LEGISLATIVE COUNCIL

Tuesday 19 October 1993

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

QUESTION ON NOTICE

The PRESIDENT: I direct that the written answer to the following question, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* No 69.

SCHOOL CLOSURES

69. **The Hon. R.I. LUCAS:** For each year since 1986, will the Minister of Education, Employment and Training list which schools, TAFE colleges, kindergartens and child care centres or other educational facilities have been closed or amalgamated by this Government?

The Hon. ANNE LEVY: Since 1986, three (3) TAFE colleges were amalgamated and one (1) TAFE college has been closed.

In January 1988 Naracoorte College became a campus of the South East College of TAFE.

In September 1989 Murraylands and Hills Colleges amalgamated to form the Barker College of TAFE with campuses at Murray Bridge, Mount Barker and Aldgate.

In February 1992 Kensington Park College of TAFE closed.

On 1 July 1993 all nineteen (19) colleges of TAFE were amalgamated to form "Institutes of Vocational Education" as follows:

- Eyre, Goyder, Port Augusta and Whyalla Colleges of TAFE became the Spencer Institute.
- Gilles Plains and Tea Tree Gully Colleges of TAFE became the Torrens Valley Institute.
- Port Adelaide and Regency Colleges of TAFE became the Regency Institute
- Barker, Kingston and Noarlunga Colleges of TAFE became the Onkaparinga Institute.
- Light and Riverland College of TAFE have amalgamated and have an interim name of Light-Riverland Institute
- Marleston and Panorama Colleges of TAFE also have the interim name of Marleston-Panorama Institute

Adelaide, Croydon Park, South East and Elizabeth Colleges became Institutes in their own right:

- Adelaide College of TAFE became the Adelaide Institute
- South East College of TAFE became South East Institute
- Elizabeth College of TAFE became the Para Institute
- Croydon Park College of TAFE became the Croydon Institute.

CHILDREN'S SERVICES OFFICE

For each year since 1986 the following Kindergartens have been closed or amalgamated by the Children's Services Office:

1986 Nil
1987 Cooinda Kindergarten
Elizabeth Centre
1988 Nil
1989 Nil
1990 Norwood Kindergarten
1991 Pt Adelaide Kindergarten
Play Centre funding was provided as an alternative at:
Minnipa Kindergarten
Poonindi Kindergarten
Wirrulla Kindergarten
1992 St Morris Kindergarten
Parkside Kindergarten
Windsor Gardens Preschool
Plympton Preschool
Marino Preschool
Melva Greenshields (Brompton) Preschool
RAAF Preschool at the Edinburgh Air Base
Play Centre funding was provided as an alternative at:
Haslam Kindergarten
1993 Brighton Preschool
Play Centre funding was provided as an alternative at:
Pt Kenny
The mobile service at Berri has been replaced by a preschool and play centre.

Child Care Centres

No child care centres have been closed by the CSO.

EDUCATION DEPARTMENT

The attached list shows schools which have been closed, amalgamated and opened since 1986.

CLOSED	AMALGAMATED	OPENED
1986		
Olary Rural School	Christies Beach Junior Primary/	Elizabeth East JPS
Parachilna Rural School	Christies Beach Primary	Parafield Gardens North-West Primary
	Ingle Farm East Junior Primary/	Mintabie Area School
	Ingle Farm East Primary	McDonald Park Junior Primary
		Port Lincoln Special School
		Kaurna Plains School
1987		
Lochiel Rural	Campbelltown Junior Primary/	Hallett Cove School
Oaklands Primary	Campbelltown Primary	Noarlunga Downs Primary
Morphettville Park Primary	McRitchie Crescent J. P./	Wynn Vale Primary
	McRitchie Crescent Primary	Happy Valley Junior Primary
	North Ingle Junior Primary/	Roxby Downs Area
	North Ingle Primary	Craigmore South Junior Primary
		Mt Gambier Transition Unit
1988		
Hindmarsh Primary School	Kybunga Primary School/	Settlers Farm Junior Primary
Arthurton Rural School	Blyth Primary School	North Haven Junior Primary
Port Augusta Primary School		Surrey Downs Junior Primary
Thebarton High School		Aldinga Junior Primary
(East Campus)		Southern Vale Outreach
Vermont High School		
Fulham Primary School		
Magill Special School		

CLOSED	AMALGAMATED	OPENED
1989		
Delamere Rural School	Strathmont High School / Gilles Plains High School	Port Augusta Special School
Leighton Rural School	Playford High School /Elizabeth City High School	Golden Grove High School
Kidman Park High School	Dover Gardens High School/ Seacombe High Schools to form Seaview High School	Parafield Gardens North-West Junior Primary
	Croydon Junior Primary School/Croydon Primary School	Settlers Farm Primary
1990		
Gulnare Rural	Glengowrie High School/ Mitchell Park High School to form Hamilton High School	Riverdale Primary
Appila Rural	Blackwood Junior Primary/ Blackwood Primary	Marla Rural
Minlaton Primary	Mansfield Park Junior Primary/ Mansfield Park Primary	Burton Primary
Murraytown Rural	Klemzig Junior Primary/ Klemzig Primary	Keithcot Farm Primary
Comaum Rural	Elizabeth Vale Junior Primary/ Elizabeth Vale Primary	Salisbury Height Junior Primary
Mr Hill Rural	Wandana Junior Primary/ Wandana Primary	Aberfoyle Hub Junior Primary
Wanilla Rural	Port Augusta School of the Air— relocated to new site	
1991		
Ebenzer Rural	Campbelltown High School/ Thorndon High to form Charles Campbell Secondary School	Hallett Cove East Primary
Farrell Flat Primary	Ingle Farm High/ Para Vista High to form Valley View Secondary School	Wynn Vale Junior Primary
Ingle Farm Primary (old)	Seacliff Junior Primary/Seacliff Primary	Sheidow Park Junior Primary
Payneham Primary	Para Hills West Junior Primary/ Para Hills West Primary	
Iron Baron Primary	Para Hills East Junior Primary/ Para Hills East Primary	
Charleston Primary	Christie Downs Junior Primary/ Christie Downs Primary	
Goodwood High School	Modbury South Junior Primary/ Modbury South Primary	
Mt Gambier Special School		
West Lakes High School		
Piddington Special School		
Ingle Heights Primary		
Mt Gambier TRNS Unit		
St Morris Primary		
1992		
Thebarton Primary	Alberton Junior Primary/ Alberton Primary	Woodcroft Primary School
Seaton North Primary	Seaton Park Junior Primary/ Seaton Park Primary	Golden Grove Primary
Kilburn Work Experience Centre	Lonsdale Heights Junior Primary/ Lonsdale Heights Primary	Smithfield East Primary School
Northern Area Learning Centre		

PAPERS TABLED

The following papers were laid on the table:

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

Reports, 1992-93—
- Australian Financial Institutions Commission.
- Court Services Department.
- Legal Services Commission of South Australia.
- MFP Development Corporation.
- State Bank of South Australia.
- State Electoral Department.

Legal Practitioners Disciplinary Tribunal—Report to the Attorney-General and Chief Justice, 1992-93.

Workers' Compensation Review Tribunal—Report.

Regulation under the following Act—
- Legal Practitioners Act 1981—Professional Indemnity Insurance Scheme.

By the Minister of Transport Development (Hon. Barbara Wiese)—

Reports, 1992-93—
- Economic Development Authority.
- Office of Business and Regional Development.
- South Australian Timber Corporation.

Regulation under the following Act—
- Stock Act 1990—Identification of Stock by Tagging.

By the Minister for the Arts and Cultural Heritage (Hon. Anne Levy)—

Reports, 1992-93—
- Engineering and Water Supply Department.
- Office of Planning and Urban Development Board.
- South Eastern Water Conservation Drainage Board.
- The State Opera of South Australia.

Corporation By-laws—

District Council of Tanunda—
No.1—Permits and Penalties.
No.2—Street Hawkers and Traders.
No.3—Bees.
No.4—Animals and Birds.
No.5—Garbage Removal.
No.6—Dogs.
No.7—Repeal of By-laws.

PRINCE ALFRED SHIPWRECKED MARINERS FUND (TRANSFER AND REVOCATION OF TRUSTS) BILL

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage) obtained leave and introduced a Bill for an Act to apply the Prince Alfred Shipwrecked Mariners Fund to debts associated with the *One and All*. Read a first time.

The Hon. ANNE LEVY: I move:

That this Bill be now read a second time.

This Bill will enable trust moneys of approximately $230 000 in the Prince Alfred Shipwrecked Mariners' Fund to be made available to reduce debt associated with the sail training vessel *One and All*. The Prince Alfred Shipwrecked Mariners' Fund was created by order of the Supreme Court in 1926 as a charitable trust to provide for the relief of poor, shipwrecked or injured mariners, or their families, who had some link with South Australia. Its purpose was to apply the proceeds of the sale in 1924 of the Prince Alfred Sailors' Home. The home had been operated by a non-profit incorporated association from premises near the Port Adelaide courthouse and police station.

The sale and the creation of the fund were part of the winding up of the association. The money was ordered by the court to be held in trust by the Public Trustee to be paid out on the order of a board of management consisting of the Mayor of Port Adelaide and several officials whose duties were connected with the regulation of the port and of coastal navigation in South Australia.

The Prince Alfred Shipwrecked Mariners Fund has outlived its purpose. The only remaining member of the board of management is the Mayor of Port Adelaide. The last payment from the fund was made in 1983 to meet some otherwise irrecoverable expenses of two children whose father had drowned in a marine mishap off Queensland in 1960. Earlier this month the balance in the fund was $233 183.01. Several propositions for an alternative use for the money of the fund have been explored in recent years.

Since 1989, the sail training vessel *One and All* has been largely under the control of the Treasurer, as the result of rights exercised under a ship's mortgage when the operations of the vessel encountered financial difficulties. In the same year, the Sailing Ship Trust of South Australia was formed for the charitable purposes of taking over the operation of the vessel for the people of South Australia. The formation of this trust followed the formation of an earlier trust for the purposes of raising funds to assist the vessel.

As part of these arrangements, it was contemplated that the Sailing Ship Trust of South Australia would take over the debts of the previous operating organisation on condition that the trust also take ownership of the assets—principally the ship—free of encumbrance.

The present trustees of the Sailing Ship Trust are Martin Bruce Cameron (Chair), Malcolm Alexander Kinnaird, Cyril Keith Beamish, Roderic Jason Lindquist, Alan Scott McKenzie, Daryl Leonard Stillwell, Mike Hughes, Marc Colquhoun, Karyn Foster and Alexander Muir Mathieson. They have arranged to settle the debt to the State in relation to the *One and All* for $150 000 which the Treasurer has accepted. That leaves the trust with credit commitments to approximately $360 000, some of which is secured by ship's mortgage and the majority of which is supported by personal guarantees.

In the course of the discussions leading to the working out of these arrangements, a proposal was developed that the funds standing to the credit of the Prince Alfred Shipwrecked Mariners Fund be transferred to the Sailing Ship Trust of South Australia to reduce its debt.

As mentioned, various proposals have been explored in recent years for an alternative use for the Prince Alfred Shipwrecked Mariners Fund. Under the terms of the trust, the Sailing Ship Trust of South Australia operates the sail training vessel *One and All* on behalf of the people of South Australia. The trust is bound to ensure that the vessel is operated for the benefit of the community and principally to conduct a sail training program based in South Australia. The continued operation of the vessel provides significant personal development and recreational opportunities for a wide range of South Australians.

The Government has been advised that this proposal, while broadly in sympathy with the objectives of the original trust to establish some enduring social benefit in relation to seafaring, is too far away from those original purposes for it to be said with confidence that the Supreme Court would have the power to amend the terms of the original order of 1926 to give effect to this proposal. Consequently, the appropriate course is to legislate to transfer the money to the Sailing Ship Trust of South Australia to enable a reduction of the debt burden associated with the *One and All* and to facilitate its future operation on a financially sound footing for the benefit of all South Australians. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1—Short title

Clause 2—Interpretation

Two terms are defined: the fund to be transferred and the trust to which the fund is to be transferred.

The fund is the Prince Alfred Shipwrecked Mariners Fund held by the Public Trustee and administered by a board of management pursuant to a *cy pres* scheme ordered by the Supreme Court in 1926.

The trust is the Sailing Ship Trust of South Australia established to manage the *One and All*.

Clause 3: Transfer of fund and revocation of trusts.

The assets and liabilities of the fund are transferred to the trustees of the trust. The trustees are required to use the fund to pay off existing debts. The trusts affecting the fund are revoked.

The Hon. K.T. GRIFFIN: This procedure is somewhat unusual, but the Opposition has agreed that it will facilitate the consideration of this Bill in order that it may be referred to a select committee under our Standing Orders. The Standing Orders do provide that a hybrid Bill—and this is a hybrid Bill—should be referred to a select committee. It is unusual for such a Bill not to be referred to a select committee and, whilst I can understand the desirability of facilitating the consideration of this matter, nevertheless we ought to ensure that we do not merely rubber stamp propositions which, in effect, divest particular trusts of property and vest the property in some other body and for different purposes.

The whole object of the Standing Orders in relation to hybrid Bills is to protect against the Parliament acting

precipitately to deal with what is, in effect, private property, although this is the subject of a charitable trust.

So, for that reason the Opposition believes that a select committee should be held, and it is prepared to facilitate the consideration of the matter. If there is an advertisement and subsequently some interest is shown in making representations, it may not in those circumstances be possible to pass it through both Houses this week, but that is something that remains to be seen.

We are facilitating it also because we have been asked to do so by the Government. If there is an election—and we are not scheduled to sit next week—it is quite likely that this matter would not then be considered until Parliament resumed after the election, and that would presumably be early next year. So, it is on that basis that we felt—

The Hon. R.I. Lucas: There are three or four Bills like that.

The Hon. K.T. GRIFFIN: There are some other Bills like that, I know; but we will deal with those one by one during the normal business of the Council. The concern that has been expressed is that the Prince Alfred Shipwrecked Mariners Fund—that is what it is called, although somewhere in the second reading explanation the Minister referred to the 'Prince Albert Shipwrecked Mariners Fund'—

The Hon. Anne Levy: I corrected myself.

The Hon. K.T. GRIFFIN: Well, I didn't pick that up. That fund was established for charitable purposes by an order of the Supreme Court in 1926, and the proceeds result from the sale of the assets of an association which disbanded at about that time. It has been available for the benefit of shipwrecked mariners and their families.

The second reading explanation indicates that the last payment from the fund was made in 1983 in respect of a marine mishap off Queensland in 1960. Quite obviously, it has not been drawn upon extensively, although one can question whether it has been very well known among the seafaring community. If it had been well known perhaps other claims may have been made upon it.

Notwithstanding that, I suggest that it is important for the select committee, if it is established, to gain information about the operation of the trust, its purposes and the operation of the Sailing Ship Trust of South Australia and the purposes to which the moneys will be put.

I note from the Minister's second reading explanation that if this Bill is passed this money would be used partially to pay off debts of the Sailing Ship Trust of South Australia. I have some sympathy for that, but that is an issue that has to be addressed by the select committee. In order to facilitate the establishment of the select committee, I indicate support for the second reading of this Bill.

The Hon. PETER DUNN: I will be brief. I just want to expand a little on the Minister's second reading explanation. I think it covers the issue quite adequately, but it states that the beneficiary will be the *One and All*, a ship that was built for the bicentenary by South Australians as a sail training vessel. The public has put a large sum of money into this, as has the Government, and the public has a right to retain that ship.

I do not want it to disappear from the State because I think it is very valuable asset and something that can be used by a number of people. For instance, yesterday on the ABC there was a report that the vessel is due back in South Australia very shortly and that it has an Aboriginal crew on board. As well as that, the executive officer said that the vessel had been used for training blind people, people from Regency Park and I think that even deaf people had been on the boat, and all had enjoyed it immensely. If it brings that short of pleasure to people in South Australia, we need to retain it.

However, as I understand it, the vessel is in a financially 'tender' situation—and I think that is all I can say. The Minister indicated that some $360 000 is outstanding on the debt, and that the bank holding that debt would be prepared to pick up a ship's mortgage. If we can eliminate some of that debt, it means that the current guarantors would be relieved of that burden.

I am certainly one who would like to see that burden removed so the bank itself can pick up the debt and the sailing ship trust of South Australia can get on with running the ship and making some money. I understand that it has been up in territorial waters and along the Queensland coast raising some money and doing quite well, except that it is most important to reduce the burden of the interest payments on the money outstanding.

It was interesting to note in the second reading explanation that reference was made to money being paid for an accident that happened in Queensland. On further research, I find out it was the vessel *Milford Crouch* which plied these waters for quite a long time and which was registered in Port Adelaide. In fact, in about 1957 the same vessel rolled over very close to where I live, at Port Gibbon, and three people drowned in it. That vessel is still alive and well, and plies between Whitemark on Flinders Island and Launceston these days. That was the last time that money was used from the Prince Alfred Shipwrecked Mariners Fund. If that is the case, and it was used for a South Australian purpose, there is every good reason that those funds ought to be plied back into this State, and I cannot think of a better reason than the money being plied to the *One and All*.

The Hon. I. GILFILLAN: We support the intention of the Bill without quibble. However, I am uneasy about curtailing a procedure which is normal when dealing with matters of this kind, particularly as I had not actually heard until today about either the Prince Alfred Shipwrecked Mariners Fund or the proposal to transfer funds from it to the *One and All* trust. I make plain that we fully support what we see as the intention. If for any reason there is a hiccup in implementing it, I believe there is no reason why the procedure and the funds could not be transferred quite quickly in what may be a new Government or in another week of sitting.

As I understand it, I need to be persuaded that the procedure, where a select committee, through an advertisement, does make it available for members of the public or interested parties to make representation, is not a proper and right course for us to take. As I said before, I am keeping an open mind on the issue pending hearing what the Minister has to say.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I certainly thank members opposite for their support for the principles of this Bill. Certainly, as indicated, the sailing vessel *One and All* potentially benefits a very large number of people in South Australia. It is related to the sea. I should perhaps make clear to members that everyone who has been consulted on this matter is in favour of the proposal put forward in this Bill, and that includes the trustees of the trust, of whom there is only one left, the Public Trustee, and certainly all the members of the board of the

trust for the *One and All*, because they currently have personal guarantees and may perhaps find themselves selling their homes if those personal guarantees were called upon.

This measure would obviously relieve them of that sword of Damocles hanging over their head. Consultation occurred with the Seamen's Union, as representing potential beneficiaries from the original trust fund, and the Seamen's Union was quite happy for this legislation to be passed and for the money to wind up the Prince Alfred Shipwrecked Mariners Fund and to be applied for the benefit of the *One and All*. I moved a contingent notice of motion last Thursday that, should the Bill be read a second time, as it obviously will be, I will move that Standing Orders be so far suspended as to enable the Bill to be proceeded with as a public Bill. This notice was given last Thursday and I do so on the basis that, if this matter is to be dealt with expeditiously, there is not time to have a select committee treating it as a hybrid Bill, which it obviously is, unless one is prepared to subvert the select committee procedure.

The suggestion has been made that we set up a select committee, this is advertised tomorrow, the select committee meets tomorrow, reports to the House on Thursday, and the legislation is then passed. This seems to me to be looking at form and not substance. Either we agree that this matter go through without wide public consultation, which we do in this place without a select committee, or else we feel there should be wide public consultation and we have a select committee which does not last two days but which is the proper select committee procedure. I do not mean that will take two years, but it will take at least several weeks, with a lengthy interval during which people can decide whether they wish to put submissions or not. Such opportunity must be left for members of the public.

On that basis I gave the contingent notice motion on Thursday so that this Bill can be treated as a public Bill and dealt with in this Council. To send it to a select committee that does not go through the normal procedures of a select committee is a sham, and it would be much better to be open and honest about it and say that this is going to be treated as a public Bill, publicly in this place, here and now, today. I certainly welcome the support of all members for the principles of this Bill.

Bill read a second time.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): As I indicated in my response to the second reading, I move:

That Standing Orders be so far suspended as to enable the Bill to be proceeded with as a public Bill.

I will not reiterate my reasons for this.

The Hon. K.T. Griffin interjecting:

The Hon. ANNE LEVY: If this motion passes we do not need a select committee.

The Hon. K.T. GRIFFIN: I understood that Standing Orders were to be suspended to enable this matter to be dealt with at the beginning of Question Time. I understood that the Minister was going to agree to the establishment of a select committee.

The PRESIDENT: If this matter is defeated, I will rule that the Bill is a hybrid Bill and must be referred to a select committee.

The Hon. K.T. GRIFFIN: I understood from the discussions which occurred, and as a result of which the Opposition agreed to facilitate the consideration of the Bill so that it could be referred to a select committee, that we would allow the matter to be dealt with at the commencement of Question Time for that purpose. That is not, as I understand it, what the Minister is now proposing. Somewhere along the track something has gone off the rails.

The PRESIDENT: If the honourable member wishes the matter to go before a select committee he should oppose the Minister's motion.

The Hon. K.T. GRIFFIN: I understand that. I am just putting on the record that I understood there was an agreement. I am not complaining about anything that you are or are not doing, Mr President; I am just saying that the Opposition agreed to the suspension of Standing Orders to enable the matter to be considered at the commencement of Question Time on the understanding that it would facilitate the establishment of a select committee. That is what the Opposition understood was agreed. It seems that that is not now the position. The Opposition does not support the Minister's motion.

The Hon. I. GILFILLAN: The Democrats do not support the Minister's motion. However, we do support that if there is to be a select committee—which, I believe, is now likely—it should conduct its affairs in a proper manner and not just as a farce. If the select committee believes that it is unable to complete its job properly and report on Thursday, it should continue to sit. On that basis, we support the establishment of a select committee. This is just not window dressing or a game we are playing—there are procedures, and there may or may not be matters of moment to be brought up. I have not been involved in any discussions, so I did not have to put on the record any sort of understanding as I did not have one. My understanding now, having listened to and thought about this, is that I believe the proper course is to refer the Bill to a select committee and to have faith in that select committee to bring back a proper report in due course. It may or may not be done by Thursday, but that is up to the select committee.

The Hon. M.J. ELLIOTT: This is getting messy for two reasons. First, we do not know when the election is to be held because we do not have a fixed term Parliament. So, we are told that just in case there is an election these highly unusual procedures should be adopted. So, the first problem in all this is that we do not have the vaguest idea of when the election will be called. Everyone has their own expert advice as to when it will happen. We are playing a guessing game as to how we should handle this Bill and we are messing around with standard procedures as a result.

The second observation I make is that the Minister may well have given notice last Thursday—that is not unusual as Bills are coming on all the time—but it was only about three hours ago that we received a telephone call from the Minister's office saying, 'Are you or are you not going to support a select committee; we want to get this through today.' The Minister talks about consulting with all sorts of groups, but she rings us a bit over three hours ago and says, 'Are you or are you not going to support us?' What sort of show is the Minister running?

As the Hon. Mr Gilfillan said, we had no idea that this trust even existed. We have no idea who the interested parties are; we could make some reasonable guesses, but we have had no chance to speak with any of them. On the face of it, what the Minister is asking for is perfectly reasonable, but as legislators we would look pretty stupid if someone said tomorrow, 'Why did you pass that Bill? We have a legitimate interest. Why didn't you speak to us and why did you breach the common conventions of the Parliament?' We would have

to say, 'Because the Government had certain plans in mind with which it did not bring the rest of the Parliament up to date'—and that is because of this fiasco that exists because we do not have a fixed term Parliament. This is looking pretty messy. I can tell members who produced the mess—the Government benches.

The Hon. ANNE LEVY: The record should be put straight on this matter. I regret if there has been a misunderstanding with the Hon. Mr Griffin, but I assure him it is not of my making. The understanding that I was given was that the Opposition would facilitate consideration of this Bill early this afternoon so that, if necessary, a select committee could be set up before 3 o'clock, because that is the deadline for an advertisement being inserted in the *Advertiser* tomorrow. The matter was to be dealt with early so that an advertisement could be placed in the *Advertiser* by 3 o'clock, if necessary—I stress: if necessary.

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: I have not spoken for anything like the length of time that either the Hon. Mr Griffin or the Hon. Mr Elliott have spoken, and I have the right to put my point of view in order to set the record straight.

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: Well, don't interject and we will get on much faster.

The PRESIDENT: Order! The Minister will address the Chair.

The Hon. ANNE LEVY: As I understood it, this matter was to be considered first to see whether a select committee was necessary. I gave notice on Thursday of not only the Bill but the contingent motion. So, it was obvious last Thursday that I wanted this matter considered as a public Bill. The report I received was that the Hon. Mr Elliott did not support the setting up of a select committee and that he felt that the matter could be dealt with as a public Bill, but he also pointed out that the Hon. Mr Gilfillan should be consulted. However, the Hon. Mr Gilfillan was unable to be contacted despite the efforts of a large number of people to find him.

I set that out to make quite clear that I have not been playing double games; I have been dealing openly and honestly in this matter. I regret if there have been misunderstandings, but I am certainly not trying to pull the wool over anyone's eyes or do other than expedite this matter, which I understand is supported by everyone, in the best possible manner.

Motion negatived.

The PRESIDENT: I rule that this Bill is a hybrid Bill and must be referred to a select committee pursuant to Standing Order 268.

Bill referred to a select committee consisting of the Hons T.G. Roberts, J.C. Burdett, Peter Dunn and Anne Levy.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That the quorum of members necessary to be present at all meetings of the select committee be fixed at three members; and that Standing Order 389 be so far suspended as to enable the Chairman of the select committee to have a deliberative vote only.

Motion carried.

The Hon. ANNE LEVY: I move:

That this Council permits the select committee to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to the Council; that the select committee have power to send for persons, papers and records; to adjourn from place to place; and to report on Thursday 21 October 1993.

Motion carried.

The Hon. ANNE LEVY: I move:

That the Legislative Council give leave for the select committee to sit while the proceedings of the Council are in progress.

Motion carried.

