LEGISLATIVE COUNCIL

Thursday 20 February 1992

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

QUESTIONS

TEACHER CUTS

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister representing the Minister of Education a question about the school staffing formula and teacher cuts.

Leave granted.

The Hon. R.I. LUCAS: Several school councils and parents have contacted my office in recent days furious about the department's decision to cut staff numbers in their local schools. The decisions to cut teachers in some schools appear to be arbitrary and in some cases based on a fall of only five student enrolments. For example, in some cases schools will lose a teacher at the start of the 1992 school year only to have an extra teacher allocated in term 2 or 3 because of a forecast mid-year rise in students.

Even a significant rise in student enrolments is no guarantee of being treated fairly by the Education Department. Craigmore High School, for example, recorded an increase of 30 student enrolments at the start of the 1992 school year, yet had its request for an extra teacher rejected. The problem at Craigmore is particularly disturbing in that most of the extra students coming to the school are in years 11 and 12 and are thus trying to come to grips with the new South Australian Certificate of Education.

From a number of protest letters I have received, I want to quote from one I have received from a parent of a student at Nailsworth Primary School to indicate the feeling of parents and students on this matter. It is as follows:

This appalling policy of management by numbers must create more costs than savings. These costs include:

- After two weeks of settling in, many of the children will have a different teacher, or a different classroom, or different classmates or a new schedule.
- Administration staff have needed to work extra hours at a very busy time of year to rearrange the classes.
- The remaining staff must rearrange their plans and schedules to cope with different student mixes.
- Displaced teachers must abandon all their careful preparatory work.

These examples are not isolated. I know many teachers who are surprised when such changes are not made. Any well-managed system must be able to delay staff changes until the end of a term, or absorb minor troughs and peaks in enrolments. In this instance, I understand that the displaced teacher is to be supernumary in another school—

that means above formula entitlement and probably used as a relief teacher—

so there is no real need for the move. And, if enrolments increase later in the year, another hapless teacher will no doubt be transferred in.

Parents are increasingly frustrated at the inflexibility of the current staffing formula and are calling for an urgent review. My questions to the Minister are:

1. Does the Minister concede that the current staffing formula and its implementation by the Education Department is inflexible and causes problems for both schools and students?

2. Will the Minister order an urgent review of the formula to explore ways of resolving the problems being experienced in schools?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place and bring back a reply.

STATE BANK ROYAL COMMISSION

The Hon. K.T. GRIFFIN: My questions are directed to the Attorney-General, and are on the State Bank Royal Commission. In view of the report in this morning's *Advertiser* that the State Bank will seek to suspend its legal action against the Auditor-General after reaching an out-of-court agreement on the methodology of the inquiry, and in view of the suggestion that the agreement involves the Auditor-General giving more opportunity to those criticised in the report to respond to any criticism:

1. Has the Government agreed to an extension of time for the Auditor-General's inquiry?

2. What are the terms of any out-of-court settlement between the bank and the Auditor-General, and does this involve any limitation on the Auditor-General's inquiry?

3. If an extension of time has been or is to be granted to the Auditor-General, does this not now take the pressure off any proposal to remove term 3 of the royal commission's terms of reference in view of the fact that the Royal Commissioner's inquiry into terms of references 1 and 2 is likely to be completed before the Auditor-General reports?

The Hon. C.J. SUMNER: I said on Tuesday that there had to be an extension of the Auditor-General's reporting time and the Royal Commissioner's reporting time. That is not in dispute. It is a funny question for the honourable member to ask today when I answered it—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: I said it has to be extended. That is what I said. I do not see that there is any difference—

The Hon. K.T. Griffin: Has it been formally done?

The Hon. C.J. SUMNER: Of course it hasn't been formally done. If it had been formally done the honourable member would have read about it in the *Government Gazette* and it would have been available to the public after the Executive Council meeting. Clearly, it has not been formally done. The honourable member knows that. What he does know, from what I said on Tuesday, is that both the reporting times for the Auditor-General and the Royal Commissioner have to be extended. Discussions are going on at the present time to determine what is the appropriate time for them to be extended to. I do not know the terms of the out-of-court settlement.

In any event, they are matters for the Auditor-General and the State Bank. Whether the Auditor-General is prepared to provide information on any terms, I do not know, but I can certainly request that of him and I will do so and bring back a reply.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Obviously, it will need the approval of both parties. If I make the request of one, I presume they will get in touch with the other and decide whether or not the terms of the out-of-court settlement can be made available. I am not even sure that formal terms have been drawn up, in any event, or whether it is just that the proceedings have been adjourned for the time being. However, I will ascertain the exact position on that and bring back a reply.

As to the third question, the answer to that is 'No, not necessarily.' That question, which has been raised and put to the Government by the State Bank, is still being considered. As I said before, the Government wants to ensure a full and thorough inquiry but also an inquiry that does not

go on forever, and obviously time limits have to be set so that the Royal Commissioner's and the Auditor-General's inquiries can be brought to a conclusion. I make it clear that that will not be to the detriment of a full inquiry.

The argument about term of reference No. 3 has been fully canvassed and the argument from the State Bank and others was that there was a substantial overlap and that what the Royal Commissioner was going to do in terms of reference No. 3 could be done by the Auditor-General and thereby shorten the proceedings. However, I make it quite clear, as I did on Tuesday, that no decisions have been made on that and discussions are proceeding. I have had a considerable number of discussions, and I am getting to the point where I think it is time the discussions stopped and some decisions were made. I expect that to occur shortly.

OUTER HARBOR CONTAINER TERMINAL

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Attorney-General, representing the Minister of Marine, a question about the Outer Harbor Container Terminal.

Leave granted.

The Hon. DIANA LAIDLAW: The container terminal at Outer Harbor is owned by the Government, but since 1977 the stevedoring activities have been operated by Trans Ocean Terminals Pty Ltd. TOT's present lease on the site runs until 1996. However, on 21 January this year the Crown Solicitor issued a notice to TOT's parent company, Terminal Properties of Australia Pty Ltd (now owned by P & O in London), that pursuant to section 82 of the Harbours Act 1936 the Minister '... requires possession of the land and improvements within three months of the date of the service of this notice'. Apparently the Minister is determined to resume the terminal lease four years prior to its expiry in order to re-lease the site to another company that the Government considers to be more in tune with its vision of turning Adelaide into a transport hub. That other company is understood to be Sealand, an internationally based intermodal operator. At any time a decision by any Government to resume a lease is a most serious matter. Therefore, I ask the Minister:

1. Will he confirm that last year the Department of Marine and Harbors tried to negotiate an early termination of the lease which involved an offer to buy back rather than cumpulsorily dispossess the present operator of their property rights, and what was the value of the buy-back offer?

2. As section 82 (4) of the Harbors Act provides that the Minister shall pay compensation under the terms of the Compulsory Acquisition of Land Act 1925 to a lessee dispossessed of property, is he able to confirm that the State is liable to pay up to $10 million to the present terminal operators?

3. Will the Minister guarantee that negotiations to find a new operator for the container terminal at Outer Harbor will be finalised well within the three month period—we have two months to go—following the service of the dispossession notice, so that the transfer of operators is managed without disruption to South Australia's import and export container trade?

4. What is the value of financial inducements being offered to Sealand, or any other operator, in order to attract a new operator to take over the stevedoring activities at the Outer Harbor container terminal?

The Hon. C.J. SUMNER: I shall be delighted to refer those questions to my colleague in another place and bring back a reply.

NORTHERN ADELAIDE COASTLINE

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister for Environment and Planning a question about the northern Adelaide coastline.

Leave granted.

The Hon. M.J. ELLIOTT: A number of constituents have complained to me by way of telephone call and letter about the state of the coastline north of Adelaide, particularly the stretch from St Kilda to Port Gawler. Their concerns vary, but they all indicate that significant environmental problems are not being addressed. The most serious complaints relate to a dramatic increase in the growth of sea lettuce and die-back of mangroves. The foregoing problems appear to be linked to the presence in the sea of nutrients from sewage effluent and stormwater. In addition to scientific indications of environmental problems in the area, I have received reports of degradation affecting the aesthetics of the coastline. A letter that I received recently states in part:

> Should an unsuspecting tourist, day tripper, visitor, resident or whatever happen along the road with the sign 'Port Gawler' they will find (unless I picked two 'bad' weekends) the perfect example.
>
> I realise that this beach is a tidal mangrove beach. Nevertheless, pass the sign that says 'Crown land', pass the sign that says 'reserve', pass the parts of dumped car bodies, and you will come to—at least when the tide is out—a wonderful beach for walking dogs, riding horses (one of the few beaches left where this can be done), bird life, etc.
>
> However, on the last two weekends I have walked my dogs, there has been what appears to be mile upon mile of toilet paper wrapped around anything it can find, and mile upon mile of paper or cardboard floating in the pools. The stench is very unpleasant—in all it is an environmental disgrace.

