceed with their wheat varieties. The Minister should see what is happening in the world wheat industry. We need to be as efficient as we possibly can be because, if we do not remain efficient, we will be even further in debt than we are now.

Through the Minister in this Council, I remind the Minister of Agriculture to look at what he is doing and look at what he is imposing on agriculture in South Australia. I ask the Minister here to talk to his colleague and urge him to reconsider his decision, because Roseworthy College is under pressure at the moment, as is the Waite Research Centre, and they need as much help as they can get, rather than be hindered, as his proposal would do.

The Hon. J.R. CORNWALL (Minister of Health): I thank honourable members for their contributions. I thank them for their comments. I am pleased to note that there is general support indicated for the Bill. I also note somewhat sadly the foreshadowed amendment of the Opposition that will be debated on its merits in Committee. I repeat briefly for the benefit of the Opposition and the Hon. Mr Elliott that the prime motivation behind the Bill and the two accompanying Bills (there is a trilogy, as the Hon. Mr Lucas pointed out) is the intention to standardise the operation with respect to the disposal of land by tertiary institutions in South Australia. It will not totally standardise the operation because the two universities still end up with a situation different from that of the three members of the college of advanced education sector.

The situation is that prior to this Bill's being introduced we had a series of different arrangements applying to all tertiary institutions in South Australia. By largely standardising them and bringing them into uniformity as close as possible we believe we are serving the best interests of those institutions as well as tertiary education generally. The principal difference that now rests between the universities and the CAE sector is that with the universities the Governor's approval is still required. Comments have been made both here and in another place with respect to disposal of property that has been vested in tertiary institutions by means other than Government funds, and those points are well made and well taken.

On the one hand, the South Australian College of Advanced Education has indicated to the Government that it is entirely happy with the Bill as proposed, and it made no comment at all with respect to the property vested from private funds. On the other hand, the South Australian Institute of Technology and Roseworthy College have differing views on the matter. It is fair to point that out. Roseworthy submitted a proposition to the Government that maintained essentially that it should be able to dispose of property acquired as a result of donations or bequests from non-government sources in an unfettered manner. I guess that is in line with the foreshadowed amendment with which we will deal shortly and I hope expeditiously.

The Institute of Technology had a different point of view. It noted that universities are required to obtain the Governor's consent to deal with real property acquired through private sources. It then went on to say that that should be the standardised procedure for all tertiary institutions. Therefore, the Government was faced with two different propositions and had to come to a decision on balance which would hopefully be in the middle of that.

One could probably argue that the Institute of Technology's proposal would require more control than presently exists and certainly more control than is currently proposed in the Bill. Conversely, the Roseworthy proposal suggests less control than is proposed in the Bill. As I said, the Government had to try to find a position somewhere in the middle. On balance, the Government's view was that basically there was little complication in expecting all such land divestiture or land changes to be subject to the consent of the Minister.

I want to explore that briefly without taking up too much time of the Council. The Institute of Technology made the point in proposing that approval be given by the Governor's consent and by that means it said that the universities—it was using the university experience—had not experienced any difficulty with having to obtain the Governor's consent over the years and, therefore, in its submission, the same situation could apply to the institute.

It would not be unreasonable to argue that, with small amounts of land, for example, it would be particularly onerous to expect a submission to come to the Minister, go from the Minister to Cabinet and be processed through the Cabinet and eventually, of course, go from Cabinet to Executive Council for the Governor's approval. We could simply come to the Minister without reference to Cabinet and Executive Council. It is really a line in the middle.

We are trying to strike a balance and we are trying to make it reasonably simple so that it does not become overly bureaucratic. It would not be necessary to go through the whole rigmarole of preparing a submission for the Minister who, in turn, prepares a submission for Cabinet who approve it and ultimately send it to Executive Council, and so it goes on. We think the Minister should be able to expedite these things without having a direct finger in the pie. I

foreshadow that I will be opposing the amendment on behalf of the Government, and I urge members to support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Continuation of the College'.

The Hon. R.I. LUCAS: I move:

Lines 24 to 26—Leave out subsection (5) and insert new subsection as follows:

(5) Subsection (4) does not apply—

(a) to a lease for a term of 21 years or less at the best rental available;

(b) in relation to property given to the College (other than property given to the College by the Crown).