PUBLIC SECTOR REFORM

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. C.J. SUMNER: It is as follows:

Update on Initiatives on the Public Sector Reform Agenda

In both the Premier's 'Meeting the Challenge' statement in April and my subsequent statement in May this year, the Government's very significant program of public sector reform was outlined. Progress in the achievement of structural changes, rationalisation of corporate services, statutory authority review and implementation of the Public Corporations legislation was contained in the Premier's statement 'Meeting the Challenge—Progress' to Parliament on 25 August 1993. I wish to take this opportunity to advise the Council of further details of these and other initiatives in the public sector reform program.

Best Practice Benchmarking Study

In announcing the public sector reform program, the Government emphasised the importance of the South Australian public sector activities being conducted in accordance with best practice in Australia and overseas. The Government has initiated two extensive benchmarking studies of corporate services and customer service in the public sector. The first arose from our determination to reduce the cost of overheads in the public sector by up to 25 per cent and to find best practice by comparison across the public sector and with external organisations. This strategy is also aimed at finding efficiencies in support areas in preference to a reduction in the level of service to the community.

The second study on customer service practices is designed to assess the capacity of the public sector to achieve a competitive advantage for the State in service responsiveness. The objectives of the Corporate Services Benchmarking Study are to provide information that: enhances service wide strategic planning; reduces the costs of corporate services; and assists in the creation of new corporate services along the lines of best practice. There are three parts to the Corporate Services Benchmarking Study: financial management; human resource management and information technology. Nine departments and their constituent units involving 56 functional areas are involved in this study.

In the Customer Service Study, 30 constituent units of large departments and some small independent agencies will undertake the first comprehensive review of Government service responsiveness in Australia. They will be benchmarked against over 50 other Government and private sector businesses including Harrods, Shell New Zealand, British Airways, Linfox Transport, Australia Post, Dulux Australia and the Ministry of Education, New Zealand. The Customer Service Benchmarking Study will provide customer service related data on each participating agency as well as describing known best practice and identifying the gaps between each agency and the best practice organisations. This will guide the development of the Citizens' Charter across the whole of Government. The Government is placing particular emphasis on benchmarking as a means of ensuring that areas of public sector performance are measured against the best

available. This reflects our determination to gain a competitive advantage for this State.

The Hon. K.T. Griffin asked a series of questions on the benchmarking survey. I can provide him with the following information.

As part of the proposed SA Public Sector Best Practice Program and to coincide with the launch of the Citizens' Charter Office, two studies are to be undertaken from October to January 1994. The final reports are expected on 28 January 1994.

A subgroup of the State Development Executive agreed to contract Deloitte, Touche and Tohmatsu Consulting firm to project manage the Corporate Services Benchmarking Study. This firm will work at a whole of Government level and alongside each agency to develop an understanding of the business infrastructure, to define the performance gap between current and best practice standards, to identify opportunities for major change and improvements (cost and effectiveness) and to set goals and next steps. Dr Peter Crawford is the Project Principal, and Ms Anne Howe, the Clients' Representative. The anticipated cost is $480 000 or $8571 per existing agency per module. Central agencies will contribute $2 857 per module.

Price Waterhouse Urwick has been selected to conduct the Customer Service Benchmarking Study on the basis of the quality of their produce (standard survey questionnaire which enables comparison against many public and private sector organisations, as well as a description of the processes used in best practice organisations and the gaps between participating agencies and best practice) and their experience in this area. As part of the agreement to participate, Price Waterhouse has given a commitment to ensure confidentiality of the data obtained through the benchmark survey. Sue Vardon is the Project Principal and Helen Walker the Clients' Representative. The anticipated cost is $240 000 or $8 000 per module less $4 000 per central agency contribution. Thirty agencies have elected to participate in this study.

The decision to ensure confidentiality of the data collected has been modelled on industry practice in benchmarking. This will apply to both the public sector agencies and the external best practice organisations contributing to the comparative analysis. Certainly, the objective is to identify best practice benchmarks and to gauge the performance gap between the corporate service functions of each individual Government agency and best practice. There is no value in promoting anything other than 'best practice'. Where best practice(s) is performed by a Government agency these practices will be widely published.

Statutory Authority Review

Honourable members in this Council and in particular the Hon. Mr Davis have raised the question of keeping track of the activities of statutory authorities that exist in this State. In my May statement I announced a review of statutory bodies. I am pleased to announce that a register of these bodies has been established and when it is finally complete it will include details of board membership, legislative origins, the payment (if any) to members of boards, the responsible Minister, the objectives of the body and the contact details. The register will be kept and updated by the Office of Government Management. Details on the register will be publicly available. I will also give consideration to the recommendations of the Economic and Finance Committee of Parliament about statutory authorities being required to publish salaries. It may well be sensible that the salaries are on a register. On the other hand, it may be sufficient that they are printed in annual reports. I also intend to send a reference to the Economic and Finance Committee inviting it to examine the value of existing statutory bodies and to develop further the principles under which a Government needs to establish such bodies.

It is important that statutory bodies be held accountable for their outcomes and activities. The Government will expect statutory authorities to be more accountable to Ministers, to have a clear understanding of their responsibilities and to report within three months of the end of the financial year or fiscal year, whichever is their statutory responsibility. If necessary, legislation will be progressively amended so that agencies conform to the three month rule. Many Ministers and chief executive officers have now had an opportunity to consider the variety of statutory bodies within their portfolios and their relevance is being scrutinised. Some agencies have started to streamline the administrative arrangements for the smaller statutory bodies.

The Government intends to consider carefully any proposals to establish new statutory bodies. Any proposal will need clearly to identify the benefits of delivering an intended function through a statutory body rather than through a department.

Public Corporations Act Implementation

The Public Corporations Act became effective on 1 September 1993. As honourable members know, this legislation was introduced to clarify the objectives, priorities and performance criteria for statutory authorities, including public trading enterprises. The aim is to enable boards of management of Government authorities to get on with the job of managing within a performance and monitoring framework set by the Government while also accepting the responsibility for the performance of their agencies.

The legislation is an important part of the State's micro-economic reform agenda, which will encourage continuing improvements in public trading enterprise efficiency and productivity. These enterprises provide important economic infrastructure and services upon which the South Australian economy is partly dependent. Their successful performance therefore underpins the economic development process. The Government has selected the first organisations to be brought under this legislation. In doing so it took into account the extent to which each organisation presently operates on commercial principles and the extent to which the organisation's board and management is equipped to operate under the new legislation. The first agencies subject to legislative progress are: Southern Power and Water Authority (subject to passage of the enabling legislation); Pipelines Authority of South Australia; the restructured State Systems; South Australian Meat Corporation and South Australian Timber Corporation. My colleague the Treasurer released a paper on commercial policy for public trading enterprises for discussion and comment last Thursday. These policy principles will apply to the public corporations covered by the Public Corporations Act.

Enterprise Bargaining and Consultation with Unions

The Enterprise Bargaining Framework for developing public sector enterprise agreements has been lodged in the Industrial Commission. This framework agreement, the first reached by a State public sector as a whole, does not allow for upfront pay increases. It will provide for public sector pay increases to be negotiated at the level of agencies or groups of agencies, based on firm commitments to the achievement of specific and quantifiable productivity gains and service improvements related to the Public Sector Reform Agenda.

Attached to this framework is an extensive document outlining a consultative process with unions and employees to be used as agencies negotiate their agreements and implement them. The principles which underpin the consultative document highlight the Government's commitment to employees and their unions participating in workplace reform. The process for consultation outlined in this document will come into effect as soon as possible.

The Citizens Charter

Guidelines for the development of Citizens Charters have been written. Their development involved active consultation with advocacy groups and agencies and they will be launched on 9 November. It is with pleasure that I note the supporting comments of the Chairman of the Trade Practices Commission, Professor Alan Fels, when he recently said that the Trade Practices Commission has long seen Citizen's Charters as playing an important role in industries where competition is not able to play that role.

Accompanying the launch of the guidelines, the Citizens Charter Office will be conducting a phone-in on 13 November, when the citizens of South Australia will have their say in the way the public sector can improve its services to the community.

The first citizens charter from the Public Trustee was tabled at the Estimates Committee. The South Australian Housing Trust has prepared a charter of rights for public housing tenants following extensive community consultation. The Courts Administration Authority has begun the development of a charter, and other agencies are working on them in consultation with the Citizens Charter Office. There has been a lot of interest around Australia on the citizens charter initiative in South Australia.

Agency activity reviews

All Government departments and agencies are undertaking a review process that will assist them to identify their essential activities and to determine more efficient ways of delivering services to their customers. This process is being undertaken in a way that ensures that service levels are not compromised, both during review and during the implementation of any consequent change. All parties with an interest in the work of each agency are being invited to comment during phases of the reviews. Once the essential activities have been defined for each new agency and there is a financial framework capable of providing actual costs and information for performance monitoring, a competitive framework will provide the public sector with the incentive to deliver goods and services in the most cost efficient manner.

Other initiatives

These major initiatives have come in the 12 month period since the Arnold Government announced the establishment of the Office of Public Sector Reform. They are in addition to other quite significant activities. The reform agenda in South Australia has been commented on favourably. Ted Gaebler, one of the authors of *Reinventing Government*, commented recently at a RIPAA meeting in South Australia that the public sector reform agenda was comprehensive and that South Australia was well positioned to realise its reform objectives.

The other highlights of the reform agenda are as follows:

- The appointment of the only Minister of Public Sector Reform in Australia reinforces the Government's commitment to positive reform.
- There has been intensive promotion within the public sector of the principles outlined in the *Bias for Yes* document showing how the public sector should contribute to a competitive edge for South Australia—100 000 pamphlets outlining the reform agenda have been distributed to public sector employees.
- Reduction in the number of operational public sector agencies in a phased manner from 30 to 12 is to be completed by June 1994 in order to achieve the objective of increasing the strategic capacity of Government and reduce the overhead costs to the citizens. Most of the new amalgamated agencies have already determined a set of results oriented outcomes or are in the process of developing them.
- The Government has taken action to reduce the number of central agencies from three to two by June 1994. It has combined the Office of Public Sector Reform with the public sector human resource management elements of the former Department of Labour so as to give force and impetus to human resource management reforms. The amalgamated agency, the Office of Government Management, is headed by the Commissioner for Public Employment. The former Department of Labour recently responded to the need to reform human resource management with the release of a document *People in the Public Sector* which outlines the future of human resource management in the public sector.
- The Government has foreshadowed an integrated financial reform program that will not only ensure an improvement in financial accountability for operational activities, but will help the State to obtain a reputation for superior financial management, accountability and probity. The Treasury has established a team of five people, including officers from the Office of Government Management, to implement the financial reform agenda.
- The Government expects this will result in a better understanding of costs of services delivered, the identification of waste and improved management of its assets. The public sector will adopt contemporary financial management tools such as accrual accounting and whole of Government reporting.
- The Auditor-General in his report this year made positive comments on the financial reform proposals and intends to audit agencies against progress with implementation of that agenda.
- A public sector reform central forum has been created involving Government and public sector union representatives. The forum acts as a peak consultative body on principles, guidelines, policy implementation and evaluation issues.
- There have been many discussions with industry leaders about the reform agenda and ways to improve the relationship between the public and private sectors.
- Links have been built between the Office of Government Management and the universities in South Australia in relation to the public sector reform agenda. The management schools in particular can contribute their expertise in enriching the outcomes of the reform agenda.
- A code of practice for public sector employees was released.

So that the House is as well informed as possible on these initiatives, I seek leave to table the following documents which have been referred to in this statement:

1. A paper on statutory bodies, including a list of statutory authorities which forms the basis for a comprehensive register.
2. A document expanding on the principles for the implementation of the Public Corporations Act.
3. Draft guidelines for the development of citizens charters.
4. The citizens charter prepared by the Public Trustee.

Leave granted.

ELLIOTT, Mr JOHN

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a ministerial statement about Mr John Elliott.

Leave granted.

The Hon. C.J. SUMNER: On 14 October 1993, the former Elders IXL Chairman, Mr John Elliott, in a public press conference made a series of very serious allegations against the National Crime Authority, the Victorian Director of Public Prosecutions and against former and serving Ministers of State and Federal Governments. I seek leave to table Mr Elliott's press statement.

Leave granted.

The Hon. C.J. SUMNER: The statement, after alleging a conspiracy by the National Crime Authority and the Victorian Director of Public Prosecutions, states as follows:

> This conspiracy was commenced in late 1989 by the State Labor Governments of Victoria and South Australia along with the Federal Government and was then designed to damage me as Federal President of the Liberal Party and, through me, to harm the Party. This campaign to discredit me became a matter of public record on the ABC the day that Prime Minister Hawke announced the 1990 Federal election and it subsequently dominated the first 10 days of the campaign.

Mr Elliott has accordingly made a most serious allegation of conspiracy and criminal activity against me in respect of the discharge of my ministerial duties as Attorney-General and as the Minister nominated by the Premier to membership of the Inter-Governmental Committee of the National Crime Authority, and as member and Chairman of the Minister Council on Companies and Securities in 1989 and 1990.

I do not propose to refer to any court proceedings issued by John Elliott, or to any issues that relate to matters in the course of litigation. However, in so far as Mr Elliott's allegations relate to my ministerial duties, I wish to make a brief formal response. The allegation of a political conspiracy is so serious that a response is justified in the public interest.

In so far as the allegations relate to me I wish to make it clear that the allegations are without foundation. They are totally baseless. At the relevant time (1989-1990), I was both the South Australian member of the Inter-Governmental Committee on the National Crime Authority and had become the Chairman of the Ministerial Council for Companies and Securities. In the latter capacity, I was briefed by the then Chairman of the National Companies and Securities Commission (Mr Henry Bosch) in November 1989 that the National Companies and Securities Commission had been investigating matters relating to Mr Elliott and Harlin Holdings Ltd.

Prior to that the National Companies and Securities Commission had been seriously concerned about a number of matters concerning Elders that arose in 1986. As a result of those investigations, the National Companies and Securities Commission believed that there were serious grounds for concern that there may have been breaches of the law.

On the allegations of a political conspiracy, it is worth noting that at the relevant time Mr Don Laidlaw, a former Liberal MLC and Treasurer of the Liberal Party in South Australia, was a part-time member of the National Companies and Securities Commission. In addition to Messrs Bosch and Laidlaw, the other full-time members were Charles Williams and Ken McPherson, and part-time members included Gilles Kryger, a Sydney stockbroker; Roderick Cameron, a company director; and Kevin Edwards, a solicitor; as well as Sir John Nosworthy, a company director from Queensland. One has only to list these names to demonstrate the farcical nature of Mr Elliott's claims of my involvement in a political conspiracy.

In early November 1989 Mr Bosch had discussions with Mr Faris, Q.C., then Chairman of the National Crime Authority. As a result, Mr Bosch, by letter dated 16 November 1989, referred the matter of Elders and Harlin to the National Crime Authority. Mr Bosch stated:

> We have reviewed the work program before us and have come to the conclusion that there is one investigation that fits your criteria outstandingly well. We have been concerned about the way in which some directors of Elders IXL have gained effective control of one of Australia's major companies.
>
> It appears that there may have been breaches of the companies legislation, the Companies (Acquisition of Shares) legislation and possibly the State Crime Act. The matters we have been investigating occurred over at least three years and are very complex. Major principles of company law and corporate governance are at issue and the matter is of considerable public importance.

After the Commonwealth had granted the National Crime Authority a reference in December 1989 to investigate Elders IXL, senior officers of the National Crime Authority briefed the Minister for Emergency Services (Mr Klunder) and me in Adelaide on 1 March 1990 as to the desirability of the State of South Australia issuing a reference to the National Crime Authority in respect of the Elders IXL investigation.

The question of the issue of State references by Victoria and South Australia was considered by the Inter-Governmental Committee of the National Crime Authority at its meeting in Darwin on 9 March 1990. I inform the Parliament, that in accordance with section 9(1)(c) of the National Crime Authority Act 1984 as amended, the Inter-Governmental Committee unanimously approved the referral of matter No. 10 (the Elders IXL matter) by Victoria and South Australia, parallel to the Commonwealth reference No. 9, to the National Crime Authority.

National Crime Authority matter No. 10 was therefore comprised of:

(a) Commonwealth reference No. 9;
(b) Victorian reference No. 4; and
(c) South Australian reference No. 3.

I ask Parliament to note particularly that the Inter-Governmental Committee approval was unanimous. The Inter-Governmental committee consists of a member representing the Commonwealth (the Attorney-General) and members representing the participating States, which includes the Northern Territory. In the context of the allegation of a political conspiracy, it should be noted that at the time of this meeting two of the participating members were represented by non-Labor Ministers (New South Wales and the Northern Territory).

The records of the Inter-Governmental Committee further show that the Inter-Governmental Committee met in Melbourne on 31 August 1990 and resolved to note that the Commonwealth had consulted with the Inter-Governmental Committee under section 13(1) of the National Crime Authority Act 1984 with respect to the reissue of the Commonwealth reference, and resolved to approve under

section 14 (1) of that Act the reissue of Victorian reference No. 4 and South Australian reference No. 3.

These facts demonstrate that the issue of the South Australian reference took place in accordance with the required statutory processes, and with the full approval of the Inter-Governmental Committee members. The issue of the State reference was preceded by discussions between the National Companies and Securities Commission and the National Crime Authority, by agreement that the matter be taken over by the National Crime Authority, by the issue of the Commonwealth reference under section 13 of the National Crime Authority Act, and by appropriate consultations by South Australian Ministers with the National Crime Authority. I repudiate Mr Elliott's allegations so far as they relate to me.

MABO

The Hon. C.J. SUMNER (Attorney-General): I seek leave to table a ministerial statement being given today by Premier, the Hon. Lynn Arnold MP, on Mabo.

Leave granted.

QUESTION TIME

DEET(SA)

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister representing Minister of Education a question about a vision for DEET(SA).

Leave granted.

The Hon. R.I. LUCAS: As part of the restructuring of departments to produce the new Department of Education, Employment and Training, otherwise known as DEET(SA), the Minister of Education appointed an interstate consultant, Mr Collins, to review the situation and to act as a change agent for the process. Education Department sources have indicated that the consultant has made scathing criticisms of the employer/relations that exist within DEET(SA). These sources indicate that these criticisms are a clear indictment of the personal style and management incompetence of the Minister, Ms Lenehan.

In particular, there has been scathing criticism of the Minister's inability to ensure a stable and competent management team during the past year at the senior executive level of the old Education Department and now the new DEET(SA). The latest issue of the South Australian Institute of Teachers journal makes some comments and highlights some concerns in relation to this instability at the senior executive level of the old department and the new DEET(SA).

I refer to an article with a photograph of what looks like about eight faceless bureaucrats with the heading, 'Guess who'll be here next month.' The journal states:

> One of the reasons for 'Hardtimes' existence is to keep our employees informed about who does what in the bureaucracy. Unfortunately even 'Hardtimes' can't keep track of all the changes to personnel caused by the cuts.
>
> By the way, Rob Lucas has got it wrong: it is not SAIT that is controlled by Maoists: it is DEET(SA). What other reason can there be for this permanent revolution? Anyway, we were supposed to print this photo of the School Operations Division, but its head has already moved up to the ninth floor, so we decided to run a competition instead. All you have to do is write the names of who will be in the division next month in the vacant heads.

The article continues in a similar vein. I have been advised that as a result of these scathing criticisms the Minister has decided to do what she does best: she is quickly producing a new vision statement for DEET(SA), and a glossy colour production of this statement will be sent so all 30 000 employees of DEET(SA) to convince everyone that all problems have been resolved. My questions to the Minister are as follows:

1. What has been the cost of the Collins consultancy and will the Minister release a copy of Mr Collins' findings and recommendations?

2. As an election appears to be imminent, does the Minister accept that it is grossly improper to be spending taxpayers' money on her vision for DEET(SA), and how much will this production cost?

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

BENCHMARKING SURVEY

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about the best practice benchmarking study.

Leave granted.

The Hon. K.T. GRIFFIN: Last week I asked some questions of the Attorney-General in relation to the best practice benchmarking study, and I note from his ministerial today that he has provided what are, in effect, answers to those questions, and I thank him for that. However, in the answer he has referred to the fact that there are two consultancies: one has been let to the Deloitte Ross Tohmatsu consulting firm, the anticipated cost being $480 000, and the other has been let to Price Waterhouse Urwick for which the anticipated cost is $240 000—close to $750 000 for the two contracts.

The ministerial statement also refers to the fact that some senior public servants will be involved in the study. I also expect that within Government agencies there will be extensive involvement of public servants. Is the Attorney-General able to indicate to the Council what the total expected cost to Government will be of undertaking the best practice benchmarking study? I presume that the anticipated cost to which he has referred is only the consultancy's costs and not the cost within Government of providing information and managing the process.

The Hon. C.J. SUMNER: The first thing that needs to be said about the consultancy cost is that that is a total cost across the whole of Government and, in fact, that that constitutes a relatively small amount from each agency participating in both the benchmarking study and the customer service study. As can be seen, the cost is $8 500 per existing agency per module with respect to the corporate services benchmarking study and $8 000 per module in relation to the customer service benchmarking study. That is the first point that needs to be made about it.

Agencies around Government have pooled their resources to contribute to what I think should be very important studies for the future of the South Australian public sector. The honourable member is almost certainly correct, that public servants will have to be involved in it to some extent. Perhaps if we call an election, they will not have anything else to do anyhow, and they will be well occupied conducting the bench marking study. Whether or not that is likely to happen, I cannot say. I will see whether I can get some further information about the costs within the Public Service.

STATE TRANSPORT AUTHORITY

The Hon. DIANA LAIDLAW: I have a number of questions for the Minister of Transport Development in relation to STA promotional campaigns. In relation to the campaign 'Driving you into the Future' launched last weekend to promote STA services, will the Minister advise the total costs and duration of the campaign, and the cost of each component of the campaign which I understand incorporates a mix of radio, press and targeted direct mail? With respect to the targeted direct mail letter, can the Minister advise if every voter in every marginal seat is to receive such a letter and, if not, to whom these letters are to be targeted? Are the letters to be authorised by the Minister, the Premier or the General Manager of the STA? Can the Minister confirm whether the current campaign, which coincidentally is launched one week before the anticipated announcement of the date of the next State election, is the most comprehensive that the STA has conducted since the last State election campaign four years ago?

The Hon. BARBARA WIESE: I will have to seek a report on the matters that the honourable member has raised. I do not have very much detail at all about the 'Driving you into the future' campaign which has been pursued by the State Transport Authority. It certainly has the authority to make decisions about such campaigns itself, and the campaign has been devised and, I presume, approved by the board of the State Transport Authority. It was not necessary for the authority to seek my approval and it has not therefore been given. I will seek a report for the honourable member about the cost of the campaign, the media mix and the answers to the questions relating to the targeting of direct mail, and provide that information for her benefit.

I should say, however, that it is highly desirable that the State Transport Authority should embark upon a promotional campaign of its services, particularly at a time when there is so much change taking place in the nature of the delivery of the services with which the State Transport Authority is involved. As all members know, there has been very much a shift in the services provided to Transit Link services around the metropolitan area. A number of those services have been introduced already. There is due to be introduced at the end of November a whole range of new services which will lead to reorganisation in certain locations of the metropolitan area, so it is desirable that members of the public have drawn to their attention, in as many ways as we can devise, the fact that this is occurring and that these services will be available for their use. It is certainly desirable that we should encourage as many people in the metropolitan area as possible to give those new services a try. I certainly support efforts being made by the State Transport Authority to promote its activities. So that the honourable member is fully aware of the methods it is undertaking, I will seek the report she is asking for.

The Hon. DIANA LAIDLAW: As a supplementary question, as I understand the Minister did not authorise the campaign, can she indicate whether she was consulted about the nature of the campaign, and would she also endeavour to bring back a reply by Thursday, as we may not be sitting again, and it is an important issue in terms of expenditure at this sensitive time?

The Hon. BARBARA WIESE: I am not able to comment on the last point that the honourable member makes, as to whether we will be sitting beyond the end of this week. If she thinks that, then she has information that I do not have. Certainly, I will be happy to provide whatever information I can as quickly as I can, as I always do.

RIVERLAND RURAL COUNSELLING SERVICE

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Transport Development, representing the Minister of Primary Industries, a question about the Riverland Rural Counselling Service.

Leave granted.

The Hon. M.J. ELLIOTT: The Riverland Rural Counselling Service plays a vital role in the ongoing welfare of our Riverland region, assisting almost 400 clients in the past financial year. Both of the service's counsellors, Sara Duvnjak and Frank Kaesler, have been under constant work pressure, with demand for the service increasing, to the point of employing a part time assistant for each counsellor in the past financial year. I am now told that the community based service will face further pressure in the next 12 months to raise enough cash funds to continue the current quality of service.

Funding for rural counselling services at present is 50 per cent from the Federal Department of Primary Industries, 25 per cent from the South Australian Rural Trust Fund, and a combination of contributions from the State Government and different banking institutions. In the past it has been able to survive with in kind support from local government and the Department of Primary Industries, through the availability of office space and other services, with some cash contributions from various grower organisations. This financial year it requires a total cash contribution of $20 000, but the Secretary/Treasurer of the counselling service, Mr Rollo Rofe, told me in discussions recently that he expects that, unless more funds are forthcoming, the service will run out of money in January or February. While they are used to quite a proportion of in kind donations, the whole operation has now basically become a cash operation. Mr Rofe has told me that the trust fund's future is also not secure as it has only been granted money for this year. Will the State Government consider increasing its assistance to this vital service to ensure its continuation, and will it consider offering longer term commitments which allow proper planning for these important services?

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

SEPARATION PACKAGES

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Attorney-General, as Leader of the Government in the Council, a question about the secrecy agreement of separation packages.

Leave granted.

The Hon. L.H. DAVIS: Since the State Bank debacle first became public in February 1991, the Parliament and the public have been treated to numerous examples of senior executives, particularly from the State Bank or its subsidiaries, who received separation or severance packages which were subject to secrecy agreements precluding the disclosure of the terms of the financial settlement. It was recently made public that Mr Graham Coxon, the former Chief Executive Officer of Scrimber International, received an out of court settlement following his claimed wrongful dismissal from that position by the then Minister of Forests, Mr Klunder.

