LEGISLATIVE COUNCIL

Wednesday 20 October 1993

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. M.S. FELEPPA: I bring up the sixteenth report of the committee and move:

That the report be read.

Motion carried.

The Hon. M.S. FELEPPA: I bring up the seventeenth report of the committee.

SELECT COMMITTEE ON THE PENAL SYSTEM IN SOUTH AUSTRALIA

The Hon. I. GILFILLAN: I lay on the table the select committee's interim report and move:

That the report be printed.

Motion carried.

QUESTION TIME

DISADVANTAGED SCHOOLS PROGRAM

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister representing the Minister of Education, Employment and Training a question about the Disadvantaged Schools Program.

Leave granted.

The Hon. R.I. LUCAS: I have been contacted by a number of school principals who are concerned that their schools have been omitted from the $3.3 million per annum Disadvantaged Schools Program for the period 1994-96.

The program allocates Commonwealth funds to schools located in socio-economically disadvantaged communities and includes the priority projects scheme and the social justice curriculum development grants. Although the money is funded by the Commonwealth, it is the State Government that determines how the money is allocated. Funding for the curriculum development grants is contingent on a school qualifying for a disadvantaged schools program grant. So, if a school misses out on the disadvantaged schools program funding it is precluded from obtaining anything of a $1.2 million a year pool of funds under the curriculum grants scheme.

I have been provided with a list of 21 schools which received DSP funding in the 1991-93 period but which have been omitted from the funding list covering 1994-96. These schools notionally should have received from between $1 990 in the case of Brentwood Rural School and up to $35 000 in the case of Fremont High School at Elizabeth. The omission of schools such as Fremont or, say, Klemzig Primary School is curious, given that these schools have around 60 per cent of their students receiving school card—that is, they have a very high proportion of socially disadvantaged students.

The accusation has been levelled by certain of these principals that some of the schools omitted from the latest DSP list have more school card holders than the total enrolments of other schools which were successful in attracting funding. The principals note that only seven high schools and two girls schools will receive DSP funding, from a list of over 170 schools. They also point out that some adult re-entry schools will get funding while disadvantaged schools with school-age students were omitted.

It appears that the State Government's criteria of how the $3.3 million funding pool will be carved up are limiting the number of schools able to qualify for funding. One principal has told me it appears that the Education Department is justifying the exclusion of some schools that in the past have received funding on the basis that new schools are coming onto the DSP list and it has arbitrarily chosen the first 170 schools.

The 170 schools cut-off point appears to be driven by the guidelines which require the formula to be calculated with a weighted indicator that guarantees a minimum of $120 a year per student. My questions to the Minister are:

1. Why have the 21 schools that were formerly included on the list of DSP-funded schools been excluded from the list for the period 1994-96 and how many new schools have been included on the list?

2. How can schools with school card recipiency rates of over 60 per cent be excluded from a scheme supposedly designed to help socio-economically disadvantaged communities?

3. Why was a base line allocation of $120 per student established for determining the number of schools to receive DSP funding, and to what figure would this base line need to be dropped to include the 21 omitted schools?

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

CRIME PREVENTION

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about the crime prevention review.

Leave granted.

The Hon. K.T. GRIFFIN: The Crime Prevention Unit in the Attorney-General's office has indicated by letter of 24 September 1993 that a review of the Government's crime prevention strategy is to be conducted over the period 2 August 1993 to 30 June 1994. As I understand it, the review and evaluation is to be conducted by the National Centre for Socio-Legal Studies at Latrobe University with a research team to be based at Flinders University.

According to the papers circulated by the Crime Prevention Unit, the review team is to comprise Dr Garry Coventry, who is Director of the National Centre for Socio-Legal Studies; Mr Reece Walters, who is a research fellow at the centre; research staff are to be appointed by the national centre; and a number of academic and research staff from Latrobe and Flinders universities will be involved from time to time. The length of the review and the number of people involved suggest that the review will be a costly exercise.

Yesterday, in an unrelated matter, I acknowledge, the Attorney-General informed the Council that two consultancies costing a total of $720 000 had been granted in the area of public sector reform, which obviously will leave the next Government to pick up the tab. My questions to the Attorney-General are:

1. What is the cost—both the cost of the national centre's involvement and the cost of Government involvement—of the review of the crime prevention strategy?

2. Has the cost of this review been provided for in the 1993-94 budget?

The Hon. C.J. SUMNER: Just to recap on what I said yesterday, as the Hon. Mr Griffin has decided to throw that into the debate, the consultancies that I announced yesterday were very important consultancies for the State of South Australia and for the Government to put into practice the public sector reform program which the Government has announced and which it is in the process of implementing. What is involved in those consultancies is first of all a benchmarking study relating to corporate services and one relating to customer services. In the area of public sector reform, whether in South Australia or elsewhere, the emphasis has been on trying to ensure that South Australia is up with the best practice within Australia and internationally in its public administration, whether that be the operation of corporate services sections within departments or whether it be in the delivery of services to customers.

A great emphasis in the Government's public sector reform program has been to reduce overheads, to reduce levels of Government and bureaucracy, and get efficiencies, while maintaining service to the public. Other emphasis has been on customer service, a reorientation of the traditional approach of public service, Government service, to more customer focused orientation. Those matters have all been dealt with and announced, and I dealt with them yesterday in some detail in the Ministerial statement that I gave. Most agencies in Government are cooperating in the consultancies that I announced yesterday in the area of corporate services and customer service.

So, the cost for each individual agency, again as I indicated yesterday, is not particularly large, given what we expect to be the high quality information that will be available to Government as a result of these consultancies. The amount that has been mentioned is being provided from the nominated agencies within their existing budgets. So, there is no extra money that will have to be found to pay for the consultancies. The agencies concerned, after consultation with the Commissioner for Public Employment and the Office of Public Sector Reform, have agreed to participate in these benchmarking studies to enhance the public sector reform program and to enhance the efficiency of Government services. I believe that the Government will have, following these consultancies, very good information upon which to build its public sector reform program, comparing the South Australian public sector in a number of ways with other institutions both public and private within Australia and overseas. Therefore, it is important and it does not mean that somehow or other there will be extra money to be picked up at some later stage. The money has already been provided for.

With respect to the crime prevention review, it was always envisaged that there would be an assessment of the first crime prevention program as it drew to its conclusion. As the honourable member will know, the program was commenced in 1989. The Government, rather than make some superficial commitments to crime prevention with funding for one year, decided that if you were going to get into crime prevention, you had to commit yourself to it for a period of time.

The sorts of programs that have been developed under the umbrella of the crime prevention program are not quick fixes; they are programs that have to be developed and nurtured within the community over a period of time. So, the Government committed itself to $10 million over a defined period of five years, which will expire on 30 June next year. As I said, it was always envisaged when that program was set up that there would be an evaluation. I expect further funds to be committed to crime prevention, because I believe, as the honourable member and anyone who has thought about it for more than half a second would know, that if all you are going to do is to put money into policing, corrections and courts and expect that to solve the crime problem you are not only fooling yourself but the public of South Australia, if that is the sort of program that is put forward as being in any way credible. It is not; it is a snake oil solution.

Crime prevention programs take time to work, they need evaluation and they may need to be adjusted in some way in the future, although as I said I expect crime prevention initiatives with this philosophical base I have indicated to continue. Obviously, an evaluation will enable the Government to determine what have been the most effective programs and which programs may need to be modified, etc. That is what the evaluation is about. I do not have the exact figure for the cost of the evaluation, but my recollection is that it is about $300 000 or $400 000, which is not a great amount given the overall commitment of $10 million over five years to the crime prevention program.

The assessment team was selected after a tender process. There was one other tenderer at least in the process, but, in the final analysis, the group to which the honourable member refers was selected. I think an evaluation of the program is important. It will guide future policy in this area and, of course, it will be available to enable decisions to be taken on the future of specific crime prevention programs in time for the next budget.

The Hon. K.T. GRIFFIN: I ask a supplementary question: first, will the Attorney-General provide the accurate cost of this program; and, secondly, has the cost been provided for specifically in the 1993-94 budget?

The Hon. C.J. SUMNER: Yes, the cost has been provided for. It was always envisaged that it would be provided for within the $10 million allocation. If the honourable member wants the precise dollar and cent figure I will get it.

GOVERNMENT ADVERTISING

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage a question about Government advertising.

Leave granted.

The Hon. DIANA LAIDLAW: I have received a copy of a letter from the Director of the South Australian Country Arts Trust (Mr Lloyd) to the CEO of the Department for the Arts and Cultural Heritage outlining a case for the trust to be exempt from the Government's decision to appoint a master media agency, Young and Rubicam, to place all Government advertising. The letter states, in part:

> There is no doubt that this decision—

to appoint a master media agency—

> will adversely affect the trust's ability to publicise and market its programs. The South Australian Country Arts Trust is a significant user of the country media. In 1993-94 the trust anticipates that it will expend approximately $250 000 on advertising its own programs (namely, statewide touring, theatre programming and arts development programs) and on placing advertising on behalf of commercial and other organisations who utilise the trust's venues.
>
> While there may be overall savings to be made by the Government from the implementation of the new approach, it will undoubtedly significantly add to the cost of trust advertising. While these additional costs are difficult to quantify at this time, the difficulties encountered by the trust are best explained by the following example. When placing television advertising, the venues

have, over the years, been able to develop relationships with the regional television stations and have been able to place 30 second advertisements in prime time for $55. In addition, for another $40, advertisements have been able to be 'tagged and voiced over'. Moreover, in many instances, the venues have been able to attract sponsorships from the local television stations and have been able to achieve one for one advertising on campaigns. The best offer that Young and Rubicam have been able to come up with for this sort of advertisement is $147 plus another $125 for the tagging.

I remind the Minister that the earlier quotes from regional television stations were $55 and $40 for tagging. So, it is about a 200 per cent increase. The document continues:

Similarly, newspaper advertisements will be affected. As country newspapers feel the pinch of losing 10 per cent of their income (which is paid to the master media agency in commissions) it is almost certain that advertising rates will increase. There is also the additional administrative burden to be considered in providing information to the master media agency on a regular basis.

Over the years, the trust venues and touring staff have, through significant personal contact, developed good relations with the country media. As a result, the trust has been able to secure excellent placement, supportive editorial space, including interviews and competitions in the media, and had an ability to place advertisements at short notice. If the trust is unable to directly place its own advertisements it will lose this close media contact and almost certainly, over time, will lose its ability to secure preferential arrangements.

I have a number of questions to ask the Minister in relation to this disturbing scenario, presented by Mr Ken Lloyd, as follows:

1. As arts organisations and companies are major users of the media and are heavily dependent on advertising for the success of their programs, did the Minister canvass the views of Government-funded agencies such as the South Australian Country Arts Trust before the Government appointed Young and Rubicam as its master media agency and, if not, why not?

2. Does the Minister concede that the master media agency will adversely affect the South Australian Country Arts Trust's ability to publicise and market its programs and that that ability would be compromised by increasing the cost of the trust's advertisements and, if not, why not?

3. Does the Minister believe the South Australian Country Arts Trust has a case that warrants exemption from the master media agency arrangements?

The Hon. ANNE LEVY: As the honourable member knows, the decision was made across the whole of Government to use the services of the master media agency, and there is no doubt that there have been some teething problems in its early stages, and that has been reported from a number of areas. Certainly, the situation mentioned in the letter from the Country Arts Trust is an illustration of a deleterious effect but, of course, in a lot of these matters there are swings and roundabouts and, while it can be deleterious in some areas, it can be most advantageous in others. These problems have been discussed with me not only from the Country Arts Trust's point of view, as the honourable member has read to the House, but there certainly have been discussions with a number of arts organisations on this question. The honourable member may not be aware that this matter was raised and discussed in the Estimates Committees at considerable length. I think the questions came from the member for Mount Gambier, Harold Allison, who had a number of questions in the Estimates Committees relating to this matter. I have taken up the matter and had discussions with the Minister concerned and will certainly be continuing those discussions with the relevant Minister.

The Hon. DIANA LAIDLAW: As a supplementary question, can the Minister confirm the nature of those discussions? It is not clear whether she is actually arguing that the South Australian Country Arts Trust should be exempt—and I understand that the History Trust has also written to the Minister about this matter—or whether she is arguing for these organisations and agencies to be exempt from the rule because of the negative impact that it is having on those organisations.

The Hon. ANNE LEVY: I indicate that I am having discussions with the relevant Minister. I do not think it is necessary to go into all details of discussions until a resolution to those discussions has occurred; but I can assure the honourable member that I am not unaware of the situation and I am taking the appropriate action.

TEACHERS

The Hon. CAROLYN PICKLES: My question is to the Minister representing the Minister of Education, Employment and Training. Can the Minister advise if an agreement has been reached on an award for teachers in South Australia?

The Hon. ANNE LEVY: The Minister of Education, Employment and Training has informed me that new awards and agreements were agreed to earlier today by the Department of Education, Employment and Training and the South Australian Institute of Teachers. This is a most significant achievement for the Government and I am delighted to be able to officially draw it to the attention of honourable members opposite, particularly the shadow Minister. He may not know that the agreement is in three parts. There is a Teachers' Education Department award, a registered industrial agreement and a memorandum of agreement. The first part of the agreement, the Teachers' Education Department award, includes previous awards, such as the Teachers' Secondment Award, the Teachers' Non-metropolitan Interim Conditions Award, the Casual Teachers' Award, the Teachers' Locality Allowance Award and the Teachers' Recreation Leave Loading Interim Award. The new award also includes current leave entitlements as set out in the Education Act and regulations, a dispute resolution procedure and a contract of employment clause.

The registered industrial agreement is a legally binding agreement which recognises the current employment arrangements, including country incentives, transfers and the allocation of promotion points to schools. The memorandum of agreement contains matters which represent the *status quo* working arrangements for teachers, including the current level for allocating staff to schools, thus providing a baseline for measuring productivity gains for future enterprise agreements. I am sure all honourable members, including those opposite if they are honest with themselves, will agree that this provides a secure industrial environment for teachers into the future and as such will ensure the continued delivery of a very high quality education service to all students in this State.

The Hon. R.I. LUCAS: As a supplementary question, will the Minister—

The Hon. ANNE LEVY: I rise on a point of order: can a supplementary question be asked by other than the person who asked the original question?

The PRESIDENT: Yes, I think it can.

The Hon. R.I. LUCAS: I am surprised that the Minister is not aware of Standing Order 108 with her previous experience as President of the Chamber.

The Hon. Anne Levy: I know I never allowed it.

The Hon. R.I. LUCAS: You were contrary to Standing Orders then.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. R.I. LUCAS: We are delighted that you are in the Chair, Mr President, and ruling on this particular matter. Is the Minister prepared to table the reports to which she has just referred, and if she has not got copies of the agreements and the award arrangements to which she has just referred, is she prepared to make copies available or via the Minister of Education, through her to me in this Chamber?

The Hon. ANNE LEVY: I do not have copies with me. I will refer the question to the Minister in another place.

DELISSA PLAYGROUP

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister of Transport Development, representing the Minister of Health, Family and Community Services, a question about the DeLissa playgroup.

Leave granted.

The Hon. I. GILFILLAN: The DeLissa playgroup is a cooperative community playgroup which operates from premises in Gray Street, Norwood. It began operation in the late 1980's—about 1988—and at that time it had a verbal agreement with the Children's Services Office (CSO) for a 12-month lease of the premises at 33 Gray Street. According to minutes of the playgroup, a letter from Mr Greg Crafter, the member for Norwood, assured the DeLissa playgroup use of the building.

The building is now owned by the Children's Services Office and leased by the playgroup. It is the only community service operating from the building. The playgroup pays 75 per cent of the property's rates and taxes and pays for all materials and services required for the property's upkeep. The playgroup, the only one in the Norwood area, is heavily patronised: it currently runs four sessions per week, catering for children from about 50 families. I am told that many more families are keen join the playgroup and that the potential total number of children involved could be about 100.

The DeLissa playgroup was recently told by the CSO that it would no longer have the use of the Gray Street premises after the end of this year. No specific reason was given as to why the CSO wants to move the playgroup out. In a letter dated 29 June, the CSO offered to help find suitable alternative accommodation for the group and to date this has consisted of two suggested locations in Magill and one in Payneham. The CSO suggested that the group approach the Norwood Primary School, but the school does not want to hear about it—it obviously does not have the scope for accommodating the playgroup on its premises.

Playgroup members want to keep this community facility in the Norwood area and are concerned that there is no other suitable venue locally. They tell me that the Gray Street premises are ideal, giving a balance of inside and outside space needed for the successful operation of the group. It is clear to all concerned with this issue that, the group's having been told by the CSO in 1990 that the office would be happy for it to stay on the premises as long as it could support itself financially, which it is doing, the forced eviction of the playgroup now is just to enable the Government to flog off another precious asset in a frantic attempt to dress up the books. In view of this information and the threat to the playgroup, my questions to the Minister are:

1. If the Children's Services Office has no other use planned for the building, why does the playgroup have to move out?

2. Is the CSO planning to sell the property; if so, why and when?

3. Will the Minister publicly and immediately state that this vital self-funded community activity, which contributes significantly to the development of so many young children in the Norwood area, will be able to continue to operate at the Gray Street premises?

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

STATE GOVERNMENT INSURANCE COMMISSION

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 SGIC and Bennett and Fisher.

Leave granted.

The Hon. L.H. DAVIS: The Price Waterhouse report dated 9 October 1990 used an $11 million offer from a developer made on 1 June 1990 to conclude that the $4.5 million purchase of 31 Gilbert Place by Bennett and Fisher from Mrs Kitty Summers was fair and reasonable. On 10 August this year, in a question to the Attorney-General, I revealed that SGIC was in fact the developer named in the Price Waterhouse report that had made an offer to purchase the Bennett and Fisher properties at 12 Currie Street and 31 and 33 Gilbert Place for $11 million.

Until 10 August the developer's identity was unknown. SGIC had made this offer in a letter dated 1 June 1990 to the Bennett and Fisher Chairman, Mr Tony Summers, and the letter commenced:

> As discussed with Mr Vin Kean, SGIC wishes to take an option over. . . the properties for the express purpose of constructing a building to lease to the Australian Tax Office.

This offer from SGIC was accepted by Bennett and Fisher on 4 June 1990. SGIC paid a $10 000 option fee. On or around 17 July 1990, SGIC indicated that it would not proceed to purchase the property as the site was not considered suitable.

On 10 August I asked the Attorney-General whether he believed that SGIC, as the major shareholder in Bennett and Fisher, had a clear obligation to disclose its interest as a potential developer; whether the Government was aware that SGIC was the developer named in the Price Waterhouse report; and whether or not Price Waterhouse had been told prior to preparing the report dated 9 October that SGIC's option to purchase the properties had in fact already lapsed.

The answer that I received from the Treasurer last week—more than two months after I asked the question—simply said:

> I am advised that SGIC held an option over the property in question for a short time but has no record of any offer to purchase the property. It would appear therefore that SGIC was not the developer referred to in the Price Waterhouse report. If the honourable member has evidence to the contrary, I would happy to pursue the matter further.

There was no attempt in that answer to provide answers to the questions that I asked on 10 August, or to name any other

developer who made the crucial offer on 1 June, which in fact was the same day on which SGIC had made its offer.

I further investigated this matter. SGIC's offer to purchase the sites at Currie Street and Gilbert Place was nearly 30 per cent higher in value than any other price paid for any office development site in Adelaide during the boom years of 1988 and 1989. SGIC's offer of $11 million represented $8 200 per square metre. This offer was made in June 1990, when the bubble had already well and truly burst on property values in Adelaide and there were simply no buyers in sight. The highest price paid for a development site in the boom years had been only $6 400 per square metre—well short of that offer of $8 200 made by SGIC.

I have spoken to real estate experts in Adelaide and I share their view, that is, that SGIC's offer to purchase the site was a sham and a desperate attempt to justify Bennett and Fisher's purchase of Mrs Summers' building for $4.5 million. Inquiries reveal that the site was never an option for a Taxation Department office because it was too expensive and there were severe parking problems. The $4.5 million purchase by Bennett and Fisher from Kitty Summers in April 1989 should have been first approved by shareholders at a meeting.

This $4.5 million purchase became known to the public only when the *Advertiser* revealed it as a page one story on 14 July 1990. Immediately after that story, the Australian Stock Exchange contacted Bennett and Fisher, advised it of the breach of Stock Exchange rules and of the requirement to hold a meeting to obtain shareholder approval for the purchase. Coincidentally or otherwise, immediately after that story broke in the *Advertiser*, SGIC withdrew its option to purchase the site.

That raises a number of serious allegations and a number of serious questions, which I direct to the Attorney-General as follows:

1. Why has it taken the Government over two months to provide no answers to the questions that I asked on 10 August?

2. Why is it that the Government seems continually to know less about SGIC's affairs than do members of the real estate industry and I?

3. Does the Government believe that there has been any breach of the law by SGIC or any of its officers?

4. Can the Attorney-General advise whether there has been any Government investigation of this murky affair and, if not, why not?

The Hon. C.J. SUMNER: As far as any breaches of the law are concerned, the honourable member is as aware as I am that there are in our community agencies that are responsible for investigating any allegations of that kind, whether it be the police or the Australian Securities Commission at the national level. So, it is all very well for the honourable member to come in and to make that sort of assertion. He knows where he can go with allegations of that kind. Agencies have been established, as he knows, to examine any breaches of the law that he thinks may have occurred in this case.

As to the other questions, as the honourable member knows, on a previous occasion the questions were referred to the responsible Minister, who is the Treasurer, and he provided a reply. If the honourable member wants further information, I will refer the matters back to the Treasurer.

CHILD ABUSE

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister of Transport Development, representing the Minister of Health, Family and Community Services, a question about reporting of child abuse in the burns unit.

Leave granted.

The Hon. BERNICE PFITZNER: The burns unit of the Adelaide Children's Hospital, now the Women's and Children's Hospital, is an excellent unit for the treatment of burns. However, there is some concern that in treating burns the medical care staff either do not go into the possible cause of the burn being due to child abuse or that perhaps the suspicion is overlooked. For example, in another place a child said that his mother had thrown hot water over him; the mother's explanation was that he had accidentally fallen into a warm bath. The burns were confined to the forehead, tip of the nose, chest and fingers. There was a long history of physical and emotional abuse of this child. This—the overlooking of suspicions—as we all know, is contrary to legislation which requires mandatory reporting of all such suspicions by all health care professionals. My questions to the Minister are:

1. How many burns cases are treated in the burns unit per year?

2. What is the breakdown of the ages of burns patients?

3. What is the aetiology or cause of the burns?

4. If the aetiology is noted as 'accidental', do the staff describe the circumstances of the accident; if not, why not?

5. How does the circumstance of the accident match with the physical injury?

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

GOVERNMENT VEHICLES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister of Transport Development, representing the Minister of Health, Family and Community Services, a question about the unauthorised use of a Government vehicle.

Leave granted.

The Hon. J.F. STEFANI: In July this year I publicly raised an important issue concerning the use of a Government vehicle by a public servant. Mr M. Taylor, a worker employed by the South Australian Health Commission, had illegally used a Government vehicle to attend meetings of the Salisbury council and claimed mileage reimbursement from the council. Honourable members would be aware that all petrol and other running expenses on Government vehicles are generally paid for by the Government.

The vehicle involved was a white Magna sedan, registered number VQJ-893. The amount paid by the Salisbury council against the mileage and other out of pocket expenses claimed by Alderman Taylor was over $2 100, and this covered a period between July 1991 and March 1993.

I am advised that Mr Taylor had used the Government vehicle on numerous occasions over an extended period before he resigned as an Alderman of the Salisbury council following the disciplinary action taken by the Health Commission over the unauthorised use of the vehicle. I am also informed that, following the reimbursement made to the South Australian Health Commission by Mr Taylor for the

use of the Government vehicle, a further claim was received by the Salisbury Council from Mr Taylor seeking the reimbursement of out of pocket expenses in connection with this payment to the South Australian Health Commission. As this matter involves public money and the use of public property, my questions are:

1. Will the Minister advise the amount reimbursed to the South Australian Health Commission by Mr Taylor and the date when the amount was paid?

2. What was the disciplinary action taken by the Health Commission in relation to this matter?

3. Will the Minister advise if Mr Taylor still drives a Government vehicle?

4. What are the procedures which apply in terms of log books and other controls to ensure the compliance with policy for the use of Government vehicles?

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

GULF LINK FERRY

The Hon. PETER DUNN: I seek leave to make an explanation before asking the Minister of Transport Development a question about the Gulf Link ferry.

Leave granted.

The Hon. PETER DUNN: It is proposed that a ferry will run between Cowell on Eyre Peninsula and Wallaroo on Yorke Peninsula; the project so far has foundation shareholders with established funds; it has equity investment, and supportive information has been prepared; land near Cowell and Wallaroo has been purchased; and an EIS is almost complete. The ship will be a displacement catamaran with a capacity of 120 cars or 15 trucks plus 43 cars; it has air-conditioned seating accommodation for 400 persons.

It is proposed that the trip will take 2¼ hours, with two trips per day generally, and three trips during the summer. The object of the ferry, of course, is to facilitate trade and encourage tourism; and one should remember that Eyre Peninsula has just won a Federal tourism award. My questions therefore are:

1. What infrastructure has the Government offered, for example, from Department of Marine and Harbors or Coast Protection?

2. What help has the Minister's portfolio offered to Gulflink?

3. As this is a sunrise project, what Government industry development funds will the Minister suggest could be available to Gulflink?

The Hon. BARBARA WIESE: As the honourable member indicates, planning for this project has been under way for quite some time. I believe that the environmental impact statement prepared by the proponents of the development is close to completion—in fact, it may already have been approved; I am not quite sure. But certainly that is the first major step for bringing the development to fruition.

I know that the proponents of this development have also been in contact with various Government departments that may be of some assistance to them. They have been involved, for example, with discussions with the Department of Road Transport, which cooperated as fully as possible in providing statistical and other relevant information to the proponents to assist them with the planning of their proposed operation, and I am quite sure that the proponents are very happy with the information that they have received and that it has been very helpful.

The Department of Road Transport has indicated to them that it has no objection at all to the development and will provide more detailed assistance, when the project comes closer to fruition, on necessary road works approaching the development, etc.

The Department of Marine and Harbors has been involved with discussions with the proponents about such things as port charges, and there has been some discussion about whether or not there could be some discounting of charges or whether there might be some postponement of the payment of charges. There cannot be any detailed arrangements in that area until there are more detailed plans, and the Department of Marine and Harbors normally enters into indenture arrangements with organisations of this sort with respect to the use of port facilities.

So, as soon as the development has reached a stage where those discussions can be furthered and concluded, it will be certainly the view of the officers of the Department of Marine and Harbors that they would make themselves available for that.

The Economic Development Authority, I know, has had some involvement with discussion with this organisation. Whether or not it has actually asked for financial assistance is something about which I am not clear. I know that at some stage or other there was some talk about limited financial assistance being provided through the Economic Development Authority, but I somehow recall reading something recently which suggested that the proponents were not actually asking for financial assistance.

I know that various community based organisations in the area of Yorke Peninsula and Eyre Peninsula have been suggesting that there should be financial assistance with infrastructure development, but I do not recall the proponents actually suggesting that themselves.

There have been local councils who have talked about it, certainly, but if that is one of the things that the proponents are looking for, presumably they will pursue that matter with the Economic Development Authority, which is also available to discuss these issues. One of the things that must be achieved by the proponents is a commitment for funding of this development. As far as I know, that has not yet been achieved, but I imagine with things of this sort planning approvals and such things are a very important first step to achieving financial commitment, and the proponents should now be in a strong position to pursue their aims in that respect as well.

I am sure that, if this is considered by financiers to be a commercially viable project, then it will proceed. I know of no Government agencies that may have any interest in this matter who will want in any way to frustrate the objectives of the proponents and will want to cooperate with them fully.

EYRE PENINSULA TOURISM ASSOCIATION

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister of Transport Development, representing the Minister of Business and Regional Development, a question about regional tourism.

Leave granted.

The Hon. CAROLINE SCHAEFER: On Friday 15 October the Eyre Peninsula Tourism Association won the Australian Rural Tourism Award for the second time.

Members of that association attribute their success in no small part to the efforts of the Regional Manager, Mr Vance Thomas. Mr Thomas is the only regional manager who still lives in the area he represents, and he has continually said that regional tourism and Tourism South Australia would be most efficiently served by him and, for that matter, the other directors remaining in their own region. In view of the continued success of the Eyre Peninsula Tourism Association, will the Minister accede to requests from that body and allow Mr Thomas to continue to live and work from Port Lincoln?

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

STATE ELECTION

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Attorney-General a question about election timing.

Leave granted.

The Hon. R.I. LUCAS: As the Attorney would know, there has been much speculation in recent days, weeks and months about the timing of the next election. We note in this Chamber, for example, that with respect to two or three Bills that were introduced only on Tuesday of this week, Ministers have negotiated or sought to negotiate urgent passage of those Bills through both Houses of Parliament in three days.

The Hon. C.J. Sumner: Which ones were they?

The Hon. R.I. LUCAS: There are two or three of them that you would be well aware of. With respect to a number of other Bills which have been in the Legislative Council for a week or two, Ministers have negotiated that, after they have passed this Chamber, there be urgent consideration of those matters in the House of Assembly, with Ministers requesting that the matters be processed through the House of Assembly by Thursday. Television industry sources have confirmed to me that the Electoral Commissioner has taken block bookings on all TV commercial stations for a total sum of $350 000 worth of electoral advertising leading up to an election date on 20 or 27 November this year.

The Hon. C.J. Sumner: How are you going to pay for it?

The Hon. R.I. LUCAS: I do not think it is our problem to pay for it. This question is for your Government at this stage. My sources within the Attorney-General's office have confirmed to me that the Attorney-General is aware of the Electoral Commissioner's actions in relation to this matter. My question is: when was the Attorney-General first advised by the Electoral Commissioner that a block booking for election advertising had been taken out by the Electoral Commissioner in preparation for an election on either 20 or 27 November this year?

The Hon. C.J. SUMNER: I think the honourable member makes things up.

The Hon. R.I. Lucas: Would you say there hasn't been a booking?

The Hon. C.J. SUMNER: I would not know whether there has been a booking or not.

The Hon. R.I. Lucas: You do so!

The Hon. C.J. SUMNER: I do not. I am sorry to once again—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I cannot confirm or deny it, because I simply do not know. It sounds as though the Hon. Mr Lucas's sources that he alleges he has were probably the sorts of sources that he usually refers to, those that he makes up in his own mind, having heard—

The Hon. R.I. Lucas: Are you saying it is not correct?

The Hon. C.J. SUMNER: It is certainly not correct that I have been advised about it, which is what the source was alleged to have told the Hon. Mr Lucas.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Well, I know now, apparently, because the honourable member has indicated, but I cannot say whether that is correct or not. There is no reason in any event why the Electoral Commissioner would advise me of taking out advertisements of that kind. He is a cautious person and has no doubt read the newspapers and listened to the speculation about an election date and would no doubt want to be in a position to conduct the election in the most effective way possible whenever that might be. So, I do not know whether those bookings have been made by the Electoral Commissioner. Whether he has informed anyone else in the Attorney-General's Department, I cannot say, but there is no reason why he should, and I would not in the normal course of events expect him to.

Certainly, he has not told me about it. Again, there is no reason why he would, because he is independent in the conduct of elections and will go about spending the money on electoral advertising as he sees fit in the interests of ensuring that South Australians are fully informed of the electoral process, something which is done on the occasion of every election. So, the honourable member knows that, in our system, the Premier determines the election date and the honourable member will have to wait and see.

The Hon. R.I. LUCAS: As a supplementary question, can the Attorney-General indicate whether a sum of $350 000 is approximately the same level of expenditure that was expended by the Electoral Commissioner during the 1989 election in relation to election advertising?

The Hon. C.J. SUMNER: I do not know. I will try to get the information.

LEGISLATIVE REVIEW COMMITTEE

The Hon. M.S. FELEPPA: I move:

That the final report of the Legislative Review Committee on an inquiry into matters pertinent to South Australians being able to obtain adequate, appropriate and affordable justice in and through the courts system be noted.

It gives me great pleasure on behalf of the Legislative Review Committee to be able to make a few comments in relation to the final report into matters pertinent to South Australians being able to obtain adequate, appropriate and affordable justice in and through the courts system. First, I would like to place on record my appreciation to all members of the committee, especially to the Hon. Mr John Burdett for his great input.