My questions are: is the Minister aware of the environmental problems of Adelaide's northern coastline, and what is being done to rectify them and prevent further degradation of mangroves and recreational areas along the coast near St Kilda and Port Gawler?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place and bring back a reply.

PRIME MINISTER'S ECONOMIC STATEMENT

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister for Local Government Relations a question relating to the forthcoming economic statement by the Prime Minister.

Leave granted.

The Hon. J.C. IRWIN: I do not quite know why the South Australian press does not pick up on major statements emanating from Federal Ministers with implications for local government in this State. Last year I asked questions of the Minister for Local Government Relations regarding the Better Cities Program, which had been widely reported in other States, while our press here remained silent until after I had raised the matter. Yesterday and again today in the *Australian* there are articles relating to councils throughout Australia lining up to Minister Dawkins for funding assistance which will be announced in the Prime Minister's statement.

I am specifically talking about a six month survey of councils by the Australian Local Government Association which identified 583 small scale projects costing $1 billion that could start immediately if given funding. No doubt there are many South Australian councils in this list of 583. The projects include roadworks, transport facilities, tourist development, industrial complexes, community centres and water and sewerage systems. Mr Dawkins is reported to

have strongly conveyed the impression of a partnership relationship, and there would be a strong emphasis on training. Federal Minister Simmons is reported to have said it would be impossible to fund all the councils and it is most unlikely there will be a bloc amount of funding for local government anymore than there would be a bloc amount available for State Governments as such. I point out that this rush to be included in the economic statement would not have been necessary if the Federal Government grants to local government had not been decreasing in real terms for almost every year this Federal Government has been in office.

When backbencher Keating opened the last annual general meeting of the Local Government Association in October 1991, he said, *inter alia*, as I wrote it down, when discussing his views on central control:

> The tied grant should be used in the pipeline of Federal Government funding of cities development. Local government is most likely to get funding if it conforms with Federal policy such as land use.

He concluded by saying that, if it is freedom or the money, the money wins every time. My questions are as follows:

1. Is the Minister aware of the South Australian list of council projects put forward to the Federal Government?

2. Does the Minister agree with the now Prime Minister's view that any funds flowing to councils from the economic statement should be tied to Federal directions?

3. Does the Minister accept that the State Government will virtually be by-passed by the proposed funding process of projects?

The Hon. ANNE LEVY: Certainly I am aware that South Australian councils have put in their bid for this money which may well be announced next week. Whilst I am aware, I am not familiar with the details of the list which involves a very large number of South Australian councils. I suggest that, if the honourable member contacts the Local Government Association, he would probably be given the detailed list, or I would be happy to ask the association for the list. Certainly this matter has been discussed and negotiated between the Federal Government and the Australian Local Government Association, the national body representing local government throughout the whole country. There has been no involvement of State Government in this matter.

I am well aware that numerous South Australian councils have put forward for consideration well thought out and detailed proposals. I wish them all well and hope that a large number, if not all of them, succeed with their proposals. I have not had any discussions with the Prime Minister about the Federal Government's view.

I have had discussions with the new Federal Minister for Local Government about various approaches regarding Federal funding to local government and the various options that are being considered. As I understand it, he has not yet come to any definitive position, and he is continuing discussions primarily with, of course, the Australian Local Government Association, the national association representing local government and the body with which he primarily deals.

I think this is a matter for the Federal Government. I can only suggest to the honourable member that he approach one of his Federal colleagues and suggest that they ask the appropriate questions of the Federal Minister. It would certainly be much more efficient to obtain information on the Federal Government's attitude direct from the Federal Government rather than request me to find it out.

The Hon. J.C. IRWIN: As a supplementary question: I asked the Minister what was her view of Federal Government grants money being tied directly to decisions made in Canberra concerning how that money should be spent in local council areas and whether she agreed with that.

The Hon. ANNE LEVY: I really do not see what my personal view might have to do with it. This matter concerns Federal Government and local government. Federal Government provides resources to local government throughout the country. They discuss their programs and views in great detail with the Australian Local Government Association. In fact, at the time I saw the Federal Minister he was in Adelaide to meet with the Executive of the Australian Local Government Association which, for the first time ever, met here. That meeting took place on Wednesday of last week, and I was privileged to attend a function at the Local Government Association, which was held to warmly welcome the Executive of ALGA for its first ever meeting in South Australia and for the Federal Minister who met with the Executive of ALGA to discuss matters of mutual concern. But this is a matter between the Federal Government and local government. I have suggested, if the honourable member wishes further information about the matter, how he can find it out.

AUSTRALIAN FINANCIAL INSTITUTIONS COMMISSION

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Attorney-General a question about the Australian Financial Institutions Commission.

Leave granted.

The Hon. L.H. DAVIS: The Attorney-General would be well aware that States have agreed in the past on a program to introduce legislation which would result in national uniformity of both legislation and supervision of non-bank financial institutions, namely, building societies and credit unions, and that the coordinating body for this financial institutions legislation would be the Australian Financial Institutions Commission.

I think it was widely regarded within and without the industry that, following the debacle of many financial institutions in the late 1980s, national coordination and supervision of non-bank financial institutions was to the advantage of both the institutions and the community which they served. It would result in higher prudential standards and would establish minimum levels of disclosure, capital adequacy, liquidity requirements, and so on. The legislation would partly deregulate building societies and credit unions but at the same time introduce a system of nationally coordinated supervision which would be satisfactory to all parties.

However, earlier this month I was disturbed to read in the *Financial Review* that the Victorian Government seems to be going cold on the idea of the introduction of national legislation governing non-bank financial institutions. The Victorian Attorney-General, Mr Kennan, who initiated debate on regulations for non-banks after the debacle of the Farrow Building Society, has now asked that this legislation be reviewed before its proposed introduction date of 1 July this year. I am not asking the Attorney-General to comment, but it strikes me as odd that it is the Victorian Government, which through its own slack standards allowed the Farrow debacle to occur, that is now delaying the introduction of national legislation. I understand that the major building society industry body has written to the Premiers urging them to reject attempts by the Victorian Government to delay the introduction of this national legislation. The article in the *Financial Review* of 5 February states:

> The letter to the Premiers argues that the national regulatory body 'may be at risk' because of the Victorian initiative.

The letter written to the Premiers by the Executive Director of the Australian Association of Permanent Building Societies, Mr Jim Larkey, was quoted in part, as follows:

. . . delays through further ministerial and departmental reviews would only widen the opportunity for more dissension and interstate personality clashes, greatly increasing the risks of deferment, and even failure of you and your colleagues' historic decision.

The association submits that in the interests of protection of millions of ordinary Australians serviced by non-bank financial institutions—

that is, the building societies and credit unions—

your Government should decline proposals for a further policy review of the AFIC legislation . . .

That gave me cause for concern. My questions to the Attorney-General are:

1. Is he concerned at the delaying tactics of the Victorian Government?

2. Is he in a position to advise what the current position is in relation to this important legislation?

3. Is he in a position to advise whether this legislation and the coordinating body—the Australian Financial Institutions Commission—will be in place by the scheduled date of 1 July 1992?

The Hon. C.J. SUMNER: I do not know that you could describe what the Victorian Attorney has said as being delaying tactics. He has some genuine concerns about the prudential standards which are contained in the legislation which was agreed to by officers and which forms the basis of this legislation—legislation which has I think already been introduced into the Queensland Parliament. I hope that the deadline can still be met, but obviously the Victorian Attorney's concerns have to be taken into account and discussions about them have to occur.

The Hon. L.H. Davis: Do you share those concerns?

The Hon. C.J. SUMNER: I have not been advised, to date, that there is justification for those concerns. I have not seen the full outline of Mr Kennan's problems and, until I do, I will reserve comment. Certainly the South Australian Government was prepared to go ahead with the legislation as it was originally drafted, but in the light of Mr Kennan's problems with it and the fact that he is the Attorney-General of the second largest State, in population terms, and therefore an important component in any scheme, there will obviously have to be further discussions, and I believe that they are being scheduled for some time over the next couple of weeks. I hope that the deadline can be met. If it is to be met, obviously legislation will have to be introduced into this Parliament shortly.

AUSTRALIAN DANCE THEATRE

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage a question relating to Australian Dance Theatre's artistic directorship.

Leave granted.

The Hon. I. GILFILLAN: Today I received a letter from the dancers of Australian Dance Theatre, part of which is as follows:

We the dancers of Australian Dance Theatre are writing to you to express our concerns with the decision made by our board to terminate Leigh Warren's contract at the end of 1992. The dancers are unanimous in their belief in Leigh's unique contemporary style, his ability to choose, teach and focus an extremely diverse group of dancers (for which on numerous occasions we have been praised) as well as his vision for ADT as an integral part of dance in this country.

