LEGISLATIVE COUNCIL

Thursday 15 November 1990

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Tourism, for the Attorney-General (Hon. C.J. Sumner)—

Department of Marine and Harbors—Report, 1989-90.

QUESTIONS

REGIONAL RAIL SERVICES

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism a question about regional rail services.

Leave granted.

The Hon. DIANA LAIDLAW: I have received a copy of the press release that will be issued by the Minister for Land Transport, Bob Brown, this afternoon announcing that the Federal Government has agreed to a request from Australian National to close South Australia's regional rail passenger services. Those services to be closed are the Blue Lake, which travels to Mount Gambier, the Silver City, which travels to Peterborough and Broken Hill, and the Iron Triangle which travels to Port Pirie, Port Augusta and Whyalla.

The Minister will be familiar with the fact that the Rail Transfer Agreement signed some years ago between the State and Federal Governments required that the Federal Minister for Land Transport would consult with the South Australian Minister of Transport on the closure of any of these lines. I suspect that, in announcing that these lines will be closed today, the Federal Minister for Land Transport would have consulted with his counterpart in this State. I was interested to know whether in terms of that consultation, the Minister of Transport in this State spoke with and determined from the Minister of Tourism what impact the closure of these rail services would have on tourism in this State. Is the Minister satisfied that in tourism terms Australian National has undertaken its responsibilities sufficiently to publicise the value of these services for increasing tourism travel and for general purposes in the past few years before making a decision to close these lines?

The Hon. BARBARA WIESE: I was not aware of the statement to which the honourable member refers and I must say that, at least with respect to the Mount Gambier service, I am quite surprised that such a decision is being announced today, because it is not long ago that the question of the possible closure of the Mount Gambier line was raised with me by people in the South-East of the State who were concerned that there were rumours that this closure would occur.

Following receipt of those queries from people in the South-East I wrote to the Chairman of Australian National to inquire about the future of the line. I was assured that there were no intentions to close it. It is interesting that the honourable member now says only a few weeks later that a decision has been taken to close that line. I would hope that the agreement between the Federal and State Governments on the question of consultation before closure has been fulfilled, if these decisions have been taken. I am not aware as to whether that has occurred. I do not recall the Minister of Transport contacting me about the possible closure of these lines, but it is certainly something that I will check to ensure that my recollection is accurate. Whether or not officers of Tourism South Australia were contacted by people within the Minister's department, of course, is another matter, which I will also check.

However, I would have to say that, certainly for the Mount Gambier line, the tourism component of passenger travel is probably quite small, and I would say that the same would apply to the line to Peterborough. The extent to which the line that links Port Pirie, Whyalla and Port Augusta has an impact on such services as the Ghan and the Indian Pacific is not something that I know very much about. I do not know whether that line feeds into those other lines, but those services are certainly important for tourism. If the line to which the honourable member refers is linked in any way, it would certainly be of concern to me if it is being closed, because it may very well reduce the tourism potential of the service. I will have to seek a report on the issues that the honourable member has raised with me and I will bring back a reply as soon as I have the appropriate information.

The Hon. DIANA LAIDLAW: As a supplementary question, does the Minister believe that it would be fair to argue that the tourism component of the Mount Gambier line may be small because Australian National has made no effort in recent years to publicise those services, to provide meals or to maintain sufficient staff on those lines as would provide a quality service, and was this matter one that she took up with the chairman when she wrote to him recently?

The Hon. BARBARA WIESE: I am advised by Australian National that there has been publicity about the Mount Gambier line but it is perhaps a sign of the times that there is not sufficient passenger traffic these days for lines of that kind. With the improvement in other forms of transport and greater access to private motor vehicles, coach travel and so on, which tend to be faster forms of transport as well and which are more desirable as far as tourists are concerned, there is a tendency for people to choose those forms of travel rather than to travel by train, other than in the circumstances where people enjoy train travel over long distances and in particular locations in Australia.

So, I understand that Australian National has paid some attention to those questions and is attempting to balance the needs of travellers, including local passengers, and it is exploring the tourism potential of some of the services it operates. On that point, I think it is worth noting that in recent times Australian National has become much more conscious of the role that it can play in the tourism industry. I have found that over the past 18 months Australian National has been working much more closely with officers in Tourism South Australia in improving the tourism potential of the major services that it runs.

It is interesting to note that the Ghan was a recipient of a national tourism award this year. That has happened not by mistake but because Australian National really is attempting to lift its game in terms of the provision of better passenger facilities and services on those lines where the capacity for improving tourism is greatest.

Of course, I am not here to apologise for Australian National or to answer for it, but Australian National has been given a charter by the Federal Government to operate in a commercially viable way. With the decisions that it has to take and the balances that it must strike, it is obviously extremely difficult to achieve the goals that the charter has set for it. I am sure that the decisions to which the honourable member refers would not have been taken without

all opportunities for expansion and continuation having been explored first.

BAIL

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Attorney-General a question on the subject of law and order and bail.

Leave granted.

The Hon. R.I. LUCAS: I have been contacted by a very angry constituent who claims the courts' provision of bail for alleged offenders is becoming a mockery. Several weeks ago a family car was stolen from his driveway. About five days later the car was recovered (undamaged but with a few items missing from the glovebox) after police responded to a tip-off about a drug deal. When police arrested the alleged offender he was in the constituent's stolen vehicle. He was subsequently given bail pending appearance in court at a later date.

About two weeks after that arrest, a stereo system was stolen from a car owned by the constituent's son, parked in the constituent's driveway. Then on 21 October the constituent's home was burgled and about $15 000 worth of silverware and antiques were stolen. When police attended, the constituent suggested they might make inquiries of the offender charged with stealing the family car. Police raided premises in Regent Street, Kensington, where they found most of the property stolen from the constituent's home on 21 October, plus a great deal of other property believed to have been stolen from other properties at other times. Police also arrested the man when he attempted to flee the scene. I am told that he ultimately made a full confession.

Police have told this constituent that, each time the alleged offender appears in court, he is subsequently released on conditional bail despite their objections. Two days after burgling the constituent's premises the same person was again detected robbing another property in High Street, Kensington. Again he was released on bail.

The Hon. Peter Dunn interjecting:

The Hon. R.I. LUCAS: He is persistent. My constituent has been told by police that this person continues to receive bail, despite blatantly breaking the conditions under which previous bail was granted. Police have said that the courts appear reluctant to remand this person, possibly because of over capacity in our gaols. A few days ago the offender was again found by police in a stolen vehicle at the Burnside Village shopping centre with suspected stolen goods in the car. The offender locked himself in the vehicle and drove off with a police officer holding on to the vehicle's roof rack.

Members interjecting:

The Hon. R.I. LUCAS: The sad fact is that it is a true story.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: He eventually escaped—

The Hon. T.G. Roberts: Rack off!

The PRESIDENT: Order! The honourable Mr Lucas.

The Hon. R.I. LUCAS: That interjection is worth recording in *Hansard*, so I had better respond to it. He eventually escaped and is still evading police. Last night my constituent's home was again burgled. Similar items were taken to those on the 21 October burglary. Police have told the constituent of their frustration and fear that when the offender is ultimately caught and chargd the whole bail and robbery cycle will begin anew.

Mr President, it appears to me from details of this case that considerable time and effort is being wasted by police catching a recidivist who realises that the courts will not detain him until his case is fully heard and that ultimately his penalty will be no greater for 25 offences than for 20 offences. Cases such as the one I have outlined not only greatly undermine police morale but also seriously undermine public confidence in the court system and must add to the increased push for higher property insurance premiums.

My questions to the Attorney are: first, will the Attorney immediately investigate the reason for the repeated granting of bail to this alleged offender given his apparent disregard for earlier conditions of bail? Secondly, will the Attorney investigate whether the courts are disregarding breaches of bail in such cases and whether it is linked to a lack of space in our prison system? Thirdly, if the latter is the case, will the Attorney investigate other options, apart from remand, to prevent repeated breaches of bail?

The Hon. C.J. SUMNER: I do not believe the courts would be disregarding breaches of bail. However, I can make inquiries about this case. I do not know any of the details. In fact, I do not know whether anything that the honourable member has said is correct. I am certainly happy to examine the matter, but he has not given me any details so I will have some difficulty investigating it. However, if the honourable member provides me with those details by letter I will examine the matter.

The question of whether bail is granted in any particular case is a matter for the court. As even the honourable member would know, I do not have any influence over the courts' discretion as to whether or not to grant bail or, indeed, in any other matter dealing with the decisions made by the courts. As Attorney-General or as police prosecutor, depending on who is handling the matter, submissions can be put, and often are put, to the courts on the question of bail.

Courts also hear from the lawyers acting for the charged person. However, in the final analysis, it is a matter for the courts to determine whether bail is granted. The honourable member would know that. All I can do is examine, from the prosecutor's point of view, the circumstances of this particular matter to verify the facts and to see whether there is anything in what the honourable member has said.

Then, I would suspect that if what he says is true, and the person is apprehended again and appears before the courts, the prosecutor would oppose bail. Whether bail was opposed previously, I cannot say. Obviously, it is not possible for me at this moment to verify what the honourable member has said. He may or may not be correct, but I will inquire into the matter and bring back a reply—that is, if he gives me the details; if he does not, I will not.

DISTRICT COURT

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about District Court delays.

Leave granted.

The Hon. K.T. GRIFFIN: In the Budget Estimates Committee on 14 September 1990, when questioned about delays in the District Court civil list the Attorney-General said:

> Last year I foreshadowed the implementation of measures to ensure greater efficiency in the civil jurisdiction and to achieve a reduction in the backlog which has accumulated in this court over a number of years—principally because of significant increases in the workload coming into the court [that is, the District Court].
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> Last year, the delay in the civil jurisdiction of the District Court was 20 months. For actions commenced pre-1990 the waiting

time is now 16 months, a reduction of four months, and for 1990 actions the waiting time is 105 days or 3½ months, a reduction of more than 16 months.

Pre-1990 matters are being dealt with separately in a concerted attack on the backlog. The system for dealing with new incoming matters has virtually eliminated unnecessary delay and the work is generally being processed at the same rate as it is coming into the list.

A solicitor has approached me expressing concern that the system in the District Court is just not working. In a 1990 matter the case went into the trial list on 24 October 1990, when the defendant filed a defence. The pre-trial conference is listed for 1 February 1991 (3½ months later) and the trial is, on present indications, not likely to be for at least another three months after that, a total time of 6½ months from getting into the list until trial date.

The same solicitor has written to me about a 1988 matter in which his client is a Mr A.L. Palmer. For the assistance of the Attorney-General in following this up later, I advise that it is action No. 2809 of 1988, Palmer v. Housing Indemnity Association Pty Ltd. In referring to the new case management system in the District Court, the solicitor says:

The system only applies to actions instituted in 1990 and later. At the time the system was introduced, my client's action against Housing Indemnity Australia Pty Ltd had reached the pre-trial conference stage. Owing to an error on the court's part the pre-trial conference, when adjourned, was not in fact published in the list and was not heard on the appointed day in March of this year. When an attempt was made to have the matter re-listed for pre-trial conference we received a reply from the Registrar.

He sent me a copy of that, which states:

I acknowledge receipt of your letter inquiring about a pre-trial conference in the above matter. Please note that pre-trial conferences for actions which commence prior to 1990 have been deferred until further notice. Your letter has been retained and will be acted upon as soon as we recommence issuing notices for pre-1990 matters.

The solicitor who wrote to me stated:

We are extremely concerned that all pre-1990 actions have been placed on indefinite hold. It is bad enough for our client's case which had reached an advanced stage at the time that the hold was imposed but for actions instituted in late 1989 the delay becomes intolerable. As it is now almost the end of the year and the court has not yet finally dealt with all of the pre-1990 matters we can only assume that the court is having grave difficulty in keeping up with the 1990 matters and, accordingly, the delays to be experienced by pre-1990 matters will be excessive.

Other solicitors have also raised with me complaints about delays in dealing with pre-1990 matters in the District Court. My questions are:

1. Will the Attorney-General agree that it is unfair for cases instituted in 1990 to get priority in listing over cases instituted before them, and that litigants in pre-1990 cases have a reasonable basis for feeling aggrieved?

2. Can the Attorney-General indicate what justification there is for a listing system which ignores the delays being experienced by those whose cases have been pushed into the background while priority is given to more recently instituted cases?

3. Will the Attorney-General take this matter up with the Court Services Department and the senior judge with a view to trying to have the matter resolved?

4. Will the Attorney-General indicate whether the new case management system has broken down and, if it has, can he indicate the reasons?

The Hon. C.J. SUMNER: This system was instituted by the senior judge, on the one hand to try to keep up with cases coming into court and, at the same time, deal systematically with the backlog to get to a position where new cases could be dealt with expeditiously according to the new system that he introduced. I do not think that there is any problem with the proposal introduced by the senior judge. The most recent information, which I gave to the Estimates Committee, is that it is working but whether or not it does work will depend on the workload of the courts at any particular time.

The only real problem with delays is in the District Court. The Supreme Court is in very good shape and most of the Magistrates Courts are in reasonable shape. It is only the District Court, which has been a problem for some time. But, enormous efforts have been made within the District Court, and it is a credit to the senior judge, to improve its productivity by better listing procedures, pre-trial conferences and the like. I can only ascertain whether there is still a problem by referring the matter to the senior judge. I will do that and bring back a reply.

AGRICULTURAL TARIFFS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Agriculture, a question about agricultural tariffs.

Leave granted.

The Hon. M.J. ELLIOTT: Australia is rapidly moving towards the removal of all tariffs and noticeably more so with agricultural products than with industrial products. One of the consequences has been that there has been a very rapid increase in the volume of food products imported into Australia over the last couple of years. What has been even more noticeable is that not only the luxuries, such as the caviar and French champagne, are affected; in the local Bi-Lo or whatever, one can see the effect on Egyptian or Hungarian jam, apricots and peaches from Spain and Portugal, apple juice from Chile, orange juice from Brazil, and the list goes on. The argument put forward by the Government, and the Opposition for that matter, is that this free trade will only remove the inefficient producers and that the consumers will gain. I have seen analyses of prices and the difference in price is minimal. Somebody appears to be creaming off massive profits in the process.

I joined over 1 000 people people on a march today—the Fight for Survival Group from the Riverland—and caught up with many old friends, a number of whom are recognised as highly efficient growers. The stories they tell me are deeply disturbing. The efficient growers are in great trouble.

The Government has recently made some noise about anti-dumping changes and, in fact, there is even a Senate select committee being set up now to look at the question of dumping. People in the Riverland have said to me today that this is not enough and it is too late. They say it is not enough because dumping is not the whole problem. If we take Brazil as an example, which produces 25 per cent of the world's citrus, the labour costs are a matter of a few dollars an hour; there is no workers' compensation, occupational health and safety, very few laws in relation to sprays, the land is cheap and irrigation is not necessary. Our orange producers, no matter how efficient, can never produce that cheaply. We even give preferred country status to Brazil, and might I note, by the way, that all the Brazilian juice is coming from just two companies, one West German, the other North American. Even the profits do not find their way back to Brazil.

They argue that this anti-dumping is just too late, because this present season is the last chance. In fact, the last chance was gone for many. I am told that about 20 to 25 per cent of the properties are on the market and the only reason there are not more is because people know they cannot sell. The real estate agents have many people, not just the odd one, who are literally in tears; they need to sell their prop-

erties, but there are no buyers. I ask the Minister: does this Government still support the free trade policies of the Federal Government, the removal of the tariffs, or is it now pushing at long last for a change?

The Hon. BARBARA WIESE: The honourable member may not be aware of the position, because he may in fact have been away when the Minister of Agriculture made some statements and representations to the Commonwealth Government on this very issue, but I will be happy to refer the honourable member's questions to my colleague and I am sure he will be happy to provide appropriate material to him which outlines the position of the South Australian Government on this question.

WEST BEACH TRUST

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the public land held by the West Beach Trust.

Leave granted.

The Hon. J.F. STEFANI: Members would be well aware that the Playford Government had allocated a large area of land at the West Beach reserve designated for use by the people of South Australia. The West Beach Trust had been established to manage this public reserve. Following the collapse of the Zhen Yun development at the West Beach site, a number of people have suggested that this reserve should now be retained for use by the public, as was originally intended. I have been advised, however, that the West Beach Trust has been actively pursuing the possibility of developing the land by proposing to build permanent structures which will be used for on-site accommodation. My questions are:

1. Is the Minister aware of any proposal in relation to this matter?

2. Has the West Beach Trust made any contact with any Government department about the possibility of developing the site?