Members will recognise that his legal experience meant that his contribution was particularly important and appreciated by all members of the committee. I also wish to acknowledge the conscientious efforts of our research officer, Ms Linda Graham, and our secretary, David Pegram, and of

course the *Hansard* staff whose cooperation enabled the compilation and structuring of the two reports.

As members will recall, the interim report did not contain any recommendations but posed further questions that needed to be addressed before the final report could be written and the recommendations framed. At this point, it would be remiss of me if I did not especially thank those who addressed specific concerns and additional questions to the committee so that in its conclusion the committee could fully appreciate all the issues involved.

Much has been written and reported on the cost of accessing justice in Australia. Having spent a considerable amount of time on this inquiry, the committee can appreciate why this is so and accept that further inquiries and debate may well need to take place in the future. No system of justice is static; it is always dynamic and continually developing. The system of justice in this country has evolved over many years; such a system cannot be formed overnight, it is much more a matter of continued evolution. Access to the justice system has become complicated and costly. For the average person it is shrouded in mystery, its processes and language are archaic and it is certainly not user friendly.

The committee recognises that an entrenched negative perception towards the justice system exists within the community, but equally the committee recognises an existing commitment within the system to reform. In South Australia, for instance, much has already been and continues to be done to address the worst excesses and inefficiencies. In recent years, a positive air of cooperation and reform has arisen between the legal profession, the judiciary and the Government. This cooperation has led to reforms which, in some regard, have overtaken the need for this inquiry.

I wish now to draw the attention of members to some matters of significance in the report as determined by the committee. A telling point was made by the honourable Chief Justice in his response to questions. He said:

> The provision of justice is fundamental to the very existence of the State authority and is therefore the core of the functioning of the State in a way which the familiar operation of the modern State, such as education, health, welfare, town planning, and the like are not. The administration of justice must therefore be understood as an essential function of the State and not a service to be provided.

Therefore, justice should be available for all as a right, whereas education, health and so on are not rights as such. Rather, they are essential services for social and human reasons but they are not constitutionally imperative. If justice were simply a service that may or may not be provided, in my view the authority of the State would collapse, because only those who could afford justice and who, above all, knew how to manipulate the justice system would be able to make use of it. So, the fundamental nature of justice can be seen from the Commonwealth and State Constitutions where the authority of the State is divided and the powers are separated amongst the Parliament, the legislative function, the Executive, the administrative function, the judiciary and the justice function. The importance of justice is not simply respected for the power that judges can wield, but because justice should be available for all so that grievances do not go unheeded, whoever the offending Party may be, rich or poor, able or ill, influential or infinitesimal. It is this thinking that has led to the need for this inquiry.

In the meantime, the Parliament itself has not been idle on this matter while the inquiry has been in progress. As I mentioned already when I tabled the interim report a while ago, nine Acts which affect the functioning of the courts came into operation on 6 July 1992. Since then, two further Acts (the Court Administration Act 1993 and the Legal Practitioners (Reform) Amendment Act 1993) were given assent to on 30 March 1993 and 20 April 1993, respectively. In addition, cash flow management has been improved and the Supreme Court rules have been amended as from 1 July 1993.

The amended rules require that there be three pre-trial conferences: a status conference, a case evaluation conference and, finally, a pre-trial conference. This has meant a considerable saving in time and cost in bringing a case to a conclusion before it has to go to trial or in bringing a case to trial. All the developments that have taken place in the delivery of justice have contributed undoubtedly to a change in what is called 'legal culture'. The changes affect perceptions, attitudes and practices in the administration of justice. The hope and intention is that the advances in legal culture will make redress of grievances more available so that justice can be, and above all, be seen to be done. Changes in the legal culture touch the very philosophy of justice. The recommendations contained in the report aim at further enhancing the availability of justice for all and favour for none.

Another matter to which I would like to draw the attention of members touches on the philosophy of Government. In its evidence, the Law Society of South Australia states that it:

> . . . has frequently pointed out the problem created for the community and for the legal profession and the courts by the proliferation of [unnecessary] legislation.

In response to that reflection, I must say that the function of the Parliament is to consider and accept or reject proposed statutes. If it failed to carry out this function and did not produce the necessary statutes, the administration and authority of the State would fall into chaos. The Parliament cannot carry out its function without adding to the number of statutes. It cannot be the other way. So, the complaint put to the committee about the proliferation of legislation in my view is a complaint about the Parliament's doing a good job in the performance of its functions.

This complaint suggests that the Parliament multiplies the legislation simply to justify Parliament's existence. I am sure that you, Mr President, share my view, as do members in this Council, that this is certainly not the case: all that comes before us are matters that are perceived as being important and necessary—some matters more than others. It is for the lawyers and the courts to cope with the changes and developments required by the statutes. This report will assist the courts to cope. The legal profession has to make an effort in its own arrangements to be able to cope with the amount of legislation passed by this Parliament. Of course, the Parliament, in due process, is prepared to assist them with the legislation necessary to help them do so.

I am sure that the community at large is capable of coping by expecting lawyers and judges to keep abreast of legislative developments. One suggestion that has been forwarded to the committee is that the legislation should be in rather more general terms and not be detailed with 'ifs', 'ends', and 'buts'. Were that the case, the necessary details of the law would have to be promulgated by regulation. To do that would weaken the legislative function of Parliament and increase the power of the Executive, without lessening the so-called proliferation of legislation. Instead of having detailed parliamentary legislation, there would be Government by subordinate legislation. In other words, we would be heading for Government by regulation, and that is a very dangerous way to go, as I am sure members of my committee would

consider that situation. I believe it could lead to a breakdown of the separation of powers and a loss of authority by Parliament as the supreme arbiter of what is best for the State. Such a suggestion could not possibly be accepted, nor is it admitted that there is any sound reason for curtailing additional legislation.

There is a third matter that touches on the philosophy of justice, and it concerns the tribunal. Again, the Hon. Chief Justice observed that:

> . . . tribunals doubtless have an important role to perform in making and reviewing discretionary administrative decisions, but it should not be their function to adjudicate on the legal rights.

It is for the courts to interpret the law and enforce legal rights. If the tribunals are allowed to intrude into areas of functions of the independent courts, we could set up a dual system of justice. There would be an independent court system and a system of tribunals which are not independent, however much they may strive to be just. The tribunals would not be independent because a member of a tribunal holds the office from a Government appointment and they do not have the security of tenure and other safeguards for impartial adjudication which is enjoyed by the judiciary. Sir Ninian Stephen points out that with the tribunals and the increasing use of them:

> The loss of an effective independent judiciary may also occur in a less traumatic and hence perhaps more insidious way. The traditional courts and their judiciary may be left outwardly untouched by the assignment to special tribunals of all those areas in which an authoritarian Government wishes to intervene. The special tribunals, creatures of Government, will then administer those sensitive areas according to the wishes of the Government, while the courts, retaining apparent independence, will, in the innocuous areas left to them, have no occasion to exercise it (that is, full judicial responsibility). Yet such a Government may display a facade of judicial independence. This was very much the Spanish model under Franco. The process is designedly less dramatic than the earlier model but the loss of effective judicial independence is no less real.

The role of tribunals and the possible intrusive power of tribunals should be kept in mind when legislation is being framed. Where it is possible, and especially where interpretation of the law and the rights of the individual and the community are concerned, the powers should be reserved for an independent court.

On the report itself, I point out that, in addition to the body of the report, there is a preamble, which is a brief summary of the salient issues of the report under 11 headings. Along with the preamble, all the recommendations are assembled for easy access by the reader. So, in commending the report to the Council and to members, it is trusted that the Parliament will keep in mind the issues that have been reviewed and the recommendations made, when preparing and debating legislation. Again, I wish to renew my personal thanks on behalf of the committee to all those who have contributed, in their submission and evidence, to make sure that this final report could be compiled. I thank members for their attention.

The Hon. J.C. BURDETT: I support the motion to note the final report of the Legislative Review Committee on an inquiry into matters pertinent to South Australians being able to obtain adequate, appropriate and affordable justice in and through the courts system. I read that in full because members, having heard that in full, will realise what a weighty inquiry it was and how difficult it was to secure answers. I refer to the reports in the press on matters such as this. I have not seen any articles on the release of the final report yet, and that was done last Wednesday. Some time ago, when the committee released an interim report, the committee said specifically in the report itself that the interim report made no recommendations but simply summarised the evidence given to it. On that occasion, the *Advertiser* seemed to think that there was something worth reporting and reported it at the top of its first page, and referred to recommendations that the committee had not made. Yet this final report, which does make detailed recommendations, as far as I have observed, has not been reported at all.

Any report which slams the legal profession gets a lot of upfront media coverage, and I refer to the draft report of October 1993 of the Trade Practices Commission study of the legal profession. In particular, I refer to the report in the *Advertiser* of 7 October, headed 'Report slams lawyers'.

Firstly, I would say that, having read the report carefully, I cannot derive that answer from it. It does attack many of the systems relating to the legal professions in the eastern States—without saying that they are the eastern States and not South Australia. It does not really justify the headline, 'Report slams lawyers'. Professor Fels, whose comments properly set up the inquiry in the first place, has made some statements attacking the legal profession and I might say that they are not justified by the report. If one reads the report I cannot see that there is any justification for saying that the report slams lawyers or that there is anything in the report which really attacks the conduct of the legal profession as such.

What the report does attack is various restrictive practices in the Eastern States. I will not go into them in detail and I do not propose to take much of the Council's time generally, but most of the recommendations which it makes have been implemented in South Australia for quite some time. There is no justification whatever for applying the criticisms of practices in the legal profession in the eastern states to South Australia because they have not existed here. They have been changed through Government action, through the action of the legal profession, through the Law Society itself in particular, and this has been applicable for quite some period. I can see no justification whatever for any of the remarks of Professor Fels being applied to the legal profession in South Australia. I hope that perhaps the media may have a look at this final report and may refer to it in detail, instead of simply picking out points of previous reports which seem to be pressworthy and not talking about a constructive report, as this is.

If this report were a Bill we would say it was a Committee Bill because there is not really a thread running through it. It deals with specific things. I refer to the table of contents: court and transcript fees, transcript, lawyers' fees, court case flow management, legal aid, alternatives to Legal Services Commission legal aid, other related matters, and issues identified by the Committee but not pursued. There is not really a thread running through it. One would have to refer to each aspect of the report.

The report speaks for itself in each of these aspects and I do not propose to comment on the individual aspects, with one exception, and the reason I comment on the one exception is because that is the one that relates to Parliament. It has been referred to by my colleague the Hon. Mario Feleppa and I think I will somewhat depart from the comments which he has made, and that is not usual because we usually agree. That is to be found on page 30 of the report—'Other related matters' and I quote:

> Evidence heard by the committee indicated that considerable concerns were held about both the volume and complexity of legislation and the significant cost implications of both. The

committee also expresses these concerns, particularly as all citizens are assumed to know the law and may be punished for breaches of the law even though they are ignorant of it.

Then follows a significant quotation and the matter is dealt with further. I do think that this is something that we cannot disregard. The then President of the Law Society gave evidence at some length about the volume of legislation which there had been recently and its complexity and the need therefore for the legal profession, if it was going to do its job, to know the law, to study the legislation, and that this contributed to the cost of access to justice by individual citizens. I was somewhat taken aback when that criticism was made and in the same way that I think the Hon. Mario Feleppa was, and still is. I do not think we can run away from this criticism. It seems to me that the Government of the day must have a look at this factor which was recently raised by the Law Society, by the representatives of the legal profession and by the Parliament itself.

It would seem to me that over quite a long period we have taken the attitude that if there is some difficulty in society then you pass a law about it and that will fix it. I think it was established probably in the last decade that it does not always fix it. When you try to tackle some of these things you may be creating more problems than were there in the first place. I think it behoves the Government of the day—whichever party it may be in the future—and the Parliament to now give some consideration to the problems to the legal profession and, therefore, to the public who consult the legal profession, in relation to passing laws about everything that may seem to arise at any time.

They were the comments that I wanted to make about the report because, as I have said, the report does speak for itself and I hope that people do read it. I want to join with my colleague the Hon. Mario Feleppa, the Presiding Member of the committee, in his thanks. I would thank him Mr President. Apart from the standard reports on subordinate legislation which we have always carried out and apart from the one on the Courts Administration Bill which we were directed to deal with, a report on a Bill which was in progress, this is the first such report. It was due to the cooperation of all of the members and officers of the committee that it is as substantial a report as I think it is. It is a subject which has been dealt with by a lot of people, by the Trade Practices Commission report, by the Senate report, and it is clearly a subject which is important to all citizens at the present time.

So, apart from the one report on a Bill, this is our first report. I think that it is due to the patience and skill of the Hon. Mario Feleppa, to a large degree, that it has come to this stage. I cannot emphasise too much that this is a unanimous report. As with all reports that end up unanimous, parts were left out or modified because of different opinions within the committee. However, the report as we have it is unanimous. I think that is important and a tribute to the Hon. Mario Feleppa.

I thank all members of the committee, but in particular the officers: the Secretary, David Pegram, and the research officer, Linda Graham. Perhaps in regard to the report, we should acknowledge Linda in particular. I do not remember how many draft reports there were, but they were changed from time to time and Linda was skilful in that process. At one stage we were asked to put our required changes in writing and she was very skilful in writing those changes into the final report in a way that was acceptable to all members. So, I have great pleasure in supporting the motion to note the report.

The Hon. PETER DUNN secured the adjournment of the debate.

SELECT COMMITTEE ON THE REDEVELOPMENT OF THE MARINELAND COMPLEX AND RELATED MATTERS

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

That the time for bringing up the committee's report be extended until Wednesday 24 November 1993.

Motion carried.

SELECT COMMITTEE ON THE CIRCUMSTANCES RELATED TO THE STIRLING COUNCIL PERTAINING TO AND ARISING FROM THE ASH WEDNESDAY 1980 BUSHFIRES AND RELATED MATTERS

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

That the time for bringing up the committee's report be extended to Wednesday 24 November 1993.

Motion carried.

SELECT COMMITTEE ON THE PENAL SYSTEM IN SOUTH AUSTRALIA

The Hon. I. GILFILLAN: I move:

That the time for bringing up the committee's report be extended until Wednesday 24 November 1993.

Motion carried.

SELECT COMMITTEE ON THE CONTROL AND ILLEGAL USE OF DRUGS OF DEPENDENCE

The Hon. CAROLYN PICKLES: I move:

That the time for bringing up the committee's report be extended until Wednesday 24 November 1993.

Motion carried.

SELECT COMMITTEE ON REVIEW OF CERTAIN STATUTORY AUTHORITIES

The Hon. T.G. ROBERTS: I move:

That the time for bringing up the committee's report be extended until Wednesday 24 November 1993.

Motion carried.

SELECT COMMITTEE ON THE EXTENT OF GAMBLING ADDICTION AND EFFECTS OF GAMING MACHINES

The Hon. T. CROTHERS: I move:

That the time for bringing up the committee's report be extended until Wednesday 24 November 1993.

Motion carried.

HINDMARSH ISLAND BRIDGE

Adjourned debate on motion of Hon. T.G. Roberts:

That the seventh report of the Environment, Resources and Development Committee concerning the inquiry into the Hindmarsh Island bridge be noted.

(Continued from 6 October. Page 429.)

The Hon. L.H. DAVIS: It is significant that this report concerning the Hindmarsh Island bridge project has recommended that the matter should be reviewed. The committee comprises members from the three Parties and its recommendations make a mockery of the Government's actions with respect to the Hindmarsh Island bridge.

In fact, the committee recommends that the bridge project should be reassessed in the light of the problems regarding finance, environment and priorities for Government funds for transport and bridges in other parts of the State.

The committee believed that there was a strong argument to maintain the ferries because it was more sympathetic with the existing environment, both from a heritage point of view and also as an attractive tourist feature. Also, an additional ferry could overcome the undoubted transport difficulties that exist in peak times conveying cars from the mainland to Hindmarsh Island.

The committee quite properly suggested that a toll be introduced for ferry users who were not residents of the island and that money could then be used to pay for the ferry service and to assist in the environmental protection of this very important area.

The evidence from the tripartisan committee is overwhelming. Whilst it stopped short of condemning the Government directly, the implications of the evidence it has received and the report that it has made to the Parliament are obvious.

There has been total confusion with this project, which started, of course, with Binalong, the developer of the marina site on Hindmarsh Island, undertaking to pay for the total cost of the bridge which was initially $5 million. However, as Binalong plunged into financial difficulties and as the project suffered in the economic downturn, there was a rearrangement of the funding for the bridge: it was to be shared equally between Binalong and the Government.

However, of course, the third stage of the funding arrangement saw the Government taking up the entire funding obligation, and Binalong would become liable for funding of the bridge only if and when it ever met its debt to Partnership Pacific. Given the well publicised difficulties of Binalong Pty Ltd as recently as a few days ago, it seems unlikely that it will ever be in a position to meet any financial burden in respect of the bridge.

Looking at the projected itself, it is quite clear that it is foundering. The evidence received was that in the first half of 1992 seven blocks were transferred at about 85 per cent of the brochure price. In the second half of 1992, 26 blocks were transferred at 53 per cent of the brochure price.

In the first five months of 1993, 35 blocks were transferred at a price of only 42 per cent of brochure price. Indeed, some three blocks not on the waterfront sold for as little as $5 000 each. Whilst 60 per cent of the blocks in stage 1 appear to have been sold, it is quite clear that the fall in the price obtained for the blocks and also the shortfall in the demand for allotments likely in the second stage of the development means that the initial establishment costs of this project will be difficult to recover.

The committee also criticised, I think quite properly, the fact that it had difficulty obtaining a research officer to assist in its deliberations. It is quite remarkable to have a committee forced to look at a complex matter such as this, along with many other matters concurrently, and being hampered in its urgent inquiries by the fact that it was unable to obtain a research officer.

At the same time the Minister of Transport Development, the Hon. Barbara Wiese, was steaming along in parallel with the committee's investigations to advance the tender process for the bridge. It was almost as if the bridge was going to happen irrespective of the findings of the committee. There is no way the Government could justify proceeding with the bridge on the basis of the committee findings—no way at all.

We find from the committee's report that the decision to proceed with the bridge was a Cabinet decision rather than a decision of the Department of Transport. That in itself was unusual, and strong and persuasive evidence was given to the committee to suggest that the decision to fund the bridge via Cabinet rather than the normal mechanism of the Department of Road Transport was to circumvent the department's general rule of establishing priorities for major capital projects, and there was an admission to the committee that the Hindmarsh Island bridge was not in the next five-year plan for major transport projects.

The Hon. T.G. Roberts: You are missing the bit about the changing priorities at Binalong as well.

The Hon. L.H. DAVIS: In what sense?

The Hon. T.G. Roberts: Binalong was going to pay for it.

The Hon. L.H. DAVIS: I have made that point already. So, funds were allocated to this project ahead of other priorities as determined by the Department of Road Transport. There is something almost sinister about this Government's determination to push through with this bridge against the very sage advice of the tripartisan Environment, Resources and Development Committee, which is so ably chaired by the Hon. Terry Hemmings.

The Hon. M.J. Elliott: Very solid members, too.

The Hon. L.H. DAVIS: Yes. This Chamber is represented on that committee by my colleagues, the Hon. Peter Dunn, the Hon. Terry Roberts and the Hon. Mike Elliott. This report, of course, it is worth noting, is a unanimous report.

The committee believed that the necessary arrangements were not in place to accommodate the impact on the environment which will follow necessarily from the large scale development planned by Binalong and by the fact that the bridge would open up access to the island on a scale unprecedented and allow for further development and further major projects to be planned.

So, the committee was firm in its view that the environmental and other issues had to be resolved before any irrevocable step was taken, but what did the Government do? It went ahead and called tenders for the project. I suspect that we may well find people lying in front of bulldozers when attempts are made to proceed with that bridge. We have already had—

The Hon. T.G. Roberts: The Hon. Miss Laidlaw?

The Hon. L.H. DAVIS: Well—

The Hon. Diana Laidlaw: Quite possibly.

The Hon. L.H. DAVIS: The Hon. Miss Laidlaw is a possibility, or the Hon. Jennifer Cashmore may make a cameo appearance out of retirement.

The Hon. Diana Laidlaw: I think all the ERD Committee members.

The Hon. L.H. DAVIS: Importantly, the trade unions have said that they will ban work on the bridge.

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: Dave Thompson, the Secretary of the powerful—

The Hon. T.G. Roberts: CME.

The Hon. L.H. DAVIS:—CME Union has already publicly stated his firm opposition to the bridge. So, the committee recommended that that bridge project should be reassessed and that one of the credible options which had not been seriously examined by the Government was to introduce a second ferry to overcome the peak demand which occurs in those summer months.

Certainly, the representations made on behalf of Berri and the fact that it has been waiting on the sidelines for so many years for a bridge were very persuasive, but of course this Government has long forgotten logic.

The committee also expressed concern about the wording of the deed which had been entered into with respect to the bridge. The committee was advised that it was unclear and open to differing interpretations and could well be challenged. With Binalong's financial viability precarious, to say the least, the committee makes the point that if the company does go into liquidation the deed is absolutely silent on what happens to Binalong's obligations: are they passed on to Binalong's successors?

So, here we have a Government that originally committed itself to the bridge because the developers of the Goolwa marina project, Binalong, were going to pay for it. But now that they are no longer going to pay for it, the Government remains committed, with no benefits flowing to the taxpayers at all, and perhaps quite possibly some environmental degradation of Hindmarsh Island and that delicate ecology of the region as a result of opening that area up to mass tourism.

Often, as even the Department of Tourism admitted, it is contrary to the best interests of tourism in that area to open up a sensitive area to mass tourism, because it then ultimately has a contrary impact. It is perhaps like building a bridge to Kangaroo Island for day trippers. It would put enormous pressure on that very fragile ecology there if anyone and everyone could drive in to Flinders Chase.

The Hon. I. Gilfillan: Are you in favour of Tandanya?

The Hon. L.H. DAVIS: Let us not distract ourselves at this stage. So I welcome the committee's report. I think it is yet another example of how significant committees can be in making judgments outside the heat and pressure of the parliamentary arena. It is a very good example of how this committee system, in its embryonic stages, is working so well. Later today we will have the opportunity to debate another important report presented by another committee on which the Hon. Carolyn Pickles, the Hon. Ian Gilfillan and I serve, that is, the Social Development Committee, which in fact has recently tabled a report on the important and difficult issue of AIDS in the community.

If the committee system is going to be respected and have its rightful place in the parliamentary system, the Ministers of the day have to be cognisant of its reports and respect, and not abuse, the committee system, because in the case of the Hindmarsh Island bridge there has been clear evidence that the Executive and the Minister of Transport Development in particular have adopted a high handed and contemptuous approach to the committee system and have quite blatantly ignored the findings of the members, representing all three Parties of this Parliament, that further investigations should take place before the Hindmarsh Island bridge is proceeded with.

The Hon. Barbara Wiese interjecting:

The Hon. L.H. DAVIS: The Minister of Transport Development, unwisely, is interjecting and saying that further investigation is taking place. If that is the case, why have tenders been called, when the committee, in reporting to the Parliament quite recently—

The Hon. Barbara Wiese interjecting:

The Hon. L.H. DAVIS: Well, why did the Minister proceed, even though the committee made quite clear that further work had to be done before the bridge was proceeded with? In fact, the Minister should understand plain English, when the committee recommends that a reassessment of the bridge project should be instigated in the light of the evidence which the committee received.

The Minister has just demonstrated her contempt for the committee system by her remarks in the Chamber. I find that disheartening but not surprising. We have become used to that. I just want to commend the committee for its very detailed work, notwithstanding the difficulty of obtaining a research officer, and notwithstanding the pressure of time under which it worked. It fairly reflects the concerns of members of this Party when the issue was first raised some many months ago. It also provides justification for the public criticism that the Liberal Party raised about the bridge, and also the environmental fears that are associated with it. I just hope that it is not too late in the day for the Hindmarsh bridge to be stopped.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

CROWN SOLICITOR NOTIFICATION

The Hon. I. GILFILLAN: I move:

That the regulations under the Criminal Injuries Compensation Act 1978 concerning Crown Solicitor notification, made on 12 August 1993 and laid on the table of this Council on 17 August 1993, be disallowed.

The purpose of the regulations is, as I am advised, to give three months notice to the Crown Solicitor of an intention to commence proceedings. This will delay many actions by three months. I understand the purpose of the regulations is to attempt to settle matters without proceedings being issued. I am of the opinion that this will not be possible in matters where an offender is known, unless the Crown Solicitor is prepared to forgo his right of recovery against an offender. In these cases, a substantial effect of the new regulations will be to simply delay the proceedings for three months.

In cases where the offender is not known, the Crown has until now never had a policy of settling matters without the issuing of proceedings, although I am advised that it would have been possible to do so. If it is the intention of the regulations to incorporate a change of policy from the Crown Solicitor to settle matters prior to the issue of proceedings, this could be of some benefit. The regulations, however, require such an extensive and detailed formulation of the claim as to greatly increase the amount of work required to be undertaken by the members of the profession who are prepared to undertake this work.

I am aware that many firms were not prepared to undertake criminal injuries compensation work because of the small scale of fees. Under the new regulations, the scale of fees for solicitors has been reduced so that the figure is reduced from $600 to $400, yet at the same time the amount of work has substantially increased. Four hours at $400 is equivalent to about 3½ hours professional time for a solicitor under the Supreme Court scale. There is simply no way that the vast majority of criminal injuries compensation claims can be professionally attended to in such a time frame.

Notwithstanding the benevolence of some members of the profession, the inevitable consequence of that is that claims will be inadequately prepared without a thorough and complete consideration of all relevant matters.

All members, the public and the media have welcomed the fact that now we have in place a long overdue compensation system for those who suffer injury as a victim of a criminal occurrence, event or attack. It is, however, lean pickings for the legal profession, so there are very few who devote much, if any, time pursuing these claims as legal representative of the victims. It is unfortunate, therefore, that these regulations certainly will make it even less likely that members of the legal profession will undertake to represent victims in their approach and claim for compensation for injury. So, I ask the Chamber to disallow these regulations. It at least would then require a review, a reappraisal of this issue, along the lines of the information that I have brought to the Chamber. It is not stand or fall as far as the compensation goes. The proceedings can still be pursued if these regulations are disallowed, but we have not seen the effect which I believe can quite accurately be prophesied that there will be few, if any, lawyers, except those who are really acting out of a sense of social justice and some compassion for the victims, who will undertake this work. So, I urge the Chamber to disallow these regulations.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

SELECT COMMITTEE ON COUNTRY RAIL SERVICES IN SOUTH AUSTRALIA

Adjourned debate on motion of Hon. G. Weatherill:

That the report be noted.

(Continued from 13 October. Page 533.)

The Hon. I. GILFILLAN: This select committee was established on my motion with the clear intention of safeguarding, protecting and, if possible, promoting rail services intrastate. I was appreciative of the enthusiastic support that I received from the Opposition for this motion but somewhat dismayed at the rather petty, mean attitude of the Government and the Minister at the time who, for reasons I have yet to fathom, vehemently opposed the setting up of the committee. Having gone through that minor political storm and got members of the Government appointed to the select committee, the committee applied itself to the task enthusiastically and objectively—and I indicate my appreciation for that.

It is unfortunate that, having got the cooperation and energetic participation of members of the committee and the research officer, Mr Graeme Little, we were frustrated because of obstruction by and lack of cooperation from entities which it was quite amazing to see behaving in this way. I refer members, the public and those people who are interested in reading *Hansard* to look at this reasonably brief report, particularly the first few pages, in which the committee makes comments in relation to that frustration on page 3, as follows:

> The select committee received written and oral evidence addressing the terms of reference for the inquiry into the operation of South Australia's country rail services. It has been frustrated—

I repeat: it has been frustrated—

> by the lack of participation by the Australian National Railways Commission, the Federal Minister for Land Transport and his Department of Transport and Communications, which prevented the validity of many of the submissions received being tested.

On any detached assessment, it is outrageous—and I use that word advisedly—that a properly constituted select committee of this Parliament, which was set up to look at an area that properly comes under the purview of this Parliament (intrastate rail services), should have encountered not only indifference but also hostile lack of cooperation and insolent refusal to respond to our written approaches over and over again. It virtually meant that the committee was unable to perform the task that this Parliament had assigned to it. That was no fault of the many people who gave evidence—and I do not intend to go through those, but there were many who gave valuable evidence to the committee.

In my rather brief contribution I want to read into *Hansard* a couple of further paragraphs from the committee's comments in the report because I think they further expand some of the frustration and, to me, undesirable attitudes that were shown by AN. I quote again from page 3 of the report, as follows:

> Intrastate Passenger Services
>
> Evidence presented to the committee indicated that AN saw no commercial future for intrastate passenger services in South Australia without substantial capital expenditure on infrastructure and extensive passenger use. It was alleged that AN had allowed these services to deteriorate which contributed to a decline in patronage. The closures have meant South Australia is the only State without regional passenger rail services.
>
> Some witnesses contended that AN had not adhered to the Railways (Transfer Agreement) Act 1975, particularly section 7 in which the commission was required to pursue a program of improvements which it considered to be economically desirable to ensure standards of service and facilities at least equivalent, in general, to those at any time current in respect of the remainder of AN and the railways of States other than South Australia.

We were so often glibly assured that South Australia had this Railways (Transfer Agreement) Act of 1975 and that, therefore, everything would be all right. The fact was that, although we were not getting AN or the Federal Government to comply with this Act, we got very little support or action from the Minister of this State Government to put them in the hot seat about it, and we were virtually powerless to ensure that this Act was complied with. The report continues:

> Concern was expressed by community groups, local government and trade unions at the closure of regional passenger services without adequate consultation. The committee noted that the arbitrator appointed under the terms of the Railways (Transfer Agreement) Act 1975 to review the decision to close the Mount Gambier passenger service had determined 'that the Commonwealth may not terminate the Blue Lake passenger service between Adelaide and Mount Gambier'.

They snubbed their nose at that, so now there is no way you can get on a train and travel as a passenger from Adelaide to Mount Gambier. On page 6 of the report, the summary states:

> A wide range of persons and community interest groups from both the city and country areas of the State gave evidence in writing or appeared before the committee. Generally, the evidence indicated concern at the closure of the country services and the removal of rail lines.

I point out that not only did AN terminate services but it could hardly wait. Almost with indecent haste it tore into the lines to ensure that no-one could ever oblige them to run services on them again. The financial return was peanuts. I believe that this was rail sabotage by an organisation which, to me, was totally indifferent to its obligation to continue rail services in any form in the intrastate part of South Australia. The summary continues:

The committee was unable to test the validity of some submissions because of the lack of participation by the Australian National Railways Commission and the committee wishes to record its disappointment at their lack of cooperation. As a result of this the committee is not able to present balanced conclusions from its investigation into country rail services in South Australia.

The committee noted that Australian National continued to dismantle sections of the rail infrastructure in some parts of the State during its deliberations. However, much of the rail infrastructure still remains and the committee believes it must be retained so that it may be retrieved in appropriate circumstances enabling economic use of rail lines for commercial or tourist purposes either by private or public operators.

That is all I will quote from this report which, I think, is well worth reading by those people who have a particular interest in rail in South Australia.

I conclude by repeating that the purpose of setting up the committee was to preserve rail services within South Australia and also to indicate that this Parliament sees the long-term essential nature of rail as a form of passenger and freight service. There is the swing to road transport. Many who have been involved deplore the hidden costs, the devastation of rural roads, the safety factor and the carnage of semi-trailer involved accidents, and environmentalists, safety experts and economists see that the winding down of our rail services is based on a series of false premises. It has taken far too long for us or for those in positions of power in Government, both Federal, and I believe in this State, to energetically reverse the trend of the shrinking availability of rail services in South Australia. Therefore, if for no other purpose, I am pleased that I moved the motion successfully for the establishment of this select committee, and I support the noting of its report. It will stand as a testimony to the stubborn intransigence of AN, but I hope, more optimistically, that it acts as a spur to a new Government coming into South Australia to energetically promote rail for both passenger and freight movement within South Australia.

