LEGISLATIVE COUNCIL

Thursday 10 March 1994

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Transport (Hon. Diana Laidlaw)—

Regulation under the following Act—

Local Government Act 1934—Superannuation Scheme.

QUESTION TIME

TELEPHONE INTERCEPTS

The Hon. C.J. SUMNER: I seek leave to make a brief explanation before asking the Minister for Emergency Services, through the Attorney-General, a question about the Commonwealth Telecommunications (Interception) Act and the South Australian Listening Devices Act.

Leave granted.

The Hon. C.J. SUMNER: Mr President, you and honourable members (including the Attorney-General) will be aware of discussions between members about whether South Australian police officers taped a telephone conversation with the former President of the Legislative Council, the Hon. G.L. Bruce, without his consent. This matter raises important issues of both a constitutional and public policy kind which justify raising the matter in this Council. The facts, which I understand have now been confirmed by you, Mr President, are as follows. Prior to the last election an allegation was made to the former President (Mr Bruce) and to the South Australian police about the claims by a former member, Mr Ian Gilfillan, for the country travel and living away from home allowance.

The former President received advice (through me as the Attorney-General) from the Crown Solicitor which suggested that this issue should be referred by Mr Bruce to the incoming President, given the circumstances of the impending election and the impending end to Mr Bruce's term of office. I should add that the advice indicated that MPs did not have immunity from criminal liability (other than criminal libel) for offences committed in Parliament.

Subsequent to this advice, the South Australian police decided to investigate the complaint made. Prior to the election, certain discussions were held by the police with the former President (Mr Bruce), the Clerk of the Council (Mrs Jan Davis) and the Crown Solicitor. As a result, a procedure for dealing with this matter was agreed upon, given the extraordinary circumstances of the impending election.

I understand that one of the conversations between a South Australian police officer and the Hon. Gordon Bruce was conducted on the telephone. It appears that this telephone conversation was taped by the police officer without the consent of the former President. I have confirmed with Mr Bruce that there is a transcript of the discussion, which he said he had on the phone, and that his consent to tape the conversation was not obtained. I believe that this transcript was made from a listening device used by the police officer to record the conversation. This is a matter that will need to be confirmed by the Government and/or the police.

On the basis of the facts outlined, I think all honourable members will acknowledge the important constitutional and public policy issues involved. While I make clear to the Council that I am not making any allegations of illegality, there are important questions to be answered and policy issues to be resolved. Of course, it is clear that the Executive Government, represented here by the Attorney-General and other Ministers, has responsibility for the operations of the South Australian Police Force.

In 1989 I introduced legislation to update the South Australian Listening Devices Act. The policy behind these amendments was to provide for judicial warrants from a Supreme Court judge to be obtained for the use of listening devices. The policy in the Commonwealth Telecommunications (Interception) Act 1988 is similar. Judicial warrants from a Federal Court judge are required for telephone intercepts. There are strict accountability provisions, including the formal reporting on the use of these devices to the responsible Minister (usually the Attorney-General of the State and the Commonwealth).

Mr President, on 16 February you made a statement that dealt with some of the constitutional issues to which the Gilfillan case has given rise and, in particular, the question of parliamentary privilege and the rights of Executive Government (represented in this case by the South Australian police) *vis-a-vis* the Parliament. In that statement you referred to a Crown Solicitor's opinion. In order to inform this debate I believe that opinion should be tabled or, at least, a detailed statement of its conclusions provided to the Council. It is obvious that the following constitutional and policy issues are involved:

1. The extent of parliamentary privilege and, in particular, whether it is a breach of privilege to tape a telephone conversation with an MP without his consent.

2. The relationship between the police and Parliament and, in particular, the powers of the police to enter Parliament.

3. The law and practice around Australia relating to the use of listening devices by law enforcement agencies and others.

4. The implications for the rights and liberties of citizens and, in particular, rights to privacy.

There can be no argument that law enforcement agencies must have adequate powers to deal with criminal behaviour. However, it is also important that those powers be exercised according to law and according to practices which are publicly known and which respect basic human rights. It should be noted that section 17 of the International Covenant on Civil and Political Rights provides that no-one shall be subjected to arbitrary interference with his privacy. Indeed, this is the basis of listening devices legislation, so that clear guidelines are provided by the Parliament for their use.

I am sure all members would agree that these issues are important and should be the subject of public debate and policy formulation. Clearly, the Government has an obligation to clarify the facts of this matter and account to the Parliament in relation to this particular issue and the general policy issues that are raised by it. My questions to the Attorney-General—and I appreciate that he may need to take at least some of these on notice—are as follows:

1. Can the Minister confirm that a telephone conversation between a South Australian police officer and the former

President (Hon. G.L. Bruce) was taped without the consent of Mr Bruce being obtained?

2. Do the police have a transcript of that conversation?

3. Does the Government believe that it is appropriate for the police to tape a telephone conversation with the President or with any other MP without receiving his or her consent, or to tape a telephone conversation with a member of the public without obtaining that person's consent?

4. Does the Government believe that the taping by police of a telephone or other conversation with an MP without his or her consent constitutes a breach of parliamentary privilege?

5. Has there been a breach of either the Commonwealth Telecommunications (Interception) Act or the South Australian Listening Devices Act in the taping of this conversation?

6. What is the practice of the SA Police in taping conversations either on the telephone or by use of a listening device and, in particular—

(a) In what circumstances are such conversations taped without the consent of the interviewee and without a judicial warrant issued by either a Federal Court judge or a Supreme Court judge as provided for in the Commonwealth Telecommunications (Interception) Act and the South Australian Listening Devices Act? and

(b) How many such conversations with members of the public and/or members of Parliament have been taped in the past 12 months?

7. Is this issue covered by police standing orders and, if so, what are the relevant provisions? Has there been any breach of police standing orders? If there are no orders covering this matter, does the Government believe that there should be?

8. Does the Government believe that the practices of the South Australian Police Department in this respect should be clearly set out so that members of the public are fully aware of them?

9. Is there any need to amend either the Commonwealth Telecommunications (Interception) Act or the South Australian Listening Devices Act?

The Hon. K.T. GRIFFIN: Quite obviously, I will need to refer this series of questions to the Minister for Emergency Services for a detailed response. The questions raise serious issues of public policy and it is important that the answers to them be given in a considered manner. I agree with the Leader of the Opposition that no member of Parliament is above the law and that members of Parliament are not immune from criminal prosecution. They are just as much bound by the law as any other citizen, although in this Chamber there are special rights and privileges given to members in terms of raising issues affecting constituents or other matters of public policy.

In terms of the power of the police to enter the Parliament, it is quite clear from a range of authority that police do not have authority to enter Parliament House without the approval of the relevant Presiding Officer.

That applies also to inspectors who exercise statutory functions in a wide range of other areas. Access to the documents of the Parliament, even if they relate to matters of public finance, can be given at least in this Council and under our Standing Orders with the approval of the Presiding Officer or the Council, as the case may be.

The particular allegations suggest that they are matters which are relevant to the Federal Telecommunications Interception Act but, of course, the question raises other issues about the State Listening Devices Act which places very strict obligations upon anyone who wishes to tape or in other ways overhear a private conversation. So, I am not in a position to give detailed responses to the questions, but I undertake to refer them to the Minister for Emergency Services and bring back a reply.

HINDMARSH ISLAND BRIDGE

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister for Transport a question about the Hindmarsh Island bridge.

Leave granted.

The Hon. BARBARA WIESE: On 17 February 1994 the Minister was asked whether the Jacobs report on the Hindmarsh Island bridge contained any reference to the costs of the bridge as compared with other options. Despite having read the report the Minister did not know whether it contained such a reference, although she thought it did, and she undertook to provide an extract of that report. That was three weeks ago. Does the fact that no reply has been forthcoming mean that the Minister is a slow reader, or does it mean that she wants to withhold from Parliament the real facts in relation to this matter?

The Hon. DIANA LAIDLAW: Neither.

The Hon. BARBARA WIESE: Well, what is the answer, and when am I getting it? My question is: when will the Minister provide an answer to my question of 17 February which requires the provision of an extract of a report and which should be a very simple task?

The Hon. DIANA LAIDLAW: I am not required to do anything. However, I undertook to—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —look at the report and see whether it was possible to provide that extract. That matter is being looked at, and I can advise the honourable member either later today during the course of parliamentary proceedings or when we sit next.

EDUCATION AND CHILDREN'S SERVICES DEPARTMENT

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about senior positions in the Department for Education and Children's Services.

Leave granted.

The Hon. CAROLYN PICKLES: I notice that in the public sector shake-up that the Liberal Party is presently undertaking five senior positions in the Department for Education and Children's Services have either been abolished or are being re-advertised. The position of Director of the Education Review Unit has been abolished; the position of Director of Policy has been abolished; the position of Director of Curriculum has been re-advertised; the position of Director of Children's Services has been re-advertised; and the position of Director of Industrial Relations has, I understand, been re-advertised.

Prior to the Liberal Party's decision to abolish or readvertise these positions, each one of them was held by a woman, either in a permanent capacity or in an acting capacity. So, five women have either lost their job or may lose their job. All these positions are at senior management level and, as the

Minister is probably aware, it has not been easy to achieve these positions for women. Is the Minister concerned that there are now no longer any women in permanent senior management positions in the Department for Education and Children's Services, where previously there were five?

The Hon. R.I. LUCAS: I will take that question because it clearly refers to responsibilities within my particular portfolio areas. When the—

The Hon. Carolyn Pickles: It is a concern raised about women.

The Hon. R.I. LUCAS: It is about the Department for Education and Children's Services. The honourable member has asked a series of questions based on information which is obviously incomplete, and necessarily so because the merit process is currently being undertaken in relation to five senior appointments within the Department for Education and Children's Services.

One of the things I can say to the honourable member is that I believe that when the final appointments are announced—I am not in a position, obviously, in relation to a number of those positions to do so yet, although I think two or three are likely to be announced in the next week—she will be very pleasantly surprised at the gender balance, if that is her major issue, in relation to those appointments.

Whilst that is an issue of concern to me, the major issue, of course, in relation to the Government Management and Employment Act is one of merit, and all persons who will be appointed in relation to those senior positions in education—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: A number of those persons were in acting positions. We have advertised nationally. Some of those people will have reapplied or applied for those positions. Indeed, some did not. In relation to two of those positions, the units do not exist any more. So, in relation to the Education Review Unit we have made a decision that we could no longer afford to spend almost $1.8 million a year and that the money would be better spent on employing extra speech pathologists, special education teachers and guidance officers within the Department for Education and Children's Services and replacing the Education Review Unit with a smaller Quality Assurance Unit.

The position of the Director of Industrial Relations, which was a new position that had been created by the previous Minister only last year, has been incorporated into an existing unit, the personnel section of the department. The Director of Personnel, Ms Marilyn Sleath, a very competent officer within the Department for Education and Children's Services, has had her position confirmed as a substantive position within the department and as a member of the Senior Executive.

So, I am not in a position, obviously, at this stage to indicate the final composition of the Senior Executive of the Department for Education and Children's Services. Those positions will be finalised on the basis of merit, but I believe, from the knowledge that I have of those who have been substantively appointed already and those who are likely to be announced in the next week, that if gender balance is the pre-eminent concern of the honourable member she, too, will be pleased with the make-up of the Senior Executive.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: All members will be pleased with the make-up of the Senior Executive of the Department for Education and Children's Services.

SPEEDING FINES

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Correctional Services, a question about speeding fines.

Leave granted.

The Hon. SANDRA KANCK: Recently, I spoke with a constituent who had incurred a $92 speeding fine for travelling at 69 kilometres per hour in a 60 kilometre zone. This person is married and has two children. Her combined fortnightly income is $786, comprising JobSearch allowance, family allowance and rent assistance payments. So this speeding fine represents 11.7 per cent of her family's fortnightly income. Her financial position made it virtually impossible to pay the fine in its entirety, so she contacted the Infringement Notices Branch of the Police Department asking whether she could pay her fine in instalments. She was told that no facility was available for this, so she then asked whether she could have an extension of time to pay the fine.

My constituent was then told by the Infringement Notices Branch that there was no facility for this either, and that, if her fine was not paid within 60 days (the expiation period), the Clerk of the Magistrates Court would pursue this as a non-payment and this would lead to a doubling of the fine. She then contacted Legal Services and the Police Complaints Tribunal.