As I indicated previously, what it will do is in the circumstance where Rob Lucas happens to die and leave to Roseworthy College 100 good quality acres of land or whatever, in 50 years when the Roseworthy College chooses to do something—like selling that 100 acres, for example—the college would be able to sell that property by decision of its governing body without the need for the consent of the Minister. As I indicated in the second reading debate, we agree that the Government should be concerned to have some control by way of consent over the sale of real property in which public funds have been invested.

However, when someone leaves real property to the Roseworthy College, public funds have not been used and we therefore do not see the need for ministerial consent for that proposition. We are certainly not arguing the Institute of Technology's case that there should be consent by the Governor. The final point I would make is that Roseworthy College, as the Minister indicated, actually argued for a wider amendment than the one I have moved. The college would have argued that it would want an amendment whereby, if Rob Lucas died and left $100 000 cash to Roseworthy College and the College purchased 100 acres or whatever, the sale of that 100 acres at some time in the future would not require ministerial consent.

The amendment I move now does not cover that particular situation. It only covers the situation where real property has been left the Roseworthy College and, in that circumstance, ministerial consent will not be required if this amendment is passed.

The Hon. M.J. ELLIOTT: As I see this amendment, it is six of one and half a dozen of the other. I sympathise with the sentiments of the Opposition with this amendment and my first inclination was to support it, but on further reflection I think that a person makes a bequest of real estate to a college, in current circumstances, but the college may wish to sell the property 30 or 50 years down the line. Therefore, I do not see that the council or governing body of that college is really representative of the body which existed 30 or 50 years before. Circumstances change.

Perhaps we must accept that education in South Australia in the first instance is vested in the Crown and the responsibility of education through these bodies is vested in the Crown and the Crown, as such, bears the responsibility, not some council of some future time. I am disposed towards opposing the Opposition's amendment.

The Hon. PETER DUNN: Madam Chairman, in supporting this amendment I wish to refer to a few of the facts.

The CHAIRPERSON: Not Chairman; I am not a man.

The Hon. PETER DUNN: Madam Chair.

The CHAIRPERSON: Thank you.

The Hon. PETER DUNN: Madam Chair, there are very small areas within this State that have been given to these institutions, and I cite a couple of them that have been given to the Department of Agriculture: in particular, the Winkler Estate and, in later years, Sims Farm, which incurred great difficulty and it was hard to resolve the issue, being a case where the Minister had control of the land.

It was left to the Government, and therefore the Minister had control of it. We had great difficulty in using it for the purpose for which the benefactor gave it to the Government. The rural industry traditionally has given very generously to State bodies, universities etc. and we only have to look at the University of Adelaide and what Peter Waite gave to the university. There were also the Elder bequests and, more recently, the Davis bequest, which is at Mintaro, and I think that the benefactors would have wished that individual institutions should have the right to determine what happens to those bequests.

Sometimes they become a burden—and I say that advisedly—and I remember quite distinctly when the Department of Agriculture was looking at research centres throughout South Australia and it was deemed that there were too many—they were too fragmented, too far apart and not big enough to have the economy of scale. They did not have the cross fertilisation of scientists. We had one here, two there, one somewhere else, so it was decided to rationalise them, which was very difficult.

It will always be difficult to do that while Ministers believe they have control of them because we have so many steps to go through to get a final decision. I believe this amendment cuts that out and allows the institution itself to determine whether it is of benefit to have that piece of real estate or property or whether it deems it to be a burden. Whichever the case may be, they may decide to sell the land and buy a piece of property in another place.

That may be an advantage to them but, under this system, particularly with the Minister we have at the moment, who probably is not well versed in what is necessary in the agricultural field, it may be very difficult to get that changed, so I urge members to support this amendment.