3. Does the Government support the concept of allowing the construction of permanent buildings on public land to provide accommodation in competition with private enterprise?

The Hon. ANNE LEVY: I have not been informed of any proposal by the West Beach Trust to undertake such a development. However, I would not be surprised if it was considering such a matter to replace the totally unsafe and decrepit Marineland structure that is still on the site—a closed building that is deteriorating even further quite rapidly. As I say, I would not be surprised if it was planning to replace that structure with something a little more appropriate than just a ruin on its land. Certainly, I have not been contacted by the trust on this matter.

The Hon. J.F. Stefani: Has it made any contact with Government departments?

The Hon. ANNE LEVY: I am not aware of its having made contact with any Government department, but of course I cannot speak for other Minsters or departments over which they have responsibility.

The Hon. J.F. Stefani: Will you find out?

The Hon. ANNE LEVY: I can certainly find out regarding my own departments.

The Hon. J.F. Stefani: What about other departments?

The Hon. ANNE LEVY: I can perhaps make a request. It would seem that that would be an appropriate question to put on notice.

The Hon. J.F. Stefani interjecting:

The Hon. ANNE LEVY: I have no responsibility for departments that are not my own: there are 12 other Ministers.

The Hon. J.F. Stefani: I am asking whether you will find out.

The Hon. ANNE LEVY: I do not see that it is my responsibility to contact 12 other Ministers on behalf of the Hon. Mr Stefani. If he has a question that he wishes to raise with another Minister, he is free to do so and he does not need me as an intermediary. The other question that the Hon. Mr Stefani asked I have discussed in terms of the permanent building now on the trust land, namely, Marineland, which is closed, unsafe, unsightly and deteriorating even further. It would seem to me to be highly desirable that that structure be removed. Already there is a good deal of accommodation on the trust's land. Its caravan park is renowned throughout Australia for its standard as a caravan park and there are numerous permanent structures associated with that caravan park. There is extensive villa accommodation in another area of the trust's land which again is justly renowned for the standard of accommodation which it provides and which is always completely booked out for the entire holiday season and much appreciated by the many people who use it. Of course, this also involves permanent structures on the trust's land.

IMMIGRATION

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of State Development, a question about migration to South Australia.

Leave granted.

The Hon. L.H. DAVIS: South Australia, with 8.5 per cent of Australia's population, for many years has been attracting only a small percentage of migrants to Australia. In fact, recent statistics indicate that a mere 4 per cent of migrants to Australia are settling in South Australia, which of course is less than half of what this State's share should be on a population basis. My attention was drawn to a statement by the Chairman of the Federal Labor Caucus Immigration Committee, Dr Andrew Theophanous, who is no doubt well known to the Attorney-General—

The Hon. R.I. Lucas: And the Hon. Terry Roberts!

The Hon. L.H. DAVIS: —and to the Hon. Terry Roberts and the Hon. Barbara Wiese: a friend to them all. Dr Theophanous was quoted in the *Age* this morning speaking at the Immigration Outlook Conference in Melbourne. Dr Theophanous said:

> 83.8 per cent of migrants went to big cities, while only 62.9 per cent of Australians lived in them [big cities].

In other words, he was arguing that a very small percentage of migrants coming to Australia went to rural areas. He believed that migration was contributing to overcrowding and over-stretching in Sydney and Melbourne to the extent that both cities were now in crisis. He said that poor planning policies and the conjunction of the immigration program and the lack of a decentralisation policy was creating a crisis. He was arguing that more attention should be directed to planning for migrants to move into regional areas.

Quite clearly, community support structures are often necessary for migrants in their initial period of settlement in Australia, and one would accept that that might be more difficult to provide in regional South Australia. My interest in this subject was heightened by what was covered at the

Immigration Outlook Conference yesterday, and my questions to the Minister are as follows:

1. Does the South Australian Government have any information on the percentage of migrants settling in regional South Australia?

2. What policies, if any, are in place to encourage migrants to live in rural South Australia?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

PRODUCT LABELLING

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about product labelling.

Leave granted.

The Hon. I. GILFILLAN: The rally that my colleague the Hon. Mike Elliott referred to recently on the steps of Parliament House an hour or so ago, attended by many members of Parliament, several of whom were from this Chamber, was probably one of the most dramatic cries for help that this State has seen in recent times and one in relation to which, although a prime target of the rally was the tariff and free trade policies of the Federal Government and the Federal Opposition, there are areas where I believe the State Government and the State Parliament are directly involved. One issue that was raised several times was the deceit perpetrated in the labelling of products which are marketed in South Australia. The brands of fruit juice are a particular case in point. Today there were lists announced of the brands that use only Australian juice, and I would urge honourable members to seek that list. I hope it will be published in the media or distributed so that we can play our part.

The Hon. Anne Levy: Tell us: get it in *Hansard.*

The Hon. I. GILFILLAN: There are about 20 of them. I will undertake to get that list and have it read into *Hansard* so that members can have access to it. It is common knowledge that many use a mixture of imported and local juice while some use no local product at all. The growers are angry that the present labelling laws do not give consumers the full story. A carton of orange juice labelled, for example, 'product of Australia' may contain no Australian fruit juice. It can have that label, though, because the foreign juice concentrate is reconstituted in Australia purely by adding water, the carton is made in Australia and the packaging is done in Australia.

The growers believe that the public is being duped into believing that what they are getting is Australian fruit juice. They say labelling is required to show the origin of the contents of the carton, not just where it is packed, and that will go a long way to helping their industry, because Australians will buy locally-produced juice in preference to imported juice if they know quite clearly and honestly what it is that they are buying.

In a situation where a mixture of imported and local juice is used, the growers want to see those proportions on the packaging. My question to the Minister is: will she act to develop, in conjunction with the Commonwealth and other States, labelling laws which allow consumers to identify clearly the country of origin and the proportion of Australian content in the product they are buying?

The Hon. BARBARA WIESE: I suspect that the sort of labelling to which the honourable member refers would be controlled by legislation such as the Food Act, which is the responsibility of the Minister of Health, as I recall. I will certainly be happy to take up the questions that the honourable member has raised with the appropriate Minister and body. I understand that my colleague, the Minister of Agriculture, is meeting with his counterparts tomorrow and, of course, one of the issues that will be discussed is the question of the plight of the people in the Riverland and some of the issues that are related to that.

I do not know whether this matter is on the agenda, but certainly I will draw the honourable member's concerns to the attention of my colleague so that if it is appropriate it can be one of the topics that is raised at that meeting, as well. In short, I will seek further information about the question that the honourable member has raised and see what can be done about it.

The Hon. I. GILFILLAN: As a supplementary question, does the Minister recognise that this is a question of accuracy and honesty in labelling and that, as I have identified in my explanation, when a product is marketed as 'product of Australia' when in fact it is not, it is a blatant lie? In those circumstances I put to the Minister that it is a question of consumer protection and honesty of the labelling, and she may well take the initiative herself, regardless of what her colleagues do.

The Hon. BARBARA WIESE: I did hear the honourable member's explanation and question and I was fully aware of the points he had made. My reply stands. I shall take up the matter with the appropriate bodies and see what can be done about the issue.

INTELLECTUALLY DISABLED SERVICES COUNCIL

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Family and Community Services, a question on a proposed change in the administrative structure of the Intellectually Disabled Services Council (IDSC).

Leave granted.

The Hon. BERNICE PFITZNER: The IDSC is mainly a service agency for intellectually disabled clients from early childhood to adult age. Approximately two years ago the regionalisation of the IDSC into metropolitan regions—North, South, East and West—and country regions—Riverland, North-West, Lower North, Mid North, Yorke Peninsula, South-East and Murray-Mallee—was effected. This involves 11 regions in all, each with a team leader and clerical support staff and office. As with all changes, it has caused some disruption. It was seen as an attempt to decentralise and be closer to the areas where the clients lived. I am not sure whether any evaluation has taken place regarding this change in terms of better access, improved service or cutting expenses—that is, being more effective and efficient.

Now I am informed that the administrators are recommending that there should be another change—a 'localisation'. I am not sure what this means, and neither does the staff of the IDSC, who are supposed to rearrange themselves into a different work program. I am aware that 'localisation' will yet again break up the regions into smaller areas in an attempt, I suppose, to be closer to the people. I am concerned about whether there has been any background research on this new method of operation—or is it another 'warm fuzzy'? Are the fat cats of administration telling the coalface workers and us what should be done without any supporting rationale? As parliamentarians we must be well informed and we must explain the decisions we make to the public. I therefore ask the Minister:

1. Has there been any evaluation of the change from centralisation to regionalisation, in particular, in terms of service delivery and staff satisfaction?

2. What is the aim of 'localisation', and is any interstate or overseas research available to provide some rationale behind this next change?

3. Will this restructuring mean more administrative staff, whilst the service provider numbers remain the same?

4. If 'localisation' is to be, what evaluation mechanism is in place in the program to give us some data as to the program's success or otherwise?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

ROYAL DISTRICT NURSING SOCIETY

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about the Royal District Nursing Association.

Leave granted.

The Hon. J.C. BURDETT: I refer to the annual report which we received recently of the Royal District Nursing Society and, before I go into the rest of my explanation, I would like to say that I wish to congratulate that society on the great amount of work it has done for the people of South Australia over a number of years. The following statement appears on page 12 of the report under the heading 'Additional resources':

> In October 1989, the South Australian Health Commission allocated an additional $350 000 to RDNS to assist with the unmet need. A further $300 000 was approved in July 1990. This has enabled RDNS to introduce seven new rounds—two in the northern metropolitan area, one in the western metropolitan area and four in the southern metropolitan area.
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> While RDNS is appreciative of the additional moneys—there remains a large unmet need in the community. RDNS is a health service without walls and as such does not have the physical restraints of bed numbers as in a hospital or a long-term institution. The focus of home care is to assist individuals to adapt within their own environment, optimise their level of independence and achieve their life goals.

I have been receiving complaints for a long time from residents in the northern area, not about the RDNS—they have much praise for that body—but about the lack of resources and the inability because of that of RDNS to respond to the need, I must say that I have felt that there seemed to be more resources available in the southern area. I was therefore disappointed to find that, of the seven new rounds, two were in the northern area, one in the western area and four in the southern metropolitan area, which appeared to me to be well serviced, anyway.

I will just mention one of the most recent complaints brought to my notice in the past few days by a constituent in the northern region. Her mother had been hospitalised and had undergone operations to her eyes. After she was discharged from hospital and returned home, she needed to have her eyes dressed three times a day. Contact was made with the northern region of RDNS and my constituent was told that there was no way, there were not enough resources and it could not possibly be done. The person in the office did say, 'Bring this to the notice of your member of Parliament because there are just not enough resources. We cannot do what we are required to do.'

My constituent inquired about having private nurses attend to the dressings three times a day. That could have been done, but at $30 each time, totalling $90 per day which was quite beyond the ability of my constituent or her mother to meet. My question is: will the Minister address what appears to be a particular need for further resources in the northern metropolitan area with regard to RDNS?

The Hon. BARBARA WIESE: I will refer the honourable member's question to my colleague in another place and bring back a reply.

PASTORAL BOARD

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Lands, a question about the Pastoral Board.

Leave granted.

The Hon. PETER DUNN: I have a letter from a Mrs Sarah Nicolson of Whyalla who puts some questions which need answering by the Minister. In fact, the letter is addressed to the Minister of Lands, but it requires some prompt answers. The letter follows a meeting called by the Pastoral Board at Middleback Station last weekend. The meeting was addressed by the Chairman of the board, Mrs Anne Stimson. Part of the letter states:

> . . . none of us appreciated the opening remarks of the Chairman of the Pastoral Board, Ms Anne Stimson, when she said that the board would not be able to answer any questions on 'policy' . . .

It further states:

> As many of the pastoralists present had just received their rent notification, they were of course curious as to how the rent level was computed, as there was no information accompanying the figure. Mr Wayne Forbes, representing the Valuer-General's Department, told us initially that this oversight was due to lack of time, but in fact, when pressed, he was at a loss to give us any satisfactory explanations whatsoever. Despite being told by Ms Stimson that, as a group, we (the pastoralists) would 'not be able to understand' any of the computation, I suggest that, in fact, most of the group has had more formal education than Ms Stimson and that she was grossly insulting.
>
> We were told that rents were to be set at 'market level'—but in fact there is no market. Therefore apparently, the Valuer-General is suing only two sub-leases as the rent-setting mechanism for the remaining 350 leases; which means that the rent figure must include many non-empirical value judgments—the fairness of which would have to be questioned.
>
> In our case, during further talks with Mr Forbes, it also became apparent that the 'Crown's interest' (or rent) will be higher if the vegetation of the lease is deemed to be in good condition—are we then to be penalised for good management?

The letter further states:

> The failure of the board to be able to put in writing the details of how they arrived at any lessee's rent is incomprehensible. One can only assume that they were hiding the facts—perhaps for use in the courts, where this whole mess will surely end, in the very near future.

My questions are: is it a fact that the rentals will be higher if the good management of those pastoralists has led to an increase in the quantity and type of vegetation? Has a direction been given to the board not to answer any questions on policy that this Government may have on the pastoral industry?

The Hon. ANNE LEVY: I will certainly refer that question to my colleague in another place and bring back a reply, but I understood that the rents were to be based on market values. Flowing from that, I would have thought that a place which had been well managed would obviously have a higher market value, as I am sure the lessees would realise if they were selling the property. However, I will certainly refer the honourable member's question to my colleague for a more detailed response.

SWIMMING POOL SAFETY LEGISLATION

The Hon. J.C. IRWIN: Will the Minister of Local Government provide an update on the state of consultation

regarding the drafting of new swimming pool safety legislation with respect to existing pools? I understand that responses to the Green Paper were to be received by 17 August 1990. If the drafting of new legislation is to be undertaken by the legislative review team of the Department of Local Government, will this process be affected by the run-down of the department, or will it be undertaken within some other department?

The Hon. ANNE LEVY: The drafting of new swimming pool legislation is, as I understand it, proceeding, but it has not yet reached the stage of appearing on my desk. I will be happy to make inquiries and get back to the honourable member with an indication of when something may be made available. Of course, the legislative review team is part of the Department of Local Government and will continue to exist once the Bureau of Local Government is established on 1 January. Presumably, the bureau will want people with legal skills but there will also be a legislative component from the department which will be located in the Department of Premier and Cabinet as that office is in charge of intergovernmental relations. So, legislation pertaining to the relationship between State and local governments will be formally located in that department.

CORRECTIONAL SERVICES ACT AMENDMENT BILL (No. 2)

Second reading.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

As this matter has been dealt with in another place, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill proposes amendments to the Act in relation to a number of different areas, each of which is discussed in turn:

1. Community Service Committees: Currently the Act requires that a Community Service Committee be established for each community service centre. The principal role of such committees is to approve and review projects for the community service scheme. The Community Service Orders program has now been established for a number of years, and it has become apparent that the scheme could be more efficiently managed by a smaller number of Community Service Committees. Further, the problems in establishing committees in country localities are about to be exacerbated by the introduction of the scheme into the Pitjantjatjara lands which is intended to serve some 12 different communities in the far North West of the State. It is obvious that if the Department of Correctional Services (hereafter referred to as 'the Department') can be relieved of the need to establish a committee for each centre, considerable savings and increased efficiency can be achieved. The Department is planning in this financial year to establish a District Office at Marla, which will service all of the Pitjantjatjara lands, and a single committee located either in that town or at Port Augusta can conveniently undertake responsibility for the Northern region of the State. The proposed amendments to section 17 will continue to meet the spirit of the Act regarding committee membership and project approval and review.

2. Inspection Of Correctional Institutions: Pursuant to section 20 of the Act, some 20 'Justices of the Peace' have been appointed by the Governor, and are currently fulfilling their role of 'Inspectors' of Correctional Institutions throughout the State. Whilst not dissatisfied with the job done by the various Justices over the past five years the Department seeks to add to the perceived objectivity, weight and credibility of the role of Inspectors by seeking to recruit, amongst others, retired members of the judiciary and other legally qualified persons.

In order to make this possible, an amendment to the section is proposed to allow the Governor to appoint as Inspectors, persons other than Justices of the Peace.