None of the three agencies she spoke with informed her that she was able to apply to the Clerk of the court to arrange payment of her fine in instalments, yet Legal Services was able to inform her that 40 per cent of speeding fines are not paid on time and that people who do pay their fines on time therefore subsidise the cost of the Magistrates Court. My questions to the Minister are:

1. Given the high number of fine defaulters as a percentage of the total annual prison admissions, what will the Minister do to ensure that people incurring fines are informed of their options for fine payment?

2. Is it true that nearly 40 per cent of speeding fines are not paid on time and that therefore those who do pay on time are subsidising the Magistrates Court? If it is true, what does the Minister intend to do to bring down this high percentage?

The Hon. K.T. GRIFFIN: That question really overlaps a number of ministerial areas—emergency services, corrections and also the courts area. I undertake to refer it to the appropriate Ministers and bring back a reply.

BUSINESS ASIA

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister for Industry, Manufacturing, Small Business and Regional Development a question about Business Asia.

Leave granted.

The Hon. BERNICE PFITZNER: Last year, just before the election and during the Grand Prix, the previous Government launched a conference known as Business Asia. This conference, although on the surface it appeared satisfactory, was a shambles in terms of organisation, funding and understanding of customs and creeds of the Asian countries. First, in terms of funding, I understand that bills are still coming in for expenditure on the Business Asia launch, and the organisation of the conference left much to be desired. The Asian community has identified to me that the staff of the previous Government's small business department were

totally unable to organise influential and prominent Asian speakers given lack of time and poor knowledge of the overseas Asian community. They were unable to organise suitable accommodation as it was also Grand Prix time, and some Asian VIPs were accommodated in the distant hills area. They were unable to organise the receiving of the VIP delegates and the members of the Asian Chamber of Commerce had to take on that activity.

Further, they were unable to organise promised tickets to the Grand Prix for the VIP delegates, which again resulted in the Asian Chamber of Commerce having to scramble for these tickets for the VIP delegates. It was a real shambles in terms of organisation and planning. Perhaps the excuse could be that the conference was conceived only five or six weeks beforehand. In terms of customs, creeds and culture, the Business Asia Conference 1993 was most deficient and serious offences were committed in this area. As we know, Asians are not an homogenous group of people, because they hail from countries such as Malaysia, Taiwan, Hong Kong, Korea, Japan, the Philippines, Indonesia, Singapore, Thailand, China, Cambodia, Vietnam, India, Sri Lanka, Brunei and so on. Take the different religions, for example. The Asian group represents all the great religions of the world and others. There are Roman Catholics, Anglicans, Protestants, Hindus, Buddhists, Ancestor Worshippers, Muslims, Sikhs, and so on. All these religions have different philosophies and different moralities that must be understood. For example, do we know which Asian country has a predominance of which religion?

Further, during the last Business Asia Conference there was a distinct lack of knowledge of surnames. Some of us here would ask, 'What's in a name?' We Australians are very lax and relaxed about whether we are called John or Joan or Mr or Mrs Smith or even Smithy. However, if we want to do business with Asians, we have to get the names correct. As we know, some Asian surnames are placed first. For example, with Eu Tong Seng, the 'Eu' is the surname and not the 'Seng', as we would assume. However, at the last conference a person was called 'Dato So-and-so'; he was then given a name tag showing 'Mr Dato'. However, 'Dato' happens to be 'Sir' in Malaysia, thus displaying an ignorance that is quite unacceptable.

Brochures of the conference were printed, and I guess they looked very nice with the exotic architecture of a mosque on a background of a beautiful vineyard. The only problem was that Muslims are teetotallers. Another depressing *faux pas* was that a media launch was via a plane, the number of which translated into Cantonese meant that the plane was doomed. The conference organisers are still wondering why the free plane ride was so poorly attended. Just this morning I noticed that the secretarial staff were given bunches of heavily scented frangipani flowers, which they have displayed on their desk. I was a little put off, as in Asia these flowers are reserved solely for wreaths and therefore have a connotation of death. Imagine the reaction if at an opening of an Asian conference in Australia we decorated the place with frangipanis.

The Arthur D Little report recommended that economically we would do well to increase our links with Asia. However, it is not easy to do business with Asians if we do not know and understand the diversity of religions, customs, cultures and creeds, which are all under the name of the umbrella of Asians. My questions to the Minister are:

1. How much did the 1993 Business Asia Conference cost?

2. Was the cost commensurate with the amount of business generated by that conference?

3. If a further Business Asia Conference is envisaged, will the Minister ensure that suitable input is obtained to advise the organisers of Asian ways?

4. Within the restructuring of the Economic Development Authority will there be managers of merit and Asian origin who will perhaps be more in tune with our State moving into and with the economic pace of surrounding Asian countries?

The Hon. R.I. LUCAS: I acknowledge the importance of the questions raised by the honourable member in relation to this matter and that this has been a concern of hers for the past 12 months or so. I undertake to take up those questions with the Minister responsible and bring back a reply.

GULF ST VINCENT

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about the management of the Gulf St Vincent prawn fishery.

Leave granted.

The Hon. R.R. ROBERTS: I ask this question today out of a deep concern for the future of the prawn industry in Gulf St Vincent. There is a long and sorry history of prawn fishing in Gulf St Vincent. Suffice to say that in 1991 the Gulf St Vincent prawn fishery was closed owing to depleted catch and declining prawn stocks. The fishery caught 139 tonnes of prawns in the year prior to the closure, compared with a high point in the industry in 1976 of 460-plus tonnes when the fishery was then described as a liquid gold mine. There have been many claims and counterclaims as to why the closure occurred, which I do not wish to canvass at this time, but I give notice that I will raise this matter again.

On 17 December last year, just a few days after the State election, the Minister for Primary Industries is alleged to have illegally opened the fishery for an extended survey for five days. There is a story to be addressed about that matter, which again I will take up later. My immediate concern is based upon the findings of recent surveys in 1993 which showed that the catch rate per pound per minute of prawns trawled in November 1991 was 3.1 pounds per minute compared with 1.43 pounds per minute in 1993—just under half. This was in a fishery that was closed for two years to allow it to recover because it was depleted in 1991.

I am also advised that there was an average of 240 prawns per bucket in November 1991 compared with 174 at the same time in 1993. It will be noted that these figures compare like with like and at the same time. The surveys were done in the same areas, using the same criteria and in the same circumstances. In fact, they were done at the right phase of the moon in exactly the same circumstances. I am concerned that despite these results a five day fishing frenzy took place in December last year at the height of the spawning season. Mr President, you would probably know from your own experience in the prawn fishery that juvenile prawns spawn up to 100 000 eggs.

An adult prawn releases between 700 000 and 1 million eggs per year. If we compare that with the situation we faced in December last year, we find that the catch rates in this industry have halved. That means that, in pounds per minute, we have halved the amount of prawns, and the size of the prawns has gone up. From that we can only conclude that there are far fewer prawns and a lot more water between them.

This fishery was closed to allow it to recover so that a prawn fishery could be sustained in Gulf St Vincent. Since then, I did express some concerns in December about this matter. I was told that there would be another survey on 14 February this year. I have not had time to study the results of that survey, but I point out that, since this fishery has been closed, we have never conducted a survey of Gulf St Vincent prawn fishery in the month of February. In fact, the last time a survey was done in February was back in 1985, and that was when the numbers were declining. So we are really not comparing the results—whatever the results may have been—with anything that is current or to do with the parlous state of the prawn fishery in South Australia.

Since then, based on those results, a notification was given to all licence holders in Gulf St Vincent from the General Manager of the Department of Primary Industries, Mr David Hall, after consultation with the industry. On 4 March 1994, the Department of Primary Industries notified licence holders in Gulf St Vincent prawn fishery, 'The fishery will be open for 14 nights from last Monday', which was 7 March, 'until Monday 21 March.' This represents 14 nights of fishing in a depleted fishery. It is interesting to note that the Spencer Gulf prawn fishery, which is recognised, either rightly or wrongly, as the best managed prawn fishery in the world, has opened its fishery and they are only fishing for eight nights.

As part of the opening, the Gulf St Vincent Prawn Fishery Management Committee determined that fishing should take place subject to a 'committee at sea' taking responsibility for sampling prawns in block two (the gulf is actually broken into a number of blocks) to determine whether the prawns were within the agreed target size before allowing fishing to take place in that area. I am also advised that we have people from the Departments of Primary Industries and Fisheries on board these vessels, and one can assume that is to watch the watchers.

The Department of Primary Industries' notification included a stipulation in relation to the target size for prawns. The agreed size was that there would be 22 prawns per kilogram. The notification said that if the sampling indicated that 10 per cent—

Members interjecting:

The Hon. R.R. ROBERTS: I wouldn't get involved in that after the last contribution.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: It said that, if sampling indicated that 10 per cent of the bucket measurement were smaller than 22 prawns per kilogram, fishing would cease. I have received details of two lots of catch rates: one was for a total catch of 652 kilograms. Of that catch, 312 kilograms were large prawns (and these are prawns which are 22 per kilogram or larger in size), 219 were medium sized, 89.5 kilograms were small prawns and some were damaged prawns. Clearly, the percentage of the catch is far higher than 10 per cent; in fact, it is up around the 30 per cent mark. Just before I came into the Council, I was informed that industry advice is that up to 40 per cent of the catch is below size and, after three nights of fishing, it has been determined that we will now shift from block two. There was a clear indication in the advice to the fishermen that if it was more than 10 per cent we would close the fishery. I do remind you, Mr President, that this fishery was closed because of the parlous state of it in 1991. In November 1993, the figures were half, and this activity is taking place.

The Hon. M.J. Elliott: It was your Minister who was doing this activity.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: Mr President, the interjection was that it was a decision by the previous Minister. I am really not concerned about that. I am quite happy for the select committee—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: —to determine the parlous state of this industry, and we have taken action to correct it. What I am concerned about is that since we have gone out of Government there has been a fishing frenzy in that gulf—not triggered by the Labor Party, I might add, but by others. What is most disconcerting about this fishery is that, despite the fact that the select committee has recommended a buy-back system, which is in place, I am advised that nobody has paid any part of the surcharge. The buy-back, as determined by the select committee, was to be represented by a surcharge on the licence fee. I have been told that nobody has paid the surcharge. Despite that, in December all operators received about $23 000 for their catch. These people have gone fishing. I am not critical of the fishermen. I understand their parlous financial state. In this exercise, though, I am on the side of the prawns. I am not on the side of the bank—

Members interjecting:

The PRESIDENT: Order! This is a very serious subject.

Members interjecting:

The Hon. R.R. ROBERTS: It takes one to know one. I am not on the side of the department or the fishermen. I am concerned about the parlous state of this vital industry for South Australia. I asked some questions with respect to this matter and I was advised that no fee was paid, because the previous Minister for Primary Industries, quite properly last year, because no fishing was taking place, did not proclaim a fee for the licence. This is being used as an excuse—and I say 'excuse' quite deliberately—to say that these people should not have to pay. I believe that the management of the Gulf St Vincent prawn—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: It is clear from the evidence that there is still trouble in that industry. Given that it became obvious very early in the piece that the size requirements for fishing over three nights were not being met, why did the department allow fishing in block two to continue for three nights? As the department's own criteria, as outlined in their notice to licence holders, have been breached, will the Minister stop fishing in this vital resource forthwith?

The Hon. K.T. GRIFFIN: One does have to remember that the previous Government had 11 years with respect to this fishery and quite obviously significant problems in that fishery were very largely a result of mismanagement by the previous Government. In terms of the question, a lot of information needs to be assessed. I will refer it to the Minister and bring back a reply.

DAYLIGHT SAVING

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief statement before asking the Minister for the Arts a question about daylight saving.

Leave granted.

The Hon. CAROLINE SCHAEFER: I have been contacted by a number of constituents expressing their extreme frustration at the extension of daylight saving. We have all heard over a number of years of the very real hardship experienced by families in the west of this State and in the rural community generally by the imposition of daylight saving. One of the reasons given for daylight saving, other than increased leisure, is the inconvenience caused to business by being out of synchronisation with the Eastern States. However, we now have the farce of being half an hour ahead of the Eastern States and being one of five time zones in the relatively sparsely populated area of Australia. Therefore, the only people advantaged by the extension of daylight saving are Festival of Arts patrons. My questions are:

1. What social gain is there in patrons of the arts being able to attend functions in daylight, particularly since they will be in darkness when they come out?