The Hon. J.R. CORNWALL: The Hon. Mr Dunn has raised a number of points, some during the Committee stage and some during his second reading contribution, to which I cannot respond as adequately as I would like. I undertake that I will have the Minister concerned prepare formal written responses. However, in relation to the amendment—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: No. The Hon. Mr Elliott made a very good point, and I would like to make one more. I indicate again that we will not accept the amendment. However, in doing so I respect the spirit in which it was moved. I understand that the aim is to prevent a disincentive to the bequeathing of land to tertiary institutions in South Australia. I most certainly would not want to be a party to something that would be a real danger to that happening, nor would any member of the Government. However, I think that point is being made on the false assumption that people would be wary of giving land to a tertiary institution under the proposed legislation as it would somehow come under the Minister's control.

I make it very clear, as I did in my brief second reading reply, that the Bill contains ministerial consent—not ministerial control—and there is a significant difference. The control—effective administration or management of the assets—still clearly rests with the governments of the tertiary institutions. That is proper and the way it should be. The question of the Minister's involvement is purely in terms of requiring formal consent. It is a small check and balance, if you like, and in no way is meant to be implicitly or explicitly ministerial control. For that reason I do not believe the amendment to be necessary and I urge honour-

able members to join with me and the Government in resisting it.

The Hon. M.J. ELLIOTT: The last point made by the Minister is very important: that is, the Minister may prevent a sale but not force a sale. If I was making a bequest, what would worry me is that the Government could say, 'You will sell the land and do such and such with the money received from that sale.' The only power we are talking about here is the power for the Minister to refuse the right of sale. That is more of a check and safeguard in relation to a bequest than the reverse, which is the implication from what the Opposition is saying.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 479.)

The Hon. R.I. LUCAS: As I indicated during my second reading contribution on the Roseworthy Agricultural College Act Amendment Bill, this is the second of a package of three Bills and the attitude of the Opposition is consistent in relation to the three Bills. I take the passage of the Roseworthy Agricultural College Act Amendment Bill as being a test case for this Bill and the next Bill to be considered, the South Australian Institute of Technology Act Amendment Bill.

The only difference in relation to this Bill is that, whilst, the practical effect of the Roseworthy Agricultural College Act Amendment Bill and the South Australian Institute of Technology Act Amendment Bill was to wind back a previously unfettered right to deal in real property (that is, those institutions lost some power), the effect in relation to this Bill is somewhat different as it will allow the South Australian College of Advanced Education to enter into the specified type of leasing arrangement that I referred to earlier, that is, being able to lease property for a term not exceeding 21 years at the best rental available.

The Opposition's position is one of general support for the principles in this Bill. I will be moving an amendment during the Committee stage but, having seen that the Government and the Democrats benches did not support a similar amendment that I moved to the Roseworthy Agricultural College Act Amendment Bill, I will not take up too much time during the Committee stage. I support the Bill.

The Hon. J.R. CORNWALL (Minister of Health): The Hon. Mr Lucas has done his homework on this legislation, as he always does, and has been very thorough. What he has said is correct. The arguments for the foreshadowed amendment have been debated during the passage of the Roseworthy Agricultural College Act Amendment Bill. Our position is the same. For that reason we will formally oppose the amendment. I thank the Hon. Mr Lucas for his contribution to the second reading debate and urge honourable members to expedite the passage of this Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Establishment of college.'

The Hon. R.I. LUCAS: I move:

Lines 26 to 28—Leave out subsection (4a) and insert new subsection as follows:

(4a) Subsection (4) does not apply—

(a) to a lease for a term of 21 years or less at the best rental available;

(b) real property given to the college (other than property given to the college by the Crown).

This is exactly the same amendment as that which I moved to the Roseworthy Agricultural College Act Amendment Bill and I move it for the same reasons I indicated when talking to that Bill.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 480.)

The Hon. R.I. LUCAS: This is the third of the package of three Bills, and I will not take up the time of the Council by repeating the arguments I put when talking about the Roseworthy Agricultural College Act Amendment Bill and the South Australian Institute of Technology Act Amendment Bill.

I will add two points: during earlier debate the Minister quite rightly indicated the final position of the Institute of Technology, which is summed up in a letter from Neil Oxenbury, the Registrar of the institute, to the then Minister of Education (Hon. Lynn Arnold) on 27 June 1985. In part the letter states:

It would be appropriate for the colleges to obtain the consent of the Governor-in-Council to dispose of or alienate real property as is required of the universities.