3. 'Designated' Parts Of Institutions: A number of sections of the Act, namely sections 19, 22, 23 and 25, currently provide for a scheme whereby prisoners can be formally assessed into specified classes and thereby detained in specified 'designated' parts of Correctional Institutions.

Notwithstanding this legislative scheme which anticipates formally classified prisoners being placed into designated parts of Institutions, the Department, except in relation to prisoners segregated under section 36 of the Act, has never sought to divide its Correctional Institutions into different parts which could then be gazetted as 'designated parts' for the detention of formally specified classes of prisoners. Indeed to have effected such a scheme would have reduced the ability of the Department to place different groups of (informally classified) prisoners sometimes within the same division of an Institution, and would have been far more costly in terms of resources and time to administer. The current overcrowding crisis has made it essential that the Department be enabled to lawfully continue to apply a flexible approach to the placement of prisoners committed to it. Accordingly the amendments proposed to the above sections are designed to remove the reference to 'designated parts' appearing therein.

4. Custody Of Prisoners and Regimes: A small number of prisoners have by their past actions—the most recent being the taking of hostages at Yatala Labour Prison, and the life-threatening acts of sabotage carried out in the Industrial Complex in that prison—demonstrated the power and the ability to coerce other prisoners, by threats of violence including death, to assist them in their constant attempts to threaten the safety of officers and prisoners, and the security and good order and management of prisons, and in particular Yatala Labour Prison. In order to properly counteract such dangerous and disruptive behaviour, an amendment is proposed to Section 24 of the Act empowering the Chief Executive Officer of the Department to place any particular prisoners in a part of a prison and establish for them such a regime concerning work, recreation, and contact with other prisoners as from time to time appear, expedient. This simply recognises the geographic reality of many of the State's prisons being made up of different residential units. It is to be noted that this section does not empower the Chief Executive Officer to keep a prisoner separate and apart from all other prisoners in a particular Institution.

5. Leave Of Absence From Prison: Currently a prisoner granted leave to be absent from prison under section 27 of the Act whose leave is revoked by the Chief Executive Officer upon breach of the conditions of leave continues to serve his or her sentence even though he or she remains at large. An amendment to the section is proposed to remedy this situation.

6. Removal Of Prisoners For Criminal Investigation: From time to time the police need to have a prisoner accompany them for a short period of time to such places

as police headquarters, the scene of an alleged crime, and the like, in order to assist them in a criminal investigation. An amendment to section 28 is proposed in order to allow the removal of such prisoners from Institutions for this purpose.

7. Work, Allowances and Visitors to Prisoners: A minor amendment to sections 29, 31 and 34 is proposed to make it clear that those sections do not apply other than to prisoners who are detained in Correctional Institutions.

8. Power to Keep a Prisoner Apart from All Other Prisoners: It is proposed to repeal section 36 of the Act concerning segregation and to replace it with a less cumbersome provision enabling the Chief Executive Officer to order the separation of a prisoner from all other prisoners in an Institution. Experience has shown that only rarely does a prisoner require or request to be kept separate from all other prisoners. One obvious situation is the need to keep separate a prisoner whilst an investigation is conducted into an offence alleged to have been committed by that prisoner. In such cases an order cannot be made for a period exceeding 30 days. Other situations would generally arise from the need to ensure the safety of the prisoner, or other prisoners and staff, and the good order and management of the Institution, and would not result in prisoners being kept separate for long periods of time. There will always be a small number of prisoners, including those who are intellectually retarded in some way or requiring or demanding a high level of protection, who simply cannot be safely placed in the company of other prisoners, or with more than one or two other prisoners. It is proposed that orders for separation will not be subject to judicial review, but on each occasion that such an order is made the Chief Executive Officer must forward a report concerning the matter to the Minister who will review it and may confirm or revoke the order. It is not to be overlooked that prisoners who are subject to such orders will be:

- seen daily by the manager or assistant manager of the Institution,
- seen weekly by an Inspector of the Institution appointed under section 20 of the Act,
- reviewed regularly by the local security ratings and review committee.

Like all other prisoners, they will also be able to seek to see the Manager of the Institution who would normally arrange an interview within 24 hours, and to telephone or correspond with the Chief Executive Officer, their Solicitor, the Ombudsman, Members of the Parliament, and the like.

9. Home Detention: Amendments are proposed concerning the Home Detention scheme with the purpose of broadening the categories of prisoners eligible to be considered for Home Detention. Currently prisoners with long head sentences but shorter non-parole periods are excluded altogether from Home Detention, or cannot be so released until right at the end of their non-parole period because the qualifying period which must be spent in an Institution relates only to the head sentence.

It is proposed that the qualifying period for prisoners with non-parole periods is now to be one-third of the non-parole period. For those prisoners without non-parole periods—except for life-sentenced prisoners who have not had a non-parole period fixed and are denied access to the scheme—there will be no qualifying period, which will allow the Department maximum flexibility in choosing suitable candidates for Home Detention. To date Aboriginal prisoners have been significantly under-represented as few have applied. It is hoped that by restricting their day-to-day movement to an area wider than a specific residence will encourage more to apply for release on Home Detention. It is anticipated that the release of a greater number of suitable prisoners on Home Detention will significantly assist in relieving the current overcrowding of our prisons.

10. Prisoner Appeals Against Orders by Visiting Tribunals: Currently under sction 47 of the Act prisoners have a limited right of appeal against orders made by Visiting Tribunal punishing them for breaching the regulations made under the Act—limited in that the appeal lies not in relation to the finding of guilt or the level of punishment ordered—but is restricted to alleging that the tribunal failed to conduct the hearing in accordance with the procedures specified by the Act and regulations.

Despite the fact that only some three out of about 93 appeals completed to date have been successful—and even then the matters have been ordered to be re-heard—the number of appeals filed has continued to increase, causing a very considerable burden by way of costs and use of resources by the District Court, the Crown Solicitor's office, and the Department. Significant savings can be achieved by the proposed amendments which will effect a tightening of the procedures concerning the filing of these appeals, and by having them heard by the Magistrates Court rather than the District Court in respect of those orders that are made by a Visiting Tribunal constituted of a justice, or justices, of the peace. The District Court will continue to hear appeals from orders made by a Visiting Tribunal that is constituted of a magistrate.

Clause 1 is formal.

Clause 2 provides for commencement on proclamation.

Clause 3 defines 'Aborigine' and removes a definition relating to the system of formal designation of parts of correctional institutions as parts in which particular classes of prisoner may be detained.

Clause 4 provides that there does not have to be one community service committee for each community service centre, but only such number of committees as the Minister thinks necessary or desirable.

Clause 5 deletes the power of the Minister to designate on a formal basis the parts of correctional institutions in which certain prisoners may be detained.

Clause 6 empowers the Governor to appoint persons other than justices of the peace as prison inspectors.

Clause 7 deletes the requirement to assign prisoners for detention in designated parts of correctional institutions.

Clause 8 effects a similar amendment.

Clause 9 inserts in this section a provision giving the Chief Executive Officer an absolute discretion as to where any prisoner is placed from time to time within any particular institution. The Chief Executive Officer also may fix a programme or regime for any particular prisoner or class of prisoner, and such a programme will specify the arrangements for work, recreation, contact with other prisoners, etc.

Clause 10 removes references to designated parts of correctional institutions.

Clause 11 makes it clear that, where a prisoner's leave of absence is revoked, he or she is not to be taken to be serving his or her sentence of imprisonment while still at large.

Clause 12 requires the manager of a correctional institution to release a prisoner into the custody of a member of the police force if the prisoner is to be investigated for a suspected offence or if a prisoner charged with an offence is to be taken for fingerprinting, medical examination, etc., pursuant to any other law (for example the Summary Offences Act).

Clauses 13, 14 and 15 put it beyond question that these sections dealing with work, allowances and visitors apply

only to prisoners while actually in a correctional institution (that is, not to prisoners on home detention).

Clause 16 re-casts the provision dealing with segregation or separate confinement. A prisoner can only be kept apart from all other prisoners if a direction is given by the Chief Executive Officer to that effect. The Chief Executive Officer may give such a direction if of the opinion that it is desirable to do so for the purposes of investigating an offence alleged to have been committed by the prisoner (such a direction can only be given once per offence and cannot endure for longer than 30 days). The Chief Executive Officer may also give such a direction where he or she is of the opinion that it is desirable to do so in the interests of the safety or welfare of the prisoner or any other prisoner or the security or good order of the correctional institution. A direction on these grounds has effect until revoked. Directions must be in writing and must be served on the prisoners to whom they relate within 24 hours. Even though such a direction exists, the Chief Executive Officer may permit the prisoner to have contact with other prisoners. On giving a direction under this section, the Chief Executive Officer must report to the Minister on the circumstances in which it was given. The Minister may review the direction and confirm or revoke it. A direction or decision under this section cannot be reviewed judicially.

Clause 17 makes it clear that the power to search prisoners only applies to prisoners in a correctional institution.

Clause 18 amends the home detention provision so that all prisoners, except a life prisoner who does not have a non-parole period, are eligible for release on home detention. Where the prisoner is subject to a non-parole period, at least one third of that period must have been served before the prisoner can be released on home detention. A prisoner will remain on home detention (unless it is revoked) for the balance of the period that he or she would have served in prison or until released on parole. For this purpose it will be assumed that the prisoner earns maximum remission while on home detention. Where a prisoner released on home detention is an Aborigine who resides on tribal lands or an Aboriginal reserve, the term 'residence' will include such extra area of land as the Chief Executive Officer may specify in the instrument of release.

Clause 19 is a consequential amendment.

Clause 20 substitutes section 37d (this provision is no longer appropriate as prisoners who have served out the balance of a non-parole period on home detention will then move onto parole). New section 37d makes it clear that there is no responsibility on the Crown to maintain a prisoner while on home detention.

Clause 21 widens the ambit of the early release powers of the Chief Executive Officer to include prisoners who have been released on home detention.

Clause 22 is consequential upon clause 21.

Clause 23 effects a consequential amendment.

Clause 24 amends the section that provides a right of appeal against decisions of Visiting Tribunals. Such an appeal will lie to a court of summary jurisdiction instead of a District Court where the order appealed against was made by a Visiting Tribunal constituted of a justice, or justices of the peace.

Clause 25 amends the section dealing with release on parole to cover the situation where the prisoner has already been released on home detention. In calculating the release date for such a prisoner, it will be assumed that the prisoner has been credited with maximum remission during the period of home detention.

Clause 26 inserts an evidentiary provision that will obviate the need to call the Chief Executive Officer to give evidence in proceedings against a prisoner for breach of leave of absence conditions. A document purporting to be a copy of the Chief Executive Officer"s order granting the leave is proof of the order, in the absence of proof to the contrary.

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

SOIL CONSERVATION AND LAND CARE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 1653.)

The Hon. PETER DUNN: The Opposition supports this Bill. It really is a very simple mechanical Bill to change the method by which borders of conservation areas can be adjusted. Previously the method used was a proclamation by the Governor. Some confusion has arisen as to whether this still applies in the legislation that was passed last year. This Bill makes quite clear how that is done. Those borders can now be changed by ministerial notice published in the *Government Gazette.*

There is not very much that I need say about this Bill, other than that the soil conservation boards have been set up, and are now working relatively well, although there has been some complaint about the composition of those boards and how that composition is arrived at. On occasions there are difficulties in attracting the appropriate number of people with the right skills under the criteria set down in the original legislation. People have been appointed purely because they were a woman or a man or because they represented some particular industry that was named in the original legislation.

Most of the boards seem to be working well. Most of them have not had a chance to be tried out in difficult conditions; that is, during drought or flood. However, I have no doubt that, knowing the fickle nature of Australia's climate, that will occur before very long. The mere fact that there is a series of new boards means that there needs to be some changes in those boundaries to cover different soil types, areas and district councils and there has been some overlapping, so, it is necessary to change the boundaries of some of the soil conservation boards. This Bill makes that quite clear in the eyes of the law. I believe that the Bill is necessary and, for the reasons stated, the Opposition supports it.

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

UNIVERSITY OF SOUTH AUSTRALIA BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 1839.)

The Hon. R.J. RITSON: I will not speak at great length on this Bill, but I will refer to matters in the Statutes Amendment and Repeal (Merger of Tertiary Institutions) Bill—matters that interdigitate with each other—to avoid a second speech on that Bill. To conserve the time of the Council, I trust that members opposite will give me latitude to speak on matters in both Bills.

The whole matter of mergers was precipitated not by the educational institutions themselves but by the Federal Government. The universities and the college are, of course, creatures of State legislation, and the universities, at least,

were originally funded largely from State sources and from student fees. However, increasingly over the years the Commonwealth has granted money to the universities and granted it conditionally to the point where conditions of subsidy now give the Commonwealth effective control of the universities, even though it has no significant head of legislation under which to exercise that control.

Mr Dawkins, the Federal Minister, sought to reform the whole system. He sought to generate more places in tertiary and post-secondary educational institutions; to steer the institutions away from research-based work and esoteric free thinking; and to divert more of their effort towards vocational qualifications, particularly, of a type required by the community. He also sought economies of scale by encouraging—and the word 'encouraging' is a bit of a euphemism—the coalescence of smaller institutions to establish fewer larger institutions of higher education.

I doubt the wisdom of what he is doing, but only time will tell. In any case, the initial technique was to threaten the institutions. Mr President, I can hear the conversation from the President's Gallery, and it is distracting me.

The PRESIDENT: Order! I ask for silence in the Chamber.

The Hon. R.J. RITSON: I have got used to conversation from colleagues on the floor of the Chamber but noise from the back of the Chamber is more distracting. It is a new sound. The Federal Minister threatened the institutions with radically changed conditions of subsidy and the imposition of penalties upon those institutions which did not cooperate with the Federal Government's wishes in this matter. Many of the institutions responded with a lot of anxiety and immediate plans to merge. I have been interested in this matter for some time and have urged caution. I have not opposed the mergers outright but I have urged the institutions to take time to get it right.

The institutions have expended large amounts of energy internally and between each other to plan these mergers. It has always been my opinion and that of the Liberal Party that whatever we might think of mergers or individual parts of merger agreements, the important factor is to allow the institutions to work it out amongst themselves. We should not attempt to exert any force or legislative interference in what they are trying to do but should facilitate agreement and support a Bill which is basically an agreed Bill. The Bills before us are agreed Bills to about the greatest extent that one could expect from such a large and diverse group of people. The Opposition supports the second reading of this Bill and, with a few minor amendments, the Bill will pass very much in the form in which it was introduced.

I am not sure that the demise of the old binary system is necessarily a good thing. The two types of institutions do different things, and that is not to say that one is less worthy than the other. Traditionally, whilst teaching a number of courses which are plainly vocationally orientated, the universities have nevertheless had behind them a substantial amount of pure research and areas of study which, to the ordinary person in the street, might seem to be somewhat esoteric and not connected with the practicalities of day-to-day life.

On the other hand, it is my view that every practical benefit that comes to humankind from the practical application of learning has its origins in the quest for knowledge for its own sake, the desire of people to think and to teach other people how to think, and to learn and to teach other people how to learn. To some extent, I consider that the hand of Mr Dawkins is shifting the emphasis from the research base and from free thinking towards practically orientated institutions, if only by the new funding arrangements making it harder for institutions that have a higher ratio of research to undergraduate teaching.

I make the general observation that our universities, while perhaps flourishing in terms of access and output of basically trained people, are nevertheless threatened in my view as institutions of excellence, not by the merger—and I do not want anyone to read that into it—but by the general trend that makes it more and more difficult for Australians to retain their better brains. I refer to trends in salary, and academic salaries, like medical salaries, if I may introduce a note of self-interest, have steadily fallen behind the inflation rate until on the world market we are the poor cousins.

Universities are in a world market. It is a world community. People all around the world read the same journals, read the same published research and read job applications, and my sympathy goes out to the academics in their present claim for wage justice because it is obvious that we are the poor cousins compared with Europe, North America and, to some extent, Britain. We should be in a position in which there is free exchange between these institutions in different countries without it having to be a sacrifice to apply for a Chair in Australia. Furthermore, the money available and the conditions on which it is granted for research are becoming tighter. So, instead of becoming a clever country exporting education as we should be, as we can be and as we are trying to be there is a tendency to export our PhDs and import their inventions.