2. What financial gain is there to the festival by extending daylight saving?

3. Is there any evidence to suggest that more people attend festival functions due to the extension of daylight saving?

4. Does the Minister believe that the convenience afforded to arts patrons outweighs the inconvenience forced on the rural and business communities and, if not, will she consider ceasing the practice of extending daylight saving for future Festivals of Arts?

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: I thought the question was reasonable but the interjection was not. The honourable member's interest in the farming community, in particular the representation of people on the West Coast, is known to all members, and she is diligent in that concern. It has really been the representations of the West Coast that have determined for many years that we are not synchronised with Eastern Standard Time on a full-time basis.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: I acknowledge the influence of the West Coast. There are other interests in this State in addition to those of the West Coast. I know that businesses generally are frustrated about being half a hour behind and they find it even more bemusing to be now half an hour ahead, albeit for only one week. It was a decision of the former Government—one which as shadow Minister for the Arts I supported—that daylight saving continue for the period of the festival. The outdoor component of the festival this time is designed to be a very special part of all the artistic activities within this festival, and I would add that, in respect of this festival, the artistic content has been absolutely superb.

The Open Roof component and Elder Park comprise about half the program in the festival, and I know it has been a delight to me, my family, friends and many others to attend the Open Roof in daylight and in the evening. I should also add to all members that last evening, when I had to go down to the east end of Rundle Street, it was absolutely fabulous on a Wednesday evening to see people at six o'clock crowded onto the footpaths and in the restaurants, going to and from festival attractions. It should give great pleasure to all in Adelaide that people were enjoying our lifestyle to such an extent during the festival.

It is the issue of lifestyle that is so important for the enjoyment of people coming to the festival and returning to the festival in future, whether they visit this State from intrastate, interstate or overseas. In terms of the value of the festival, a study was not undertaken last festival (1992) because of the cost of such visitor surveys, but I recall that in 1990 the cost benefit to the State was some $12 million after all costs had been taken into account, and that is a great benefit. I believe that for the next festival in 1996, for which Barry Kosky is to be Artistic Director, we may again see representations from the festival board, the Adelaide Festival Centre Trust and the arts community, and I suspect we will also receive them from the West Coast, and the decision will be made by the Government on the merits of the case at that time.

ADELAIDE FESTIVAL

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for the Arts a question about festival publicity.

Leave granted.

The Hon. ANNE LEVY: I endorse the remarks made by the Minister regarding the importance and artistic value of the current festival, and I think that all Adelaide owes a great debt to the Artistic Director, who has organised such a superb festival for us. However, I have a couple of concerns regarding publicity of and by the festival. Many people think that the festival is run by the Government. As the Minister knows only too well, it is not. It is run by a separate board of 18 on which the Government has two representatives only.

On the first day of the festival a full page advertisement appeared in the *Advertiser* wherein the festival was gratefully acknowledging the generous support of its sponsors, and there follows a very impressive list of sponsors: major sponsor, a patron sponsor, five star, four star, three star sponsors, particular events sponsored by particular groups, and also various other companies and individuals who have sponsored the festival. But there is no mention whatsoever of the Government of South Australia, which provides more in sponsorship of the festival than all these sponsors put together. The Government for this current festival supplied $2.5 million: far more than any of these individuals or companies, and yet there is no acknowledgment whatsoever that the Government has contributed in any way to the festival.

I feel that this is very remiss on the part of the festival. I know that is an opinion, but one of my questions is to ask whether the Minister agrees with that opinion, which is not only mine but which has been expressed to me by a number of other people, and whether she would take up that matter with the festival board: that it should recognise that the people of South Australia through the Government provide a great deal of support to the festival.

My second concern is that I was informed today that an international visitor who arrived last weekend from overseas on Qantas, to come to the last week of our festival—which he was able to attend fully instead of just in the evenings, unlike members of Parliament—

The Hon. R.I. Lucas interjecting:

The Hon. ANNE LEVY: There is plenty of festival occurring in daytime, if you did not know.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: This gentleman informed me that on his Qantas flight a promotional film was shown as to what was on in Australia for the month of March, and there was not one mention of the Adelaide Festival. This was a film

shown on a Qantas flight coming into Australia, it will be shown for the whole of the month of March, and all the many international visitors arriving on that flight—and, presumably, all other Qantas flights into Australia during the month of March—were not going to be told by Qantas that the Adelaide Festival was even on.

My second question relates to the lack of publicity on Qantas: will the Minister take up the matter of the general promotion of South Australia and the Festival with the Festival Board and the Tourism Commission to ensure that such an omission does not occur with any future Adelaide festivals or other major events occurring in South Australia, if we should be lucky enough to get them?

The Hon. DIANA LAIDLAW: I share the honourable member's opinion in relation to the oversight by the Festival Centre—

The Hon. Anne Levy: The Festival Board.

The Hon. DIANA LAIDLAW:—and the Festival Board. The Festival Centre does the advertising on behalf of the Festival of Arts and the Festival Board.

The Hon. Anne Levy: Under the direction of the General Manager of the Festival.

The Hon. DIANA LAIDLAW: And that is a relationship that will be looked at in the future. It was remiss and it has been raised with the board, as have a number of issues on a continual basis over the past two weeks. It is an unacceptable situation and the Government does not appreciate being taken for granted in that manner. In respect of the overseas visitor and the Qantas flight, I am also appalled that Qantas, especially as it is a major sponsor of the Festival, has not seen fit to include references to the Festival in this major promotional film about what is happening in Australia over this period. It is a fact that airline passengers are a captive audience and, even if one is not coming to the Adelaide Festival or to Adelaide at that time, certainly a passenger can learn a great deal about the quality of our Festival and the importance of it to Adelaide at this time and in the longer term, and we could be promoting many facilities that are associated with it, including dining out and the general enjoyment of the parklands, and particularly Writers Week.

So, I am absolutely staggered and disappointed that, in terms of the public relations activities of the Festival, there has not been a decision to tie sponsorship with promotional activities by that sponsor, and I think it is remiss of the Festival and its promotional arm. I know that Qantas in Adelaide has supported the Festival strongly and I recall questions by the Hon. Mr Davis earlier about banners welcoming visitors to Adelaide. All my inquiries on that matter confirmed that Qantas and even Ansett, which is not a sponsor of the Festival, had both placed within their respective terminals large welcoming signs for visitors to Adelaide. I will make further inquiries about the Qantas promotional film being shown on its flights and hopefully we will see that, particularly with the Australian Tourism Commission and its promotional activities in relation to festivals due to take place in a short period of time, we are more strongly represented in future promotional activities, and that a Festival is never missed in the future.

WITNESSES

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Attorney-General a question about vulnerable witnesses.

Leave granted.

The Hon. A.J. REDFORD: In the recent case of the *Q. v Wyncoll*, which was heard last month before Judge Allan of the District Court, the court was asked for special arrangements to be made in relation to the examination of two witnesses aged 15 and 16 years. In other words, the court was asked whether or not they could give evidence in another courtroom, that evidence being transmitted by video to the main courtroom. The court was told by the prosecutor that the victims were 15 and 16 years of age and that they were both alleged victims of sexual offences. The court was also told that the person who took their statements initially was able to give evidence of their distress at the time of the taking of the statements. The court was told that they were scared of the accused and that his mere presence caused great distress, placing them under great difficulty in the giving of their evidence. The court was also told that the victims had moved house a number of times since the charges were laid.

In response, defence counsel made submissions to the effect that all victims should generally be confronted by the defendant; that the allegations of sexual abuse by step parents are not unusual; that the onus is on the prosecutor to show why the order for special arrangements should abrogate the old rule; that there was a need for more evidence of fear; that there would be difficulty in dealing with documents, such as losing access to one's screen; that there was a need for quickfire cross-examination of 15 and 16 year olds; that he, as counsel, was not fully *au fait* with the system; that the accused could not tell if they were lying if they were not in his presence—

The Hon. Anne Levy: It is a cover-up.

The Hon. A.J. REDFORD: It is not a cover-up: his identity is irrelevant to this, and you know that. Defence counsel also submitted that the jury may think adversely of the defendant and therefore the video was the least desirable special arrangement; and, finally, that a direction would not solve the problems.

The court, in refusing to allow special arrangements, made comments to the following effect: that most people are intimidated by a courtroom; that an accused person is entitled to be faced by his accusers; that it is difficult to distinguish between victims—in other words why are these victims any different to any other victim; that the legislation might be saying that there must be more than (and this term has been used previously) usual embarrassment, distress or intimidation; and that he was not sure how documents could be used for this system. The judge did not give any reasons for refusing the application. In the light of that—

An honourable member interjecting:

The Hon. A.J. REDFORD: I said that—I ask the following:

1. What was the cost of installing the video system in the Sir Samuel Way building?

2. Will the Attorney-General consider referring the matter to the Supreme Court and, in particular, to drawing the court's attention to comments to the effect that there must be more than usual embarrassment; that a court must distinguish victims as being different from ordinary victims; and that a person is entitled to face his accusers notwithstanding the legislation?

3. Will the Attorney-General seek to arrange with the Law Society a session so that the people in the criminal justice system, including judges and defence counsel, are familiar with the new system?

4. Does the Attorney have any comments about the implementation of the recent amendments to the Evidence

Act concerning special arrangements for vulnerable witnesses in the light of this case?

The Hon. K.T. GRIFFIN: I had my attention drawn to this case from a press report at the time and I made some inquiries about the way in which it was handled. I have been informed that this was the third case in which there had been an application for the use of either screens or closed-circuit television, and that the other two had subsequently not proceeded after the applications were made. This one did proceed.

The Hon. C.J. Sumner: Were the applications refused in the other cases?

The Hon. K.T. GRIFFIN: No, the applications were not determined, as I understand it, before they were withdrawn.

The Hon. C.J. Sumner: Only one case has been determined and that has been refused.

The Hon. K.T. GRIFFIN: I have been informed that that is the case. Of course, the Parliament decided that there be a discretion in the courts as to the circumstances in which the screens would be used. I have not made any assessment as to whether there ought to be a reference to the Supreme Court to clarify the circumstances in which the screens or the closed-circuit television ought to be available and used, but I will refer that to the Director of Public Prosecutions for comment.

In terms of the question of education of the profession and the bench, again, if there are members of the profession and the bench who do not know how to use the system, I think the idea of an educational process to enlighten them—

The Hon. C.J. Sumner: Do you not think a judge, when he is faced with one of these cases, has an obligation to check the legislation and the practice in other States and other jurisdictions?

The Hon. K.T. GRIFFIN: I am not defending it at all. I am concerned about the way—

The Hon. Anne Levy: What are you going to do about it?

The Hon. K.T. GRIFFIN: I am telling you, if you will just keep quiet for a minute.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: But I have a concern to ensure that people understand how to use the system, and if there is a problem then I will certainly take that up personally as well as—

The Hon. Carolyn Pickles: Some of those judges are slow learners.

The Hon. K.T. GRIFFIN: Well, maybe. It was the previous Attorney-General's legislation, which we supported and we were happy to support, and he took a lot of the initiatives to have it implemented to the extent where I think $100 000 was provided in the 1993-94 budget for the closed-circuit television and for screens and partitions. The information which I have is that there is now one court (court room No. 7) in the Sir Samuel Way Building which has been fitted out with closed-circuit television facilities for the Supreme and District Courts, and 13 one-way mirrors which are moveable have been ordered and were delivered, I think, in February, and they are able to be moved from court to court. So, I will take up the issue of the way in which the system and the law are being applied.

In relation to the particular case to which the honourable member referred, I understand that, notwithstanding that the screens were not used, there were six charges on which the defendant was found guilty; there were two on which there was an acquittal; that in the course of the case the witnesses did not show obvious signs of distress; that there was a support person between the witness and the accused; and that procedures were in place to enable the witnesses to move into and out of the court without coming into contact with the accused.

The other point which has to be made is that even though the initial application was refused that is not the end of the matter, because if at any stage during the proceedings there is an indication of distress then it is quite open to the prosecutor again to make the application for the use of the screen or the closed-circuit television links. It is a case that, because it is the first, has attracted some publicity, and I will undertake to follow up the remaining matters that I have not answered and bring back a reply.