When Leigh was appointed as Artistic Director in 1986 he took over the company with a disastrously large deficit. During his five years here he has worked extremely hard at acquiring a new audience base. The company has regularly performed major seasons in Adelaide, as well as taking dance to regional South Australia and Australia. We have performed in ballrooms at the Hilton and Hyatt Hotels for corporate clients, at charity functions at Government House and for two years running the company has performed at the Grand Prix Ball, one of the most prestigious events in Adelaide. Our involvement with students has been continuous, including contributing to the dance curriculum in schools, taking workshops and performances at these institutions as well as being a fundamental support and resource for the annual Rock and Roll Eisteddfods.

The company has collaborated with all fields of the arts industry, including the Australian String Quartet and co-productions with the State Theatre Company and State Opera of South Australia. All of which have been positive and successful and extremely well appraised. The company has now built a good audience base and from a deficit in 1986 we have risen to a surplus in the year ending 1991, a huge achievement in these economic times.

To date we have had two lengthy discussions with representatives of our board and at no time have we been convinced or given a concrete answer to the reason for Leigh's dismissal. If we are to keep some sort of heritage of contemporary dance and nurture it we cannot fall victim to decisions made by boards, with seemingly little consideration of the long-term ramifications, changing directors every few years.

May we also say that at no time has there been any pressure from our State and Federal funding bodies for a review of the company. This decision has been totally internal. If you believe in Leigh and his company and support our views, we now wish to ask you to support us by writing to the Minister for the Arts and the board of ADT, with a copy to us. As you will appreciate, early action in imperative.

It is signed by what appears to be Peter Sheedy's signature on behalf of the dancers of Australian Dance Theatre. My questions to the Minister are: has she been consulted on or advised of the reasons for the termination of Leigh Warren's contract; does she believe that the opinions of the dancers should have been and should be taken into consideration over this matter; will she intervene with the board on behalf of the dancers to ensure that their view is taken into consideration; and, if not today then in due course, will the Minister inform the Council whether she is satisfied that the board's decision is fair and in the best interests of ADT?

The Hon. ANNE LEVY: The agreement between the board and the Artistic Director of Australian Dance Theatre to terminate his contract 12 months before its previous expiration date was announced some weeks ago and has appeared in the *Advertiser*, so that it is hardly news. I have certainly been kept informed by the board, the Chairman and Deputy Chairman, and have had discussions with them. An agreement was reached between the board and the Artistic Director, and I understand that it was in the presence of solicitors—it was not just a verbal agreement.

The Hon. Peter Dunn: A bit of a donnybrook?

The Hon. ANNE LEVY: No, but to make sure there was legal advice as to wording. As a result of this, both the board and Mr Warren agreed not to discuss the matter publicly, which, of course, neither has done.

I understand that numerous discussions have occurred but I certainly do not wish to interfere in any way with the board's actions. The board of ADT is appointed to run the affairs of ADT, and it would be totally inappropriate for any sort of political pressure to be applied to it or to any members of the company to influence in any way the relationships within the company. Of course, I would heartily endorse the comments which the honourable member read out as to the extremely valuable contribution that ADT has made to the dance life of South Australia and, indeed, of Australia. It is a remarkable company; it has provided a great deal of creative and innovative dance of a superb standard; and it has been widely acclaimed by audiences not only just in Adelaide but also throughout Australia and indeed overseas. Australian Dance Theatre is a company of which every South Australian can be very proud indeed.

The Hon. I. GILFILLAN: As a supplementary question, the question was directed to the Minister because of the direct appeal by the dancers for her help in clearing the air, and I ask her then whether she will ascertain on their behalf the reasons for the dismissal so that they can be informed, so avoiding what could be a rebellion of the dancers themselves in the continuing ADT.

The Hon. ANNE LEVY: I have indicated both to members of the board and to the Artistic Director that it is not appropriate that I intervene in the relationships within the company. Political pressure on any facet of the company would be quite inappropriate. I do not intend to try—

The Hon. I. Gilfillan interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I do not intend to resile in any way from that position; it would not be appropriate for me to do so. The board has had discussions with the dancers and with a whole lot of other people, as far as I am aware, but they and the Artistic Director have agreed that they will not discuss the matters between them publicly. As I say, neither the board nor the Artistic Director have departed from that agreement and, of course, it would be most improper for either side to do so, given the agreement between them.

DEREGULATION

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before directing a question to the Attorney-General on the subject of deregulation.

Leave granted.

The Hon. J.C. BURDETT: The Subordinate Legislation Act 1987, which follows a Queensland model, sets out a program for the expiry of regulations. The new section 16b that it set up provided in effect that regulations should expire after seven years, with a phase-in period in respect of existing relations. The purpose was to avoid redundant and archaic regulations. We are all aware of those if we think of them—regulations that have been in force since 1920, 1930 or the like and have continued on for years after they served their purpose or became obsolete.

The purpose of the Act, which was introduced by the Government, to its credit, was to clear up the block of archaic regulations and to ensure that all regulations were up to date and did fit the current situation. The idea was that they had to be looked at after seven years or shortly before the expiry of the seven-year period. If they were totally satisfactory they could be made again. I noticed that most of those that have been made again as a result of this procedure have been changed in some respects. There were certain regulations to which the Act did not apply. The relevant one is:

> Any other prescribed regulations or regulations of a prescribed class.

That means that there could be, in effect, a regulation that exempted some regulations. I have been concerned about the large number of regulations that have been exempted because the intention was that the regulations shall expire.

The former Subordinate Legislation Committee wrote to the Attorney-General on 21 February 1991 expressing these concerns, initially in regard to particular regulations, and received a reply on 12 March 1991, which was a prompt reply on a fairly complicated subject. In his reply the Attorney referred to the fact that he had sought the Crown Solicitor's advice. The problem that that advice elicited is that, because of the way in which the Act is drafted, it meant that once regulations were exempted—to quote from the Crown Solicitor's advice—they were:

> . . . not and cannot be made subject to automatic expiry under the Subordinate Legislation Act.

The general pattern is automatic expiry under the Subordinate Legislation Act but, if the particular regulations are exempted by regulation—and many of them have been—they are no longer subject to the automatic expiry so that, in effect, they are exempted forever.

Clearly, that is a quite unsatisfactory situation and one that I imagine was not contemplated by either the Government or the Parliament when the Act was passed. I think it is an accidental result. In his letter, the Attorney-General continued:

> I am concerned to ensure that the deregulation process is efficient and effective, and to this end I agree that there should be amendments to the Subordinate Legislation Act to provide that the exemption may be for a specified period—

that is what I think is satisfactory—

> or may be revoked, and in that event the regulations expire on the date of expiry or revocation, not the date fixed in the Act.

That is what in my view ought to happen. The Attorney continued:

> As the revocation program has now been in operation for three years, and as some of the regulations under the Subordinate Legislation Act are due to expire on 1 January 1992, it is appropriate that there now be a review of the Act and regulations. The matter raised by the Joint Committee on Subordinate Legislation will be considered as part of that review.

I am certainly concerned that what appears to me to be an anomalous result of legislation be rectified. My questions to the Attorney are:

1. How is the review progressing?
2. When is it likely to come to a conclusion?
3. When is it likely that this matter will be rectified by legislation?

The Hon. C.J. SUMNER: The review is finished and the Government has taken some policy decisions on these matters. I hope that legislation can be introduced shortly. I agree that too many regulations were being exempted, and that needs attention. I also agree, as I did in my letter, with the honourable member's criticisms of the amendments made to the Subordinate Legislation Act which meant that once you extended a regulation there was no sunset clause to it. The Government has agreed to resolve that.

The other issue that has been raised is whether or not the seven-year period is too short. I think it is, and the legislation that will be introduced will address that issue as well. I think my recollection serves me correctly that we have agreed to introduce legislation to have a 10-year period for regulations, but those issues will be dealt with in legislation and the honourable member can then formulate his view on them when the legislation is introduced. I will see whether I can make a copy of the review available to the honourable member.

The Hon. J.C. BURDETT: As a supplementary question, is it envisaged that the amending legislation will be introduced this session?

The Hon. C.J. SUMNER: I would hope so, but one can never tell with the pressures on Parliamentary Counsel. So far as I am concerned, the sooner it is fixed up the better and, if it can be fixed up this session, that would be desirable. Now that the honourable member has raised the issue again, I will check where the drafting is and see what the program is for that piece of legislation. If it can be introduced this session, I would certainly like that to happen.

COOBER PEDY CHILD CARE

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about child care in Coober Pedy.