However, I indicate to members in this Chamber, as a matter of record, that an earlier part of the letter states:

However, council was reluctant to relinquish the right to deal without the need for reference to the Government for approval with real property acquired by the institute with private funds.

I suppose it was certainly the initial view of the institute that it was reluctant, as was Roseworthy College, in relation to the right to deal with real property acquired by the institute with private funds. However, the Minister was right in that they did summarise and say that they accepted what they thought was the Government's position, that is, that they be treated in exactly the same way as the two universities.

As it has panned out, of course, the Government has required approval by the Minister rather than by the Governor-in-Council. The second matter that I place on record relates to, for example, the South Australian Institute, which has a company well known to the Minister—Techsearch Incorporated, a registered company under the Associations Incorporation Act. That company has the power in its constitution to deal in real property in its own right; and so, too, does Luminis, the company run by Adelaide University.

Luminis also has the power to deal in real property. The legislation that we see this evening will not affect the ability of Techsearch in the Institute of Technology to deal in real property; nor should it. I am not suggesting that it should. With those few words, I indicate once again broad support of the proposition put forward in the Bill. Once again, I will move, forlornly, my amendment during the Committee stage. However, I accept that the combined weight of Democrat and Government numbers will be too much and we will not see the passage of a very worthy amendment.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Continuance and status of council.'

The Hon. R.I. LUCAS: I move:

Lines 24 to 26—Leave out subsection (4) and insert new subsection as follows:

(4) Subsection (3) does not apply—

(a) to a lease for a term of 21 years or less at the best rental available;

(b) in relation to property given to the council (other than property given to the council by the Crown).

I move this amendment for the reasons that I have already indicated during the two previous Committee stages on the Roseworthy Agricultural College Act Amendment Bill and the South Australian College of Advanced Education Act Amendment Bill.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

PLANNING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 August. Page 528.)

The Hon. M.J. ELLIOTT: When the matters under consideration in this Bill were before the Council last year the Government gave an undertaking to establish a select committee, and I am not quite sure whether or not that was done just before the election was called. In particular, it was to deal with matters associated with section 56. Over the past week or so I have had a number of discussions with interested parties. I have not been convinced that the proposed amendments to section 56 will achieve what is intended. I think a number of important questions need to be addressed, but I do not think they will be adequately addressed in debate in this place. As a result, I will support the Opposition move for a select committee to be set up to consider the matters associated with section 56 of the principal Act. Therefore, during the Committee stage I will oppose clauses 6 and 7.

The Hon. J.R. CORNWALL (Minister of Health): It appears, from my preliminary count at least, that the Opposition and the Democrats between them have the numbers to stymie the passage of this Bill. It also appears that we may well be reluctantly forced to establish a select committee. I am not normally reluctant, nor is the Government in this place, to be involved in a select committee because I think they are an excellent forum. They certainly operate in a spirit of cooperation and concordiality which is significantly missing in the main Chamber when we get back here and play our role as actors. However, I do not believe (and I say this as one who has been responsible for handling the now famous or infamous section 56 in this place at various times in the past two years or more) that a select committee is necessary.

I do not think a select committee is necessary, principally because we have managed very well without section 56 for that period of two years or thereabouts. We have managed very well indeed and, therefore, we have the experience to show that the passage of this legislation would be not only without prejudice to the good working of the legislation but would very substantially enhance it. A number of points have been made by the Opposition at this time and at various other times when this matter has been before the Chamber. I think it is worth going through those points one by one to briefly place on the record a rebuttal of each point. I strongly urge all members to consider my remarks before making up their minds and voting. First, it is said that there has been a lack of consultation. Let me put that to rest at once. This particular Bill was not widely circulated prior to its introduction to Parliament—

The Hon. Diana Laidlaw: Not at all.

The Hon. J.R. CORNWALL: That is perfectly true. However, the Hon. Ms Laidlaw is not a beginner to politics; she is not new to this Chamber. The issues raised in the Bill, as she knows and as the Hon. Mr Gilfillan knows, because he is not a stranger to this place, either, have been debated now for something in excess of three years (although I think I said initially that it was only two years). The repeal of section 56 (1) *(a)* was first proposed in the published report of the Planning Act Review Committee as long ago as October 1983.