Apparently this financial settlement was also subject to a secrecy agreement.

Secrecy also surrounds the separation package received by Mr Richard Watson, the former General Manager of the SA Film Corporation, who was precluded by the settlement terms from discussing the matter. There is a suggestion that in some of these cases the recipients of the separation packages were forced to sign the secrecy agreement to ensure that they received their financial settlement.

In most, if not in all, cases it would appear that the Labor Government has something to hide. In the case of State Bank separation packages well-sourced rumours suggest the reason for secrecy was the extraordinarily generous and in some cases quite undeserved settlement packages. In other cases, such as Mr Coxon and Mr Watson. the State Government was hiding its own embarrassment rather than attempting to protect the interests of the sacked executives.

Is the Government prepared to reveal the full details of such settlement packages in cases where the executives involved are happy for the terms of the settlement to be made in public? If not, why not?.

The Hon. C.J. SUMNER: Those matters would have to be treated on their merits in each case because I do not know what the terms of the confidentiality clauses, if any, were in the matters raised by the honourable member. The terminations that occurred within the State Bank occurred in accordance with the contractual arrangements between the employees and the State Bank, and the payments that were made for retrenchments, which had to occur from the State Bank, were in accordance with those contracts. There is no incentive on the part of the Government to pay more than is contractually due to someone when they are being retrenched. What would be the point of the bank or the Government agreeing to pay out people, except in accordance with the contractual operations?

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: I do not know why the confidentiality clauses were included, but I will certainly ask the responsible Minister to check to see whether what the honourable member has requested can be acceded to. In the case of Mr Coxon, he was in dispute with his employer over the matter, he took proceedings and in the end those proceedings were settled. Likewise, Mr Watson was in some form of dispute, although he may not have taken legal proceedings. However, they were in dispute and at least Mr Coxon's matter was settled following legal advice to the Government.

STED SCHEME

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Public Infrastructure a question relating to the STED scheme.

Leave granted.

The Hon. J.C. IRWIN: Although this question was asked in the Estimates Committee there was absolutely no attempt to answer it, so I am rather bemused by that and I will ask it again. When the Mayor of Willunga, the district council and members of the Maslins Residents Association met recently to discuss with the Minister the Government STED scheme for the Maslin Beach area, the residents were led to believe by the Minister that, if the project overran its $1.5 million budget, the Government would pick up the tab.

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: That was the impression given at the meeting. On 24 August this year at another informal meeting organised by the Willunga council at the Maslin Beach hall the story apparently changed and residents were told that any overrun by the STED scheme would be picked up by the normal formula for STED funding, that is, the council and the State Government would find the money. The meeting was told that $1.5 million had been allocated for the scheme from the Federal Government Better Cities grant program, and it is believed this money is held in trust for the Maslin Beach area. My questions are:

1. Is the $1.5 million being held in trust for the Maslin Beach STED scheme and, if so, where is it being held?

2. If there is any interest earnt by that money while it is being held, does that aggregate to the $1.5 million held for it?

3. If there is any cost overrun who will pay for it—the Government, the council or the residents?

4. What are the starting and anticipated finishing dates for the scheme?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place, but I am sure that the honourable member is well aware that the normal procedure, which has always applied as far as I am aware, is that, if there is overrun in the STED costs for any particular scheme, the shortfall is made from the STED funds and it means there is that much less for some other council. It has always been that situation and I would be surprised if it had changed. However, I will refer the question to my colleague in another place.

EDUCATION DEPARTMENT SALARIES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister of Education, a question about overpayments of staff salaries.

Leave granted.

The Hon. J.F. STEFANI: Recently a constituent approached me about a demand she had received from the Education Department requesting the return of an alleged overpayment which had occurred as a result of a miscalculation of her long service leave entitlements which she had received when resigning from her position with the Education Department in March this year.

In a letter dated 2 September 1993, received six months after the overpayment occurred, the Education Department demanded the repayment of an amount of $2 202.09. The receipt of the correspondence came as quite a surprise and has caused a great deal of concern to the constituent who no longer has the money which she had received six months earlier. In view of the circumstances my questions are:

1. What were the reasons which lead to the overpayment?

2. Why did it take six months to discover the error?

3. How many other overpayments have occurred during 1992-93, and what were the amounts involved?

4. What is the Government policy in relation to overpayment errors, particularly when such a long period of time elapses?

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

SUBORDINATE LEGISLATION

The Hon. J.C. BURDETT: I seek leave to make an explanation before asking the Hon. Attorney-General a question about regulations.

Leave granted.

The Hon. J.C. BURDETT: Mr President, honourable members will recall, none better than you, Sir, as a former Chairman of the former Subordinate Legislation Committee, that prior to the amending Act to the Subordinate Legislation Act last year regulations came into operation on the date when they were made. They came before the Subordinate Legislation Committee originally and then the Legislative Review Committee and recommendations could be made and they could in any event be disallowed by either House of Parliament when notice to disallow was given within 10 sitting days.

Members will remember the problems with that. There was often no previous consultation about the regulations with interest groups, and by the time that the committee and the Parliament were able to consider the matter they were often faced with a fait accompli in that structures had already been put in place legally and in accordance with the regulations that had come into force, money had been expended and citizens may have been prosecuted for a breach before the regulations could be addressed. The 1992 amendment to the Subordinate Legislation Act, section 10aa provides:

> (1) Subject to this and any other Act a regulation that is required to be laid before Parliament comes into operation four months after the day on which it is made or from such later date as is specified in the regulation.
>
> (2) A regulation that is required to be laid before Parliament—
>
> (a) may come into operation on an earlier date specified in the regulation if the Minister responsible for the administration of the Act under which the regulation is made certifies that in his or her opinion it is necessary or appropriate that the regulation come into operation on an earlier date.

This four months rule gave the necessary breathing space so that the committee and the Parliament could consider the regulations before they came into effect, before money had been spent, before anyone had been prosecuted and before structures had been set up, and the power for the Minister to exempt on certificate was necessary.

Obviously, there would be cases where regulations must come into effect forthwith. Since the Act took effect on 1 August 1992, 129 regulations have been made. Of these, 57 (44 per cent) were issued with a certificate to enable all or part of the regulation to come into effect immediately; 40 (31 per cent) were issued with a certificate to enable the regulation to come into effect within the four-month period, most within a week or so of their making; and 32 (25 per cent) met the four month commencement provision of the Act.

I suggest that this situation is remarkable: what is provided in the Act is not the rule, rather the exception. Only 25 per cent came into effect at the end of the four-month period, as the Act prescribed, with, as I have said, the very proper exemption provision. My questions to the Attorney are:

1. Does he agree that the 25 per cent compliance rate makes a mockery of the Act?

2. Will he examine ways in which this situation can be rectified?

The Hon. C.J. SUMNER: The answer to the first question is 'Not necessarily'. I do not think one can just look at the raw statistics and say that the proposal of a four-month waiting time has failed; it depends on the substance of the regulations. It is all very easy to add up 129 regulations and say that only 32 have been delayed for the full four-month period when many of those 129 may have involved simple amendments that were important in the administration of Government but with no great policy significance.

In order to conduct a proper assessment of the new procedures, which have only been in place for a little over 12 months, one would need to go through and examine the sorts of regulations to which exemptions were granted and look at the reasons for that, because it may be that in most cases the exemptions were perfectly reasonable and sensible and that no-one would have expected those exemptions not to be given. So, I suggest, given that the honourable member is a member of the Legislative Review Committee, that it might be reasonable for the committee to look at the issue, as it is responsible for dealing with regulations. If such an inquiry were carried out, the honourable member may find that the situation is not as simple as he has outlined or as bad as he has indicated in terms of non-compliance with the basic four-month rule.

The question that the honourable member raises is important, and I would be happy to see some work done on the topic. I suggest that the Legislative Review Committee is the most appropriate committee to do that. It could go through the 129 regulations, categorise them, look at the reasons, which have to be given to the committee anyhow, for why the four-month period has been cut short and decide whether, in the circumstances, an exemption was justified. If following that inquiry it looked as though the exception were becoming the rule, it may be that the rule is too rigid and that the legislation should be expressed in some other way. I commend that process to the honourable member and to the Legislative Review Committee.

The Hon. J.C. BURDETT: I ask a supplementary question: is the Attorney aware that, in accordance with the Act, reasons do not have to be given and that, in fact, they are not?

The Hon. C.J. SUMNER: My understanding is that, under the legislation, reasons were to be given. The proposal was much more draconian, as far as efficient Government was concerned, when it was introduced by the member for Elizabeth (Mr Martyn Evans) who proposed a blanket prohibition on the operation of a regulation without a four-month period of grace from the date of gazettal to the date of operation. When I negotiated with the honourable member to get what the Government considered to be an acceptable position, we agreed that exemptions would be granted in certain categories of circumstance, and they are set out in the debate. In other words, the Government indicated that it thought that grants of exemptions would be used in certain circumstances, and they are set out.

I assumed that, although the certificate, which is signed by the Minister, does not give the grounds, in the report to the Legislative Review Committee there would be some indication of why the four-month period was being set aside. The committee could check that against the sorts of reasons that were considered to be justifiable reasons for reducing the four-month period. I assumed that that was what would happen. It may well be that if the honourable member checks the debate—and I cannot recall it precisely—he will find some reference to the fact that the Legislative Review Committee would be able to oversee the operation of this new provision in the way in which I have outlined. If that has not found its way into the *Hansard*, my recollection is that I

discussed it with the Minister of Health, Family and Community Services.

Perhaps one way out of this would be for the committee to take an active role by requesting departments in their reports to the committee to include reasons for the abrogation of the four-month period and then monitoring that over a period of time. Alternatively, if the committee wanted to carry out an inquiry and if it had the research capability to do so, it could go back over those 129 regulations and try to find out, but that might be a bit too onerous. Certainly, it would be within the power of the committee to request that information from the Government or the responsible Minister from here on in and analyse it over a period of time.

VALUER-GENERAL

The Hon. PETER DUNN: I seek leave to make an explanation before asking the Minister representing the Minister of Environment and Natural Resources a question about the Valuer-General.

Leave granted.

The Hon. PETER DUNN: I refer to a question I asked on 7 October this year regarding information required by the Valuer-General. As a result of that question, I was contacted by a media outlet who asked me who the Valuer-General is, because they had been advised by the Premiers' Department that the department did not know. My questions are:

1. Does the Minister know who the current Valuer-General is?

2. Under the new super department operations, will there be a Valuer-General?

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

MULTICULTURAL AND ETHNIC AFFAIRS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Multicultural and Ethic Affairs, a question about the Office of Multicultural and Ethnic Affairs.

Leave granted.

The Hon. BERNICE PFITZNER: My colleague the Hon. Julian Stefani has raised the matter of the amalgamation of the two positions, that of CEO of the Office of Multicultural and Ethnic Affairs and that of the Chairperson of the Commission of Multicultural and Ethnic Affairs. As was stated, there is a concern about the amalgamation and whether this was done for economic rationalisation or for the betterment of the office and the commission. Of greater concern, to my mind, is the uncertainty and poor communication, as has been reported, regarding the rest of the administrative structure of the office in particular. It is reported that the staff are insecure and confused by this movement. My questions to the Minister are:

1. Will the administrative structure for the office and commission remain the same?

2. If not, what is the new proposed structure?

3. Will the existing staff be fully consulted as to the possible change in the structure?

4. Where does the relevant overseas qualification section fit in and what are the lines of management in relation to the office?

The Hon. C.J. SUMNER: There seems to be a lot of carry-on about the fact that the Chairman of the Multicultural and Ethnic Affairs Commission is also to be the CEO of the commission. That in fact has been a position that has existed for the greater period of time of the commission, since its inception, firstly, as the Ethnic Affairs Commission.

The Hon. Anne Levy interjecting:

The Hon. C.J. SUMNER: The first Chairman of the Ethnic Affairs Commission was also Chief Executive Officer of the commission, Mr Bruno Krumins as the Hon. Ms Levy says, appointed following the passage of legislation between 1979 and 1982. Subsequent to that, Mr Michael Schultz had both the positions, Chairman of the commission and CEO. Then there was a period where the Chairman's position was separated from the CEO and Mr Trevor Barr took up the position of CEO while Mr Michael Schultz was Chairman. Then when Mr Paolo Nocella came in as Chairman Mr Barr initially continued as CEO. Now a decision has been taken to bring the two back together and there will have to be some correction to the terms of appointment to ensure that the two appointments are contemporaneous and expire at the same time, and that will occur, following some queries raised about it.

The Government felt that the current Chairman had the capabilities of carrying out both tasks. Obviously that meant that there were some savings, but also without detriment to the operations of the commission. What has happened further down in the commission I am not aware of, but I will refer those questions to the responsible Minister and bring back a reply.

LIFELINE UPPER SPENCER GULF

The Hon. CAROLINE SCHAEFER: I seek leave to make an explanation prior to asking the Minister representing the Minister of Health, Family and Community Services a question about Lifeline Upper Spencer Gulf.

Leave granted.

The Hon. CAROLINE SCHAEFER: On Sunday 17 October 1993 I attended the Spencer Gulf Cities Association meeting at Roxby Downs, with other members of Parliament, at which the following resolution was passed:

> That the Spencer Gulf Cities Association express its strong objections to the Minister of Health, Family and Community Services, Hon. Martyn Evans, over the decision of the Department of Family Services to withdraw the funding for Lifeline Upper Spencer Gulf as from 31 December 1993, and requests that the Minister direct that the funding be restored to enable Lifeline Upper Spencer Gulf to continue to provide the much needed assistance to those in need in times of stress and personal hardship.

The area covered by Lifeline Upper Spencer Gulf extends from Port Lincoln to the Western Australian border, to Alice Springs and down to Port Pirie, and covers 53 local government areas. In many cases it is the only personal counselling service available to isolated people. It is also, I have been informed, the only counselling and information service available after hours. Lifeline Upper Spencer Gulf is fully staffed by volunteers, who work 27 000 hours per year, or the equivalent of 15 full-time workers. This is a saving to the Government in real terms of $500 000, plus the saving in social costs. The amount requested to continue this service is $39 000, yet the Department of Family and Community Services has chosen to cease funding from 31 December this year. My question is as follows: is the premise that country people are not important to this Government correct and, if not, will the Minister reverse his decision and agree to the motion put by the Spencer Gulf Cities Association?

The Hon. BARBARA WIESE: I am sure I can answer the first question on behalf of the Minister and indicate that the situation of country people is something of great importance and significance to this Government. As to the question relating to Lifeline, I will refer that to the Minister for a reply.

333 COLLINS STREET

In reply to **Hon. L. H. DAVIS** (4 August).

The Hon. C.J. SUMNER: The Treasurer has provided the following response:

1. As was disclosed in SAFA's Annual Report for 1992-93, the 333 Collins Street development was written down from $250 million to $220 million at year end.

2. See answer to question 1.

3. The difficulty of attracting tenants to 333 Collins Street reflects the large oversupply of space and the highly aggressive leasing proposals being offered by other building owners. It is difficult to be certain why other landmark buildings have been relatively more successful in letting up, as the specific details of the other buildings lettings remain confidential. As the honourable member would be aware, however, the leasing incentives available in the central business district are very large.

The philosophy in attempting to lease 333 Collins Street is not to enter into long term lettings which would provide the owner with no upside when market conditions eventually improve. Persistent comments highlighting the negative aspects of the property do nothing to assist in letting up the remainder of the building.

REICHERT, MR ERICH

In reply to **Hon. L.H. DAVIS** (8 September).

The Hon. C. J. SUMNER: The Treasurer has provided the following response:

The Government is unable to comment on the allegations made by the honourable member as records dating back to that time are no longer available. Beneficial Finance Corporation was obliged under relevant sections of the Companies (South Australia) Code, and now under section 1116 of the Corporations Law, to keep records for a maximum of seven years only.

In addition, the bank's continued downsizing has resulted in many personnel leaving the group, including those who may have been able to recall details of Mr Reichert's appointment.

BICYCLE HELMETS

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister of Transport Development a question about bicycle helmet rebates.

Leave granted.

The Hon. DIANA LAIDLAW: I have received inquires from parents about a statement in an ALP pamphlet distributed in marginal seats over the past fortnight. They wish to know what is meant by the reference under the heading 'Look at our record. . . a new rebate scheme for cycle helmets for school children'. I ask the Minister: does the so-called new rebate scheme refer to the initiative launched by Foundation South Australia four years ago before the 1989 State election, at which time it offered a $10 rebate for the price of the helmet, and it was then an initiative later taken up by the Government twice over a 10 month period, or does the reference infer that Labor proposes to introduce a new rebate scheme shortly, in time for the forthcoming State election campaign?

The Hon. BARBARA WIESE: A bicycle helmet rebate scheme was introduced by the Government when the wearing of bicycle helmets became compulsory. I do not recall the details of that, I must admit. It was before my time as Minister of Transport Development, and I am not sure what the duration of that scheme was at the time or exactly when it was introduced; neither have I seen the pamphlet to which the honourable member refers, to be able to provide an interpretation of what that pamphlet says. But if the honourable member provides a copy of that pamphlet to me then I will be happy to follow up the matter with its author.

As far as any new rebate schemes are concerned, I am not aware that there is any plan for a new rebate scheme in the future. I cannot imagine that there is any need for one: we have had one, and it has provided much needed financial assistance for many families who had to buy helmets for their children.

As to the specific question, as I said, I will make some inquiries about the information that is contained in the pamphlet. I note that the piece of paper that has been handed to me by the Hon. Ms Laidlaw does not indicate to me whence it came, so it will be a bit difficult, on the strength of this information, for me to make those inquiries, but I will do the best I can.

CITIZENS CHARTER

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about the Office of the Citizens Charter.

Leave granted.

The Hon. K.T. GRIFFIN: I understand that in the Office of Public Sector Reform there is also an Office of the Citizens Charter. According to correspondence from the Director of the charter office on 15 September 1993 to the Chief Executive Officer of the Department of Justice, it is stated:

> The Commissioner for Public Employment has determined that an Office of the Citizens Charter will be established in the Office of Government Management to assist Government agencies with their specific charter development. There will be active collaboration, however, within the portfolio of the Premier and Government Management during implementation.

The charter office will be established, according to this letter, to assist agencies on the development of their charters. It also refers to the fact that there is a developing network of officers interested in quality customer service, and these people will be invited to participate in a professional development forum. It was also indicated that the aim of the letter was to advise the Chief Executive Officer of developments in the citizens charter project and asking that, if a person had not been nominated as the officer coordinating the citizen's charter project in that particular agency, that information was being requested as soon as possible.

As I understand it, there is to be an officer charged with the specific responsibility of coordinating the citizens charter project in each agency. My questions to the Attorney-General are:

1. Can he indicate the number and status of those who staff the Office of the Citizens Charter?

2. Can he indicate how many officers across Government have so far been identified as being the officers responsible for coordinating the citizens charter project?

3. Can he indicate whether it is expected that those officers will be full time involved in that project or undertake other functions?

4. In due course, can he indicate what the costs of both the Office of the Citizens Charter and the nominated officers in various Government agencies may be in respect of this particular project?

The Hon. C.J. SUMNER: I will get that information for the honourable member.

COMPUTER SYSTEMS

In reply to **Hon. R.I. LUCAS** (25 August.)

The Hon. ANNE LEVY: The Minister of Education, Employment and Training has provided the following response:

1. Of the $1 600 quoted, $850 is a hardware insurance arrangement entered into by a small number of schools, with a commercial company.

The $750 department support charge component is an increase on the 1992 charge of $200 for three hours of support. The $750 scheme however, is for unlimited support, and was in response to requests from many schools for such an approach.

The department is currently investigating the possibility of offering both the limited and unlimited support options on a trial basis.

2. Unlimited support is available for $750 and a three hour timed option is under investigation. Schools are free to purchase support from other sources.

It is anticipated that revenue from these charges will be $85 000 in the first year.

PARKING NOTICES

In reply to **Hon. J.C. IRWIN** (7 September).

The Hon. ANNE LEVY: The Minister of Housing, Urban Development and Local Government Relations has provided the following response:

The Minister does take seriously the administration of the Parking Regulations by local government

On separate occasions prior to the operation of revised Parking Regulations in August 1991, the Director of the former Department of Local Government and later the Director of the former Local Government Services Bureau circularised all Councils of the proposal to introduce a register of parking controls pursuant to Parking Regulation 12. The Minister's predecessor also wrote to the Local Government Association (LGA) in late 1992 drawing attention to its role in promoting and encouraging better administration of the Regulations. By representation on a Parking Regulations Review Committee established by the LGA in April 1993, the State/Local Government Relations Unit is working with the LGA to assist this process. In February 1993 the LGA issued a circular to Councils about the need for mandatory compliance with Regulation 12. The reaction of some Councils has been a little disappointing but it is false to say that many Councils still do not know of their obligation to keep a register of parking controls. We will continue to pursue any Councils which do not appear to have established a register.

On the form of final notices, Section 794a of the Local Government Act empowers a Council to give a person an expiation notice that a parking offence may be expiated within 21 days of the date of the notice. There is no legal requirement for the Council to give a final notice where the offence is not expiated or where liability is denied.

However, it is the Minister's understanding that almost all Councils choose to issue final notices which customarily indicate that under Section 794a, after the above mentioned 21 days, the Council may and generally will accept late payment of the expiation notices together with payment of the prescribed late payment fee.

It is inaccurate of the honourable member to say that the issue of a final notice in the form of a print out indicating the availability of a late payment expiation is illegal. It simply amounts to a reminder notice which for the most part, offenders not contesting liability, choose to respond to.

In 1975, pursuant to the Local Government Act but prior to the introduction of Parking Regulations, the Adelaide City Council declared two adjoining parking spaces on the eastern side of Kintore Avenue adjacent to North Terrace to be taxi stands and signs were erected denoting their function. The Minister is informed that when Regulations were introduced in 1981 Council considered that the validity of the wording on the signs was preserved by transitionary provisions contained in the Regulations and more recently by transitionary provisions in the Parking Regulations 1991. The two parking spaces have remained relatively unaltered as taxi stands for 18 years.

On a number of occasions in the latter part of 1992 and early 1993, Mr G Howie parked his car in one of the taxi stands. The Council issued expiation notices and subsequently five complaints against Mr Howie for unlawfully parking in the taxi stand.

Subsequently the Council was advised that it is arguable that the signage for the taxi zone which it upgraded in May 1993, although valid when erected in 1975 may, for strictly technical reasons, have been invalidated by the subsequent Parking Regulations and their specific requirements about signage.

Consequently I am informed that the Council chose to take no risks and in June withdrew the complaints. It appears that at or about this time the Council also forwarded to Mr Howie several expiation notices and final notices for the alleged identical offence—parking in the Kintore Avenue taxi stand prior to the upgrading of the signage. I am further informed that the Council does not intend to act upon these notices for the reason already given.

On the matter of the cost to ratepayers involved in commencing and then withdrawing proceedings for parking offences, it is Mr Howie's strategy, as the honourable member knows, to test some highly technical points of interpretation by deliberately incurring parking offence reports. Sometimes he is correct in his interpretation, sometimes he is not, and sometimes the point is unclear and the Court might go either way. Where any doubt exists the Adelaide City Council quite sensibly withdraws proceedings in order to prevent the expense of a protracted trial on technical grounds, and adjusts the situation on the ground. This outcome does not necessarily demonstrate that the Parking Regulations have not been properly used or administered. It demonstrates that the Council prefers to rectify any possible doubt about its application of the Regulations rather than tie up the courts in argument on technical points.

GOVERNMENT INFORMATION SERVICE

In reply to **Hon. CAROLINE SCHAEFER** (8 September).

The Hon. C.J. SUMNER: The Minister of State Services has provided the following response:

1. State Information relies on being informed of changes to the membership of Parliament from the Parliament House office. This is done through the official list which is then made available to the public.

In this situation, Parliament House did not make this list available until the honourable member's concern was raised by her constituent and contact was made by State Information with Parliament House.

2. State Information has no knowledge of the procedures that Parliament House have made to publicise their 008 number.

State Information have included the number in their inquiry database and attempt to provide it when requested. The number is not included in the city and suburban white pages but is listed in the country white pages. The number is 008 182 097.

In a situation where the client does not identify that he/she is a country caller, it may occur that the 008 toll free line number is not provided, as evidently occurred in this situation. These situations can occur when the matter is sensitive and the caller does not want to be identified.

I have taken action to ensure that inquiry staff now volunteer this number when contact is being sought with Members of Parliament.

3. State Information has no access to the 008 inquiry records at Parliament House.

STATE BANK

In reply to **Hon. J.F. STEFANI** (25 August).

The Hon. C.J. SUMNER: The Treasurer has provided the following response:

1. State Bank has had two substantial defamation issues during the period in question, both involving the *Advertiser* newspaper. In addition, the Bank has had occasion to seek retractions or corrections from the *7.30 Report*, ABC Television, and the *Advertiser*.

The Bank is not aware of any threats having been made to members of the public in the period in question.

2. It is difficult to precisely quantify the legal costs incurred in these exercises. In the case of the action against David Hellaby of the *Advertiser*, disclosure is inhibited by a confidentiality agreement. Apart from that action, the costs incurred should have been relatively minor, given the use of the bank's in-house legal team.

3. & 4. The only 'defamation' action settled during the period was the Hellaby action, the details of which are confidential.

SOUTHSTATE INSURANCE PTY LTD

In reply to **Hon. J.F. STEFANI** (17 August).

The Hon. C.J. SUMNER: The Treasurer has provided the following response:

1. Beneficial Finance Corporation Ltd (BFCL) received the benefit of the $1 083 040 distribution in cash and the distribution in specie of $10 079 397. The $10 079 397 was initially lent to BFCL

by Southstate Insurance (SSI) and subsequently was distributed in specie to BFCL.

2. It has been agreed with the Tax Office that the distributions from SSI will be treated as a return of capital upon which BFCL is not liable for tax to the extent they do not exceed amounts paid by BFCL to SSI.