The Hon. DIANA LAIDLAW: I, too, wish to note this report, which was prepared by the select committee on country rail, of which I was a member. I share many of the sentiments expressed by the Hon. Mr Gilfillan in his contribution and those last week of the Hon. Mr Weatherill, who chaired this select committee. I have sat on many select committees over the 11 years I have been in this place but I have never found any to be the frustrating experience that this one was. I, too, feel very angry with the management of Australian National and also with the former Federal Minister, the Hon. Bob Brown, who did not insist that AN should meet and cooperate with the committee. I found this attitude by AN, which is a publicly funded organisation and which is based in South Australia, to be almost beyond belief and, in public relations terms, to be foolhardy. In fact, it was a disappointing and entirely unnecessarily defiant action on the part of this organisation.

Speaking with colleagues in Victoria and New South Wales in particular, I have no doubt that the same frustration and anger that I felt about Australian National in its response to the select committee was shared by New South Wales and Victoria when it was suggested that AN should form the basis for a national rail operation in Australia. Rail authorities in those two major States would not have a bar of dealing with Australian National on a national basis and, although initially I found that view very difficult to comprehend, I now understand it. Australian National has made a rod for its own back. The management has sought to preserve the future of Australian National but, by the foolhardy manner in which it has approached public relations and by thinking that it could confront and bash through all obstacles, it has ensured that we now find a new national rail corporation, essentially based in Sydney and Melbourne, that we have lost the Pasminco line, that we have lost the road-railer rights and that we have lost more jobs within rail. We certainly today have no intrastate passenger rail service, and we have lost many hundreds of kilometres of rail line and more rail services.

So, it is with some bitterness that I address this motion today. I also want to place on record that I have found Australian National's attitude to the select committee extremely difficult to deal with when Australian National has come pleading with me to fight for jobs at Islington, Port Augusta and the like. I have fought those fights in this place, with my Federal colleagues and publicly, yet I know in my own heart that Australian National is ready to use State members of Parliament when it suits them but really could not care a stuff about them at any other stage, and I would suggest to the management of AN that this attitude has to change.

The Hon. I. Gilfillan: Dr Williams might be bringing in the new flavour.

The Hon. DIANA LAIDLAW: No, I am talking about management; I am not referring to the board or the Chairman. This attitude has to change, particularly if we are to be able to use Australian National as the base for a national rail passenger network, which I would be keen to see in the future, and if we are going to be able to continue the fight for the extension of the line from Alice Springs north to Darwin. So, there is a lot on the agenda for rail in South Australia. Australian National must lift its game in terms of its public relations generally and in its cooperation with State members of Parliament, who are natural allies—if it only realised that—for what Australian National should be seeking to do to improve rail in the future. But, if it does not see that, it gives one little confidence on where Australian National will go in the business plan that it is preparing for the Federal Government at present.

I want to make a number of other general comments with respect to this select committee, the first of which is in reference to our recommendation that the committee believes it must be retained, that is, the rail infrastructure, so that it may be retrieved in appropriate circumstances enabling economic use of rail lines for commercial tourist uses, either by private or public operators. I seek leave to incorporate in *Hansard* a chart highlighting the lines that have been closed and removed since Australian National took over the operations of our country rail lines.

Leave granted.

RECENT RAIL CLOSURES IN SOUTH AUSTRALIA

The following lines have been closed and the lines removed, except as noted.

From	To	Km	Gauge	Closed
Stirling North[1]	Quorn	35.0	NG	*
Quorn	Hawker	65.1	NG	*
Wanbi	Yinkanie	50.4	BG	*
Marree[2]	Alice Springs	869.4	NG	1980
Leigh Creek[2]	Marree	98.2	SG	1989
Bumbunga[3]	Lochiel	8.5	BG	7.10.82
Paringa	Barmera	36.3	BG	7.3.84
Balaklava[3]	Paskeville	62.1	BG	4.4.84
Riverton[4]	Spalding	83.8	BG	17.4.84
Wallaroo	Moonta	18.4	BG	23.7.84
Strathalbyn[5]	Victor Harbor	50.0	BG	14.1.86
Stockwell	Truro	8.3	BG	13.1.87
Eurelia	Quorn	72.4	NG	3.3.87
Gulnare	Gladstone	24.7	BG	11.5.88
Hallett	Peterborough	55.4	BG	26.7.88

Naracoorte	Kingston (SE)	83.6	BG	19.4.89
Mt Barker Jct[5]	Strathalbyn	31.5	BG	28.2.90
Peterborough[6]	Eurelia	57.2	NG	14.3.90
Gladstone	Wilmington	87.4	NG	14.3.90
Galga	Waikerie	63.5	BG	14.3.90
Kadina	Paskeville	19.5	BG	14.3.90
Balaklava	Brinkworth	60.2	BG	1991
Snowtown[7]	Gulnare	46.5	BG	1991
Eudunda	Robertstown	23.0	BG	1991
Apamurra	Cambrai	25.6	BG	1991
Snuggery	Millicent	10.0	BG	1991
Burra	Hallett	29.8	BG	1993
Karoonda[8]	Galga	55.2	BG	1993
Karoonda[8]	Peebinga	106.2	BG	1993
Alawoona[8]	Paringa	97.3	BG	1993

TOTAL (exc pre-AN & Alice Springs) 1314.60 kms

The Hon. DIANA LAIDLAW: A letter that was forwarded on 26 January to grain growers in the Murray-Mallee area reads as follows:

Dear grain grower,

As there seems to be a good deal of misinformed comment concerning the future of the State's rail network operated by Australian National (AN), especially related to grain transport in the Murraylands, the Murray and the Upper South East, I am taking this opportunity to write to you setting out AN's position.

Firstly, AN will have an ongoing role in South Australia. While interstate freight will progressively be transferred to the newly formed National Rail Corporation, the intrastate business, referred to as 'SA Freight', will continue as one of AN's core residual businesses.

In so far as AN's grain network east of the Mount Lofty Ranges is concerned, the position is as follows:

1. Main south line

Standardisation of the Melbourne to Adelaide line, announced by some time ago by the Prime Minister in his One Nation statement, is unlikely to be completed until the end of 1995.

Nevertheless the Commonwealth has given the South Australian Government an undertaking that it will fund the connecting of rail-served country silos, located between Monarto south and Wolseley to the main south line when it is converted to standard gauge.

I am aware that some efforts have been made to establish a working party between national rail officials who are in charge of the standardisation of the line between Melbourne and the border and Australian National officials who are responsible for the work from the border to Belair. AN has not been easy to deal with in this process and, again, it is fighting rear guard battles that may not necessarily be in its longer term interest in the manner in which politicians may look at Australian National in the future. The letter continues:

2. Loxton and Pinnaroo branch lines: with standardisation of the Tailem Bend to Adelaide section of Melbourne/Adelaide, these lines have potential to become isolated broad gauge lines. AN has already studied several possible options to service grain traffic generated on these lines.

The most likely option at this stage is considered to be a transfer operation at Tailem Bend, whereby AN would continue to operate dedicated broad gauge grain trains feeding blocks of grain hoppers to Tailem Bend for transfer to standard gauge grain hoppers destined for Port Adelaide. Preliminary discussions and evaluation of such a project have been held between AN and SA Cooperative Bulk Handling (SACBH).

Standardisation of the Loxton and Pinnaroo Lines is also being evaluated. However, the issue of which Victorian lines will be standardised has not been resolved to date. Because there is a sizeable volume of across-border traffic (Victoria to South Australia via Pinnaroo) AN needs to consider the wider implications.

3. Apamurra Line: In evaluating the future of the Apamurra Line, AN is faced with the issue of whether the grain task even with the possibility of additional permanent storage capacity is sufficient to support the line's retention including consideration of the cost of standardisation. These issues are currently under consideration.

However, as you may be aware, AN holds a commercial agreement with the Australian Wheat Board, Australian Barley Board and SA Cooperative Bulk Handling for the conveyance of export grain to port terminals. Retention of rail services to certain silos, namely Apamurra, Wanbi, Alawoona and Loxton are subject to mutual agreement between AN and the industry, currently on an annual review basis.

The situation, therefore, beyond 1 November 1994 rests as much with the graingrowers and elected representatives in the grain industry and the extent to which the industry is prepared to support the rail network.

Rail's role in the State to move grain is quite significant and often downplayed. Sixty-nine per cent or 63 per cent of 110 country silos are still rail served and contribute to some of the lowest on-land transport cost for export grain in Australia. AN's view is that rail can and should continue to be a major transport provider not only on the Eyre Peninsula but also east of the Spencer Gulf.

That is the conclusion that I would strongly endorse. The letter continues:

The capacity provided by rail under the most difficult circumstances during the last harvest also needs to be recognised. It is apparent that road transport could not provide the capacity or meet the levels of rail's efficiencies, especially during the harvest period and during the peak shipping programs.

I would also like to dispel any suggestion that rail is no longer relevant or is not capable of adapting to changes in the grain transport industry.

My management team is always striving to find more efficient ways to handle grain, along with new initiatives in a spirit of joint cooperation with SACBH. This includes:

- a new spur line to serve a 240 000 tonne grain bunker site at Cummins on the Eyre Peninsula.
- evaluation of a loop line at the Port Adelaide terminal which could enhance turnarounds and extend terminal hours during the harvest period.
- potential for rail connections to bunkers at Roseworthy and a storage shed at Gladstone.

These initiatives are indicative of the proactive approach being taken by rail and certainly in the case of the Main South Line, Pinnaroo, Loxton and Apamurra Lines it is AN's intention to provide services to silos on these lines while it remains commercially viable to do so.

Yours sincerely,

(signed) R.M. King, Managing Director.

I have read that letter into *Hansard* because I am pleased that AN is communicating with graingrowers and I share the belief that so much of our rail future will depend on graingrowers and elected representatives of the grain industry supporting the rail network. I am only sorry that the courtesies that AN paid to the graingrowers were not paid to members of this select committee or, in turn, this Parliament, by its providing similar information to that which we sought under our terms of reference.

There may well be discussion in future about the ownership of the rail lines in South Australia. That would be determined with the State Government under the terms of the 1975 Rail Transfer Agreement. But there are a number of tourist endeavours and train proposals that people are suggesting should operate on our rail lines when they are not being used at peak times or when AN no longer wishes to use the lines at all. I have been in contact with a restoration group at Tanunda, which is keen to restore the railway station there and to ensure that tourist trains, at least at weekends, can travel to Tanunda. I hope they can also stop at Lyndoch and perhaps go through to Nuriootpa. I have also had correspondence from people who are keen to see tourism trains going to Kapunda.

At the moment it is quite hard to negotiate with Australian National for some of those trips, although I do strongly commend Australian National for its recent *Explorer* initiatives during the Barossa Food and Wine Festival. However, I did not notice any such trains going up to the Barossa during the recent Barossa Music Festival. So I think there are plenty more opportunities not only for AN to operate these tourist services but also for it to give others access to the lines at reasonable cost, and not at a cost that

prevents competition. We would then see a lot more exciting rail trips offered in South Australia, not only for tourism but on a regular basis. I am very keen to see, at least on a trial basis, a rail link to Lyndoch and Tanunda for regular passenger transport purposes, and perhaps with a change of Government in a few weeks time that may well be possible. There are a lot of things we can do with rail in the future. It is not all bleak and it does not all have to be in the freight area.

Finally I would like to say that, when on holidays for a week in New South Wales earlier this year, I visited Tenterfield, in northern New South Wales, which was the site of a speech given by Sir Henry Parkes on 24 October 1889, which set in motion the popular movement resulting in Australian Federation on 1 January 1901. I read this speech with great interest, and it maybe of interest to other members to be know of the reasons why Sir Henry Parkes believed the Australian colonies should be federated into the Commonwealth of Australia. Certainly, defence of the nation was one such matter, but the other one that took me by surprise was his vision for rail. Back in 1889 he had a vision for rail. He had been talking about defence and went on to say:

> This subject bought them face to face with another subject. They had now, from South Australia to Queensland, a stretch of about 2 000 miles of railway and, if the four colonies could combine to adopt a uniform gauge, it would be an immense advantage in the movement of troops as well as in the operations of commerce and the various pursuits of society.

Sir Henry went on to talk about this being one of two great national questions which he sought to lay before the people. Is it not fantastic to think of the vision of a man back in 1889 who wanted to standardise the rail gauges around Australia? We now find that, in 1991, the Prime Minister's One Nation package has finally started the process of standardisation of the rail line between Melbourne and Adelaide.

So, it has been a long time—almost a century—from the time that Sir Henry Parkes spoke of such a need. His vision of those days reminds me of the vision that men in this place had over 100 years ago when they were talking about a transcontinental line from Adelaide to Darwin. So, we are not really proud inheritors of those gentlemen in terms of the vision that they had for our State and for rail in general.

I am very sorry that the committee set up by this Council was frustrated in its exercise in trying to build upon that proud history, and I regret very much indeed Australian National's arrogance in its refusal to cooperate with members of this committee. I suspect that will be a great disappointment also to all those from the community, including council representatives, farming representatives and rail enthusiasts who willingly cooperated with the committee and sought to ensure that we have a strong and exciting future for rail in this State.

In conclusion, I would like to thank our Secretary, Mr Trevor Blowes, and our research officer, Mr Graham Little. They were very patient gentlemen and gave strong support to the committee. I thank them for their integrity and enthusiasm.

The Hon. PETER DUNN: It is difficult to note a report like this when it does not come to any conclusions. However, in so doing I would like perhaps to expand a little on why the report is not complete, and obviously it is not without conclusions. The previous speaker, the Hon. Diana Laidlaw, has outlined the reasons why that happened: because of ANR's intransigence.

However, a couple of other things need to be considered. I think that other than for long distances and heavy haulage the railway is like the dinosaurs: it has passed. It is too slow and not flexible enough.

We see that today so much transport between the capital cities involves heavy haulage on the roads. I do not necessarily agree with that, but can members understand that, when you load a parcel on to a semitrailer at a particular store in Melbourne and you want to deliver it to Adelaide, it will be delivered to that store having been handled only twice: once to load it on and once to unload it from the semitrailer. However, if you bring it by rail as likely as not it will be handled four or five times before it gets here: it is loaded on to a truck and taken to the railway station, then loaded on to a brake van and from there on to another truck and then taken to its destination. I have no problems with that.

With light articles, however, that is undue handling. Furthermore there are often breakages, but for the heavy haulage of big items it is the only way to go. So, for interstate transport, it is a necessity. However, for intrastate transport it is losing its appeal.

Certainly, we had evidence from the Bulk Handing Company (Mr Peter Edmonds) that 28.6 per cent of the grain in South Australia is moved by rail and 47 per cent is being delivered direct to the terminal silos by road. That comes to about 1.6 million tonnes that is moved from country silos to terminal silos by rail and about 1 million tonnes is being shifted by road from country silos to terminal silos. That is a heavy bulk commodity and it will always require some rail transport.

However, once again we are getting back to this business of flexibility. The farmers themselves want flexibility: they no longer shift cattle or livestock by rail because they have to be handled two or three times. Every time you handle a commodity such as cattle or sheep there is likely to be bruising, so the product at the end of the line is not as good as if it had been handled just once. So, I do not think that rail will ever capture that market again.

As for the passenger rail services, they are lovely and it is nice to travel on them—it is a very pleasant way of travelling and very relaxing. But let us be honest about it: it is too bleeding slow. Today anyone gets in a car and travels at 110 kilometres an hour and passes the train, which is perhaps doing 90 kilometres per hour.

The Hon. Anne Levy interjecting:

The Hon. PETER DUNN: I will ignore that. AN has stopped operating the *Bluebird* that went to Mount Gambier, on the Whyalla line and on the Broken Hill run. They are sizeable towns—the biggest towns in the State—and AN decided to pull out because there was not enough patronage. I do not think we will ever get them back; I think members are romancing about that. Unless they can be made high speed, clean, efficient and on time they are a thing of the past. That has been hard to provide in the past.

In conclusion, I say that for rail, heavy freight, yes; long distances, yes; parcel freight, no; and short distances, no. There is a great safety factor in handling things by rail because they are not on the road.

There has been a great loss of employment to people on the railways, but I am sorry: that is just life. Like the dinosaurs, I think the industry is dying other than, as I mentioned before, the heavy long haulage interstate. Once again, I thank Trevor Blowes for his contribution as Secretary of the committee and Graham Little for his contribution as research officer. The committee took a lot of evidence. It is

a rather small report and it does not have any findings. That disappoints me as a member of Parliament. I would have thought we could produce some findings, but if you get only half the story there is no point in making assumptions. I note the report and I advise everyone to look at it. It contains important information and important lessons, although the committee has not put its findings into print.

The Hon. T.G. ROBERTS: I support the noting of the report and would like to place a few comments on the record. The transitional period in which rail finds itself now, between restructuring and reorganisation One Nation through the integrated use of rail and road, has put many South Australian feeder systems into positions of uncertainty. Certainly, it has put the integration of passenger rail into a position where it has now become totally unviable, if only because services are not being used and taken up by residents in our large regional towns.

South Australia is unfortunate in not being able to support a feeder rail system, particularly in the passenger area, on the basis that it does not have large regional centres such as those in New South Wales and Victoria and it becomes very financially inefficient to move passengers via the rail system. As other speakers have said in noting the report, that is quite disappointing, but these are the facts of life.

I rise to note the report and make some comments in regard to passenger services for rail and about a lot of the comments that people have made to me, particularly from the South-East, about how rail can be used by a lot of people who would not normally use buses as a passenger service. Many people with disabilities, such as not being able to move freely through narrow passageways, or those who have difficulty sitting in one spot for a long time raise the issue with me that rail allowed that freedom of movement; people were able to put wheel chairs comfortably onto rail services, particularly from Mount Gambier and the southern section of the State, and I suspect from Whyalla and to some extent Broken Hill. They were able to use services, particularly the specialist services, in the hospital and health services region.

That service is no longer provided, and that is to some extent a tragedy in that there are some social responsibilities for Governments to support rail services for those reasons. However, there needs to be a cross-subsidy program running between freight and passenger services to allow that to happen in any efficient way.

Unfortunately, because of the transitional period we are in, and as a result of the restructuring programs that are going on, a lot of the finance being raised by freight at the moment is being put into new infrastructure, and unfortunately not a lot of it is being used as cross-subsidisation for passenger services.

The Hon. Mr Dunn noted the fact that speed is of the essence nowadays and that communications need to be quick and efficient. I suspect that at the leisure end of the spectrum rail may start to develop more opportunities for passenger-freight services for integrated tourism and passenger networks for residents of regional centres. I suspect that that growth will take place in the next 20 years.

Where specialist lines have been built up for tourism reasons they are all very well patronised and are national or State drawcards in the areas where they operate. The South-East has a lot of potential, particularly for the Coonawarra area, as has the Barossa and Clare regions for passenger services not just for social use but also for the tourism requirements associated with those regions.

I hope that at some future time more effort, energy and finance is put into providing passenger services that integrate both regional movement and tourism movement. I think they can work those timetables out to suit those people in those particular areas.

The other concern that has been raised by people in the Pinnaroo-Mallee area, and the Riverland to some extent, is the downgrading of the freight services for carrying wheat. As the service has dropped back, so has the use. It is a self-defeating program that is put in place by either AN or whoever is in control of the programming so that people start to drop off using it. It is a self-fulfilling prophecy, and they are inefficient and are no longer able to be used. So, when the infrastructure investment starts to slow down, as the time-tabling starts to get erratic and as soon as the rolling stock starts to become unreliable, you can usually bet that the system is under pressure for elimination, and the people, particularly in the Mallee area, are saying it will not be very long—all those signs and signals are there—before they have to put together a program for using road only.

Again, the people in the South-East are saying that, if the standardisation between Bordertown and Mount Gambier is not done, it is only a matter of time before that section of the rail service is taken out and road becomes the only alternative for moving freight between the South-East and the metropolitan area.

I wanted to put those comments on the record. I think rail can be a very efficient and effective mover of both freight and passengers if the right investment programs are put into place and the standardisation of rail services is invested in. We can integrate a road transport-rail transport system that is profitable for both rail and road transport users. For the future that integration is totally necessary to enable rail to survive.

Of course, with the upgrading of the investment programs in rail comes the rolling stock, and if the passenger freight services are anything like, say, the European services then a lot more people will patronise them and they will be a lot quicker.

The rail services in Europe and Japan have shown that you can build fast and efficient systems and people will patronise them, but we just do not have the population that those countries have, although we have the distances from which we can get our efficiencies for effective freight use. However, we really do need to build up those numbers in the tourist and regional development areas to make them profitable.

While the accountants and economic rationalists are in control of the agenda, we really need to have our arguments well placed to support our case: either that or we get the numbers to outdo them so that the social fabric of our society is protected as well as the efficiency of running a country.

I place on notice that rail services have been pioneers in this state over a number of years where they have actually developed the transport system in the absence of good road services. It was not until the late 1950s or early 1960s when road started to overtake rail as a freight service and the communities that were built around rail services started to disintegrate. For those people who live in country areas, there was always a network of rail employees in any town, and if one goes into most country towns now one sees that those networks of rail workers are missing. That is also tragic, but it is a sign of the times, and a lot of services are being cut back in country areas because of some of the movements of people out of those geographical regions. I support the motion to note the report.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE

Adjourned debate on motion of Hon. Carolyn Pickles:

That the report of the committee on AIDS-Risks, Rights and Myths be noted.

(Continued from 13 October. Page 534.)

The Hon. CAROLYN PICKLES: I thank honourable members for the opportunity to continue my remarks that I began last Wednesday when the report was first tabled. Members will note that there has been some publicity following the tabling of this report, and that this only goes to show that the report is receiving some attention. I hope that the comments and remarks will continue to be constructive. I must say that a couple of the headlines have been a bit controversial. I felt that the *Advertiser* in its feature article on Friday 15 October presented a very balanced and informative report, and I congratulate the journalist, Mr Andrew Male, for taking the trouble to follow up some of these matters with the committee members and also with some of the expert witnesses.

As I indicated earlier, the committee's report is in two parts, and this is the first part which addresses items 1, 2 and 5 of the committee's terms of reference, namely, the degree of risk of infection from health workers to patients and clients, the degree of risk of infection from patients/clients to health workers; and the philosophy and practice of universal precautions by health workers in hospitals.

Part 1 also sets out what is known about HIV/AIDS, how infection occurs, at risk behaviours, modes of transmission and the incidence and epidemiology of HIV/AIDS. This provides the factual background information necessary to properly address the committee's term of reference.

As a result of evidence received, part 1 also examines HIV in the Aboriginal community and briefly discusses concerns raised by witnesses about the risk of HIV transmission in prisons. On that matter about prisons, the committee was aware that there was a select committee before the Parliament that has been sitting for some time, and one of the members of our committee was also the Chair of that select committee. The committee felt that, under its terms of reference, we should not duplicate the work of this committee, so we have made some very brief comments about the risk of HIV transmission in South Australian prisons, and the committee resolved to await the findings of the select committee on the penal system in South Australia. I understand it has tabled its first report today. When this report is released, if the committee believes that the questions relating to HIV/AIDS in prisons have not been dealt with adequately, it will consider addressing these matters further. So, we are awaiting the findings of that committee. We are hanging fire to see whether we need another inquiry into those other matters.

The committee anticipates tabling part 2 of its report, which deals with the rights of infected and non-infected persons, during the current sitting period. As I mentioned earlier, there is some debate about when that sitting period might end. There are a number of punters going around making a few bets on when it might be, but the committee cannot consider these issues. It just has to keep on working and we are working towards finalisation of that part of the report. In addition to providing recommendations that the committee hopes will be the catalyst for legislative reform, the objective of this committee's report is to encourage and stimulate informed debate on HIV/AIDS in South Australia and, in fact, the whole of Australia.

I would like to place on record that the committee's inquiry and terms of reference arose originally from the identification of a South Australian dentist who continued to practise dentistry after being diagnosed as suffering from AIDS. This case attracted considerable media attention, raised concern about the potential for HIV transmission in health care settings, and about the rights of HIV infected and non-infected persons, particularly in the context of health care, sport and schools. I place on the record the fact that the Hon. Dr Pfitzner originally moved a motion to set up a select committee to deal with these issues and, following some discussions, I think it was a unanimous agreement of the Council that these terms of reference were amended and then sent to the Social Development Committee. Clearly the committee would like to acknowledge that the Hon. Dr Pfitzner wished these issues to be looked at in some detail. I believe that the committee's findings have indicated that we have done so.

The committee took oral evidence from 40 witnesses at 25 meetings and received 33 written submissions. The committee also received and has tabled an enormous number of references and documents from other parts of Australia and overseas, and these reports, if they were not read by all committee members, at least were referred to in some detail. The table of references at the back of the document indicates how widely the research occurred in order to produce a report which we all believed was very worthy of the work and effort that was put into it.

Few diseases have had such a dramatic global impact as HIV/AIDS which is now regarded as one of the most formidable public health challenges the world has faced. The World Health Organisation estimates that 13 million adults and 1.5 million children in 162 countries have been infected with HIV and 2.5 million people have AIDS. It has been estimated that, by the year 2 000, 18 to 20 million people worldwide will be infected with as many as 10 million adult cases of AIDS. In Australia, approximately 17 000 people have been diagnosed as HIV infected with 4 000 diagnosed as having AIDS. In South Australia, 500 people have been infected with HIV and about 160 people have been diagnosed with AIDS.

Sexual transmission, particularly as a result of homosexual or bisexual contact, is the leading cause of AIDS in Australia. It accounts for about 90 per cent of all cases. Homosexual or bisexual contact accounts for 87 per cent of all cases of AIDS. Heterosexual transmission remains relatively uncommon, with only about 3 per cent of people in Australia with AIDS infected via heterosexual sex. Heterosexual transmission has, however, increased. In 1984, none of the people in Australia diagnosed with AIDS had contracted the virus heterosexually. Of the cases of AIDS diagnosed in 1992, 6.7 per cent have been infected as a result of heterosexual sex. The sharing of contaminated injecting equipment was directly responsible for 2 per cent of AIDS cases in Australia. In the United States it is a very different scenario. Approximately one quarter of the people with AIDS were infected as a result of injecting drug use.

Australia has avoided a second wave of infection among injecting drug users and the heterosexual population which other countries such as the United States have experienced. I and the committee members believe that this demonstrates the success of the programs to prevent the spread of the infection in this country. The report notes, on page 36:

The pattern of AIDS cases in Australia is beginning to diverge significantly from many other western industrialised countries that are experiencing a second wave of infection among injecting drug users and young, sexually active heterosexuals. In the United States, Germany, France and the countries of southern Europe, for example, the proportion of AIDS cases among injecting drug users, heterosexuals and infants is considerably higher than in Australia and still rising, whereas in Australia the proportion of AIDS cases in these groups has remained relatively stable. The absence of a second wave of infection in Australia indicates the success of strategies to prevent the spread of HIV into other risk groups. Particularly important has been the establishment of a methadone program and needle exchanges for injecting drug users, although Australia has been successful in limiting the spread of HIV into other groups that engage in at risk activities, needle sharing and unsafe sex. There is no reason for complacency. Programs to prevent the spread of infection must continue.

At this point we should perhaps look at how Australia has been far more open minded in relation to the needle exchange programs compared with a country which one would hope would be a bit more openminded, considering the level of its drug problem, and that is the United States. In Australia, there are hundreds of needle exchanges as well as many pharmacies that operate as needle exchanges. In the whole of the United States, which has almost 100 times as many HIV infected people as Australia, there are only about 30 needle exchange programs. In my view, that signifies that the United States does have a bit of a 'head in the sand' attitude about this problem.

I think the United States should take a leaf out of Australia's book. We recognise that there is this kind of behaviour amongst people. We might not all support the behaviour of people who are injecting drug users, but we recognise that it occurs. We have not ignored that fact and we have faced it head on. Therefore, we have provided measures that I believe will ensure that the spread of HIV is limited. We have received evidence from a number of areas, both verbally and by way of research material, which indicates that Australia is internationally respected for the way in which it has tackled the HIV/AIDS epidemic.

I turn now to some of the findings and recommendations contained in the report, which includes a chapter that the committee called 'Myths and misconceptions about HIV/AIDS'. Evidence received by the committee indicated that there is still a surprising level of misunderstanding about the way in which HIV is transmitted, particularly the persistent belief that people are at risk of infection from casual social contact. The committee in its recommendations felt that there was a continuing need for education programs to dispel the enduring myths and misconceptions about HIV/AIDS transmission. It felt that it should include in this document something that could be easily extracted by the average person in the street about questions that are commonly asked, such as 'How do you catch it?' I will go through some of those questions briefly.

Some of the commonly asked questions about HIV/AIDS questions are as follows. Can people be infected with HIV from cups, plates or cutlery? The answer is 'No'. I refer those people who wish to know the reasons for that to page 2 of the report. Another question is: can people be infected with HIV from toilet seats? The answer is: no, the virus has to enter the bloodstream to infect. Even if there were a live virus or infected blood on a toilet seat it could not penetrate the skin and enter the blood. Is there a risk of HIV transmission through mouth-to-mouth resuscitation? The medical evidence—and this has been checked—is that there is a theoretical risk, but amongst hundreds of instances in which mouth to mouth resuscitation has been carried out on a person afterwards found to be infected with HIV there has been no recorded instance of transmission. However, to reduce the risk of other infections, such as hepatitis B, which is far more infectious than HIV, the use of plastic mouth pieces is recommended.

Is there a risk of infection from coughing, sneezing or spitting? The answer is 'No'. Can insects transmit HIV? There is no evidence of insect transmission of HIV. Data globally show that both HIV infection and illness are age specific and in some areas sex specific. Insect borne transmission would put all people at risk of infection regardless of age or sex. In what body fluids can HIV be found? HIV has been isolated from most body fluids including blood, semen, vaginal fluids, saliva, urine, sweat, tears, breast milk and cerebrospinal fluid. However, except for blood, semen, vaginal/cervical secretions and breast milk, it is present in very low concentrations. There are no known instances of HIV transmission other than via blood, semen, vaginal fluids and breast milk.

Are the reports of HIV surviving for many weeks in sewage sludge and similar mediums correct? Yes. HIV, as with all other viruses is as viable as the cell in which it is a parasite, which in the case of HIV is the white blood cell. Sewage sludge is a nutrient rich medium able to support white blood cells and therefore HIV. However, there have been no reports of people being infected with HIV via sewage sludge and the like.

The report goes on to describe other areas under that heading. Is it safe to work with someone who is infected with HIV? This is a very common myth and misconception. In fact, today I received a telephone call from a constituent who felt that all AIDS patients should be identified in some way with some kind of a tag, a tattoo or something similar. I tried to explain to this person that this would not be productive. However, I do not think I convinced him. So, I have drawn his attention to this report, and hopefully by the time he has read it he will think otherwise. It is safe to work with an infected person unless contact with the infected person involves unprotected sexual intercourse, sharing intravenous needles or some other activity which allows infected blood to enter the uninfected person's body.

The virus cannot be spread by casual contact through the air, by objects handled by people, by food, eating or drinking utensils, by shaking hands or by sharing showers or toilets. Can HIV be transmitted by heterosexual sex? Yes. There is a popular perception that the sexual transmission of HIV is limited to men who have sex with men. This is not the case. What is 'safe sex'? 'Safe sex' is the term that refers to sexual practices that do not allow the exchange of body secretions, semen and vaginal fluids. Large advertisements in Australia have advocated the use of a condom. What is 'unsafe sex'? Obviously it is the opposite where people indulge in a sexual activity that allows the exchange of body secretions.

The committee thought that it would compile a list, which people could take away with them, of ways in which HIV cannot be caught. So, in chapter 2, table 2 there is a list which we believe might allay some people's fears. However, it will not allay all fears. One of the things that the committee was surprised and rather dismayed to discover was the level of unspoken discrimination that related to the myths and misconceptions that are still bandied around in society despite the rather lengthy and expensive education programs that have been available in Australia. However, that is not to say that we are not getting there. I believe that information is

being passed on, and hopefully that will continue to occur. It is important that people do not become complacent.

I turn now to the area of HIV notification in South Australia. I would like to outline how this occurs, as stated in the report:

> South Australia has a dual system of HIV notification. It is a legal requirement in this State for medical officers to notify the South Australian Health Commission at Clinic 275 (the sexually transmitted diseases clinic [on North Terrace]) of all cases of HIV infection. This is done by means of a notification form that is sent to medical officers by the Institute of Medical and Veterinary Science with the test results. The IMVS, the only laboratory in South Australia that does confirmatory HIV testing, is also legally required to notify all HIV positive test results to the South Australian Health Commission. It was explained to the committee that the reason for having a dual notification system was to monitor medical officer notification. Clinic 275 believes that laboratory notification alone, the method used in most other States, would be unsatisfactory. This is because Clinic 275 does most of the contact tracing of sexual and needle sharing partners of HIV infected people, and laboratory notification does not provide the information needed to do this. The committee supports contact tracing and believes that it is an important public health strategy to help control the spread of HIV.
>
> All positive laboratory test results and notification forms are sent to the HIV epidemiologist at Clinic 275. This person is responsible for HIV surveillance and contact tracing in South Australia. As part of the notification process, both the IMVS and the notifying medical officer supply the patient's name to the HIV epidemiologist (the medical officer also provides the patient's address).