Since then it has been the subject of widespread community debate. It has been considered by Parliament on four occasions prior to this Bill. As somebody said a little earlier, the Legislative Council even established a select committee on the subject. This committee did not reconstitute after the last election.

The most recent public debate occurred in February of this year when the Environmental Law Association sponsored a public seminar solely on section 56 of the Act. Accordingly, Ms President, the issues have been subject to more widespread debate than has virtually any other provision of planning legislation in the history of this State. I hope the Hon. Miss Laidlaw is listening in rapt attention to these remarks. I am trying to help her make up her mind, even at this late stage. She is one of the more intelligent members of the Opposition, and I feel in those circumstances that I am by no means flogging a dead horse as it were, if I could mix my metaphors.

Secondly, it has been alleged that the proposition takes away rights to continue lawful activities. Again, let me set that shibboleth aside. The Bill does not affect the right of an activity to remain. The Act only controls changes in land use, not the use of the land itself. The Act is only relevant to changes in the status quo. This is amply demonstrated, I would submit, by the fact that section 56(1) has been effectively repealed, as I said a little earlier, since November 1984—almost two years ago—with no problems having become evident during that time. The repeal of section 56 (1) *(a)* is supported by the Local Government Association and is conceded by the Environmental Law Association, which has stated in its latest submission:

> The mere continuance of an existing use in entirely the same manner as previously would not involve development and would not necessitate protection by section 56. It is in this respect that the section may rightly be said to be superfluous—

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: No, it is important that these matters be on the record for consideration by this select committee in the event that it is established, albeit unnecessarily.

The Hon. I. Gilfillan: You can be a member of the select committe, can't you?

The Hon. J.R. CORNWALL: I will not be able to participate on the select committee if it is constituted, more is the pity perhaps some would say, but we are blessed in this year of grace 1986 by an extraordinarily competent and active back bench, so there will be no problem at all in supplying adequate intelligent members, very responsible people, who will do a splendid job in the event that we are reluctantly forced into forming a select committee. A further claim has been made, quite wrongly, that the Bill will prevent industries from adapting to technological change or changing industrial safety or health laws. The Planning Act controls development as defined. The definition of 'devel-

opment' excludes, and has excluded since the commencement of this Act in 1982 (when it was introduced by the Tonkin Government), building work within an existing building, or even complete replacement of a building in essentially the same form. Accordingly, irrespective of section 56, upgrading and replacement of buildings can occur as a right—except, of course, for State heritage buildings—without planning approval.

Next, it has been claimed that the Bill will prevent minor alterations to existing buildings. The definition of 'development' excludes a number of minor building works. However, even when minor building work falls outside the exemption, a person has the right to seek planning approval. If the activity is in the appropriate zone, the work will probably be permitted (for example, houses in residential zones, factories in industrial zones). In many cases, the development will be 'subject to consent', and the developer has an appeal right if refused approval. Only where the development is prohibited does the developer have no further rights, except that application may still be made, and if the proposal is acceptable to the planning authorities consent may be granted notwithstanding this prohibition.

Further, it has been claimed that the Bill reduces investment certainty. The now repealed Planning and Development Act allowed prohibited development the right to expand up to 50 per cent, subject to conditions imposed by the Planning Authority to minimise impact. This 50 per cent rule was deleted when the new Planning Act commenced in 1982. The High Court interpretation of section 56 in 1984 extended expansion rights to all development, not just prohibited development, to an undefined extent, not just 50 per cent, and removed the power to impose conditions which would minimise impact. Thus, Ms President, while the High Court interpretation provided certain expansion rights to developers, the extent is unclear and, most importantly, it removed any right of neighbours to protect their investment from uncontrolled expansion of prohibited development.

It has been further claimed that the amendment to section 47 (9) last year means that prohibited development can no longer be approved under section 47 (6). The Government's legal advice is that it is a clear principle of statutory interpretation that specification provisions override general provisions. The clear exemption provision of section 47 (6) overrides section 47 (9), thus allowing approval to prohibited development.