The excess was to be regarded as a dividend. Accordingly $1 259 103 only was treated as an assessable dividend.

3. BFCL has paid the correct amount of tax in relation to both the Singapore jurisdiction and Australian jurisdiction, as agreed by the Australian Tax Office.

4. SSI accepted insurance for a series of three 12 month periods commencing from May 1987 with each period of risk being matched with an insurance premium calculated in accordance with a formula provided within the policy. An insurance loss was triggered upon any of BFCL's customers in New South Wales or New Zealand going into 'liquidation' within 12 months of the premium being paid and producing a loss for BFCL in excess of a stipulated level. No claims were made under the BFCL policies.

BENEFICIAL FINANCE CORPORATION

In reply to **Hon. J.F. STEFANI** (4 August).

The Hon. C.J. SUMNER: The Treasurer has provided the following response:

Casino rules prohibit the encashment of the cheque of any corporation or incorporated body. The Treasurer has been advised that to the best of the Casino's knowledge there has been no breach of this rule.

Specifically, investigations have revealed no circumstances where a Beneficial Finance Limited cheque was received and cashed for gaming purposes.

The Casino has had normal commercial transactions with Beneficial. In the main these have been for motor vehicle leases and resulted in payments from the Casino to Beneficial in amounts totalling approximately $552 000.

As a result of adjustments to leases (generally a disposal of one vehicle and acquisition of another) there have been refunds of overpaid lease payments from Beneficial Finance to the Casino totalling $13 814. This sum covers fourteen separate instances in the period during July 1990 to July 1993. In all circumstances the Beneficial Finance cheques were banked to the Casino's normal operating account and credited to appropriate operating ledger accounts. None were used to provide funds for gaming.

Two other amounts received from Beneficial Finance Limited have been identified:

On 1 February 1988 an amount of $550 was paid by Beneficial to the Casino for the purchase of ten basketball tickets. This was part of a promotion being carried on by the Casino at that time.

On 16 February 1989 a payment of $120 was received from Beneficial Finance Limited in connection with the International Room Membership of Mr J Baker.

The records of individuals with cheque cashing facilities at the Casino have been examined and three persons identified who gave Beneficial Finance Corporation Limited as their employer. The three accounts were established in the first half of 1986 shortly after the Casino opened. One has since been cancelled due to lack of use and another has had very little use. The third has been used quite extensively.

The cheque cashing procedures at the Casino are set out in the Accounting and Internal Policies and Procedures Manual which is subject to the scrutiny of the regulatory authorities.

If the honourable member has any evidence of improper or corrupt practices in the operation of those accounts he should refer that evidence to the appropriate authorities.

GRAFFITI

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister of Transport Development a question about graffiti.

Leave granted.

The Hon. DIANA LAIDLAW: I received a telephone call earlier today after a gentleman had encountered two incidents, the first on train number 2114/2 on Friday, 15 October, and again yesterday, on 18 October, on train number 2112/2. These trains were coming from Gawler through Adelaide to Noarlunga. The trains would have left Gawler about 5.10 p.m. On both occasions the inside of the train was covered in graffiti. One could still smell the fresh paint. The gentleman who spoke to me was very upset because he said there was just nobody on the trains to stop them doing this damage.

On the second occasion, yesterday, rather than there being somebody on the train to stop them, the Transit Squad got on the train to photograph the damage after it had been done, rather than being on the train to prevent the damage being done in the first place.

The gentlemen who contacted me is very upset about this matter. He was hoping that if I could alert the Minister today perhaps when he travels home on the same train this evening—the train from Gawler via Adelaide to Noarlunga—it will not be covered in graffiti because some action may have been taken to ensure that people are rostered onto that train to ensure that these actions are not repeated for the third working day in a row.

The Hon. BARBARA WIESE: I am sure that it will not be necessary for me to draw this matter to the attention of the State Transport Authority, as by now it would be well aware of the situation that the honourable member has outlined if this occurred during the past two days. However, I will make sure that there has been some follow-up. I can indicate in general terms, though, that the STA attempts to remove any graffiti that appears on State Transport Authority property within 12 to 24 hours of its appearing and, by and large, the STA has been successful in meeting that sort of target. Obviously, occasionally that is not possible, but as the honourable member indicates the graffiti to which she refers was still fresh when the person who complained to her got onto this train. As part of the policy that is pursued by the State Transport Authority, I would expect that that graffiti would be removed within 24 hours of its appearing.

I can also indicate that there has been some particular trouble with young people on the Gawler line in recent weeks and that the transit police have been paying particular attention to that line at various times of the day in order to try to deal with the problems that have been emerging there. It is a matter for the police to do as much as they can to detect people who are offending, whether it be graffiti, violence or whatever offence is being committed.

I know that the transit police have been paying special attention to the Gawler line in recent weeks in order to detect and apprehend offenders and to ensure that the State Transport Authority service in that area is safe and secure for our customers. I will refer the matter that the honourable member has raised to the STA, and I certainly hope that it will be possible for this matter to be dealt with very quickly.

STATUTES AMENDMENT (LANDLORD AND TENANT) BILL

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage) obtained and leave and introduced a Bill for an Act to amend the Landlord and Tenant Act 1936 and the Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Act 1990. Read a first time.

The Hon. ANNE LEVY: I move:

That this Bill be now read a second time.

This Bill amends the Landlord and Tenant Act 1936, and the Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Act 1990, so as to retain beyond 22 November 1993, and to vary, existing controls on trading hours covenants in commercial tenancies covered by Part IV of the Landlord and Tenant Act.

Before 22 November 1990, leases for shops and similar premises in groups of six or more could contain trading-hours stipulations, which were commonly related to the legal hours of trading as specified under the Shop Trading Hours Act 1977.

The Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Act 1990 received the assent on 22 November 1990 and came into force at once. It extended normal shop trading hours to 5 pm on Saturday. It also enacted a new section 65 of the Landlord and Tenant Act. This limited the effect of existing trading hours stipulations in commercial tenancies so that they could not be interpreted to include Saturday afternoons. It provided, however, for extensions of compulsory opening into Saturday afternoons for enclosed shopping centres, provided that a two-thirds majority of affected tenants voted for it in respect of their own centre. It established procedures for conducting the vote. This was described as a recognition of the special marketing and operational factors affecting enclosed shopping centres.

Apart from this secret ballot provision for enclosed centres, and the partial protection of existing trading hours stipulations, the new section 65 prohibited trading hours stipulations in commercial tenancy agreements.

The 1990 Act provided that, after three years, the previous version of section 65 would be reinstated in the Act. During parliamentary debate, a commitment was given that the section would be reviewed before the three years had expired to assess what would be the arrangement for the future.

Earlier this year, this review was established. An advertisement was placed inviting submissions, and organisations with a known interest were contacted with a similar invitation. Submissions were also invited on another matter about which representations had been made, namely, the appropriateness of existing mechanisms for balancing the rights of landlords and tenants at the expiry of a lease, but it was made clear before the review was established that any other subjects than section 65 might have to be deferred.

A range of submissions was made, and the submissions were considered, and discussed with those who had made them. After full consideration of all the proposals put forward, the Government has concluded that the appropriate course at this time is simply to provide for an extension of the existing rules on trading hour covenants in commercial tenancy agreements. The Government is of the view that it is not now appropriate to return to the pre-1990 situation of leaving trading hours agreements to the market for all groups of six or more premises.

All parties involved in the review have, however, acknowledged that the situation now is different in one important respect from that which applied when shop trading hours were extended in 1990. The 1990 Act gave the vote only to tenants because the effect of the 1990 trading hours legislation was to vary their commitments. That is no longer the case. Accordingly, provision has been made for the landlord to have a vote in the relevant meetings.

In association with that change, it is also proposed to vary the special majority requirement, and to impose a limit on the frequency with which meetings can be called to consider the compellable trading hours in a particular centre.

The opportunity has also been taken to insert a housekeeping provision to transfer the responsibility for the Commercial Tenancies Fund from the Registrar of the Commercial Tribunal to the Commissioner for Consumer Affairs. This is consistent with the systems of management of all statutory funds in Acts administered by the Minister of Consumer Affairs. It will enable the more efficient investment of money in the fund, which at present amounts to almost $800 000.

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

Leave granted.

Explanation of Clauses

Clause 1: Short title

Clause 1 is formal.

Clause 2: Interpretation

Clause 2 provides for interpretation of references to "the principal Act" in the Bill.

Clause 3: Amendment of s. 65—Hours of business, etc.

Clause 3 amends section 65 of the *Landlord and Tenant Act 1936*. Paragraph *(a)* makes a consequential amendment to the definition of "core trading hours" in section 65(1) of the principal Act. Paragraph *(b)* makes it clear that if a resolution as to core trading hours is passed but is subsequently revoked and no other resolution is passed in its place, core trading hours for that shopping complex will revert to standard trading hours. Paragraph *(c)* replaces subsections (5) and (6) of section 65. New subsection (5) provides—

(a) for the landlord to be entitled to attend a meeting and to have the right to cast a vote—see subsection (5)*(a)* and *(g)*;

(b) that a resolution will be passed by three-quarters of those present at the meeting and voting instead of the present requirement that a resolution be passed by a number of votes equal to or greater than two-thirds of the number of tenancies—see subsection (5)*(h)*.

New subsection (6) provides that an interval of at least three months must separate resolutions as to core trading hours.

Clause 4: Substitution of s. 69 and *Clause 5: Amendment of s. 71—Accounts*

Clauses 4 and 5 make the amendments in relation to the *Commercial Tenancies Fund* already referred to.

Clause 6: Substitution of s. 73a

Clause 6 repeals section 73a of the *Landlord and Tenant Act 1936* and substitutes a new section which incorporates changes to reporting requirements that are consequential on the Commissioner for Consumer Affairs assuming responsibility for the Commercial Tenancies Fund.

Clause: Amendment of s. 2—Commencement

Clause 7 amends section 2 of the *Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Act 1990*. Section 11 of this Act provides a sunset provision for section 65 of the *Landlord and Tenant Act 1936* by repealing it and substituting the previous section 65. Section 2 provides that this will happen at the expiration of three years after the existing section 65 came into operation. The amendment to section 2 extends this period to six years.

Clause: Amendment of s. 11—Substitution of s. 65

Clause 8 replaces subsection (3) of section 11 of the *Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Act 1990*. Subsections (2) and (3) of section 65 of the *Landlord and Tenant Act 1936* make a term of a commercial tenancy agreement that requires the tenant to open outside core trading hours void. Terms of that kind in tenancy agreements in force when section 65 came into operation were preserved by subsection (4) so far as they extended to core trading hours. Subsection (3) of section 11 replaced by this clause was designed to reinstate those terms to their full operation if the sunset provision should take effect. The reason for replacing subsection (3) is to make minor modifications to it to underline the fact that in those circumstances the agreement is only reinstated in respect of the term requiring opening during hours that extend beyond core trading hours and is not reinstated in respect of any other changes that the parties may have agreed to in the meantime.

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

SOUTHERN POWER AND WATER BILL

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That the time for bringing up the report on the Bill be extended until Tuesday 23 November 1993.

Motion carried.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 14 October. Page 609.)

The Hon. K.T. GRIFFIN: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. DIANA LAIDLAW: I want to make a short contribution to the Appropriation Bill. I want to talk about Australia Council funding and funding through the Department of the Arts and Cultural Heritage for the Australian Dance Theatre. I was upset a few weeks ago to learn that the Australian Dance Theatre was to receive through the Australia Council the same level of funding that it received the previous year and that its application for about $35 000 to tour to Europe next year, including Turkey and Germany, had been denied. At the same time, I note that the Australia Council was very generous in its funding to Lee Warren Dancers. In fact, Lee Warren Dancers, which does not have a permanent company base but employ people on a casual basis, had its funding increased by $50 000 for 1994 and will receive a further $22 000 to tour this financial year. In fact, the group left last week for overseas.

In my view, there is no comparison between the companies and I believe that the decisions made by the Australia Council bring into disrepute the council and its judgments and the manner for making such judgments about funding for the arts. There has been plenty of comment about this matter over recent years, but the decisions of the past week with respect to the Australian Dance Theatre will see people becoming increasingly intolerant and vocally so about the Australia Council and the peer assessment method for determining funding, at least for dance. A number of people have stated publicly their objection to what has happened, and I note that Samela Harris in the *Advertiser* on 15 October indicated her belief that the Australia Council had made a massive mistake and that she for one was cross. I also recall a letter that Kay Hannaford wrote to the Editor of the *Advertiser* on 15 July this year. It was a short but very pertinent letter as follows:

Meryl Tankard's Australian Dance Theatre is the most exciting thing to happen in South Australia since the Crows.

I think she has summed up exactly what has happened since Meryl Tankard was appointed as artistic director. In addition, the board decided at that time to change the name of the company to the Meryl Tankard Australian Dance Theatre as a mark of respect for this very fine choreographer and dancer.

Modern dance is perhaps my favourite form of the performing arts. So, I have been a keen follower of the Australian Dance Theatre, the Sydney Dance Company and others that have performed in Adelaide over the years. I stopped attending in the last two years that Lee Warren was artistic director because, like many others in Adelaide, I found that the work was no longer of interest, excitement or stimulation to me. I was not alone in that, and attendances at the Australian Dance Theatre plummeted dramatically in the last two years until the appointment of Meryl Tankard. Meryl Tankard's appointment was not an easy decision for the board, but it was a decision that I fully supported at the time because I think that is what boards are appointed for, to make such tough decisions and to do so with the well-being of the future of the company foremost in mind.

Meryl Tankard has thrilled Adelaide audiences this year. 'Nuti' and 'Kikimora', at the Playhouse and Space, were the first performances that I saw back in March of this year. 'Furioso' in July this year was absolutely sensational, and the friends with whom I went were in raptures about her latest performance, 'Songs of Mara', which we saw during the Barossa Festival. I was not surprised to see Anita Donaldson in her review of 14 October describe the performance as a 'visual delight and a gentle statement', and she goes on to rave about this simple yet powerful and rich performance.

I believe that Meryl Tankard and the Australian Dance Theatre have done wonders for the arts in Adelaide over the past year, in terms of creativity, excellence and excitement. The audience numbers have increased dramatically, and they are paying audiences, not simply attending on freebies. It is that sort of performance in terms of attendances and rave reviews, which also include rave reviews in Sydney when the company recently performed with the Australian Opera, that would, by any simple standard, be one that you would expect a funding body to applaud, celebrate and reward for those fine achievements. Instead, the Australian Dance Theatre, through the Australia Council, has had its funding maintained at last year's level, which was a cut on the previous year, and has had its funds cut for its tours overseas. It is such a company that would do so much for Australia in terms of cultural links with the countries in which it would have performed, had the Australia Council had the imagination, foresight and skill to grant the Meryl Tankard Australian Dance Theatre the money which it thoroughly deserves.

So, I put the Government on notice in terms of the number of people who will be looking at the Government's grants for the Australian Dance Theatre for the 1994 year. The Australian Dance Theatre received a $720 000 allocation for this calendar year, which was down $59 000 on 1992. That cut, plus the cut from the Australia Council, meant that the company, which has 11 dancers, is only able to employ those 11 dancers for 10 months of the year, notwithstanding that dancers, modern or classical, must practise every day. As I say, I put the Minister on notice in terms of the keen interest that I and so many others will be taking in the allocation of State funds to the performing arts and in particular the Australian Dance Theatre for 1994. I would not wish to see that any decision by the peer group assessments in this State reflected the judgments of the Australia Council and as such would bring our peer group assessment system into disrepute, as I have no doubt has happened in the case with the Australia Council.

I briefly want to speak about some of the decisions made recently in relation to funding for the arts. An amount of $50 000 was granted this year for the Barossa Music Festival, which was arranged by John Russell and which has reflected the same outstanding success, qualities and standards that have been present in the Meryl Tankard Australian Dance Theatre performances over the past year. I was delighted to attend a number of performances and look forward to returning next year along with many other people. However, it is a minimal contribution from the Department for the Arts and Cultural Heritage towards such excellence of standard and for the tourism and artistic contribution that that Festival

makes to this State. The department must look at what it is on about and why, what its funding priorities are and whether it wishes to continue to spread its funds wide and support all, or whether it believes it should target those funds more accurately to reflect and encourage excellence and to reward excellence.

If the Minister has time in replying to this debate, could she advise me what has happened to the noble goal of having the WOMAD music festival conducted annually? I have not heard any suggestion that that will be possible for next March or April, but perhaps the Minister can indicate that she has found access to funds or has been able to coordinate a variety of funding bodies to support WOMAD next year and progressively in the future annually, because WOMAD earlier this year was phenomenally successful as a music festival over two days and three evenings.

Recently the Honda Music Fiesta was held, and was most ambitious in its aims. I attended two performances, which I enjoyed tremendously, but the general view I am receiving is that it must become more focused in its efforts in the future; that it must focus on the talents and skills of South Australian musicians; and that it must provide opportunities for South Australian artists to perform and to learn from others and from masters in their field. There are certainly some big gaps in the Festival agenda in Adelaide and some big gaps in the opportunities for younger people to perform and to learn from others in this field, and the Fiesta, either under that name or renamed, has a great opportunity to fill those gaps. I know the board at the moment is reassessing the experiences of the past year and has invited a number of people to comment on the nature of the past festival and the future direction for new festivals, and I wish the board all the best in those deliberations.

I also commend Honda dealers in South Australia for their tremendous support and sponsorship for the Honda Music Fiesta because I know how hard it is to get sponsors for the arts or for any field today, but equally it is wonderful to see a new sponsor come into this field and we must nurture and encourage that sponsor for the future. With those brief remarks about arts funding and general reflections on a number of arts events over the last year and future directions for the arts, I support the second reading of this Bill.

The Hon. BERNICE PFITZNER: It is budget time again, and it seems to me that producing a budget is aimed at getting a perceived end product of surplus. To obtain this surplus and therefore the impression that there has been good housekeeping in this State there appears to be much juggling of figures. For example, we are told that the 1992-93 budget had a surplus of $12.2 million for the last financial year, but there was an actual deficit of $305 million. However, this result was $12 million lower than predicted due to the Government's taking an unbudgeted $22.6 million from the State Bank and spending $54 million less on capital works.

For the budget estimates of 1993-94 we are again informed that a surplus will be achieved on consolidated accounts of $120 million. However, three assumptions have been made and they are: first, departmental net outlays will be reduced by 4.1 per cent in real terms, that is, from $330 million to $323 million; secondly, receipts from State services other than SAFA will increase by 13.6 per cent, which in real terms is from $1 886 million to $2 231 million; and thirdly, the second instalment of $150 million for the State Bank bail-out will be treated as a revenue receipt from the Commonwealth.

The first assumption is possible if redundancy payments are kept separate from the main budget. The contribution of $297 million for the State Bank will not be sustainable with the proposed sale of the State Bank in 1994-95. It is of concern that the Government is extracting $50 million from SGIC, especially since SGIC recorded a loss of $42 million in 1992-93. Further, payments of $50 million into the budget from the State Bank's first bail-out cannot be justified. The second instalment of the State Bank's bail-out was directed as debt and interest payment reduction by the Federal Government. Instead the Federal funding in this area goes to ever-increasing consumption. By manipulation of particular revenue items, the Government has turned a deficit of about $250 million into an amazing surplus of $120 million.

A cynical comment was that this budget was one for an election; not for the State. Land tax is the only taxation increase and buildings valued at greater than $1 million will have to pay an increase from 2.8 per cent to 3.7 per cent. Property owners and tenants in large establishments will be hit hardest. In spite of the fact that this is possibly our election year and therefore the Government will not produce significant tax increases, we must remember that taxes, fees, and fines imposed by the Government have increased from $487 million in 1982-83 to $1 791 million in 1993-94 or a 185 per cent increase in real terms.

Put in another way, the mean *per capita* State taxation has increased from $7.89 per week in 1982-83 to $21.86 in this financial year. I must agree that this increase is tremendous. Looking at State debt, South Australian public sector net indebtedness increased from $7 370 million at 30 June 1992 to $7 869 million at 30 June 1993 (an increase of $496 million). This represents a *per capita* debt of $5 375 and 25.7 per cent of gross State product, whereas in 1989-90 it was 15.2 per cent. Without the State Bank bail-out and the use of SAFA reserves, the debt would have exceeded $8.2 billion at 30 June 1993. It is expected to reach $8 110 million by 30 June 1994.

Other concerns continue with the State Bank recording a loss in the Government Asset Management Division of $287 million, and a fifth bail-out appears inevitable. SGIC continued losses with a $42 million pre-tax loss while SAFA remains the Government's milking cow with a possible contribution to the Government of $345 million. As stated at the beginning, the perceived budget surplus of $120 million is artificial and will result in budgetary problems in later years. However, we do not have to wait for later years as we are experiencing significant difficulties now. We try to save money by slashing the numbers employed but that process is nearing the end of its effectiveness. At best, it is a strategy that can yield only limited benefits in the immediate future; at worst, companies or departments reach a critical stage where their operations are at risk of damage. The September edition of the *Business Review* states, in part:

> Having to sack workers is essentially an admission that the employer has failed to overcome the prevailing economic environment. . . Sackings will not save money but a change in work practices or a change in attitudes will.

Recently, a group of prominent businessmen expressed their deep concern for the future of Australia for its poor and falling economic performance and the threat that this economic downturn poses to community welfare. If we do not change our direction, Australia will be entrapped in a cycle of under achievement. The factors that promote this negative cycle are: low productivity, high foreign debt, low savings and low investment, high infrastructure costs and high

bureaucratic and political impediment to economic activity. The impact of these negative factors causes high unemployment, which we are all feeling so badly, limited resources for welfare, health, education and other needs, and a long-term decline in our standard of living.

We Australians have many worthwhile goals such as a humane society, a sustainable natural environment, cultural development, affordable leisure and a rising material standard of living. However, we must realise that the linkage between these goals and a higher level of economic performance is absolutely critical for us to achieve our maximum potential. The situation could be turned around by observing a set of priorities in an action program, as suggested by these prominent businessmen. Some of their points are, in part:

First, as a community we have lacked a sense of direction in our approach to economic development. We must acknowledge that our relative national strength for the foreseeable future lies in our natural resource endowment. We must commit ourselves to develop our resources in an internationally competitive manner.

Secondly, the existence of three levels of Government in Australia creates overlapping bodies and activities, adds a competitive cost disadvantage and lost time, and inhibits progress in a number of ways. Priority should be given to the clear separation and the clear understanding of the jurisdiction in order to avoid overlaps, duplications, intergovernmental conflicts and delays.

Thirdly, in the past, we have focussed on improving past performance as our standard. In order to be truly competitive this is no longer good enough. Australia will need to perform at the best international standards not just past performance. Further, some of Australia's trade exposed industries are less competitive due to the embodiment of extra costs of non-competitive domestic industries and infrastructure services.

Further, micro-economic reform is urgently required and must be accelerated in these industries, public and private, to achieve relevant international standards. The taxation structure in Australia is not conducive to productive investment. Urgent review is needed of the tax structures to support savings, replace taxation of input such as payroll tax and provide taxation arrangements including those in relation to depreciation that are more supportive of new investments. While efficient infrastructure is crucial for industry to be competitive, investment in infrastructure has declined in recent decades. We must address this problem.

Further, past labour relations have been characterised by conflict and low productivity. At every level employee relations reform should be accelerated to enhance the focus on common goals at the enterprise level. Acceleration of the pursuit of supportive structures for enterprise bargaining is required. There is a trend for development decisions to be increasingly influenced by *ad hoc* political intervention at all levels of Government. New approaches must be found to provide public interest regulation in ways which, while responsive to community needs, are clear and predictable. They must be less vulnerable to short-term policies and the political leverage of highly vocal minority interests. These are some of the points that have been suggested to get Australia back on track.

A worrying phenomenon in this economic downturn is that Australia is experiencing its biggest exodus of talent in 20 years as thousands of professionals quit the country because they cannot find work. My own children, who are fully tertiary trained, will possibly be in this category. As a 22-year-old civil engineer Honours graduate relates, he applied for 100 jobs over a nine-month period and was granted 10 interviews, but is still unemployed.

He will join the growing number of graduates heading off to look for posts in Asia. From statistics, approximately 30 000 people left Australia permanently in 1990 and 1991, and a similar number left 12 months later. The countries of choice in order of priority were New Zealand, Britain, USA and Hong Kong. Among other countries attracting approximately 200 to 800 Australians a year are Canada, Singapore, Italy, Greece, Malta, Germany and Malaysia. From statistics, Britain and the US seem to attract teachers, computer professionals and nurses; aircraft pilots to Malaysia, engineers to Indonesia and accountants and computer experts to Hong Kong.

Of the 60 000 people who left Australia permanently over the past two years, approximately one third were skilled workers whose departure will cost our country dearly. As the September 1993 edition of the *Bulletin* states, and I quote, in part:

> Clever Australians are deserting the clever country. . . Emigration represents a significant loss of skills and experience as well as of Government 'investment' in people—for example, in education and training, health services and the settlement costs of immigrants.

However, to look at the bright side of this phenomenon, one must appreciate that the booming economies of Asia represent the perfect destination for the adventurous, and I venture to say that a significant number of Australians are just that. Professor Hugo of the University of Adelaide writes, and I quote, in part:

> The trend for Australian born in Australia to leave is likely to continue as a result of rising world demand for skilled workers. The rapidly industrialising Asian nations, especially Singapore, Hong Kong and Malaysia are attractive destinations for those with appropriate qualifications.

Professor Hugo sees positive aspects in this exodus, in that highly qualified professionals who find positions overseas can become what he calls 'beachheads' for penetration of overseas markets for Australian skills, Australian goods and Australian services. Emigrants may remit substantial money to Australia or invest foreign currency in Australia. If they return they will bring with them new skills, new language and be imbued with Asian culture. The *Bulletin* magazine questions whether the loss of young unemployed graduates really does represent a brain drain, and I quote:

> I think it is more of a brain drain if they're sitting on their bums here in Australia watching *Days of our Lives*.