The committee was told that the name and address information was collected by Clinic 275 for two reasons: to prevent counting the same HIV seropositive person more than once and so that infected persons can be followed up for contact tracing of sexual and needle-sharing partners. The committee received information that the HIV notification system used in this State was at odds with the New South Wales and Victorian systems (the two States with the largest HIV case loads). These States used coded non-identifying information rather than name and address to prevent overcounting the number of HIV infections, that is, the name code, date of birth and postcode of place of residence. Representatives from the Health Department said these States reported that they were very satisfied with the accuracy of the data collected by this method, although the representative of the New South Wales Department of Health said that in the past there had been problems with overcounting infections. He said that these problems had been largely rectified.

It was reported to the committee that, as a result of the name and address requirement in this State, quite large numbers of South Australians were travelling to the eastern States (especially New South Wales) for HIV tests or deferring testing altogether. In a submission to the committee, the AIDS Council of South Australia argued that HIV notification for the purpose of epidemiological surveillance and contact tracing were two entirely separate processes and should be treated as such. The South Australian Health Commission disagreed with this position.

On most issues the committee believed that some kind of national process should be undertaken and that AIDS has to be treated as a national problem and not as something separate that happens State-by-State. That is how it has been treated by most States of Australia, and that is why we have been so successful. So, because there was a divergence of views about this whole method of HIV notification in South Australia, the committee recommends that the notification presently used in South Australia should be reviewed by the HIV/AIDS advisory committee as a matter of urgency, and we also believe that, when a blood sample is sent to a laboratory for HIV testing, a coded non-identifying system should be used.

At present in South Australia the name of the person being tested for HIV is provided to the laboratory. The committee believes that this practice breaches patient confidentiality and that it could easily be overcome by some coded information. On the other issue of HIV notification, there seems to be a divergence of views in South Australia by people who work in the AIDS area, and we believe that that should be reviewed by the HIV/AIDS advisory committee, which has all bodies who work in the area of AIDS working together. Hopefully, they will be able to come up with a decision that will be consistent nationally, and I believe that that is what should occur.

The committee also received evidence that it is quite common in South Australia, particularly for surgery patients, to be tested for HIV without having given informed consent for a test to be done. For instance, the committee was told that the first some patients knew of being tested was when they were told they were HIV positive. We do not believe that is satisfactory. We believe that the question of informed consent is an important one. It is an important concept of our medical practice. It has been recognised, for a number of years now, that patients should be allowed to give informed consent. Of course, at the moment we are dealing with another difficult area of consent to medical treatment, and I will not dwell on that.

'Informed consent' means that the patient would be told why the tests need to be done; it is as simple as that. In other words, we do not believe it is sufficient to be told that we need to do X number of tests just because a surgeon might wish to assure himself or herself that a patient is not HIV positive. We believe that, from the evidence we have received from people who are HIV positive, they are usually very cooperative. They wish to be treated like any other patient. Most people, when they are seeing their doctor, dentist or whatever, are quite prepared, as long as they can be assured of some level of confidentiality, to inform the doctor of any kind of disease that they might have that could place themselves or their doctor in some kind of risk situation.

The committee was advised of some practices that were not conducive to encouraging people voluntarily to give their HIV status and, once we can reduce the level of discrimination in this area, all barriers to people divulging information about their HIV status should be removed. I am not saying that can happen overnight, because we can see from this report that there is still a level of discrimination. The committee was also told by witnesses that antenatal testing for HIV commonly occurred without the patient's informed consent and that this was especially true for public patients. The committee was told that orthopaedic surgeons had an exaggerated perception of the risk of HIV transmission during surgery. It was stated that, because of the window period (during the window period the disease is often at its most infectious, no tests will reveal the person's HIV status—although they are extremely infectious—and this window period generally lasts between six to 12 weeks), routine testing would not solve the problem of screening out all people who were HIV positive, because some people could have been at the extremely infectious end of the scale when the disease has not shown up; they have no or relatively few symptoms or obscure symptoms, and they can be highly infectious.

All evidence received by the committee indicated that health care workers had an extremely low risk of occupation-

ally acquired HIV and that routine testing was not justifiable. The probability of a health care worker becoming infected with HIV after sustaining a needle-stick injury is approximately 1 in 300 or .3 per cent. In Australia, only two health care workers have acquired HIV following occupational exposure to the virus. This represents .1 per cent of all known cases of HIV in this country. On the question of the unnecessary testing of some patients—and this will be testing not always with informed consent—a very senior medical person in South Australia illustrated his point about unnecessary testing with the example of elderly women who are about to undergo hip replacement surgery, and I quote from his evidence where he said:

> A question I always ask the orthopaedic surgeons is: why do you test elderly ladies who have never had a blood transfusion and are about to have a hip prosthesis? Their chances of having HIV must be a snow ball's in hell.

That illustrates quite graphically that some procedures have been totally unnecessary, and this practice should cease. There is now a body of opinion in Australia and in the world that has recommended that this practice do cease.

In relation to HIV and transmission and dentistry, the committee had already released some information and some preliminary recommendations about dentistry. Of course, if we go back to my initial statements, one of the reasons why the committee existed was because of some disquiet about dental practices in the State. Clearly, the committee was then concerned that we look at all the areas, and we have come up with what we believe are some very sensible recommendations which, I understand, are supported generally by the Dental Association.

The Australian Dental Association recommended in its evidence that freshly autoclaved handpieces be used for each patient—but the committee was told in evidence that most South Australian dentists practice routine restorative dentistry and they do not autoclave handpieces between patients and many do not even have heat sterilisers. The committee was told that the autoclaving of dental equipment was important not only to prevent the transmission of HIV but also hepatitis B and C, herpes and tuberculosis. These infections are much more transmissible than HIV.

The committee has made a number of recommendations in this area. I understand that, following our initial release of what were then draft recommendations, the Dental Association indicated that it supported all these and it hoped that they would be introduced. We also feel that there should be some kind of ongoing monitoring of what goes on in dental surgeries, but we believe that it should be a matter for the Dental Association itself to continue its monitoring. The committee recommended that all dental surgeries in South Australia should be equipped with autoclaves, and we recommended regular infection control audits of dental surgeries in South Australia to ensure that safe standards of practice are being used.

The committee favours a self-regulation approach, as I indicated, with the profession establishing its own inspection teams to monitor standards. I understand it would be reasonably happy about that. There are a number of other recommendations in this area and I would suggest that honourable members who are particularly interested, as I know the Hon. Dr Pfitzner is, should address themselves to the report which gives in detail the recommendations and the reasons why the committee came to this view.

We looked at the area of universal precautions which has attracted a little bit of notoriety. As to the approaches of universal precautions by health care workers, the committee received evidence that some health care workers in public hospitals in South Australia do not adhere to universal precautions as closely as they should. This is despite the development and promulgation of a comprehensive infection control manual by the South Australian Health Commission to all public and private hospitals in this State. It is not unique to this State; it is a worldwide problem. It is something that, I guess, has to be routinely—over and over and over again—drilled into people: put on your rubber gloves, wash your hands and do all those things that are necessary to comply with universal precautions.

In the United States, studies of health care workers employed in areas with a relatively high risk of exposure to infectious material have found that a large percentage ignore even the simplest barrier precautions such as routinely wearing gloves. When the committee did visit the Royal Adelaide Hospital we were told that the staff who work in the accident and emergency area said that the nature of their work and the 'patient first' credo that had been instilled in them meant that they did not always have time to comply with recommended infection control procedures: wearing gowns, gloves or masks. The committee received evidence that doctors working in the accident and emergency area had to work quickly, and a number of excuses were given for not following the universal precautions. However, if you engage in a discussion with them you find that even in accident and emergency it is not always possible to save everybody that they get. The amount of time it takes to put on a pair of gloves is minimal; it is unlikely to affect the outcome of any patient care.

The important thing is that in terms of a health care worker whom it has taken years to train, it is not logical to put that person at risk for the sake of a few seconds. So they need to comply with the universal precautions in that whole area. Some people find the protective clothing uncomfortable. I refer to spectacles which help to prevent contamination. I guess that most members who go to the dentist now find that they are given a pair of glasses—and if they are not they should be—to put on and also that the dental surgeon and the dental nurse will be wearing glasses to protect the eyes. If honourable members are not getting this attention, I suggest they ask the question: why not?

In an article on page 1 of the *Advertiser* of 14 October there is a comment by Dr Brendon Kearney, the Royal Adelaide Hospital's administrator, who was defending the professionalism of the Royal Adelaide Hospital, which treats the bulk of South Australia's AIDS cases. He stated that our parliamentary report was too late and that we had visited the hospital two years ago. He also stated:

> The committee was stirred up at the time by a College of Surgeons move to acquire compulsory testing of patients pre-operatively. . . But that move died when all theatres were equipped with safety clothing and facilities to ensure safe surgery.

I would like to go through that and make a note of some of the dates on which the committee did in fact visit the Royal Adelaide Hospital, because I think it is important that we set the record straight. Clearly, when people read the report and the details of the evidence, then they will realise that that was, if it was reported accurately, an inaccurate statement. The committee did in fact visit the Royal Adelaide Hospital on 22 July 1992—which is not two years ago. At the time we in fact went into an operating theatre and I for one—I cannot remember what other members did, because some of the

membership of the committee did change—put on some of the protective clothing worn by the surgeons.

So they were certainly using the protective clothing at that time. I must say that it is probably not the easiest stuff to work in, but the clothing is highly protective and it includes protective capes and headgear, and the surgeons look a bit like people about to take off for space when they are operating; so it must be rather uncomfortable to actually wear it. However, the committee did do a follow-up on this. We are not to say that we did this in isolation and did not go back and see whether things had changed and that we did not ask whether there had been any kind of reporting generally about the compliance with universal precautions. We did receive further evidence from two health care workers at the Royal Adelaide Hospital on 26 July 1993, so that is very current information.

During the giving of that evidence one health care worker indicated to the committee that there had actually been surveys of universal precautions at the RAH in 1990 and again in 1993. The committee asked whether the witness would have any objection to its writing to the Royal Adelaide Hospital to get a copy of the survey results. That was done and a letter was received on 20 August 1993 which included a summary of the findings. The response is fairly brief, but the two areas that are relevant to this aspect of the universal precautions are the summary of the knowledge of the people who worked in this area. The summary states:

> Knowledge: While the majority of medical staff have a sound level of knowledge and understanding in relation to the risks of transmission of infections within the hospital, a significant number lack confidence in their understanding and application of the policy. On the other hand, the majority of nursing staff were confident in their understanding of application and aims of the universal precautions policy.

I do not think one needs too much imagination to conclude that the nursing staff have a better understanding of the application of the universal precautions than do the medical staff.

Recommendation No. 1 of the summary of this report from the hospital is that there be further education for medical staff in relation to the principles and practices of the universal precautions policy. Clearly, the hospital itself thinks that there is a difference in understanding and adherence to the policy and has recommended ongoing education. I think that is not at odds with the recommendations of the parliamentary committee.

The committee felt that it should be looking at the whole area of HIV/AIDS in the Aboriginal community. We found a difficulty in actually getting any kind of handle on the problem itself. There was widespread agreement among witnesses that if HIV took hold in the Aboriginal community it had the potential to devastate the population, particularly in isolated areas.

The committee was also given some details about Aboriginal ceremonial practices, which it did not go into in any detail because it was not given any details—culturally that is not permissible. However, the committee did receive some evidence in writing from the Northern Territory that we felt was very important, because it has a very large Aboriginal population, and that evidence was not at odds with the other evidence we had received.

The committee was also most concerned about its inability to get reliable data on the level of the disease in any Aboriginal community. One could look at the level of sexually transmitted diseases to get some indication of the problem, but Clinic 275 started collecting data about different races only in 1988, which is a bit late in the stage of the disease, and presumably we may get a better understanding over time.

The committee also received some very graphic evidence from an Aboriginal health worker who explained how the education programs are taken out into the Aboriginal community in order to explain to those communities in a culturally relevant way how the disease progresses. It seemed to the committee that this was an appropriate way of spreading the message in the Aboriginal community. We were advised that there are only four Aboriginal health care workers dealing in this way with the education about HIV. The committee believes that more workers should be involved in this and that that education should be culturally appropriate.

We believe that only Aboriginal people can actually convey the message to their people, particularly those living in the Lands, because it appears that there is a bit of difficulty in getting that information through.

The committee was given evidence that there is a very high turnover of HIV/AIDS educators in this area and that the salary levels, employment security and career structures of these workers is not good. We were very impressed with the evidence given by that person. We felt that this was a very sensible way of approaching the whole issue, and the committee would like to see, if not more funding, funding redirected to provide more workers who are culturally sensitive and who can convey the difficulties of this disease to the Aboriginal community.

This issue was unfortunately highlighted in a newspaper report in the *Australian*. The committee was at all times very sensitive to the difficulties of the information that we received, and we tried to get as much evidence from the Aboriginal community as we could. It is not always easy to do that, because people do not always wish to give that evidence. However, we did get evidence from far and wide and we believe that we received enough evidence to indicate that there needs to be much wider data collection in Australia. This was recognised by the Northern Territory and other areas that have a large Aboriginal community.

I have highlighted some of the issues emanating from the report. I believe that the next 'episode', if you like, will be equally interesting. We have tried to present all our reports in an easily readable form so that they can be accessible generally to the community. There has been widespread interest in this report, both in the State and nationally. I understand that the report will be considered by the National Council of Health Ministers later this year. A copy of the report has gone to Health Ministers in each State and to the Federal Minister. So, we are hoping to get some feedback.

One of the reasons for the report's having been written in the way it has been is to get feedback and to start people talking about the issue of AIDS again. We would not like it to become a report that is so controversial that it causes a lot of disquiet. But, at the same time, we believe that a number of issues need to be brought into focus, and we think that this report provides that focus.

Again, I would like to place on record my thanks, as the Presiding Member of this committee, to the members of the committee, who dealt with a difficult issue—not an issue on which everyone has the same view. However, as the committee arrived at a unanimous report and unanimous recommendations, as it did, it shows a very high level of commitment

on the part of committee members and a high level of maturity in all members in dealing with this issue.

It is a credit to the South Australian Parliament that we now have in train a committee system that allows for this kind of information to be provided to members of Parliament and ultimately to members of the public. I also think that the committee system does provide an opportunity for members of the public to have some direct influence, particularly in relation to our committee, in what are often quite 'hairy' social issues, and also on other issues where it is necessary for the public to have some say and influence.

The committee system has often been criticised by people in the past from all different political persuasions. It is a relatively new system in this State: I hope that it goes from strength to strength. I would not like to see the committee system changed dramatically—personally I would like to see it enhanced—and I would like to see the kinds of resources given to the parliamentary committees that will ensure that the committees continue to produce reports that are essential on subjects that are as diverse as those to which the parliamentary committee system has addressed itself since it has been running.

Again, I would like to place on record my particular thanks to Vicki Evans and John Wright, the two staff members whom we had working for the committee, and of course Noeleen Ryan, who also works with the committee, although we do not deal directly with Noeleen. However, we have John and Vicki sit with us at every meeting. They have been very professional in their approach, extremely hard working and quite dedicated, and have at all times, I believe, acted in a totally unbiased way and given information to all members of the committee, irrespective of their political affiliation.

I find it particularly rewarding to see people of all political persuasions getting together in a room out of the glare of publicity and actually sit down and be quite sensible. I believe that if the public were allowed to see more of this occurring we would not be held in the low esteem that we are, and I think that parliamentary committees provide an opportunity for members of the public to see members of the Parliament working in a constructive and meaningful way and listening to the views of other members instead of vocally disagreeing with them.

I think it is an excellent forum for a consensus view to be reached. The word 'consensus' is not often used in Australian politics, and maybe we should use it more often in an endeavour to arrive at a situation where everybody's views are taken into consideration and something sensible and practical comes out of it. I do not think that is too much to ask of a democracy.

I believe that other honourable members who were on the committee wish to make some comments and, with those remarks, I urge honourable members to read the report and to support the motion.

[Sitting suspended from 6 to 7.45 p.m.]

The Hon. L.H. DAVIS: The first major report of the Social Development Committee of the Parliament on the subject of AIDS, entitled 'Risks, Rights and Myths', obviously will create some controversy, perhaps within the Parliament and within the community. Whenever we have a subject as controversial as HIV/AIDS, it will obviously provoke emotional responses. In some cases it will perhaps reconfirm prejudices. It will hopefully, in most cases, make people more aware of the facts of AIDS and dispel some of the myths and misconceptions which inevitably exist in such a controversial and frightening lifethreatening illness as AIDS.

The committee, consisting as it does of members of all Parties of the Parliament, of both Houses of Parliament, came to unanimous findings in tabling this first part of what will be a major report on this most important subject. This report, extending to some 128 pages, will be matched in size by the second report. This first report provides an overview of HIV/AIDS, and spends sometime dealing with the myths and misconceptions of AIDS, examines the transmission of HIV and the cases of HIV/AIDS in Australia, and seeks comparisons with other countries, looking at the distribution of AIDS cases by State and Territory. There is important and helpful statistical information relating to the subject. One of the areas that we have examined is the risk of occupational transmission of HIV to health care workers, as well as the present testing for HIV and recommendations on that, including HIV testing without informed consent. We examined also the risk of HIV transmission from health care workers to patient and the important area of universal blood and body fluid precautions. We then also examined the most important issue of HIV/AIDS and the Aboriginal community.

I should recognise at the start that this report came about as the result of a motion in this Parliament by my colleague the Hon. Bernice Pfitzner. Although she wished to have this matter examined by a select committee of the Parliament, which would have enabled her to participate, the Council ultimately resolved that this matter should be referred to the Social Development Committee. In the long debate that we had in establishing the committee system, we recognised that the select committee system, which has served this Parliament so long and so well, would ultimately be downsized, as matters of importance were referred to the various standing committees of the Parliament. Therefore, matters of health, education and welfare would be referred to the Social Development Committee, whilst matters of finance and economic issues would be referred to the Economic and Finance Committee, and legislative matters and delegated legislation would be referred to the Legislative Review Committee. So, that unfortunately meant that the Hon. Bernice Pfitzner could not participate in hearing the evidence and also developing the report and the recommendations of the report.

I want to acknowledge that it is a very good example of parliamentary cooperation. We have someone with expertise in the area making the recommendation to the Parliament that this was a matter worthy of examination, and the Legislative Council taking that issue up and referring it to the Social Development Committee, comprised of members of the three Parties in the Parliament. Also it is quite proper to recognise that the people who assist the committee in preparing this report, in scheduling the witnesses, are the research officer and the secretary to the committee. I want to place on record my gratitude for the work of the research officer, John Wright, and the secretary to the committee, Ms Victoria Evans.

The Social Development Committee was established in early 1992. This matter was first referred to us by the Legislative Council on 15 April 1992. We did not begin to look at it immediately, because we had other matters of importance to examine, but we have been looking at this important matter of HIV/AIDS for over a year. A considerable body of evidence is available for perusal by interested members of the Parliament and the public, and also there is

this report and, hopefully, a second report which may be made public notwithstanding the fact that an election is imminent. Following an amendment to the Parliamentary Committees Act, it is now possible for committees to continue meeting when Parliament is not in session and, most importantly, to report when Parliament is not in session.

I said at the beginning that subjects such as HIV/AIDS do provoke emotional responses, and are often not based on fact so much as longstanding prejudices. I understand there might be some members of the community, indeed of the Parliament, who might be styled as homophobic. It is always very controversial to talk about sexual matters, to examine the matter of sexuality in public. It will always provide controversy. Of course, it is an undeniable fact that, in Australia, 87 per cent of HIV/AIDS cases relate to homosexual contact. Whilst that may have some members in the community condemning gay activity, it nevertheless is a fact of life. The other side of the coin to this subject, and it is noted by the committee, is that Australia has done very well in confining the spread of HIV/AIDS among the heterosexual community and young people. I think the Governments of Australia, both Federal and State, and community organisations involved in this subject deserve great credit for generally their very enlightened approach to this most difficult subject in the decade or so since HIV/AIDS was first identified.

Sadly, prejudices remain. The committee was told about a particularly sad example which involved one of South Australia's largest regional centres where the population was in five figures. A HIV positive man lived in that regional centre. He placed an advertisement in the local newspaper with a box number seeking to establish a support group for HIV positive people and asking other people in the region to contact him using that box number if interested. Members of the local community who read the advertisement and who were alarmed to discover that they had an HIV positive gay person in their community staked out the post office to find out who that person was. Presumably, that meant that a sort of vigilante squad spent many hours staking out the post office, perhaps with binoculars, to establish beyond doubt the identity of this person. Once that person had been identified, he was hounded by abusive telephone calls, he was refused service in the shops in this community with a population of more than 10 000 people, and he was sent threatening letters.

This was not just one crank in the community setting out to persecute an HIV positive person; it was a large number of people. Not surprisingly, the HIV positive person who was identified and hounded in such relentless fashion by the community in which he lived found it impossible to exist. He had his own problems with being HIV positive without being hounded by this uncaring community. It is rather like a story out of the middle ages when one thinks about it. Not surprisingly, he left that town. That case occurred a few years ago—it was not very long ago—and the sad thing was that the evidence we received from this and other sources was that attitudes had not changed all that much.

One of the things that I have learned from being a member of Parliament for 14 years is that it is a mistake to be judgmental on moral issues. Everyone has their own standards and their own code of life to live by, but people who are judgmental on moral issues such as homosexuality should ask themselves whether they would prefer a homosexual couple living together as law-abiding citizens and going about their own business or a heterosexual who engages in rape, violent behaviour, theft or perhaps drink driving. To put the matter in perspective, which as a Parliament we must try to do, since the last decade since HIV/AIDS was identified in Australia, 35 000 people have been killed on Australian roads.

Because of an enlightened governmental approach to this important subject of drink driving, we have had a dramatic attitudinal change in our approach to driving, with the number of deaths on South Australian roads being almost halved over the past decade. A large part of the reason for that is because we have set out to curb drink driving through random breath testing. Teenagers of today are much more conscious of drink driving because they must have a zero blood alcohol level when they are driving, and they recognise that the law is heavy handed if they are caught with any alcohol in their blood at all. When I was a young driver 30 years or so ago, it was not uncommon for people to drink and drive. Through the Parliament we have set an example by way of legislation which by and large people are recognising, and that is reflected in a change in attitude.

Drink driving is anti-societal. It can have extraordinarily devastating results. As a member of the random breath testing committee of 1981 and 1982, which recommended that legislation against some fearsome opposition from the media at the time and from many community groups, it is all too easy to forget that a decade ago half the number of deaths on Australian roads (roughly 3 500 a year) were due directly to drink driving and half the victims were innocent victims. I throw that in to put some perspective into this debate.

It was important for the committee to set out some of the enduring myths and misconceptions that people have about the subject of HIV/AIDS. There is the frequent assumption that AIDS, because it is medically defined as an infectious disease, can be contracted as easily as influenza, measles, typhoid and other diseases. That, of course, is not true. As the committee says in chapter 2 of its report:

> The virus responsible for AIDS is fragile. It does not survive well outside the body. Heat, dryness, soap and water and ordinary household disinfectants will all destroy AIDS.

As the committee notes, there are only three documented ways in which HIV transmission can occur: through sexual intercourse, from mother to child (that is, vertically) or through exposure to infected blood or blood products and donated organs. There has never been a recorded case where an environmentally mediated mode of transmission of HIV/AIDS has occurred. There have been many surveys of community knowledge and attitudes towards HIV/AIDS. Continually, those surveys have found a tremendous misunderstanding about AIDS: 14 per cent of respondents to a widespread survey in 1991 showed that they believed that, or were unclear about whether, AIDS could be caught from a toilet seat; 20 per cent believed that HIV could be transmitted via cutlery; 25 per cent did not want their children to attend a school with a child who had AIDS; and 50 per cent believed that all Australians should be compulsorily tested for AIDS.

There were some understandable misconceptions about HIV/AIDS that were reinforced by its complex nature and by prejudices of a sexual nature and the fear of the deadly nature of HIV/AIDS. The committee makes the point quite clearly that HIV cannot be transmitted from toilet seats, showers, towels, soap, toothbrushes, bath water, swimming pools, clothing, telephones, headphones, drinking fountains, food and drink, insects, coughing, sneezing or spitting, kissing, shaking hands or hugging. One might remember the enormous controversy before the Barcelona Olympic Games when some members of the Australian basketball team said that they would not play a basketball match against Magic Johnson because he had contracted HIV/AIDS. It is worth

noting that a hero such as Magic Johnson, who was said to have contracted AIDS through heterosexual activity, immediately legitimised the illness and brought it into the mainstream.

Interestingly enough, in America all Governments and community organisations are sitting up and taking the illness a lot more seriously than they had up until the time that Magic Johnson contracted AIDS. As some evidence that we have already received from expert witnesses indicates, the fact is you have got about as much chance of contracting HIV playing basketball as being kicked to death by a duck. That is the sort of evidence we have been given, to put the matter into perspective.

So, appropriately, the committee's first recommendation was that there was a continuing need for education programs to dispel the myths and misconceptions about the transmission of HIV/AIDS. We said that, in addition to Government education programs, including media campaigns, consideration should be given to making sure that the peer groups and non-government organisations in this area have adequate funding to assist in changing community attitudes and behaviours. In looking at the level of HIV and AIDS in the community and looking at South Australia's share of the national figures, I point out that in South Australia we have consistently had a very low percentage of the national total. We have about 8.3 per cent of the nation's population. In Australia 626 cases of AIDS were recorded in 1992; 31 of those were in South Australia, which represents but 5 per cent of the national total.

There were 28 deaths from AIDS in South Australia in 1992, which represented 5.7 per cent of the national total. It is certainly true that many people who have been diagnosed with HIV may leave the State to maximise the secrecy of their condition and have their test in Melbourne or Sydney. That is perhaps not surprising and does occur. The fact is that sexual transmission is the leading cause of AIDS in Australia, and 90.3 per cent of all AIDS cases to the end of 1992 were caused by sexual transmission, with male homosexual or bisexual contact accounting for 87.3 per cent of all cases. There was a history of injecting drug use in 3 per cent of cases. As I said earlier, Australia has a very high proportion of people with AIDS associated with male-to-male sex. Whereas our figure is 87.3 per cent, in America that figure is only 57 per cent. There has been recent evidence of an increase in the number of females contracting AIDS. That seems to be a recent trend which has been recognised in Victoria and which is also reflected in South Australia. But the fact is that at the moment the heterosexual transmission of HIV in Australia is relatively uncommon. That is an important point to make and emphasise because, if AIDS does break out into the heterosexual community, it could spread like wildfire. That is not occurring to date.

Most women in Australia infected with HIV heterosexually have acquired the virus through a male injecting drug user, as distinct from direct sexual contact. The sharing of contaminated injecting equipment was responsible for 2 per cent of AIDS cases, whereas in the United States 25 per cent of people with AIDS were infected with HIV as a result of injecting drug use. So, there is a dramatic difference between Australia and America with respect to that figure. It is fortunate to see that only .7 per cent of all reported AIDS cases in Australia are children; only 28 children to the end of 1992 have been diagnosed as having AIDS. Most of them, sadly, have developed AIDS because they have received contaminated blood or blood products. About 57 per cent or 16 of those 28 children have contracted AIDS because they received contaminated blood or blood products: the remaining 12 were infected by their mother. That figure of .7 per cent of all AIDS cases being children is less than half the figure in the United States, where children make up 1.7 per cent of all AIDS case. To the end of 1992, women made up only 3.1 per cent of all adult AIDS cases in Australia; in America they account for 11 per cent of all adult cases of AIDS.

So, that point that I made earlier about male homosexual or bisexual contact being the principal method of HIV transmission shows out very clear in the statistics: 31 adult male cases of AIDS to every 1 adult female case in Australia. Most adult women in Australia with AIDS were infected as a result of receiving contaminated blood or blood products. That makes up about one-third of all adult women in Australia with AIDS; heterosexual contact is 32 per cent; injecting drug use, 27 per cent. They are quite dramatically different from the figures in the United States, where 50 per cent of all women with AIDS were infected as a result of injecting drugs. The data shows that Australia has done well in containing the spread of AIDS to the heterosexual community. But we must recognise that there is a time lag between infection with HIV and the progress to AIDS; that can run from a period of five through to 15 years. Most people in Australia with AIDS were HIV-positive when aged between 15 and 35 years.

The committee was particularly anxious to look at the routine HIV testing of patients. It is a contentious issue. There was some evidence that routine HIV testing of patients was warranted. But, in the end, the committee recommended very strongly that routine HIV testing of patients such as before surgery simply was not warranted. We believe that what should be stressed was the importance of implementing and improving infection control and accident prevention procedures. We were particularly critical of the lack of infection control measures taken in some hospitals, and we recommended that health care workers adhere to the universal precautions as set down. We also recommended that health care workers adhere to the pre-test and post-test counselling guidelines as set down in the national counselling guidelines of HIV/AIDS published by the Department of Health, Housing and Community Services. We said this because often sufficient counselling was not given to patients, pre-test and post-test.

It is important also, we believe, for HIV test results to be made known to the patient in person rather than by means of a phone call or a letter. A sensitive matter like this should not be conveyed in this way. In particular, the committee recommended that patients should be advised of what testing was taking place. We received very persuasive evidence that quite often before an operation or in an antenatal situation there was pre-operative and antenatal HIV testing without the informed consent of the patient. Sometimes patients were coerced into having a test, and were not given pre-test counselling. In fact, we had a statement from someone giving evidence who said:

> People are getting tested without consent all the time. I had an incident with a very good friend of mine who is well versed in the AIDS area who had a test from a doctor for his heart and the doctor said everything is okay, but the paper said 'negative' on it. He said to the doctor, 'What is that for?' and the doctor said, 'Oh, that is your HIV test and it is fine. He had not given his consent to the test. Lots of hospitals are doing it.

That was from a witness whose credibility in my view was beyond dispute. That is something which is contentious and which we believe should be corrected. One of the points that has emerged, of course, is the risk to health care workers and, as I have said, it is important that health care workers practise universal precautions. To put it into perspective, it is important to recognise what the committee found. There have only been two cases of death of occupational health care workers from AIDS since 1981 and neither of those were doctors. In fact, the risk is going to be much greater than for nurses. I think it is important to make that statement, to put it in some perspective.

But universal precautions are certainly essential. The committee received evidence that some health care workers in public hospitals in South Australia do not adhere to universal precautions as closely as they should. Some of the people involved did not like the statement; they rejected the statement; they complained publicly about the committee making that statement. I think all my colleagues on that committee had the same view that the evidence was persuasive from several sources and that this in fact was the case, and particularly, and ironically, from people who did not observe universal health precautions we had the argument that there should be mandatory tests for HIV before operations, for example.

We examined that argument and we found it wanting. It would cost $11 a test, a very expensive procedure, and the statistics simply do not justify that occurring. We recommended that health care establishments should provide workers who could be exposed to blood and other bodily fluids with refresher courses on the principles and practices of universal precautions. We recommended that there should be regular audits to ensure that there is a proper level of compliance with universal precautions. We made particular reference, of course, to the standards of health care and the precautions taken in dental surgeries. That part of the report has already received some publicity and prominence in the media. There was a *Four Corners* program showing the risks to patients of HIV/AIDS from a particular case in America.

In conclusion, I think this report has shown that the committee system can work effectively and the first report of the Social Development Committee on 'AIDS, risks, rights and myths' has come up with a number of recommendations for adoption by the State Government. Some have implications at the Federal level and some, of course, have an implication at a community level. The task for whichever Government is in power is to ensure that these recommendations are examined and acted upon. That, after all, is going to be the ultimate value of a report such as this.