Whilst I understand Mr Dawkins' desire to generate more vocational certificates with a licence to practise—and we do need more engineers, in particular—this must not be done at the cost of sacrificing the free flow of academic exchange and of making Australia a place one must leave in order to complete one's postdoctoral work and still afford to eat.

Having said that, I want to look now at the question of the mergers in particular and I want to begin by talking about autonomy. Of course, no person and no body corporate or institution in the world is totally autonomous. We have links with others and everything we do requires a compromise and some give and take between ourselves and others.

Universities do not claim, nor should they, total autonomy to do anything they like. They are bound by the law of the land. They are very much influenced by limitations of funding. They are bound to a certain extent by public opinion, to which they are not impervious, but there is one particular area in which I think a high measure of autonomy is vital and that is that they should be free, within their own community, to think what they like, to teach what they like, to whom they like, without regard for the practicality or the public demand for that type of intellectual product. That is what makes them different, in my view, from the colleges. If it sounds a little pretentious to say they should have this freedom.

I come back to my earlier remarks, that many of the practical products of thought, inquiry and inventiveness came not from a practical project with a goal in mind but from someone who sat down and thought, 'Why is it so?' One thing that the TV appearances of the late Professor Julius Sumner Miller did was to promote the absolute worth of someone simply asking themselves, 'Why is it so?' and then setting about to find out, purely out of a quest for the answer without any visible end profit or product. I think that if the universities lose that autonomy and become instruments of the practical aims of the executive branch of the Government of the day, then they are no longer universities; they might be very clever—higher than high

schools—but indeed something is lost once that autonomy is lost.

With regard to these mergers we have an interesting situation in which, on the three university model, two of the universities will be universities, which have been universities for some time, which have experience in collegiality of self-government, and a good concept of the exercise of the appropriate academic freedoms, and the third university is being created by statute out of quite a lot of individual campuses and an institute, none of these having up until now been a university. Indeed, with the passage of this Bill it will make them a university in name, but they need a lot of time. This Bill is not the end of the merging process; it is rather the beginning. As my colleague Mr Lucas said, the third university, the University of South Australia, has the more difficult task and the biggest challenge because, as I have said, the passage of this Bill will not immediately confer upon it a lot of university experience and a lot of university tradition, but rather the legal framework within which it will have to work out how best it is to join that international world of autonomous universities and acquire this experience and tradition.

So, I envisage that there will be some years of changes and fluctuations and differences of opinion, perhaps with a large amount of change and new experience in the third university which is being created. I wish it well and I think that in the fullness of time it will indeed do what Flinders University did—it will ripen, it will mature, and there will be changes and growth of committees within it. It is like a maturing fruit; it may take 10 years. However I think it will happen and, as I say, I am happy to support this Bill, wishing them well in that regard.

I want to address a few specifics. I will begin with the question of the pharmacists' lobby. As members know, the pharmacy faculty very much wishes to attach itself to a medical school and, indeed, whilst people just think of the vocational end of pharmacy as training someone to run a chemist shop, a little like the vocational end of an MBBS teaching someone to run a general medical practice, all these vocational ends of, say, the medical profession are founded upon the teaching of pure science and of research within a university and the vocational qualifications are just one part of a much bigger body of medical and scientific research.

In fact, increasingly it has been realised that pharmacy is not just a vocational ticket but that there is a substantial amount of pharmaceutical research to be done. In the past, of course, most of the pharmaceutical research which has been of great value has come out of the big drug companies and their laboratories, and the universities have produced very little and indeed got very little in terms of commercial income. There is a future for a pharmacy course based in a faculty with pharmaceutical research facilities of high quality and integrated with other facilities within a medical school.

I am very sympathetic to the lobby of the pharmacists to move to the University of Adelaide in order to be associated with the medical school within a school of health sciences. However, I regret very much that some people, in supporting the pharmacists, have made derogatory remarks about the Institute of Technology at a time when we should be saying that this is the beginning, and we will be working with this legislation in the years to come.

We were asked to interfere in a very violent way, I think, with the concept of autonomy of universities. The University of Adelaide has the power under its Act at present to enrol anyone it sees fit as a student, to employ anyone it sees fit as a staff member, a lecturer, to teach what it wants and to give whatsoever awards that it wants.

In fact, the pharmacy students even now could cross Frome Road and sit down as members of the University of Adelaide and study pharmacy, except that they have a building that is owned by the institute and that building has in it technical equipment owned by the institute. The only thing stopping the changeover in relation to pharmacy was that they could not take the equipment and building with them. In essence, they were asking us to legislate to make it happen. I mentioned earlier that members on this side of the Council (and probably members on the other side as well) want to facilitate an agreed Bill and do not wish to erode the autonomy of the institutions.

However, what would be the effect of legislating to take away the pharmacy laboratories from the institute and to vest them with the University of Adelaide? It would be the equivalent of taking the law books from the library of the University of Adelaide Law School and giving them to Flinders to help it start a new law school. It would be the grossest interference in the principle of autonomy and a departure from the notion that we would support an agreed Bill but would not interfere substantially in respect of the wishes of the institution.

The Hon. Carolyn Pickles: What about the parliamentary committee?

The Hon. R.J. RITSON: I will come to that. We have not moved to enact the wishes of the pharmacy people although, as I say, I have every sympathy with the substance of what they want to do. I also have some understanding of the institute, which feels that it must keep itself together while the merger is going on. Certainly, I cannot support the legislative dispossession of that property in the way that was requested.

There are some other matters that caused a little anxiety. Apparently the college moved to appoint some of its members to the status of professor prior to the merger and there is some anxiety about the form of appointments committees and whether the jobs were internationally advertised. I understand that since then they have agreed to delay this matter and to put the question of its professoriate to selection committees which contain members of the body with which they are to merge, whereas previously the idea was to promote a certain number of people to the level of professor before the merger and then, when the merger came, the receiving institution would like it or lump it. I understand that there has been some backing off from that. Again, these are matters in which I am interested; I think the Parliament should know about them but should not intervene legislatively. The institutions need time to work with this legislation and to ripen and mature.

I want to make a slightly gloomy forecast now about the economic success of Dawkinism and about the economy of scale. I have difficulty seeing where the economy scale will arise. For a start, the mergers provide that no-one, upon merging, should lose their job or lose any pay or status. That means necessarily that, even though the merger might in theory allow a rationalisation of teaching and other staff, that rationalisation cannot occur for as long as those people want to stay in the job. We will be lucky to see any economy of scale in the short term. Indeed, we may see an increase in costs due to the additional administrative requirements without rationalisation of staff.

Nevertheless, as I say, I support the Bill. By way of interjection, the Hon. Ms Pickles asked, 'What about the parliamentary committee?' Members on this side of the Council may have varied opinions about that. In my view, whilst the committee can receive submissions, it is just another way of Parliament informing itself. In my view it is perhaps a more careful and thoughtful way of Parliament

informing itself than simply through people with grievances going to individual members of Parliament. However, I am aware that there is an argument that it will not really be like that, that its mere presence as an official committee will evoke a lot more active and dissident submissions by people with a view on this matter.

What the universities in their new days and new forms really do not need is every second member of their community with a different opinion being encouraged to go along and grizzle to another committee. That is the view of two of the three institutions involved, and it may be the view of some members here. Nevertheless, it is less intrusive perhaps than having members of the Parliament on the council, where they have a vote in relation to the internal and administrative affairs of the university; whereas this proposed committee would merely inform itself and report to the Parliament. However, that is not an enormous issue. What we are doing, basically, is passing the Bill virtually in its agreed form. I have expressed some reservations about the economy of scale and about the need to do it in the first place. I have expressed severe criticism of the Government's funding of research and its discouragement of postgraduate work in Australia and free exchange of academics.

However, I emphasise above all these reservations that I believe more in the principle of autonomy in terms of what is thought, what is taught and what is published. So, I am quite happy, despite those reservations, for the Bill to go through and to commend these institutions hereafter to the people who will run them. I firmly believe that they will see this as a starting point, not an end point; they will manage the change, if they are given the funds Federally; and out of this in due course I think will come a preservation of the excellence of Australian tertiary education. So, I commend the Bill to the Council.

The Hon. J.C. BURDETT: I support the second reading of this Bill with a great deal of pleasure, because I believe that the establishment of the third university is warranted and I believe that it will enhance South Australia's already excellent academic record, on a universal basis. Adelaide University has long had an excellent academic record and, within a fairly short period of time, Flinders University has built up the same reputation for excellence, which is universally recognised.

With some reservation, I support the name of the University of South Australia. I do have some reservations about that, as did the Council of Flinders University, particularly because of the confusion in terms. There will now be two 'universities of South Australia'—the new University of South Australia and Flinders University of South Australia. I can see the reasons for wanting to call it the University of South Australia. As my colleague, the Hon. Dr Ritson has said, we are in a world market; we are dealing with academic publications, which are read all over the world and a new university would not want to be named by some local name; it would want to be called the University of South Australia so that it will be recognised. If it was named after some local dignitary, people would ask, 'Where is that?' and so, I can understand the reason. I do think it is a shame that there will be confusion between the University of South Australia and Flinders University of South Australia.

The only real problem that I have with the Bill in its present form—and this can be overcome in the Committee stage—is that clause 10 of the Bill (the establishment of the council) is quite inept. It is quite obvious that the council as established in this clause is an interim council and not permanent. The question of how to establish a permanent council is not addressed at all in the Bill. I have had this problem with several Bills lately, namely, that if one reads the Bill as it stands, it either makes no sense or does not address the ongoing situation. The last time I raised this matter was in regard to a quite different issue, but the Bill ought to make sense in its terms. One should be able to read a Bill and know what it means, without any further explanation.

The last time I raised the matter was in relation to shop trading hours, and I pointed out that, in regard to motor yards, the Bill did not make sense; there was a contradiction in it. There is no contradiction here but, whereas one is dealing with what is in fact an interim council, if one reads the Bill one sees that it refers to the council of the university and there is no other provision for it.

The only saving grace is in clause 18, which provides that the council must, before the expiration of the first year of the university's operation, report to the Minister on the structure of the council and any changes that the council believes should be made to that structure in the interests of efficiency and sound management and for achieving substantial representation of interest groups within the university by an elected membership. I might also query what is meant by substantial representation of interest groups within the university by an elected membership, and I guess that interest groups outside the university ought to be included in that, as well.

Looking at clause 10, that is all there is in regard to a council. The governing body will consist of members appointed by the Governor, on the nomination of the Minister. There will be 10 persons from the governing body of the South Australian Institute of Technology (and there is some definition of those 10) and 10 persons who were immediately before the commencement of this Act members of the governing body of the South Australian College of Advanced Education, and there are some stipulations of those 10. Then there is reference to 'such other number of persons, not exceeding seven, as the Governor thinks appropriate for the efficient operation of the university'.

I have no argument with that at all as an interim council, but it is very clearly an interim council and there is nothing about any subsequent council. There is only the provision in clause 18 of a report being made before the expiration of the first year including the structure of the council. That to me is not good enough. There ought to be incorporated a provision for a permanent council, or else there ought to be an expressed sunset clause in regard to the interim council so that a new permanent council must be provided for, after that sunset.

There is just no guidance in the Bill whatsoever as to what happens in regard to a council in the long term. As is provided in clause 10, the council is the governing body of the university. I do find it very strange indeed that, again, on reading a Bill one cannot understand its real intention. That is not acceptable to me. I have discussed the matter with Parliamentary Counsel, who have said that this was quite deliberate; that it was intended that, after the report in clause 18 had been made, a permanent council would be appointed, but this was not to be addressed in the Bill. The Bill ought to make clear what the ongoing situation is to be.

Following on from that, I think the main thing is that the Bill should have set out—and this will be addressed in committee—a structure for setting up a permanent council, the governing body of the university. It should not be left in limbo; it should not be left to speculation that there will be a report. There should be a structure for setting it up, either, as I suggested, by way of a sunset clause or by setting

out details of the council. This will be dealt with in the Committee stage.

I now want to say something following on from that about what I believe the permanent composition of a university council ought to be. There is the question of balance between external members and other members. In the University of Adelaide Act, the external members on the council have a majority. In the Flinders University of South Australia Act, they do not; the majority of members of the council come from within the university. In the University of Adelaide Act, the external members on the council have a majority, and that is the way I believe it ought to be, because one of the important roles of a council is to be a watchdog for the public and the taxpayer on the way in which the university operates and, in particular, on the spending of public funds and other similar matters.

I hope that the permanent council of the University of South Australia, when it is eventually established, will have a majority of external members, as is the case with the University of Adelaide. I believe that is the appropriate thing to do because it is an important role of the council to act as a watchdog for the public and the taxpayer. These matters can be addressed in Committee. The question of the appointment of the council will be addressed and, some time later, a Bill will come before this Council with regard to a permanent council of the university. I reiterate what I said at the outset: I support this Bill with a great deal of pleasure because the University of South Australia will further enhance the strong academic reputation which South Australia already has in the academic community.

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

WILPENA STATION TOURIST FACILITY BILL

In Committee.

(Continued from 14 November. Page 1816.)

Clause 12—'Preservation of rights under lease.'

The ACTING CHAIRMAN (Hon. M.S. Feleppa): The House of Assembly has advised that a clerical correction is necessary to clause 12. In line 19, 'Section 7' should read 'Section 9'.

The Hon. K.T. GRIFFIN: This clause has caused a great deal of confusion and some concern. I must say that it is somewhat complex but, in essence, it seeks to provide that nothing in the Act varies the lease or restricts the rights of the lessee or restricts the Minister for Environment and Planning or the Director in exercising a discretional power under the lease.

Subclause (2) provides that the exemption which is given under clause 9 from the provisions of the Planning Act and the Native Vegetation Management Act does not apply if any right is exercised by the lessee under the lease and that exercise is not in conformity with this Bill.

One obvious example is the single storey requirement in clause 3 (3) which refers to a limit of one storey on any building within the description of subclause 2 *(a)* (i) and (ii). Provided that the lessee does not exceed one storey, the protections—whatever they may be—of clause 9 are in force. If the lessee goes to a two-storey or three-storey building, the protections given by clause 9 (1) no longer apply. That does not immediately apply to the Planning Act but leaves that question open and exposes the lessee to potential litigation in a form similar, I would suggest, to that which is currently the subject of an appeal to the High Court.

The question of whether or not the Planning Act applies would not be resolved by this Bill. In the circumstances which I have outlined, it would merely place the lessee in a position where the lessee would take its chances in any subsequent litigation if it decided it did not want to comply with the provisions of this Bill with respect to the height of buildings referred to in subclause 2 *(a)* (i) and (ii). That is the scheme of clause 12. I suppose one cannot really be blamed for not placing so much focus on that in the earlier part of the debate and in the House of Assembly when one considers the debate on clause 3. In the original Bill introduced by the Government, clause 3 set some steps with which the lessee should comply if it was to gain the benefit of the exemption provided in clause 9.

In amending clause 3 to impose additional requirements on the Minister, the Liberal Party has always believed that it was going down the track of ensuring that safeguards were in place and that, ultimately, in the increase in accommodation from 2 924 to 3 631 overnight visitors, that issue would be resolved by resolution of both Houses of Parliament if the lessee wished to increase the size of the development to that extent.

It was our view in the course of the debate—and, I think, it certainly was not disagreed with by the Minister in another place—that those constraints on exercise by the Minister of the Minister's discretion or, rather, the imposition of positive obligations was going to be binding, and we would not have a situation where, potentially, if the lessee decided to increase the overnight visitor accommodation from 2 924 to 3 631 overnight visitors, the decision could be taken that, in those circumstances, it would allow it to go to Parliament or, in these other circumstances, that it was too bad about what the Parliament put into the legislation, it would run with its chances with litigation and a debate as to whether or not the Planning Act applied.

I think it is realistic to believe that a lessee faced with the choice of protracted litigation or running the gauntlet of Parliament would most likely go for the Parliament rather than the courts. However, of course, there is no guarantee that that would occur. I would have thought that there was less risk inherent in that than in taking it through the various levels of the court, up to the High Court of Australia.

So, in moving the amendment to clause 3 that the Liberal Party moved in the other place, we believed at all times that the scheme that it was seeking to implement would be binding on the parties and, more particularly, on the Minister in the way in which the Minister exercised discretion.