The PRESIDENT: I remind the Hon. Carolyn Pickles that she made an interjection which was really an injurious reflection on a judge. Under Standing Order 193 that is not permitted, and I would request that she does not do it in the future.

The Hon. Carolyn Pickles: It was not a particular judge.

EGGS

In reply to **Hon. M.J. ELLIOTT** (16 February).

The Hon. K.T. GRIFFIN: The Minister for Primary Industries the Hon. Dale Baker, has provided the following response:

1. The transfer of the land and buildings formerly owned by the South Australian Egg Board to the industry is being discussed by the Minister and egg industry representatives. The Minister wishes to determine the full implications of the transfer for both the egg industry and the Government and to ensure that the assets are equitably transferred to egg producers. The Minister is currently examining relevant information and will resume discussions with industry representatives in the near future.

2. The Minister is aware of the current problems in the egg industry but as the egg market is deregulated the Government has no influence over the business decisions of participants in the industry.

Officers in Primary Industries (SA) monitor conditions in the industry and will continue to do so while the industry is adjusting to a deregulated environment.

A range of financial assistance measures are available through the Rural Finance and Development Unit of the Department of Primary Industries. All eligible producers in SA can apply for interest rate subsidies, grants for financial/management advice, commercial rural loans and re-establishment grants. Anyone requiring information about these packages should contact Rural Finance and Development in the Department of Primary Industries on their toll-free number 008 182 235.

3. The Minister does not consider that administratively setting minimum prices for the egg industry in South Australia would have a beneficial effect on farm gate egg prices. The pricing arrangements in the dairy industry are included in the Dairy Industry Act 1992 and are effective because there is national agreement regarding milk prices. The egg industries in Victoria and New South Wales are deregulated and there is no national agreement on egg pricing. There is nothing to stop eggs from those States being sold in South Australia. Any attempt to set egg prices administratively would be unlikely to succeed because higher egg prices in South Australia would cause retailers to source cheaper eggs from other States and result in local producers losing market share.

TRADING HOURS

In reply to **Hon. M.J. ELLIOTT** (22 February).

The Hon. K.T. GRIFFIN: The Minister for Industrial Affairs has indicated that it is not his intention to broaden the current terms of reference for the Inquiry into Shop Trading Hours. The Government has taken prompt action to review all components of the Minister's pre-election commitments to the retail industry.

1. The Shop Trading Hours Inquiry has been established which will examine all aspects of the Shop Trading Hours Legislation, including tourism, and the core hour provisions of the Landlord and Tenant Act.

2. With regard to the planning laws relating to shopping centres, the Department of Housing and Urban Development has established

a Working Party on Retailing which will address planning implications of this industry.

3. As advised previously a full review of commercial tenancies and other aspects of the Landlord and Tenants Act is currently underway.

COUNTRY FIRE SERVICE

In reply to **Hon. R.R. ROBERTS** (16 February).

The Hon. K.T. GRIFFIN: The CFS is currently undertaking a review of the function and operation of its State Operations Centre. This review is part of an ongoing internal examination of all CFS functions to ensure the organisation is operating as efficiently and effectively as possible.

Factors which will be taken into account during the review are:

- CFS has a requirement for a State Operations Centre to coordinate major incidents, not a turnout and dispatch facility.
- The current situation is that local CFS Brigades now have the upgraded equipment to allow the public to call them out directly, either through the local fire number or through the '000' arrangements.
- Fire and emergencies are now handled at local level by local CFS Brigades with upgraded communications to enable them to carry out their tasks. It is rare for the State Operations Centre to be involved in local calls. This Centre at CFS Headquarters becomes involved when the fire situation throughout the State is of a magnitude which requires higher level coordination and resources.

CFS is consulting with its staff through its Employees Working Party to fully canvass options for staffing the centre and to ensure that any change will be based on an analysis of service and meeting genuine operational needs. The first meeting of the review committee was held on Tuesday 22 February 1994.

The CFS Chief Officer, Mr Alan Ferris has given me an assurance that any decision to change the present operation of the CFS State Operations Centre will not affect the standard of service provided by CFS to its volunteers and to the community. In this regard he has given an undertaking to the VFBA that they will be consulted before any changes are made.

The Government will ensure that any new system will provide adequate fire cover across the State at all times and more particularly in the case of serious fires.

The review of options will be completed by 1 May 1994, at which time I can advise on what changes, if any, will be implemented, and provide details as to the mechanisms which may replace the existing system to ensure the best possible monitoring, coordination and operations logistics support mechanisms are available for CFS volunteers in times of fires.

FUNERALS, PREPAID

In reply to **Hon. ANNE LEVY** (22 February).

The Hon. K.T. GRIFFIN: The establishment of the pre-paid funerals working party was announced by the previous Government in September 1992. The Working Party comprised members of the former Department of Public and Consumer Affairs, representatives of other Government Departments and agencies and industry representatives. It does not appear to have included consumer representatives.

It appears that the first meeting of the Working Party was held in March 1993. The terms of reference of the Working Party do not refer to any particular reporting date.

The Working Party has so far conducted a survey of the industry to determine current practices and examined the legislation adopted to regulate the industry in some other States. At the time of the change of Government, a report had not been completed, and options for further action were still being developed.

At present, legal questions arising from the options are being examined. It is anticipated that after the legal issues are clarified, the Working Party will be reconvened in the near future and that after the options have been carefully considered, a recommendation will be made to me.

Once I have received a report I will decide whether or not it will be published.

TRAFFIC ACCIDENTS

In reply to **Hon. G. WEATHERILL** (17 February).

The Hon. K.T. GRIFFIN: The Minister for Emergency Services has provided the following response:

The limit for reporting of accidents is currently $600 and exists to remove the necessity for recording minor accidents. This figure is reviewed every few years and increased according to inflation. A much larger increase would reduce the costs of administering the system, but to the detriment of information collected on road accidents.

Details of accidents are collected to investigate offences, for road safety information and to assess compulsory third party claims. This information would be recorded regardless of the necessity to supply details to other interested parties, hence the charge for supplying the details only reflects the costs in printing details from a computerised system. The charge is currently $34.

MULTIFUNCTION POLIS

In reply to **Hon. T. CROTHERS** (10 February).

The Hon. R.I. LUCAS: The Premier and the Minister for Industry, Manufacturing, Small Business and Regional Development have provided the following response:

1. No.

2. The Liberal Party has consistently supported an MFP based on:

   (i) world class technology with a strong research and development component;

   (ii) strong, shorter term commercial objectives;

   (iii) export orientation.

In the Premier's recent discussions in Japan, strong support was offered for the future direction of the project agreed between the Federal and South Australian Governments and announced in a public statement on 4 February, 1994.

3. The South Australian Government with support from the Federal Government has a policy for the MFP which it is proceeding to implement.

CLASS SIZES

In reply to **Hon. M.J. ELLIOTT** (10 February).

The Hon. R.I. LUCAS: There have been no changes to staffing formulae in schools for 1994.

Junior Primary Schools (Reception to Year 2) are staffed on a basis of 25 students per class.

Primary Schools (Reception to Year 7) are staffed on 1 teacher:25 students for the R-2 component and 1:29 for the 3-7 component.

Therefore no junior primary class (R-2) should have on average classes greater than 25 students. No primary class (3-7) should have on average classes greater than 29 students.

Principals of schools are responsible for the deployment of staff. If classes exceed 25 or 29, then this is a decision that is made at the school level. Schools have sufficient staff to ensure that classes on average do not exceed 25 students (R-2) and 29 (3-7).

In terms of the school referred to in Hon M J Elliott's question (Lobethal Primary School) classes have been restructured from 14 February such that the composite Year 4/5 class which previously had 33 students now has 29. All class sizes at Lobethal PS are now within the above averages.

BILINGUALISM

In reply to **Hon. M.S. FELEPPA** (17 February).

The Hon R.I. LUCAS: The Minister for Multicultural and Ethnic Affairs has provided the following response:

1. It is Government Policy to encourage the employment of bilingual staff in Government agencies. Accordingly in line with this policy I have already requested the Chief Executive Officer, Office of Multicultural and Ethnic Affairs (Mr Paolo Nocella) to consult with various Government agencies. They will be encouraged to prepare a profile, that would include the language spoken, proficiency and the position which the staff member is employed in the agency.

Furthermore it is Government policy that senior public servants, particularly those in areas of economic development, will be expected to become proficient in a second language.

The South Australian Multicultural and Ethnic Affairs Commission will no doubt forward to me a report and accompanying recommendations for my consideration when it has completed its consultations.

2. I would expect that the South Australian Multicultural and Ethnic Affairs Commission will address this issue when it forwards to me the report that I have previously mentioned.

3. Determination Number 29, which has been issued by the Commissioner for Public Employment in February 1993, details guidelines for registration of GME Act employees as part-time interpreters or translators and payment of allowances, and this is an area that will be monitored and kept under review.

HINDMARSH ISLAND BRIDGE

In reply to **Hon. BARBARA WIESE** (24 February).

The Hon. DIANA LAIDLAW: I am not aware of any arrangements whereby media representatives were given the opportunity to read the Jacobs report on matters relating to the Hindmarsh Island Bridge.

Limited copies of the report were produced and, because of the legal implications of some of the report's contents, the Government has been scrupulous in maintaining confidentiality of the entire report.

Certainly, there has been nothing in the way of news report that indicates the media has been provided with access to information, other than the ministerial statement I gave in the Parliament on 15 February.

ST STEPHEN'S HOUSE

In reply to **Hon. SANDRA KANCK** (8 March).

The Hon. DIANA LAIDLAW: The honourable member asked how the Minister for Health could close St Stephen's House which had for some years provided accommodation for young people who, as the honourable member put it, were 'psychologically and emotionally disturbed'.

The first point is that the Minister for Health's portfolio does not provide funds to St Stephen's.

The Minister for Health therefore had nothing whatsoever to do with its closure. It is therefore very difficult for him to understand how he could 'hypocritically rush into the closure of St Stephen's' as the honourable member put it. How can you close what you have never funded or controlled?

It was the previous State (Labor) Government and present Federal (Labor) Government which, through the auspices of the Department of Family and Community Services and the Federal Department of Health and Community Services, in 1992 undertook a comprehensive review of FAC's Supported Accommodation Assistance Program through which St Stephen's received their funding. I understand that review was very extensive and took a considerable time to complete. It resulted in the withdrawal of the funding for the service provided by St Stephen's House.

St Stephen's was simply too expensive (St Stephen's wanted $250 000 a year for what is a four-bedroom residency) and that is why the Minister for Health was reported in a Channel 9 interview as describing the funding of St Stephen's as 'unsustainable'. The FACS/DHCS review also found St Stephen's 'unsustainable'. One can begin to appreciate the cost when it is realised St Stephen's ran at a cost of 75 per cent of what is required to look after an acute care patient in a full teaching hospital.

There was nothing rushed about St Stephen's closure. St Stephen's knew will in advance that their funding under the old program would finish on 1 January 1994. Indeed, St Stephen's was given extra funding until the end of February so that accommodation and support could be found for the remaining resident.

As to the Minister being too busy to meet with representatives of St Stephen's, there was little point in the Minister agreeing to meet with representatives of St Stephen's until his officers had first determined why St Stephen's was no longer to be funded by the previous Government (again through the auspices of a department other than his own). Once that had been determined his own officers had to assess whether the residents of St Stephen's came under the auspices of the SA Mental Health Service (which deals with serious mental illness in people over 18 years of age), whether St Stephen's warranted the funding, and lastly, whether indeed there were any funds available at such short notice.

His officers discovered that the restructured SAAP program run by FACS had set aside a considerable amount of money (I understand $200 000) to cater for residents such as those cared for by St Stephen's who had needs beyond just a place to stay.

If SAMHS had provided another $250 000 from its budget for St Stephen's it would have duplicated the service already available through SAAP and would have been a gross waste of public money. By the time all that information had been gathered St Stephen's had already gone to the media, with their quite scurrilous and misleading story that the Minister for Health was closing them down, and that is the way the media reported it and indeed that misrepresentation was continued in the honourable member's question. It was after this misinformation was publicised that it became clear that it was not a health responsibility.

As to the Liberal Government's commitment to review the accommodation needs of the mentally ill, that has indeed been set in train and we expect a comprehensive report to be made available on this and other mental health issues by the beginning of June.