The Hon. BERNICE PFITZNER: I rise to note the Social Development Committee report on AIDS and HIV. I have listened to the contribution made by the Hon. Carolyn Pickles and I feel that in some areas some very sweeping statements, inconclusive statements, have been made, perhaps on very flimsy evidence. I will further detail that later on. On listening to the Hon. Mr Davis, he speaks of it as being an emotional subject. Indeed it is, but as someone who has worked with AIDS patients and who has seen a lot of AIDS I can assure members that my response will be far from emotional. No doubt the committee has had a lot of medical experts in particular explain to the committee what is right and what is wrong. But we should not forget that medical experts told us that thalidomide was all right.

I am pleased that the committee has produced the first part of the report. I recall in April last year when I moved the terms of reference on HIV that the matter be investigated by a select committee that it was in response to a dentist who was infected with full-blown AIDS at that time and who was still practising without his own colleagues or patients knowing that he had a communicable disease. In the end, the terms of reference were referred to the Social Development Standing Committee, which I will say was a disappointment to me not only because I was not able to take part in a subject about which I have great concern but also because at that stage the Social Development Committee was newly established and I was not at all sure of the priority that the committee would give to this very important subject.

However, I am glad that obviously it has been given a high priority. I am disappointed, though, that the report has not fully taken what I call the bull by the horns. Firstly, I commend the committee on its diligence in establishing a glossary of medical terms which will help most of the lay people reading the report. I also commend the committee on chapter 4, which is on the epidemiology of HIV/AIDS in Australia. If I recall correctly, the term of reference which included the need for looking into the epidemiology of AIDS and HIV was initially deleted due to Government members believing that documentation of the epidemiology of the disease was not necessary.

I am glad that we now have 13 pages of epidemiology, which, as we know, is the description of the causes and distribution of diseases affecting population. It is an essential part of understanding any disease. I do not see the term defined in the glossary and would suggest that perhaps it would be helpful if the term 'epidemiology' was defined there, perhaps in part 2 of the report.

I further commend the committee on the presentation of the report. It is very clear, simple and readable and, in all, a very good primer for first time reading of the disease. However, as I said, there are still some grave concerns which must be addressed, and, in part, I must say that I am most disappointed with the report. So at this late hour I will be brief and I will refer only to the three major points, although there are some minor points that should also be addressed.

First, I refer to the senior medical officers and their non-compliance with universal precautions in hospitals. The report states:

> The committee was told that it was frequently the most senior medical staff who were worst at complying with recommended infection control practices (i.e., universal precautions).

The report then goes on to give an example of this as follows:

> A representative from the South Australian Health Commission commented that senior medical officers' non-compliance with recommended infection control practices was not a new problem. . .
>
> > It is historical; we used to regard anyone above the rank of registrar as sterile, and we thought that they could do anything they wished without creating a problem. In my experience it was the strong charge sister who often ruled the roost in the wards. . . It is really a management problem; the nurses particularly must make sure that the medical practitioners who are working in their area actually toe the line.

I note that that evidence was given by a Dr Scott Cameron. As I know Dr Cameron, I rang him and asked him about this report and evidence. He was quite taken aback and said that the report that he had given was when he was a student in the 1960s, and that was 30 years ago.

The Hon. L.H. Davis: He gave it in evidence.

The Hon. Carolyn Pickles: It is in the evidence of the committee.

The Hon. BERNICE PFITZNER: I understand that it was given in evidence and I can read it here right in front of me. But, it is not very clear in the evidence that has been quoted at page 89: it does not say when it was done. He told me that it was in the 1960s. So although *Hansard* is completely true, we did not have enough incisive questions asked about when this happened. We took it on face value and we have given this evidence to support the report that frequently the most senior medical staff were the worst in complying. I think that was really irresponsible of the committee.

Further on in the report, a Dr Thorne from the Queen Elizabeth Hospital is also quoted as giving evidence. Unfortunately, he is on leave and I will pursue that as well. There is some loss of credibility in giving that example, which happened in the 1960s, and, of course, as we know, AIDS was not known until 1985.

As I said, whilst I will be accused of supporting my medical colleagues, my main concern is always with the patient. The evidence supporting the statement that the senior medical staff are the worst in complying with these precautions was placed on the front page of the *Advertiser*. It was only anecdotal evidence and I feel that it is most irresponsible and that it tarnishes an excellent and dedicated group of people. It is just anecdotal evidence which is in this first report and which happened 30 years ago. This report is most misleading.

An honourable member interjecting:

The Hon. BERNICE PFITZNER: They say it is not true. I have rung the person and he said he was not able to clarify when it was done. So, of course it is not true in the context of evidence incompletely given. However, again I say that those of us who want to take evidence on a committee on an important subject have to ask very incisive questions.

The Hon. Carolyn Pickles interjecting:

The Hon. BERNICE PFITZNER: Well, I don't know whether this was incisive because it is very misleading to me. I then went to check further with other medical staff at the Royal Adelaide Hospital—my own daughter is a first-year intern there—to find out what universal precautions were taken by senior medical staff. My daughter and her colleagues have reported to me that there is a very high level of universal precautions; they are observed to a very high degree where she is working in the Department of Surgery.

As the Hon. Ms Pickles said, they have double gloves and goggles and they look like people going to the moon. I am very concerned about this very sweeping statement, which I do not feel can be supported. I did hear the Hon. Ms Pickles say that she had a memo from the Royal Adelaide Hospital—

An honourable member interjecting:

The Hon. BERNICE PFITZNER: Yes, I see the memo—about the knowledge of universal precautions observed by medical and nursing staff, and she just gave a summary of it.

The Hon. Carolyn Pickles: That is all we were given.

The Hon. BERNICE PFITZNER: That is right. If you were given just a summary, that is not good enough. You have to ask incisive questions. What questions were asked to arrive at the summary? How were the questions asked? How were they framed? Just a summary is not good enough, as I said, to tarnish an excellent and dedicated group of people.

Secondly, the committee seems critical of orthopaedic surgeons' recommendations for checking high risk people. High risk people have been itemised as patients with HIV, patients who refuse to be tested, male homosexuals, IV drug users, haemophiliacs and so on. We all know that these people are at high risk of either carrying or contracting the disease. The committee comments that that is discriminatory to those people in category two, namely high risk people, and that it ought not be practised. That is contained in recommendation No. 2 as follows:

> The committee recommends that in addition to providing relevant factual information about HIV transmission, education programs should address the discriminatory attitudes towards homosexual/bisexual men and injecting drug users.

Yes, we are aware that there is a discriminatory attitude, but what about the people who are not infected? Again, Recommendation No. 7 states:

> The committee recommends that routine HIV testing of patients. . . is not warranted [such as before surgery].

It believes that other things ought to be done. Recommendation No. 8 states:

> The committee recommends that the practice of routine antenatal testing should cease.

I would like to address that comment as well. We are here concentrating on people who possibly have a very high chance of carrying HIV and AIDS, but we are told that they must not be discriminated against.

An honourable member interjecting:

The Hon. BERNICE PFITZNER: The Hon. Carolyn Pickles has asked me how many infected cases there have been in Australia. I will address that issue in a minute. For the time being, I am addressing those people who are infected and carrying AIDS—the high risk people—and we are told that we must not discriminate against those people. I have compassion for those people, but we also have to think about the people who are not infected.

As I was saying, recommendation No. 8 refers to routine antenatal testing. This procedure is to protect the new-born. We test all new-borns routinely for phenyl ketonuria (PKU), a possible disease of the new-born; we test them all. The frequency of this disease is one in 100 000 babies. Is it discriminatory against new-borns to test them routinely for PKU? We say that we should not test mothers antenatally for HIV/AIDS.

We are only doing that to protect the newborns, the same as we are doing the test for PKU. Some people think that perhaps it can be perceived that the committee is biased towards infected people but, as I say again, what about the uninfected? Thirdly—

The Hon. Carolyn Pickles interjecting:

The Hon. BERNICE PFITZNER: Perhaps they should not, but it is done, and I have not heard very many screams about checking for PKU.

An honourable member: Wouldn't they ask for permission?

The Hon. BERNICE PFITZNER: Of course permission was given, and I do not take it that the others were not asked permission.

The Hon. Anne Levy: If permission is given, that is fine.

The Hon. BERNICE PFITZNER: Members opposite are saying that permission has not been given to those people who have HIV tests. I would like to see some proper statistical evidence other than anecdotal evidence of one or two people who said that. How many have said this: one in one million?

Thirdly, regarding the Aboriginal people, the committee's recommendation that they must be investigated states (recommendation 31):

> The committee recommends an immediate assessment of HIV infection in the Aboriginal population.

We ask that they be fully investigated, but when it comes to Anglo-Celtic people, perhaps—category 2 people—my goodness, it is discriminatory!

The Hon. Carolyn Pickles: It is for their own protection.

The Hon. BERNICE PFITZNER: It is for the Aboriginal people's own protection. What about our protection? I put it to the committee that it might be seen to be prejudicial against Aboriginal people. I will quote an example from the report that supports this possible perception:

> An Aboriginal health care worker described to the committee how excessive alcohol consumption and the absence of cultural sanctions against multiple sexual partners can lead to indiscriminate and unsafe sex.

Then they quote the Aboriginal health worker.

The Hon. Carolyn Pickles interjecting:

The Hon. BERNICE PFITZNER: It is true. This is all anecdotal evidence. That is the point I am trying to make. I will read what an Aboriginal care worker said, as follows:

> I usually talk about what happens when you go out and get drunk. You start to get lightheaded and someone who was ugly in the beginning starts to look gorgeous and you move to the centre of the room because you are both out for one thing. You are not aware of where that person has been and you do not know what they have got or what I have got, so you have to be careful. Grog plays a big part in this. . .

That is a little snippet about the behaviour of Aboriginals. What difference is that episode about which I have just read compared to some of us or our own young ones? We very quickly say that we must investigate the Aborigines. How about being discriminatory against them if we investigate them, or does that not matter? Unfortunately, the committee, after presenting an excellent dissertation on the whys and wherefores, is caught in the Government's rut of more of the same thing: more of education, more of the rights of the infected and more of confidentiality, which precludes further investigation except for some sections of the community.

In the current political climate make any criticism of any HIV policy and you are labelled as homophobic. HIV/AIDS is a disease; it is a communicable disease; but it is not treated as such, as legally required in the Public Health Act. This is because it is closely bound up with sexual practices and with anti-social drug practices. Do not forget that this disease is fatal: once infected, it is a life sentence!

I would agree that Australia has done well in addressing the first phase of prevention, that of education and of having a non-judgmental attitude. However, we have gone past that and we now need to move into the second phase. No doubt the statistics show us that the transmission rate for infected health care workers by their patients is small, but it does happen. It shows us that patients due for an operation rarely infect the health care workers, but it happens.

Needle-stick injury is a more frequent source of infection. What are we doing about that? We are saying, 'Be more careful.' Why do we not turn to the possible source of infection, as we recommend for the Aboriginal people? Why do we not have selective testing, targeting people at risk and targeting people for certain operations? Have any members attended any of these orthopaedic operations when they are sewing into bone and streams of blood are coming forth? It would be good if we knew the HIV status of these people who are at high risk.

Do members know that the University of Adelaide tests for TB all at risk people and all overseas born students? Is that discriminatory?

The Hon. Anne Levy: With their permission?

The Hon. BERNICE PFITZNER: Certainly with their permission, the same as for the HIV test. I do not accept that it was not with their permission. I would like to see some proper statistics which show that it was not with their permission, instead of individual anecdotal evidence.

The Hon. L.H. Davis: There are examples. Members of the committee know of people who have been tested without informed consent. There are personal examples.

The Hon. BERNICE PFITZNER: My colleague says that there are personal examples, but what are they: one in a million? Was it some accident? Were they not informed?

The Hon. Anne Levy: Blood samples were taken to test for other things.

The Hon. BERNICE PFITZNER: I would really like to see some proper statistics, again I say, instead of just a description of what people have gone through. Do members know that at some dental surgeries overseas people are checked for hepatitis B, and if positive, do you, Mr Acting President, know that their families and members are followed up and traced and they are all checked through for hepatitis B? Is that discriminatory? No, it is not: it is a preventive strategy in public health. How much more should we do for HIV/AIDS?

I ask the committee in its next deliberations to be more open-minded and not to have preconceived ideas along the lines of the rights of the infected. I also ask that members ask more incisive questions and not accept evidence that could be anecdotal and then transmit this as evidence of information of full statistical trends.

I ask the committee not to be complacent about the disease that is ravaging the whole world and, if Australia were not so isolated and so distant compared to England, Europe, USA and Asia, we might not show such fortunate and such back patting figures. I ask the committee not to always keep in mind the rights of the infected: what about the rights of the uninfected? After all, it is about them, too. I ask the committee not to water down or play down the power of this virus. I commend this report, but not in its entirety.

The Hon. I. GILFILLAN: I would like to say at the outset how much I appreciated being part of the standing committee with this term of reference. I think it is a maturing process that this Parliament has experienced in taking on the innovation of having standing committees. No doubt there has been and will be some teething difficulties with staffing, the controlling of funding, and the politicising of the work of committees, and that is to be expected, but I think we are harvesting from all the standing committees arguably the most rewarding work that this Parliament contributes on a regular basis. This report is no exception. In fact, it is a highlight in my experience of what has been a deliberate and objective study of a particular area on the request of a term of reference initiated by a member through a Chamber to the committee.

Both my committee colleagues, the Hon. Carolyn Pickles and the Hon. Legh Davis, have gone into analysing the situation in more detail than I will. There is no point in being repetitious. However, there are some observations I would like to make. The title, in referring to myths and misconceptions, I think is very apt. On page 14 in chapter 2 of the report, there is a series of what are the commonly asked

questions about HIV transmission. Without going fully into the detail of the answer, I will just give the quick assessment of the answer. I hope there are thousands in South Australia who will take the opportunity to read this report or certainly large parts of it. The first question is:

'Can people be infected with HIV by cups, plates or cutlery?' 'No.' 'Can people be infected with HIV from toilet seats?' 'No.' 'Is there a risk of HIV transmission through mouth to mouth resuscitation?' 'There is a theoretical risk.'

But it is drawing out the theoretical to an extraordinary length of improbability, and there are some comments about the use of plastic mouth pieces because of other infections as well as HIV. The next question is:

'Is there a risk of infection from coughing, sneezing or spitting?' 'No.' 'Can insects transmit HIV?'

The answer, in a brief summary, states:

'There is no evidence of insect transmission of HIV.' 'In what body fluids can HIV be found?' 'HIV has been isolated from most body fluids including blood, semen, vaginal fluid, saliva, urine, sweat, tears, breast milk and cerebrospinal fluid. However, except for blood, semen, vaginal/cervical secretions and breast milk, it is present in very low concentrations. There are no known instances of HIV transmission other than via blood, semen, vaginal fluids and breast milk.' 'Are the reports of HIV surviving for many weeks in sewage sludge and similar mediums correct?' 'Yes. HIV, as with all other viruses, is as viable as the cell in which it is a parasite.' 'Is it safe to work with someone who is infected with HIV?' 'Yes, unless contact with the infected person involves unprotected sexual intercourse, sharing intravenous needles or some other activity that allows infected blood to enter the uninfected person's body.' 'How do we know that HIV cannot be spread by casual social contact?' 'Data about the risk of HIV spread through casual social contact have come from detailed studies of households in which one or more members were infected with the virus. The infected household members have included intravenous drug users, people with haemophilia, homosexual and bisexual men, recipients of blood transfusions and heterosexual men and women. Not a single example of infection has been reported in other household members except where these members have been additionally exposed to the virus through blood, sexual activity or vertical transmission.' 'Can HIV be transmitted by heterosexual sex?' 'Yes.' 'What is safe sex?' 'Safe sex involves sexual practices that do not allow the exchange of body secretions, (semen and vaginal fluids.) It may involve forms of sexual expression without penetration of the vagina, anus or mouth, or the proper use of condoms.' 'What is unsafe sex?' 'Any sexual activity that allows the exchange of body secretions (semen and vaginal fluids) is potentially unsafe. Some sexual activities, e.g., being the receptive partner in anal or vaginal intercourse) are less safe than others.

There is another chapter which has been referred to, and this is the one that was referred to by the Hon. Bernice Pfitzner and others, and that is chapter 8, 'The practice of universal precautions by health care workers.' It is important to acknowledge that a committee is no better than the evidence it gets, invites and then its capacity to analyse and present. My judgment is that, in this area, we as a committee invited and received adequate evidence, but no evidence will be complete. It is not possible to say, 'Here is the totality of the relevant evidence, and it has been thoroughly assessed and appraised.' From this paragraph on page 88 of chapter 8, it is important for the Chamber to recognise that the allegations of failure to comply with universal precautions are widespread. Although there has been a focusing in the media of allegations about medical officers in South Australia, from the actual evidence we received, as recorded in these parts of the report, it is obvious that it is a worldwide problem. In fact, at page 88 the report states:

Lack of compliance with universal precautions is a world wide problem. Studies in the United States of health care workers employed in areas with a relatively hight risk of exposure to infectious material have found that a large percentage ignore even the simplest barrier precautions such as routinely wearing gloves (Jaffe and Schmitt, 1992).

The Hon. Bernice Pfitzner interjecting:

The Hon. I. GILFILLAN: I think there is an interjection saying it is not a medical officer. Well, health care workers routinely wearing gloves—

Members interjecting:

The Hon. I. GILFILLAN: Further, the report states:

The committee was also told that some health care workers find protective clothing (eg, spectacles to prevent contamination of the eyes) uncomfortable and restrictive to wear and elect not to use it. Still others do not perceive the risk of acquiring a nosocomial infection to be sufficiently great to warrant routinely wearing protective clothing (the 'It won't happen to me' syndrome).

The term 'health care worker' in the evidence we received was generic covering people from medical practitioners through to those who are ambulance officers and others who from time to time may be in a health care situation. It is not, by using the term 'health care worker', excluding doctors. The report continues:

It was also reported that on occasions health care workers simply forgot to adopt recommended universal precautions because the need for these practices was not continuously enforced.

The committee was told that it was frequently the most senior medical staff, (e.g., consultants) who were worst at complying with recommended infection control practices (i.e., universal precautions). For example, taking blood without wearing gloves and not washing their hands before examining a patient, behaviours that contravene the most basic precepts of universal precautions. Paradoxically, the committee received evidence that these same medical staff were strong advocates for routinely testing patients for HIV infection.

This was contemporary evidence; it was not historic. I believe that this whole chapter spells out a background which must be cause for concern. It is not an allegation. We are not giving evidence in a trial.

I was not in the least surprised that there was, predictably, a reaction of indignation and outrage with the claim that these were out-of-date false or exaggerated allegations. The committee received no evidence to convince it that universal precautions were being complied with universally. The evidence received by the committee gave it justifiable grounds for taking the view it took and for including this chapter, which it considered at some length, and the recommendations that flowed from it. As one member of the committee, I acknowledge that that term of reference, when I first took note of it, appeared to be directed at putting restrictions in place to control the activity of those people who had HIV and/or AIDS or who may be regarded by the society at large as being most at risk.

I was very wary that if the terms of reference were taken along that track we would end up in a sort of AIDS apartheid. The committee approached this issue totally without the prejudice that those people who were involved in activities that could lead them to a higher risk of exposure to AIDS were to be punished or castigated by the society at large. The committee also had serious concerns about the rights and obligations of the community to protect others from the risk of infection from people who carry the HIV or AIDS infection. However, having received copious quantities of evidence I, as one member of the committee—and I believe it was unanimous—was impressed with the minuscule opportunities for transmission of HIV other than through the well-recognised and properly documented activities that are already in place. It was my personal responsibility to make sure that this report blew out of the concepts of myths and misconceptions the idea that we had of virulent infectious

time bombs walking around with the likelihood of individually giving innocent bystanders HIV/AIDS.

That sort of paranoia results in totally unacceptable restrictions, compulsory testing and the locking away of previous generations who were insensitive and lacked understanding of infections such as HIV. I am pleased that the committee has come forward with what I think is an enlightened report which contains constructive and enlightened recommendations. It may be uncomfortable for those people who had prejudices and preconceived ideas of what the committee should have evolved because the recommendations do not fit what those people wanted the committee to come forward with. I think it is interesting that this committee, which comprised six members of various positions ideologically, religiously and politically, produced a unanimous report.

As I have said, the report emanated from the analysis of copious and widely divergent sources of evidence. But, of course, it is not infallible. Nothing is infallible, and there is no reason why the Hon. Bernice Pfitzner and others in this place should not, where they see fit, challenge or question areas of the report or urge us in the next part of the report to approach certain issues that may concern them individually. However, I do object to the impression that the committee has not done its job diligently and has been irresponsible in the assessment of evidence that has been put before it. If this committee felt that Scott Cameron's evidence was of the 1960s and out of date, it would have been totally without excuse or justification for it to have included that evidence as either part of the substantial evidence or the main or only evidence upon which it makes its recommendation. I categorically refute that.

Members of the committee were at great pains to determine from our own observations and widespread conversations that the recommendations and the basic theme of the report are widely based in the situation as it pertains in South Australia. The Hon. Bernice Pfitzner said that the reason for the setting up of the terms of reference was that a dentist with AIDS was practising. Unfortunately for the Hon. Bernice Pfitzner, when one succeeds in getting terms of reference accepted one no longer has possession of them or of the work of the committee. The reason for setting up the committee may have been—and I have not checked the speech she made in moving the motion—because a dentist with AIDS was practising, as the honourable member said a while ago, but unfortunately for her it was not the reason or anything like the only reason why the committee should consider the terms of reference.

If a dentist practising with AIDS was the paranoia—and I use that word advisedly—which was the catalyst which set the whole investigation into how HIV/AIDS is integrated into our community, we would approach the matter from a very warped and distorted viewpoint, because with the universal precautions and the recommendations that many dentists have already adopted we have in place a situation in which a dentist could practise with AIDS.

I will not make a judgment about the particular case to which the Hon. Bernice Pfitzner referred because I do not know it; all I am saying is that we as members came into this committee with an open mind and accepted the evidence from various sources, and from that evidence this report has evolved and been tabled in this Parliament. I have no problem with standing by the committee's recommendations. I accept that the evidence and the report itself may be found to be wanting in some aspects, but one thing that I totally refute is that there has been any selective choosing of bits of evidence or neglect of diligently analysing the evidence before we assessed it and made our recommendations. I am proud to be a member of the committee that has tabled this report in this Parliament. In noting it, I believe it will contribute a lot to a better, more tolerant and constructive understanding of HIV infection in our community. I believe it stands tall as an example of the sort of work that standing committees can and will do in this Parliament.

The Hon. M.S. FELEPPA secured the adjournment of the debate.

ELECTORAL (POLITICAL CONTRIBUTIONS AND ELECTORAL EXPENDITURE) BILL

The Hon. Anne Levy, on behalf of **Hon. C.J. SUMNER (Attorney-General)**, obtained leave and introduced a Bill for an Act to make provision for the collection and public inspection of information relating to political contributions and electoral expenditure associated with parliamentary elections; and for other purposes. Read a first time.

The Hon. ANNE LEVY: I move:

That this Bill be now read a second time.

This Bill adds to the increasingly wide range of statutory and administrative instruments which ensure the full and public accountability of public officials. The Bill seeks to ensure that there is full public accountability for and by those people and organisations who are involved in elections for the South Australian Parliament. The obligations of the Bill fall equally on political parties (registered or otherwise), on candidates, on groups, on individuals, on publishers, on broadcasters, on Government departments and on any organisation which participates in or seeks to influence the outcome of a State election. It should be seen as part of the public accountability regime which is manifested elsewhere by the code of conduct for Cabinet Ministers and the Cabinet Handbook, by the code of conduct for public servants (including police officers), by the code of conduct for Ministerial staff, by the proposal for the code of conduct for elected Members of State and local governments; it is also manifested by the Whistleblowers Act and by the Statutes Amendment and Repeal (Public Offences) Act.

Members are also aware of the initiatives the Government has taken through the establishment of the Police Complaints Authority as well as the Anti-Corruption Branch of the South Australian Police Department and the establishment of the Public Sector Fraud Coordinating Committee. All of these initiatives go to the issue of ethics and integrity in government and administration. One of the most important elements of our Westminster parliamentary democracy is free and democratic elections. The election process becomes contaminated if there is any question about the propriety of how it was conducted. Propriety comes into question if it is unclear who is funding whom and the uses to which donations and contributions are put.

Members will, no doubt, be aware of the report of the WA Royal Commission into commercial activities of government and other matters. Chapter 5 of Part 11 of the report deals with the Parliament, and under the heading of 'Political finance' says this, at paragraph 5.9.3 and 5.9.4:

> 5.9.3 First, our inquiries have convinced us that a wide-ranging disclosure Act is essential if the integrity of our governmental system is to be secured. The secret purchase of political influence cannot be tolerated. Nor can we have the situation where those who are dealing with government are pressured by political leaders to make donations

far in excess of amounts which they would contemplate if accorded freedom of choice.

5.9.4 Secondly, and paralleling the disclosure of donations, we believe the public is entitled to be informed as to how those donations are spent for electoral purposes. This form of disclosure is itself a significant means of verifying the disclosure of donations. Equally, it provides some check upon malpractice and deception in the electoral process. Above all, the electoral process itself must be open. The public's knowledge of how moneys are expended to solicit their votes is central to an open system.

The only other State to have public disclosure legislation in relation to State elections is New South Wales—and their regime was and is part of their legislation, providing for the public funding of elections. However, both Victoria and Western Australian Governments were considering legislation before their parliaments were prorogued prior to State elections.

The disclosure provisions (in those Bills) extended, as this legislation does, beyond accounting for public funds received and expended, to funds received and expended from all sources. While the NSW regime is similar to the Commonwealth—and not just because both jurisdictions have public funding—it does not entirely mirror it. This legislation does. There are two important points that need to be made in respect of this:

· The first is, that mirroring the Commonwealth legislation in South Australia will not be onerous. Currently, all political parties—registered or not—and all candidates for a Federal election are required to submit to the Commonwealth Electoral Commissioner after the election—(whether they win, lose, withdraw or even fail to nominate after announcing their candidature)—a report, dealing with the donations received for that election and the purposes to which they were put. The same applies to anyone else who participates in the election whether they were unions, business organisations or churches, etc.

  In addition, in a non-election year registered political parties are also required by the Federal legislation to submit annual income and expenditure returns.

  The obligations under this legislation do not exceed those required of participants in Federal elections and in many instances parties and candidates will be able to submit a duplicate copy of the return they have submitted to the Commonwealth Electoral Commissioner. Where a separate return is required it will be in a similar format.

· The second reason why this legislation mirrors the Commonwealth rather than establishes a regime of its own, is that the Commonwealth legislation is now the benchmark to which all other jurisdictions will eventually move—possibly including New South Wales. Members might note that when the Political Broadcasts and Political Disclosures Bill 1991 was being introduced into the House of Representatives by Mr Beazley, the Minister for Transport and Communications, on the 9 May 1991, he said, 'The Government was putting the comprehensive disclosure laws prepared in the Bill as the basis for uniform legislation.' It is interesting to note that the Commonwealth Electoral Commissioner, in his submission to the Federal Parliament Joint Committee on Electoral Matters, argued that the Commonwealth ought to run and administer the election disclosure regime for all of the States. The committee had not been asked to report on such a cooperative national scheme and put the proposal to one side—but it does indicate that as States establish disclosure regimes, they will be likely to mirror the Commonwealth, rather than invent their own.

Nonetheless, in acting as the benchmark for disclosure the Commonwealth legislation moves the States into some new areas of regulation with respect to elections. They are:

Firstly, obligations on 'third parties' (e.g. trade unions and community and business organisations);

Secondly, obligations on publishers and broadcasters;

Thirdly, obligations on government departments.

The State Government similarly considers that a regulatory regime of disclosure would not be complete without these inclusions as each can play a critical and crucial role in the outcome of an election, either in respect of a party or candidate or a group of candidates.

It is probably important to say, at this stage, that the legislation is not intended to stop political donations of whatever size—nor to limit or prevent organisations positively and actively participating in elections. If the UTLC wishes to give $50 000 to the ALP or run a campaign of its own against the abolition of awards; or, if a farmer from Kangaroo Island wishes to run a campaign supporting the Liberals law and order campaign; or, if the Institute of Teachers wanted to campaign against class sizes; then they all could. However, as participants in the political process they would be required by this legislation (as they are by the Commonwealth legislation) to declare how much they used, where and from whom it came, how and where the money was spent and the purposes to which it was put.

The extension of these reporting and disclosure obligations is, however, consistent with obligations incorporated bodies have under other statutes and should neither impose extra heavy burdens on them nor act as a disincentive to making either political comments or political donations.

The obligations on Government departments are again fair and reasonable, particularly in the context of the obligations on everyone else. Departments already publish for the public record their income and expenditure activity. It is contained in their annual report as well as in their program estimates papers presented to parliament as part of the Budget. Informing the public of their rights and obligations, as well as the services available from government and the programs that implement both the law and government policy decisions is a major responsibility. Requiring them to report annually on expenditure in relation to advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising organisations and include it in their annual report will simply be an extension of what already occurs and in many cases is already required under the GME Act.

It is the area of publishers and broadcasters that this Bill breaks new ground for State governments. However, it is important to emphasise that the obligations placed on them are:

· no more than that already required by the Commonwealth, and
· no more than is imposed on every other participant in the electoral process.

In other words, publishers and broadcasters are to be considered no differently to any other 'third party'. The size of donations which have to be disclosed and the way in which that disclosure must be made is the same as in the Commonwealth Act, namely $200 to a candidate, $1 000 to a Legislative Council group of candidates and $4 500 to a party or other organisation. Similarly, the penalties for non-

compliance and the penalties for contravention of the provisions of the Bill whether arising out of random or organised audits or not are consistent with the Commonwealth Act.

In conclusion and in commending the Bill to the Council, let me echo the sentiments of the Commonwealth Minister when their disclosure Bill was being introduced:

> There is no greater duty upon the representatives of the people in a democratic society than the duty to ensure that they serve all members of that society equally. This duty requires government which is free of corruption and undue influence. It requires standards of integrity and honesty from its representatives, and it requires that the system itself does not engender a diminution of those standards. The integrity of the electoral process is central to the maintenance of these standards and the honouring of this duty.

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

Leave granted.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the measure to be brought into operation by proclamation.

Clause 3: Interpretation

This clause provides definitions of terms and expressions used in the measure. The definitions of "gift" and "electoral expenditure" are the same as those in sections 287(1) and 308(1) (respectively) of the *Commonwealth Electoral Act 1918*.

Subclause (2) provides that terms and expressions used but not defined in the measure have the same respective meanings as in the *Electoral Act 1985* of the State.

Subclauses (3) to (8) correspond to definitional provisions of the *Commonwealth Electoral Act*.

PART 2

AGENTS

The provisions of this Part correspond to Division 2 of Part XX of the *Commonwealth Electoral Act*.

Clause 4: Appointment of agents by parties, candidates and groups

Under this clause, a political party (as defined in the *Electoral Act 1985*) must appoint an agent and a candidate in an election or a group of Legislative Council candidates may appoint an agent for the election. If a candidate does not appoint another person to be his or her agent, the candidate himself or herself is the candidate's agent for the election. If all members of a Legislative Council group are endorsed as candidates by the same registered political party (that is, a party registered under the *Electoral Act 1985*), the agent for the political party is an agent for the group. If the members of a group are not endorsed by a registered political party and if no person has been appointed by the group as its agent, the member of the group whose name appears first in the group on the ballot papers for the election is the group's agent for the election.

Clause 5: Requisites for appointment

This clause sets out the requisites for appointment of an agent, the principal requirement being that appointment be by notice in writing to the Electoral Commissioner of the State.

Clause 6: Registration of party agents

This clause requires the Electoral Commissioner to keep a register of party agents and provides for the commencement and termination of appointments and the making of substitute appointments on the death of an agent or on an agent's conviction of an offence against the measure.

Clause 7: Responsibility for action in case of political parties

Under this clause, an obligation imposed on a political party under the measure is imposed on each member of the party's executive committee, as is an obligation on the agent of a party for any period for which no agent has been appointed by the party.

Clause 8: Termination of appointment of agent of candidate or group

Appointment of an agent by a candidate or group may, under this clause, be revoked by notice in writing to the Electoral Commissioner, signed by the candidate or each member of the group. The clause also requires that the Electoral Commissioner be notified of the death or resignation of the agent of a candidate or group.

PART 3

POLITICAL CONTRIBUTIONS

This Part corresponds to Division 3 of Part XX of the *Commonwealth Electoral Act*.