I think it should be said that none of the obligations would, in my view, be offensive. The compliance with the environmental maintenance plan and with the essential terms of the lease are, I think, important matters that must be complied with, anyway, by the lessee. It is essentially the requirement for the last step for a resolution of both Houses of Parliament that is the key issue.

The concern that the Liberal Party had after further considering the Bill, in the course of determining what amendments it would move in the Council, led us to the conclusion that all it was seeking to achieve in the Lower House, whilst allowing the development to proceed, was not effectively achieved by the amendments passed in the Lower House.

So, consideration was given to some amendments to clause 12, which as I said was always troublesome to us. Yesterday, I put on file some amendments which I believed would address the issue adequately. I think everyone believed that they would address the issue—whether adequately or oth-

erwise, dependent upon one's point of view—and would achieve the result that I have indicated I believed should be achieved.

My attention was drawn this morning to the fact that that may not necessarily be so, partly because the linking of the exercise of the Minister's or the Director's discretion to clause 3 of the Bill and the requirements in that clause would not necessarily be effective, because the discretions required to be exercised by the Minister in the Bill were not, in fact, also contained within the lease. It was in that context that some new drafting was proposed, and that is now the drafting on file in this Committee.

My amendment seeks to take out the current clause 12 in the Bill and to replace it with a new clause 12, which picks up the provisions of clause 12 (1) *(a)* and *(b)*, but makes those provisions subject to a new clause. It also seeks to retain present clause 12 (2). In providing for the additional subclause, I focused on the steps by which the size of the tourist facility may be increased. It goes from the initial figure in clause 3 (2), which is, in a sense, the first stage of the facility, and steps up to the level of accommodation required to satisfy 2 924 overnight visitors. In clause 3 (6) there is a third step from 2 924 to 3 631 overnight visitors.

My additional subclause provides that the capacity of the tourist facility may exceed that initial capacity in clause 3 (2) if, in relation to an increase in the capacity of the facility, in the second step up to 2 924 overnight visitors, the provisions of clause 3 (5) are complied with.

I remind members that under subclause (4) the Minister must not increase the capacity unless the Minister is satisfied that the lessee has complied with the requirements of the approved environmental maintenance plan in relation to the use of available water, and has complied with clause 5.12.3 of the lease or, if the Minister is not satisfied as to those matters, the Minister is satisfied that an adequate and permanent supply of water is available for the purposes of the facility and the lessee, and all former lessees under the lease, have complied with the essential terms of the lease.

The 'essential terms' are actually set out in the lease in clause 11.18. Those essential terms are terms which one might regard as basic to the lease, breach of which may result in termination of the lease and in an award of damages. Of course, there are many other provisions of the lease which ordinary members may regard as essential for compliance but which are not for the purposes of the approval process referred to as essential terms.

For the next step, the amendment provides that the capacity of the tourist facility may exceed the capacity in clause 3 (2) and clause 3 (4) if the Minister has increased the capacity from 2 924 to 3 631 under clause 3 (6) and the provisions of clause 3 (7) have been complied with. Subclause (7) provides that the Minister must not increase the capacity of the facility unless both Houses of Parliament have passed a resolution approving the increase and the Minister is satisfied about compliance with the requirements of the approved environmental maintenance plan, the availability of water, and the lessee or former lessees under the lease have complied with the essential terms of the lease. The other provisions of present clause 12 are retained, although in a slightly different format. Nevertheless, the substance remains.

It seems to the Opposition that the additional subclause which we have included to ensure that the Minister's discretion set out in clause 3 must be exercised in relation to increases in capacity is a reasonable provision in the context of this development and its controversy. There has been some suggestion that the commercial viability is likely to be prejudiced by this. All the inquiries that we have been able to make indicate that is not so, that 2 924 overnight visitors is a viable option which is likely to attract appropriate finance. The other consideration is that one would expect the lessee to opt to comply with the provisions of clause 3 rather than open itself to the vagaries of litigation, as to whether or not the Planning Act applies, if it were to disregard the provisions of clause 3.

I suppose one also finds something offensive in a situation where, if Parliament provides for a resolution to be passed by both Houses of Parliament before something can be done, there is a way by which that can be avoided, and that must be taken into consideration when debating this amendment. I understand that the Minister in another place has said, and I am not sure whether it was publicly, that she adequately canvassed in the other place the operation of what is now clause 12. I have been through the consideration of the Bill in *Hansard* and there is nothing in that debate that deals with the mechanism which the Minister understood was being applied by that clause. When that particular clause was being debated, it was cursorily addressed in the other place, and I do not think that any focus was placed upon it.

The Hon. R.I. Lucas: There was no debate at all on clause 10.

The Hon. K.T. GRIFFIN: My colleague informs me that there was no debate on clause 10 in the Committee stage in the other place. The Minister accepted the amendments to clause 3 willingly, suggesting that she, too, believed that the amendments were reasonable to provide additional safeguards and would have the effect which I have indicated the Liberal Party believed that they would have in the whole scheme of the legislation. Having given that explanation, I move:

Page 7, lines 13 to 20—Leave out clause 12 and insert new clause as follows:

12. (1) Subject to subsection (2), nothing in this Act varies the lease or in any way restricts the exercise by the lessee of the lessee's rights under the lease or the exercise by the Minister for Environment and Planning or the Director of National Parks and Wildlife of a discretion or power under the lease.

(2) The capacity of the tourist facility may exceed the capacity specified in section 3(2) only if—

(a) in relation to an increase in the capacity of the facility referred to in section 3 (4) the provisions of section 3 (5) have been complied with; and

(b) in relation to an increase in the capacity of the facility referred to in section 3 (6) the Minister has increased the capacity under that subsection and the provisions of section 3 (7) have been complied with.

(3) Section 9 (1) does not apply to, or in relation to, the exercise by the lessee of a right under the lease if the exercise of the right is not in conformity with this Act.

The Hon. BARBARA WIESE: I must say that I have now heard everything. That must be one of the most convoluted speeches that I have ever heard designed to disguise the hypocrisy of the Hon. Mr Griffin on the other side of the Chamber. At the outset of his remarks, the honourable member indicated that his amendment was a very complex one. It certainly is very complex.

The Hon. K.T. Griffin: I didn't say my amendment was complex; I said the clause is complex.

The Hon. BARBARA WIESE: The clause is complex, your amendment is even more complex.

Members interjecting:

The CHAIRMAN: Order!

The Hon. BARBARA WIESE: There is no doubt that the very complexity built into the Hon. Mr Griffin's amendment is designed to disguise the retrospective nature of it. More particularly and much more seriously, it is designed

to disguise the effect that this amendment brings, that is, to override the terms of a legally entered into lease arrangement between the Government and a private sector company. I do not know how someone such as the Hon. Mr Griffin, with his legal background, has the nerve to come into this place and move an amendment of this kind.

There is no doubt that such an amendment calls into question the integrity and standing of agreements that can be entered into between private sector companies and Governments, and it does not matter whether it is a Labor Government or a Liberal Government. It calls into question the integrity of Governments in entering into agreements with people outside Government. In principle, that is the question that we ought to be debating when looking at the amendment before us. What the Hon. Mr Griffin is saying to us here—

Members interjecting:

The CHAIRMAN: Order!

The Hon. BARBARA WIESE:—is that, despite the fact that Ophix Finance Corporation, nearly two years ago, entered into an agreement with the Government in good faith with certain terms and conditions and, following that, has spent enormous amounts of money in pursuing the environmental impact process, it has been taken to court and gone through the court process on two occasions, with all sorts of costs involved, and has endured the various other things that have been part of the process, at the whim of a handful of members, Parliament will at any time—now, sometime in the future or any old time—override the terms of the agreement. That is totally unacceptable for the Government and we will oppose this amendment with vigour.

The Hon. M.J. ELLIOTT: The Democrats made plain at the very start that this Bill should not be in this place and that we will oppose it. The Government's reaction to this amendment exposes the Bill for the fraud that it is. This Bill had one purpose and one purpose only: to kill the High Court action nothing more and nothing less, and to make sure that the laws of this State did not apply to that development again in any way.

As for the staging of the development shown in clause 3, and some of the protections which exist within it, they really had no purpose at all. Obviously, they had no purpose because clause 12, as it was originally drawn up, says that if it conflicts with the lease it counts for nothing. It means that the rest of this Bill is nothing more nor less than window dressing to try to give some kind of credibility to a document which has no credibility whatsoever. The Democrats will certainly be supporting this amendment. Obviously, we would like things to go a lot further, but we will be supporting it most strongly.

The Hon. K.T. GRIFFIN: Don't let the Minister come in here pleading the innocent: don't let the Minister come in here preaching hypocrisy: don't let the Minister come in here talking about retrospectivity. It is the Government that introduced this Bill; it is the Government that made a mess of this thing right from the start and did not have the guts to invoke section 50 of the Planning Act. The Government has made a mess of this right from the start and it brings a piece of legislation in here, as the Hon. Mr Elliott says, as a charade, a facade, to try to cover up the fact that all it needed to do was bring in clause 9 (1). That is all it needed to do.

The fact is that there is an issue which has to be addressed. If there is retrospectivity, you cannot have it both ways. If you are saying it is retrospective in respect of this, then you cannot criticise us for alleging that you also brought in the legislation for the purpose of retrospectively overriding the rights of ordinary citizens who have been to the High Court. If you bring something into this Parliament, and you change the ground rules, then you have to expect that we are going to examine all the ground rules, not only the ones that the Government wants to address.

The Minister has not addressed the substance of this issue. She comes in here with a lot of rhetoric, designed to get media attention, but she ought to address the issue and she ought not come in here and plead the innocent and call us hypocrites in view of the way in which the Government has handled this matter; it has been an utter mess.

The Hon. R.I. LUCAS: I strongly support the amendment moved by the Hon. Mr Griffin, and his words of explanation. It has been the clear position of the Liberal Party right from the first day that the Hon. David Wotton moved the amendments to clause 3 of the Bill in another place that the whole intention of the Liberal Party was to guarantee a development in two stages: there would be a stage going through to the size of 2 924, which we described as Ophix phase 3, and that, from that level of Ophix phase 3 through to the maximum level envisaged in schedule 4 of the lease of 3 631, both Houses of Parliament would have a say in whether the development went beyond the 2 924 overnight visitors of Ophix phase 3.

Right from the word go the developer knew, the Government knew, the Government negotiators knew, the Parliament knew and the public knew that that was the position of the Liberal Party; that was the intention of the amendments by the Liberal Party in another place. The Hon. David Wotton, my Leader the Hon. Dale Baker, and other spokespersons for the Liberal Party over the past weeks have clearly put that position on behalf of the Liberal Party. We have not budged one centimetre from that position: there would be two stages in the development; it would go to 2 924 under certain conditions: but from there on there was the clear understanding that the Parliament would be involved. Otherwise there was no point at all in the Liberal Party moving amendments in the House of Assembly and for us in this Chamber over the past few days to support and support strongly the amendments in relation to clause 3.

I do not accept at all the statements made by the Minister that in some way the Liberal Party has moved position, that in some way at the last stage the Liberal Party has shifted ground. The position of the Liberal Party was quite clear. The Minister in another place accepted the amendments to clause 3. In effect, she said, 'Well, basically I am quite relaxed about it; I will accept the amendments to clause 3,' in relation to the role of the Parliament to ensure that the Parliament had a say in whether it went beyond 2 900 overnight visitors to 3 600.

The Minister, in a number of discussions between the Government and Liberal Party representatives, made quite clear on behalf of the Government, as did other representatives of the Government in those discussions, that the Government accepted the position, that the Parliament would have a say between 2 900 and 3 600. There are quite a number of witnesses to a good many discussions that were had with Ministers or with that Minister and with other representatives of the Government over the past few weeks. So, don't let the Minister say publicly that in some way the Liberal Party has changed its stance one centimetre at all. All the Liberal Party is seeking to do is ensure that what we said in the House of Assembly, what we have said publicly, will stick. What we have found in relation to the amendment that the Hon. Mr Griffin indicated yesterday was that there needed to be tidying up to clause 12 as it now stands in the Bill.

In relation to further discussions this morning, we found that the amendment yesterday did not do what we said we were going to do in the House of Assembly and what we said we intended to do yesterday, so you now see a clarifying amendment before the Committee at the moment. That is all. There is no long, convoluted argument. It was a clear and concise explanation from the Hon. Mr Griffin as to what this amendment was about.

If the Minister is struggling to understand the legal intricacies of the amendment, that is on the Minister's shoulders, but it is clear, it is concise, it makes the position of the Liberal Party clear in relation to the development not only to the Government but also to the developer and to the public. As I said, it only explains the position of the Party right from day one when we outlined our position through my colleague in another place.

With those words, I indicate very strongly my support for the amendment and for the explanation of the amendment as moved by the Hon. Mr Griffin, and I would urge members in this Chamber to support the amendment.

The Hon. DIANA LAIDLAW: I wish to speak briefly to this amendment. I support it, and I support it even more strongly having heard the response by the Minister to the Hon. Trevor Griffin. In listening to the Minister, I believe that it confirms how desperate she and the Government are, because they have been caught out. It is quite clear that they thought that, by coming to the Parliament and seeking to override the law, they were going to try to implicate this Parliament in a rather grubby exercise.

The Liberal Party sought to move and was successful in moving amendments in the other place to have some say by Parliament as to the ultimate extent of the development process. The Minister supported those amendments and I wonder now if she did so believing that she would never have to exercise those powers because she thought that with clause 12, as it stood, she could thumb her nose at this Parliament. I wonder if that is why she was actually prepared to accept those amendments. Whatever the reason, the fact is she did accept those amendments and this amendment now simply seeks, as my honourable colleagues before me have said, to confirm that position.

I want to say one more word about the Minister's reference and accusation that the Liberal Party is seeking to override the terms of the lease. I remind honourable members that the Minister in another place accepted this amendment. The Minister now accuses us of overriding the lease, but it is the Minister who acted in this manner. More than that, I would argue that it is the Government with this Bill that has sought to override the law of the land, and that is the purpose of the Bill. The Minister in the other place has agreed to these amendments, and yet the Minister comes in here and accuses us of overriding the lease. It is a matter that the Government should look at critically in respect of its whole actions in this development and this Bill, but particularly in respect of the desperate arguments that it is now trying to develop in this debate, certainly in seeking to discredit the Liberal Party and discredit the movement of this amendment, I find it despicable.

The Hon. BARBARA WIESE: There are two further points that I would like to make. Despite the puff and bluster of members opposite in support of this amendment, there are two points to be made. One is that under the Government Bill, if Ophix wanted the protection that the Bill provides, it would have the opportunity of having that come before the Parliament. That is the first point. Secondly, the Hon. Mr Lucas, in particular, waxed lyrical about the clear understandings that existed between the Government and the Opposition and the developer and the Opposition about intentions. One clear understanding that he did not outline for us was that there was a very clear understanding that there would be no attempt to change the terms of the lease. Whatever the Opposition says, this amendment seeks to change the terms of the lease.

The Hon. K.T. GRIFFIN: There is one other aspect of the Minister's earlier comments that I want to refer to, and that is the question of the lease and the reflection on the integrity of any agreement that might be entered into between the Government and any other party. During the three years of the Tonkin Liberal Government we had two indentures and another Bill to deal with the significant developments that came into the Parliament. Those Bills set out all the terms and conditions which applied to those developments, the application of laws, the way in which laws were varied, the way in which laws did not apply and any special conditions that might be imposed.

That was all done during a long period of negotiation. I refer to the Roxby Downs (Indenture Ratification) Bill. There was an indenture Bill to deal with the Cooper Basin Stony Point liquids scheme. A Bill dealt with the concessions that were allowed concerning the Hilton International Hotel, our first international standard hotel to get off the ground, and the ways in which the law was to be modified. In the life of this Government I can think of only one that has come before us. There has certainly been no indenture Bill. The one that did come before us similar to the Hilton legislation concerned the ASER development and the concessions that were made there, as well as the details of the laws which for one reason or another were varied or not applied.

The usual practice is that, if there is to be any major development that is to require exemptions from legislation which cannot be given by exercise of ministerial discretion or by regulation, they come to the Parliament, after proper negotiations and within a reasonable period. Of course, this lease was entered into in January 1989. The Government had decided that it was not going to come before the Parliament. It decided that it was not going to exercise any Executive discretion, other than to move the property into a national park and thereby, hopefully, avoid the provisions of the Planning Act. It is not as though the issue of whether or not the Planning Act should or should not apply was ever considered in the context of this sort of legislation.