Leave granted.

The Hon. BERNICE PFITZNER: I recently visited Coober Pedy and was most concerned about child care facilities in that town. At present there is child care specifically for Aborigines but the rest of the population does not have access to a child-care centre. I was contacted by a number of female hospital staff and the majority of them had small children needing child care. I understand that the hospital is under-staffed not only because of economic constraints on the hospital budget but also because of the town's isolation and lack of social amenities.

Whilst I do support a child-care centre for Aborigines, I am most concerned that a similar facility is not available for the rest of the community. This young community perceives this lack as discrimination in reverse. My questions to the Minister are:

1. Why is there no Government-run child-care facility for the larger part of the Coober Pedy community?

2. What is the rationale behind having a child-care centre specifically for Aborigines?

3. Why is it not possible for the whole of the Coober Pedy community to share the sole child-care centre?

4. If the issue is tied to Commonwealth funding, will the Minister look into either the State's supplementing the existing child-care centre or providing a similar facility so that the whole of the community might be equally serviced?

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

SHACKS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Lands a question about shack sites.

Leave granted.

The Hon. PETER DUNN: Last November I asked a question about the tenure of shack sites around the South Australian coast. The answer I received is rather perplexing, to say the least. Part of the answer states:

> The review procedures provide an opportunity for lessees to assess their shack areas against the criteria used by the consultants. They may then provide evidence which would refute the consultant's assessment (for example, tide records which show that the area is not subject to the standard of the one in 100 year flood return).

It has been pointed out to me that many sites have not been there for more than 40 years, so that would be difficult to assess, even for the consultants. I refer to the part of the response that has perplexed the people to whom I sent the answer. I asked a question about housing constructed on the foreshore from Noarlunga through to Outer Harbor, and this is the response I received:

> The reference to metropolitan development is not relevant to the consideration of change in tenure for shacks sited on Crown land which is leased for occupation. In the case of metropolitan Adelaide, development has already occurred and the land is held under freehold title. The Government's responsibilities in the latter situation require it to provide protection to existing freehold sites. To freehold shack sites which are shown to not be environmentally sustainable in the longer term—

that is, of course, shack sites that are not situated in the metropolitan area—

> would lead to the general community unnecessarily assuming a financial burden for the long-term protection of those shacks.

My questions are:

1. Is the 100 year flood level (I suspect they mean tide level, as I was referring to sites on the Spencer Gulf at the time I asked the question) to be the standard?

2. Is the Government now responsible for the protection of all freehold property bordering the seashore, as indicated in the answer?

3. If so, will the Government provide protection when cyclone, fire and hail damage freehold sites situated further inland?

4. If not, what right has the State Government to intervene and to protect shackowners against their own folly in putting shacks on areas that may be flooded by 100 year high tides?

The Hon. ANNE LEVY: I will refer that series of questions to my colleague in another place and bring back a reply.

COMPRESSED NATURAL GAS

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister representing the Minister of Transport a question about compressed natural gas.

Leave granted.

The Hon. DIANA LAIDLAW: In an article in the summer edition of *Reflections* published by the University of South Australia, Mr Sam de Maria from the School of Mechanical Engineering predicted that the State Transport Authority could save between $3 million and $4 million a year if its bus fleet were converted to compressed natural gas (CNG). At present, 100 of the STA's order for 300 new MAN buses are to be powered by CNG. I ask the Minister:

1. Why did the STA require only 100 of the 300 new MAN buses to be powered by CNG?

2. Does the STA plan to convert its bus fleet from diesel fuel to CNG; if so, what is the cost of converting each bus and what is the timetable for completion of the conversion?

3. As Mr de Maria states in the article that he is investigating the conversion of Adelaide's suburban trains from diesel to CNG, what plans does the STA have to convert its 2 000 and 3 000 series railcars to CNG, including the 80 new diesel electric railcars on order, and what would be the cost of those conversions?

The Hon. ANNE LEVY: I will refer that series of questions to my colleague in another place and bring back a reply.

SCHOOL STAFFING

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister representing the Minister of Education a question about school staffing problems and violence in schools.

Leave granted.

The Hon. R.I. LUCAS: I refer to the article in today's *Advertiser* headed 'School under siege'. That article outlines the problem that one northern suburban primary school at Elizabeth Field claims it is experiencing because of Education Department staffing levels. The issue of staffing problems has been echoed by many other schools that have contacted my office or written to me.

Last August, when the Opposition raised the issue of problem students or students with problems at northern suburban schools, I drew attention to the fact that more

than 200 children were on the waiting list to attend the Northern Learning Centre, which provides counselling and remedial work for disruptive students. It was also pointed out that schools could wait weeks to receive help with problem students, and even when they did receive assistance it was generally too little and too late. When, in another place, the Opposition highlighted the fact that the Education Department has as least 230 students on file waiting for remedial attention at its two Northern Learning Centres and that some might never get to receive help, the Minister responded by saying:

> The Education Department . . . has developed a network of interdisciplinary teams and resources that are available to deal with young people with severe behavioural disabilities. Some of those are dealt with by other means and by other agencies.

As some principals and teachers have said to me, this blissful ignorance by the Minister of the true situation in northern schools is concerning them. That was demonstrated again this morning when the same feeble excuses were trotted out by the Education Department, when an officer said:

> Departmental support . . . was available outside the school to help students with behavioural problems.

The true situation is very much the same as it was six months ago when I first raised this issue. Today, senior departmental sources have told me that the waiting list to get disruptive students into the Northern Learning Centre is still about 200 and that schools still face a three-week waiting time from the time they lodge an application for help until the time the NLC sends an officer out to the school to discuss the problem—and that is only for an initial discussion about how the school and the department might be able to tackle the particular problem.

When one bears in mind that those schools are struggling with students with behavioural problems and learning difficulties and that, as a result, not only are teachers suffering stress, as outlined this morning in the newspaper article, but the other 20 to 30 students are also suffering a reduction in the quality of their education because of the disruption being caused by the isolated student in the class, then the significance of the problem ought to be clear not only to the Minister but to all members of the Government. Then, once the initial survey, discussion or interview is conducted, it can be several weeks before the student actually gets to spend any time at all at the Northern Learning Centre. In most cases, because of the length of the waiting list and the lack of resources, that student might be withdrawn from the centre for only one day a week. My questions are:

1. Will the Minister admit that the problems outlined in today's *Advertiser* article are a result of the failure of the Education Department's policies for students with problems and the inadequate provision of resources to handle those students?

2. What action will he take to address immediately the unacceptable waiting lists and waiting periods that schools are facing to get problem students into the Northern Learning Centre?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place and bring back a reply.

TRUANCY OFFICERS

The Hon. R.I. LUCAS: Has the Minister an answer to a question that I asked on 19 November last year about truancy officers?

The Hon. ANNE LEVY: In view of the time, I seek leave to have the answer inserted in *Hansard* without my reading it.

Leave granted.

My colleague, the Minister of Education, has provided the following responses:

1. Yes, the department's program does include the provision of five additional truancy officers.

2. In order to ensure that truants in the Port Adelaide area return to education, a pilot program involving a small group of children has been initiated by the Education Department and supported by parents, teachers and interagency workers.

The program began on 18 November 1991 and involved the following steps:

- Parents and the students meeting with Education Department officers to develop a long-term strategy aimed at returning the students to regular studies.
- Students being taken out of their regular schools in the Port Adelaide area and being enrolled at the Warriappendi Alternative School. This school provides a specialist education and social development program which is targeted specifically to the social and cultural needs of Aboriginal children. The aim will be to eventually return these children to their regular schools.
- Senior students who are truanting being provided with alternative studies involving a combination of education and training. Negotiations are currently taking place with the Port Adelaide Aboriginal Community College to set up programs for these students.
- This program will be maintained by the interagency team, parents and schools and its outcomes will be reported at the end of each term in 1992. Truancy was among student behaviour issues targeted by a $4 million school discipline program and attendance levels will be monitored by the Education Review Unit in 1992.

URBAN LAND TRUST (URBAN CONSOLIDATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 February. Page 2741.)

The Hon. J.C. IRWIN: The Opposition and I support the second reading of this legislation. The Bill seeks to amend the Urban Land Trust Act 1981 to permit the Urban Land Trust to participate in urban consolidation in existing urban areas. The South Australian Urban Land Trust was formed in 1981 following the termination of the South Australian Land Commission which had been established in 1973 as a land broker. The principal focus of the trust has been to ensure an adequate supply of land for residential purposes on the Adelaide fringe so as to promote housing affordability and ensure coordinated development. The trust has no power to develop land in its own right and initially had no power to acquire land compulsorily for future urban use. In 1984 the Act was amended to enable the trust, with the approval of the Minister, to undertake development on a joint venture basis.