Clause 9: Political contributions returns for candidates or groups

This clause requires that the agent of each person (including a member of a group) who was a candidate in an election must, within 15 weeks after the polling day for the election, furnish to the Electoral Commissioner a political contributions return for that candidate, in a form approved by the Electoral Commissioner.

The same requirement is applied to the agent of each group.

A political contributions return for a candidate or a group of candidates in an election must set out—

(a) the total amount or value of all gifts received by the candidate or group, as the case may be, during the disclosure period;

(b) the number of persons who made such gifts;

(c) the amount or value of each such gift;

(d) the date on which each such gift was made;

(e) in the case of each such gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—

(i) the name of the association;

and

(ii) the names and addresses of the members of the executive committee (however described) of the association;

(f) in the case of each such gift purportedly made out of a trust fund or out of the funds of a foundation—

(i) the names and addresses of the trustees of the fund or of the funds of the foundation;

and

(ii) the title or other description of the trust fund or the name of the foundation, as the case requires;

and

(g) in the case of each other such gift—the name and address of the person who made the gift.

"Gift" is defined as any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and as including the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration, but as not including an annual subscription paid to a political party by a person in respect of the person's membership of the party.

A political contributions return need not set out any details as to a private gift received by a candidate (including a member of a group). A private gift is, for this purpose, defined in the same way as under the *Commonwealth Electoral Act* as a gift made in a private capacity to the candidate for his or her personal use that the candidate has not used, and will not use, solely or substantially for a purpose related to an election.

The details referred to in paragraphs *(c)* to *(g)* above, are not required in respect of a gift if the amount or value of the gift is less than $200 for a candidate (including a member of a group) or $1 000 for a group. In this connection, the clause provides that two or more gifts made by the same person to the same candidate or group are to be treated as one gift.

The disclosure period, for the purposes of this clause, is the period that commenced—

(a) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in paragraph *(b)*)—on the day on which the person announced that he or she would be a candidate in the election or on the day on which the person was nominated as a candidate, whichever was the earlier;

(b) in relation to a candidate in an election who was a new candidate and when he or she became a candidate in the election, was a member of the Legislative Council chosen by an assembly of members of both Houses of Parliament under section 13 of the *Constitution Act 1934*—on the day on which the person was so chosen to be a member of the Legislative Council;

(c) in relation to a candidate in an election who was not a new candidate—at the end of 30 days after polling day for the last preceding election in which the person was a candidate;

(d) in relation to a group of candidates in an election—on the day on which the members of the group applied under section 58

of the *Electoral Act 1985* to have their names grouped together on the ballot papers for the election,

and that ended, in any case, at the end of 30 days after polling day for the election.

Finally, a candidate is a new candidate, in relation to an election, if the candidate had not been a candidate in an earlier election the polling day for which was within five years before the polling day for the election.

Clause 10: Political contributions returns by persons incurring political expenditure

This clause requires a political contributions return to be lodged within 15 weeks after polling day for a general election by a person (other than a registered political party or a candidate) who incurred $1 000 or more political expenditure in relation to that election or any other election during the disclosure period. Political expenditure is defined for this purpose in the same way as under the *Commonwealth Electoral Act* as expenditure incurred in connection with or by way of—

(a) publication by any means (including radio or television) of electoral matter;

(b) by any other means publicly expressing views on an issue in an election;

(c) the making of a gift to a political party, a candidate in an election or a group;

or

(d) the making of a gift to a person on the understanding that that person or another person will apply, either directly or indirectly, the whole or a part of the gift as mentioned in paragraphs *(a)*, *(b)* or *(c)*;

A political contributions return under this clause must set out—

(a) the total amount or value of each gift received by the person during the disclosure period—

(i) the whole or a part of which was used by the person to enable the person to incur or to reimburse the person for incurring political expenditure in relation to an election during the disclosure period;

and

(ii) the amount or value of which is not less than $1 000;

(b) the date on which each such gift was made;

and

(c) the same details as to the donors as are required under *clause 9*.

The disclosure period, for the purposes of this clause, is the period that commenced at the end of 30 days after polling day for the last general election preceding the current general election and that ended at the end of 30 days after polling day for the current general election.

Again, two or more gifts made by the same person to another person during the disclosure period are to be treated as one gift.

Clause 11: Political contributions returns by persons making gifts to parties or candidates

Under this clause, a person (other than a registered political party or a candidate) must, within 15 weeks after the polling day for a general election, furnish to the Electoral Commissioner a political contributions return, in a form approved by the Electoral Commissioner, if the person—

(a) made a gift to a political party during the disclosure period the amount or value of which is not less than the amount prescribed for the purposes of this paragraph, or, if no amount is prescribed, $4 500;

(b) made a gift to a candidate in the current election or any other election during the disclosure period the amount or value of which is not less than the amount prescribed for the purposes of this paragraph, or, if no amount is prescribed, $200;

or

(c) made a gift to a person or organisation prescribed by regulation.

The information to be included in this return is the same as for other political contributions returns.

The disclosure period, for the purposes of this clause, is the period that commenced at the end of 30 days after polling day for the last general election preceding the current election and that ended at the end of 30 days after polling day for the current election.

As for the preceding provisions, two or more gifts made by the same person to another person or organisation during the disclosure period are to be treated as one gift.

Clause 12: Certain gifts not to be received

This clause makes it unlawful for a political party or a person acting on behalf of a political party to receive a gift made to or for the benefit of the party the amount or value of which is not less than $1 000, unless—

(a) the name and address of the person making the gift are known to the person receiving the gift;

or

(b) at the time when the gift is made, the person making the gift gives to the person receiving the gift his or her name and address and the person receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.

The same provision is made in relation to a gift made to or for the benefit of a candidate or a group where—

(a) in the case of a gift made to a candidate—the amount or value of the gift is not less than $200;

or

(b) in the case of a gift made to a group—the amount or value of the gift is not less than $1 000.

The information required as to names and addresses relating to unincorporated associations and trust funds or foundations is the same as is required to be disclosed in returns under the preceding clauses.

For the purposes of this clause, two or more gifts made by the same person to or for the benefit of a political party, a candidate or a group are to be treated as one gift.

The clause empowers the Crown to recover as a debt, by action in a court of competent jurisdiction, any amount received by a person that it was unlawful for the person to receive under the clause.

Clause 13: Nil returns

The clause requires a nil return to be lodged where no details are required to be included in a political contributions return under this Part for a candidate or a group.

PART 4

ELECTORAL EXPENDITURE

This Part corresponds to Division 5 of Part XX of the *Commonwealth Electoral Act*.

Clause 14: Electoral expenditure returns

This clause requires that the agent of each person (not being a member of a group) who was a candidate in an election must, within 15 weeks after the polling day for the election, furnish to the Electoral Commissioner an electoral expenditure return, in a form approved by the Electoral Commissioner, setting out details of all electoral expenditure in relation to the election incurred by or with the authority of the candidate.

The same requirement is made in relation to a group.

Similarly, a person who incurs not less than $200 electoral expenditure in relation to an election otherwise than with the written authority of a registered party or a candidate must lodge a return giving details of that expenditure.

Electoral expenditure is defined in the same way as in the *Commonwealth Electoral Act* as expenditure incurred (whether or not during the election period) on—

(a) the broadcasting, during the election period, of an electoral advertisement relating to the election;

(b) the publishing in a journal, during the election period, of an electoral advertisement relating to the election;

(c) the display, during the election period, at a theatre or other place of entertainment, of an electoral advertisement relating to the election;

(d) the production of an electoral advertisement relating to the election, being an advertisement that is broadcast, published or displayed as mentioned in paragraph *(a)*, *(b)* or *(c)*;

(e) the production of any material (not being material referred to in paragraph *(a)*, *(b)* or *(c)*) that is required under section 112 or 116 of the *Electoral Act 1985* to include the name and address of the author of the material or of the person taking responsibility for its publication and that is used during the election period;

(f) consultants' or advertising agents' fees in respect of—

(i) services provided during the election period, being services relating to the election;

or

(ii) material relating to the election that is used during the election period;

or

(g) the carrying out, during the election period, of an opinion poll, or other research, relating to the election.

Clause 15: Electoral advertising returns by broadcasters and publishers

This clause requires that each broadcaster or publisher of a journal who, during the election period, broadcast or published in the journal electoral advertisements relating to an election with the authority of a participant in the election must, within 8 weeks after the polling day for the election, furnish to the Electoral Commissioner an electoral advertising return, in a form approved by the Electoral Commissioner.

The return must set out particulars—

(a) identifying the broadcasting service by which or the journal in which each electoral advertisement relating to the election broadcast or published by the broadcaster or publisher during the election period with the authority of a participant in the election was so broadcast or published;

(b) identifying the person at whose request each such advertisement was broadcast or published;

(c) identifying the participant in the election with whose authority each such advertisement was broadcast or published;

(d) specifying the date on which each such advertisement was broadcast or published;

(e) in the case of broadcast advertisements—specifying the times between which each such advertisement was broadcast;

(f) in the case of advertisements published in a journal—specifying the page in the journal on which each such advertisement was published and the space in the journal occupied by each such advertisement;

and

(g) showing whether or not a charge was made by the broadcaster or publisher for each such advertisement and, if so—

(i) specifying the amount of the charge;

and

(ii) showing whether or not the charge was at less than normal commercial rates having regard to all relevant factors.

A publisher of a journal is not required by the clause to furnish a return in respect of an election if the total amount of the charges made by the publisher in respect of the publication of advertisements and any other advertisements relating to any other election that took place on the same day as the first-mentioned election is less than $1 000.

The return may be a copy of a return furnished by a broadcaster under the *Broadcasting Act 1942* of the Commonwealth or any other law of the Commonwealth, to the Australian Broadcasting Tribunal or any other body constituted under such a law where such a return contains the particulars that the broadcaster is required to furnish under this clause.

For the purposes of the clause, a "participant" in an election is a political party or a candidate or some other person by whom or with whose authority electoral expenditure was incurred in relation to the election.

Clause 16: Annual reporting by government administrative units of expenditure on advertising, etc.

This clause requires the chief executive officer of each administrative unit of the Public Service of the State to attach a statement to the unit's annual report setting out particulars of all amounts paid by, or on behalf of, the unit during the preceding financial year to—

(a) advertising agencies;

(b) market research organisations;

(c) polling organisations;

(d) direct mail organisations;

and

(e) media advertising organisations,

and of the persons or organisations to whom those amounts were paid.

An exception is made to this requirement if the value of a payment is less than $1 500.

Clause 17: Nil returns

This clause requires nil returns to be lodged by a candidate or group where no electoral expenditure in relation to an election was incurred by or with the authority of the candidate or the members of the group.

Clause 18: Two or more elections on the same day

Under this clause a single return may be lodged in respect of two or more elections that take place on the same day. Such a combined return need not distinguish expenditure relating to one election from expenditure relating to the other election or elections.

PART 5

ANNUAL FINANCIAL RETURNS BY REGISTERED POLITICAL PARTIES

This Part corresponds to Division 5A of Part XX of the *Commonwealth Electoral Act*.

Clause 19: Annual financial returns by registered political parties

Under this clause, the agent of each registered political party must, within 20 weeks after the end of each financial year, furnish to the Electoral Commissioner an annual financial return in respect of the financial year, in a form approved by the Electoral Commissioner.

The return must set out—

(a) the total amount received and the total amount paid by or on behalf of the party during the financial year;

(b) the total outstanding amount, as at the end of the financial year, of all debts incurred by or on behalf of the party;

and

(c) if the sum of the amounts received, the sum of the amounts paid, or the sum of the outstanding debts incurred, by or on behalf of the party during the financial year from or to the same person or organisation is not less than $1 500—

(i) the amount of the sum;

(ii) in the case of receipts or payments, the amount of each receipt or payment and the date on which it was received or paid;

(iii) in the case of a sum received from or paid or owed to an unincorporated association, other than a registered industrial organisation—

(A) the name of the association;

and

(B) the names and addresses of the members of the executive committee (however described) of the association;

(iv) in the case of a sum purportedly paid out of or into or payable into a trust fund or the funds of a foundation—

(A) the names and addresses of the trustees of the fund or of the foundation;

and

(B) the title or other description of the trust fund, or the name of the foundation, as the case requires;

and

(v) in any other case—the name and address of the person or organisation.

For the purposes of the clause, an amount that was received from a person or organisation in the course of a fund-raising event need not be counted unless the total amount received from the person or organisation was not less than $100.

Similarly, in calculating the sum of the amounts paid by or on behalf of the party to the same person or organisation—

(a) an amount of less than $100;

or

(b) an amount paid under a contract of employment or an award specifying terms and conditions of employment,

need not be counted.

For the purposes of the clause, a reference to an amount includes a reference to the value of a gift or bequest.

Returns under the clause are not to include lists of party membership.

Regulations may be made for the purposes of the clause defining fund-raising events and requiring greater detail to be provided in returns.

PART 6

MISCELLANEOUS

This Part corresponds to Division 6 of Part XX of the *Commonwealth Electoral Act*.

Clause 20: Public inspection of returns

The Electoral Commissioner is required by this clause to keep each return at his or her principal office and to make it available for public inspection, without charge, during ordinary business hours.

A person will not be entitled, on payment of a fee determined by the Electoral Commissioner to be the cost of copying, to obtain a copy of a return.

A person will be entitled to inspect or obtain a copy of a return until the end of eight weeks after the day before which the return was required to be furnished to the Electoral Commissioner.

Clause 21: Records to be kept

Under this clause, a person must keep for 3 years any document or other thing that is or includes a record relating to a matter particulars of which are or could be required to be set out in a return. This requirement will not apply to any record that would, in the normal

course of business or administration, be transferred to some other person.

Clause 22: Investigation, etc.

Under this clause, the Electoral Commissioner may, by instrument in writing signed by the Electoral Commissioner, authorise a person or a person included in a class of persons to exercise investigative powers under the clause.

The investigative powers conferred include power to require the production of documents, power to require the answering of questions (on oath or affirmation) and powers of entry, search and seizure pursuant to a magistrate's warrant.

Clause 23: Inability to complete returns

This clause sanctions the furnishing of an incomplete return provided that the person explains by writing the nature of any material omitted and the reasons why the return is incomplete.

The person must, in addition, if he or she believes on reasonable grounds that another person whose name and address he or she knows can supply the material, state that belief and the reasons for it and the name and address of that other person.

Where the Electoral Commissioner has been so informed that a person can supply particulars that have not been included in a return, the Electoral Commissioner may, by notice in writing served on that person, require the person to furnish those particulars.

Similarly, that person may satisfy the Commissioner's requisition to the extent possible and, where appropriate, identify a further person having any information not known to the person. That further person may then, in turn, be required by the Commissioner to provide the missing information.

Clause 24: Amendment of returns

Under this clause, the Electoral Commissioner may amend a return to the extent necessary to correct formal errors or defects.

A person who has furnished a return may request the permission of the Electoral Commissioner to make a specified amendment of the return for the purpose of correcting an error or omission, and any refusal of such a request is to be reviewable under Division I of Part XII of the *Electoral Act 1985*.

Clause 25: Offences

This clause makes it an offence if a person fails to furnish a return that the person is required to furnish within the time required. The clause fixes as the maximum penalty for such an offence—

(a) in the case of a return required to be furnished by the agent of a political party—a Division 5 fine ($8 000);

or

(b) in any other case—a Division 7 fine ($2 000).

A person who furnishes a return or other information containing a statement that is, to the knowledge of the person, false or misleading in a material respect, is to be guilty of an offence punishable by a maximum penalty of a Division 7 fine or division 7 imprisonment (2 years), or both.

A person who furnishes to another person who is required to furnish a return under this Act information—

(a) that the person knows is required for the purposes of that return;

and

(b) that is, to that person's knowledge, false or misleading in a material respect,

is to be guilty of an offence punishable by a maximum penalty of a Division 7 fine or division 7 imprisonment, or both.

A person who, otherwise than as referred to in this section, contravenes, or fails to comply with, a provision of the measure is to be guilty of an offence punishable by a maximum penalty of a Division 7 fine.

The clause provides for a further penalty for a continuing offence of an amount equal to one-fifth of the maximum penalty prescribed for the offence for each day for which offence continues.

Under the clause, a prosecution in respect of an offence may be commenced at any time within three years after the offence was committed.

Clause 26: Non-compliance with Act does not affect election

This clause makes it clear that a failure of a person to comply with a provision of the measure in relation to an election will not invalidate that election.

Clause 27: Service by post

This clause allows any notice or other document that is required to be served or given by the Electoral Commissioner to be served by post.

Clause 28: Regulations

This is the usual regulation-making provision.

SCHEDULE

Transitional Provisions

The schedule makes it clear that no return required to be furnished under Part 3 or 4 need contain any details relating to—

(a) gifts made or received;

(b) expenditure incurred;

or

(c) electoral advertisements broadcast or published,

before the commencement of the measure.

Similarly, no statement required to be attached to the annual report of an administrative unit of the Public Service under Part 4 need contain particulars of payments made before the commencement of the measure and no return is required to be furnished under Part 5 in respect of a financial year other than a financial year commencing on or after the commencement of the measure.

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

ADMINISTRATIVE ARRANGEMENTS BILL

The Hon. Anne Levy, on behalf of **Hon. C.J. SUMNER (Attorney-General)**, obtained leave and introduced a Bill for an Act to provide for matters relating to the administration of the Government of the State; to repeal the Administration of Acts 1910; and for other purposes. Read a first time.

The Hon. ANNE LEVY: 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.

The current *Administration of Acts Act, 1910* ('the Act') provides a legislative mechanism for effecting variations in the administrative arrangements of Executive Government.

The Act provides that the Governor may, by proclamation, commit the administration of an Act to a Minister or confer on a Minister a Ministerial power or function. When an Act provides that a specified Minister shall hold an office, the Governor may, by proclamation, declare that the office is to be held by some other Minister. The Governor may also, by proclamation, constitute a Minister a body corporate and may dissolve such a body corporate and declare that its assets and liabilities are to become assets and liabilities of another Minister as officer. Under the Act, a Minister may also delegate any of his or her statutory powers or functions to any other Minister.

In October 1992 the Government made a number of Ministerial changes requiring the making of proclamations by the Governor. Due to time constraints at that time and a lack of a readily accessible body of information, a number of the proclamations made by the Governor were wholly or partly invalid or inappropriate. Also the provisions of the Act were found to be inadequate and to require complex proclamations to achieve simple objectives.

To address the difficulties arising at this time, members of the Offices of Premier and Cabinet, Crown Solicitor and Parliamentary Counsel met for the purpose of examining the difficulties experienced in October, 1992 and putting forward proposals for the establishment of a more efficient mechanism to effect changes to Government administrative arrangements.

The working group agreed that there was a need for a comprehensive and accurate database of information detailing, among other things, the number and names of administrative units and statutory authorities and the Ministers to whom they are responsible and the Acts for which each Minister is responsible. A prototype of such a database is expected to be completed by the end of this month and the final product is expected to be in place shortly thereafter. At first, access to the database will be limited to the Department of Premier and Cabinet and the Attorney-General's Department. It is anticipated that access will be extended to the wider public sector in due course and eventually to the community as a whole. It is anticipated that the Department of Premier and Cabinet will maintain the database and keep it up to date.

The need to allow for transfer of all or some of the assets, rights and liabilities of a body corporate constituted of a Minister, to the Crown or another body corporate that is an agent or instrumentality of the Crown was identified.

It was also considered that a delegation of functions and powers by a Minister to another Minister or other person should remain effective after the primary powers and functions have been transferred to another Minister, until varied or revoked.

Further, a reference in an Act, an agreement or contract or any other document to a Minister, officer or government department should be able to be read as if it were a reference to a new Minister etc as specified by the Governor by proclamation.

The Bill repeals the existing Act and includes relevant provisions form the Act as well as many of the recommendations of the working group.

It is anticipated that the Bill will allow for a more efficient, effective legislative mechanism to enable changes to the administration of government.

Clause 1: Short title

This clause is formal.

Clause 2: Repeal

This clause repeals the *Administration of Acts Act 1910*.

Clause 3: Interpretation

This clause provides for the interpretation of terms used in the Bill.

Clause 4: Alteration of title of ministerial office

Clause 4 provides for the alteration of the title of a ministerial office by proclamation. To change the title of a Minister at the moment it is necessary for the Minister to resign and then to be appointed by the Governor under the new title.

Clause 5: Committal of Act to Minister

This clause provides for the committal of the administration of an Act to a Minister.

Clause 6: Conferral of ministerial functions and powers

Clause 6 provides for the conferral of ministerial functions and powers on a Minister. Clauses 5 and 6 reflect the substance of section 3(1) of the *Administration of Acts Act 1910* repealed by clause 2.

Clause 7: Body corporate constituted of Minister

This clause provides for incorporation of a Minister. The incorporation of a Minister facilitates the holding of property such as land by the Minister. Subclause (2) provides that a Minister will be incorporated in respect of all of his or her functions or powers unless specifically limited by the proclamation.

Clause 8: Interpretative provision

This clause is a provision that enables the Governor to direct a reference in an Act or other instrument or document referred to in subclause (1) to a Minister, a Public Service employee or an administrative unit to have effect as if it were a reference to another Minister, Public Service employee or administrative unit. Public Service employees are all the persons employed by or on behalf of the Crown except for those referred to in schedule 2 of the *Government Management and Employment Act 1985*. That schedule excludes (amongst others) the judiciary, the Auditor-General, the Ombudsman, the Police Complaints Authority and the Electoral Commissioner and Deputy Electoral Commissioner.

Clause 9: Delegation of functions and powers by a Minister

This clause provides for delegation of functions and powers by a Minister. It is similar to section 6 of the *Administration of Acts Act 1910*. Subclauses (4) and (5) are new. They provide for the continuity of delegations, appointments and authorisations on the transfer of the relevant function or power from one Minister to another.

Clause 10: Evidentiary provision

This clause is an evidentiary provision and is similar to section 7 of the *Administration of Acts Act 1910*.

Clause 11 : Proclamations

Clause 11 provides in subclause (1) that a proclamation has effect notwithstanding an Act or law to the contrary. An Act may, however, expressly exclude the operation of that subclause.

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

STATUTES REPEAL (INCORPORATION OF MINISTERS) BILL

The Hon. Anne Levy, on behalf of **Hon. C.J. SUMNER (Attorney-General)**, obtained leave and introduced a Bill for an Act to repeal the Minister of Agriculture Incorporation Act 1952, the Minister of Lands Incorporation Act 1947 and the Treasurer's Incorporation Act 1949; and for other purposes. Read a first time.

The Hon. ANNE LEVY: 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.

A second Bill, the Statutes Repeal (Incorporation of Ministers) Bill 1993 accompanies this Bill which flows as a consequence of the amendments made by the Administrative Arrangements Bill 1993.

The Minister of Agriculture Incorporation Act 1952, the Minister of Lands Incorporation Act 1947 and the Treasurer's Incorporation Act 1949 are all repealed by this Bill as they are now unnecessary.

The Acts were required at the time as the Administration of Acts Act 1910 did not allow for the incorporation of a Minister. As the Ministers in each instance were required to perform a number of duties, a separate Act was necessary.

Clause 1: Short title

Clause 1 is formal.

Clause 2: Commencement

Clause 2 provides for the commencement of the Act on 1 October 1992. This was the date on which the proclamation purporting to dissolve the bodies corporate referred to in this Bill was published in the Gazette. Section 5 of the Administration of Acts Act 1910 enables the Governor, by proclamation, to dissolve a body corporate previously established by proclamation under that section. There is no power, however, to dissolve a body corporate constituted of a Minister by an Act.

Clause 3: Repeal of Minister of Agriculture Incorporation Act 1952

Clause 4: Repeal of Minister of Lands Incorporation Act 1947

Clause 5: Repeal of Treasurer's Incorporation Act 1949

Clauses 3, 4 and 5 make the necessary repeals and transfer the assets, rights and liabilities of the previous Minister to the new Ministers.

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

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 637.)

The Hon. T.G. ROBERTS: I support the Bill. I would like to raise one line in this Bill, that is, the expenditure proposed for the multifunction polis and its environs and the projected expenditure program for spreading the MFP role through the Centre for Manufacturing, Science Park, Manufacturing Park and into the tertiary institutions. The original focus of the MFP has certainly changed and has now evolved into a different project than that which was first envisaged.

I cannot understand the opposition that has been put forward by the Leader of the Opposition in relation to the project. Other States have certainly vied for the project in its original form. I think the fuelling of the opposition has come from the New South Wales press. I am sure that the *Sydney Morning Herald* is doing a fine job on behalf of the New South Wales Government in undermining the pitch for the MFP focus in South Australia.

I cannot understand the attitude of the Hon. Dean Brown, the Leader of the Opposition, in falling for one of the oldest traps in Australia's political history, that is, to get one State to vie against another to secure a project that looks like having some financial benefit to a particular State. Unfortunately, Australia has not matured enough to develop major projects as a nation, but has acted as a number of immature States within a nation.

Historically that has set back many projects that could have taken on a national focus and has reduced them to State-run projects that have put the States' taxpayers on the international bidding block, if you like, to provide conces-

sions for overseas investment. It is then easy for overseas nations—which act as nations rather than individual counties or States within their own countries—to play one State off against another for secured outcomes for themselves. In most cases Australia's position is weakened in relation to its negotiations.

It could be argued that that is a centralist view being put forward by a centralist republican supporter, but it is not that, I can assure members. I believe that States do have a role in the administration and distribution of wealth within Australia. However, when it comes particularly to employment generation projects that have a national and international focus, I come down on the side of a national plan in relation to those programs and projects.

Queensland makes no secret of the fact that it would like a project with a focus such as the MFP. It has no qualms about presenting itself as a 'State-rights' State and indicating that the nation's interests become secondary to its own interests. Western Australia has a very strong history of States' rights and States' interests. It will take a long time before Australia sees itself as a nation and gets in behind the focus for the multifunction polis in this State in a mature way that directs investment into a State that sorely needs it.

I know the Opposition will say it is the fault of the Government for not being able to secure investment in the State, but I think that if and when members opposite secure the Treasury benches they will find that South Australia, because of its geographical disadvantage in relation to the Eastern States and in relation to being able to support a larger population than some of the more populous Eastern States, will have trouble in attracting new investment programs. I think they will be sorely tested if in fact the people of South Australia have to put up with a Conservative Government in power.

I suspect that Dean Brown's attitude may change in relation to the multifunction polis, that he may have to back down on some of the statements that have been made publicly and come out to make a more positive statement in supporting the approach at least to a central focus for the program.

No-one is arguing that Manufacturing Park, the science centre or the universities, or even other regional centres in South Australia are not deserving of investment projects associated with what would be regarded as a changed focus for the MFP, where it is all integrated through the State and through Australia generally.

From evidence presented to the Environment, Resources and Development Committee, it is noted that the MFP program is now MFP Australia, which recognises that for its own benefit it must have a national focus to be able to attract investment into this State. If the focus is taken away from a single site, which was one of the major benefits for South Australia in the first place in securing the MFP, I think much of the attention will be diverted from South Australia and the investment program that interests particularly Asian countries such as Japan, Taiwan and Korea. They will probably secure their investment packages in Queensland, Northern New South Wales and, heaven forbid, around Sydney.

Sydney itself certainly must be congratulated for securing the Olympic Games. However, if ever there was a city that was overdeveloped in this nation in terms of population growth and putting pressure on its own infrastructure, it would be Sydney. Sydney's major problem will be in being able to provide infrastructure that supports a population heading towards 4 million in the next decade. The whole of the eastern seaboard is being left in an undeveloped state to the advantage of Sydney.

Sydney's own economy and that of the Gold Coast are self-perpetuating. They are two hot spots in the economy that very rarely see the effects of recession because they are loaded geographical areas that attract a lot of overseas investment, either speculative or in manufacturing, because of the size of the servicing area that has been developed within them.

On the other hand, South Australia has a large geographical area with a very small population and needs the affirmative action programs and positive investment strategies that can be presented with both a national focus and a State focus. South Australia needs all the help it can get to overcome the geographical disadvantages of being a large State with a small population; it needs to export both to the Eastern States and, hopefully, one day, through Darwin into Asia.

It will take a lot of hard work on behalf of many people to be able to maintain South Australia's national and international identity in securing those investment packages and programs that bringing long-term security and benefits of wealth transfer into a broad based community program. We had a froth and bubble investment program in the 1980s which led to build up of speculative capital in the central business district.

It was pretty clear that most of that investment would have short-term benefits, and it certainly presented us with long-term difficulties and some of the debt factors that have accumulated in relation to a lot of that speculative capital moving in and then presenting us with no solid infrastructure for long-term wealth creation programs.

The MFP, on the other hand, provides a lot of benefits potentially that could be put together, and I would have thought that a bipartisan approach towards the MFP could be developed in a changed function in relation to the spreading of the capital investment, not just through the city but also through the State and the nation, integrated through a site development that could attract the overseas investment that is required to get these programs off the ground.

The other reason I thought it might have looked attractive to the Opposition was the rehabilitation of the site, which could have been got into a state that was at least similar to its natural state when Colonel Light was developing the plan of Adelaide. A series of Governments has left the whole area of Wingfield, Dry Creek and Gillman to decay—in fact, it was made worse. There are deposits of chemical waste, and the Wingfield dump certainly does not add to its attractiveness. I would have thought the Opposition might support the rehabilitation of the whole area, even if the development of a central focus did not proceed until the area had been reclaimed in an ecological state that was sustainable and offered some sort of hope and life to the mangroves and the salt pans that exist down there in their natural and tidal state.

By removing the focus from that area, if the Opposition does stick to its strategy and plan it may jeopardise a lot of the transfer of funds from the public purse via the Federal Government to this State to rehabilitate that area into what would be regarded as a reclaimable area for improving the standards of the lifestyle for the people who live there.

So, with those words, I support the Bill and condemn the Opposition for its opposition to the siting and securing of the multifunction polis in a form that could offer benefits to this State.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): During his second reading speech the Hon. Mr Lucas asked a number of questions, as did other honourable members. I can supply some answers to those questions, and I am happy to do so at this stage. First, I would like to deal with a question asked by the Hon. Miss Laidlaw regarding the future of the WOMADELAIDE music festival and whether this was to be an annual festival.

I can inform the Hon. Miss Laidlaw that information from the Festival Centre Trust is that it is planned to hold the WOMADELAIDE festival biannually in the years between Adelaide Festivals. This decision was taken and announced some time ago, and the next WOMADELAIDE festival is therefore scheduled for March 1995.

I also have replies to 20 questions asked of the Minister of Education, Employment and Training by the Hon. Mr Lucas. I have provided copy of these replies to the Hon. Mr Lucas and I seek leave to have the answers incorporated in *Hansard* without my reading them.

Leave granted.

(For replies to questions, see end of day's report).

The Hon. C.J. SUMNER (Attorney-General): The Hon. Mr Lucas asked for details of overseas telephone calls and faxes from the office of the Multicultural and Ethnic Affairs Commission. The Premier has advised that the detailed information requested is not retained within the Office of Mutlicultural and Ethnic Affairs and consequently State Systems have been asked to forward a report as soon as possible. So, presumably it can then be forwarded to the honourable member.

The Hon. Mr Davis had a couple of questions: how many graduates of tourism colleges or training institutions in South Australia are employed by Tourism South Australia at this time? The answer is as follows:

Currently within the South Australian Tourism Commission there are 25 staff who are graduates of tourism colleges or training institutions within South Australia. Four staff are currently undertaking tourism studies.

This number represents 25 per cent of the total staff in the commission, excluding staff who are graduates in other relevant disciplines, e.g., public relations and marketing. Within the Adelaide Travel Centre 68 per cent of the staff are graduates or are currently undertaking studies at tourism colleges or institutions within South Australia.

The graduates are principally from the Certificate in Travel and Tourism at TAFE and the Diploma in Tourism at TAFE. However, the following courses/institutions are also represented: AFTA/ADTECH training course and the Travel Tourism Academy.

The Hon. Mr Davis also asked some questions relating to Enterprise Investments. As these are in a question and answer form, with some tabular information, I seek leave to have the information incorporated in *Hansard* without my reading it.

(For replies to questions, see end of week's report).

Bill read a second time.

CHILDREN'S PROTECTION BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 650.)

The Hon. M.J. ELLIOTT: The State Government should be applauded for its stated intention of supporting and assisting parents and involving them in decisions relating to abused and neglected children. While the Bill aims to strengthen the family unit to provide safety for the child, the manner in which the Child Protection Bill 1993 attempts to do so has put into question the rights and best interests of children. Of greater issue still is the concern that the resulting legislation actually violates the United Nations convention on the rights of the child, to which Australia is a signatory.