Returning to St Stephen's, the honourable member should have done enough work to establish the real facts of the matter before issuing a press release which accepted at face value the misrepresentations of a group whose organisation faced extinction because they simply became too expensive.

Mrs Kanck has been used by St Stephen's and used badly. The Democrats desire to be taken seriously as an 'honest broker' has been destroyed by one of their first attempts to fault the Government. But all that has been found is a lack of research by the honourable member, a willingness to take on trust information from a self-interested source and a willingness to then set about denigrating the wrong people for what appears to be a legitimate closure of a very costly organisation.

If the Democrats cannot get something so simple as the closure by the previous Government of a very expensive hostel for homeless youth, what hope have they of convincing the people of SA they know what they are talking about when it comes to major issues.

RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Retirement Villages Act 1987. Read a first time.

The Hon. K.T. GRIFFIN: I move:

That this Bill be now read a second time.

These amendments to the Retirement Villages Act 1987 are the pleasing result of successful discussions between industry, resident groups and Government. Since 1990, the Retirement Villages Advisory Committee has considered a wide range of changes to this legislation in order to address certain contractual and financial matters, provide for a limited form of guaranteed refund and to clarify the rights, obligations and responsibilities of administering authorities and residents.

The first matter of significance is that there will be a settling period of 90 days during which the resident may elect to leave the retirement village, and in such a case the resident will receive a full refund of the premium paid on entry to the village, but will be required to pay a fair market rent for the time of occupation and for any services provided. Another feature is that there will be a greater role for the residents' committees in the daily management of villages through regular consultation with the administering authority.

At meetings of residents, the administering authority must be represented by a person who can speak on its behalf and answer questions put by residents. Residents must receive detailed financial information prior to the meeting.

Where a village is sold, the proposed new administrator must meet with residents prior to purchase to discuss the future management of the village and any proposed financial changes. The new administrator must give notice of any intention to raise charges. There will be a better defined role

for the Residential Tenancies Tribunal with a distinction between disputes affecting legal rights and liabilities and disputes requiring arbitration and conciliation.

The tribunal will have the power to hear matters concerning the premiums which were previously only within the jurisdiction of the Supreme Court. The new amendments will provide for a mandatory code of conduct dealing with the issues of guaranteed refunds, marketing and relicensing of units, consultation with residents' committees and the presentation of accounts.

A code has already been developed by negotiation between the parties and in many instances industry and resident groups met independently of Government officers to determine the provisions. A code also provides a model with more flexible regulation than can be achieved through legislation. Key features of the proposed code include procedures to be followed where a resident, for medical reasons, needs to move from the village to some form of supported care. In such a case the code will provide for guaranteed refund within 60 days to the resident of the amount of the premium necessary to move to that supported care.

Once the unit is relicensed the resident will then receive any further moneys to which he or she might be entitled under the residents' contract. Plain English will be required in all documents dealing with retirement villages and there will be certain minimum essential information which must be provided. These amendments will benefit both residents and administering authorities and reduce the role of Government by setting clear guidelines for the management of villages. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will come into operation on a day to be fixed by the Governor by proclamation.

Clause 3: Amendment of s. 3—Interpretation

This amendment corrects a clerical error that currently exists in the Act.

Clause 4: Amendment of s. 4—Application of this Act

This clause revises the provision that provides that the legislation binds the Crown in order to make it consistent with other, more recent, legislation.

Clause 5: Amendment of s. 6—Creation of residence rights

This amendment will allow the regulations to prescribe requirements which must be met by residence contracts. The Act will also expressly provide that a residence contract is enforceable against whoever is the administering authority of the retirement village for the time being.

Clause 6: Amendment of s. 7—Termination of residence rights

This clause introduces the concept of a settling in period. It will be a term of every agreement that the right of a resident to terminate the residence contract during the settling-in period cannot be limited or qualified. No penalty can be applied if the resident terminates the right of occupation during the settling-in period. However, the resident will be required to pay fair market rent for his or her occupation of the unit, and other amounts payable under the contract.

Clause 7: Insertion of s. 9a—Absence from retirement village

It is proposed that a resident not be required to make certain payments if he or she is absent from the village for 28 days or more, or after he or she ceases to reside in the village. In addition, a resident who has left the village and is waiting for a refund of premium will not be required to pay for recurrent charges until the premium is refunded.

Clause 8: Amendment of s. 10—Meetings of residents

These amendments relate to meetings of residents. The annual meeting of residents will be chaired by a representative of the administering authority who is authorised to speak on behalf of the authority and answer residents' questions. A greater degree of financial reporting will be required, and residents will be encouraged to submit written questions to the administering authority to be answered, if possible, at the annual meeting. At the same time, amendments have been made to assist the administering authority in the preparation of its financial statements and to allow the authority to set a financial year for a particular village.

Clause 9: Insertion of s. 10aa—Meeting with new administering authority

New section 10aa addresses the difficult issue of a change in ownership of a retirement village. The legislation will require the incoming administering authority to convene a meeting of residents and present a report on future changes and its plans for the future management and operation of the village. Residents will be able to ask questions.

Clause 10: Amendment of s. 13—Residents' committees

The legislation will make it an offence for an administering authority to discourage or prevent the appointment of a residents' committee, or to obstruct a residents' committee in the performance of its functions.

Clause 11: Substitution of s. 14—Tribunal may resolve disputes

This clause rewrites the section of the Act relating to disputes before the Residential Tenancies Tribunal. The new section will clarify the powers of the Tribunal in relation to disputes and the principles that must be applied by the Tribunal in the exercise of its jurisdiction. For example, the Tribunal will be able to make orders if it finds that a contract has been broken, that the Act has not been complied with, or that an administering authority has acted in a harsh or unconscionable manner. It will also be able to resolve disputes as to the repayment of a premium. If a dispute does not involve such issues, or the Tribunal considers that the matters should proceed by arbitration, the Tribunal will be empowered to act as an arbitrator with the consent of the parties. The parties will also be able to apply to have their dispute resolved through arbitration. In such a case the matter will be resolved by reference to considerations of general justice and fairness. The Tribunal will be able to decline to hear an application if it considers that the matter should be dealt with under the rules of the retirement village, or by proceedings before a Court or another tribunal. The provisions will not affect the ability of the Tribunal to attempt to resolve a matter in dispute by conciliation.

Clause 12: Amendment of s. 19—Non-compliance may be excused by the Tribunal

Section 19 of the Act currently provides that inadvertent non-compliance with a provision of the Act may be excused by the Supreme Court. This jurisdiction is to be vested in the Tribunal.

Clause 13: Substitution of s. 21—Contract to avoid Act

21a. Codes of conduct

This clause revises the provision that prevents a person from entering into an agreement to exclude or limit a right under the Act. The amendment will provide a greater degree of protection to residents while, at the same time, allow appropriate modifications in special circumstances permitted under the Act. New section 21a will provide for the prescription by the regulations of codes of practice to be observed by administering authorities.

Clause 14: Amendment of s. 23—Regulations

This amendment will allow the regulations to make provision in relation to the form or content of residence contracts.

Clause 15: Insertion of schedule 3

It is proposed to insert a new schedule in the Act dealing with proceedings before the Residential Tenancies Tribunal under the Act. Regulations under the Act currently provide for the application of certain provisions under the *Residential Tenancies Act 1987* to proceedings under the principal Act. It will be easier for residents and administering authorities if the relevant provisions are brought together under the one piece of legislation. The provisions to be inserted by this amendment are modelled very closely on the provisions that apply to proceedings under the *Residential Tenancies Act 1987*.

Clause 16: Transitional provision

This clause contains various transitional provisions that are relevant to the enactment of the new legislation. In particular, the provisions that relate to the form of residence contracts and settling-in periods will not apply to contracts entered into before the commencement of the new legislation.

The Hon. ANNE LEVY secured the adjournment of the debate.

CORRECTIONAL SERVICES (PRISONERS' GOODS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 March. Page 201.)

The Hon. C.J. SUMNER (Leader of the Opposition): The Opposition supports this Bill. In the light of the fact that the passage or otherwise of it may have implications for security within the prison system, I make clear to the Council, to the Government and to the Democrats that the Opposition is prepared to deal with this Bill today and to expedite its passage.

The Hon. SANDRA KANCK secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (STALKING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 March. Page 197.)

The Hon. SANDRA KANCK: Before addressing this Bill specifically, I acknowledge the Bill that the Opposition has introduced dealing with the same issues and more particularly those areas addressing child sexual abuse, and I seek an undertaking from the Attorney during the Committee stage that we will be able to continue debating the Opposition's Bill.

Throughout most of what I am about to say I will use the term 'women' rather than 'people', because in the main it is women who become victims of stalking. I think it is most unfortunate that we have to have this legislation in the first place. It is also unfortunate that this law will be able to take effect only after at least two incidents have occurred. I believe that that probably means three incidents. It is not clear in the legislation whether that means each time the incident has to be reported to police, but one assumes that is the case. From knowing women who have been stalked and victimised in this way, I can say that usually the first time it happens they tend to turn a blind eye and hope it will go away. So, it is most likely that it will not be until the third occasion that they report it.

Stalking is a very common incident and it is aimed at terrorising women. I met a women last year who was being stalked by her estranged husband. I was at a social function and she told me about an incident that occurred that day, where she went shopping here in town and, when she got back to her car in the car park, there was her husband sitting on the bonnet of the car waiting for her. He had rung her home, spoken to her daughter and found out that she had gone to town. He had systematically walked through every floor of every car park in town until he found her car and sat there and waited for her to find out whether it was true that she was seeing another man. Despite the fact that they were not even living together, he felt that he had this right to demand an explanation and to track her down this in way.

I have tried to work out what makes these men behave like this. It is certainly designed to intimidate and to destroy the self-confidence of the individual women under attack. Possibly it is obtuseness or a hangover from the last century when women were the chattels of men, but most certainly it is about power. Whatever the reasons, there can be no excuse for it. Hopefully this Bill will have a deterrent effect. Unfortunately, I think that may be all that it will have.

In passing this legislation we will be able to give a clear message that this behaviour is not acceptable in our society and it may provide an avenue of positive action for the many women who have been inadvertently cast into this victim role by the actions of these deranged men. I have many doubts about the Bill. Like rape laws, it reverses the onus of proof to the victim. Is it possible, I wonder, for it to be altered so that the perpetrator has the onus of proof rather than the other way around? I am concerned that the success of any prosecution will centre on the intent of the man concerned. All he will have to say is that he did not intend either to frighten or physically harm the women and the case may fall in tatters.

I feel that there is no place at all for clauses 4 and 5. They are creating an opportunity for plea bargaining. If, for instance, a perpetrator both stalks and assaults a victim, I am sure that the lawyer is likely to advise the perpetrator to plead for the stalking charge rather than the assault charge, because the stalking charge is likely to be a lesser charge in a Magistrates Court with a lighter fine. Whether or not the charge is proved against that person, he is then unable to be charged with the assault.

This is something that all members in this Council should consider because, although I have said that I am talking about women, it is something that could happen to any of us. I am sure that many members in this place have at some stage had dealings with what I call people on a mission—people who become quite obsessed about their issue. I see it as quite possible that any of us could be shadowed by some of these slightly off-balance people and we could be put in that position of being stalked and, indeed, assaulted. We would then be in the same position as many of these women; that is, only one of these charges could be brought against such men. The Democrats will be supporting this second reading only in the belief that something is better than nothing.

The Hon. K.T. GRIFFIN (Attorney-General): I am grateful to members for their support of this measure. It is abundantly clear that there is a great deal of widespread support for this legislation in the community. As the Hon. Mr Redford has pointed out from his practical experience, and I am sure other members will recognise it from representations to them, there is a great need for it. People are anxiously waiting for it to come into force. I can say that not only have other members received representations but my office has also received many telephone inquiries about when it will be enacted.

During the course of debate the Leader of the Opposition asked for comment on the wisdom of adding to this Bill the proposed new offence of having a sexual relationship with a child. I will oppose that course of action for the following reasons. As I have remarked, there is widespread community consensus about the creation of a stalking offence. The same cannot be said about the child abuse offence. I have received a number of submissions which vehemently oppose the measure as an infringement of civil rights. Some take the view that they acknowledge the problem but ask that another way be found to deal with it. Some are critical of the drafting of the Bill, and I am still having discussions with a number of persons as well as having evaluated the comments which have been made. In short, I do not think it desirable to muddy the waters by mixing a measure about which there is widespread consensus with one about which there is not when the two have no connection with each other.