It is only now—virtually two years down the track—after litigation that the Government has said, 'We think we have to do something. We are not going to exercise any discretion under section 50 of the Planning Act. We will bring in a Bill, and we will bring it in in such a way that disguises what we really are going to do, and that is just grant some exemptions under the Planning Act.' In those circumstances it is the Government that has made a mess of it. If it brings before the Parliament a provision that is to alter the law in relation to some arrangement that has been entered into some time ago, and if the legislation is deemed necessary well after the entering into of the documentation, everyone has to assess the issue on its merits, and that is all that is being done.

The Hon. BARBARA WIESE: The honourable member tries to draw some distinction between the legality or the standing of this lease and other documents that have, in a sense, Government guarantees, or at least an understanding by people in the community that you can rely on agreement that has been endorsed by Government. He suggests that somehow or other this is different because it is not an indenture or that it is has been brought to Parliament now and not two years ago. The lease agreed to is a perfectly legal document. It was entered into in legal circumstances.

It was entered into under an Act of Parliament, under the powers of an Act of Parliament. The National Parks and Wildlife Act enables the Government to enter into a legally binding lease agreement with a company such as Ophix. That is what we did.

By the Hon. Mr Griffin's own admission the Planning Act does not and should not apply here, and I do not understand the point the honourable member is trying to make. What he is doing, however, is trying to cloud the real issue, that is, that we have a legally agreed to lease, a lease that was entered into some two years ago. It has never been questioned by the Opposition until now—it was not questioned in another place. It is questioned here at the eleventh hour only. The lease has never been questioned. This matter has been brought before the courts on two occasions. It has never been questioned in the courts. It has never been questioned by the opponents of this development. Now, at the eleventh hour, we have this amendment being brought into the Parliament that seeks to change the terms of the lease—and it is not acceptable.

The Hon. M.J. ELLIOTT: The Government signed the lease—that was done outside this Parliament. It has come to this Parliament asking us to agree with the Government that certain laws of the land shall not apply to this lease—a lease which is not a lease from the Parliament but a lease of the Government. This Parliament is now saying that, 'If you want those powers, we are going to put certain limitations in.' That is the right of this Parliament. The Minister cannot complain about that. She can take her Bill back outside right now and let things go through the courts the way they should have gone in the first place.

The Committee divided on the clause:

Ayes (9)—The Hons T. Crothers, M.S. Feleppa, Anne Levy, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese (teller).

Noes (12)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin (teller), J.C. Irwin, Diana Laidlaw, R.I. Lucas, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Majority of 3 for the Noes.

Clause thus negatived; new clause inserted.

New clause 13—'Payment by Crown of court costs.'

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

Page 7, after line 20—Insert new clause as follows:

13. The Crown must meet the legal costs of the Australian Conservation Foundation Inc. and the Conservation Council of South Australia Inc. in relation to Action No. 2946 of 1988 in the Supreme Court and Actions Nos A7 and A23 both of 1990 in the High Court of Australia taxed as between solicitor and client.

Repeating myself, the Government has again set about denying access to the courts—or effectively denying access, even if not in legal terms. People can still continue their High Court challenge but, of course, the High Court challenge is to no effect. That being so, since what they have been trying to do in the High Court has been pre-empted, I imagine that at this stage they would not continue with their case, I believe that both the ACF and the Conservation Council rightly should expect their costs to be picked up. In fact, I will go further; since the High Court challenge is taking the challenge in the Supreme Court further, such costs as have been incurred there also should be picked up. That is the only reasonable thing to do in the light of what the Government has done to those bodies.

The Hon. R.I. LUCAS: I indicate support for the amendment. There are three amendments on file. The amendment on file in my name is in exactly the same terms as that just moved by the Hon. Mr Elliott. I would indicate that the amendment moved by the Hon. Mr Elliott and the one standing in my name were in exactly the same terms as the amendment moved by my colleague in another place, the Hon. David Wotton. On that occasion it was unsuccessful in the other place. So, the Liberal Party strongly supports the terms of this amendment.

We believe it is fair and proper that the costs of the Australian Conservation Foundation and the Conservation Council of South Australia Incorporated be met by the Government. As the Hon. Mr Elliott has indicated, in effect, we have taken away or pre-empted their right to continue with their legal action currently before the High Court, and we certainly believe that it is proper that their costs be reimbursed. I note that the Government has argued that this establishes a precedent for the future.

The Hon. K.T. Griffin: I hope there will not be too many Bills like this!

The Hon. R.I. LUCAS: I must say that in my limited time of eight years in the Parliament I have not seen the likes of this Bill, and I hope that in whatever time I have left in Parliament, I do not have to see the likes of a similar Bill and debate in the Parliament.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: We all might agree with that, I hope. What we are talking about here is a one-off case; a one-off argument. In no way am I indicating—certainly, from my viewpoint—that herein we have established a precedent for the future that will and must be adopted and followed by the Liberal Party or, indeed, the Parliament; we believe that this is a special case and that we as the Parliament ought sensibly to address this special case and we believe that the most sensible way of doing so would be to support the amendment that has been moved.

The Hon. BARBARA WIESE: I move:

Page 7, after line 20—Insert new clause as follows:

13. The Crown must meet the legal costs of the Australian Conservation Foundation Inc. and the Conservation Council of South Australia Inc. in relation to Actions Nos A7 and A23 both of 1990 in the High Court of Australia taxed as between solicitor and client.

I will speak to both amendments now, if I may. The Government opposes the Hon. Mr Elliott's amendment and the identical amendment on file in the name of the Hon. Mr Lucas, because we believe that it is inappropriate for the Government to be compensating the Australian Conservation Foundation for its costs, particularly for the Supreme Court action that it took. This Bill has in no way interfered with the legal processes that were pursued with the Supreme Court action—

Members interjecting:

The Hon. BARBARA WIESE: —and, in fact, if honourable members would let me finish, in the first case that came before the court, no costs were awarded at all. In the second case before the Supreme Court where there was a unanimous decision in favour of the project, costs were not sought by the Government, nor by Ophix, which was a very generous move in view of the fact that very considerable amounts of money had been spent in fighting that action.

However, the Government does have some sympathy with the argument that the costs associated with the High Court action should be considered, because this Bill is intervening in that process. For that reason, I have on file an amendment which seeks to modify this amendment by removing the issue of the Supreme Court actions but confining costs to the High Court action.

The Hon. R.J. Ritson: How much will it cost?

The Hon. BARBARA WIESE: I have no idea.

The Hon. R.J. Ritson: $300?

The CHAIRMAN: Order!

The Hon. BARBARA WIESE: I am not in a position to say what the Australian Conservation Foundation's costs so far may be. That is a matter that will have to be pursued and determined.

One other matter ought to be drawn to the attention of the Committee when it considers these two amendments. The amendment being moved by the Liberals and Democrats leaves open the question of future costs. If there is future legal action, this amendment will mean that the whole issue is open-ended, and I do not think that that is the intention of either Party: nor do I think it is reasonable. I appeal to members to think again about this issue and support the Government's compromise position on it.

The Hon. R.J. RITSON: Very briefly, I want to point out that the Minister has argued 'Yae' out of one beak and 'Nae' out of another. She explained to the Committee that she did not want to create a precedent but then she created the precedent—

The Hon. Barbara Wiese: That was Mr Lucas.

The Hon. R.J. RITSON: Her Party has been arguing that position. She then gives us a choice. We must choose between the cheap precedent and the expensive precedent. She is arguing for the cheap precedent. I understand that the costs would be of the order of a few hundred dollars at the most; that is what she wants to limit it to. She is obviously concerned not about the precedent side of it but about the costs—the cheap precedent.

The Hon. K.T. GRIFFIN: What the Minister said earlier was inconsistent. As I recollect it, initially she said that this Bill does not in any way prejudice the litigation, but subsequently she acknowledged that the Bill did interfere with—

The Hon. Barbara Wiese: The next stage.

The Hon. K.T. GRIFFIN: That is right.

The Hon. Barbara Wiese: There are two stages to the legal process that have been completed and were completed prior to this legislation.

The Hon. K.T. GRIFFIN: Yes, but there is no point in going through the first two stages if you are going to be cut off at the knees at the third stage. It is all a necessary prerequisite to being able to take on the third stage.

The Hon. Barbara Wiese: If you don't want to have any further development in this State, it is up to you, I suppose.

Members interjecting:

The Hon. K.T. GRIFFIN: The throw-away line of the Minister might make the back page of the *Advertiser*. Somehow or another, passing this clause will stop development in South Australia in the future—what arrant nonsense!

Members interjecting:

The Hon. K.T. GRIFFIN: We are talking about a clause that deals with legal costs. How that will have any impact on development, I just cannot see.

The Hon. Barbara Wiese: That is your problem. That is why you are sitting on the Opposition benches and we are here.

The Hon. K.T. GRIFFIN: Hopefully you will not be sitting there too much longer.

Members interjecting:

The CHAIRMAN: Order! The Committee will come to order.

The Hon. K.T. GRIFFIN: I sense an air of desperation on the other side, and the Minister is thrashing around trying to find all sorts of implausible reactions to a reasonable proposition. I do not see that there is any difficulty with the proposed amendment.

The costs of the High Court appeal so far, I imagine, are relatively small. The bulk of the costs would have been incurred in getting to the stage of the High Court appeal. I would have thought that, in view of the consequences of the legislation, the Government should be prepared to pay some form of compensation by way of reimbursement of costs. If it is costs up to the present time, that is fair enough. If that is an amendment that needs to be made once this clause has been considered in the other place, I have no difficulty with that because, in essence, that is what we are talking about.

The Hon. M.J. Elliott's new clause inserted.

Schedule and title passed.

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a third time.

The Hon. DIANA LAIDLAW: I indicate that I remain of the view that I am unable to support this Bill. I speak now because one does not make these decisions lightly at any time within the Liberal Party. Because the Party gives one the right to differ from the majority view, one exercises that right with a considerable amount of responsibility. I have given a great deal of thought to my decision in this matter. As a result of the debate in this place on this Bill, I am even more confirmed in my view about the unnecessary nature of this Bill, and how farcical it is and how unacceptable it is with respect to trying to thwart legal processes.

Having seen the Minister behave like a spoilt child in the past few minutes, in seeking to blame the Liberal Party for the development crisis in this State, I believe that is desperate stuff and does her integrity, and that of the Government as a whole, no credit. I remind the Minister of representations sent to the Premier (a copy of which was received by the Liberal Party) from the Joint Industry Committee on Planning, an august body in this State, one not to be lightly pushed aside as the Minister would seek to do. That organisation wrote to the Premier indicating that the Joint Industry Committee on Planning supports the proposed Wilpena development but is firmly opposed to the retrospective legislation to by-pass the Government's own rules. JICOP urges the Premier to withdraw the Wilpena Station Tourist Facility Bill at present before Parliament, and I support that view.

I remind the Minister that the membership of JICOP comprises the Institute of Architects, the Master Builders Association, the Housing Industry Association, the Association of Consulting Engineers, the Real Estate Institute, the Urban Development Institute, the Institute of Quantity Surveyors and the Institute of Valuers. One would normally think that those bodies were the strongest advocates of development in this State. All those groups have sought the withdrawal of this Bill. So, for the Minister to stand up in this place, with all the fuss and flair and plenty of antics and accuse the Liberal Party of being anti-development by removing clause 12 and by seeking amendments to clause 3, is ridiculous stuff.

The fact is that the Government did not seek to abide by the laws that it applies to every other developer in this State, and it got caught out. It was challenged and it did not like it, so it sought to come to this Parliament to introduce retrospective legislation. It now does not like the fact that the Parliament seeks to take some interest in the larger development of the project.

I find it impossible to accept this Bill and the arguments presented by the Minister in respect of clause 9, which means that this whole development in a national park is not subject to the Planning Act, the Native Vegetation Act and other Acts. The fact that the Government as a whole cannot accept that provision that it earlier approved in relation to the larger development of the Wilpena resort

should come back to Parliament is childish stuff and shows up the Bill for the farce that it is.

The Hon. BERNICE PFITZNER: Nothing, but nothing, in the second reading debate and in the Committee stage alleviates my concern with this whole project and the Bill; and that is nothing to do with anti-development. The numerous amendments and the high drama of counter-amendments, and trying to make this Bill at least consistent and compatible, further indicate to me the doubtful integrity of this Bill.

There is a small example in schedule 4 of the lease, which refers to separate accommodation units. This description is not in the Bill. So, how many people will be accommodated in the units? Will it be two, four or 10? With no assurance of adequate water in the long term—and the lease is long-term—it would be irresponsible of and impossible for us to support this Bill. With regard to the water, which is my main concern, when questioned on Tuesday 12 November, the Minister of Tourism asked:

> How can one be sure what happens during a dry season until it happens?

One can get the answer by telephoning the Department of Mines and Energy. The senior hydrologist there states that further bore testing needs to be done over one to two weeks in a dry season—not just 36 hours. That will suffice to give us evidence of the long term adequacy of the water supply. However, it will cost $100 000.

Further, the Minister of Tourism again tries to reassure us by saying that after the project has been started, we can check the adequacy of the water. I think that is putting the cart before the horse. In my previous professional discipline we did our research fully before starting on a project. However, perhaps being a Labor politician, the Minister does things differently. As a new member, I have no other Bill with which to compare this, I think the Bill is an abortion, ill-conceived, deformed and born before its time. It would be quite irresponsible to vote for the Bill, and I signal my opposition to it.

The Hon. M.J. ELLIOTT: This Government does not have public support for this development. That has been made quite plain in a number of polls undertaken by the Government which it refuses to release. Even to be kind, the Government has made a dreadful mistake in continuing to proceed with this development. It is one of its many backroom schemes. That is one of the problems we have with this Government: the number of schemes that are cooked up behind closed doors and sprung on the public already very well conceived. It has chosen a site, and decided exactly what it will look like. As I have already said, Jubilee Point and the Mount Lofty chair lift are two other examples of these half-baked schemes that are cooked up between a couple of lunatic bureaucrats in their back rooms. The Government then sets about inflicting them upon the people of South Australia and, when the public dares to question it—

The Hon. Diana Laidlaw: Why say bureaucrats? Why not say the Minister responsible?

The Hon. M.J. ELLIOTT: I do not think the Ministers are responsible, and that is part of the problem. The Government has tried to paint this issue, as it has tried with a number of others, as being development versus anti-development. Yet, I think most people have made it very clear that there are questions of appropriate development. It is a simplistic argument and, quite simply, the public is no longer swallowing that argument.

A number of questions have remained unanswered. As the Hon. Ms Pfitzner said a moment ago, there is the question of water. What will happen in a dry year? This Parliament has given approval for a development to go ahead to a size beyond which we are uncertain that water is available. The question then becomes: what happens if there is a shortage of water? Will the developer continue to pump water at the cost of the environment? Will water be bought in and, if so, at whose expense? If it becomes the developer's expense, and it therefore does not make a profit, or it reduces their profit, will the money that was supposed to come to the park not be available? There is a large number of unanswered questions. I have suggested that even the work on Aboriginal heritage, and so on, has not been done anywhere near adequately enough.

The process by which only one developer ever had an option to be involved in this project is an important issue. When it first bought the land the Government tried to argue that it was for a project. Of course, that is a lie. However, that aside, the fact that the Government had this project on the books, and one developer got a chance to come in on it—and just by coincidence it happens to be a developer who has been linked to the Director of the National Parks and Wildlife Service when he was in New South Wales—is questionable. It does not mean that anything corrupt has happened, but it is highly questionable.

If a project of this sort is being cooked up, it should be done by way of public tender. I do not believe that the arguments put forward by the Minister in relation to why other developers were not given a chance hold any water at all. That sort of thing must never happen again in this State. In that way, questions cannot be raised.

In relation to retrospectivity, this Bill fails totally. People are now denied their proper access to the courts or, at least, while they have access to the courts in a technical sense, it no longer has any real effect. I am disappointed that it appears that a majority of the Opposition is still willing to go along with that. I should have thought that many of those voting with the Government would not have done so. I am deeply distressed by what I have seen here.