I hope to air the many concerns about the legislation which have been brought to my attention by a multitude of groups. These include the Child Protection Coalition, Action for Children, Youth Affairs Council of South Australia, the South Australian Youth Housing Network, the Australian Early Childhood Association, the Children's Interest Bureau of South Australia, the Institute of Early Childhood Educators, and several other interested persons. I have also been approached by other groups, including the South Australian Council on Social Services, the Adelaide Central Mission and the South Australian Aboriginal Child Care Agency Forum.

I have been lobbied on both sides by people for whose opinions I have great respect, which has made this Bill a particularly difficult one. I believe it is important that both sides of the debate are heard and will raise these concerns while discussing individual clauses and suggested responses I am considering in the light of discussions I have had with various groups. I indicate that whether or not I proceed with them, or proceed in a modified form, is dependent upon the responses I receive during this debate.

Before I proceed, I wish to ask the Attorney-General as a matter of importance to make available all the advice received from all Government departments, sections of departments and agencies of the Government, including the Minister of Health, Family and Community Services and the Attorney-General about this legislation and the first draft of the final report of the Select Committee on Juvenile Justice. I understand a number of submissions have been prepared but they have never been made available publicly. I believe that they would throw quite significant light on the issues which are contained within the Bill.

I believe that it is only fair and proper that all members in this Chamber should have an opportunity to see such reports, because they will throw some light as to how the various interested departments and sections of departments and agencies view the Bill and the significant components of it. I request that all these submissions be brought into this Chamber. It appears likely that we will not be debating the Committee stage until tomorrow. That being the case, I would like to see those submissions before we proceed into Committee so that our debate is a fully informed one.

The main thrust of concerns raised with me from the non-government sector about the legislation before us covers several main areas. Throughout the legislation, the best interests of the child should always be paramount. Replacing the proposed definition of 'children at risk' with the internationally recognised definition of 'children in need of care and protection' is seen as important to ensure that the legislation covers all children who require help. There is a perceived need for independence in the family care meeting process. Children should always be supported at family care meetings by advocates, providing checks and balances throughout the process, from when the CEO is not obliged to take action to provisions covering the removal of children and young people from public places by police.

There is concern that an impression is being given that the South Australian legislation is similar to the initiatives recently put in place in New Zealand, but it is not. Only a small fragment of the New Zealand legislation has been incorporated into the proposed Bill. The New Zealand Commissioner for Children, Ian Hassall, has himself

commented on several deficiencies when comparing the New Zealand legislation with a draft of the South Australian counterpart. He feels that the South Australian legislation says less about the intention and cast of the law than its New Zealand counterpart. In particular, he says that conspicuously absent from the South Australian legislation are: a commitment to participation by the child in decision-making; the child's welfare and rights; participation by the family in proceedings and decision-making; and assistance to families.

Mr Hassall says that the unqualified 'major priority' of reunification of the child with his or her family in the South Australian legislation gives a different signal to the public and officials from the extensive recognition of conditions that must be met before reunification in New Zealand. All the checks and balances that are included in the New Zealand model are omitted here, including the creation of a child protection resource panel and a commissioner for children and the requirement for family care coordinators to have special skills and training.

The South Australian legislation has not been enacted in conjunction with a bill of rights for children as was the case with our near neighbour. A major weakness in this Bill is that it has come about without any evaluation of the present system. This is crucial to identify the weaknesses and strengths of the present system before radically altering it. The present system itself is devoid of effective evaluation, and the legislation does nothing to change this. The goal of improving family relations will not be achieved unless evaluation mechanisms are put in place. It is difficult to understand how a piece of legislation which claims to put emphasis on the community was drafted with so little consultation with the community.

Work by UNICEF and the World Health Organisation with respect to the concept of self-reliant development emphasises the importance of community participation. The South Australian Aboriginal Child Care Agency Forum believes that national legislation on child welfare for Aboriginal and Torres Strait islanders would best address the issues regarding welfare for Aboriginal children.

There is concern about the way in which the family care meeting, a major linchpin of the legislation, was put into the South Australian legislation. Unless meetings are structured in a way which has a better likelihood of success than the present system, we may ultimately be harming rather than protecting children. I believe it would have been more appropriate to have piloted aspects such as family care meetings, which is what occurred when similar schemes were mooted in Victoria and New Zealand, than just to up and change the entire system. The effectiveness of family care meetings has been questioned in many quarters, particularly the lack of a requirement for an independent advocate for the child, the lack of independence of the meeting coordinator and the lack of a framework for monitoring the implementation of decisions made at such meetings. I will expand on this when reviewing the legislation in detail later.

The South Australian legislation could prove to be ill-defined and under-resourced, and so is a matter for concern for those involved in the education and care of young children. There is a feeling among child interest groups that the legislation is regressive in that it makes the family the arbiter between the outside world and the child, decreasing the recognition of the child as a separate individual and going against the modern trend of seeing the child as having interests separate from the family. They say that it violates the UN Convention on the Rights of the Child and the Covenant on Civil and Political Rights, which calls for States to guarantee special protection for children. The fear is that, if this is enacted, children in South Australia would have the right to make complaints before the Human Rights Committee under the optional protocol to the covenant, with the subsequent threat of compensation being paid to those whose rights have been found to have been violated.

As to the legislation itself, there is a great deal of concern about many specific aspects of the legislation, which I will now set down in detail. I refer, first, to the objects of the Bill as provided in clause 3. This clause provides that the Bill aims to provide a system of care and protection for children, but it highlights family responsibility and its need for support not the child's right to care and protection. This, I believe, should be uppermost. The extent of the recognition this clause gives to children's rights has been questioned. Also of concern is the enormous emphasis placed on family reunification, with no differentiation between reunification which is appropriate for the child's well-being and that which is not. I will seek to amend clause 3 to ensure that the Bill provides for the care and protection of children, which will ensure that all children have a right to care and protection and are entitled to special assistance, and that families should be assisted and supported in carrying out their responsibilities towards children.

Clause 4, which deals with the principles to be observed in dealing with children, does not make it clear that the child's best interests remain paramount because of the use of the word 'serious'. There is a need for a more explicit statement as the use of words such as 'serious' and 'must however' will lead to difficulty in interpretation. I note the amendment to clause 4 moved by the Minister to make clear that the safety of the child remains the paramount consideration. I question the use of the word 'safety' and also note the failed attempt by the Opposition spokesperson in the Lower House to replace 'safety' with 'welfare'. I propose that a better proposal than the use of the word 'safety' is to ensure that the 'best interests' of the child are paramount. This could adequately encompass the physical, emotional, intellectual and other aspects of the child's well-being.

Clause 6, which provides some necessary definitions, has attracted widespread concern about the definition of the words 'abuse' and 'neglect'. Not only is the definition vague and does not adequately allow for protection but effectively it is a tautology with 'abuse' defined as 'meaning abuse'. Better definitions are found in the New Zealand and Victorian legislation, and I will move an amendment to create a clearer, more workable definition of 'a child in need of care' to help those at the coalface, such as social workers, family members, lawyers and judges. The definition of 'abuse' or 'neglect' as 'significant physical or psychological injury' is also unclear and is open to being differently interpreted in different situations. There is also concern about the apparent assumption that all sexual abuse warrants State intervention but that only significant physical abuse warrants such intervention. The Bill attempts to put children in the context of their family and the community but does little to define what is meant by 'family' and includes no definition of 'community'.

Another issue of major concern is that no criteria are set down for the selection of care and protection coordinators. Nothing is said about the professional background of the coordinator or the necessary training experience or other qualifications. The coordinator will discharge a role similar to that carried out by a judge of the Youth Court. It has been

argued by some that this will create the ideal opportunity to place the coordinators outside of FACS and under the control of the Courts Administration Authority or the Senior Judge of the Youth Court. I will expand on that a little later. Because of the important role of the coordinator, there ought to be sufficient resources to ensure adequate training and skills and an adequate number of coordinators to handle the workload. The criteria (training, experience and characteristics) must be spelt out for the selection of appropriate coordinators since they will play a critical role in the decision-making process.

While truancy has been mentioned in subclause (2) of the interpretation, there has been no recognition of youth homelessness in this legislation as the Department for Family and Community services does not feel that this is a care issue. However, this opportunity could well be used to address this issue and overcome the present ambiguity as to which department is responsible for this problem which affects a growing number of young people every year. Taking on board the New Zealand definition of 'in need of care and protection' would provide legislative recognition of one of the most difficult care and protection issues in contemporary society—homelessness. It would obviate the need for statutory interpretation where the care and protection of homeless children and young people are involved.

Part 2 of the legislation details the Minister's functions. In clause 7, I am pleased to see that there has been an amendment which ensures that the Minister's essential function is to provide or assist with the provision of services for dealing with the problem of child abuse and neglect and for the care and protection of children. The legislation also does not make specific provision for continued existence of the State Council on Child Protection. I believe that a forum such as the State Council on Child Protection or a similar group is necessary so that all agencies and Government departments responsible for the care and well-being of children can discuss matters of mutual concern and make decisions about coordinated action. A Minister responsible for only two of the departmental actors cannot fulfil this function. Custody agreements, as discussed in part 3 of the legislation, replace the present arrangements to take children into care under sections 27 and 28 of the Community Welfare Act. Under existing legislation, there must be grounds before the Minister will accept such an arrangement. Why were those provisions omitted from this legislation?

[Sitting suspended from 10.7 to 10.26 p.m.]

The Hon. M.J. ELLIOTT: Recognition of the concept that children are capable of determining their safety at a younger age already exists in the Consent to Medical and Dental Procedures Act, where a doctor can ascertain whether a child under 16 years is mature enough to consent to his or her own treatment. This idea should be incorporated in this legislation. This provision, allowing younger children of sufficient maturity to be permitted to initiate negotiations, is backed up by article 12 of the U.N. convention on the rights of the child.

Part 4 of the legislation deals with notifications and investigations. There is concern that clause 13, which says that the Chief Executive Officer of the Department for Family and Community Services is not obliged to take action in certain circumstances, gives too much discretion to the department. It has been questioned whether more specific criteria should be included or the CEO must be obliged to give reasons to the notifier of suspected abuse or neglect of a child as to why action was not taken in a particular case. This is the procedure in the New Zealand legislation. The discretionary powers sought under clause 13(a) are unnecessary as they are provided by clause 18(1) of the legislation. If no action is taken in relation to a notification of suspected abuse or neglect of a child, I feel it is important to add that the notifier be informed immediately of this decision.

Clause 13(b) refers to reasonable grounds of apparent abuse. How can the CEO or Minister be satisfied when abuse or neglect is apparent and has not been investigated? As well, the question remains: on what basis will this clause be exercised? Division 2 of part 4 refers to the removal of children in danger. One of the problems of this section is the open-ended nature of the term 'serious danger'. At some point, this would require judicial interpretation. This section also provides for a dangerous increase in police powers and allows for very broad discretion of their use. Any change or increase in the powers and/or legal responsibilities of the police, Department of Family and Community Services and non-government youth agencies which are intended through the legislation may have unintended results. I believe operational police should refer to a commissioned officer to determine the reasonableness and legal compliance of such action. Police should also be protected from over reaction to their intervention and possible claims of unlawful imprisonment if officers should injure a child or young person in a road accident, for example.

I have been informed that the South Australian police are willing to incorporate a provision seeking an officer to obtain permission from a commissioned officer in their standing orders. But I feel it may be more appropriate for such a measure in this legislation and will seek to do so under clause 15(1)(c). The Juvenile Justice Select Committee's interim report recommendation 7:13 notes the danger of allowing police to remove non-offenders without the accountability of an immediate court hearing. Checks and balances must be retained in this sensitive area. This must be reflected in the legislation by adding a subclause to ensure that, where practicable, the officer has obtained permission from a commissioned officer to whom the officer has put his belief. A submission from a former police prosecutor warns that, without such a safeguard, granting such an extraordinary power creates potential difficulty for the public and police alike, proving unworkable and provocative in practice.

Investigations are dealt with in division 3, part 4. Clause 18(1) of this division comes into operation when the CEO 'suspects on reasonable grounds that a child is at risk'. But there appears to be an assumption that this stage will have been reached only in situations where a medical examination has already taken place.

This may not always be the case. Reasonable grounds could exist because of the extent and manner of a child's disclosure or other evidence. Although it is possible for the CEO to obtain an examination order under division 4, it should state under division 3 whether examination has occurred yet and, if not, the CEO should attempt to obtain the consent of the child or guardians for a medical assessment. As it is presently set out, the confusion which this division generates could lead to children's lives being put unnecessarily at risk. There is also insufficient recognition in this division to the fact that it is incumbent on all of us as members of a civilised society to ensure that children's lives are not put at risk.

Division 4 deals with investigation and assessment orders. Under section 19 of this division, which allows the CEO to apply to the proposed Youth Court for an investigation and assessment order, there is concern that the resulting timetable is inflexible because a care meeting must be held before a care and protection order is sought. If it were impossible to complete an investigation and hold a meeting before eight weeks is up, the investigation order would lapse but the Minister would not be able to go to court for a care order. This means a child could return to an unsafe environment. This possibility should be considered with a provision added allowing the continuation of investigation orders in exceptional circumstances to allow the meeting and investigation to conclude.

The examination and assessment of children, which is considered in division 5 of the legislation, has led to concern that the child is not required to give consent for an examination and assessment to take place. There is a provision under subclause (2) to enable an assessment of children without gaining their consent. This clause does not conform to the Consent to Medical and Dental Procedures Act. That Act would require some positive steps to be taken to ensure that the child is consenting, such as including a reference to this Act.

I believe that discussions about proposed assessment and treatment should take place with the child whenever appropriate to the child's age and maturity. Recent High Court decisions have emphasised the importance of individuals making an informed consent. I believe subclause (3) should be amended to include the words that 'the consent of the child is to be sought in accordance with the consent to Medical and the Dental Practices Act', to oblige examiners to ask, rather than for the children to be expected to know they can refuse consent. Consideration should be given to the New Zealand legislation which stresses the importance of sensitivity to the child and the need to minimise intrusive procedures.

I will now turn to Part 5 of the legislation, dealing with children in need of care and protection, and particularly division 1—The Family Care Meeting. I am concerned by the language in section 26(2), which says 'all reasonable endeavours' must have been made to hold a Family Care before a care and protection order is made. This phrase is subject to interpretation and a phrase indicating that the Minister need not convene care meetings prior to court order, where facts indicate it is not practicable to do so, will be more appropriate.

Unlike the New Zealand model, no-one outside FACS is capable of asking a family care coordinator to convene a meeting. Groups working regularly with children who believe a child is at risk should be able to request such a meeting and should be informed of the decisions taken by such meetings. As well, the legislation needs to take account of situations where the Minister is of the opinion that the holding of such a meeting would be futile or would harm the child.

It is estimated that section 26, which provides that family care meetings are to be used where guardianship issues exist, will involve 10 per cent of cases—about 300 meetings a year. There is a question over whether the meetings will be used for dispute resolution or conciliation. A fundamental objection to the structure of family care meetings is their appropriateness when dealing with child abuse matters requiring a high level of research-based knowledge and a necessary caution if further serious injury, sexual abuse or death is to be avoided. Some cases of a most serious nature should be able to go straight to the Children's Court for a care and protection order, as it would be inappropriate to deal with allegations such as incest or serious violence in a family meeting.

Another issue of concern is that the FACS coordinator has extraordinary powers over the meeting, with many groups feeling that an independent coordinator would be more suitable. Some sectors, led by the Child Protection Coalition, feel that a more appropriate independent body to oversee the coordinators would be the Courts Administration Authority or the senior judge of the Youth Court (as in the Young Offenders Act) Guardianship Board. They believe this need not create any adverse reaction or fears of an increased adversarial role of the meetings, but instead place more confidence in the impartiality of the system and the chance of receiving a fair hearing for all parties.

The coalition believes independent coordinators provide a better balance in the power relationship between the family and the State; reduce the potential for barriers between the family and FACS in any ongoing support of supervision relationships; ensure an independent line of accountability for the family care meeting process; and maximise public confidence in the family care meeting process and procedure.

The counter view is that it is imperative that we move away from predominantly adversarial systems towards a more consensual line by retaining FACS in control of the meeting. Some believe that this would be more capable of harnessing the strength and good will of families and promote positive outcomes for children.

I am exploring another possibility. I feel the issue may be satisfied by appointing an independent facilitator or chair for the family care meetings who comes from outside FACS. The facilitator could be appointed by the Attorney-General and would ensure independence of the proceedings. As a further review process, a mechanism such as a resource panel would be useful to consider matters brought to its attention by family members, advocates, the child or social workers actively involved with the family.

Some sectors feel that consideration should also be given to allowing a court to monitor the implementation of decisions taken by family care meetings. Also, section 34 does not give a time frame for determining whether care meeting decisions are being implemented, and this should be addressed. The legislation also fails to explain the extent to which the coordinator will continue contact with the family after the meeting, which is a necessity. It is also unclear whether the coordinator must determine whether the decisions made at the meeting have been implemented and whether they continue to be complied with.

There is concern that section 30 does not require an independent advocate for the child at care meetings. The child's right to be heard in all matters affecting him or her cannot be protected if an advocate's presence is optional. Section 29(e) is not an effective protection for children who are too young or unable to make reasoned decisions due to abuse. It is also not always feasible for family members to be truly independent advocates.

I believe advocates should be mandatory, and I see that independent advocates could be useful to act as negotiators, allowing professionals to act in that position, if specified by the coordinator. In my view, there may be cases—and this is something else that I will explore further in Committee—where there is a person known to the child who would be suitable to act as an advocate, but where such a suitable person does not exist I believe that an independent trained advocate should be allocated to assist the child. By allowing

the young person and guardian/extended family to hold discussions in private, the coordinator must ensure that the young person is not at potential risk of duress.

Sections 31(1)(b) and (5) make provision for the child's views to be heard, but they are meaningless guarantees if a child is not helped to put forward his or her views. It would be impossible for young children to participate with meaning, and their rights can be put forward only by an advocate who is interested purely in the rights of the child. The care meeting coordinator cannot take up this role if acting as the facilitator of the meeting. In fact, I would argue that the care meeting coordinator should probably play a passive role during the family care meeting. That adds some weight to the argument for a separate, independent facilitator.

Some sectors feel that it is unreasonable for a teacher or neighbour to represent the child in this situation. Under the New Zealand model, the child's advocate can be a lawyer. Some have questioned why this cannot be so in South Australia. Generally, the dynamics of the family care meeting are likely to work against the child's interests, particularly if the child feels overwhelmed by adults. There are power imbalances between family members, and professionals involved in child abuse investigations often encounter minimisation of abuse by family members, collusion and a readiness to protect the perpetrator. The more serious the abuse the greater the shame and guilt and the wish to avoid consequences which the adult members of the family experience and the worse the problem of making the child powerless. It is therefore evident that the child will be vulnerable in these proceedings and that there should be someone present who has only the child's interests in mind.

As well, Action for Children holds concerns that children not be viewed as possessions of their families. It feels that, unless these children are given every opportunity and assistance to be heard as individuals, they are being denied a basic human right at a time when they are extremely vulnerable. Recent amendments to the Evidence Act concerning vulnerable witnesses demonstrate the importance of support persons to children and other vulnerable witnesses. It is impossible to believe that children will not feel vulnerable in a family care meeting where they may be sitting in the presence of an abuser. To deny a child advocacy contravenes the International Covenant on Civil and Political Rights as well as the UN Convention on the Rights of the Child.

I now turn the section 31, which reveals how important it is for a care meeting coordinator to be properly trained. The Bidmeade Review of Procedures for Children in Need of Care (1986) was critical of the power held by the then Department of Community Welfare. The same criticisms could be made of the exclusive power of the coordinator. Unlike the New Zealand legislation, no provision has been made for external monitoring of family care meeting decisions. In New Zealand reviews may be initiated by any party to the family group conference or the original social worker or police officer. These reviews are undertaken by a panel.

There is concern that the legislation before us does nothing to alter the present situation, where there are no effective evaluation mechanisms. Unless evaluation is planned from the beginning, the opportunity will be lost to change, if necessary, towards more effective procedures. This legislation also does not continue the present practice of ensuring that there is inter-agency cooperation in review of child protection matters. It is impossible for the Minister to carry out such a function on his or her own. The appropriate mechanism should be created by statute after consultation with all relevant agencies.

As well, the additional resources set aside for the change-over have been seen to be insufficient to implement the changes adequately. It is difficult to understand how such a major shift in policy can be relatively resource neutral. The strengthening and support of families can be brought about only with a significant injection of financial and other support from the community. This is supported by the cases of New Zealand and the United States, where it has been found that the support and assistance necessary to make this legislation effective requires a large investment of funds.

There is also concern that the undue burden may fall on women in the implementation of care meetings, increasing stress on women unless there is a significant resource boost. Division 2 of part 5 deals with care and protection orders. Under section 37 of the division, non-government groups are allowed to gain custody of a child. This changes the existing legislation, and there is no provision for the Minister to monitor such situations. Standards of residential care must be reviewed to ensure that they are adequate, including a right of inspection by the Minister and the Minister's ensuring that such groups have adequate resources. Any moves to allow for non-government accommodation services to become the guardian or custodian of a young person need to be clarified.

In this division, in contrast with the New Zealand legislation, the child is viewed as an object of the court process rather than a participant. The New Zealand model has clear statutory guidelines with respect to what must be told to a child and the manner in which a child may participate in proceedings.

Finally, part 6 deals with procedural matters. Section 47 allows for legal practitioners, where a child cannot properly instruct them, to act and make representations to the court according to their own views of the child's best interests. However, I believe that it is not the lawyer's role to act in the parental role.

Most legal practitioners do not have the training to ascertain the best interest of the child, and this section should require the practitioner to act on independent advice from child development specialists or, alternatively, the legal practitioners should themselves have specialist training in child development and behaviour. I believe this section should be amended to conclude 'according to the available evidence in the best interests of the child' in order to encourage lawyers to consult with specialists trained in areas of child abuse and child development.

In conclusion, the Democrats support the Bill. I made a request early in this second reading stage that certain documents be made available before the Committee stage. I understand that a number of internal reports reflect on the major issues that we are to debate. I believe that, if we are to have the best informed debate, such information should be available. It has been generated by public servants and I do not think that what they have generated should be solely in the hands of the Government to determine whether or not we see it.

I have some idea of what is in some reports, but I would like to see them all. Since we will obviously be doing the Committee stage tomorrow I do not think it unreasonable that they might be found very early and made available. Perhaps the Hon. Mr Griffin might like to see them as well, so that we can digest those before the Committee stage proceeds tomorrow afternoon. Obviously, these reports might be

delivered quite early tomorrow morning for our perusal. They may prove most useful.

I have identified a number of issues, and we will be moving quite a number of amendments. There are two areas where I am still determining my position. One is in relation to the family care meetings and the role of the coordinator. The first question is whether the coordinator should be located within FACS or separately, the first option being perhaps within the courts although, obviously, not functioning as a court and, therefore, not adversarial. Another possibility is for the coordinator to function under CAFHS, a body which I think has wide community support and which probably is viewed with less terror than Family and Community Services is by many members of the public.

Rightly or wrongly, FACS has earnt itself a reputation, some of it mostly not deserved but some of it is deserved, and I will not repeat the joke about FACS and the rottweiler.

As to the coordinator, there is also the possibility that the coordinator's position will be separated, and I am giving that very earnest consideration. I think there are some enormous advantages in separating the convening of the meeting from the operation of the meeting itself so that the coordinator plays the role in terms of bringing the meeting together and will clearly be involved in some form of investigation beforehand, but the family will go into a meeting which is being operated by a totally impartial third party—a facilitator—who ensures that the meeting operates in a manner fair to all but does not have the coordinator playing a significant role.

By locating the facilitator outside of FACS, many of the concerns that were raised by some people in relation to the coordinator may be addressed. But, as I said, that is a matter with which I am still grappling at this stage.

The other question relates to an advocate. A view has been put that all children should have an independent advocate. At this stage my position is that I think all children, unless they specifically request that they do not want one, should have an advocate: that where a person known to the child is deemed to be suitable as an advocate—that will probably be a person who is a relative but not in the direct family situation, I guess, or some close friend, neighbour or whatever—they may act as an advocate for the child, but in the absence of a suitable person an independent advocate should be allocated. Those two issues are, in my mind, the ones that will need further clarification when we go into Committee. I support the second reading.

The Hon. M.S. FELEPPA secured the adjournment of the debate.

COMMUNITY WELFARE (CHILDREN) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 October. Page 571.)

The Hon. BERNICE PFITZNER: I rise to support the second reading of this Bill. There has been very little response to this Bill, unlike the Child Protection Bill, as this Bill is looked upon as a consequential Bill—an interesting term used frequently in this House as jargon for an item, be it a Bill or a section in a Bill, that is understood to flow on due to related amendments made in some other legislation.

While it is true that there is very little new policy, and that only technical adjustments need to be made and more up to date terms need to be used, there are two major changes that impinge upon policy to a certain extent in this Bill.

These relate to the Children's Interest Bureau and to the child protection panels. It is interesting that the statute revision amendments under schedule 3 change certain words and therefore their connotation, and that is a step forward in understanding the whole area of child protection. Changing such words as 'children's home' to 'facility', 'Director-General' to 'Chief Executive Officer', 'misdemeanour' to 'offence' and other minor words like 'monies' to 'money', 'shall' to 'will' and 'must' and 'court of summary jurisdiction' to 'Magistrates Court' help to give the image and the message to the reader of the legislation that up-to-date ways and means of handling the issue of child protection or child abuse will be used and implemented.

The powers of the Director-General, now the CEO, are great. All CEOs have great influence but they also have great responsibilities. We therefore must always choose the right person for the job with not only the appropriate administrative qualifications but also an in-depth understanding, in this case, of child development. It is a concern these days that not a few CEOs are appointed on not what they know but on who they know. I hope that this is not the case in this regard.

The child protection panels have been going on for 20 years, I understand, and there have been mixed feelings about their effectiveness and efficiency. Although in my previous profession I did not attend these panels, I had numerous nursing colleagues who attended them in the different regions. These panels consist of multi-disciplinary professionals, for example, nurses, doctors, social workers, police and so on, and their interaction was most positive. However, their direction was not infrequently lost as they were reviewing all suspected child abuse cases, and some of these cases were already discharged, were many months old or were not fully assessed to be presented during these meetings. Further, the number of cases to be reviewed was large. I therefore welcome the repeal of division III, part IV.

The Children's Interest Bureau is of interest to me. I am aware that the staff of the bureau are highly trained and most efficient people. However, I feel that they are not used as effectively as they might be and I will question the Minister regarding this in Committee. The community welfare consumer forums will be abolished and I am not sure whether this is a good thing. I am inclined to think that this is a good move as I have not heard much about these forums and what they do, and I have been working in this area for some time. I hope to question the Minister further on these forums.

The renaming of the funds is also a step in the right direction, in particular the fund for the early intervention and substitute care program. Early intervention is an important concept for the amelioration of children's disabilities. We have programs that identify disabilities very early, but these programs at times falter because there is a lack of early intervention programs to carry out the next step of treatment, that is, intervention.

I also note the closer monitoring of foster care facilities and personnel. These people have done and are doing a great job. However, I welcome the closer surveillance of not only the physical facilities but also the suitability of the personnel, as they are given a great responsibility.

This does not detract in any way from the marvellous effort most foster parents give and the difficult times they can have with some difficult children. So, in conclusion, this Bill is not only consequential but it also serves to bring 20-year-old legislation up to this age in terms of correct language and

updated procedures, practices and programs. I support the second reading.

The Hon. R.I. LUCAS: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

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

STATUTES REPEAL AND AMENDMENT (CHILDREN'S PROTECTION AND YOUNG OFFENDERS) BILL

Adjourned debate on second reading.

(Continued from 13 October. Page 572.)

The Hon. K.T. GRIFFIN: This Bill is essentially consequential upon the passing of the Children's Protection Bill which repeals the Children's Protection and Young Offenders Act. It is necessary to have some transitional provisions in place to deal with matters that have arisen under the Children's Protection and Young Offenders Act, and this Bill addresses those matters. Even before the Children's Protection Bill is passed, I can put on the record several issues to which I ask the Attorney-General to give attention before the final disposition of the Bill. I do so now in order to facilitate the consideration of this package of Bills.

The transitional provisions that relate to offences are found in clause 19. Under subclause (3), a person may not be subjected to a penalty under the new legislation for an offence committed before the commencement day unless the penalty is of the same nature as could have been imposed under the former legislation, that is, the Children's Protection and Young Offenders Act, and the penalty is no more severe than could have been properly imposed under the former legislation. I must confess that with the pressure of legislation, I have not had an opportunity to work through the Children's Protection and Young Offenders Act to refresh my memory on the offences which are created and the maximum penalties which may be imposed. It may be that the concern I now express will have no substance, but nevertheless the Attorney-General, with superior research facilities, should be able to give me the answer to it very quickly. If there is some substance in what I raise, it ought to be addressed.

The reference to the penalty being no more severe than could have been properly imposed under the former legislation raises a question in this context: if, for example, under the new legislation, the maximum penalty is, say, six months detention for a particular offence, yet under the old Act the maximum penalty is, say, no more than three months, if there is an offence under the old legislation dealt with under this new legislation, a penalty of three months may be imposed.

It is certainly no more severe than the penalty under the new Bill but, if one looks at it proportionately, under the old Act that is the maximum which can be imposed. Under the new Bill it is only half of what may be imposed. So, on a proportionate basis, because the young offender is being dealt with under the new Bill, it may be that he or she is being dealt with more harshly under the new Bill than under the old Act.

Under the old Act it may be that six weeks would have been the appropriate penalty, being half of the maximum of three months. Under the new Bill, the three month penalty is imposed and it is only half of the maximum of six months. There is a sense in which that young offender under the new Bill is being dealt with more harshly than he or she would have been under the old Act by virtue of the transitional provisions. It may be that there is nothing to be concerned about because the maximum penalties may be the same under both the old and new legislation but, if they are not, that issue does not need to be addressed. Clause 19(6) provides:

> The formal legislation remains in force in relation to an order or bond to which subsection (5) applies, and any further order or bond imposed on breach of the order or bond or in relation to the same offence, as if references to the Children's Court of South Australia were references to the Youth Court of South Australia, and with any modifications that may be prescribed by regulation.

What modifications are proposed to be made by regulation? If there are none, do we need that reference to regulations in subclause (6)? Clause 20(1) provides that where there is to be a conference under section 12 (1a) of the old Children's Protection and Young Offenders Act but no application has been made under that section in respect of the child before the commencement day, that is, the day upon which this legislation comes into operation, the Minister is not required to but may, if he or she thinks fit, hold a family care meeting in relation to the child before any proceedings are commenced under the Children's Protection Act 1993 in respect of the child provided that those proceedings are commenced within one month of the commencement day.

I am not clear whether, when 'the proceedings' secondly appears, it is a reference to proceedings to be commenced under the Children's Protection Act or whether the family care meeting is to be categorised as a proceeding because, if the proceedings are to be commenced within one month of the commencement day, and those proceedings relate to proceedings in court rather than the family care meeting, it means that there is only one month within which the family care meeting can be convened. In those circumstances, at this stage all we need is clarification of what is intended. It may be that an amendment is necessary.

The remaining issue upon which I would like some clarification involves clause 20(4), which provides:

> A child who was, immediately before the commencement day, being held in the custody of the Director-General under section 19 of the former legislation, may continue to be so held in accordance with that section, as if it were still in force.

Section 19 provides for the protection of children suspected to be in need of care or protection. The former children's court may make an order for the removal of the child from any place where an application is made under part 3 of that former legislation. An officer of the department or a member of the Police Force can remove the child in certain circumstances. That person may enter or break into any place or premises and use such force as is reasonably necessary.

Where a child has been removed, the child may be held in custody by the Director-General until the child is brought before the court for the hearing of an application under part 3. A child who is held in custody pursuant to this section must be brought before the court for the hearing of an application under this part no later than the next working day following the day on which the child was taken into custody. Clause 20(4) seems to have rather limited application of perhaps just one day. I am not sure whether that is intended but perhaps the Attorney-General could clarify that.