I remind the Leader of the Opposition that when he introduced the measures last year he did so as separate measures, and that is really what they are. He asked me what my intention would be in relation to his private member's Bill. It is important to recognise that he introduced the Bill which related to stalking. It received bipartisan support. Although it was not debated in the Council, I indicated publicly that we supported the need for anti-stalking legislation. Of course, some amendments have been made which I would regard as refinements of the previous Bill. So, in introducing the Government Bill I was not seeking to be churlish about the work which had been done previously but merely to follow on from the initiative which had been taken on that occasion, because as a Government we believed it was important to proceed with it.

With respect to the balance of the private member's Bill introduced by the Leader of the Opposition, I cannot give a commitment that we will debate it on the next Wednesday of sitting (as I have already indicated, there is some measure of controversy about this issue), but I can give a commitment that we will not leave this issue unresolved and that we will address it. Hopefully we can deal with it by that time, but it may not be possible to achieve the final result by then. It is an issue of some concern that needs to be addressed.

The Hon. Ms Levy inquired whether there had been a submission from the Women's Electoral Lobby. The Government did receive comments on the Bill from the Women's Electoral Lobby, whose view was that following, loitering near a residence, entering property, keeping under surveillance, and acting covertly should be offences without the need to prove any form of intention at all. I note that the Hon. Sandra Kanck suggested that she would prefer to see the Bill without the necessity for the prosecution to have to prove intent but really with the onus reversed, placing the onus upon the perpetrator—that, having established the two events of loitering or surveillance or whatever, the onus should then be on the perpetrator to prove that he or she did not have the necessary criminal intent.

That point of view is to be respected but it is entirely unacceptable. It would make seriously criminal, remembering that for aggravated offences there is a maximum of five years' imprisonment and for other offences three years' imprisonment (those offences are therefore minor indictable offences), the most innocent of behaviours. It would make a person guilty of a serious criminal offence if, without more, he or she followed another person down Rundle Mall on two occasions. It would make canvassers and mail deliverers guilty of stalking. It would make investigators of WorkCover fraud guilty of stalking. It would make most of the population guilty of stalking and reverse the onus onto them.

The Women's Electoral Lobby takes issue with the requirement that guilty intent be proved. For over a century, our criminal justice system has—I suggest quite rightly—insisted that a guilty intent or guilty knowledge is fundamental to criminal responsibility for a serious crime. Moreover, as I said in my second reading explanation, it is quite clear that, from overseas and interstate experience with this offence, the best way to attack a difficult drafting problem is to define the behaviours which trigger liability as widely as possible so as to catch the wide variety of ways in which people harass others and to limit the operation of the offence to the target group—those who obsessively harass others—by some other requirement. The Hon. Ms Pickles referred to the quite appalling instance of this behaviour that occurred at Rose Park. The offences outlined in the Bill are aimed at that kind of serious behaviour. There are various ways of doing that. The Queensland legislation tried to do it by enacting a defence, which provides:

> It is a defence to a charge under this section to prove that the course of conduct was engaged in for the purposes of a genuine—
> (a) industrial dispute; or
> (b) political or other public dispute or issue carried on in the public interest.

It is hardly desirable that the scope of operation of a serious criminal offence should be limited only by such a vague exception. Is investigative consumer journalism 'in the public interest'? What about a group of heritage protesters trying to stop the demolition of a building which the owner has every right to demolish, or peace protesters at an American base, or anti-abortion protesters at a clinic?

It may be that some believe that one or more of these activities should be stopped, but that is not the object of this measure. I repeat: what we are all concerned about is serious violence that is aimed principally at women. It may arise during the course of a domestic relationship, in the workplace, during the course of a neighbourhood dispute or just at random. Society quite rightly condemns it. This Bill gives the police some tools to do the job. I repeat what I indicated when I introduced the Bill: I have initiated discussions with the Commissioner of Police through the Minister for Emergency Services on the establishment of a threat management unit, which may prove to be a practical way of improving the enforcement of laws, including this one, to protect the community. I alluded at that time to the Threat Management Unit in the Los Angeles Police Force, which directly targeted stalkers, drew to their attention the existence of that particular law, and warned them that if the behaviour continued action would be taken to prosecute under the relevant legislation.

If something similar to that can be established here, or if at least that procedure can be established, it will assist in the necessary proof of criminal intent. It is fair to say that in most cases it will not be difficult to establish the two events and the necessary criminal intent by virtue of the evidence surrounding those two events. I do not accept that the way in which the Bill is drafted will cause prosecutions to fall into tatters, as the Hon. Sandra Kanck has suggested. I was not clear about her suggestion that it may be that even three incidents will have to be established before action can be taken. What must be proved under this Bill is that on at least two separate occasions particular behaviour occurs. Both incidents do not have to be the same; they can be separate incidents falling within those categories, and they may also encompass other behaviour—'acts in any other way that could reasonably be expected to arouse the other person's apprehension or fear.'

So, it is a fairly wide provision, and I would suggest that it is unlikely that, in those serious cases where there is a need to prevent stalking and to take action, the cases will fall into tatters. I thank all members for their contribution to the debate and commend the Bill to the Council.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. C.J. SUMNER: I am sorry that I was not present when the Attorney-General replied to the issues raised during the debate, but I wish to pursue one matter with him, namely, the timing of the dealing with my private member's Bill, which includes the stalking element and the child abuse evidence element. I and the Opposition were prepared to deal with the Government's Bill on stalking because of the

importance with which this is regarded in the community and, therefore, are not raising any objections to its passage at this stage. However, I did seek some undertakings from the Attorney-General about when he will deal with my private member's Bill in relation to the child abuse evidence issue. I understand that in his response he did not give the sort of guarantee that I was looking for which was basically that the Government should be able to deal with this issue by the Wednesday private member's time when we resume after the week's recess.

It is an issue that has been around for some considerable time and it has been dealt with by the legislatures in two or so other States. It is not a matter that I would like left such that we get to the end of the session and find that it is not dealt with, it conveniently drops off the Notice Paper and is not dealt with in another place, either. So in return for what I think has been the cooperative attitude of the Opposition to this Government Bill, I just want some clarification about the Government's intention on dealing with my private member's Bill which will then only be dealing with the child abuse evidence issue.

The Hon. K.T. GRIFFIN: The Leader of the Opposition will be able to see all the detail of what I responded at the time. I am sorry that he did not hear some of my remarks. I indicated that I could not give an undertaking that we would deal with it on the next Wednesday of sitting, but I did indicate that it was not something that I would want to hold up for an unnecessarily long period of time, and I certainly would not want to follow the ploy of deferring it indefinitely so that it drops off the Notice Paper. It is an issue that does need to be addressed. I have had several meetings with persons who have expressed differing points of view on this, as well as with the DPP and my own advisers.

As I said in my response, it is an issue where some people have expressed concern about the way in which this matter is being approached, although they recognise the particular problem. What I am seeking to do is to find an alternative means if that is appropriate yet still meets the concern which the DPP raised previously with the former Attorney-General and subsequently with me. I would hope that we can deal with it before Easter—and I indicated that I will not be churlish about it and bring in another Bill just for the sake of taking some precedence over the Leader of the Opposition. That gives us two more sitting weeks. But I guarantee that I will not adopt the ploy of allowing it to—

The Hon. C.J. Sumner: And time to deal with it in the Assembly as well?

The Hon. K.T. GRIFFIN: In whatever form we deal with it here; if it passes here, I will ensure that it is appropriately dealt with in the House of Assembly. So, I hope that is sufficient for the Leader of the Opposition to indicate a measure of good will towards the way in which we will deal with this issue.

The Hon. C.J. SUMNER: That is acceptable to me. I thank the Attorney-General for that indication.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill read a third time and passed.

PASSENGER TRANSPORT BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 81.)

The Hon. SANDRA KANCK: In speaking to this Bill, I applaud the Minister for her commitment to public transport and particularly for her commitment in her second reading explanation to reversing the view that 'buses, trams and trains are a transport option of last resort' and 'to win back public confidence in public transport by providing a customer-friendly service that is safe, reliable, relevant, affordable, clean and cost effective'. But all those descriptions apply already to our public transport system, so something else is missing. The something that is missing is regular services when they are really needed. Over the past 10 years services have been cut and, as services have been cut, people have reduced their usage of public transport, and this has resulted in a greater subsidy requirement, which has led to services being cut, and we go around and around in a vicious circle.

Cutting services can only encourage people to use the private car. For people who are going out at night and who already have a car, when a service is cut back to once hourly, they are faced with the problem of what happens if at 10 o'clock at night they miss the bus. There is another hour of waiting around in dark streets for the next bus to come along. So from a security point of view, people are therefore encouraged to use their own cars when public transport is cut. The bottom line is that in our public transport system we need an increased frequency of service. There is nothing in this Bill that ensures that frequency of service. The only way that it can be provided is if the Government commits to maintaining the current level of subsidy and to ploughing back into more services and infrastructure the $34 million savings that the Minister has claimed will come from this new scheme.

On the issue of tendering for services, private industry is not likely to be interested in tendering for unprofitable services. They will be interested in just a few of our routes, and the most profitable services will be creamed off. This may provide a short-term cash flow for the Government, but where will the money come from to pay for the unprofitable routes? The Bill may succeed in squeezing one last little bit more efficiency from the current STA, but overseas experience of successful privatisation of public transport shows that savings have come from wage cuts.

The problem with this Bill is that it gives a lot of head powers with so much else to be determined by regulations, and it is a case of asking the Parliament to trust us. People have raised with us concerns about the small size of the board and levels of accountability. Our amendments will increase the size of the board and provide more accountability to Parliament and give them a charter to follow. We will also ensure that the members of the board are encouraged to use public transport.

The Minister has said that this new system of competitive tendering is not deregulation by stealth, and we will be introducing amendments that give a few more teeth to this promise so that, if there is a change of Minister at some time, we will not be caught out by someone else who might be a gung ho deregulationist. In our amendments we will be ensuring that the board consults widely with both the users and providers of the service. We have been assured by the Minister and her staff that only a small percentage of our public transport system in the metropolitan area will be put out for tender, and we will provide amendments to ensure that that is the case.

The Bill provides a framework that could allow deregulation of the taxi industry some way down the track, and our amendments will put the brakes on this. Generally, what we will be doing in the third reading will be putting some

strength into the Bill, perhaps taking things that might appear in regulations and putting them into the Bill, so that the nice sounding things we have been told will be achieved by the Bill might actually occur. I support the second reading.

The Hon. R.D. LAWSON secured the adjournment of the debate.

REAL PROPERTY (MISCELLANEOUS) AMENDMENT BILL

In Committee.

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

A quorum having been formed:

Clause 1—'Short title.'

The Hon. M.J. ELLIOTT: The Democrats support this legislation, and at this stage there does not appear to be a great deal of contention. I thought that I might take this opportunity very briefly to bring to the Minister's attention some concern in relation to strata titles, although this may not be the appropriate piece of legislation. This Bill seeks in part to amend the Strata Titles Act, but it is in relation to strata titles that I wanted some reaction from the Minister. The questions will not be leading to any amendments or anything of the sort at this stage. Over quite a period of time a number of people have come to me expressing concerns about strata title units, and a couple have approached me and suggested that perhaps we need some body that would give some oversight and direction in this area.

I have not brought all the figures with me, but I am told that a significant percentage of South Australians now live in strata title units. A good number of those are aged people, who have often invested their life savings in what is meant to be their final home and who then, having made that investment, find that living in that strata title unit was not quite as they expected in a number of ways. I understand that among their complaints is a lack of any adequate advice, perhaps giving them sufficient warning as to some of the difficulties that strata titles entail and, having gone into a strata title unit, they find that there is an enormous number of constraints and difficulties when one tries to solve problems.

I understand that the Minister himself may have had some informal approaches in this area, and I know there is a suggestion that perhaps some body should be set up to give some oversight in this area. All I ask the Minister at this stage is whether or not he will give some indication as to whether he is planning any action in the area of strata titles for the people who live within such units.