This Bill should have been thrown out and, even with the few protections that it has put up, the Opposition has been messing around at the fringes and done very little good whatsoever. It is a great pity that it appears that in South Australia a national park actually has less protection than any other part of the State. That is one thing that we are learning here: there is less protection in a national park than there is outside it. This Bill has now removed even the protections provided in the Planning Act. There was some question whether the Planning Act applied. We have said that it does not apply inside the national park in relation to this development.

There is no doubt that the National Parks and Wildlife Act has to be rewritten so that national parks are properly protected. There is also no doubt that the environmental impact statement process needs to be altered. That is not only my opinion; the Government had a committee which reported almost two years ago, recommending major changes to the environmental impact statement process. The Government ignored that recommendation. It is the way in which that process works, in particular, that keeps producing the sorts of problems that we are experiencing in South Australia.

This Bill is a total disgrace. It is about time that the development pimps got their eyes off our national parks. The level of commercialisation and corporatisation of our whole national parks system is an absolute disgrace. The Democrats will continue to oppose it, and the Government will eventually pay the price for this sort of behaviour.

The Hon. J.F. STEFANI: I, too, express my concerns about the project, as I did at the second reading stage. I believe that there are concerns about the water and those concerns will remain until the experts have conducted appropriate tests to satisfy the public, Parliament and me that sufficient water exists. I am not convinced that those tests have established that clearly.

I am also concerned about the retrospectivity of the Bill. The Government has sought to get out of its mess by asking Parliament to help it along so that it cannot be challenged. That is an extraordinary position because it takes away the right of people to challenge the Government in its actions. Because the Government was not strong enough to proceed with the project under section 50, it wanted to share the responsibility of this legislation so that it could say that the Liberals helped put it through. If it has the authority to act, and I am sure it has, it should have proceeded with the project alone, and told the green voters that it was prepared to do so.

The Government is the manager of this State. Why does it not manage it? The Government wanted to share the responsibility so that the Opposition would also suffer in the process of losing votes, and that is all it is. It is a political game, and I will not share in its little games. If the Government has the guts, let it manage the project, let it go ahead, but it does not have those convictions. I will not support a weak-kneed Government that seeks the support of others to carry out its functions. For those reasons, I will vote against the Bill.

The Council divided on the third reading:

Ayes (16)—The Hons J.C. Burdett, T. Crothers, L.H. Davis, Peter Dunn, M.S. Feleppa, K.T. Griffin, J.C. Irwin, Anne Levy, R.I. Lucas, Carolyn Pickles, R.J. Ritson, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese (teller).

Noes (5)—The Hons M.J. Elliott (teller), I. Gilfillan, Diana Laidlaw, Bernice Pfitzner and J.F. Stefani.

Majority of 11 for the Ayes.

Third reading thus carried.

Bill passed.

STATUTES AMENDMENT AND REPEAL (MERGER OF TERTIARY INSTITUTIONS) BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 1839.)

The Hon. DIANA LAIDLAW: I support the second reading of this Bill and, in doing so, I support the establishment of the third university, although I must admit that I have misgivings about that decision. Having followed the arguments with some interest from the start of this amalgamation process I have always remained of the view that two fine, strong universities were in the best interests of this State. That has not been the outcome of the process of negotiations and I accept that fact. However, I believe very strongly that at this time, when we are renegotiating the structure of programs offered by universities, we should also accept some overview by Parliament of some of the decisions that will have to be made by the universities in the State's interest.

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation in the Chamber.

The Hon. DIANA LAIDLAW: Surely this whole exercise in respect of the universities and other institutions of higher education in this State is to achieve something better for our scholars of the future and the State as a whole. I speak specifically with reference to proposed new clause 44a, which the Hon. Mr Lucas proposes to insert. I do so from the perspective of the arts. In March this year the Minister of Employment and Further Education (Mr Rann) and the Minister for the Arts (Ms Levy) announced a review of performing arts training in South Australia. The Ministers established a committee of seven headed by the Chief Executive of the Health Industry Development Council (Ms Mary Beasley).

Members interjecting:

The PRESIDENT: Order! I find it very disconcerting that there is so much movement in the Chamber. I ask members to resume their seat and to talk softly when in conversation with one another.

The Hon. DIANA LAIDLAW: Thank you, Mr President. I agree with you that the subject is important. Perhaps some of the Ministers could go out if they cannot be quiet.

The PRESIDENT: I would ask members to observe the protocol in the Chamber.

The Hon. DIANA LAIDLAW: *Hansard* cannot hear. I thought that at least if you cannot pay me any courtesy, you could pay *Hansard* some courtesy. It was proposed initially when the Minister of Further Education and Minister for the Arts announced this inquiry that 30 September would be the deadline. That date was set in the belief that it would provide time for the review to make its recommendations and that those recommendations could be considered when the mergers of tertiary institutions began in earnest next year. As it has unfolded, the review has found that it has been unable to meet that 30 September deadline, and on 14 August this year the Chairman, on behalf of the committee, issued the following statement:

> At this point in time, the committee of inquiry is of the view that it is in the best interests of training for the performing arts to centralise higher education and technical and further education courses in music, dance, drama and technical theatre, both geographically and organisationally.
>
> This would involve bringing the following courses together in one campus:
>
> — the Department of TAFE Flinders Street School of Music, the South Australian College of Advanced Education School of Music and the Elder Conservatorium;
> — the drama performance component of Flinders University (the directing and acting aspects) and the drama component of the Department of TAFE Centre for Performing Arts;
> — the Department of TAFE Centre for Performing Arts dance component, and the South Australian College of Advanced Education dance component.

In addition, to those courses being brought together on one campus, it was also proposed that the Department of TAFE Centre for Performing Arts technical theatre component would be added to the centre. The committee indicated in August that it was also investigating the role of professional writing for film, radio, television and drama within the new structure and that the appropriate training for arts administration, film and television, and opera, are also being considered, together with the possible inclusion of the Centre for Aboriginal Studies in Music (CASM).

> It is the intention of the committee of inquiry that in undertaking these moves this State will have the opportunity to foster a unique national focus in some of these areas, which are presently undeveloped in this country. The amalgamation of the training courses and facilities of these aspects of performing arts training will involve the rationalisation of curricula and the restructuring of organisational procedures.

The favoured location for the new combined facilities is the North Terrace precinct of the Adelaide University, expanded following its amalgamation with the South Australian College of Advanced Education, with the university acting as host organisation to the new body, which would

operate separately under its own statute and legislation, with its own board of directors.

The committee is presently considering the potential for use of the following buildings at the North Terrace site:

Hartley Building (as the administrative base for the new body);
the present SACAE cafeteria;
the present SACAE administration area;
the Schulz Building (some floors);
the Madley Dance Space;
the Scott Theatre;
the Little Theatre;
the Union Hall;
the Elder Hall complex;
the University of Adelaide Club.

The committee anticipates presenting its final report to the Ministers of Arts and Employment and Further Education by mid-December.

So we should be expecting that report in about a month.

The PRESIDENT: Order! I would ask for a bit of silence. The Hon. Diana Laidlaw has the floor.

The Hon. DIANA LAIDLAW: By that time, many of the decisions about restructuring the three new universities will have been made, and I believe that it would be too late at that time to necessarily consider the recommendations of this committee of inquiry established by the Government.

I strongly support this initiative by the Government to look at performing arts training in this State. Personnel in the arts area are now acting and talking of their own field as an industry, and I believe that that is the future of the arts in many respects in this State when it does start conducting itself as an industry. In support of that trend within the arts field, I believe very strongly that we should be looking at the manner in which we promote the education of our artists and technicians, and at present it is quite clear that it is scattered and there is no coordination.

Western Australia has an Academy for the Performing Arts. It is quite clear that they are excelling in many areas of the arts today because of that concentrated focus on the performing arts, something which we do not enjoy. I believe very strongly in the focus that the inquiry into performing arts training has outlined in its statement of intent in August. I am not sure what the inquiry by this Government will conclude when it reports in December, but I believe very strongly that that report should be the subject of oversight by this Parliament to see how, in the interest of this State, we could implement a centre or academy for the performing arts that would see the State excel in the arts field in general terms, so that we would become the envy of the nation and attract people from interstate and from overseas.

I believe that is the way to go for the arts in this State in the future. My concern is that, if the Parliament is not involved in terms of the oversight of this inquiry, when released in December, we will see none of the statement of intent implemented in the future. We will see this report simply hit the shelf and collect dust, and that would be a tragedy for the arts industry in this State.

It is clear from the discussions I have had that the committee itself is encountering some frustrations in trying to gain the cooperation of the institutions that are responsible for the performing arts in this State at present. Left to their own devices, I do not believe we will see an academy for the performing arts in this State and, as much as I respect the institution's right to determine its own future, I think that, at this time of rapid change within the university structure of this State, some oversight by members of Parliament could in fact ensure that this restructuring exercise is in the best interests of the State and the nation. I would hope that, in the restructuring exercise as it unfolds, we will see a very sharp and centralised focus on the performing arts training in the future, one that does not look only at the theatre companies but at film, creative writing, technical aspects of the theatre and the like.

I just do not believe that without such a parliamentary inquiry as is envisaged in the Hon. Mr Lucas's amendment this State's arts interest and the State's interests in general would necessarily be served.

The Hon. BERNICE PFITZNER secured the adjournment of the debate.

UNIVERSITY OF SOUTH AUSTRALIA BILL

Adjourned debate on second reading (resumed on motion.)

(Continued from page 1909.)

The Hon. K.T. GRIFFIN: I support the second reading of the Bill. In some respects the merger of tertiary institutions in South Australia has been somewhat hasty and one of the disappointing aspects of it is that it has been forced upon the participating institutions by a Federal Government that has used funding for tertiary education as the lever by which the mergers have resulted. That is unfortunate for tertiary education. One of the difficulties is that the more institutions rely on Governments for funding, the more they become subject to the wishes of a Government and, with the growing significance of Federal funding for tertiary education over the years, it has become obvious that the universities of Australia and the other tertiary institutions have more and more been regulating their directions and their affairs to comply with the prerequisites necessary to receive that funding.

As to the current round of mergers across Australia, it has been disappointing to see the extent to which Government policy is reflected in the pressure on those institutions to get larger or not benefit from Federal funding. With respect to size of institutions, I have never been an advocate for the proposition that big is better. In many respects that is a proposition that the State Government subscribes to. For example, with local government, council amalgamations and boundary changes, these are all directed towards local government getting bigger so that they can, according to the claims, do things more efficiently.

In becoming larger they will not necesarily do things more efficiently, but they will develop larger bureaucracies which in themselves become inefficient and local government will move away from appreciating and understanding the needs of ordinary citizens, and local government by becoming larger will cease to be a body which traditionally has been the closest to the people. The same applies in respect of tertiary institutions. Size will not necessarily create efficiencies. Size may well result in greater bureaucratic demands upon the participants in an educational institution, on the faculties, lecturers, tutors, administrators and more time will be taken in managing the affairs rather than focusing upon learning and the achievement of excellence.

It is in that context that I express concern that the pressure in South Australia, as well as in other parts of Australia, has been to amalgamate, to get bigger, but with no necessary guarantees that that will make the institutions better. It may well increase the bureaucracy but it has all been done with a threat of lack of money being held over the institutions.

That having been said, with the establishment of the University of South Australia (the third university), I can only say now that it is so well advanced that the clock cannot be turned back however much some participants may wish to do that, or however much members of the community may regret the passing of the Institute of Tech-

nology, for example. The process is now too far advanced and what we have to do is ensure that the new university works. It will work if it has a charter which focuses upon the achievement of excellence and on independence from political direction. Of course, excellence is determined by the quality of staff as well as by the quality of leadership given by the governing body and the *esprit de corps* which is established by not only existing and present students but also by those who are graduates of the institution or its composite members.

It is in that context though that the Bill does cause some concern because it does only provide for a university council to be appointed by the Governor on the nomination of the Minister, subject of course to some controls. My colleague the Hon. Mr Lucas has made some reference to that in his remarks on the Bill, but the concern is that there is no time limit, effectively, on any new and permanent structure being established, and although, generally, the focus is on a year, it is important in my view for the council to be totally independent of Government, although I support the view that there ought to be representatives of the Parliament on the governing body to provide a link between the Parliament, which is sovereign in law making, and the academic institution. As the new council and those who share in the work and responsibilities of the new university continue their discussions over the next few months, we will end up with the situation with a council truly independent and with a link through to the Parliament.

Membership of the interim council is only of concern in the sense that seven members are to be appointed by the Governor, but obviously they will be on the recommendation of the Government. I hope that the Government in making those appointments will consult not only with the university council but also with the Opposition and other members of the State Parliament, not members of the two major political Parties, because there needs to be a bipartisan approach to the appointments to ensure that the university begins its life without any adverse political reaction to the composition of its council.

As far as the tenure of the interim council is concerned, the Bill allows appointment for up to one year. It seems to me, that that is an inappropriate provision; it ought to be for a fixed term. The difficulty with variable terms is that the Government of the day is able to make appointments for perhaps a few months and thus juggle the membership. I am not suggesting that that will happen, but I would like to have some clarification of the procedure that is intended to be followed by the Government and of the term of office of the members of the interim council, notwithstanding that a discretion is to be given as to the term of that office.

In addition, I have a concern that there is no expressed provision that when there is a vacancy on the council that the vacancy is to be filled, if it occurs among those who are nominated on the recommendation of the Institute of Technology, by a successor also nominated in the same way and, similarly, in respect of those nominated by the South Australian College of Advanced Education. That may be difficult in the context of those bodies ceasing to exist, but it may be appropriate for there to be a list of interim alternatives from which the Government may be able to draw in the event of a vacancy in circumstances to which I have referred.

Having said that, I hope that in the early part of next year there will be a proposition before the Parliament which deals with the appointment of a permanent council independent of the Executive arm of Government. This does not mean that it ought to be independent of the Parliament. As I say, there ought to be links between the Parliament, which is the sovereign law-making body of South Australia, and the academic institution.

I will touch briefly on a number of other issues in the Bill. One is the provision that provides for an audit by the Auditor-General. I am concerned that that tends to suggest that this body is more under the influence of Government than it should be, and I think that the university ought to have an option whether to use the Auditor-General or private sector auditors. In relation to delegation by the council of its powers or functions, consideration needs to be given to limitations on that power to delegate because I think it would be quite wrong for the council to have the power to delegate the power to make statutes and by-laws. They ought to be made only by the council, but under the Bill as it stands at the moment that power can be delegated, and I think that that is wrong.

There are other issues in relation to the power to make by-laws which I think need to be addressed: there is the question whether 'vehicles' includes bicycles, or even horses and carriages. Some amendments have been made in the Lower House which ensure that the expiation of offences is more limited than as appeared in the original Bill. Subject to those matters and to my raising further specific issues during the Committee stage, I support the second reading.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

WORKER'S LIENS ACT (REPEAL) BILL

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

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill arises out of the report of the select committee of the House of Assembly on the operation of the Worker's Liens Act 1893.

The terms of reference of the select committee were to consider and report on the operation of the Worker's Liens Act 1893, and whether it should be amended or repealed.

The committee concluded that the Act, with the exception of those sections dealing with the disposal of goods held under common law liens, was no longer properly effective, nor was it achieving its original objective and in instances is counter-productive. The committee concluded that the Act is a major impediment to the effective resolution of a builder's insolvency and that the current insolvency laws gave protection to workers. The committee concluded that it was inappropriate for suppliers of material to the building industry to be in any different position to other suppliers of materials.

The committee concluded that legislation in establishing trust funds is not an appropriate means of ensuring payment to subcontactors. The cost to the public to establish, enforce and police such a fund would bear heavily on the industry. The committee further concluded that a low premium, compulsory insurance scheme could be established to protect small, labour only subcontractors and small suppliers of materials in the event of a builder's insolvency.

The committee was strongly in favour of voluntary agreements for contractual trust funds or direct payment to subcontractors as part of industry self-regulation.

The committee noted that $462 234.91 was held in the Registrar-General's Trust Account—Worker's Liens as at 30 June 1990. As a considerable portion of this has been in trust for a number of years, action to deal with the dormant balance would be needed if the Act is repealed.

The committee recommended that, in the light of more effective substitutes being available, the Worker's Liens Act 1893 be repealed, and that sections 41 and 42 be transferred to an appropriate Act.

The committee further recommended that industry consultation take place in respect to trust funds, voluntary or compulsory insurance schemes, direct payments and bank guarantees.