But poor economic performance inevitably results in a negative impact on our community services, in particular, health, in which area I am particularly concerned and interested, and especially the areas of mental health and child abuse.

As for mental health, it has been in turmoil over the past three years. We are told that the mentally disabled are better off in the community and that they should be deinstitutionalised. This was duly done and Hillcrest is in imminent danger of closure. There are signs that the mentally disabled are not coping in the community, with Housing Trust homes left in a disgraceful State and the mentally disabled wandering around the streets not knowing what to do or where to go. There does not seem to be a supporting network or an infrastructure to help and guide these individuals.

A letter from the Moore Street Day Centre encapsulates my grave concerns for these mentally and/or intellectually disabled people. The following letter, dated 8 October 1993, from a coordinator in the Moore Street Day Centre in the city

was written to Dr Bowers, who is the South Australian Mental Health Services Chief Executive Officer:

Dear Dr Bowers,

On 24 July 1993, Ron Field died at 52 years of age. He was found in a shed near Glenside Hospital, having choked on his vomit. Ron had been drinking for two and a half days, since leaving Glenside. I believe Ron died as a result of the inadequacies of our mental health system.

Ron had been diagnosed as mentally retarded. He had a very low IQ and he sustained brain damage from alcohol abuse. In all his 52 years Ron had never been able to function independently: he was unable to budget, maintain independent accommodation, plan, solve problems, keep himself clean or control his alcoholism. His mother, who is slightly retarded, has never managed to look after him.

Over the last 25 years of his life Ron had responded well for long periods at a time to structured care in various settings, including medical, church and welfare institutions. However, as there were no authoritative constraints in these settings, more often than not a slight upset would cause Ron to leave, returning to a dangerous, alcoholic street life. Nevertheless, at all these places Ron built up remarkable friendships with a wide range of people. Our community centre was one of these places. In these structured periods of his life Ron showed himself to be generous, affectionate, thoroughly lovable, 'gentlemanly' and willing to care for others.

Finally, several of the friends and professionals in Ron's life combined efforts to have Ron placed under guardianship orders for administrative and accommodation control. All of us were satisfied and grateful to Glenside for the appropriate care given to Ron, enabling him to live to his maximum potential. We all have experienced Ron's provoking behaviour, and at Glenside he was well supervised and responded comparatively well. Again, Ron made strong affectionate bonds with many of the nurses and social workers who worked closely with him.

In the last few months of Ron's life he was put under the supervision of a new doctor, who tried yet again to place Ron in independent accommodation. I spoke to this doctor several times by phone and he seemed to accept the leanings of our experience that independent accommodation for Ron may not be successful: it has been tried many times. To my surprise and consternation, Ron came to our centre on Wednesday 21 July to tell us that all orders had been lifted, he was no longer under Glenside's care and he was on his way to the Public Trustee to withdraw all his money. Our concern was too late. I immediately phoned the Guardianship Board, who also expressed extremely grave fears. I spoke to Ron's doctor, who told me that in part his contract at Glenside was to help clear some of its beds, and that, while he had developed some affection for Ron, he was relieved that if Ron now died from alcohol abuse it was no longer Glenside's legal responsibility.

Needless to say, I was horrified and outraged at such an attitude. The doctor then handed the phone to the nurse in charge who told me that there were many people more deserving and appreciable on whom Glenside would prefer to spend their limited resources.

On Thursday, Ron came back to the centre, drunk again. Again I phoned Glenside, who told me he had been escorted off the hospital premises by the police. On Friday we did not see him. It was that night that Ron was found in the shed and taken to the RAH, where he died. . . On behalf of many people in our South Australian community, not only those who knew Ron, I ask you to use your position to examine the underlying attitudes that contributed to Ron's early death.

That is only just one person who has experienced perhaps the difficulty of living in a deinstitutionalised environment without the supporting infrastructure that should be in place in the community if they are to cope.

I move on to child abuse, which is another area of grave concern. Looking at the statistics of child abuse should cause the community utter depression. We now hear that FACS officers have been reduced in numbers, in particular, social workers and psychologists who work closely with these children. I recently heard of a very senior psychologist who was given a voluntary retirement package. This psychologist is expert in the field of investigating child abuse. The experience and expertise that she had is priceless, yet she was offered the voluntary retirement package which she had no other option but to accept, yet a senior administrative officer at almost double the pay remains on, shuffling paper from X to Y.

The Women's and Children's Hospital Child Protection Service is an excellent service, and the prevention of abuse there is done superbly. In their services, the prevention of abuse is achieved through (1) early identification and confirmation of abuse; (2) effective intervention in abuse situations to ensure that the child is protected within their family whenever possible; (3) assistance to parents and adolescents who have acted abusively and who are willing to take responsibility for their action; (4) amelioration of effects on children which contribute to intergenerational transmission of abuse; (5) advocacy on behalf of children's needs within the child protection system and the wider society; and (6) training and consultation for other professionals and the community regarding child abuse and child protection.

Over the past five years the referrals of women at the Women's and Children's Hospital have increased at the rate of approximately 30 per cent a year. In 1989 there were 474 referrals; in 1990, 658; 1991, 920; 1992, 1 103; and to July 1993 there were 748. These referrals cover all forms of abuse, but predominantly physical abuse, sexual abuse and neglect.

We can see also from these statistics that the children are usually quite young. I seek leave to table a table of statistics on abused children according to age for the year 1992 to the half year 1993.

Leave granted.

The Hon. BERNICE PFITZNER: In this table we will see again that the highest referral rates are for children between the ages of two and five years. The referrals of children under 18 months of age for physical abuse also is slowly creeping up. In 1990 there were 34; in 1991, 38; and in 1992, 70. These young children are at the greatest risk of death, severe injury and long term harmful consequences such as permanent physical damage, intellectual retardation or developmental delay and emotional and psychological problems.

The National Committee on Violence report for 1990 states that the Australian Bureau of Statistics figures in 1987 indicated a homicidal rate of 4.2 per 100 000 of the 0 to 1 year population. It further states that approximately 10 per cent of homicidal victims were children under the age of 10 years, that infants up to one year old comprise the age group at greatest risk of homicide and that the overwhelming majority of these child victims are killed by their parents or other relatives.

So, all these facts and figures are of great concern, and we must try harder to address the aetiology of child abuse. This State's economy has impacted, and will further impact, on the services that provide essential support for these children and their families. I have related only two areas where the Government's poor economic performance has adversely affected the mentally disabled and the children at risk of abuse and, although economics is not an area of my interest, we must all take part and target the achievement of higher levels of economic performance, as it is only by improving our economy that we can obtain welfare services to help those who cannot help themselves. Economy is not the goal but only a means to an end of achieving all of our full potential. So, I support the Appropriation Bill.

The Hon. K.T. GRIFFIN: The budget is quite obviously crafted on the basis of the Government's putting the best perspective it can on the financial affairs of the State in the lead-up to the imminent State election. I think all people in

South Australia recognise that it is imminent, and even the Premier is coming to the view that if he deferred the election decision until after Christmas and held it in 1994 there would be a certain element of counter-productivity in taking that course.

So, the budget was trumpeted as showing a new course for South Australia and attempted to demonstrate that it was competently prepared and offered some promise for the future. However, if one analyses it, one sees that it is clear that it is not a promise for the future, except a future of continuing debt and continuing burdens upon the people of South Australia.

It is clear that the State Bank disaster is still not behind us, and obviously will not be behind us for a number of years, although the Government is trying to create the perception that we now have a profitable State Bank and that it is making a significant contribution to the budget through the payment of an artificial surplus of something like $160 million of capital from the bank, which necessarily will reduce the value of the bank if it is eventually sold off and becomes a privatised entity.

Under the budget the State debt will continue to rise: it is up another $241 million in 1993-94. It is very likely that there will be an increase in the taxpayers' liability in respect of the bad bank as one contemplates a fifth bail out. It is also likely that the debt of the bad bank will increase to something over $3 600 million as the debt is worked out.

One cannot then, when combining the State Bank—the so-called 'good bank' and the 'bad bank'—accept the Treasurer's assertion and the perception that the Government tries to create that we are now on the right road and that the State Bank, even if it does not become the star in the crown of the Labor Administration, certainly will not be the dead weight that it was before the good bank and the bad bank were divided.

However, the fact of the matter is that, although the present slimmed down State Bank is making some profit, there is still the extraordinary debt burden of the losses accumulated at the end of the past decade.

SGIC is no more productive than the State Bank. The Government has had to prop up the losses of the State Bank, the Timber Corporation, Marineland and a whole range of other debacles that all add up to a significant measure of incompetence on the part of this Government, and this budget will not overcome those losses of taxpayers' money and assets.

One of the very sad consequences of the maladministration of this Government is that the family silver has been dissipated, as has the inheritance of our children and grandchildren, and, whilst the prodigal son seeks to return hopefully there is no place for him in South Australia after the election.

In the context of that budget there are several issues upon which I want to remark more specifically. One is the issue of public sector reform, and I acknowledge that the Government is demonstrating some feverish activity in this area, even with the ministerial statement made by the Attorney-General today. We have seen that some consultancies involving almost $750 000 have been let to embark upon a project relating to benchmarking best practice. That is only the consultancy cost: an additional cost will be incurred across government from the involvement of public servants in that particular project, and there are undoubtedly other costs. There are the targeted separation packages—or 'voluntary separation packages' as the Attorney-General referred to them during the Estimates Committees—and other significant cost commitments, as well as some vague cost savings.

During the Estimates Committee related to public sector reform, the Attorney-General was asked about the cost savings that might be anticipated from the public sector reform project, particularly in relation to the establishment of the super departments. After some examination, the Attorney-General said that there had been no conscientious attempt to estimate savings in costs before the super departments were created, although it was estimated that there would be savings in the first year's recurrent budget of the order of $20 million, although Ms Sue Vardon she said that she believed that to be an underestimation of the potential savings arising from the establishment of the new structures.

The savings were essentially in the corporate services and supply functions areas, and they were identified across the whole of government. When the Attorney-General was pressed for some details about savings in each area of Government, he was not able to identify what those savings would be, except to say that the Government was reducing the number of chief executive officers quite significantly. He said that was a start and that that would be a significant saving on its own. Of course, he said that that is just at the top of the process. However, what he did not acknowledge is that many of the chief executive officers who have been displaced are still on particularly high salaries unless their contracts have been terminated, and then there is a cost involved in that.

So, just the mere removal of the number of CEOs does not reduce costs: there is a continuing cost in terms of the salaries and remuneration of those who were chief executive officers but who no longer hold those positions.

Then, when it was pointed out that if one is to embark upon public sector reform and the restructuring of departments one should at least have some idea of what the savings may be to identify whether the significant costs involved in that restructuring are warranted, one of the Attorney-General's officers indicated that those savings would be identified over the next few months from the review activity that was being undertaken by the Government.

Whilst one can appreciate that there may be some savings, there are also costs, such as stationery, reorganising staffing, names of departments and agencies and a whole range of other costs that will be incurred in addition obviously to the consultancies, which are not part of the restructuring process but those to which the Attorney-General referred in his ministerial statement. I refer to other consultancies that may be relied upon in the course of the restructuring of Government agencies.

There is no attempt to identify what potential savings there may be, except to make a global estimate in a way that does not suggest any confidence in the assessments that are being made: they are guesstimates rather than considered estimates. So, there is a concern about the way in which that restructuring process was put in place.

Then, during the Estimates Committees, there were questions about performance standards. The Government did make a point of suggesting that performance standards would be set for chief executive officers. However, when asked about the performance standards for officers, Ms Vardon—who is the Commissioner for Public Employment and who was formerly in charge as the Director of the Office of Pubic Sector Reform—said:

> We are hoping that they will be developed over the next three or four months.

They will be assessed by the Minister and whomever the Minister chooses to assist to see whether or not they are satisfactory.

Later she said:

We are going through an exercise with the CEOs at the moment to work out how they would want to be measured for the success of their agency.

So, in other documents and papers it was clear that the Government had not really addressed the identification of what performance standards ought to be set for Chief Executive Officers or for that matter what performance standards ought to be set by agencies, but rather they were matters that would be developed at sometime in the future. It is my understanding that, whilst performance standards should be agreed to by, for example, the Chief Executive Officers, it is important at least for those who would seek to employ or lead to have some idea of what the performance standards may be.

It is interesting to note that in the ministerial statement by the Attorney-General today there was a reference to most of the new amalgamated agencies having already determined a set of results oriented outcomes, or are in the process of developing them. In that context, it is important that, if those results oriented outcomes have been identified, the Parliament be told what they are, because certainly in the Estimates Committees there was no indication that the Government had a clear idea as to what performance standards should be set, either for the CEOs or for the agencies of Government. If one is to move in the direction of performance orientation, and certainly I agree that that is the proper direction to move in, then at least the Government, which ought to be leading, should have some initial idea as to what those standards should be.

Then we move to the question of determining the key functions and outcomes of new agencies and to make sure they are consistent with Government policy and stakeholders, and to have a statement of purpose and set of agency outcomes that would be agreed to by the Minister and the stakeholders. I have made the point on a previous occasion and I make it again that, in the earliest Ministerial statement by the Attorney-General on public sector reform, he indicated that the task of establishing what were the key functions of Government would be a responsibility given to the Government agencies so that the Government was not in fact setting any leadership objectives but rather saying to Government agencies, 'Look, you have a look at what your key functions ought to be, what the essential functions of Government ought to be, and then as a Government we will have a look at those with you and we will work out whether or not they are consistent with Government policy.' Government policy, I would suggest on this issue, is not well defined. Government policy ought to be clearly defined so the key functions of Governments are well identified in advance and agencies are given the responsibility for perhaps commenting upon them and refining them if necessary but, more particularly, implementing them.

So, that area of public sector reform is somewhat vague, and I have some concern that, because in those areas so-called public sector reform is vague, it will not achieve the objectives which I think good public sector reform ought to achieve. The Government ought to be leading. It ought to be setting the objectives and it ought to be ensuring that those objectives are put into practice. What I fear is that this Government is significantly rudderless and is playing around at the edges.

I want now to turn briefly to the Office of Fair Trading and the Department of Public and Consumer Affairs. I have made some reference previously to the Tilstone report on the Office of Fair Trading. The Minister knows that I have an interest in trying to ensure that there is at least some response on the public record to the issues raised in that report. So far I have been disappointed in the response of the Minister to the recommendations made in that report. The Tilstone report, I should remind members, concluded that there are many deep-rooted problems in the Office of Fair Trading: bad management styles and practices run through all of them. Things are either not done or are done poorly. There are problems with classification disputes; deterioration of performance in residential tenancies; the problem of systems which focused on internal detail but which were devoid of significant outcome targets and indicators; and there was a problem that management was not good at building relationships with staff and business.

The Tilstone report concluded that the Office of Fair Trading has too many layers and too many managers. It is top heavy. The Tilstone report recommended that the Office of Fair Trading:

. . . needed to implement a flatter structure; financial delegations to let managers get on with the job; performance indicators and agreements; an effective two-way appraisal program; a review of major jobs in outcome terms with classifications based on a matrix of acquired skills and competencies, tasks performed and authority devolved to achieve outcome objectives.

The Tilstone report said:

These need to be done immediately, irrespective of what happens in regard to structure.

Then it went on to identify what was meant by outcome objectives. The recommendation in relation to the structure was that:

. . . the structure would provide some advantages that would recognise and respond to the business and service paradoxes; to deal with the separation of powers issue in the commercial tribunal; to take account of the financial issues which arise from the mix of self-funding and community services obligations; to build on experience and the wishes of staff expressed at the review reference group meetings and during the SEP deliberations; to allow for development over the next five years or so; to shed six manager positions and to devolve authority as far down the line as possible, which should lead to better management and communications; to give substantial financial delegations to managers which should increase efficiency.

There are a number of other issues that it referred to. The report is critical of management, critical of overwork, and critical of lack of resources in the residential tenancies area, and I will make some more observations about that when we come to deal with the Residential Tenancies Tribunal Amendment Bill later in this session.

But, overall, there were major concerns expressed that it was outdated, that it did not respond to and reflect its constituency, and that it was top heavy with managers. It made the point that only one of the 22 managers was female, and that was the recently appointed Commercial Registrar.

Then there were various paradoxes, such as the business paradox which the inquiry identified. The business saw the Office of Fair Trading as consumer biased. Business wanted to participate in standards development and implementation, but the Office of Fair Trading saw business's failure to do the right thing and operated to punish it. The current system placed the Office of Fair Trading and business on opposite sides which got in the way of business ownership of the Office of Fair Trading's ideals.

Reference was also made to the decentralisation paradox. The Tilstone report observed that consumers and Office of Fair Trading staff wanted greater regional presence but the department believed it could not afford the move: an increased demand might make the move less affordable. Also, the Office of Fair Trading executive placed a greater priority on maintaining the industry based structure. A variety of other matters were raised in that report. When that issue was raised in the Estimates Committees the Minister of Consumer Affairs said:

> There is a very lengthy summary of all that has occurred. Basically 55 different recommendations were made by the Tilstone report and more than 35 of them have already been implemented, and others certainly are under consideration. Some of them require legislative change, which I am sure honourable members appreciate cannot be achieved overnight.

That is certainly acknowledged: one is not expecting that to happen overnight, but at least one could expect that the course of action which had been taken within the department had been identified publicly. I would ask the Minister, if not in the course of this debate certainly after it, to let me know what initiatives have been taken to meet the recommendations of the Tilstone report. I see that as an important issue because the Office of Fair Trading is largely the window of the department to the community. It is interesting to note that there is an increase in the number of personnel to be put at the work face and that is encouraging because there was criticism that one person in the residential tenancies area was unable to cope with the pressures of switchboard operation, counter inquiries and some Residential Tenancies Tribunal work. That is a major area of concern which will obviously increase as we consider later conferring upon the Residential Tenancies Tribunal all the residential tenancy obligations of the South Australian Housing Trust as it is affected by the Residential Tenancies Act.

There are some criticisms by the Auditor-General of the administration of the Residential Tenancies Fund, but I will not take time to identify those now. There was a concern expressed in the Estimates Committees by Mr Bob Such that the cost of running the operation of the Residential Tenancies Tribunal withdrawn from the Residential Tenancies Fund was about $600 000 in excess of what the fund earnt. I express concern about the extent to which funds are used from that Residential Tenancies Fund for administration purposes when there is insufficient income to meet those costs. Whilst recognising that there are reserves, the fact of the matter is that reserves should be used only in exceptional circumstances.

In relation to the department generally the Auditor-General has concerns about delays in the introduction of computing systems, which are identified in the Auditor-General's Report. It is of major concern that there are those delays although steps appear to have been taken to now put in place procedures by which the computing functions of the department can be significantly upgraded. It is interesting to note that the deficiencies in the operation of the Residential Tenancies Fund resulted in the Auditor-General identifying a misappropriation of funds which subsequently was addressed and resolved.

A number of issues in relation to the operation of the department most probably will be the subject of responses in due course. I recognise the need to get this Bill through this week, but in due course I would hope that I could have some information about particularly the savings that may have been identified from restructuring, where the savings have been made and whether the savings involve a reduction in staffing.

In relation to staffing, some indication was given by the Commissioner for Consumer Affairs that some acting appointments had been made in the office largely because the director's office was still technically occupied and the commissioner was having difficulty having that matter resolved, and in the meantime had appointed acting appointments. The impression one got from the answer by the commissioner in the Estimates Committees was that it was expected that there would be proper procedures followed to fill the vacancies in the office of Director of Fair Trading and the Director of Corporate Services, and in due course it would be appreciated if the Minister could provide me with information about the job specifications for those positions and the way in which they will be filled.

There are some other issues of concern relating to the use of motor vehicles. I would like to have information about the extent to which officers in the department have exclusive use of motor vehicles; the cost of that exclusive use; the officers who have that exclusive use; the benefits such as Flight Deck membership or Golden Wing membership which may be available to officers in the department; which officers have access to those benefits and at what cost to the Government; the extent to which interstate and overseas travel has occurred by officers on departmental business in the last financial year, not so much on each particular occasion but the extent of that travel in relation to which officers; and, in relation to accommodation, whether the lease of the premises from which the department presently operates has now been renewed, or in the light of the super department structures whether that lease is to be terminated. If it is to be terminated I would appreciate some information about the extent to which money has been expended by the department on renovations and refurbishing of the existing premises. If the lease has been renewed that issue may not be of such significance.

I conclude my observations on the budget by repeating that the budget generally is not an impressive exercise of responsibility and does nothing to ensure that South Australia will get back on an even financial keel and that some of the disastrous losses of the Government occurring over the last few years will in the future be redeemed. Certainly there is no strategy in place to ensure that South Australia develops a stable budgetary environment upon which we can build in the future. I support the second reading of the Bill.

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

[Sitting suspended from 5.46 to 7.45 p.m.]

RESIDENTIAL TENANCIES (HOUSING TRUST) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 September. Page 391.)

The Hon. K.T. GRIFFIN: At present, the Residential Tenancies Act does not bind the South Australian Housing Trust. The Bill before us seeks to bring the trust under the Act; however, because of the nature of the Housing Trust as a statutory entity that provides housing to the community, particularly in the low income area, some provisions of the

principal Act will not apply to it. Also, because the Housing Trust provides houses with Government funds, mostly for rental rather than for rental/purchase, there are obvious differences between that and private sector landlords, which are covered at present by the principal Act.

The Government argues that the South Australian Housing Trust under the jurisdiction of the Residential Tenancies Tribunal will make dispute resolution easier and more efficient for both the trust and its tenants. The scheme of the Bill is to allow recourse to the Residential Tenancies Tribunal even where the trust's internal review processes may have commenced or been completed or not even sought. The tribunal is to have the power to decline to hear matters where it believes that a dispute can be resolved by more appropriate means such as internal review. So, some flexibility is provided, and that flexibility is vested in the Residential Tenancies Tribunal.

Because of the nature of the institution, the Housing Trust will not be required to lodge security bonds with the tribunal; instead, the trust will be required to pay a fee whenever it or one of its tenants makes application to the tribunal. The trust will not be bound by the rent increase provisions or the provisions for termination of tenancies. Those provisions specifically provide for notice in writing of a minimum period to be given by landlords to tenants either before termination is to occur or before there is to be an increase in rent.

The trust is to be exempted from the requirement to repair or maintain fixtures and fittings which are deemed by regulation to be non-standard. This also applies, as I understand it, to housing cooperatives. The trust is to choose to repair such items at its discretion. I suppose, because of the nature of the Housing Trust, that is not inappropriate. It provides income at the low income end of the scale in an area which is, in some respects, described as welfare housing, and an obligation on the Housing Trust to maintain at the top end of the scale would undoubtedly place a burden upon the trust and ultimately upon the taxpayer.

That is not to say that Housing Trust tenants should not expect a reasonable level of accommodation from the Housing Trust, kept in a reasonable level of repair and condition. Tenants will not be permitted to assign or sublet their tenancies from the trust, and the trust will be required to give adequate notice of termination in accordance with specific grounds rather than be bound by the minimum period required for private landlords. There is to be a permanent Deputy Presiding Officer to the Residential Tenancies Tribunal in order to facilitate what is likely to be extra work.

I forwarded the Bill to a number of individuals and organisations responsible for the representation of landlords and tenants. The most substantial submission came from the Landlords Association, which offered some general comments. It took the view that the thrust of the Bill seemed to be appropriate. It expressed the concern, however, that an increased workload is likely to be placed on the Residential Tenancies Division of the Office of Fair Trading and that that will mean that already limited resources will be spread even more thinly than they are at the present time and that that may well prejudice the private rental industry.

The Landlords Association also say that it is appropriate in its view that the Bill have various exemptions available to the Housing Trust, and that is going to assist in keeping the workload of the Residential Tenancies Division and, ultimately, the tribunal, at a manageable level. The Landlords Association notes that the fee payable by the trust or the trust tenants for Residential Tenancy Tribunal hearings should fully cover the cost of trust hearings. It makes the point—and it is acknowledged by the Minister in her second reading speech—that private tenant bonds and the income generated therefrom should not be used to subsidise trust hearings.

The Landlords Association seeks to make the Residential Tenancies Tribunal separately account for the cost of trust hearings. Again it repeats that it would not like to see a reduction in services to private landlords due to increased services required to cope with trust tenancies. The association also makes the point that, if the trust is going to be subject to some of the rules that apply to private landlords, this will actually create more problems than those that already exist. It gives some examples such as whether the Residential Tenancies Tribunal will now have to hear minor cases that it might not otherwise have heard. As indicated in the Bill, the tribunal is to have a discretion as to what it should hear if a better form of dispute resolution is available.

Whilst not particularly relevant to this matter, the Landlords Association does refer to a joint submission that was prepared in 1990 by the Landlords Association, the Real Estate Institute, the Consumers Association and the South Australian Council of Social Services. That joint submission did report on the shortcomings of the Residential Tenancies Act. I have a copy of that submission, which is actually entitled 'A draft working party report'. It makes a number of recommendations, and I would be interested to hear from the Minister in reply whether the Government has considered the recommendations and, if so, what decision it has taken on them.

It has also been drawn to my attention that recently there have been some matters before the Residential Tenancies Tribunal particularly in respect of landlords who have been found not to have given adequate notice of an increase in rent. There have been a couple of cases, of which one at least has gone to the Supreme Court, where a landlord has agreed with the tenant to increase the rent, there has been no evidence in writing and the tenant has paid the increased rent over some time. The tribunal has found a technical problem with that and the landlord has had to refund the amount of rent which has been overpaid.

The Minister has referred to this on a previous occasion and also in correspondence. I accept that, if there is a technical problem with the legislation which will not allow some waiver of the failure to give adequate notice, even though the tenant has kept up the payments of the increased rent, consideration needs to be given to an amendment of the legislation.

Apparently there is no flexibility, and that can create hardship more for landlords than for tenants in this instance. It might be argued that strictly the notice in writing was not given, but in law there is the doctrine of part performance: if a party partly performs an arrangement, even though it is not evidenced in writing, that part performance is deemed to be binding upon both parties. I should have thought that, where landlords and tenants have agreed, even verbally, to an increase in rent, there has been no complaint about that increase and there has been compliance by the tenant with the agreement, the technical defect should not be regarded as the basis for requiring refunds over such a long period of time.