In 1985 the Act was further amended to enable the trust to replenish its land bank through compulsory acquisition pursuant to the Land Acquisition Act. I was not a member in 1985 but, on advice from my colleagues, I know that the Opposition strongly opposed this power in the 1985 legislation. Some of my colleagues will address the historic position of the Liberal Party on the Urban Land Trust Bill during their contribution. It has long been argued by us in this place that compulsory acquisition is not a desirable course to take. It takes away a person's freedom to determine the distribution of his or her assets. Undoubtedly it distorts the marketplace because, when notice or any hint of a compulsory acquisition is given on a certain area in, let us say, a built up urban area, then the price of that property is affected immediately. So, whether we like it or not, it does distort the marketplace and nearly always not

in favour of the person who wants to have some control over their own assets.

I do have some concern—and there is some evidence around South Australia now—about large corporations with their own powers coming in, acquiring and developing land. I would have the same problem with a large bureaucracy such as an Urban Land Trust, using its muscle, so to speak, to override the wishes of perhaps the local government and people in an area to do something that it decides needs to be done. However, the power of acquisition to which I have just referred in the 1985 Bill was restricted so that the trust could not compulsorily acquire a principal place of residence or commercial or industrial premises. This Bill amends that provision.

The Act currently limits the trust to purchasing, holding or generally being active in new urban areas. That effectively precludes the trust from involvement in existing urban areas, which are the major focus for urban consolidation initiatives. I signal that I intend to move an amendment to the principal Act during the Committee stage along the lines that the trust shall not have the power to acquire compulsorily except in the performance of its functions of establishing and developing new urban areas. I support the second reading.

The Hon. K.T. GRIFFIN: I support the second reading of the Bill. My colleague the Hon. Jamie Irwin has covered the field more than adequately but, because I was a member of the Tonkin Government, which undertook some fairly radical surgery to the old South Australian Land Commission—and we had some very strong views about the role of the land commission, which subsequently became the Urban Land Trust—it is appropriate to reflect for a few minutes on that position. Certainly we were concerned that the South Australian Land Commission was something more than a land bank and that it was fairly active in acquisition, subdivision and development of land.

We were concerned that that was not only in competition with the private sector and, I think, unreasonably so, but that it was not providing the benefits to the South Australian community which were necessary if there were to be a reasonably priced and adequate supply of land for subdivision available on the outskirts of Adelaide. So, we proposed that the Urban Land Trust should be nothing more than a land bank; that it should seek to acquire land not by compulsory acquisition but by negotiation and purchase in the marketplace; that such acquisition should be of broad acres; and that land should be released progressively as economic circumstances required to ensure that an adequate supply of reasonably priced building land was readily available on the market.

There are some who would dispute that the Urban Land Trust has actually achieved that objective, but that is not why I am addressing the Bill today. In 1985, the Labor Government decided to give powers of compulsory acquisition to the Urban Land Trust that, to some extent, brought it back towards what was the old land commission. We resisted the compulsory acquisition powers at the time, but were not successful in that opposition. Now we have a situation where the Government wants really to advance the powers of the Urban Land Trust and the scope of its activities beyond the land banking function and the provision of broad acre land for subdivision into urban consolidation in existing urban areas.

That means that the Urban Land Trust will be able to acquire vacant allotments and other land, provided of course the land is not used as a dwelling house occupied by the owner as his principal place of residence, any factory workshop, warehouse, shop or other premises used for industrial or commercial purposes, any premises used as an office or rooms for the conduct of a business or a profession or any land in respect of which subdivision development is being or has been carried out.

With the power of compulsory acquisition, which is now in the Act, a power that is to be exercised with the prior specific approval of the Minister, the Urban Land Trust can become active in the metropolitan area of Adelaide and even, I would suggest, in other urban areas outside the metropolitan area in the acquisition of not only vacant land but also buildings and other premises that fall within the categories to which I have just referred under section 14a (2).

There is some question as to whether the exclusion of the right to acquire a dwelling house occupied by the owner as his or her principal place of residence actually prevents the Urban Land Trust from compulsorily acquiring a part of the land upon which such a dwelling house is erected. I think it is open to interpretation that, if your dwelling house is erected on a large block of land, it is quite possible that the Urban Land Trust will have the power, as part of a program of urban consolidation in existing urban areas, to compulsorily acquire the back of the block, for example, if it so wishes.

I have always been concerned about compulsory acquisition of land. I recognise that, in some circumstances, in order to provide community services such as roads and schools, it may be necessary for a Government instrumentality ultimately to compulsorily acquire land for those specific public purposes, but no-one can tell me it is a matter of public purpose to acquire a block of land in the city of Adelaide or in the metropolitan area merely for the purpose of re-selling it or for consolidating it with adjoining land and then subdividing it into different sized and shaped allotments.

That is really granting to a statutory body the power of compulsory acquisition in circumstances which are not for public purposes or for the provision of public services, but to enable the rearrangement of land and to sell it to a developer or to some other person or body which gives a commitment to develop it. There are many circumstances in which there are vacant allotments in Adelaide or in some other urban areas. For example, a young couple may decide that they wish to build a house when they are able to afford it. The block might be vacant for 10 years, and if it is vacant land it obviously does not fall within the exceptions under section 14a. In those circumstances the Urban Land Trust can compulsorily acquire the land, and I find that objectionable.

It may be that, in some newer urban areas of Adelaide, parents have undertaken subdivision of their own land, and they may have three or four vacant blocks which they propose to give to their children when they marry or attain a responsible age. They may undertake that task of subdivision when the children are very young, perhaps four, five or six years old, because the parents believe that they ought to provide for the future of their children and hold this vacant land for quite a long period of time, perhaps 20 years. In those circumstances, that does not prevent the Urban Land Trust from compulsorily acquiring that land, yet I would have thought those parents would be perfectly entitled to arrange their affairs and provide for their families and keep some vacant land for their children in the future.

There is no protection for them against compulsory acquisition if this power is given to the Urban Land Trust. Generally, we support the concept of urban consolidation, but one must balance the desirability of that against individual rights. Individual property rights have, until this

time, allowed people to own land and to do with that land what zoning laws permit, provided that the use is not contrary to specified purposes; for example, if it is in a residential area you cannot use it for a factory. They are normal constraints which no-one really finds objectionable but, where you have a situation of people owning property and wanting to keep it for a purpose of their own, whether that be for a tennis court, an extended garden or provision for the family, I would suggest that they are entitled to do that.

Our society and law recognised that right, until the time of the introduction of this Bill. If it passes in its present form largely that will be the end of the protection of individual property rights, and all people who have vacant blocks around Adelaide will have to constantly look over their shoulders to determine whether the Urban Land Trust will come with a compulsory acquisition notice and acquire the land, because it is not being used for development purposes.

Even if it is not a vacant block of land, it is not immune from this power of compulsory acquisition. For example, there might be two maisonettes on a large block of land, in which the owner has invested superannuation lump sum payouts, providing for his or her retirement. They are not protected from the potential compulsory acquisition of land. It may be that some people believe they should be prevented from keeping such a large block of land with only two home units on it and that it should be built in to ensure that there is adequate urban consolidation. But I would suggest that that is a very significant infringement of individual rights, if people cannot decide that they want to hold property for the purposes of investment and rent the home units to provide for their retirement.

There are many other circumstances in which ordinary individuals can presently hold land which the social planners might regard as being too large and which, under the provisions of this Bill, will now be subject to compulsory acquisition. I find that objectionable, I do not believe that is a role of a Government. I believe it puts at risk individual property rights, and individuals' opportunities to plan for the future and prepare not only for their own retirement but for the future well-being of their families. If they want to do that and are doing it in accordance with the appropriate zoning obligations and not causing a nuisance to neighbours or others in the community, why should they not be allowed to do it?

I think that this Bill, if unamended, has a significant potential for doing injustice, remembering that there is no right of appeal against a compulsory acquisition, only a right to negotiate damages or compensation. Also, the Bill has the potential to substantially disrupt the lives of many urban South Australians in so far as how they wish to use land in which they may have invested or for which they may be planning some development.

I have great difficulties with the Bill. As the general power of compulsory acquisition was passed by the Parliament in 1985—and I do not support that either—I reluctantly concede that it is there and, once there, should not necessarily be removed. However, I do not subscribe to the view that this additional power should be given to the Urban Land Trust, particularly in relation to compulsory acquisition, and I indicate my very strong support for the amendment from my colleague the Hon. Jamie Irwin.

The Hon. J.C. BURDETT: I support the second reading because, in general terms, I support urban consolidation. It is not desirable that the metropolitan area of Adelaide be extended along the seaboard and the Hills without something being done in the meantime about the infill. However, I do not support the concept of compulsory acquisition for this purpose, and I have a fair number of reservations about supporting compulsory acquisition at all.