The Hon. K.T. GRIFFIN: There is no action I am aware of in relation to strata titles, but I will take the honourable member's questions on notice and, hopefully by the time we resume the week after next, I can have some answers for him in respect of that matter. Certainly, the area of strata titles is one that periodically causes some questioning, and I will be happy to make some further inquiries in respect of those matters. I understand that some questions have been raised with the Leader of the Opposition in relation to the Bill. I received notice of those only today and, although I had hoped that we would be able to proceed with the Bill this afternoon and pass it, I am conscious of the need properly to respond to the issues raised. For that reason, I propose that we deal with the final stages of the Committee when we resume the week after next.

Progress reported; Committee to sit again.

ELECTORAL (ABOLITION OF COMPULSORY VOTING) AMENDMENT BILL

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

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

This issue is one of some importance and I therefore intend to read the second reading explanation rather than have it incorporated.

This Bill implements an important election policy of the Liberal Government in this State. The object of the Bill is to abolish compulsory voting.

The right to vote is a precious right and is the basis for any society to be democratic. In many large democracies such as the United States of America, the United Kingdom, France, Germany and Canada, and in smaller democracies such as New Zealand, the right to vote has been accompanied by a freedom to choose whether or not to exercise that right by attending at a polling booth, obtaining a voting paper, marking it and placing it in a ballot-box. In countries like India there is no compulsion to vote. Even in the Philippines when voting on a new constitution, voting was not compulsory. The newly emerging democracies of Eastern Europe all provide for voluntary voting.

Australia and the Australian States are in a small minority of Western democracies where compulsory voting is the law. In South Australia voting has been compulsory for 40 years, although enrolment remains voluntary.

In countries with voluntary voting there is no doubt that candidates and Party machines are more active in endeavouring to persuade the electors to go to the polling booths and to vote for them. The carriage of voters to the polling booths in those countries is well organised.

In countries like New Zealand and the United States of America, the membership of political Parties is significantly higher because of the need to have active supporters prepared to give a higher level of commitment to get voters to the polls than under a compulsory voting system. In an article in the *Bulletin* of 13 November 1984 Don Aitkin, writing on the subject of compulsory voting, stated:

> Compulsory voting in Australia has for 60 years removed the need for the Parties to get out the vote on election day, to canvass every household, to do the dozens of labour intensive things with which Parties in other countries have to contend.
>
> So Australian political Parties have small memberships, mostly because they do not need large ones. As a result, the Parties have become career structures for the politically active. Those already in the Parties do not want hordes of new members pouring in—they would only disturb existing arrangements.

Mr Aitkin says that on the basis of the most generous allowances somewhere between 250 000 and 300 000 Australians belong to political Parties, which represents about 3 per cent of the electorate. He compares that with the British figure which used to be about 12 per cent, although it has fallen a little in recent years. He goes on to state:

> A safe national figure for ALP membership is 50 000. The Liberals probably have half as many again, the National Party at least twice as many. It is a bizarre picture. The governing Party has a smaller membership than its rivals, yet it is the Party which talks of its historic role in representing the Australian spirit and makes much of participation.

All this should change with voluntary voting. Then, electors will have to want to exercise the power given to them in casting their vote and be prepared to make the effort to do so.

They will have to be convinced about policies and personalities. There is no doubt that voluntary voting will enhance the political process in South Australia as it has done in democracies where the freedom to choose whether or not to vote is recognised.

The right to vote should be taken seriously, but there is no reason to make it a dull and boring and onerous responsibility under pain of penalty for not attending at the polling booth and marking one's name off the list. Voluntary voting will add some vigour to the electoral process. Voters will have to be convinced about the need to vote and the candidate to vote for.

We already have voluntary enrolment in South Australia although, regrettably, that does not follow through to the Federal arena. While some would argue that people should be compelled to exercise that right as the price of being part of a democracy, that is a blatant contradiction in terms. A democracy allows freedom of choice, but in this instance the State is denying that choice. It is all very well for people to argue that, technically, the only obligation of an elector is to go to the polling booth and have one's name marked off the roll after collecting a ballot-paper which need not be completed, but that is to split hairs and does no justice to the debate. While some politicians regard this semantic argument as a serious assessment of the present situation, it ignores the substance of the issue of compulsion.

Some who argue against freedom of choice see great harm in allowing political Parties to organise transport to polling booths. Some opposed to freedom of choice in voting argue that transporting people to the polls allows undue influence to be exerted, but that is not a justifiable criticism because that may occur now under the present system of compulsory voting.

One can put up arguments about comparative resources available to the Parties to promote themselves, but that matter will never be resolved. For example, Liberals may argue that the trade union affiliates of the Labor Party will compel their members to vote or will have greater human resources to arrange to get people to the polls, but that ignores that a substantial number of union members will not be dictated to by their unions or even vote for them. If a substantial number of union members did not vote Liberal at State and Federal elections, we would never win elections.

On the other hand, some Labor supporters will argue that voluntary voting plays into the hands of the Liberals because Labor supporters will be less likely to go to the polling booths. That argument must be rejected. It debases the intelligence of voters. The fact is that, in all Western democracies, opposing Parties do have opportunities to govern and they are elected; in the United States of America, the pendulum swings between the Democrats and the Republicans; in the United Kingdom, the pendulum swings between Labor and the Conservatives; and in New Zealand, the pendulum swings between the Labor Party and the National Party. There are complacent electors supporting both sides of the political spectrum, but voluntary voting would give them a choice: to show they care or to remain complacent.

At the very least, voluntary voting will make blue ribbon seats less blue ribbon and require candidates and members of Parliament to work for their electorates and woo the electors with policies as they have never done before. Parties, members of Parliament and candidates will no longer be able to take the electorate for granted. Parties will really have to do the work which compulsory voting presently does to get people to the polling booths.

The Liberal Government believes voluntary voting at elections is a positive and necessary reform. Two side benefits of voluntary voting are that the estimated 2 per cent donkey vote will be eliminated and that those who fail to vote will not have to be followed up with 'please explain' notices, nor will those who fail to explain have to be fined or, in default of paying an expiation fee, be prosecuted. This will be a thing of the past.

Following the 1989 State election 34 262 'please explain' notices were posted to electors who had failed to vote; 9 228 expiation notices were posted, and 4 828 summonses were posted to those who failed to provide an acceptable excuse or failed to pay the expiation notice. The cost to the State Electoral Department of non-voter processes was $121 614. The sum of $30 450 was received by way of expiation payments and further moneys were received into general revenue by way of fines imposed by the courts. This Bill will relegate to history the costly and time consuming non-voter processes.

This Bill simply repeals division VI of part IX of the principal Act which provides for compulsory voting. I commend the Bill to honourable members.

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 1 is formal.

Clause 2: Repeal of Division VI of Part IX

Clause 2 provides for the repeal of Division VI of Part IX of the *Electoral Act* so as to remove the requirement for each elector to vote at an election.

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

MOTOR VEHICLE INSPECTION

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That the Environment, Resources and Development Committee be required to investigate and report on the issue of compulsory inspection of all motor vehicles at change of ownership.

This motion honours a commitment made in the Liberal Party's transport policy issued prior to the December 1993 election that we would ask the Environment, Resources and Development Committee of the Parliament to examine the issue of compulsory vehicle inspections at change of ownership.

The commitment addresses widespread alarm in our community about the high and increasing number of unroadworthy vehicles on our roads. In part, the 'recession we had to have' has contributed to this increase because people have become reluctant to spend disposable funds on maintaining their vehicles or have had no disposable funds after paying for basic necessities. Certainly, as new car sales figures confirm, people have been delaying the decision to trade in their old car and invest in a new vehicle. The average life of Australian vehicles is now 16 years—the highest average of all OECD nations. Meanwhile, research both here and overseas has shown that a greater number of road fatalities occur in older vehicles.

Compulsory inspection of motor vehicles for roadworthiness at the change of ownership has the potential to improve vehicle standards and, as a consequence, enhance road safety and reduce the shocking carnage on our roads. It also has the

potential to help crime detection (in the case of stolen vehicles or vehicle parts) and offer improved consumer protection. New South Wales, Victoria and Queensland undertake inspection of vehicles at change of ownership to check basic roadworthiness and to verify vehicle identifiers.

Vehicle Theft.

Vehicles considered to be in vehicle theft high risk categories are already subjected to vehicle identity inspection in South Australia. These categories include:

- vehicles transferred from interstate; used vehicles not previously registered in South Australia.
- vehicles for which identifiers have been changed from those appearing on motor registration records;
- vehicles that have been recorded by Motor Registration as wrecked or written off.

In each instance, vehicle identity inspections are deemed necessary to verify the engine numbers, chassis or vehicle identification number, and to detect alterations to identifiers. The inspection entails a physical inspection of the vehicle identifiers, with a check made against available local and national stolen vehicle data in order to ensure that the vehicle is not recorded as stolen.

These inspections for the whole of the metropolitan area are currently undertaken by police officers located at the Department of Transport inspection station at Regency Park. Inspections for country residents are undertaken at local police stations. The most recent statistics on vehicle theft show an overall decrease in stolen vehicles for 1993. However, the number of stolen vehicles not recovered remains unacceptably high. Figures contained in the Police Department's annual report show that 12 875 vehicles were reported stolen in 1991-92, with 11 299 being reported stolen in 1992-93. The recovery rate for vehicles (and unfortunately I do not have figures available for the last financial year) show that in 1990-91 9 per cent of stolen vehicles were not recovered, and in 1991-92 the corresponding figure was 18 per cent.

The low recovery rate prompted the Vehicle Theft Reduction Committee, established by the former Government, to investigate this issue last year. The committee comprises representatives of the Department of Transport, the Police Department, the Royal Automobile Association (RAA) and the Motor Traders Association (MTA). The committee has recommended that compulsory vehicle identity inspections at first registration in South Australia and at change of ownership would be of significant benefit to the Department of Transport through identifying the main vehicle identifiers and updating registration records, and it would provide positive benefits to the community as an anti-theft measure.

In February, the Registrar of Motor Vehicles and the Manager of the Vehicle Operations Section, Road Transport Agency, circulated for discussion a draft paper outlining a package of vehicle theft reduction strategies. The package includes options for the operation of a compulsory inspection system for light vehicles. I believe it is important that the Parliament, and in particular the Environment, Resources and Development Committee, assess the merits of compulsory vehicle identity inspections, to assess the cost benefits of such a scheme and the implementation arrangements. I understand the RAA, although a member of the Vehicle Theft Reduction Committee, has some misgivings about this matter.

Inspection of Taxi Cabs and Vehicles for Hire.

Currently the Metropolitan Taxi Cab Board (MTCB) is responsible for conducting the compulsory six-monthly inspections of taxi cabs and the compulsory 12-monthly inspections of hire cars. In January this year following discussions with me, the board established a working party to examine existing inspection procedures for taxis and hire cars. The RAA and the MTA were consulted.

The goal is to free up existing arrangements in terms of inspection facilities and provide more convenient facilities in the north and south of the metropolitan area, in addition to the existing Kent Town facility owned by the MTCB. The board is to consider the recommendations of the working party report in the near future. If more taxi and hire vehicle inspection facilities are available in the future it is possible that these same facilities could be used for other vehicle inspection purposes. The ERD committee should assess this matter.

The issue of compulsory motor vehicle inspections has been debated over the years, and I know there are strong views for and against the initiative. The RAA, for instance, believes that compulsory inspection of vehicles at change of ownership cannot be justified. It argues that such inspections on an annual basis, or at the change of ownership, would impose a substantial cost to the community. I acknowledge that at this time the real benefits of compulsory inspection have still not been quantified—they remain unclear.

So, among the issues the ERD committee would need to examine is whether the total costs to the community of a compulsory inspection scheme outweigh any benefits that might accrue. I wish to emphasise that the Government is not asking the ERD committee to examine the issue of annual inspections but to examine and report upon compulsory inspection at change of ownership. I appreciate, however, that the committee, as with all standing committees of the Parliament, has the licence to amend any reference that it may wish to accept from this place. That has happened in the past. They may wish to do so again, but at this stage the Government is simply recommending that the ERD committee examine the issue of annual inspections at the change of ownership, and of course that annual inspection could be in respect of roadworthiness and/or vehicle identification.

The benefits and costs of the New South Wales annual inspection scheme have been calculated at total savings of $25 million (based on assumed savings of 2 per cent in accident costs) compared with costs of $50 million. Another problem that is apparent with the New South Wales scheme arises from the New South Wales Authorised Inspection Station Scheme (AISS) being so large that it has been found that effective administration and audit control is impossible. In fact, in New South Wales I understand there are some 6 500 authorised inspection stations.