I have considered proposing amendments to that effect while the Bill is before us, but I take the view this is largely unrelated to the issue before us. In any event, if we are to consider amendments of that nature, other aspects of the Bill need to be reviewed to ensure that there is equity between

landlords and tenants—that landlords are not unduly prejudiced by the technical provisions of the legislation and that tenants are not unfairly treated. My experience is that in the majority of cases relationships between landlords and tenants are generally amiable. Of course, there are the exceptions and that is what the legislation seeks to address, namely, situations where landlords and tenants cannot agree or the landlord acts with disregard for the equity of the situation or, alternatively, the tenant is offensive and undesirable. The anecdotal evidence from landlords is that in more cases than not tenants are more favourably treated and considered even though there are extremes of behaviour on the part of tenants in relation to the care of premises and their failure to pay rent.

A number of issues need to be addressed in respect of the operation of the Bill. I can indicate that in government the Liberal Party would not let those matters languish; it would consider them in the hope that, if there is a more acceptable and equitable mechanism to be provided in the legislation, it can be considered by the Parliament.

So I repeat what I asked earlier by way of conclusion in respect of that particular matter: whilst a number of the recommendations in the draft working party report were not unanimous, a number of changes were proposed 3½ years ago or thereabouts, and it would be helpful to have some information from the Minister as to what presently the Government has in mind with respect to both the Residential Tenancies Act and, in particular, that working party.

The second reading explanation refers to the fact that the involvement of the Housing Trust in the system is proposed to be cost neutral. The Minister will note that I have on file an amendment which seeks to put that issue beyond doubt, so it is an issue that will be considered in Committee. I therefore indicate that the Liberal Party is generally in agreement with the proposal to make the Housing Trust subject to the operation of the Residential Tenancies Act and will raise some other issues in relation to that in Committee.

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

SOUTH AUSTRALIAN FILM CORPORATION (ADMINISTRATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 October. Page 464.)

The Hon. DIANA LAIDLAW: The Liberal Party supports the second reading of this Bill and it is keen to see it proceed swiftly through this place and the other place so that the proposed changes can be introduced as soon as possible. One reason for that is that we do see the film industry as a most important industry in this State not only for the artistic and creative input that it can have but for the multiplier effect. The Minister released a report on this matter earlier in the year following a study by the South Australian Centre for Economic Studies, which indicated that the film industry has a multiplier effect of 1.7, which is higher, I understand, than many of our traditional industries in this State that receive a great deal more acclaim and are seen to have more clout than this industry. So we support the industry from an economic and creative perspective, and we are keen to contribute to the rebuilding and strengthening of the film industry in the future.

The Bill arises from the recommendations of a committee chaired by Ms Jo Caust, an officer in the Department for the Arts and Cultural Heritage. She was assisted in reaching her recommendations by a number of other people who have considerable experience in the economic field and the film industry.

The committee, which was set up in July this year, reviewed the major part of its role, which was the future structure of the industry, within record time. It had other references that have not immediately been released at this stage relating to the future fate of the film and video centre, about which I would like to make further inquiries of the Minister in either summing up the second reading debate or in Committee.

The Caust committee was the fifth review of the film industry in this State in five years. It followed the decision by former Managing Director, Ms Valerie Hardy, to return to Sydney after two years involvement with the Film Corporation in this State. I was sad to see her go, although I understand that some reassessment of her role is being undertaken at this stage.

That reassessment, which I have learnt more about in recent times, may well have been the reason why there was some speculation at the time that the Minister and the department were not keen for that contract to be extended to a third year. That is a matter for discussion and consideration at a later stage. This Caust report follows findings by the Kelly committee, the fourth committee that looked at the film industry in South Australia. The Kelly committee was also established by the Minister, and its report was released in mid-1993. The report found that the industry is at a crossroad. That assessment is hardly surprising when one looks at the large number of reviews that have been undertaken of the film industry and the Film Corporation over five years.

Those reviews were rarely acted upon by the Government or the Minister of the day. That factor is something that this Government will have to live with because that has led to a very sick and sorry state in the film industry in this State and led the Kelly report to conclude that the industry was at a crossroad. The Minister may wish to make some further comment on this during her second reading reply, but I would quite willingly accuse the Government of ineptitude in the management of this film industry, an industry which is so important in a creative and economic sense. That view and that accusation is widely held within the film industry in this State.

One has only to refer back to the Milliken report of 1988—the first of this saga of five reports over five years—and look at the options and recommendations that Sue Milliken made for the industry at that time. One recommendation was the amalgamation of the operations of the Film Corporation and the South Australian Film Industry Advisory Committee, which later became SAFIAC and then in turn Film South. That same recommendation was made by the Caust committee and is the one that the Government accepted five years later. Much could have been done in that five years if the Government had seen fit to act on the Milliken report and that recommendation five years earlier.

More drama has hit the film industry, and the Film Corporation in particular, over those five years. In addition to the number of reviews and the Government's failure to act on those reviews, we also learnt about the financial horrors of the *Ultraman* saga and the resignation of the then Managing Director, Mr Richard Watson.

A further report, from KPMG Peat Marwick, was followed by a new managing director and wholesale staff cuts. I know the bitterness about the manner in which Mr Mark Rowan

was asked to leave the Film Corporation and given a few hours notice. Sadly his departure was soon followed by that of Mr Jim Curry, which left the Film Corporation in a very poor state in terms of the one thing that it extremely well at the time, that is, sound mixing and post-production work. Certainly, at that time the Film Corporation was producing little to give that body or the film industry in general any enthusiasm or to bring it any credit.

So, the loss of those two gentlemen and the manner in which they departed left an ugly feeling within the corporation and reinforced the low morale in the place. One of Valerie Hardy's great strengths was bringing independent producers into the studio facilities and mending fences between the independent film producers and the Film Corporation. I am well aware of those deep-seated problems: they were discussed *ad nauseam* when I worked as ministerial assistant for the Hon. Murray Hill when he was Minister for the Arts between 1979 and 1982. I commend Valerie Hardy for her success in that regard.

Yesterday I visited the Film Corporation premises with Mr John Olsen, the member for Kavel, and it was fantastic to see the number of independent producers working there. I enjoyed meeting them and discussing their latest projects. It was a pleasure also to note the work that has been done by Mr Gil Brealey in recent months to fill a management gap within the corporation; he has been an asset to the corporation over these troubled times.

As I indicated earlier, during his appointment the Government set up the Caust committee, which recommended that the Film Corporation cease production in its own right unless there were very special circumstances. It recommended that all future development programs be amalgamated under the umbrella of the South Australian Film Corporation; that the SA Film Corporation Board be increased in size from six to 10; that the Film Industry Location Fund be established to promote South Australia as a site for the production of films; and that the CEO/Managing Director report to the South Australian Film Corporation Board and not the Minister—and that provision has been remarked upon by a number of people reviewing the Film Corporation but until this time it has not been acted upon.

The board also reflected upon the conflict of interest provisions for board members. All those matters are addressed in the Bill before us, and the Opposition supports the recommendations and the initiatives that have been taken by the Government.

A number of matters are still to be resolved. The Government has established the Film Location Fund and has undertaken to provide generous support for that initiative. However, it will be critical for the success of that fund in attracting producers' interest in filming in South Australia that we have an up-to-date and preferably state of the art sound mixing and post-production facility. One of the producers to whom we spoke yesterday was quite candid in his assessment that the equipment is being held together by bandaids at the present time. It is on its last legs, and he would be unable to recommend it for anything other than minor projects. The work that he—

The Hon. Anne Levy: That's loyalty for you. Quite complicated things are being done with that equipment, even though it may be old equipment. It is real loyalty to recommend to someone not to use it.

The Hon. DIANA LAIDLAW: For the scale of films that independent producers are winning at present, together with the complications within sound track and other procedures, the equipment cannot be used for that purpose.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Yes, but that is a very low budget film. They are winning far higher budget productions at present and the equipment is just not acceptable for that purpose. The Minister may like to speak, as I did yesterday, to producers down there and they would all reinforce my statements. Mr Brealey showed me equipment still in use which he purchased back in the 1970s when the Film Corporation was first established. Even with this place being behind the times as Parliament House so often is, at least we have new computing equipment and other things. We realise that times have changed and things are advancing, and certainly they are in the television field in terms of technologies that are used. Digital equipment is what is required today and it is something that will be most urgent if this generous funding that the Government has provided for encouraging producers to look at South Australia as a location is going to be realised. The producers want and need better equipment than is there at present.

This matter of the equipment is being assessed as part of the business plan that the new board appointed by the Minister will be undertaking in the next couple of months. The outcome of that, as I say, will be critical for rebuilding the film industry in this State. It will also be critical for securing the value of expenditure under this film industry location fund. There is also the other matter of the review of the operations of the Film and Video Centre, with the report being undertaken by a consultant, Miss Elizabeth Connor. As the report to the Minister was due by 26 September, I would be interested to know if the Minister has received that report and when she proposes to release it. If she has not yet received it, I would be interested to learn what are the reasons for the delay.

Finally, I commend the Minister on the board appointments that she has made. Six have been confirmed to their positions and a further four have been appointed as observers pending the passage of this Bill which will increase the size of the board to 10. I would like to know what the Minister's intentions are, or if she can confirm what the board's intentions are regarding the appointment of the new CEO. It was suggested to me yesterday that there is some enthusiasm for making this appointment in the next couple of weeks. There have been a number of very good applicants, all of whom would serve the challenging role of the new corporation well.

I am concerned, however, that if, as speculated, in the next few days the Government announces an election date, this appointment may go ahead. I would not want it suggested therefore that the Liberal Party would not wish to give credit to the person appointed by the new board but I would indicate that these interviews are going ahead by a newly appointed board, of which there are only six members. This Bill proposes that there be 10 members. We are pushing forward with this Bill. I think it is important that the procedures are respected in terms of the proclamation of this Bill and that the new director has the confidence of all 10 board members. It is also important that there would be time for that director to meet and understand the aspirations of the independent film sector in this State, although I suspect that that would be one matter that those assessing the applicants would take into account.

I am also very conscious that, during an election period, it is traditional for such important appointments not to be

made and I would ask the Minister, as I suspect this Bill will not be proclaimed for at least a few days, why it would be necessary to make this appointment of CEO during a period of an election campaign. I ask for that matter to be reconsidered by the Minister and the board.

On that note, I am pleased that the Government has accepted the recommendations of the Caust report. It has been an agonising effort for this Government to reach this stage. As I indicated, the first—Milliken—report in 1988 essentially came up with the same recommendations as this final report. A lot of advantage, good will and talent has been lost from South Australia during those five years of indecision and I would suggest agony for the film industry in this State. However, I do not want to dwell on all those matters this evening. I have canvassed them many times in this Parliament in the past. I wish the new board well and look forward to working closely with the film industry and the new board in the future.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I welcome the support of the honourable member for the second reading of this Bill and, I presume, for the individual clauses, as there are no amendments on file. She has raised a number of matters wanting my response which I hope to be able to give her now. She complained bitterly that there have been a number of reports which have not been implemented. This I would most vigorously deny. With the exception of one recommendation in the Milliken report back in 1988, all the reports which have been obtained have been implemented. As to the one recommendation from the Milliken report which was not implemented at that time—and I point out this was long before I became the Minister—there was considerable discussion about that recommendation. It was felt that for the Film Corporation to cease its role as a film producer at that time would have been disastrous for the film industry as a whole, as the independent sector was then very small and weak and would not have been able to generate sufficient activity to maintain an industry in this State, and there would have been a leaking away of the trained people from this State who are necessary for a film industry to survive.

With that exception, all recommendations of all reports have been implemented. The Hon. Ms Laidlaw then complained bitterly because the Peat Marwick report was implemented, the key recommendations of which involved downsizing of the staff of the Film Corporation. She is now objecting to that having occurred, which seems slightly contradictory. I can also remind the honourable member that, when Ms Hardy decided not to renew her contract in June this year, there was no opposition on the part of the Government to renewal of her contract for 12 months, but there was a strong feeling that her contract should not be renewed for two years because a review of the Film Corporation had been promised for April of next year, announced as such long ago, and the Government felt that it would be inappropriate in those circumstances to reappoint Ms Hardy for more than one year.

And the Hon. Ms Laidlaw roundly abused me in this place for not agreeing to reappoint Ms Hardy for a two year period: quite contrary to what she is saying now. Perhaps her memory is short, but I can assure her that mine is not and that an examination of *Hansard* will indicate that I am right. The honourable member also spoke of the review of the facilities at Hendon, something that the new board will undertake as a matter of urgency. I am not announcing anything new in saying that. I agree that much of the equipment is not as young as it used to be, but I would insist that that does not mean that all of it is unusable, unworkable or that very good films have not been made with it.

Certainly, *Bubby*, the recent winner at the Venice Film Festival, was made at Hendon in those studios with that equipment and is obviously a world class film, winning acclaim in all parts of the globe. So, whilst the equipment may not be as modern as many people might wish, it is true that remarkable films are being achieved with it. In response to a comment, the honourable member indicated that *Bubby* did not count because that was a low budget film. The Caust report and others have all suggested that South Australia should not be aiming to have facilities to produce blockbusters; that we should be aiming for the small and medium size budget films; that this is a niche that South Australia can attract and this is the market we should be aiming for.

Obviously the facilities necessary for filling this niche in the market are not the same as those required for Hollywood blockbuster-type films which exist in other places. I do not in any way want to prejudge the result of the review of the equipment. I will be very interested to receive it when it is available, but at this stage that work certainly has not been finished. The honourable member also asked for information on the report on the film and video centre which is being undertaken. I have not received that report. I understand that Ms Connor only recently completed her part of the report and that the committee to which she was reporting now has the job of pulling the matter together and writing its report.

I am unable to say why Ms Connor has taken longer to complete her report than was originally envisaged, but it may well be that the task turned out to be more extensive than she had originally thought. When one starts a piece of work it is not uncommon to find that it is more challenging than one expected. Certainly, I expect that it will be another two or three weeks before the report reaches me, and I certainly look forward to receiving it. I do not know whether the report will contain any recommendations for changes, but it is envisaged that any possible changes would operate from 1 January and not prior to that time, so that a period is allowed for adjustment.

The honourable member's question about the appointment of the new CEO concerns me. I would have agreed with her comments about the appointment of a major position such as this in an election period, should we be in an election period, if the CEO were to be appointed by the Government. The tradition certainly is that once the writs are issued the Government does not undertake any major appointments. However, it is obvious from the Bill before us that any appointment of the CEO is not to be made by Government. Although that is in the Act as it currently stands—and I would agree with her comment if that Act were still in operation—the Bill before us changes the relationship of the managing director to the Government in that the managing director will quite clearly be appointed by the corporation and be responsible to the corporation and there will be no Government involvement at all in that appointment.

If this Bill passes into law, I see no reason whatsoever why an appointment could not be made (even if we are in an election period) because it will not be a Government appointment. I am certainly keen to have this Bill become an Act in the shortest possible time so that the board, as indicated in my announcement of about 10 days ago, can achieve its full strength. This new board, which is to take the Film Corpora-

tion in its new direction, needs to have 10 members, but under the current Act only six were able to be appointed.

At the first meeting of the board, which took place a few days ago, the other members who have been foreshadowed could be present only as observers without being able to take up their position as members of the board. However, once this Bill becomes an Act, those people will become full members of the board and then will be able to take part, as indeed they should take part—and I agree fully with the Hon. Ms Laidlaw in this—in the appointment of the new CEO. It is for that reason that I am trying to get this Bill through the Parliament in a minimum amount of time so that these four individuals can become full members of the board, and can take part in the selection of the new CEO, as I feel it would be detrimental to the film industry in this State for there to be any unnecessary delay in the choice of the new CEO.

There will be a great deal of work for the new managing director, so it is certainly critical that the appointee is the best person available for this position and that there is a minimum period before he or she takes up the appointment. I, too, have been informed that there are some strong applicants for the position. I understand that interviews will be continuing next week and that perhaps the board will be in a position in the following week to make a decision; it may take longer than that, but certainly it is not many weeks away before the new CEO is appointed. Certainly, I am glad to hear of the strong field of applicants, as I am sure this will be to the benefit of the corporation and the film industry in this State.

In saying this I do not wish in any way to detract from the remarkable job and incredible effort put in at present at the corporation by the acting Managing Director, Mr Gil Brearley, who has been an absolute tower of strength and who has steadied the perhaps wild ways of some of the inhabitants at the Hendon studios. He has put the corporation on an even keel and has dealt most competently and quickly with the numerous problems that have arisen. I feel a great debt of gratitude to him for having agreed to step in and be the acting Managing Director in this period of great change.

I thank him also for agreeing to stay on at the corporation until the new CEO is able to take up his position so that there will not be any hiatus between Mr Brearley and whoever becomes the new CEO. Mr Brearley will be with us in Adelaide for a longer period than he originally intended, but I believe this is much to the benefit of the corporation and the film industry in this State, and I certainly wish to place on record my gratitude to him for what he is doing and has achieved since he took over a few months ago. In general, I welcome the support of the Opposition for this Bill. It does mark a watershed, and it is a new beginning. The implementation of the Caust report will lead to a vibrant and creative film industry that will take us into the twenty-first century.

I intended to detail many of the achievements and high spots of the history of the Film Corporation, but I will not take up the time of the Council in so doing, as it has been very well documented. I certainly hope that more people would acquaint themselves with the very proud history of the Film Corporation, and I am sure we all wish it an equally proud future in its new role.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. DIANA LAIDLAW: The Minister indicated during her reply to the debate that she was keen for this Act to be proclaimed quickly. When would she aim to do so? I know that Executive Council meets on Thursdays, but I suspect that it would not be done that quickly. However, what is her plan, acknowledging her later statements that she would wish all the boards to be involved in the appointment of the new CEO? Notwithstanding this new arrangement, within the heat of an election environment and all the rest, and without full knowledge of all policies, I do not think the appointment of a CEO is necessarily a wise decision for a board to make. I would indicate and place on record that Liberal Party policy in this matter, which has been confirmed by my colleagues before the release of the green report (as it has become known), or the Caust report, reflects the recommendations of that report.

The Hon. ANNE LEVY: I cannot give the actual date; I can only assure the honourable member that the Bill will become an Act as rapidly as possible. I should point out that, although currently there are three people who have been designated as future members of the board but who currently can only be observers, they have attended in their capacity as observers the one meeting which was held and, while they were not able to vote—as I understand it, votes were not taken—they certainly participated fully in the discussions which occurred at that meeting, which is what I would have expected. So, they are not being excluded from the deliberations of the board prior to the passing of this legislation; they are certainly participating, even though their official status is that of observer rather than member. I certainly would like to see the Act come into operation as soon as possible so that their participation can be as full members.

The Hon. DIANA LAIDLAW: I suspect that the Act requires some regulations. Is that one of the reasons for the hold-up or is it the appointment of the tenth person?

The Hon. ANNE LEVY: The regulations already exist under the South Australian Film Corporation Act. Clause 11 of this Bill amends the regulations. No extra regulations will be required. A change in regulation can be made under the parent Act and need not depend on the Bill before us. Regarding the appointment of the tenth person, I am awaiting a recommendation from the Economic Development Board. It was felt desirable that there be a representative from the Economic Development Board on the board of the Film Corporation. I have requested the Economic Development Board to recommend a name to me, but I have not yet received a response. However, this Act does not say that there must be 10 persons but that there can be up to 10. Once the Bill becomes an Act, the three people who are waiting can become full members, and the person recommended by the EDB can be appointed when the name is received from that body, but I have no control over when that will be.

Clause passed.

Clause 3—'Interpretation.'

The Hon. DIANA LAIDLAW: The KPMG Peat Marwick report dated December 1990 recommended that section 17 of the Act, which provides that the managing director is subject to the control and directions of the Minister, be repealed. Why has that recommendation not been acted upon since December 1990, and why did it take the Kelly report and then the Caust report over the space of three years for this amendment to be moved to change the relationship between the Minister, the managing director, and now the CEO and the board?

The Hon. ANNE LEVY: There are two reasons: first, getting legislation before this Council is not always as rapid as one would like it to be; and, secondly, a great deal of discussion arose from that recommendation, with a number

of the people who were involved not necessarily agreeing with the Peat Marwick recommendation in that regard. I felt it desirable that there be full and frank discussion about it rather than try to steamroll something through against the wishes of a number of people. I appreciated the validity of the recommendation in the Peat Marwick report as soon as it was presented to me. It is, of course, one of the matters which forms part of this Bill. It seemed opportune to implement that at the same time as the board was being enlarged and also to use the opportunity to detail responsibilities of members of the board in a manner which has become common in statutory authorities but which was not at the time the original Act was established.

Clause passed.

Clause 4—'Establishment of the corporation.'

The Hon. DIANA LAIDLAW: Why has the Minister decided to appoint 10 members and not the minimum of eight members that she would be entitled to appoint under this provision? If the Minister does not have the information at this stage, can she advise the terms of appointment for those who have been appointed to date or for those whom she aims to appoint in the near future following the passage of this Act?

The Hon. ANNE LEVY: I do not have with me the exact details of the terms of appointment, but I certainly would be happy to look them up. However, it follows the procedure which has always been followed for specific terms of two or three years, and the same will be followed for those who are currently observers. The intention of appointing 10 people is to ensure that there is a wide range of members of the board who will cover a very extensive range of experience and who will bring considerable skills which we feel will be of value to the board. I was keen to see that there were people with financial expertise, business capabilities, knowledge of the South Australian film industry, experience of the film industry in other States, experience in the legal side of film work and experience in the marketing and distribution side of film work.

Certainly, there needed to be someone who was associated with the creative development side of the work or what might be called 'film culture,' which is a very important part of the film scene in the State—it is where many film producers start initially—which is at grass roots level and which must be carefully nurtured. It was also highly desirable to have someone with industrial relations skills and with what might be called a broad interest and experience as a community person—with a deep knowledge of the film industry but from the other side of the camera to that of many others who are involved in the board. To achieve this balanced board, with a wide range of skills and experience, each of which will be extremely valuable to the operations of the corporation, I felt it desirable to appoint 10 people so that the best possible breadth and balance could be with the new board right from the word 'go'.

The Hon. DIANA LAIDLAW: Will the members of the board, as a whole or in part, be responsible for assessing the applications for funds that were made and assessed by Film South, and how will that work be undertaken in future?

The Hon. ANNE LEVY: It is not for me to say: that is a matter for the new board. It has been given the responsibility of running the Film Corporation. I would expect that the board would feel it desirable to have a number of committees reporting to it and that these committees should cover a number of different areas.

It may be felt desirable to have one committee covering most or all of the area which has been covered by Film South or it may prefer to divide it up and have a committee on training and development and another committee on script development and investment. Obviously this could be organised in many different ways. From conversations that I have had, it would seem likely that the board will establish a number of committees to make recommendations, and those committees may involve people not on the board as well as representatives from the board. I repeat, this is a matter for the board of the Film Corporation to decide, not for me or for the Government. Obviously, it will be one of its fairly urgent tasks, though I imagine it is now finding many of its tasks to be extremely urgent.

The Hon. DIANA LAIDLAW: Will the conduct of the Film Location Fund also be determined by the board or can that be a matter for recommendations by a subcommittee of the board? Would the Minister or others have some involvement as the Government requires with advertising? I understand that all advertising has to go through Young & Rubicam. How is the Film Location Fund to operate?

The Hon. ANNE LEVY: I understand that at this stage it has not been worked out how the resources of the Film Location Fund would best be spent. It is not necessarily done by putting adverts in papers. It may involve the production of film and video material, brochures, pamphlets, kits—a whole range of things—which can be distributed to a variety of places in a number of different ways. That will certainly be the responsibility of the board. Likewise, and probably of equal, if not greater, importance, as regards the Film Production Investment Fund, the board will determine which applications it feels it is worth investing in. I repeat, it may wish to set up committees to advise on this and other matters, though the final responsibility will lie with the board.

It is certainly not a matter in which the Government or the Minister will have any role. The Film Corporation is a statutory authority and its role and functions are set down in the Act. While it is possible for the Minister to give directions, I think it most unlikely that the Minister would give directions relating to details of investment in productions, because that is a matter more properly to be dealt with by the board which has been established to run the corporation.

The Hon. DIANA LAIDLAW: I have a final question on the role of the board. During the Estimates Committees questions were asked about the arrangements that had been negotiated by the former board when Miss Valerie Hardy decided not to continue her contract. I have been advised that these arrangements may include rights for her to be involved in future productions.

The former Chairman, Mr Hedley Bachmann, indicated that those arrangements were still subject to negotiation. If they had not been negotiated by the time their term was terminated, is this a matter that is the ongoing responsibility for the new board and are they bound by any discussions that were undertaken by earlier boards? The matter of rights to films, which is quite a controversial matter within the film industry here, may not be part of the future obligations of the new board.

I ask that question, too, because I note from the Minister's press release, when she announced that she would be accepting the recommendations of the Caust or Green report, that there would be an opportunity for the Film Corporation to do certain films under certain conditions, and I and others have wondered if this was a sort of grandfather or escape clause to provide for those films that may have been negoti-

ated as part of the termination arrangements with Miss Valerie Hardy.

The Hon. ANNE LEVY: At the time when Miss Hardy moved interstate a number of productions were obviously in various stages of development, and one of the tasks which Mr Brealey has been undertaking is the evaluation of these and making a recommendation to the board as to what should happen to them: whether they should just be written off, whether there should be further work done on them, whether different producers should be sought, what financial arrangements should be made, and so on. As far as I am aware, negotiations and discussions are still going on in relation to a number of these projects, and the escape clause, so called, was included so that the Minister would be able to permit the Film Corporation actually to act as a producer where it was felt desirable that things had reached a certain stage of development or a certain stage of financing and alternative arrangements were not feasible or possible, so that that exception could be allowed for.

Certainly, to date, while there have been suggestions that exceptions might be sought for one or two productions, I have not formally given approval for such an exception, because things have not been fully worked out at this stage.