Next, it has been claimed, again wrongly, that the repeal of section 56 (1) *(a)* will require, for example, shop owners to seek approval for the conversion of a delicatessen to a chemist, or a farmer to seek approval to change a wheat crop to barley. That is one of the more extreme examples that has been produced, but the points have certainly been raised. Again in rebuttal, let me explain. The Planning Act controls changes in land use, not the content of shop shelves. The Act only becomes relevant where the nature of the activity on the land is to change. A change from one type of farming to another or from one type of shop to another within the same building does not constitute a change of use unless there is a clear and substantial shift in the external impact of the activity.

Finally, let me rebut the claim that repeal of section 56 (1) *(a)* will require planning approval for the sale of land from one person to another. The point must be made clearly that the Act controls the erection of buildings or changes in the use of land. It is not—I repeat not—concerned with who actually owns or uses the land for its lawful purposes. I could make other points, but I think eight important points are enough to demolish the arguments that have been put up. I do not believe that any useful purpose will be served by this particular select committee, although I repeat what I said at the outset, that I am normally a staunch supporter of the select committee process in this Chamber.

However, in this case it is not necessary. It is, in a sense, a waste of taxpayers' money in this difficult time in which we live. I am not suggesting for one moment that one should start putting a price on democracy; I am simply making the point that it will be time consuming, wasteful and unnecessary, and we oppose it. Nevertheless, if we do not have the numbers (and we do not have the number as a Government in this place), then we will reluctantly, albeit positively, participate.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Saving provision.'

The Hon. DIANA LAIDLAW: I move:

Page 1, line 19—Leave out all words in this clause after 'is' and insert the following:

amended by striking out from subsection (3) '31 August, 1986' and substituting '31 May 1987'.

The amendment repeals all reference in this provision to section 56. The amendment also seeks to insert the date of suspension of that section to 31 May 1987, which is an extension of nine months from the present lapse of suspension, which is 31 August. The passage of this amendment is necessary if members agree that a select committee should be established to assess the repeal of section 56, which relates to the existing use rights in non-conforming zones.

I gave notice last Thursday of a motion seeking to establish a select committee, and I intend to move it later this evening. The Opposition is anxious that section 56 be referred to a select committee and our reasons are essentially those that we expressed last September when a select committee was agreed to by this place.

The reasons at that time related to concern about the ramifications of section 56 and the lack of consultation. As I say, those reasons remain equally as valid today as they did last September. I will develop that point later in speaking to the actual motion to establish a select committee. In respect of this repeal clause, I highlight the diverse range of organisations that have been in contact with the Opposition in recent weeks relating to this specific Bill. First, the United Farmers and Stockowners wrote to the shadow Minister of Environment and Planning in another place, as follows:

> It has been the practice of Government Ministers to discuss pending legislation with the UF&S where that legislation is likely to impact upon our membership. In this case the amendments proposed were not considered by my organisation prior to their introduction into Parliament. I am also not aware that other interested parties were advised of their nature before they were presented to Parliament. Existing use provisions of land are basic to our society. Without them the incentive to invest and to properly manage assets can be put at risk. Further, the rights of individuals may be trammelled. The substance of these changes has been the subject of a number of legal examinations in recent years. It is only proper therefore that there be extensive community input and examination of the proposed changes. This should include existing use provisions in legislation in other States and, if necessary, overseas.

In addition to the representations of the UF&S, representations have been received from the Real Estate Institute, which states:

> The proposed amendment to section 56 is unclear and needs redrafting.

Representations have also been received from the Local Government Association which, contrary to the Minister's

blanket statement earlier that the association endorsed this change, has advised the Opposition:

> The amendments are complex, difficult to read and I [the Executive Officer] am concerned about the little time allowed for commenting on the Bill.

The Building Owners and Managers Association of Australia Ltd states:

> The proposed amendment does nothing to clarify the problem facing owners enjoying 'existing use'. Indeed the amendment is silent upon the question of an existing use which has lasted for three years or more before the date when the amendment becomes law.