I think there has to be some balance about urban consolidation in any event. I would not like to see every vacant block filled up so that, in the developed area of metropolitan Adelaide, there is not one left. Certainly, the parklands have to be preserved but they are not under attack in this Bill. Apart from the parklands, it seems to me to be commonsense that there should be some vacant blocks so that if something is really needed in an area some land is there.

I support the concept of consolidation in existing urban areas, as set out in the Bill, as long as it is in balance—and that is why I support the second reading. However, I am strongly opposed to compulsory acquisition for this purpose. The history is that, in the early 1970s, the Land Commission Bill that was introduced by the Dunstan Government was passed, with the considerable opposition of members on this side of the Chamber, with many amendments. In the final wash-up a lot of the amendments were successful and some were not (I remember moving a number of those amendments myself). It was a Bill that eventually went to conference.

We thought that a Land Commission, the setting up of an entrepreneurial body, under Government control, was not an appropriate way to go. The Tonkin Government dismantled it and set up the Urban Land Trust to act as a land bank, without compulsory acquisition powers in those times, and to take over the land that had been held by the Land Commission.

As has been said, in 1985 Parliament introduced certain compulsory acquisition powers to the Urban Land Trust, but not compulsory acquisition powers for this present purpose. I opposed that, and as I recall the Liberal Party opposed it at that time. I am prepared to acknowledge that that is water under the bridge, that for certain purposes—establishment and development—the Urban Land Trust does have powers of compulsory acquisition. However, I would be very opposed to those powers being, in effect, extended to urban consolidation and urban areas, as opposed to broadacres. Compulsory acquisition is a pretty blunt instrument. I, and I have no doubt most members in this Chamber, have encountered quite heart-rending cases of people who have had their land compulsorily acquired. It is especially heart-rending when it is a family home/domestic premises and when they did not ever want their land acquired. There is no appeal against the fact of acquisition; the only legal procedures are in regard to the compensation to be paid. If the power of compulsory acquisition is exercised then that is that, and the citizen has no say.

This is an abrogation of the right of private property, which I believe in. I acknowledge that compulsory acquisition has to be able to be exercised some times, as has been said in regard to major public utilities, freeways and things of that sort. There would not be any possibility for the development of the State if this power were not there. However, the problem is, in the individual case, when land is compulsorily acquired, for whatever purpose, the landowner is almost always in an inferior position to the Government—the acquiring authority. The Government has money and other resources that are not available to the private citizen. I certainly have heard a lot of heart-rending cases of people who have had their home taken away and who have not been able to get sufficient compensation to relocate in a satisfactory manner in a place that is equivalent to the home that they formerly held. There are also cases of business premises and particularly small businesses, and

certainly the landowner is almost always at a disadvantage in a compulsory acquisition case.

As I have said, sometimes it is necessary that there be the power of compulsory acquisition, but I believe very strongly that it ought to be restricted as far as possible. I have undertaken research as to how the procedure could be improved and made fairer in regard to the landowner. I remember having chaired a number of committees on that subject to see what could be done. It is very difficult to come up with an answer. But one answer that is clearly there is to restrict this power where it is not necessary and, in my view, it is not necessary for the purpose of urban consolidation. It is not necessary for the purpose of urban consolidation to use this heavy-handed, blunt instrument of compulsory acquisition.

I am totally opposed to the power of compulsory acquisition being used for the purposes of urban consolidation, but as long as the function of the trust for urban consolidation excludes compulsory acquisition and is restricted to a matter of balance and is not used excessively in order to take up every block that might be vacant, I support the concept. For those reasons I support the second reading; but I certainly intend to support the Hon. Jamie Irwin's amendment.

The Hon. DIANA LAIDLAW: I support the second reading and also the concept of urban consolidation. Both my colleagues, the Hon. Trevor Griffin and the Hon. John Burdett, spoke about their experience in Government some 10 to 12 years ago. At that time I was working with the Minister of Housing, the Hon. Murray Hill.

Perhaps Mr Hill was before his time in many respects, but we dealt with a number of issues in the housing and local government portfolios that today would probably be deemed to be urban consolidation issues. One involved a model by-law to allow councils to accommodate granny flats or duel occupancy measures on larger blocks. There was uproar at that time, particularly from members of the Liberal Party who objected to this provision in R1 zones.

So, I know the depth and strength of feeling that many people have about property rights and how difficult it is to achieve change, even when change is socially desirable in some of these respects. I refer back to the granny flats and dual occupancy, because I am well aware that it is socially and personally desirable for many people to have older family members living near them when an older person may wish to move out of a family house and into that granny flat to help their children save money when land costs are so high and also to be close to the existing infrastructure. We had extraordinary difficulty with that model by-law some 12 years ago, and the issues that were debated at that time continue to be debated today.

I favour the concept of urban consolidation, and I note that the issue was addressed at some length by the planning review appointed by the Government as part of its 2020 Vision: Ideas for Metropolitan Adelaide. In the planning review's findings and strategies it determined that urban consolidation should be implemented selectively by tailoring it to particular areas. I believe that that is an important finding in terms of encouraging community confidence for this concept of urban consolidation.

If it is to be inducted in a random fashion across the area without respect for the character of that area, it is difficult to win broad community support. The planning review has clearly considered this issue at length and has recognised that, if we move in small stages, perhaps we will ultimately achieve a desirable end without coming in with a sledgehammer at this stage and seeking urban consolidation across the metropolitan area without respect for the character of that area. Perhaps I do not find urban consolidation such a difficulty as others do, because I live in North Adelaide, where townhouses and cottage dwellings—

The Hon. Anne Levy: You are already consolidated.

The Hon. DIANA LAIDLAW: Yes, that is right. Townhouses and cottages have been part of the character of North Adelaide since Adelaide was established and many people are so keen to live in North Adelaide because of its historical charm. We do live almost on top of each other in North Adelaide. I live in a high rise apartment; that is urban consolidation. It is a great lifestyle and one where we respect the privacy of others. As I say, I do not find it as difficult as do some others in the community who live on larger blocks. However, it is a major issue for this State and particularly as we find that we are having increasing financial difficulty in this State in funding any public service to the standard we would like, let alone cater for new suburbs and expanding demands.

I believe very strongly that there is a limit on how far north and south Adelaide can reach. There is a limit in this driest State of the driest continent as to how much more valuable agricultural land we can develop for housing needs, and I feel there is a limit on how much money we have to invest in new schools, roads, public transport, effluent systems and the like without concentrating our efforts on maximising the returns from existing investments in infrastructure. So, I am very keen in terms of transport to see a great deal more undertaken along the railway lines in our city and also along the O-Bahn track, because I believe there is enormous potential to concentrate housing, jobs, shopping facilities and other services along public transport routes.

So, I understand what the Government is trying to achieve with this Bill. I understand that the Government believes that compulsory acquisition powers are required to achieve its goals. I do not believe that at this stage compulsory acquisition rights are a desirable goal. I still think we have a long way to go in Adelaide before the community generally accepts urban consolidation. I do not accept that to promote urban consolidation through the compulsory acquisition of land would be the way to go at this time. Many people who own land would like to maximise their investment and their return, and I believe that many initiatives could be taken in the community at the present time without compulsorily acquiring land, to prove to others in the community that urban consolidation is the way to go. So, I support the second reading. I cannot accept the broad, sweeping compulsory acquisition powers provided by this Bill. I will support the amendment moved by the Hon. Jamie Irwin.

The Hon. I. GILFILLAN: I rise to indicate support for the second reading of the Bill. One area of concern I had when the idea it was first mooted was whether the Urban Land Trust should remain as a separate entity from the Housing Trust. I took advice and had discussions about that, and I remain convinced that the Urban Land Trust has a separate and useful role to fulfil, which it can perform better as a separate entity from the Housing Trust. I also believe that the move for the trust to be able to operate within existing urban areas is good. The definition of 'urban consolidation' may be a little trite in that it is very difficult to define precisely what is meant, what are the goals and what is the benefit to a community of a particular program of urban consolidation. However, I do believe that, as other speakers have mentioned, we must halt the ever expanding spread of the city of Adelaide out, and several measures could be introduced to effect that. One of them certainly can be to make more effective and efficient use of the areas

that are currently confined within the metropolitan and outer areas of Adelaide.

As to the question of compulsory acquisition, I have some bemusement, at least, as to the amendment in 1985 and the wording as it was then in section 14 (2) *(a)*, which provided:

Acquire land with the prior specific approval of the Minister.