With regard to any arrangements made with Miss Hardy or with other film groups around the world, the Film Corporation still exists as an entity: there has been no change in its standing as a legal entity. So, quite obviously, any legal obligations which had been entered into prior to the new board are still legal obligations of the Film Corporation. We have not set up a new organisation: it is still the South Australian Film Corporation. The membership of the board may be considerably changed, but obviously there is continuity between the two boards, which I am sure the honourable member would agree is highly desirable. However, this in no way wipes the slate of any legal obligation, contracts or any commitments which the previous board had given. There is no change in the legal situation, although, of course, the new board, if it has different views, can always negotiate with people to see whether different arrangements can be made, because I am sure the honourable member realises that these delicate negotiations go on all the time in the film industry.

The Hon. DIANA LAIDLAW: I do not wish to pursue this matter further, but if the Minister has received advice as to projects that have been written off or recommendations for further work I would appreciate receiving such advice, although I understand that all the work has not been completed on these matters.

I have no further questions so, in terms of summing up, I would like to endorse the remarks the Minister made earlier about the South Australian Film Corporation's proud history and the wonderful productions, particularly in the earlier years, that have brought great joy and pride to South Australians. It is a sad day, in many respects, that the Film Corporation cannot continue in that role. I indicated why that was so in my second reading speech and I will not dwell on them now.

I would like to thank the many people with whom I have been associated in the Film Corporation during those heady production years. I remember Peter Weir, Bruce Beresford, Matt Carroll, John Morris and many others; they were great times and I enjoyed working so closely with the Film Corporation between 1979 and 1982.

I have enjoyed many hours of pleasure watching *Storm Boy*, *Breaker Morant* and a range of other films. These films are still treasures for us and future generations to enjoy because they are timeless films. I wish the new board and all involved with Film all the best for the future.

Clause passed.

Remaining clauses (5 to 12) and title passed.

Bill read a third time and passed.

LAND TAX (RATES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 October. Page 611.)

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

CHILDREN'S PROTECTION BILL

Adjourned debate on second reading.

(Continued from 13 October. Page 569.)

The Hon. K.T. GRIFFIN: The Opposition supports the second reading of this Bill, which has generated a considerable amount of debate. There are some who have put to the Liberal Party that rather than this Bill's proceeding we should just allow as much of the package of three Bills to pass as would be necessary to allow the young offenders component of the package to be brought into operation on 1 January 1994, and then deal with the child protection aspect later. There are others who argue that although there are some defects in this Bill we ought to endeavour to work our way through it, deal with whatever amendments may be proposed—and there will be some from the Opposition—and then endeavour to resolve it as soon as possible. That is the course that the Liberal Opposition has decided it will follow.

However, in following that course of action I want to indicate quite clearly that, whatever the outcome of the consideration of this Bill, in Government the Liberal Party will conscientiously and diligently review the result of the deliberations of the Parliament and the operation of the Bill, because we are concerned to ensure that children's protection legislation is appropriate, that it works well and that it recognises the paramountcy of the interests of the child, as well as ensuring that bureaucrats do not take over the running of the whole scheme of the legislation without being sensitive to the place of the child in the family.

During the Committee stage I will be moving a number of amendments. I do not intend to identify all of them now, but it is important to recognise that since the Bill was considered in the House of Assembly the Liberal Party has received submissions from a number of bodies about aspects of the Bill. They are matters that we will further consider. In particular, we have received submissions from the Child Protection Coalition and the Flinders University of South Australia, as well as Action for Children. Other contacts have also been made with us.

I want to touch briefly on several issues in respect of the Bill, recognising that there will be an opportunity for debating some of them in more depth in Committee. Committee consideration will probably be tomorrow because the Government has indicated it would like to have this Bill and other Bills which accompany it through before the end of the week in the event that there may be an election called and there is no further opportunity for Parliament to consider them. This is one of about five or six Bills that the Government is seeking to have dealt with this week on that basis.

One must at least have the scent of an election in one's nostrils.

The first issue, which is the most important aspect of the debate, is the paramountcy of the interests of the child. There was a lot of debate on this issue in the House of Assembly. The Liberal Party sought to move an amendment which made it quite clear that the interests of the child were paramount. The Minister, the Hon. Martyn Evans, proposed alternative amendments which were carried but which still attract some concern from those who have a special interest the Bill. The Child Protection Coalition, which is a coalition of a wide range of non-government organisations, has indicated that it still has concerns about the extent to which the interests of the child are paramount. It argued that there should be further consideration given to clause 4 of the Bill, as well as clause 3. Clause 3 deals with objects; clause 4 deals with the principles to be observed in dealing with children. Its argument is that the focus on the safety of the child being the paramount consideration is not the focus it believes is most desirable.

There is some argument from the Minister that that does place the appropriate emphasis on where the legislation should operate. That is an issue that we will further address in Committee. The Liberal Party will want to have considered amendments which deal with the issue of the paramount consideration of the legislation focusing, not so much on the safety, but the safety and welfare of the child to ensure that its best interests are always the paramount consideration. That is not to detract from other provisions of clause 4 which seek to ensure that serious consideration must be given to the desirability of keeping the child within his or her family and preserving and strengthening family relationships between the child, the child's parents and other members of the child's family, as well as a number of other issues.

Another matter to which the Child Protection Coalition has drawn attention is the concern that the focus in the Bill is on children at risk rather than children in need of care. The difficulty is that, by referring in clause 6 (2) of the Bill to the definition of a child 'at risk', whilst subclause (2) establishes the meaning of a child 'at risk', it nevertheless conveys by the very use of the words 'at risk' that the focus is not so much on a child in need of care and protection, which is the emphasis of the present Act, but more looking at risk factors, which is somehow likely to convey something less than being concerned for the whole being and interests of the child. Again, that is a matter which we ought to debate in the Committee stage of the Bill.

I am sympathetic to the propositions of the Child Protection Coalition, but I think equally there is an argument that at least in strict drafting terms the effect of the use of the words 'at risk' is to ensure that the department and the court are able to act when it is necessary to ensure that the child's interests are to be regarded as paramount and that the child is then in need of care and protection, and that is addressed accordingly under the other provisions of the Bill.

The next significant issue relates to advocacy for the child. There has been, it appears, an aversion by the Minister to recognise that in family care meetings there should be someone who is not so much the legal representative of the child, because it is a non-legal forum, and formalities ought to be kept to a minimum, but rather a person who is there to support the child, to assist the child, and to communicate the views the child holds, if that is appropriate, or, if the child is too young to have views which have been crystallised, to make representations in what the advocate regards as the best interests of the child.

The point that has been put to the Liberal Party is that, in a family care meeting situation, it is not sufficient to leave the responsibility for representing the interests of the child to members of the family, particularly where the family may be the institution or forum in which the risk is established and the child may have been abused or neglected.

Again, I have considerable sympathy for that point of view: that the child in those circumstances of a family care meeting may not be able adequately to represent its interests or to have its interests adequately represented. So, advocacy for the child is an important issue. As I understand it, the Minister has said, 'Let the Liberal Party pay for 200 child advocates.' I hope that he is only being somewhat flippant about it, although it is not an issue that ought to be treated flippantly. It may be that, rather than full-time advocates, it is possible to develop at least a scheme by which some independent representation for the child is available, perhaps through the Children's Interests Bureau or by some other means.

I had thought at one stage that perhaps the court could make the appointment, but one must recognise that, in most of these instances, at that point the court will not have been brought into the scene. So, advocacy for the child is an important principle in the context of family care meetings. That ought to be recognised but, whilst special training may be necessary or a special sensitivity to the interests of children may be needed, we do not subscribe to the view that it will be necessary or that we should move towards the appointment of what the Minister has said may amount to 200 child advocates. In passing, I should say by way of observation that, if we must appoint 200 child advocates to deal with children at risk or in need of care and protection, it is a very sad situation for South Australia that family life and treatment of children is so adverse.

The next issue that must be addressed is the definition of 'abuse or neglect'. We can argue about this again during the Committee stage, but in relation to a child the definition of 'abuse or neglect' means sexual abuse of the child, which is not defined (on the basis of what the Minister said, it is commonly understood what that means), or physical or emotional abuse of the child or neglect of the child to the extent that the child has suffered or is likely to suffer significant physical or psychological injury or that the child's physical or psychological development is in jeopardy. So, whilst sexual abuse is not defined, physical or emotional abuse is, and there is some concern (particularly from members of the Child Protection Coalition and certainly from within the Opposition) about that position.

There is also concern about the use of the word 'significant' in respect of physical or psychological injury, because members on our side of the Council feel that if one uses the word 'significant' it suggests that some measure of physical or psychological injury is permissible, and we do not subscribe to that view. On the other hand, Mr Atkinson in the lower House referred to the fact that as a diligent father he was a 'smacking parent' and that he did not feel that, by adopting that practice within his family (which may in some people's minds cause some physical or psychological injury), he should be caught by the definition of 'abuse or neglect'. I do not think it was ever intended that that sort of behaviour, which a parent might seek to use to chastise a child, should come within the category of significant physical or psychological injury.

However, if there was brutality which left bruising and caused emotional distress which was not something of a transitory nature, that is a different matter. One of the difficulties is how you describe that within the context of this Bill. In the other place the Liberal Party proposed—and I think we should revisit this during the Committee stage in this Council—that we remove the reference to 'significant' and that we add 'physical or psychological injury which was detrimental to the well-being of the child.' That overcomes the criticism of some people about retaining the word 'significant' and the connotation that it has; that some injury is permissible but it is a question of how much. It also addresses the issue of legitimate and reasonable chastisement by parents of children so that that does not fall foul of abuse or neglect.

The difficulty is that abuse or neglect is not to be defined by reference to common understanding of those terms because it is defined in the Bill. Once there is a definition which says 'abuse or neglect' means something, that is the definition that has to be used in interpreting the trigger point for the operation of the legislation. So, one cannot use the term 'abuse or neglect' in the way in which we may commonly use it: it has to be used in the context of the definition. As I say, the difficulty is that sexual abuse is not defined but physical or emotional abuse is, and that also creates some concern. We will address that issue during the Committee stage.

The next issue which has been drawn to my attention is the status of the coordinator of a family care meeting. The Liberal Party has proposed that the coordinator ought to be responsible to the court—not to the Department for Family and Community Services, but to the court. That would make the coordinator independent of the department, which has an administrative and policing responsibility and responsible to the court, which ultimately has a responsibility for determining and making orders if the family care meeting procedure falls down.

The views of the Liberal Opposition and of the Child Protection Coalition are that it is in the interests of the child, the family and even in the interests of the Department for Family and Community Services for the coordinator to have a measure of independence from the department. We will be suggesting that approach as an appropriate course of action later in the consideration of the Bill.

One of the issues which has been drawn to our attention and which I think probably involves a misreading of the investigation and assessment orders procedure is division 4 of part 4. The proposition that has been put is that there ought to be a longer period than eight weeks for the duration of the order which the court can make under clause 20. Under that clause, which relates to investigations, assessments and orders which might authorise the examination and assessment of a child or an order authorising the Chief Executive Officer to require answers to questions or an order granting custody of a child, such orders have effect only for a period specified in the order.

That period is not to be longer than four weeks. On the application of the Chief Executive Officer the court can extend that order, but only once and only for a period not exceeding four weeks specified in the order. That is a total of eight weeks. The representation that has been made to me is that there ought to be a power for a further extension where it is demonstrated that there has been a genuine attempt to satisfy the obligations imposed by the clause and that that could be for another period of four weeks on the basis that such an order as is proposed under clause 20 could not be made without a family care meeting being held. I considered that proposition. However, it seems to me that that involves a misreading of clause 20 and the subsequent Part 5, Division 1.

Under clauses 19 and 20 the court may make an order where the Chief Executive Officer is of the opinion that there is some information or evidence leading to a reasonable suspicion that a child is at risk and that further investigation of the matter is warranted or a family care meeting should be held. In those circumstances the Chief Executive Officer may apply to the Youth Court for an order. That order relates to certain, in a sense, interlocutory or preliminary matters but also includes an order for custody in the interim period. The argument is that that cannot be made until there has been a family care meeting. As I said, that is a wrong interpretation because clause 26 deals with the calling of a family care meeting and, under clause 26(2) the Minister cannot make application for an order under Division 2 unless a family care meeting has been held and the Division 2 orders are care and protection orders.

They are orders of a different nature from those covered in clauses 19 and 20, which are interim orders. The care and protection orders referred to under Division 2 of Part 5 are more permanent orders. If I have misinterpreted the impact of the legislation, I am prepared to be persuaded that that is so and that my interpretation is wrong. I think that there is adequate protection against abuse of this power and that the interim orders' maximum duration of eight weeks is appropriate.

The Child Protection Coalition makes the point that in the area of determining whether or not a child is a risk or, as some would prefer it, in need of care, there is no reference to the fact that child homelessness is a factor that should determine whether or not a child is at risk. The Youth Affairs Council tells me that it is not uncommon for a young person who is homeless to be seen by the Department for Family and Community Services and for the child to be involved in prostitution.

I would have thought that a child who may be involved in prostitution would certainly be in need of care and protection. But I am told that the department has taken the view that homelessness is not the basis for an order that the child is in need of care and protection and that it wipes its hands of such persons. I would like that to be clarified when the Minister responds. It has been put to me quite categorically that that is an area of concern, and it is for that reason that we will be seeking to ensure that homelessness as such is recognised as a basis for taking some action under this Bill.

The role of the court as provided under clause 12 is an area of concern to the Law Society. This is contentious, and I have some sympathy with the view of the Law Society, which is interested in protecting not only its own interests but the interests of people against whom allegations of abuse have been made. Under clause 12 a notifier of child abuse is not to have his or her identity disclosed and, even in court, a court is not permitted to grant leave for the disclosure to be made and evidence led in relation to the notifier unless the court is satisfied that the evidence is of critical importance in the proceedings and that failure to admit it would prejudice the proper administration of justice or the notifier consents to the admission of the evidence in the proceedings.

There have been occasions where courts have found that notifications have been falsely made, and it is only after the issuing of subpoenas to produce documents and papers that that has been discovered. I think that, particularly in the light

of the later provisions of this Bill which provide that the court is not to be bound by the rules of evidence in relation to dealing with children in need of care, we should be particularly cautious about curtailing the power of the court to obtain information.

The impediment in the way of the court granting leave as proposed in clause 12(4) is quite substantial, and I would agree with the Law Society that it has the potential to cause more harm than benefit, and prejudice to those whose interests are being examined by the courts. There are no grounds for suggesting that, if a notifier's identity is to be disclosed in court, that may prevent notifications from being made. I think it is a matter of basic justice that the court should not be so restricted.

Also in the context of principles of justice and equity, the Child Protection Council has put to the Liberal Party that in clause 50, where there is a review of the circumstances of a child under long-term guardianship by a panel appointed by the Minister, a copy of any report of the panel should be made available to parties who may have been involved with the child unless it becomes obvious that there would be something prejudicial to the interests of the child in making the report available. In the interests of openness and in order to dispel the suspicions of prejudice and unfair treatment, that is an important consideration unless, as I say, there is something which places the child in danger if the information is made available.

One other issue which has been raised by a number of people is that in the list of those who are required to notify any suspicion of child abuse should be included a member of the clergy. I note that in the House of Assembly my colleague the Hon. David Wotton sought to have that included, and I note the reasons why the Minister declined. I am informed that denominational leaders such as the Roman Catholic Church have raised no objection to that proposition. If it is to be included, it needs to be the subject of consultation with heads of churches, in particular, because the religious focus of members of the clergy, whilst it should not compromise them in having to disclose allegations or suspicions of abuse, may nevertheless impinge upon this very difficult area of the confidentiality of the confessional.

We have this problem in a number of other areas, particularly in relation to evidence in criminal and other cases. This issue has been discussed by Governments and by the public on a number of occasions. The matter has been raised, and I draw it to the attention of the Government. If the matter has been further considered or discussed with the heads of churches it would be helpful to know the outcome of those discussions. However, I do not think that adding to the list will significantly enhance the administration of the Act. One has in the list those people who more commonly deal with young people. In those circumstances, whether the clergy are in or out will not, I suggest, adversely affect the operation of the legislation.

One of the other areas which was the subject of amendment in the House of Assembly involved the establishment of an advisory panel to review the operation of the Act. I take the view that that is important. This is a highly sensitive area. Whilst Governments have responsibility for administering this sort of legislation, it does not hurt at all to have persons outside the administration involved in constant monitoring of its operation and in reporting on a periodical basis on such a monitoring function. I think there would be value for the Government, the Parliament and the community if periodically they could be reassured by such independent assessment of the way in which the scheme of legislation is being administered.

I have received some representations that need to be put on the record, the first of which is from Professor Rebecca Bailey-Harris, the Foundation Professor and Dean of the Law School at Flinders University. In her letter of 11 October, she states:

> I write to voice my concerns about the Bill currently before the Parliament.
>
> (a) Clause 3 should be amended to contain a reference to the UN Convention on the Rights of the Child, which Australia has ratified, with consequent requirements of implementation in domestic law;
>
> (b) Clause 4 should be amended to express the long-established principle that the welfare of the child is the paramount consideration;
>
> (c) Part V division 1 should be amended to guarantee representation of the child at family care meetings;
>
> (d) The Bill should be amended to make provision for really serious cases of alleged abuse to proceed straight to the Children's Court, since a family care meeting is an inappropriate forum for such cases;
>
> (e) It is matter for concern that the model of the family care meeting is being introduced without any pilot study and without any assurance as to the funding necessary for its adequate operation.
>
> These concerns have all been voiced to the Minister for FACS through the Children's Interests Bureau, of which I am a member, but regrettably they did not find their way into the current Bill.

They are important considerations from Professor Bailey-Harris. I raise them because it is important that they be considered in the context of the debate on this Bill. I make a couple of observations on her concerns, the first being in relation to the UN convention on the rights of the child. I would not disagree with the proposition which she is making, except to say that the normal way of dealing with UN conventions which are ratified by Australia and consequently adopted into domestic law is for the Ministers meeting on human rights and the Standing Committee of Attorneys-General to examine the most appropriate way for the recognition of such convention in domestic law so that, where possible, there can be a coherent and uniform approach to this issue across Australia. Whilst being sympathetic to the position she puts, I would think it is an issue which does need to be considered at that level with a view to trying to deal with that matter on a uniform national basis.

With respect to paragraph (b), which deals with the paramount consideration of the interests of the child, I have already made reference to that, as I have to paragraph (c) relating to representation of the child at family care meetings. Paragraph (d) is an issue which I do not recollect was considered in the Committee stage of the Bill in the House of Assembly, and I would like the Attorney-General in replying to indicate how that could be addressed. It is a reasonable concern which has been expressed by Professor Bailey-Harris. The difficulty is to make the assessment as to what is a serious case of alleged abuse. Of course, that opens up the old allegations that the department is heavy handed. A lot of the effect of this legislation will depend upon the attitude of departmental officers administering it sensitively. But I recognise that there is an inherent difficulty in that because there will be occasions where they will make a mistake. For that reason, it is understandable that they may prefer to err on the side of caution in protecting the child rather than taking chances but, nevertheless, it is an issue that has to be addressed.

Paragraph (e), which involves the model of the family care meeting being introduced without any pilot study, was briefly addressed in the House of Assembly but it is an issue that again needs a Government response, particularly to identify the funding which will be available to ensure the proper

operation of the scheme of family care meetings. I ask the Attorney-General to address that issue in his response.

Action for Children, through Dr Elizabeth Puddy, responded to a statement in the House of Assembly by the Minister of Health, Family and Community Services to the effect that the Children's Interest Bureau was not established in statute. She makes the point that that statement is not accurate, because section 26 of the Community Welfare Act sets out the power and functions of the bureau as well as its administrative structure. She wanted to ensure that that error was not perpetuated in the Council.

The Child Protection Coalition raised a number of other matters, and it is important to touch upon them briefly without necessarily indicating support or opposition to them. Clause 8 refers to negotiations for a custody agreement. Subclause (3) provides:

> Negotiations for a custody agreement may be initiated by a guardian of a child or by a child of or above the age of 16 years, but no such agreement can be entered into (or extended) in relation to a child of or above the age of 16 years unless the child consents to the agreement or extension.

The Child Protection Coalition proposes that the age be reduced to 15 years. Personally, I am very much opposed to that. I think that 16 is the absolute minimum age, but, in fairness to the Child Protection Coalition, that matter ought to be flagged as an area of concern. It relates to the situation where a number of children of 15 years or thereabouts are homeless and in respect of whom some action ought to be taken to provide care and protection.

The Child Protection Coalition wants the Bill amended to provide that, if the department does not take action in relation to a mandatory notification, the notifier be informed that no action is to be taken. It is concerned that the department, under the provisions of clause 13, may be able to shrug off the notification. I must say that I have some reservations about notifying the notifier of action not being taken. We can explore that issue more fully in Committee, but the Minister may have a view on the way in which that might appropriately be addressed if it appears to be a problem.

The Child Protection Coalition also questions the power of a police officer to take children off the streets. It takes the view that unless there is some protection, particularly in relation to police officers having to be authorised by a commissioned officer, some police may be somewhat heavy handed and insensitive in the exercise of their powers. I am not convinced by that argument, although, on principle, where a police officer on reasonable grounds believes that a child is in such a situation that, if not removed, its safety would be in serious danger if it is not in the company of any of his or her guardians, it may be that authority ought to be granted for removal by a commissioned officer.

I suppose that this reintroduces in a different way the old loitering law, because the child has not committed an offence although the officer has a reasonable belief that the child would be in serious danger. Again, I should like to pursue that issue in Committee.

One matter in relation to clause 25 of the Bill which the Child Protection Coalition has raised is that it is possible to construe that clause as overriding the consent provisions in the Consent to Medical and Dental Practices Act or, if a new Act is passed, a new Act. I think it is important, in relation to examination and assessment, that the child's consent is obtained, and for that reason some aspects of the Consent to Medical and Dental Practices Act ought not to be overridden.

In exercising its powers, the Child Protection Coalition would wish the court, under clause 37, to have in view the necessity of providing the child with settled and permanent living arrangements. The same applies under clause 49. I think there is some merit in what they are proposing. They say experience has shown that there are frequently short-term placements. Children are unable to establish any reasonable relationship with the family with whom they may be settled before they are moved on, and it is important at an early stage to give consideration to settled and permanent living arrangements (that is, longer-term arrangements) rather than the short-term placement. So I think that some emphasis needs to be placed on that.

There are a number of other issues. I think I have dealt with most of the important issues and placed on the record some of the issues which will need further consideration in the Committee. As I say, I indicate support for the second reading of this Bill.

The Hon. BERNICE PFITZNER: I rise to support the second reading of this Bill. Before coming into Parliament my work was in the area of child development, and in this capacity we were involved in the assessment of children for many reasons and, not infrequently, one of the reasons was possible child abuse. It is therefore most interesting to me to look at the other side of the issue, that is, the legal side, and to observe how the words and phrases are interpreted and how they differ from the medical perspective.

I propose not to dwell too long on the different sections of the actual Bill but rather to give an overview of child abuse and child protection, as to what it is and as to the overseas experience.

The Select Committee on Juvenile Justice was established in August 1991 and the final report was presented in April 1993. The first interim report, which was tabled in November 1992, recommended that new Bills ought to be drafted which addressed juvenile justice and care and protection matters.

The second interim report was tabled in March 1993 and it recommended three new Bills: first, the Young Offenders Bill, to encompass the juvenile justice system; secondly, the Youth Court Bill, to establish and define the Youth Court and its jurisdictive powers; and, thirdly, the Education (Truancy) Amendment Bill.

These three Bills passed in May of this year and the final Bill proposed in the final report was introduced in August 1993 and passed in the Lower House a week ago. The Bill, which is the Children's Protection Bill (the final recommendation from the final report) is moving at a rapid pace through Parliament, which is of concern as it is a most important Bill for the protection of children, with provisions relating to child abuse and family rights and responsibilities. The objects of the Bill are important. The first of the two main objects is to provide a system of care—I would have preferred that it should provide care and protection for children who are at risk—that maximises a child's opportunity to grow up in a safe and stable environment and to reach his or her full potential.

The second main object is that the primary responsibility for a child's care and protection lies with the child's family and that a high priority should therefore be accorded to supporting and assisting the family to carry out that responsibility. Further, I consider that the three main principles in the Bill involve the safety of the child, which is to be paramount; the child's best interests, which are essential; and the family relationships between the child, the child's parents and other

family members, which relationships must be preserved and strengthened. With these main objectives and principles one has to achieve a balanced view between the best interests of children and the preservation of family relationships, which at times are mutually exclusive.

In such circumstances the safety of the child must be paramount. The major concern with this Bill involves not only the short time frame for the desired considerations but also the definition of abuse, the qualification of the coordinator, the desirability of an advocate for the child, and the functioning of the family care meetings. These concerns were echoed in a letter to the editor on 13 September by Professor Freda Briggs, Professor of the De Lissa Institute of Early Childhood and Family Studies. In part of her letter she states:

> The lack of provision for child advocates means that the child's voice and needs may be overlooked in the collusion between more articulate and more powerful adults.

Further, she says:

> The Bill lacks adequate definitions of abuse and negligence and this will provide yet more opportunities for lawyers to engage in lengthy arguments about their meaning.

These definitions and concerns will be debated during the Committee stage of the Bill, but it seems strange that some of the professed strategies in the rest of the Bill do not appear to be the appropriate ones to give effect to the professed objects and principles.

An article in the *Medical Journal of Australia* (September 1991) dealing with child abuse raises the difficulties for a general practitioner in the notification of suspected child abuse. The four questions asked are:

1. Can I believe that what I am seeing, hearing or being told is really child abuse?
2. If I do notify this to the relevant child welfare organisation will it be of benefit to the child or will it disrupt an apparently intact family?
3. Can I trust the child welfare and legal systems to help the child and family to overcome the problems that have led to this presentation?
4. Do I really want to get involved?