Finally, I quote from the very comprehensive submission received from the Environmental Law Association. Again, this group was mentioned by the Minister, but the submission that I have before me expresses far greater concern than the Minister was willing to refer to in his reference to that submission. At page 4, paragraph 3 of the submission states:

> The association considers, in the light of the preceding analysis, that the fundamental policy and legal issue which arises as a result of the proposal to repeal section 56 (1) *(a)* and *(b)* is whether acts which do not constitute a change of use, but are 'development' because they involve erection, construction, etc. (or may be declared by regulation to constitute development), should remain the subject of a blanket protection under the existing-use concept or, alternatively, should be made subject to some form of planning control in the future.

Paragraph 4 states:

> At an earlier point in time, the associatin made two submissions supporting the retention of section 56 (1). In the light of subsequent discussion and analysis within the association, which has resulted in clarification of the legal and policy issues involved, it is clear that there is a significant division of opinion amongst members of the association as to what position should be adopted by the association with respect to the basic issue as defined in the preceding paragraph. There are two broad schools of thought.

The association argues that both views have some weight, and therefore in paragraph 8 on page 5 the association states:

> In the circumstances, the association has concluded that the most appropriate solution is a compromise between the two views.

Later in its submission the association offers to work with the Government but now the Government is not willing to consider the issue further with a select committee working towards a possible compromise on this issue. Because of the range of concerns that the Opposition has received, which extend from lack of consultation to concern that the clauses are unclear and in some instances unnecessary, the Opposition believes strongly that a select committee is necessary.

The Hon. J.R. CORNWALL: I want to make two points very briefly. First, the final remarks of the Hon. Miss Laidlaw are not correct. I want it to be on the record that it is firm Government policy that planning policy should be in the development plan and not in the Act. The policy debate should appropriately take place within the framework of the development plan rather than of the legislation itself. That point ought to be on record.

The second point is just as compelling. The late Senator Pat Keneally, a very well known Labor Senator in Victoria, said, 'Never mind the logic, give me the numbers.' On this occasion the Government, having taken the best advice that is available, has all of the logic but regrettably, having conferred with the Democrats, it is patently obvious that we do not have the numbers.

It is because of that that I indicate at this stage I do not intend to call a division. I also indicate that, in the event that we have to go to a select committee, at least the amendments on file in the name of the Hon. Ms Laidlaw will give us a further holding period until 31 May 1987. That is a position which will at least protect the current situation, unsatisfactory though it might be, to give the select committee a chance—one would hope—to report to this Parliament in the autumn session and also, one would hope, after what will be by that time almost four years, put the vexed matter of section 56 to rest for all time.

Amendment carried; clause as amended passed.

Clause 7—'Insertion of schedule.'

The Hon. DIANA LAIDLAW: Clause 7 arises from the Government's decision to repeal section 56 (1) *(b)*, and some of those provisions from that old provision have been inserted in this schedule of repealing and transitional provisions. Following the Council's agreement to my earlier amendment, it is important that this clause also be left out at this stage. I would just like to read again from the submission from the Environmental Law Association. It states:

> The Association notes the inclusion of an entirely new provision in paragraph 4 of the said schedule of this Bill. This paragraph once again purports to impose arbitrary time limits upon consents previously granted under the Planning and Development Act and to apply those retrospectively. The clause as presently drafted is so uncertain and seemingly inconsistent with paragraph 2 of this same schedule it could easily give rise to unnecessary litigation. A particular defect is that there is no indication in the clauses to the effect of the previous planning authorisation having come to an end on the day fixed by the paragraph itself.
>
> It is not clear whether it means the development should have been commenced or completed before the fixed date expires. If it does mean one or other of these, there is no stated effect of the failure to commence or complete the development by that date. The paragraph is also in conflict with paragraph 5 of the same schedule, which enables earlier planning authorisation to run until discontinued.

For all the reasons that I have just outlined, I move:

> Page 3, lines 37 to 49 and page 4, lines 1 to 11—Leave out clauses 3, 4 and 5.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (ANALYSTS) BILL

Adjourned debate on second reading.

(Continued from 19 August. Page 431.)

The Hon. R.J. RITSON: This Bill seeks to amend six other related Statutes, and they are a scatter of Statutes over many decades from 1922 to 1985. The first thing that the Bill does is provide in all of those Statutes a more up to date and more practical definition of the meaning of the word 'analyst'. 'Analyst' is variously described in the other Bills, and in some cases mean the Government Analyst, which is a statutory position which I understand no longer exists.