This Bill repeals the Worker's Liens Act 1893. A separate Bill amending the Unclaimed Goods Act 1987 will deal with the substance of sections 41 and 42 of the Act.

The Minister of Housing and Construction has initiated consultation with the industry in respect of trust funds, voluntary or compulsory insurance schemes, direct payments and bank guarantees to protect labour only or small subcontractors and small suppliers of materials.

Mechanisms exist under the Unclaimed Moneys Act 1891 for the dormant money in the Registrar-General's Trust Account to be transferred to the Treasurer and this will be done.

The Government has long been concerned with perceived deficiencies in the operation of the Worker's Liens Act 1893, and the select committee's thorough examination of the operation of the Act has confirmed that the Act is ineffective and indeed, in some instances, counter-productive. In the light of the committee's findings there can be no course but to repeal the Act.

Clause 1 is formal.

Clause 2 repeals the Worker's Liens Act 1893.

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

UNCLAIMED GOODS ACT AMENDMENT BILL

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

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill arises out of the report of the select committee of the House of Assembly on the operation of the Worker's Liens Act 1893.

The terms of reference of the select committee were to consider and report on the operation of the Worker's Liens Act 1893, and whether it should be amended or repealed.

The select committee recommended that the Worker's Liens Act 1893, be repealed, and that sections 41 and 42 of the Act be transferred to an appropriate Act.

Sections 41 and 42 of the Act enable a person who has common law lien over goods to dispose of them, that is, where a person has performed work on goods and not been paid for the work, the goods can be sold and the money owing for the work performed is paid out of the proceeds of the sale. Notice must be given to the owner of the goods of the proposed sale and the sale must be by auction. Any surplus money is paid to the clerk of the court nearest to the place of the sale. Evidence placed before the select committee indicated that these sections were necessary and effective.

The Unclaimed Goods Act 1987 provides for the disposal of goods which the owner fails to collect from a person who has possession of the goods. Court approval is required for the sale of goods where the value of the goods exceeds $500.

This Act is the most appropriate one to contain provisions for the disposal of goods over which there is a common law lien.

To transpose directly sections 41 and 42 of the Worker's Liens Act into the Unclaimed Goods Act would draw a distinction between goods on which work had been done and goods which had merely been left with a person. In the first case no court approval would be required before the goods were sold whereas court approval would be required in the second instance if the goods were worth more than $500. This distinction is unwarranted and to require court approval in the first instance would be to add an extra step in procedures which have operated without problems since 1893.

It is noted that court approval is not required to dispose of goods under the Warehouse Liens Act 1990 (which replaced the 1941 Act) nor under the Residential Tenancies Act 1978, and there is no evidence that these provisions are not working well. The Unclaimed Goods Act appears to be little used and no useful conclusions can be drawn from the operation of the Act.

While it is acknowledged that the Unclaimed Goods Act was enacted only recently and court approval is an integral part of the procedures for disposing of goods under the Act, the experience obtained from the operation of the Worker's Liens Act, the Warehouse Liens Act and the Residential Tenancies Act suggests that a court order is not necessary before goods are disposed of at a public auction after proper notice of the proposed sale has been given.

Accordingly, this Bill amends the Unclaimed Goods Act by removing the requirement that the court must approve the sale of goods worth more than $500 and provides for the sale of goods where a bailor neglects or refuses to pay for work done on the goods in the same manner as goods which have not been collected from a bailor. In all cases, appropriate notice of the proposed sale must be given and the sale must be by public auction, unless a court directs otherwise.

The Government believes that the Act as it is proposed to amend it provides sufficient protection for those whose goods are unclaimed without imposing unnecessary additional procedures on those who were accustomed to using the procedures under sections 41 and 42 of the Worker's Liens Act. The procedures under the Unclaimed Goods Act are slightly more onerous than those under the Worker's Liens Act, for example, longer periods of time and notice of the sale must be given to the Commissioner of Police. However, those procedures improve the rights of the owner of the goods without unduly imposing on the bailee of the goods.

Clause 1 is formal.

Clause 2 amends section 3 of the principal Act, and interpretative provision, by striking out the definitions of 'scale 1', 'scale 2' and 'scale 3' which are no longer necessary because of the amendments to section 6 of the principal Act effected by clause 4 of this Bill.

Clause 3 amends section 5 of the principal Act which deals with unclaimed goods by inserting subsection (1a) and paragraph *(ca)* in subsection (2).

Subsection (1a) provides for goods over which the bailee has a worker's lien and that have not been handed over to the bailor because of the bailor's failure or refusal to pay for the work to be regarded as unclaimed goods.

Paragraph *(ca)* of subsection (2) requires a request by a bailee to the bailor to collect bailed goods to state the amount of any worker's lien the bailee has over the goods.

Clause 4 amends section 6 of the principal Act which deals with the sale or disposal of unclaimed goods by stiking out subsections (2) to (6) and substituting new provisions. The requirement that the sale or disposal of unclaimed goods worth more than $500 be authorised by a court is removed.

New subsection (2) requires that subject to any contrary direction by a court, unclaimed goods be sold by public auction and notice of the time and place of the proposed sale be given to the bailor and the Commissioner of Police at least one month before the proposed sale and be given at least three days before the proposed sale in a newspaper circulating generally throughout the State.

New subsection (3) provides that the notice to the bailor may be given by post, and if the identity or whereabouts of the bailor is unknown, by advertisement in a newspaper circulating generally throughout the State.

ause 5 amends section 11 of the principal Act, the regulation-making power, by removing the power in subsection (2) to vary the scales of value of goods fixed in section 3 of the principal Act. This amendment is consequential on the removal of those scales of values effected by this Bill. The clause substitutes a new subsection (2) which empowers the making of regulations that specify the information that must be included in a notice under the principal Act.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

STATUTES AMENDMENT AND REPEAL (MERGER OF TERTIARY INSTITUTIONS) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from Page 1916.)

The Hon. BERNICE PFITZNER: In addressing this Bill, I wish to target proposed new clause 44a of the Hon. Mr Lucas. A Federal Labor directive decided that certain institutes of learning should merge, and one of these mergers will produce the University of South Australia. This university consists of the South Australian Institute of Technology and the South Australian College of Advanced Education with the campuses of Magill, Salisbury and Underdale. The School of Pharmacy and the Medical Laboratory Services are part of the SAIT and appear to sit rather uncomfortably with the proposed University of South Australia in that the other parts of the proposed new university have teaching programs mainly for teacher education, nursing and allied health disciplines such as physiotherapy, occupational therapy and radiography.

These other disciplines do not have a research component, nor do they have any common interest course work. Therefore, there is no prospect for the joint provision of courses. The schools of medicine and dentistry of the University of Adelaide share a common course work with the School of Pharmacy and Medical Laboratory Services for undergraduates. The common subjects for the three schools of medicine, dentistry and pharmacy are biology, chemistry, mathematics, biochemistry, microbiology, physiology and pharmacology. Therefore, there can be a sharing of teacher resources and the courses of each school can be advantaged.

I would argue for the establishment of a Centre for Health Sciences of the University of Adelaide consisting of the three schools, the campuses of which are all located along Frome Road within walking distance of each other, together with the backing of the clinical component of the Royal Adelaide Hospital, the Institute of Medical and Veterinary Science and the Adelaide Medical Centre for Women and Children.

The other alternative would be to have an Inter-Varsity Centre for Health Sciences. This would be on the three university campuses of Adelaide, Flinders and the proposed University of South Australia, and they would be widely separated. There would be poor interaction of the undergraduate students. Tight timetables to teach common content would be impossible, because the campuses are not in close proximity, and there would be competition for funds and facilities. There would be complicated joint teaching positions, different administrations, a different core structure and different syllabus content. This alternative is very complicated, impractical and ineffective.

The preferred option, therefore, of the Centre for Health Sciences in the University of Adelaide would ensure a continuation of undergraduate and postgraduate courses, providing postgraduate degrees of MD and PhD, as well as research programs. There would be interdisciplinary teaching in all the three areas of undergradate, postgraduate and research. In particular, drug trials can be performed for the *in vitro* stage (the laboratory stage) to the *in vivo* stage (the clinical stage) all under the one academic institution.

I am aware that the preferred option will be resisted by some groups, but their interests must be questioned. We must help to promote and encourage this centre of excellence. There is also the fallacy that perhaps Flinders University would be disadvantaged. I feel that competition must be a good thing. I hope that we have the wisdom to initiate a centre of academic distinction in one close area under one institute.

The other issue that has to be addressed is that perhaps we should leave the various schools to organise themselves. Having had a tertiary education, I can vouch that the territorial rights are strenuously protected in our halls of learning and that the various disciplines will not come together for the good of the whole unless we in Parliament help to facilitate the process. I therefore strongly support the concept of a review committee to encourage and facilitate this Centre for Health Sciences.

For three years this concept of the Centre for Health Sciences at the University of Adelaide has been debated to try to get it off the ground. Now, with this change and merger, the opportunity will be there. Shakespeare wrote:

> There is a tide in the affairs of men, which, taken at the flood, leads on to fortune.

The time and tide is now. It has the support of many professionals, statutory bodies and industry. The Centre for Health Sciences of the University of Adelaide on Frome Road would lead to international distinction. I hope that

we can now seize this opportunity on behalf of our City of Adelaide.

The Hon. L.H. DAVIS: I address my remarks to this Bill in somewhat of a unique position, given that I was a graduate of the University of Adelaide, that I lectured full time at the South Australian Institute of Technology and that I have been until quite recently a member of the Flinders University council. Therefore, understandably, I have an affection for each of those institutions, and a sadness for the way in which this merger has been forced not only on them but on other institutions in the tertiary education framework in South Australia.

When the Hawke Government announces, in a fairly glib fashion, that Australia needs to be a clever country, I should have thought that the starting point for that cleverness, the engine house to develop that cleverness, must be our education sector. Whilst we are not addressing the primary and secondary education streams in this debate, one of the clear areas where there is enormous potential to develop the cleverness that we so desperately need as we enter the last decade of the twentieth century is in the tertiary sector.

I do not believe that there has been anything particularly clever about Mr Dawkins' dictum to tertiary institutions around Australia that mergers are in the best interests of tertiary education. I do not think that bigness necessarily equates with quality; I do not think that bigness necessarily leads to cleverness; I do not think that bigness necessarily improves effectiveness and efficiency of administration. I think that in South Australia we have had enough demonstration of the difficulty of mergers when we look at the extraordinary camel and the humps that were created as a result of the reformation of the colleges of advanced education. Perhaps that is one area that the Parliament of South Australia has not subjected to sufficient scrutiny. Certainly, a large number of highly paid academics and administrative personnel were left with very little, if anything, to do as a result of those mergers. Of course, that is always one of the problems that is created when we have such a dramatic and draconian reformation of large institutions.

I will step back in time to the original proposition that was put by Mr Dawkins: the imperative that tertiary institutions around Australia were required to merge if Federal funding was to be continued. That was done very much with a gun at the head of the tertiary institution sector. Institutions in Australia were forced into bed, often with unwelcome bedfellows. In some States tertiary institutions acted with alacrity.

In South Australia perhaps the most polite expression that could be used about the merger process over two or three tortuous years is that it really has been a dog's breakfast. There have been proposals for a one university model, a two university model and a three university model and they have been discussed publicly while tertiary institutions struggle in good faith to meet Mr Dawkins' dictum.

At that time I was a member of the Flinders University Council, and I saw at first hand the extraordinary disruption it caused at the administrative level and the tension that it created at the staff level. It was a very disruptive, disconcerting and distracting influence and, certainly, in the past two years, the dynamism of tertiary education in South Australia has been cramped by the extraordinary demands and pressures created by the push for mergers.

I feel that the Dawkins' dictum has been wrong in another respect. To force tertiary institutions, irrespective of the quality of the courses that they offer and the standard of their education, is, in principle, wrong. If we are talking about developing a clever country, we should recognise and embrace excellence. However, the merger proposition—which has been followed because it has had to be followed around Australia—has forced universities of five-star quality to take on board tertiary institutions that, at best, in some instances, may have had only a two-star rating. In other words, this reflects very much a levelling to the ground of excellence in tertiary education, rather than boosting its quality and building on pyramids of excellence. I should have thought that was the way to go if we were to properly develop and nurture this clever country.

I am disappointed that tertiary institutions, not only in South Australia but in other States, have been forced to merge with other institutions which they would never have done in a month of Sundays. I find that sad. It is not only disheartening from the point of view of flattening out the quality of tertiary institutions but also it means that much of the rich history of those institutions has been cut down by one stroke of the legislative pen, and that the mergers have swamped the identity of those institutions.

I cite as an example the South Australian Institute of Technology, which has made a unique and wonderful contribution to South Australia, the nation and, in some cases, at the international level. It has been merged in a newly created tertiary institution.

Another aspect which offends me is the notion that, if a tertiary institution is called a university, it gives that institution a status which it would not otherwise have. That is a false concept. It is palpably untrue to say that a tertiary institution called a university will produce better education than a tertiary institution which is styled an institute of technology. What is so precious about the nomenclature 'university'? I only have to instance the Massachusetts Institute of Technology to demonstrate that tertiary institutions not styled as universities have succeeded in achieving excellence in delivering tertiary education.

I accept the parochialism that may prevail in a town of just one million people may prevent us recognising the potential and benefits of a multi campus institution. I do not have great difficulty with the concept of a multi campus institution. For example, the University of Texas, one of America's largest and greatest universities, has campuses hundreds of kilometres apart. It is quite practical to have campuses which are linked together, even though they may be some distance apart.

This Bill recognises and proposes the merger of Roseworthy Agricultural College with the University of Adelaide; the South Australian Institute of Technology with the Magill, Underdale and Salisbury campuses of the South Australian College of Advanced Education to form the University of South Australia; the city campus (on Kintore Avenue) of the South Australian College of Advanced Education with the University of Adelaide; and the Sturt campus of the South Australian College of Advanced Education with the Flinders University of South Australia.

That is the end result of an incredible amount of effort, tension and strain. It is a result that we as legislators must respect because it is the view of the management of those tertiary institutions, in some cases taking these as the best options in what was a very unsatisfactory set of options.

Speaking as a former member of the Council of the Flinders University, I accept the logic of the merger of the geographically adjacent Sturt college, with its fine reputation in nursing education and other disciplines, with Flinders University. The link with Roseworthy Agricultural College and the University of Adelaide is something that may result in some sadness amongst Roseworthy College graduates such as my colleague the Hon. Peter Dunn.

The Hon. R.I. Lucas: And John Dawkins.

The Hon. L.H. DAVIS: My colleagues have just drawn my attention to the fact that the Hon. John Dawkins, who is causing us to be here at this late hour and whose draconian direction has forced the mergers of tertiary insitutions around Australia, is in fact a graduate of Roseworthy Agriculture College. I am not in a position to confirm or deny whether he played the back end of a cow in the Roseworthy course annual arts production.

With respect to the merger of the Institute of Technology and the various campuses of the South Australian College of Advanced Education at Magill, Underdale and Salisbury, to me there is no apparent synergy in that nexus. To link an institute of technology—which, primarily, as its name implies, has disciplines in technology although, certainly, there are other areas such as social science and accounting disciplines—with those colleges of advanced education is not the best fit in the world, if one were starting from scratch. As I have said, as legislators we must accept these mergers as a *fait accompli.*

I will watch with interest how these mergers take place and how they are administered. There will be an enormous challenge to administrators in all these tertiary institutions over the next few years. One of my great concerns is that, just as they have spent two or three years in the past preoccupied with the problems of dealing with the various merger options, so too in the years ahead they will be preoccupied in putting the mergers to bed. That is very distracting at a time when we are trying to build a 'clever country.'

It is very distracting at a time when morale amongst university administrators and academic staff is, as far as I can remember, at its lowest ebb for many years. It is disappointing also at a time when funds in the tertiary sector are being squeezed until the pips squeak. I have spoken at cross benches on this matter, but I accept that it is a *fait accompli.* I accept that the mergers we have before us are a result of the best endeavours of the councils and governing bodies of the tertiary institutions involved.

We can only hope that these mergers succeed, so that tertiary institutions in South Australia can contribute to building the clever country that we must have if we are to succeed and prosper in the decade ahead.

The Hon. J.C. BURDETT secured the adjournment of the debate.

ADJOURNMENT

At 6.25 p.m. the Council adjourned until Tuesday 20 November at 2.15 p.m.