These are the dilemmas that a medical officer faces when he or she sees a suspected child abuse case. However, we must be mindful of why child abuse is harmful. The article further states that the bodily damage resulting from physical and sexual abuse usually heals but not so the accompanying emotional trauma, which has long-lasting damaging effects. These can present in childhood with a range of signs including: failure to thrive, which involves an ability to put on weight or grow; developmental delay; learning difficulties; and behavioural problems. Further, in adolescence the child may show self-destructive actions such as drug-taking, suicide attempts, running away, and becoming pregnant. In the adult phase they may show poor self-esteem, depression, marital discord, domestic violence, alcoholism and, most concerning of all, abusive parenting.

This is a very difficult issue for medical practitioners, because child abuse is not strictly a medical disease but a social and community problem requiring the close cooperation of the family doctor with child protection and legal services. Failure to act to protect an abused child is a failure to carry out our duty of care and reinforces the child's feelings that adults are not interested in his or her well-being. The general practitioner who protects a child helps not only that child but other family members. Most importantly, protection of the child may prevent abuse of children in the next generation.

We further note the New Zealand experience, which is said to be a breakthrough in the handling of child abuse and child protection and which has been widely acclaimed. The care and protection principles that the New Zealand group uses are very close to some of the principles and objectives in our Bill. There are 10 points in the New Zealand care and protection principles, and they are:

1. Children and young people are entitled to be free from harm, have their rights upheld and welfare promoted.
2. Primary responsibility for care and protection rests with families.
3. Families should be supported and protected.
4. The least necessary intervention should be used.
5. Children and young people should live with their family and enjoy undisturbed education and development.
6. Where possible, care and protection should be sought within the family context.
7. The child or young person should not be removed from his or her family unless there remains a serious risk of harm.
8. Where removal is required, placement priorities given to (a) other family members; (b) an appropriate family context where the child is in a familiar locality and where his or her links with family are maintained and strengthened; and (c) a family-like environment in which a sense of belonging, personal and cultural, is obtainable as long as the child or young person is safe and free from harm.
9. Where a child or young person cannot be maintained in his or her family context priority placement with significant others, such as members of the same cultural background or those living in the same locality as the child or young person, is desirable.
10. Where children and young people cannot be maintained within the family context or be placed with significant others, bonding with new care givers is to be developed.

It is reported that the New Zealand experience has been very successful and some of the statistics that are given from the family group conference, which is similar to our family care meetings, for 1992 are as follows: there were 24 861 care and protection reports made to New Zealand care and protection persons' services in 1992. These resulted in 4 400 family group conference or family care meetings. Of those, 88 per cent established safe results for the children concerned. Of great significance is that only 9 per cent of family group conferences or family care meetings needed court action to reach a solution.

Other preventive strategies are being employed by people in the US, and it is encouraging and refreshing that so many health professionals are trying so many preventive methods to try to address this very pernicious issue.The strategy that is used in the US was proposed by the University of Rochester in the State of New York. In its abstract about home visitations it says that evidence is accumulating that these problems can be reduced with comprehensive programs of pre-natal and infancy home visitation by nurses. Home visitation is said to be a promising strategy but only when the program meets certain standards. The more successful programs contain the following:

(i) A focus on families at greater need for the service;
(ii) The use of nurses who begin during pregnancy and follow the family at least through the second year of the child's life;
(iii) The promotion of positive health-related behaviours and quality of infant care giving; and
(iv) Provisions to reduce family stress by improving the social and physical environments in which the family live.

This strategy is at present being evaluated and apparently is achieving some hopeful results. We need to make sure that the Bill achieves the stated objectives and principles which are in the best interests of the child and contribute to the safety of the child, together with the strengthening, promotion and encouragement of family ties. I conclude by saying that child abuse needs to be tackled on all fronts. If we want to

prevent it, we need to provide support for parents, research information for professionals, and a community which refuses to condone violence against its most vulnerable members. I support the second reading.

The Hon. T. CROTHERS secured the adjournment of the debate.

LAND TAX (RATES) AMENDMENT BILL

(Second reading debate adjourned on 14 October. Page 611.)

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Scale of land tax.'

The Hon. L.H. DAVIS: The Opposition believes that this is an important taxation measure which should be taken seriously, particularly in view of the fact that in recent weeks the Government has been advertising that it has been cutting taxes. As I said in my second reading contribution, the fact is that land tax has an horrendous consequence for many landlords and tenants where buildings have a value particularly in excess of $1 million. I made the point to the Government that a building with a site value of $6 million has had an 86 per cent increase in land tax from fiscal 1990-91 through to 1993-94; and a building with a site value of $11 million has had a massive 90 per cent increase in land tax in that same period, just three years.

One of the points that has really not been canvassed publicly—and I will ask the Minister to take the question on notice and provide a reply in due course—is the number of shopping centres that will be particularly badly hit by this measure. As I conceded in my second reading contribution, there has been a fall in site values, particularly in the central business district of Adelaide, so that a building with a site value of $11 million in 1990-91 may well have fallen to a site value of only $6 million in 1993-94. But if we look at that building and perhaps at the hapless landlord with an occupancy rate of only 50 per cent battling to stay afloat, members opposite may perhaps spare a thought and shed a tear for that landlord, because they would find that that landlord is paying pretty well the same rate for a site value of $6 million in 1993-94 as he was paying when the site value was $11 million in 1990-91.

In fact, just to give that example to the Minister, in 1990-91 for a building with a site value of $11 million the land tax was $201 270. If the building today is worth only $6 million the land tax payable is still $197 320. In other words, it is pretty well the same, even though the site value has halved. That is a pretty graphic illustration of how draconian this land tax adjustment has been for any building over $1 million. This is regressive taxation at its worst: this is Robin Hood in full flight, never mind about Maid Marian—she is left well behind. This is Robin (spelt with a G), and on his not too white charger is Premier Arnold. Fortunately, we can reflect on the fact that Premier Arnold's white charger is disappearing into the distance so fast that by election day he will be seen no more.

The point that I want to emphasise, the other side of this coin, which I am sure will particularly interest the Hon. Ian Gilfillan, because he raised a matter of this nature in the Council just recently, is the retail centres such as Westfield at Marion and the regional shopping centres that have, perhaps, a collective site value in some cases of $50 million or $100 million where, although I have not done the sum, that increase in land tax is approaching 100 per cent. Because regional shopping centres Australia wide have largely held their site value better than any other real estate in Australia, the site values of the Westfields at Marion, Tea Tree Plaza and so on remained undiminished during this general economic *malaise* of the past few years.

It means that the small business people that the Hon. Ian Gilfillan spoke about last week, who faced a savage increase in rent from their landlord (Westfield Trust), are not only facing that increase in rents but have over the past four years faced close to a 100 per cent increase in land tax. That is a point that has not been made publicly, and it is a big point. Many proprietors of small businesses have seen their land tax double over the past four years. The margins on their business have been shaved; their profit is down; they have had to sack staff; and conditions are tougher. In every respect (they are facing also the possibility of rental increases), this Government, which pretends to care for small business, has reduced the chances of survival for many people, particularly in retail shopping centres.

I put on record that the Opposition does not support this measure. It is iniquitous that, at a time of economic recession, we have such inimical tax rises which are not calculated to kick-start small business or big business, particularly those that are housed in buildings worth more than $1 million. Also, of course, it represents a kick in the guts for the landlords, for the owners of these buildings, many of whom are private citizens, as well as large financial institutions and groups such as the AMP and Westfield Trust itself. We know that there is a law now which requires the landlord to pay the outgoings, the additional expenses, but none of us is foolish enough to believe that eventually they are not passed on in some way or another to the tenant. The Hon. Ian Gilfillan and I clashed fairly savagely on that matter when it went through the Council—it was mickey mouse legislation straight out of Disneyland which tried to pretend that there was no way that the landlord would be able to pass the increase on.

Anyway, that is perhaps a rather long way to come to the question. In view of the lateness of the hour and the fact that this is perhaps an hour and a half off being the penultimate day of this parliamentary session, I ask the Minister, on notice: how many shopping centres of $20 million or more in value have been affected by this measure to increase the land tax rates so savagely? I would be quite happy to receive a written reply to that question in due course.

The Hon. BARBARA WIESE: I will certainly request the Treasurer to provide that information if it is available. I recall that, at one stage, when I was taking an interest in land tax issues myself—

The Hon. K.T. Griffin interjecting:

The Hon. BARBARA WIESE: No, a professional interest as Minister responsible for small business. At one stage the honourable member might recall that there was quite an outcry about what was happening with land tax increases, and I recall requesting information that related to specific information about the number of shopping centres, or the number of properties of a certain value—or whatever it might have been—and there was some difficulty in providing that sort of information because of the practice of aggregation of properties and values. Whether or not the information that the Hon. Mr Davis asks for will be readily available I am not sure, but I shall certainly ask the Treasurer to provide it if it is available, and I am sure he will respond as soon as possible.

Clause passed.
Title passed.
Bill read a third time and passed.

FISHERIES (GULF ST VINCENT PRAWN FISHERY RATIONALISATION) (CHARGES ON LICENCES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 14 October. Page 612.)

The Hon. PETER DUNN: The Opposition does not support the Bill, funny as it may seem, because it is exactly the same Bill that was introduced into the Parliament in August. There is no change, other than that the Bill has been shortened: the back part of the Bill has been removed and now what we have is that part of the Bill dealing with the Gulf St Vincent fishery. The arguments are exactly the same as I explained when the Bill was previously introduced and I see no reason to change my opinion. The only change is that there are fewer prawns now in the gulf than when we talked to the Bill previously.

The Minister got very excited when we objected to the Bill, which changes the debt which has a long and varied history. A buy-back scheme was introduced and, at the point of the buy-back, the fishery collapsed. It collapsed for a number of reasons. One of the main reasons was that the researchers into the prawns in Gulf St Vincent were not totally familiar with the product they were researching. They did not know the physiological lifespan and I do not think they totally understood the prawn in Gulf St Vincent. I certainly do not, either. However, from advice I have received, prawns in fact live longer than the researchers initially thought. Because they thought they had a shorter lifespan, they said, 'You can fish for smaller prawns because obviously they will be sustained, they will be reproducing at a younger age. If they live for only 14 months, they will be reproducing for half of their life.'

I am reliably informed by the fishermen—not by the researchers—who know that some prawns have been living for as long as 2½ years. The prawns they were initially catching were quite large, about 15 to the kilo, whereas at the end they were catching thousands of prawns to the kilo and that caused the demise of the fishery: the prawns they were catching were too small. Prawns are a warm water species. Gulf St Vincent waters are not terribly suitable for prawn reproduction, but in Spencer Gulf it is a different kettle of fish. Northern Spencer Gulf has much shallow water and gets one or two degrees warmer. The fish reproduce and grow more quickly in Spencer Gulf and then migrate into the gulf channels and come further out, and it is at that point that the fishermen troll for them and catch them.

Although Gulf St Vincent is relatively shallow, it is cooler, with the temperature between 15.5 and a bit over 16° Celsius, which is fairly chilly. The prawns do not grow or reproduce so quickly in those conditions. The reproduction rate is much lower than in the Gulf of Carpentaria. The Gulf St Vincent prawn fishery was overfished, I am told, at a time when the buy-back period was introduced. The buy-back period just got going when the fishing fell away dramatically, so much so that the people who agreed to the buy-back could not even meet their commitments. The researchers and the department in its wisdom—I emphasise that it was the department in its wisdom—applied the restriction to fishing in Gulf St Vincent.

It was not the fishermen—I think they were prepared to take fewer but bigger prawns—but the researchers advised them that they could take the smaller prawns and in so doing they have decimated the industry. I have here the surveys that were done in April this year, and it is rather interesting to see what has happened. I have a graph which indicates that the fishery has totally collapsed and that approximately the same number of prawns per kilometre have been caught as were caught in 1989 when it was said they could not catch any more because it was not economical; the fishermen could not catch enough to pay their way. The prawn catch was the same in 1993 as it was in 1989. That being the case, the industry has collapsed.

If the catch is the same four years after its lowest point in 1989, why do we have a Bill that provides that the fishermen will pick up the $3.4 million which has been borrowed from SAFA when there is no prospect of their going fishing and recovering the money? What is behind it? I cannot determine why that should happen, but I am informed that the fishermen cannot, and if this Bill is passed it means that each one has to pick up his share, that is, 10 fishermen have to pick up of $340 000 each. They do not have the money. They have not been fishing for four years, for heaven's sake; there are no prawns there to catch, according to the April survey and a later survey shows that there are even fewer.

Why do we have this Bill? It seems a macabre method of getting the money back. It will ruin those people if the Government pursues them to the end of their financial ability by taking their houses and running them down every burrow to take every last cent from them as a result of what was initially a departmental decision to stop them fishing. Now the prawns have not recovered; in fact, I am told it may take from five to nine years for that fishery to recover and when it does it will need half the number of fishers. They will take half the number of prawns. We were told by Parzival Copes that we could get about 450 to 500 tonnes from Gulf St Vincent. Some of the fishermen are telling me now that 200 tonnes is probably the maximum, if it is to be sustainable.

If those figures are correct—and I have no reason to deny them, as the fishermen tend to have a pretty good idea of what is going on and whether the fish can be sustained—I can only say that, if we pass this Bill and allow the Minister to pursue the fishermen for that money, the game is crook, because it was not the fishermen's decision but an industry decision. Therefore, it is for the Government to pick up and hold that debt and, until there is some improvement in the fishery, I do not believe we should pass this Bill. If the industry shows improvement, there would be an argument to suggest that we should look at it, but I do not think we should be passing Bills over which the fishermen themselves have no control.

The fishermen have asked to see the Minister but he refuses. If they want to talk to him about their debt, he should at least have the courtesy to do that. Of course, when one is under siege, as this Government is at the moment, one retreats to the bunker and puts up the shutters. I do not know whether one goes to sleep or whether they have done that yet, but it will not be long and they will have a long time during which to sleep. It is basically wrong to impose a debt on people—a decision in which they took no part. So the Opposition does not support this Bill in any way whatsoever. I suspect that it will go to the other House, that it will come back and that we will have to have a conference of managers, but I cannot see how there will be any change unless the Democrats change their mind, and I suspect that they will not.

The Hon. I. GILFILLAN: My colleague Mike Elliott handles this portfolio. He is strongly opposed to this Bill, so the Democrats will oppose it. I reassure the Hon. Peter Dunn that there is no likelihood of any change of attitude by the Democrats on this matter. I understand that the Hon. Mike Elliott holds views similar to the arguments put forward by the Hon. Peter Dunn. However, I am not so sure that he is quite as baffled by the rhetorical question: what is behind it? He may have listened with envy to the alliteration and powerful expression of the Hon. Peter Dunn's arguments.

The Hon. R.R. Roberts interjecting:

The Hon. I. GILFILLAN: He cannot get up again; he has had his go now.

Members interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: The Hon. Peter Dunn will not be upset. There is a certain amount of envy from those who cannot speak with the same eloquence. The Hon. Peter Dunn can hear them sniping across the Chamber. It is clear that the Bill, if not identical, is similar to a previous Bill, so it does not require further analytical criticism by the Democrats. We argued against it when its identical predecessor was before this place; so I repeat that the Democrats oppose the second reading.

The Hon. BARBARA WIESE (Minister of Transport Development): I thank members for their contribution to this debate. I am sorry to hear that neither the Liberal Party nor the Australian Democrats will support this measure. There is not much more to say except that the consequences rest on their shoulders.

Second reading negatived.

HOLIDAYS (PROCLAMATION DAY, AUSTRALIA DAY AND BANK HOLIDAYS) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

This Bill will amend the *Holidays Act* to provide for—

(a) the observance of the Australia Day holiday on 26th January in each year except when that day falls on a Saturday or Sunday in which case the holiday will be observed on the Monday following; and

(b) to provide for a change in the day of observance of the Proclamation Day holiday each year to more closely align with the "Boxing Day" holiday observance in other States.

The present prescription of the *Holidays Act* provides that when the 26th January (Australia Day) falls on any day other than the Monday, the following Monday shall be observed as a public holiday. In some years this has meant that the public holiday in South Australia has been observed six days after the celebration of our national day.

This amendment will ensure that in the future Australia Day shall be celebrated by a public holiday on the actual day i.e. 26th January, except when that day is a Saturday or Sunday when it shall be celebrated on the following Monday. Such a move is consistent with national uniformity and accords with arrangements put in place in the majority of other States.

Observance of the Proclamation Day holiday as prescribed in the *Holidays Act* provides that the day shall be observed on 28th December, except when that day occurs on a Saturday or Sunday, at which times it is celebrated on the following Monday.

Regularly over the past 10 years or so the Industrial Relations Advisory Council has considered the question of the observance of the Proclamation Day holiday and made recommendations to the Government that the observance should be transferred in specific years to avoid stop/start work patterns, particularly in the retail industry. In addition it facilitates family gatherings and travel arrangements over the Christmas period which provides a longer break for workers than would otherwise have occurred. At its meeting on 18 March 1993, the Industrial Relation Advisory Council supported the proposal to amend the Act to accord with the concept of observing the Proclamation Day holiday on the "work day" immediately following the Christmas Day holiday. This support was based on the inevitable fact of the variations being proclaimed in future years. This proposal is also consistent with national uniformity arrangements.

The Bill will also repeal the provisions of the Act that prohibit banks from trading on Saturdays.

The Bill places no obligation on any bank to open on a Saturday but provides the freedom of choice to do so.

The Bill has been introduced as a result of submissions made by the banking industry and the Cooperative Building Society which becomes a bank on 1 January 1994.

This proposal has been discussed with representatives of both employees and employers in the industry and the cooperative society in this State.

Whilst this Bill provides for the optional opening of banks on Saturdays, the existing provisions of section 7 of the Act will continue to apply in order to ensure that no person can be compelled to make any payment or do any act on a Saturday that he or she would not be compelled to make or do on a Sunday.

These provisions will provide better access to banking services by the general public of South Australia.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the commencement of the measure on a date to be set by proclamation.

Clause 3: Substitution of s. 3

This clause replaces section 3 of the principal Act. Proposed section 3 removes reference to Part III of the second schedule (see explanation of clause 6) and provides that the working day following the Christmas Day holiday will be a public holiday and a bank holiday.

Clause 4: Substitution of s. 3b

This clause substitutes the current section 3b of the Act with the effect that Saturdays cease to be bank holidays merely by virtue of the fact that they are Saturdays.

Proposed section 3b provides that New Years Day, Australia Day, Christmas Day and Boxing Day will continue to be bank holidays if they fall on a Saturday. The effect of this measure would otherwise be that banks could open on any of those days if they fell on a Saturday.

Clause 5: Amendment of s.7—Payments and other acts on holidays or Saturdays

While this measure provides that banks may open on Saturdays (other than the Saturdays referred to in proposed section 3b), this clause ensures that people will continue not to be required to make payments or do any act on a Saturday unless specially required to do so by law.

Clause 6: Amendment of second schedule

This clause amends the second schedule of the principal Act by removing Part III of that schedule (holidays which are, unless they fall on a Monday, to be observed on the following Monday). Part III of the second schedule refers only to 26 January (Australia Day). Reference to Australia Day is now moved from Part III to Part II of the second schedule (holidays which are, if they fall on a Saturday or Sunday, to be observed on the following Monday). The reference in Part II to 28 December is removed as this holiday is now dealt with in proposed section 3(2).

Clause 7: Repeal of third schedule

This clause provides for the repeal of the third schedule which specifies that Saturdays are to be bank holidays.

The Hon. R.I. LUCAS secured the adjournment of the debate.

PETROLEUM (PIPELINE LICENCES) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

In May the Government announced a proposal to supply natural gas by pipeline to industries in the Riverland and Murray Bridge. It is proposed that the pipeline commence at Angaston from an offtake of the Moomba to Adelaide pipeline owned by the Pipelines Authority of South Australia (PASA). It will be mainly of 114 mm diameter and have a capacity of up to 5 Terrajoules of natural gas per day.

Extensive public consultation has occurred with regard to the proposed route and design of the pipeline and the reaction has been generally favourable. A number of comments have been received which are being incorporated into the final design parameters.

This pipeline will initially supply gas to Berri and Murray Bridge and may be extended to Renmark and Loxton if the economics prove favourable. Gas supply will commence in late 1994 with up to ten industries connected by this time. The project meets the Government's objective of bringing forward important infrastructure projects.

The pipeline is to be constructed and operated by PASA but owned by The Gas Company and is an excellent example of the public and private sector working together to provide infrastructure which is vital for the future of regional South Australia.

The Petroleum Act 1940 provides for the licensing of petroleum pipelines. However this Act does not currently provide for the separate licensing of a pipeline which does not commence in the vicinity of a petroleum field.

The amendments provide that the proposed Riverland pipeline can be separately licensed to The Gas Company and allows for separate licensing of future necessary pipeline extensions where that is considered appropriate. It also provides that the Minister must consult with any pipeline licensee where there is a proposal for a new pipeline to connect into that licensee's existing facilities. Industry has been consulted during the drafting of the Bill and have indicated support.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s.80ca—Interpretation

This amendment clarifies that the pipeline licensing provisions extend to cases where a person causes a pipeline to be constructed or operated. Furthermore, a reference to a pipeline under Part IIB of the Act is to extend to a case involving part of a pipeline. New subsection (2)(b) clarifies what is meant by an 'extension' to a pipeline.

Clause 3: Substitution of s.80d

This clause will enable a licence to be granted in respect of a part of a pipeline. The application will be in the nature of an application to vary an existing licence, or a new application for a separate licence.

Clause 4: Amendment of s.80e—Mode of application for licence

This clause makes a consequential amendment to section 80e of the Act to promote consistency between that section and the definition of 'pipeline' under section 80ca (as amended by this measure).

Clause 5: Amendment of s.80g—Factors relevant to the grant of a licence

This clause provides that where an application for a pipeline licence relates to part of a pipeline, the Minister must, in considering the application, take into account the interests of any other licensee in respect of the pipeline.

Clause 6: Amendment of s. 80m—Alteration of pipeline

This clause makes a consequential amendment by virtue of the proposal to move to a licensing system in respect of extensions to existing pipelines.

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

STATE LOTTERIES (INSTANT LOTTERIES) AMENDMENT BILL

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

ROAD TRAFFIC (BREATH ANALYSIS) AMENDMENT BILL

Returned from the House of Assembly without amendment.

FISHERIES (RESEARCH AND DEVELOPMENT FUND AND OTHER) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos 1 and 3 without any amendment but had disagreed to amendment No. 2.

STATUTES REPEAL AND AMENDMENT (PLACES OF PUBLIC ENTERTAINMENT) BILL

Consideration in Committee of the House of Assembly's amendments:

No. 1. Page 3, line 13 (clause 12)—Leave out 'films are screened' and insert 'a film, a video tape or any other optical or electronic record is screened'.

No. 2. Page 3, line 22 (clause 13)—Leave out 'films are screened' and insert 'a film, a video tape or any other optical or electronic record is screened'.

No. 3. Page 3, line 32 (clause 14)—After 'a film' insert ', a video tape or any other optical or electronic record'.

The Hon. ANNE LEVY: I move:

That the House of Assembly's amendments be agreed to.

The House of Assembly has returned this Bill to us with amendments moved by the Government in another place following the debate in this place on broadening the definition of 'film' to include video and other electronic means of producing images. There are several amendments, but they all relate to the same matter. I wonder whether I could at the same time reply to some of the queries which were raised in the other place, some of which had already been dealt with in this place. However, for the benefit of members in the other place who raised these matters, I can perhaps put them on the record.

Concern was expressed as to who would have responsibility for ensuring that amusement devices were safe and that overcrowding of amusement devices does not occur with the repeal of the Places of Public Entertainment Act. It was stated in this place, but I am happy to repeat, that this will be the responsibility of authorised officers under the Occupational Health, Safety and Welfare Act.

The question of panic bolts on exit doors was also raised in another place. The Building Code of Australia, which will be called up as a regulation under the Development Act, currently has the effect of regulations under the Building Act, and the building code requires that exit doors must be able to be opened without the use of a key. Panic bolts are not specifically required, but the building code contains extensive provisions which address exit requirements, and these will apply.

A question was posed regarding electronically operated exit doors. I can assure members that in an emergency such doors are disengaged and may be opened manually. In emergency circumstances, the doors will remain open until

the power source is re-engaged. Therefore, power failure is no cause for concern in terms of exits.

In another place, the question of smoking in places of public entertainment and what constitutes an auditorium was raised. As was discussed in this place, I can assure members that if entertainment was conducted in an enclosed area of a sporting complex, such as Football Park, and the audience was seated in rows, smoking at that function would be prohibited under the amendments to the Tobacco Products Control Act.

However, if entertainment was conducted in a stadium, which does not constitute a place of public entertainment according to advice from Parliamentary Counsel, smoking would not be prohibited. This comes from the fact that the amendment will cover only enclosed auditoria, which is all that is currently dealt with under the Places of Public Entertainment Act.

Questions were also raised as to the hours of operation of entertainment, but I remind members that this is a question that can well be addressed by local councils pursuant to their powers under the Development Act and that, when the Development Act is proclaimed, councils will have full powers to deal with these matters.

A question was also raised with regard to inspection of places of public entertainment and, as was discussed in this place, the Metropolitan Fire Service officers have the right to inspect public buildings at any reasonable time to determine whether there are adequate safeguards against fire. The purpose of these inspections is to ensure that overcrowding does not occur and that means of exit are not obstructed. Closure orders can be made wherever an officer is satisfied that the safety of persons in a public building cannot be reasonably assured by any other means, and these inspections do occur during the hours of operation of entertainment venues.

Finally, queries were raised regarding penalty provisions, and I can assure members that penalties will apply under the various pieces of legislation which regulate the operation of places of public entertainment and amusement devices for any non-compliance with the particular legislation and that these penalties are detailed in those various Acts.

The Hon. K.T. GRIFFIN: I support the motion. The amendments resulted from an issue which I raised in the Committee stage in this Chamber earlier.

Motion carried.

ADJOURNMENT

At 11.3 p.m. the Council adjourned until Wednesday 20 October at 2.15 p.m.