That was amended in 1985 to quite an expansive provision, in that it added after section 14 a new section, 14a, which constrained to an extent the exercise of compulsory acquisition. Subsection (2) provides:

(2) The trust shall not acquire by compulsory process—
(a) any dwellinghouse that is occupied by the owner as his principal place of residence;
(b) any factory, workshop, warehouse, shop or other premises used for industrial or commercial pruposes;
(c) any premises used as an office or rooms for the conduct of a business or profession;
or
(d) any land in respect of which subdivision development is being or has been carried out.

There are eight subsections altogether defining the conditions under which this acquisition can take place. I am not persuaded that the amendment in the Bill dramatically, if at all, alters the conditions under which the trust can compulsorily acquire, and I will be looking at this more intently in Committee. I accept that the power of compulsory acquisition is useful and, on balance, in several circumstances highly desirable if urban consolidation is to take place.

It is a relatively minor part of the overall intention of the Bill, which is to enable the Urban Land Trust to use its land holdings and to be involved in development processes within the urban areas. On that basis I indicate support for the second reading and I will be prepared in Committee to take an open view to more discussions on the so-called compulsory acquisition. As I said previously, substantial restraints on the compulsory acquisition processes are already built into the Act through previous amendments. I support the second reading.

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

TECHNICAL AND FURTHER EDUCATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 2859.)

The Hon. R.I. LUCAS (Leader of the Opposition): I support the second reading of the Bill, which essentially is of a technical and administrative nature and most of the work of this Council on it will be conducted in Committee. The Bill comes at an exciting time for technical and further education not only in South Australia but in Australia. Some would argue that perhaps it is a watershed at the moment for TAFE, with major changes being considered, and in some places they have already been enacted in regard to the operations of our TAFE colleges.

We have the major debate as to whether the funding, control and responsibility for TAFE ought to remain with State Governments or whether there ought to be greater responsibility and control by the Federal Government. Certainly, what appears to be the attitude of the current Labor Government is opposition to any increased control by the Federal Government.

I hope that that is a philosophical position of the Minister and the Government and that it is not being used as a bargaining chip in relation to a trade-off between funding for and control of our TAFE colleges. I firmly believe that State Governments ought to retain responsibility not only for kindies and schools but also for TAFE colleges. Whilst that does not preclude cooperative arrangements between States and throughout the nation for the operations of TAFE colleges, we certainly should not be accepting a position where Canberra takes control of what happens in our TAFE colleges.

At the moment there is much debate about what is now known as the Finn review into the role and operations of TAFE colleges and other further education providers in the private sector. There is debate about national standards and national accreditation of courses. There is also the debate about the modularisation (to use a terrible word that TAFE bureaucrats use) of TAFE courses based upon competency levels.

There is the ongoing debate about current unmet demand not only in our universities but also in our TAFE colleges. That is a problem not only for this Government but for Governments in all States and the Commonwealth. There is also the debate about what the appropriate role for TAFE colleges will be in this bold new world of the 1990s and in the twenty-first century.

With the Dawkins-led revolution in higher education, we have seen the abolition, at least in name, anyway, of one sector of higher education, that is, colleges of advanced education and the institutes of technology. To all intents and purposes we have been left with a system comprising solely universities, although I must say that there is already some evidence in at least one or two examples where forced amalgamations of universities are already starting to unravel, and it may be that we come back to having not only universities but something akin to the old colleges or institutes.

That matter then leaves in doubt what the role of TAFE colleges ought to be. TAFE colleges have a tremendous challenge in trying to fill the breach between schools, with students going to year 12, and universities providing higher education. TAFE colleges in this bold new world will be the major education and training providers between schools and universities.

That is not only a challenge but also a tremendous problem for TAFE colleges. The vexed questions of credit transfer between schools and TAFE colleges and credit transfers between TAFE colleges and universities will remain high on the agenda of bureaucrats and politicians. I noted with interest in the last week the statement from the Australian Vice-Chancellors Committee which indicated that they were starting to make some progress in the area of accepting, in disciplines such as engineering and accounting, credit for work done by TAFE students in TAFE colleges for transfer into equivalent courses in universities.

Whilst that was referred to in the Higher Education Supplement of the *Australian* this week, it is likely to be at the very early stages of discussion, and it will be a considerable period before we see any real progress in relation to that vexed question. At least it is one foot forward to know that the Australian Vice-Chancellors and their organisation are prepared to talk constructively with Governments and TAFE colleges about the notion at least in some disciplines of transfer of credit from TAFE courses to university courses.

Whilst considering the appropriate role for TAFE colleges into the 1990s and beyond, South Australia ought to keep a watchful eye on what is occurring in New South Wales. Certainly in that State the Government is seeking to upgrade the image, respect and status of some of the TAFE colleges. I think they have been given a new name and are called institutes of technology or something along those lines, in order to distinguish them from the normal TAFE colleges

in New South Wales. I am not sure what additional funding is provided to those institutes of learning, but the stated intention of the Government there is to try to better fill the breach between schools and universities and to try to upgrade the status of TAFE colleges in New South Wales.

One of the biggest problems in Australia and in South Australia at the moment is the massive increase in the number of students staying on until year 12—what is known as the increased retention rate in our schools. Whilst I do not have the exact figures at my fingertips, in the space of less than 10 years the number of students has increased from about 30 per cent to about 80 per cent. Less than a decade ago, only 30 per cent of our students who started year 8 completed year 12. Less than 10 years later, almost 80 per cent of students who start year 8 now finish year 12. Ten or 20 years ago, many students dropped out of school and got jobs or went on to do a trade or a whole range of other occupations and interests. Most of those students are now staying at school, and that creates problems for schools. So, coming out of schools at year 12 we now have literally hundreds of thousands of students who want to pursue further education and go to university.

While I concede that there has been a significant expansion in the number of university places under the Federal Labor Government, in no way have they been able to keep pace with the almost exponential growth in demand for university places for school leavers. There has not been the same rate of increase in demand for TAFE places. Finn and many other leading business people, academics and commentators are arguing that there is a terrific bias in the system with too many people wanting to go on to university and not enough contemplating further study at TAFE colleges in vocational and technical training. Businesses are telling Governments of all persuasions and students that they want increased numbers of competent tradespersons completing trade courses and attending TAFE colleges.

New South Wales is, at least in part—and I suggest that it would be interesting to monitor the progress—trying to raise the status of TAFE colleges in the eyes of school leavers. They believe that it is only by raising the status of TAFE colleges and making other changes that we will be able to encourage more and more school leavers to move not into universities but into TAFE colleges. In his review, Finn argues that by the end of the century an extra $1 billion will need to be injected into the expansion of the TAFE system each and every year. No Government in the midst of a recession has that sort of money. I know that the Federal Coalition argues that it will, when in Government in 1993-94, start along the path towards increasing significantly the amount of funds being injected into TAFE colleges. From recollection, I think the figure is—although I will not be held to it—about $300 million to $400 million per year.

A commitment needs to be made to more resources being put into TAFE colleges and to using existing resources more efficiently and more productively so that we can turn out more students or tradespersons for the dollars that we spend on TAFE colleges. That is why I think Governments and Parties of all persuasions have been prepared to look constructively at the question of credit transfer and at the introduction of competency based training in TAFE colleges. Businesses want competency based training: they want trainees and apprentices to be able to undertake X number of modules in a particular course in a particular college and then to be able to transfer to another college in the same or in another State to continue their training.

As we have seen already in South Australia with the introduction of engineering pathway courses at years 11 and 12, businesses want students to be able to undertake or be given credit for some of those modules in TAFE certificates in the engineering pathway. So, in South Australia we will have (and there is only a small number at present in about six to eight schools) some year 11 and year 12 students studying courses in technology and engineering and perhaps in other areas such as hospitality. When they leave year 12 not only will they have their South Australian Certificate of Education but also they will have a credit, so they will be able to go to the local TAFE college and say, 'I have done this at school; I have my South Australian Certificate of Education but also I am claiming credit towards a TAFE certificate in engineering, accounting, hospitality' or whatever it might be.

At the moment, we double up: students have to do their studies at school, they then have to do self-contained study at TAFE and, if they want to go to university, they have to study other self-contained units. If in some way we can give a credit transfer along all sections of that continuum, we can turn out properly trained students and tradespersons in a shorter period and at a lower cost to taxpayers and to students.

So, it is a challenging time for TAFE. There are lots of similar issues that could be discussed in the second reading debate, but I do not intend to traverse any of those issues of a general nature at this stage. I now want to address some comments to the specific nature of what I say is essentially a Committee Bill. The Bill covers nine main areas. First, the process of deregulation of private training providers is continued. The relevant regulations were revoked in 1991 and the associated provisions in the Act are being repealed. Secondly, the Minister is empowered to provide assistance to community bodies and in return to obtain rights to enable colleges to share in the use of facilities of such community bodies. Thirdly, the ability to make part-time appointments and to pay appropriate rates is clarified.