Under subsection (5) of section 19 the court may hear an application under this part. The court then has certain powers to make orders, and those orders can relate to a variety of matters, but the court may adjourn the hearing for a period not exceeding 35 days. I am not clear whether it is intended that the child being held in the custody of the Director-

General is, under the transitional provisions, validly held but only for the time it takes to bring the child before the court or whether it is intended that the court may order the adjournment of the hearing and incidental orders, including placing the child under the guardianship of the Minister for the period of, say, 35 days referred to in section 16. It would be helpful if the Attorney-General could clarify that matter.

They appear to be the only matters relating to the transitional provisions that need clarification. One or two matters may arise during the Committee consideration of the Bill or from the answers of the Attorney-General, but because it is consequential on the passing of the Children's Protection Bill that would deal with most of the issues that need to be addressed. I support the second reading.

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

STATUTES AMENDMENT (LANDLORD AND TENANT) BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 630.)

The Hon. K.T. GRIFFIN: Whilst on the face of it this appears to be a simple Bill, it does have significant consequences. The Minister gave notice of intention to introduce it last Thursday and the office gave me a copy of it late on Monday afternoon with a request to facilitate the consideration of the Bill. It was introduced on Tuesday. It has not been physically possible for the Opposition to address all the issues in the Bill in the short time available. Normally we would not be debating the Bill until the week after next; that is the normal arrangement.

What I normally do with the Bills which are introduced and for which I have responsibility is to forward them to all those who are likely to be affected by or who have an interest in the Bill. I have already sent it out to a number of organisations and obtained quick responses from several but not all of them. Because the Bill deals with, among other things, the extension of a sunset clause which expires on 22 November, I indicate that we are prepared to facilitate the consideration of the Bill in order to deal with that issue, particularly if an election is to be called before Parliament sits again.

What the Bill does is to deal with the issue of commercial tenancies. As the Minister's second reading explanation indicates, there is a provision which was passed in 1990 and which provides a regime within which trading hours are dealt with by landlords and tenants of commercial tenancies. It was related to the issue of shop trading hours, and there was a concern, particularly at the time when shop trading hours were extended to Saturdays, that tenants may be unwillingly compelled to trade at times which were dictated by the landlords, even though those hours might not have proved to be particularly profitable for the tenants.

We expressed the view at the time that we wanted to see some balance achieved between the rights of landlords in respect of their investments and the provision of the facilities in which tenants carry on their business activities and, on the other hand, the bargaining power of small businesses, mostly the tenants of large shopping centres and other tenanted premises who have little bargaining power. Whilst they expend significant amounts of money on the purchase of goodwill and on capital expenditure on their tenanted premises, they have little security for the future unless they conform to the requirements of the landlord.

So, in the context of extended trading hours, we were anxious to provide a balance, particularly to provide some protection for small business. The area of commercial tenancies remains a controversial area, because on the one hand landlords spend a significant amount of capital on providing shopping centres in particular, yet on the other hand tenants provide the flesh on the bones and really provide the lifeblood of shopping centres. However, they still remain very much at the mercy of landlords and are frequently disproportionately treated as opposed to the major retailers who occupy large areas of space in shopping centres, frequently at a much lower cost and for more secure periods of tenancies.

We recognise the dilemma faced by the Government in relation to that issue and the concerns which both retailers and landlords express in relation to any legislative intrusion into the marketplace, but around Australia it seems that there really has been no alternative but for some legislative framework to be in place within which relationships between landlords and tenants can, to a certain extent, be regulated. What this Bill seeks to do is not only extend the sunset clause for three years by another three years but also provide that landlords may have a vote at meetings of tenants, and that gives them the right to attend and vote. That is something which we supported three years ago, so generally the principle is something which is agreeable.

What the Bill also seeks to do is provide that there should be no more frequent meetings of tenants to deal with the question of poor trading hours than every three months. The majority for a resolution is proposed to be increased from two-thirds to three-quarters, the majority of those present and voting. In addition, several provisions deal with the management of the commercial tenancies fund and the reporting of the Commissioner for Consumer Affairs. I indicate that we have not had an opportunity to consult fully on the provisions in the Bill and, therefore, all that we are prepared to do is support an extension of the sunset period by one year to November 1994 and to reject all the other provisions of the Bill at present.

I indicate to the Minister that, if an election is not convened before Parliament next sits, we would then be in a position to give further consideration to the matters which we are not presently prepared to support. Of course, that would require the introduction of another Bill, but we would be prepared to give consideration to it in that context. That may be of some comfort, but I indicate a preparedness to deal with it on that basis. So, as I said, we would be merely seeking to extend the sunset clause for one year and otherwise maintain the *status quo*. I indicate support for the second reading.

The Hon. ANNE LEVY (Minister of Consumer Affairs): I thank the honourable member for his contribution, and I certainly appreciate the fact that he is giving attention to the legislation earlier than would normally have been the case. But I can assure him that, apart from one provision, this Bill is basically a housekeeping measure.

Its primary function, which the honourable member has mentioned, is to extend the existing sunset provision beyond 22 November this year, and certainly the Government was proposing another three years before the sunset provision became operative, so that further discussions and, hopefully, agreements could be reached before that time.

The numerous clauses of the Bill, which the honourable member has indicated will be opposed—and I will return to his change to the sunset clause at a later time—are really adjustments to matters which arose from the consultation process which has been, I can assure him, undertaken with all possible interested parties since 15 April this year. That was the date on which an advertisement was placed in the press calling for submissions on the matter from anyone who was interested. Letters were sent to all possible interested parties, which resulted in numerous submissions being received. Discussions were then held with officers of the department and the interested groups, both individually and in a round table situation, to try to find the common ground.

While basically the purpose is to extend the sunset provision the other matters can be regarded as either plain commonsense housekeeping matters or minor provisions which were requested by some of the parties in the consultation and which it was felt could readily be accommodated without in any way threatening the basis of the legislation, and which would iron out some of the worries and concerns of the interested parties. For instance, currently the legislation has rules for a ballot, which must be undertaken to determine whether there will be compulsory hours within an enclosed shopping centre.

The current procedure was criticised by numerous parties. The landlords felt that they should have a say and be able to take part in the ballot. There was concern that a ballot could be held one day and then the next day someone could request another ballot, and, in consequence, a three month limitation should be put in to ensure that, once a ballot had been held, a further ballot could not be held for another three months. So, at least there was some certainty and there was not an endless round of ballots continually being held.

There is a machinery change, which is suggested in the legislation, though I would hasten to add that is not the reason it has been brought in. It is merely an opportunity to make this desirable change: if the legislation was being opened up, it was felt desirable to make the change. This relates to the administration of the Commercial Tenancies Fund. It is suggested that the administration of it be transferred to the Commissioner of Consumer Affairs. This currently happens with the Second-hand Vehicle Dealers Fund, the Agents Indemnity Fund, and the Residential Tenancies Fund. Their administration and investment is administered by the Commissioner of Consumer Affairs who is thereby able to effect much better interest rates and benefit the fund from this procedure. All the other funds are administered by the Commissioner of Consumer Affairs and it seemed desirable for consistency that this fund likewise should be administered by the Commissioner of Consumer Affairs. It will be more efficient and more profitable for the fund.

I have stressed that there has been a long public review process dating back seven months in arriving at this legislation. It is true to say that complete agreement has not been achieved between all the interested parties. If members would like a summary of the positions of all interested parties, we are more than happy to provide it. I think it is true to say that the Bill, as it is now before us, is a compromise. There are bits of it which all interested parties will like, and there are bits of it which all interested parties will dislike—but they are different bits for the different parties.

I can assure honourable members that BOMA would have preferred not to have the legislation at all; it would have preferred the sunset clause to become operative. It argued that the landlords should be able to take part in the vote. In fact, it argued that the landlord should have 33 per cent of all the votes—not just a single vote as is proposed in the legislation. The retail traders, on the other hand, were not happy about the landlord having any vote but were prepared to admit that there was a case for the landlord to have a single vote at a meeting of concerned people when a ballot is taken. In consequence, we feel the proposal in the legislation is a compromise.

There are numerous retailers' organisations in this State, but on this particular matter they did form a broad coalition to derive a common position which is largely reflected in the legislation. They will be somewhat unhappy that the Bill does not add to the existing 50 hour threshold. They requested a new ceiling of, say, 65 hours a week as a threshold. They requested this as a measure of certainty, but this was vigorously opposed by other parties and it was felt by the Government that it was better not to make any changes at present, and that it was something which should be looked at in a broader context; namely, if and when the whole context of shopping hours were changed.

As I said, the Bill does three things. It deals with the sunset clause; tidies up the machinery for the ballot procedure to give the landlord a single vote and to ensure that ballots cannot be forced to be held more frequently than once every three months; and makes a machinery change to the administration of the Commercial Tenancies Fund which, it is felt, would be very much to the benefit of the fund in that it will be administered by people who know about administering funds and can do so efficiently and to greater effect from an interest point of view.

The Hon. Mr Griffin is proposing that the sunset clause should come into effect in one year rather than in three years. It seems to me that with this amendment the Opposition is flagging that, should it win Government, it intends changing shopping hours.

The Hon. K.T. Griffin: That is absolute nonsense, and you know it.

The Hon. ANNE LEVY: If not, why would it not agree with a three-year sunset clause which would enable time for consultation—

The Hon. K.T. Griffin: Simply because you brought in the Bill and you want it in a hurry.

The ACTING PRESIDENT (Hon. G. Weatherill): Order!

The Hon. ANNE LEVY: You have had your go; now it's my go.

The Hon. K.T. Griffin: Don't misrepresent the position.

The Hon. ANNE LEVY: I can draw no other conclusion than that the Opposition agrees it is necessary to extend the sunset clause. The Government proposes three years, which will enable time for any further reviews or discussions to be held without any pressure. We all know that the interested parties do not reach conclusions rapidly and that any process of review can take a considerable time. As indicated, these minor matters have taken seven months of consultation to reach this position. I can only suggest that, if the Opposition is proposing one year instead of three years, it is the clearest possible indication that, should it win Government, it expects to move on the whole question of shopping hours in the very near future. One year would not give sufficient time for proper consultation and it suggests that the Opposition intends to impose a shopping hours solution without trying to achieve consensus. Obviously this is a high priority in the Opposition's as yet completely unstated platform.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. K.T. GRIFFIN: I move:

Page 1, line 13—Leave out this clause and substitute new clause as follows:

1. (1) This Act may be cited as the Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Amendment Act 1993.
   (2) The Statutes Amendment (Shop Trading Hours and Landlord and Tenant Act) 1990 is referred to in this Act as 'the principal Act'.

This is really a preliminary to dealing later with the sunset clause. I take significant exception to the Minister's devious misrepresentation in suggesting that, because we are to extend the sunset clause for only one year, we have some ulterior motive. All I can say is that that is a load of garbage.

Members interjecting:

The Hon. K.T. GRIFFIN: It is a load of garbage and you know it is. The Minister crashes a Bill in here and makes representations through her officers late on Monday afternoon saying, 'We need this because it is a sunset clause; we are in trouble, and there may be an election.' She brings in a number of other issues—some of which are significant; some of which may be housekeeping—and then she says, 'Well, because you are going to give us only a one-year sunset clause and you will not deal with the other matters, you have an ulterior motive.' That is nonsense.

The fact of the matter is that all we are seeking to do is facilitate what the Minister wants to do. The other possibility is that we just say 'No, don't deal with it.' But we recognise the sensitivity of the question of a sunset clause expiring on 22 November this year, and we want to give everyone breathing space to enable them to continue the discussions that I understand the Government has had.

The Government has had three years to address this issue, and what do we find? At the end of September it must have reached some agreement and then crashed the Bill in here on 19 October. That is just not fair play. They are the ones who must know when the election will be: not us. We are just facilitating it in case there is an election.

All we are seeking to do is maintain the *status quo* and give everyone breathing space. If the Government has done some work on it and we win the election, we are happy to have a look at what has happened and we are prepared to take up the discussions that this Government appears to have undertaken. There has been a review, but we do not know the results of that review, other than the amendments in this Bill.

As I said earlier, I take grave exception to the Minister's misrepresentation. All that we want to do is maintain the *status quo* to facilitate the discussions rather than crash through at the last minute as though it is the end of the session in order to save the Minister's skin.

The Hon. ANNE LEVY: I think the honourable member is confusing a number of matters. He says that he wishes to facilitate the extension of the sunset clause, but he does not wish to consider any of the other matters, no matter how important, desirable or valid they may be at this stage.

If he honestly wants only to facilitate the extension of the sunset clause, he has not explained why he will not accept a three-year extension instead of a one-year extension. Both of them are extensions of a sunset clause and, if changes were to occur before three years were up, by agreement, the legislation that implemented any such changes could change the sunset clause at that time. There is no reason whatsoever for changing a three-year sunset to a one-year sunset unless, as I say, the Opposition, should it win Government, expects to start meddling with shopping hours soon after the election. I can see no other valid reason for changing the sunset from three years to one year.

The Hon. K.T. GRIFFIN: I will prolong debate for as long as the Minister wants. The fact is—

The Hon. Anne Levy interjecting:

The Hon. K.T. GRIFFIN: He can settle it wherever he likes. The reason why it is one year and not three years is that this Bill comes in as a package Bill. It has a number of substantive amendments affecting the relationships—

The Hon. Anne Levy: You can do all the other things you want to do and leave the three years.

The Hon. K.T. GRIFFIN: The Minister is absolutely hopeless. She brings this Bill in and expects us to facilitate it. She knows that the sunset clause expires during what might well be an election campaign—it may even be after the election, actually—and all that we are seeking to do is to maintain the *status quo*.

Then those substantive issues that the Minister has included in this Bill can be addressed more easily and more quickly. It is as simple as that. If the Minister wants to impute some base motives, that is a matter for her, but it is a gross misrepresentation of the motivation of the Liberal Party in addressing the Bill in this way. I thought in all good faith that we were helping the Minister, but it seems as though she does not like to be helped.

The Hon. ANNE LEVY: I must repeat, because it seems that the Hon. Mr Griffin cannot understand simple logic, that the aims that he wishes to achieve as stated could be achieved just as well by leaving the further sunset at three years instead of one year. There is no logical reason, in what he has stated, why it should be one year only and not three years.

The Hon. I. GILFILLAN: I am in favour of three years. If there is any profound reason to alter it, there is no difficulty, as far as I understand, in seeking to amend the Act. It does not need a sunset clause to be reviewed. In fact, from the briefing I have had and from my understanding of the issues, I do not find anything particularly obnoxious in the Bill but, as always, I keep an open mind on the argument presented by the Hon. Trevor Griffin. I am certainly not persuaded that it needs to be one year, and I intend to oppose the amendment.

The Hon. K.T. GRIFFIN: I put it clearly on the record that the Liberal Party has no intention of adversely affecting the interests of tenants.

Clause passed.

Clause 2—'Interpretation.'

The Hon. K.T. GRIFFIN: There are a number of clauses that I will be opposing, on the basis that I have already explained. It is not because we do not like the clause; it is just that we have not been given a reasonable opportunity adequately to consult with all those who have been affected. I am not prepared to accept the assurances of the Minister.

Clause passed.

Clause 3—'Hours of business, etc.'

The Hon. K.T. GRIFFIN: This clause is opposed, as are clauses 4, 5 and 6.

Clause passed.

Clause 4—'Substitution of section 69.'

The Hon. K.T. GRIFFIN: I oppose this clause.

Clause passed.

Clause 5—'Accounts.'

The Hon. K.T. GRIFFIN: This clause is opposed.

Clause passed.

Clause 6—'Substitution of section 73a.'

The Hon. K.T. GRIFFIN: This clause is opposed.

Clause passed.

Clause 7—'Commencement.'

The Hon. K.T. GRIFFIN: I move:

Page 3, line 30—Leave out '"six"' and insert '"four"'.

I have already indicated the reasons for this amendment.

Amendment negatived; clause passed.

Clause 8—'Substitution of section 65.'

The Hon. K.T. GRIFFIN:: This clause is opposed.

Clause passed.

Title passed.

Bill read a third time and passed.

PETROLEUM (PIPELINE LICENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 653.)

The Hon. L.H. DAVIS: The Liberal Party supports this Bill to amend the Petroleum (Pipeline Licences) Act. The Government has announced a proposal to supply natural gas by pipeline to several industries in the Riverland and Murray Bridge. This pipeline will take gas from the Moomba gas field, piped off from Angaston and operated by the Pipelines Authority of South Australia. It is a welcome development to give industries in the Riverland an option for energy. I understand this pipeline will supply gas in the first instance to Berri and to Murray Bridge, and possibly to Renmark and Loxton at a later date. The plan is that 10 industries will benefit from this gas supply in about 12 months after the pipeline has been connected.

It is fascinating to reflect on the fact that SANTOS, one of Australia's major publicly listed companies, first established in 1954, with much scepticism at the time by people such as John Bonython and Reg Sprig, looked for oil and gas in South Australia where the conventional wisdom was that none was available, and gas was first discovered in 1963 and then oil in 1968. South Australia is now in the happy position of having natural gas supplies not only to Adelaide but also from the extensive gas fields to the north supplying Sydney. Recently an agreement was reached to supply ethane from the fields to Sydney for a petrochemical plant.

Just as natural gas has been piped extensively to Adelaide for domestic consumption and industry, so too a pleasing development has been its increased use in country areas. For instance, we have seen the South Australian Gas Company, which sadly has recently succumbed to a takeover offer from Boral Limited, supplying gas to the South-East through the recently discovered Katnook gas fields. Here we have a situation where the existing Moomba to Adelaide pipeline, owned and operated by the Pipelines Authority of South Australia, will be used to provide an off-take through Angaston to the Riverland. This pipeline will be constructed by PASA and owned by the Gas Company and, as the second reading explanation notes, it will be an operation in which there is both public and private sector involvement. Not surprisingly, the Act requires petroleum pipelines to be licensed, although it does not provide for the separate licensing of a pipeline which does not commence in the vicinity of a petroleum field. The amendments now before us allow for the separate licensing of the pipeline to the Riverland and also importantly provide for that possibility in future years where pipeline expansions are possible and appropriate.

I understand that industry has been consulted. It is something which is to the benefit of the State, particularly the Riverland and Murray Bridge, and the Liberal Party supports the second reading.

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

DEET (SA)

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY: There have been five employees in the education section of DEET (SA) who have travelled overseas since 1 July this year.

1. Cynthia Loh, Senior Project Officer, International Student Program, and Peter Lang, Principal Norwood Morialta High School travelled to Hong Kong and Taiwan to attend Australian Education Exhibitions to recruit students to study in South Australian Government Schools. Cost of $20 300.
2. Mr Wayne Starick, Manager SATCHEL Software travelled to England for 28 days to finalise agreement for the distribution of SATCHEL Software into United Kingdom schools through 4MATION Ltd, establish a relationship with National Electronics to use their products in Australian market, and to visit CAMRIS—2000, British Telecom's equivalent of NEXUS to investigate possible joint activity. Cost: $7 000.
3. Ms Pamela Ball, Manager Publications visited Frankfurt Bookfair while on long service leave and holidays in Europe. Two days' visit to review international publishing scene. Cost $1 000.
4. Kate Fotiadis, Senior Executive Officer (Curriculum) visited Greece to represent the Education Department with DEET (SA) for the purpose of promoting products and services of the department. Cost $10 000.

TEACHERS

In reply to **Hon R.I. LUCAS** (14 October).

The Hon. ANNE LEVY: At the start of term 4 1993 there were seven temporarily placed teachers in the metropolitan area.

Three of these teachers were in the field of Art; two in the field of Business Education; and one in the area of Physical Education.

SEPARATION PACKAGES

In reply to **Hon. R.I.LUCAS** (14 October).

The Hon ANNE LEVY:

1. Nil.
2. 105 expressed interest in a TSP.

   So far 6 have been approved by the Commissioner for Public Employment Targeted Separation Package Committee.
3. The 1994 formula for allocation of staff to school remains the same as for 1993 and based on current enrolment estimates there is likely to be the same number of teaching positions in 1994 as for 1993.

   Due to variations between 1993 and 1994 in request for leave and in student subject choice under the South Australian Certificate of Education as well as undertakings under the Curriculum Guarantee there will be a new surplus of secondary teachers at the commencement of the 1994 school year.

   To offer Targeted Separation Packages to Secondary Deputy Principals would have the effect of reducing this surplus.

LOTEMAPP

In reply to **Hon. R.I.LUCAS** (14 October).

The Hon. ANNE LEVY: The feedback and input provided in the consultation process is presently being considered in the preparation of a final document which will take languages into the next decade, 1994-2004. The rewriting of the document however, must be informed by two crucial national developments, viz the findings of the Council of Australian Governments Review of Asian languages, whose report will be published early in 1994, and the AEC/MOVEET's Draft National Collaborative Strategy, Education in Languages other than English in Schools which was released for consultation in August 1993. These two documents will have considerable influence on South Australia's future directions in languages planning, both in terms of resource and policy directions.

STUDENT ATTENDANCE

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY: An audit of the 'Procedures for Suspension, Exclusion and Expulsion of Students from Attendance at School' is being conducted during Term 4 of this year.

David Meldrum, Director of Education (Schools), informed the House of Assembly during Budget Estimates Committee that a comprehensive State-wide survey of the entire use of suspension is under way as part of this review.

The Audit of the Suspension, Exclusion and Expulsion procedures is scheduled for completion by the end of Term 4, 1993. The Audit Team will report soon after this time. The analysis of data and other findings will provide the appropriate perspective for the consideration of the raw statistics.

A proforma for the collection of data on suspensions in Term 3, of 1993 has been distributed to all schools, and returns are due in on Friday 5 November. With time allowed for pursuit of proformas not returned on time and for the collation of data from the approximately 700 schools in South Australia, statistics should be available by the end of November.

Statistics on exclusions and alternative placements in 1992 and 1993 are being provided by the Interagency Referral Managers, who are based at each Teacher and Student Support (TASS) Centre. Returns for this data are due on Friday 22 October and statistics will be available early in November.

There has been no expulsion from a Government school in South Australia in 1993. Neither has there been a recommendation for expulsion made by a school principal.

TEACHERS

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY: There were 2325 applications (1365 Female 960 Male) received for Advanced Skill teacher level by the department.

By October 15th there were 928 withdrawals (523 Female 405 Male) before the interview stage.

The statistics are reported on the panel reports received after the process is completed. With a few reports to be received, the number of successful applicants is 458 (303 Female 155 Male). The number of unsuccessful applicants is 88 (47 Female 41 Male).

Due to the large number of applicants, the assessments of the 1993 applicants will be completed in term 1 1994 and the salaries will be backdated to the first school day 1994.

WORKERS COMPENSATION

In reply to **Hon. R.I. LUCAS** (14 October 1993).

The Hon. ANNE LEVY: An analysis of the total number of claims and the number of stress related claims for the period 1 July—30 September for each of 1992 and 1993 shows:

1. There has been a slight reduction in total claims for the above period compared with the same period last year. The reduction is of the order of 1.4 per cent assuming that all of the 88 claims currently under investigation are successful.
2. The reduction in stress claims for the period is of the order of 25 per cent. This is a significant reduction which if sustained throughout the current year would represent a financial saving of over $1 million.

DEET (SA)

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY: The annual rental payments paid by the Education Department within DEET (SA) for Education Department offices at Murray Bridge, Noarlunga and Elizabeth are as follows:

	1991-92	1992-93	1993-94 (estimated)
Murray Bridge	$156 000	$155 980	$155 980
Noarlunga	$168 500	$274 832	$258 408
Elizabeth	$285 500	$259 002	$267 393

TEACHERS

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY:

1. As at the last pay in February, the number of PAT's were:
   Country 308
   Metro 1375

2. As at last pay September, the number of PAT's were:
   Country295
   Metro 1375

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon ANNE LEVY: The Agency budgets for 1993-94 have been developed on the basis that all agencies would be required to absorb the cost of any approved wage increases.

The Government's approach to enterprise bargaining links the wage determination process to public sector reform program and the budgetary strategy. The model approved by the Government for enterprise bargaining requires an prospective wage increases to be tied to real productivity gains which generate equivalent cost savings.

The South Australian Institute of Teachers have now signed the enterprise bargaining framework.

The Education Department has undertaken a sensitivity analysis of the impact of wage increase on the total expenditure of the Department if there were no offsetting productivity gains.

Speculation on the productivity gains which might be put forward as part of the enterprise bargaining process to provide offsetting cash savings for any approved wage increases pre-empt the enterprise bargaining process.

In reply to **Hon. R.I. LUCAS:** (14 October).

The Hon. ANNE LEVY: The Department of Education, Employment and Training and the South Australian Institute of Teachers have been negotiating on the content of a new industrial award for teachers employed by the Education Department.

The Minister has always supported an award for teachers and the establishment of a base line for enterprise bargaining. The Department and the Institute have reached agreement on those matters, through negotiations and not arbitration. The new consent award has been formally presented in the Industrial Commission on Tuesday 19 October 1993, for ratification along with a registered industrial agreement which recognises current employment arrangements including country incentives, transfers and the allocation of promotion points.

The Crown Solicitor, acting on behalf of the Department of Labour has provided advice on the matter. A preliminary briefing to Senior Counsel on the award applications and negotiations was provided by an officer from the Crown Solicitor's Office. This briefing was provided in case the award negotiations could not be satisfactorily resolved by the parties. However, Senior Counsel was not required as negotiations between the Department and the Institute proved satisfactory. The cost of the Preliminary briefing was $450.00.

EDUCATION FACILITIES

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY: The total money received by the Government for the sale of Education Department facilities in 1992-93 was $8 153 million. The Department retains all proceeds of sale of land and buildings within its special deposit account (SDA), from which all payments, both Capital and Recurrent, are made. All of the money received from the sale of facilities in 1992-93 has been channelled back into Education Department facilities.

EXECUTIVE POSITIONS

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY: Only two Senior positions in DEET(SA) have both been determined in terms of role and filled substantively. These positions are CEO and Director of Coordination. Of these only the CEO position occupied by Dr I McPhail is filled by an officer from the 'old senior executive'.

A further position, Director School Education, and responsible for Primary Education, Secondary Education and Targeted Education Programmes is filled in an acting capacity by Mr Glen Edwards, EL3.

Apart from these positions the structure of DEET(SA) is not yet finally determined to the point where the senior officers from the 'old senior executive' would be involved.

OPEN ACCESS COLLEGE

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY: The implementation of the Open Access Strategic Plan has led to a major thrust in the development of course materials over the last few years. It has been necessary to meet the requirements of SACE, Educating for the 21st Century, Curriculum Guarantee and the move of TAFE from cessation of teaching Years 11 and 12 courses.

Some extra salaries for this course development, along with a change to the staffing formula of the College leading to additional staffing, has led to an increase in the number of teaching staff, production staff, course writers and clerical support to manage all aspects of this complex institution.

Wage increases in October 1990 and September 1991, along with the additional staffing, and one extra pay period in 1992-93, have been responsible for increasing the education cost which in 1990-91 overall was $8 089 971 to 1992-93 in which the cost was $8 890 186.

There is a fixed cost to run any school and any enrolment decline will increase the education cost for each student.

The 'Information Relating to your School' document, provided to all schools annually and detailing current expenditure (where the figures in question are taken) will only provide a valid comparison if similar institution types are used.

The Open Access College has a different staffing formula and leadership structure to other schools of an identical size. The nature of its teaching methodology leads to a lower staff/student ratio. As a consequence the cost per student to run the Open Access College is higher than other identical sized schools.

The primary responsibility of the Open Access College is to provide schooling for students who have no access to local schools.

The enrolment for the College gives priority to

- students in remote and isolated settings
- to those in government schools where the demands of the curriculum guarantee needs to be met
- to those identified by student services as having specific social, health and welfare conditions

No such category for special or religious grounds exist.

Students are referred to the College under the Interagency Referral Process because they have been excluded from school and meet the guidelines as outlined in Section 4 of the Procedures for Suspension, Exclusion and Expulsion from Attendance at school.

Students meeting the above priorities are enrolled for a minimum of one term to a maximum of one year which is reviewed annually by the Principal. This is to ensure that wherever possible all students who have access to a local school, will be enrolled at their local school.

SEPARATION PACKAGES

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY:

1. Seven
2. School formula entitlements to staff have not been reduced in 1993 and the formula has remained the same for 1994. On current estimates for Principals the formula entitlement to staff in 1994 will be at least as high as for 1993. Consideration have been given to various options including the use of separation packages in order to minimise any surplus arising in January/February, 1994 due to:

- changes in the number of teachers seeking leave
- variations in teacher demand due to student subject choice under SACE
- honouring teacher placement options under the Curriculum Guarantee

ATTAINMENT LEVEL

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY: Total print run was 13 050 at a cost of $190 265. 11 831 were distributed free to schools, 819 sold and 400 remain in stock.

LANGUAGES OTHER THAN ENGLISH

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY: All recruits (including Graduates) to primary and secondary language vacancies must meet the specification of holding academic qualifications in the language. On occasions (approximately three in 1993) teachers may be appointed on a temporary basis to a vacancy in LOTE when they do not hold appropriate qualifications in the language. They are either native speakers or present some other claim to proficiency. Such teachers are not appointed permanently to language vacancies.

A secondary language programme has existed for many years. The majority of permanent teachers have qualifications in the language they are teaching. Those not holding qualifications would be native speakers.

DEET (SA)

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY: The rental subsidies paid by the Education Department within DEET (SA) for 1991/92, 1992/93 and 1993/94 estimated are as follows:

1991/92	$5.6 million
1992/93	$4.4 million
1993/94 (estimated)	$5.33 million

CURRICULUM

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY: Through consultation with teachers in South Australian schools has led the Education Department to order sufficient profiles for all teachers to have ready access to those documents which cover their teaching areas. Teachers have consistently indicated that this is the greatest resource that the Government can provide in support of improved learning outcomes for students.

Parent associations have indicated their strong support for the initiatives. A set of profiles and statements has therefore been ordered for each principal and School Council chairperson to share.

There are eight different curriculum profiles and in 1993, 13894 teachers (that is person, not full time equivalents). To ensure that all teachers and support staff have adequate access to these curriculum and reporting materials, an order for approximately 84 100 copies of the profiles and a total of 26 000 copies of the two statements has been developed.

The total cost for this has been negotiated with the Curriculum Corporation as $634 100 rather than $1 163 989, if the order is placed now.

If the order is placed this week as planned, teachers will be able to receive the documents at the start of the 1994 school year.

The South Australian order to be placed with the Curriculum Corporation represents only part of the total print run. All states and territories are planning to use the statements and profiles from 1994 and are there fore placing orders with the Curriculum Corporation.

LANGUAGES OTHER THAN ENGLISH

In reply to **Hon. R.I. LUCAS** (14 October).

The Hon. ANNE LEVY: The provision of second language programs is accommodated as a proportion of a school's non-instructional time allocation. As such no new salaries are required to introduce new language programs because the allocation per school is already embedded within primary staffing formulae. In effect what this means is that just over half of a school's non-instructional time is needed for the provision of a second language program. With respect to the 20 above formula salaries, these are distributed specifically for the purpose of providing access to mother tongue maintenance and development programs for students from non-English speaking background communities, and not for second language programs.

The grant was allocated as part of a joint submission between the DEET(SA) and the National Languages and Literary Institute of Australia (NLLIA) to develop stage 2 of the work on Distance Education and Languages (DEaL) Project.

The project was to be managed through the NLLIA South Australian Teaching and Curriculum Centre (SATCC), a joint venture between the Minister and NLLIA.

The NLLIA SATCC was officially established in May 1993 and its Manager appointed on 19 May 1993. As a consequence and as part of the agreement under which the NLLIA SATCC was established, a management committee representing the various sectors of education and other relevant bodies was established and met for the first time on 16 September 1993.

At its inaugural meeting on 16 September 1993 the management committee approved the DEaL project as an element of the work plan of the centre and approved processes through which the project will be completed by the end of 1994. Throughout this period the

Commonwealth has been kept informed of developments in relation to the DEaL project.

In relation to the LOTEMAPP document, the feedback and input provided in the consultation process is presently being considered in the preparation of a final document which will take languages into the next decade, 1994-2004. The rewriting of the document, however, will be influenced by two crucial national developments, viz., the findings of the Council of Australian Governments Review of Asian Languages, whose report will be published early in 1994, and the AEC/MOVEET's Draft National Collaborative Strategy, Education in Languages other than English in Schools which was released for consultation in August 1993. These two documents will have considerable influence on South Australia's future directions in languages planning, both in terms of resources and policy directions.

ADJOURNMENT

At 12 midnight the Council adjourned until Thursday 21 October at 11 a.m.