The Government laboratory facilities are no longer encapsulated in a single institution but are scattered as a series of specialised scientific services throughout the city and, doubtless, the Government officials and people requiring analysis will refer materials to one or other of the several laboratories according to the specialised nature of the requirement.

The other thing the Bill does is introduce the change that the tests or analysis can be done by a person other than the analyst, under supervision. That is simply a recognition of the fact that the days of the fuming test tube and the bubbling flask have largely passed from these laboratories and much chemical and biochemical analysis is performed by automated machines.

The Hon. J.R. Cornwall interjecting:

The Hon. R.J. RITSON: Yes, we did it like that. But the automated analytical machinery is operated by technicians, and the function of the chemist or biochemist is to interpret the report and give advice associated with the results. What I hope has been happening is that the Government departments concerned have already been sending the material to an appropriate laboratory regardless of the old legislation, and have been making appropriate use of technicians.

To that extent, this Bill is merely validating legislation to bring the statute books, which have probably been limping behind the progress of science, up into line with the appropriate current practice. The Opposition sees no objection to the passage of this Bill. It has received no lobbies or objections from anybody with an interest in the Bill and the Opposition, therefore, is pleased to expedite the passage of the Bill without delay.

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

SELECT COMMITTEE ON SECTION 56 OF THE PLANNING ACT AND RELATED MATTERS

The Hon. DIANA LAIDLAW: I move:

1. That a select committee be appointed to inquire into and report upon section 56 of the Planning Act 1982, and related matters, and to recommend appropriate amendments.
2. That in the event of a select committee being appointed, it consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the select committee to have a deliberative vote only.
3. That this Council permits the select committee to authorise the disclosure or publication as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

Earlier this evening we passed an amendment to the Planning Act which repealed section 56 thereby enabling a select committee to be established. I support the sentiments expressed by the Minister of Community Welfare, who is handling the Bill, when he stated that the Government regrets the need for the establishment of this select committee. The Opposition equally regrets the need for the establishment of this select committee. Indeed, we had hoped, last September when the first select committee was established to look into this matter and during the intervening time, that the Government would have seen fit to not only widely consult with the groups that are affected and aggrieved by these amendments but also that it may have sought to dissuade those groups that there would not be the ramifications that they believed would arise from the repeal of section 56.

On neither count has the Government tried or been convincing in its efforts in relation to those groups. I repeat: there is a need for this select committee. A diverse range of groups in the community strongly feel that this is so, and I am pleased that the Democrats have seen fit to support the Opposition in moving for its establishment. In the other place there were suggestions that there was no need for a select committee at this time because the earlier select committee had only met on one occasion. That is correct. It was established on 19 September, met once, and was disbanded when Parliament was prorogued. I am equally aware that there has not been extensive lobbying in the meantime because many groups, unlike ourselves, have no understanding of the procedures of Parliament and were under the impression that either the select committee had remained in existence and was still meeting or (the other view that was put to me) that the select committee would be re-established on the Government's initiative because the committee was previously chaired by a Government Minister.

The Hon. J.R. CORNWALL (Minister of Community Welfare): The Government opposes the establishment of a select committee. I have canvassed the reasons at very considerable length and in reasonable detail in the earlier debate and I do not intend to go over them again. We do not believe, on all the best advice that is available to us, that a select committee is necessary. The matter has been considered more often and in greater depth than almost any matter that has come before this Parliament over the past three or more years. The Democrats have indicated to me that they intend to support the Hon. Ms Laidlaw's motion and in those circumstances I do not believe I need to take up the time of the Council by calling for a division.

Motion carried.

The Council appointed a select committee consisting of the Hons M.J. Elliott, J.C. Irwin, Diana Laidlaw, Anne Levy, T.G. Roberts, and G. Weatherill; the committee to have power to send for persons, papers and records, and to adjourn from place to place, and to report on 26 November 1986.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

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

ADJOURNMENT

At 9.18 p.m. the Council adjourned until Wednesday 27 August at 2.15 p.m.