Fourthly, the ability to terminate the employment of officers appointed on a probationary basis is specifically provided for in the legislation. Fifthly, some long service leave provisions are amended to bring them into line with similar provisions in the GME Act. Sixthly, college councils will be able to hold their property on behalf of the Crown.

Seventhly, the borrowing power of councils will be clarified. Eighthly, specific provision will be made in the Act for college councils to make annual reports. Ninthly, insulting behaviour to TAFE central officers will be made a specific offence.

There are one or two more significant parts of the legislation, one of which relates to the change in the definition section of the terminology used in the Act from 'officers of the teaching service' to just 'officers'. The flow-on effect of this amendment is that it is arguable that TAFE officers would no longer be excluded from the Public Service, as they are now, under schedule 2 of the GME Act.

This debate about TAFE officers and whether or not they are excluded from the GME Act has been one of longstanding in this Parliament. It was a matter of debate when we considered the original Government Management and Employment Act, and the specific decision taken by this Parliament then was that any officer of the teaching service within the meaning of the Technical and Further Education Act 1976 would be excluded from the Public Service.

As members would be aware, this Government sought to subvert the true intent of that section of the Act, and was taken to the Supreme Court by the teachers' union and lost the case. What we see in this legislation is another attempt by the Government to get around that provision of the Act. I will refer briefly to a note to me from the South Australian

Institute of Teachers on this section of the Bill. The institute writes:

> The main concern with the proposed amendments is the additional powers granted to the Chief Executive Officer to exercise the powers under both the Government Management and Employment Act and TAFE Act in respect of TAFE Act employees.
>
> Additionally, the removal of the term 'officers of the teaching service' from the TAFE Act seems intended to get around the Supreme Court decision *Read v. State of South Australia* No. 1905 of 1987. That particular decision prevented the Government from 'swapping' the employment conditions of officers of the teaching service with Government Management and Employment Act conditions. Supreme Court held that officers of the teaching service were specifically excluded from the provisions of the GME Act by schedule 2 of that Act.
>
> The overall effect to changes of definitions and certain sections of the TAFE Act proposed in the amendments is to allow the CEO to pick and choose which employment conditions (that is, GME Act or TAFE Act) should apply to TAFE officers.

I am not sure whether all aspects of that submission from the Institute of Teachers are correct, particularly the suggestion that the Chief Executive Officer would be able to pick and choose between the two. Nevertheless, I share the concerns of the Institute of Teachers and others on that aspect of the legislation. During the Committee stage I will move an amendment to tidy up this aspect of the legislation, in similar terms to the amendment moved by my colleague the Hon. Jennifer Cashmore when the Bill was debated in the House of Assembly.

The second reading explanation of the Bill makes some reference to the business enterprises of TAFE. No doubt they have had a chequered history. Some have been successful; others have not. Some have been fairly good publicity for the Minister of the day. One needs to remember only the photographs of the current Minister of Employment and Further Education sitting in the racing car at the Croydon College of TAFE to know what fun he was having with one of the business enterprises called Crotech.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Well, he was taken for a ride as the Hon. Ron Roberts indicated. As was revealed during the Estimates Committee last year, that speculative venture by the Croydon College of TAFE through its business enterprise Crotech resulted in the loss of a significant sum of money to the taxpayers of South Australia. The final bills may not yet be in, but it looks like being a loss of between $100 000 and $200 000, after all the racing cars are sold off. As I said, these business enterprises properly handled and monitored can well be revenue earners and worthy aspects of the TAFE college system. However, they are not there for the fun and photographic opportunities of Ministers, as would appear to have been the case concerning the current Minister in relation to the racing cars at Crotech.

There has been a series of attempts to tighten up on that. The consultants have been in on it, as the Minister indicated. Various recommendations have been made to further restrict the number of business enterprises. There has been the attempt to tighten it up. Certainly this legislation seeks to continue that process and, to that extent—that is, the greater restriction of monitoring of the operations of these business enterprises—the Liberal Party is prepared to support it.

There is a novel part of the legislation in relation to an offence of insulting behaviour towards TAFE public servants. I must admit that my personal view is that I do not see why we ought to include a provision in the legislation making it a specific offence to be insulting towards a TAFE public servant. If it is an offence to behave in an insulting manner towards a TAFE public servant, why is it not an offence with respect to a Marine and Harbors public servant, a Hospitals Department public servant or a whole range of others?

The Hon. R.R. Roberts: Or even a member of the public?

The Hon. R.I. LUCAS: Yes. I might be corrected, but my advice is that it is not an offence if you insult a member of the Public Service in all these other departments, and that a person would be liable for a Division 9 fine if found guilty of an offence of behaving in an offensive or insulting manner. A Division 9 fine is a maximum of $500. I recognise the fact that it has always been an offence to insult a TAFE teacher but, speaking personally, I am not convinced about the need for extending that provision to TAFE public servants. Nevertheless, I will not delay the Committee by seeking to amend it.

Clause 31 of the Bill refers to changes to the regulation-making powers of the Act. Clause 31 *(q)* (2a) provides:

> A regulation made under subsection (2) *(da)*—
>
> *(a)* may—
>
> (i) fix fees (including differential fees);.

It has been put to me that currently the TAFE department has no power to charge concessional fees for students. Of course, TAFE colleges do charge concessional fees for certain categories of students. I seek a response from the Minister in her second reading reply as to what advice the department has received from Crown Law about the legality of the current departmental practice for charging concessional rates. As I said, it is my understanding that this specific new amendment in relation to the regulations, which incorporates the power to fix fees, including differential fees, has been specifically included because the department might have had some advice that its current practices were illegal. If the Minister can provide that response, we will not have to pursue that matter at great length during the Committee stage.

I want to place on the record my concern in relation to the licensing provisions for private technical and further education providers. The second reading explanation states:

> This Bill repeals the mandatory licensing provisions relating to certain private technical and further education providers to continue the deregulation process begun earlier this year when the relevant TAFE regulations were revoked.
>
> In these times it is important that private training providers can operate with a minimum of Government regulation. It is also important to realise that the safeguards administered by the Office of Fair Trading operate to control the activities of unscrupulous operators and to provide recourse mechanisms for consumers who may feel aggrieved by their treatment at the hands of unethical private training providers.
>
> While these mandatory licensing provisions are to be repealed, it is possible that current Commonwealth-State negotiations regarding a national framework for recognition of training may lead to a voluntary registration scheme to allow competent and ethical training providers to receive proper recognition in a national training framework which may be established by legislative means.

I shall seek from the Minister some responses as to what progress has been made in relation to the current Commonwealth/State negotiations regarding a national framework for recognition of training, bearing in mind that that particular comment was drafted in September 1991, some five months ago, and I would hope that there has been some progress since that time.

Obviously, as a member of the Liberal Party I accept the general trend towards greater deregulation. However, given the fact that we are removing from the Act the regulation of these private training providers and anticipating that some sort of voluntary registration scheme will come into existence, there is potentially some gap between the removal of the legislative provisions and the introduction of any voluntary registration scheme.

I suppose the Minister's response is 'Let the buyer beware' and that, if you get into problems and spend a lot of money on private training from an education provider who hap-

pens to be unscrupulous, you can then take up the matter with the Office of Fair Trading. As most members know, that does not always work to the benefit of the consumer, and I am a little concerned that we may well find ourselves between a rock and a hard place; between some form of legislative provision and some form of protection for consumers through a voluntary registration scheme.

All members would have had contact with constituents who have paid for training courses, whether they be computer courses, beauty or modelling courses, or English language courses, where perhaps the training provider has gone broke or was a bit unscrupulous and did not provide a proper standard of training. Those particular constituents or consumers have been, to use a colloquial phrase, 'dudded'. Some consumers and constituents expend many hundreds of dollars to undertake these courses with a view to maximising their chances of employment in what is a difficult economic climate at the moment.

I place on record my concern. I do not oppose the move towards deregulation. I certainly support the proposition that some sort of voluntary registration scheme for competent education training providers be established, but I am a bit concerned that we move from one position to another without being, in effect, confident that that voluntary training registration scheme will ever come to fruition for the protection of consumers. It may well be that, at a further stage, should that voluntary scheme not come in, the Parliament will perhaps have to look at the protections under the Office of Fair Trading legislation, to ensure that consumers and constituents are fairly protected in relation to the operations perhaps of some unscrupulous education and training providers. With those words, I indicate my Party's support for the second reading, with an indication that we will move some amendments during the Committee stage of the Bill next week.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

ACTS INTERPRETATION (CROWN PREROGATIVE) AMENDMENT BILL

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

ADJOURNMENT

At 4.32 p.m. the Council adjourned until Wednesday 26 February at 2.15 p.m.