A recent review in New South Wales recommended that major inspection stations be set up with the necessary equipment and technical standards to enable change of ownership inspections and other more complex inspections. The major inspection station initiatives are proposed to be operated on a contract basis by suitably qualified people, selected on a tender basis.

The question whether compulsory vehicle inspections should be conducted at change of ownership for roadworthiness reasons and/or for vehicle identification reasons is an important but complex issue.

The Government contends that the issue needs to be fully debated, taking into account all of the arguments both in its favour and against. I am confident that the members of Environment, Resources and Development Committee are well placed to hear submissions from a wide variety of experts in road safety and roadworthiness and other related

areas, from organisations and individuals, and that the committee is also well placed to assess all of the competing arguments on this controversial issue. I commend the motion to members.

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

PAY-ROLL TAX (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to revise various aspects of the principal Act which have become outdated, uncertain in application or require harmonisation with corresponding laws enacted by other jurisdictions which also collect pay-roll tax.

Provision has also been made to clarify the definition of monthly return period to ensure that double taxation does not arise and also to ensure that wages paid in the State are not liable to tax where services are rendered overseas for periods longer than six months. Wages will be liable to pay-roll tax if paid outside of Australia if the services are rendered mainly in the State.

The proposed amendments relating to the joint and several liability of group members and the basis upon which the liability of wages to pay-roll tax is to be determined will ensure continued uniformity in respect to those matters with the corresponding legislation of the majority of other Australian States and Territories and will remove any doubts that may have arisen regarding the joint and several liability of members of a group.

The draft Bill has been the subject of consultation with relevant industry groups and the Government appreciates their valuable contribution.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 3—Interpretation

Clause 3 inserts a definition of 'record' into the Act. It provides that 'record' means a documentary record, a record made by an electronic, electromagnetic, photographic or optical process or any other kind of record.

It also updates the definitions of 'corporation' and 'voting share' to bring them into line with the *Corporations Law*.

Clause 4: Amendment of s. 7—Secrecy

Section 7 of the Act provides that a person may only divulge information acquired in connection with the administration of the Act to certain people. Clause 4 amends section 7 of the Act to include the Australian Securities Commission as a body to whom information may be divulged.

Clause 5: Amendment of s. 8—Wages liable to pay-roll tax

Clause 5 amends section 8 by striking out subsection (1) and inserting subsections which provide that with the exception of two situations, all wages are liable to pay-roll tax. The first situation relates to wages paid in the State. It provides that wages paid in the State are not liable to pay-roll tax if they relate entirely to services performed or rendered wholly in one other State or if they relate entirely to services performed or rendered outside Australia and the employee has not, during the six months immediately preceding the month in which the wages are paid, performed or rendered services for the employer in the State. The second situation relates to wages paid outside the State and provides that those wages are not liable to pay-roll tax if they relate entirely to services performed or rendered wholly outside the State or mainly outside Australia.

It also amends subsection (3). Subsection (3) provides that where a cheque, bill of exchange, promissory note or money order is sent or given by an employer to a person at a place in Australia in payment of wages, those wages are to have been taken to have been paid at that place at the time the instrument was sent or given. The proposed amendment includes the electronic transfer of funds, providing that where funds are transferred electronically to a bank account maintained in Australia, the wages are taken to have been paid at that place at the time the funds were transferred.

Clause 6: Amendment of s. 18—Power to obtain information and evidence

Clause 6 amends the principal Act to include in the Commissioner's power to obtain information and evidence that any record that is not in writing and in an intelligible form be produced as a written record in a readily intelligible form.

Clause 7: Amendment of s. 18b—Grouping of corporations

Clause 7 is a consequential amendment—*see clause 3.*

Clause 8: Amendment of s. 18d—Grouping of commonly controlled businesses

Clause 8 is a consequential amendment—*see clause 3.*

Clause 9: Amendment of s. 18i—Exclusion of persons from groups

Clause 9 is a consequential amendment—*see clause 3.*

Clause 10: Amendment of s. 28—Liquidator to give notice

Clause 10 is a consequential amendment—*see clause 3.*

Clause 11: Amendment of s. 33—Contributions from joint taxpayers

Clause 11 inserts a subsection into section 33 to provide that any tax payable under the Act by a member or members of a group is a debt due jointly and severally by every person who was a member of the group during the period in respect of which the tax became due.

Clause 12: Amendment of s. 38—Offences

Clause 12 is a consequential amendment—*see clause 3.*

Clause 13: Amendment of s. 48—Records to be preserved

Clause 13 is a consequential amendment—*see clause 3.*

Clause 14: Amendment of s. 49—Access to records, etc.

Clause 14 amends section 49 of the Act to provide that if a record is not held in writing in an understandable form, a person who has the custody or control of the record must, at the request of the Commissioner or authorised person, produce a written document, in a readily intelligible form, setting out the contents of the record.

Clause 15: Amendment of s. 51—Service of documents by the Commissioner

Clause 15 is a consequential amendment—*see clause 3.*

Schedule

This is a statute law revision schedule to amend the penalty provisions of the Act.

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

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport): 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 revision of Local Government's primary legislative framework will continue along the lines of the agreed model, which involves distinguishing between "constitutional" and "operational" provisions and dividing operational provisions into "administrative", "electoral", and "lands" packages.

It is now proposed that a Local Government Constitution Bill proceed in the Budget session of Parliament rather than in this session, to allow everyone time to fully consider the issues which are involved. During the months of March and April the draft Constitution Bill circulated by the former Government will be reviewed in the light of submissions received prior to 1st March and ongoing discussions with the Local Government Association. In the same period proposals will be developed for the revision of administrative and electoral provisions. After consultation with councils, interested groups and members of the public, a Constitution Bill, together with legislation dealing with administrative and electoral matters, should be available for the Budget session. Dealing with constitutional, administrative and electoral provisions at the same time will make

it easier for everyone to understand what is being proposed and how the model for this review fits together.

In the interim it is necessary to deal with these amendments in advance of that wider review.

I will briefly outline the various provisions of the Bill.

Council liability insurance

I refer to Local Government liability insurance in this State. The Local Government Association Mutual Liability Scheme provides unlimited cover to member councils for civil liabilities which include both public liability and professional indemnity.

All councils in this State are members of this voluntary scheme at the present time.

The Local Government Association Mutual Liability Scheme was established in 1989 by a deed of trust between the Local Government Association and the Council Purchasing Authority which is the trustee of the scheme.

Members of the scheme contribute to a fund established under the deed and claims for indemnity made against the fund are assessed by a board of management.

The Local Government Association Mutual Liability Scheme to date has been a success. Since its commencement it has, from a zero base, accumulated reserves of about 2.4 million dollars. Unlike interstate Local Government insurance arrangements suffering steep increases in premiums, contributions to the South Australian Scheme have remained relatively stable.

Its success can be largely attributed to an emphasis upon prevention achieved through pro active initiatives to ensure potentially hazardous situations are identified and that actions are taken to minimise risks.

This has kept claims at a low level and had the positive effect of protecting the community from injury in the first instance.

An amendment to the *Local Government Act* has been requested by the Local Government Association to provide a statutory base for the scheme. The Local Government Association is seeking to simplify the scheme's administrative structure and provide for greater transparency and accountability in the operation of the scheme.

The Local Government Association's desire to review the operation of the scheme has also been reinforced by technical concerns expressed by the auditor for the Council Purchasing Authority about the original deed.

The Crown Solicitor has examined the deed and advised that it does not provide for the winding up of the fund, so that the trust created by the deed may be void under the common law rules against remoteness of vesting, otherwise known as "the rule relating to perpetuities".

Advice has been received that these problems can be overcome by providing for the scheme to be conducted by the Local Government Association, and by ensuring that the rule against perpetuities does not apply and has not applied in the past.

A further problem with the current arrangement relates to the scheme's continued exemption from paying tax on its retained earnings. It is possible that the role of the Council Purchasing Authority may expose the scheme to tax liability.

The Crown Solicitor has provided advice that the scheme's case for tax exemption might be reinforced if, in addition to providing for the scheme to be conducted by the Local Government Association, the Association was instituted as a public authority.

In general these amendments to the *Local Government Act* clarify and update the Association's role in providing insurance services to Local Government in South Australia.

Equal Employment Opportunity

Secondly, I refer to the Local Government equal employment opportunity reporting provisions which were introduced into the *Local Government Act* in 1991. The Bill extends the sunset on the provisions from the 30th June 1994 to the 30th June 1997.

The provisions introduced in 1991 established the Local Government Equal Employment Opportunity Advisory Committee to assist councils in developing and implementing equal employment opportunity programs, to collate information on the activity of councils in this area, and to promote the principles and purposes of equal employment opportunity within local government administration.

The Advisory Committee has developed equal employment opportunity guidelines and produced implementation packages. It has also been responsible for extensive equal employment opportunity awareness training including conducting regional workshops in the city and country areas to assist councils in formulating and implementing their own programs.

The equal employment opportunity provisions also require councils to submit draft equal employment opportunity programs and annual reports to the Advisory Committee. The first reports were submitted in November 1992.

All councils reported for the first time to the Advisory Committee in November 1992 and again in 1993 but notwithstanding that progress has been made, the reports demonstrated that a majority of councils were yet to comprehend and develop appropriate strategic planning processes for equal employment opportunity programs.

It is recognised that the substantial changes required to the policies and practices of councils in this area will take some time, and it is proposed, therefore, to extend the sunset clauses for a further period of 3 years to 30 June 1997. This will enable consolidation of the work already commenced and guard against the potential waste of the effort and resources already invested in this program.

Minimum Rates

Thirdly I turn to the proposed amendment to section 190(3) of the *Local Government Act* which extends for two years the time within which Councils are required to reduce to no more than 35% the number of properties in their areas whose rates are increased as a result of levying a minimum rate.

This section of the Act permits councils to declare a minimum rate and specifies the limit beyond which the law regards a minimum rate as inconsistent with the general scheme of rating established in the Act.

Councils have had six years since the enactment of the section in which to reach compliance. In 1989/90 some twenty-six councils were applying a minimum rate which affected more than 35% of their properties. Most have made a serious and successful effort to bring their rating policy into line with the 1988 formulation. It is possible that only four or five councils will need to take advantage of this amendment, though there may be up to ten. Variations in valuations from year to year coupled with other constraints on council budget planning make it impossible to be precise about these numbers.

The Local Government Association through its officers has indicated that the proposed amendment is acceptable as an interim measure, pending the review of the minimum rates and fixed charge provisions as part of the more general Local Government legislative framework review. They have also indicated their willingness to help councils not yet in compliance to formulate the plans required to bring them into compliance by 1996/1997.

Explanation of Clauses

Clause 1: Short Title

This clause provides for the short title to the Bill.

Clause 2: Commencement

The measure will come into operation on a day or days to be fixed by proclamation.

Clause 3: Amendment of s.34

This amendment provides that the Local Government Association is constituted as a public authority.

Clause 4: Substitution of s.34a

This clause expands the power of the Local Government Association in relation to the establishment, conduct the management of indemnity of self-insurance Schemes relating to Local Government. The Local Government Association is to manage the *Local Government Association Mutual Liability Scheme* and continue to conduct its workers compensation self-insurance Scheme. It will be able to establish other similar Schemes. The rules of a Scheme will be published in the *Gazette*. The Local Government Association will be allowed to transfer the management of a Scheme to another body if its members (by an absolute majority) resolve that such a transfer occur. The legislation will provide that a Scheme under the section is not subject to the rules relating to perpetuities or the accumulation of income, in a manner similar to section 62a of the *Law of Property Act 1936* in relation to trusts of any employee benefit Scheme.

Clauses 5, 6 and 7

These clauses amend sections 69b, 69c and 69e of the Act to extend their "sunset" provisions to 30 June 1997.

Clause 8: Amendment of s. 190

The period within which councils must achieve a maximum of 35 per cent of properties subject to a minimum rate is to be extended by two years. However, councils which exceed the 35 per cent level in the 1994/1995 financial year will be required to prepare and publish a plan outlining the steps that they will take in order to achieve that level by the 1996/1997 financial year.

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

ADJOURNMENT

At 4.30 p.m. the Council adjourned until Tuesday 22 March at 2.15 p.m.