LEGISLATIVE COUNCIL

Tuesday 14 February 1995

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard:* Nos 54 and 56.

TOWNSEND HOUSE

54. **The Hon. CAROLYN PICKLES:**

1. Has the Minister authorised a review of the specialist Townsend preschool for the hearing impaired at Hove with a view to the possible closure of this preschool?

2. Who is conducting this review, what are the terms of reference, who is to be consulted and why is the review being undertaken?

3. Has the Government decided to downgrade leadership positions at centres for hearing impaired children which are co-located with primary schools from principal classification to co-ordinator classification?

4. If such a decision has been made, what is the reason for this decision?

The Hon. R.I. LUCAS:

1. Ministerial approval was not required to commence a review process of the Townsend preschool. As with all locations, staff of the Department for Education and Children's Services have a responsibility to identify trends, including enrolments, and make recommendations that will ensure the best use of the Governments finite resources.

2. The Department for Education and Children's Services reviewed the services provided by Townsend preschool in order to ensure that the skills of teachers of the deaf were directed to children with hearing impairment. Discussions commenced in June 1994 and involved a consultative process with parents which commenced in September.

These discussions were initiated as a result of falling enrolments of hearing impaired children in the program. The projected enrolment at Townsend preschool for 1995 was three children with hearing impairment and 15 hearing children. It was concluded that the current staffing level of a principal and three teachers of the deaf, were over and above requirements to meet the individual needs of the three children with hearing impairment. Planning is currently under way with parents from Townsend preschool to develop a quality preschool program to meet the individual needs of their hearing impaired children.

Planning was also undertaken with parents from Townsend preschool to develop a quality preschool program to meet the individual needs of their hearing impaired children. Building modifications to the Ballara Park preschool have been completed and the centre is able to accommodate the hearing impaired children from the beginning of Term 1.

The position of teacher of the deaf has been finalised. Ms Kathy Dobson has accepted the position and will work 0.8. Ms Dobson is an experienced teacher of the deaf and has worked at Townsend preschool and the Cora Barclay Centre. Both Ms Dobson and the director of Ballara preschool have been provided with statement of roles and responsibility.

3. The schooling sector of DECS (programs division) conducted a review of leadership positions at centres for hearing impaired children (CHICS) which are co-located with primary schools. The review also sought comment on a proposed model of service delivery.

4. The review aimed to resolve perceived anomalies between the roles and responsibilities of principals of primary and junior primary schools, and principals of units attached to schools who cater specifically for children with a hearing impairment (CHICS). It was considered that the roles of CHICS principals did not equate with the roles, responsibilities and accountability requirements of principals of primary and junior primary schools.

A restructure of CHIC leadership positions (R-7) in the metropolitan area has been endorsed. The changes reflect the existing leadership structures in the three secondary schools with CHICS which have been headed by coordinators rather than principals. Two new additional leadership positions have been established to manage the visiting teacher services in the two metropolitan regions.

ANANGU EDUCATION

56. **The Hon. CAROLYN PICKLES:**

1. Can the Minister outline what access to mainstream secondary education is provided to Anangu students from the Pitjantjatjara lands in the north west of South Australia, i.e.—

(a) Face to face classroom teachers in communities;

(b) Open access;

(c) Wiltja program?

2. What is the current Wiltja provision in terms of educational programs and domestic accommodation?

3. What is the Government's current commitment to the program in terms of providing adequate accommodation that is culturally sensitive to the needs of Anangu students enrolled in the Wiltja program?

4. Is the Government aware of the very strong support for the Wiltja program by the Pitjantjatjara and Yankunytjatjara people as reflected in the many requests since 1983 to expand the accommodation available?

5. Information to date indicates very poor outcomes for Pitjantjatjara in relation to mainstream education. Can the Government affirm its commitment and support for this program by making a commitment to increase the accommodation available?

6. What plans has the Government got to bring forward a commitment to better meet the accommodation needs of the Wiltja students?

The Hon. R.I. LUCAS:

1. Anangu students across the Anangu Pitjantjatjara (AP) Lands access secondary education via three main processes as recommended in the Tri-State Report of 1991.

- All school sites have designated secondary education teachers who provide instruction on the basis of the outcomes as contained in the new curriculum profiles and statements.
- Any secondary student irrespective of location is able to utilise the Anangu Education Services distance education courses for years 8 and 9. These have been designed specifically for Anangu students. These courses are also provided for WA and NT students on request.
- Anangu students are selected for participation in the Wiltja program located at Woodville and managed by Anangu education services of DECS. These students board at a variety of hostels in Adelaide. This is the only program in Australia that is achieving academic outcomes at a secondary level of traditional western desert Aboriginal students.

2. The Wiltja program provides access to 'mainstream' secondary education for selected students. They are selected by their community and school according to criteria determined by the Pitjantjatjara Yankunytjatjara Education Committee.

The ultimate outcome should be enrolment of traditional Anangu students in SACE and entrance to tertiary courses. It is a reality that for this to be achieved Anangu students require intensive focused support and immersion in an English language environment. They also require a program to acquire the skills for self-determination and subsequently become strong and articulate leaders in their own communities. These leaders need to be able to access the resources of the wider Australian community. Three specific programs—short term, bridging and long term, operate at Wiltja to achieve this.

The domestic arrangements for this program are not satisfactory. Currently students are accommodated at three separate hostels. Two of these hostels (Kli and Gladys Elphick) are operated by Aboriginal Hostels Incorporated.

Management of these hostels does not adequately reflect the need for 24 hour responsibility. These facilities and their management have been the subject of constant complaints by the manager of Wiltja and by Anangu parents. The other hostel, Wiltja House, is managed by DECS.

The hostels' facilities do not appropriately reflect the educational, medical, social and cultural needs of these students and their supervision. This boarding arrangement requires extensive use of public transport to get students to and from school each day.

3. Currently two sites are under consideration by DECS for purchase and upgrade. The unused Tenterden House at Woodville

would require an initial purchase cost of over $1 million with some cost offset by resale of a section of the land. A section of the unused Morris Hospital site at Northfield could be purchased for a significant smaller amount. Both of these sites are currently owned by the Health Commission and would require significant expenditure to upgrade them.

However, the sites have been inspected by DECS Facilities officers and are considered suitable for redevelopment. Development costs would also be offset by the sale of the Wiltja House property at Millswood. An architect has been commissioned only to provide conversion plans for the Morris Hospital.

The Government is committed to the Wiltja program since, on a social justice basis, this is the most viable and effective solution for providing year 10, 11 and 12 secondary education for these students.

4. The Minister for Education and Children's Services met with the Pitjantjatjara Yankunytjatjara Education Committee (PYEC) and the Minister of Anangu Education Services in 1994. At this meeting Anangu re-stated that they had been requesting such a facility since 1983. Their frustration and levels of concern were acknowledged. Wiltja is almost seen by Anangu as the panacea for the secondary education of their children. The Minister confirmed that he was seeking funds from the Commonwealth to assist. No funds from this source have been identified to date.

5. Since the establishment of Anangu Education Services (AES) and the move to 'operational control' of education by PYEC there has been increased attention to program delivery for Anangu students. The Tri-State report of 1991 undertaken for the Ministers of Education for SA, NT, WA and Commonwealth by Mr Geoff Iversen, the current Manager of Anangu Education Services, detailed the decline in student academic outcomes. This situation has now been turned around quite dramatically. One of the reasons for this has been the refocussing of the Wiltja program to provide a rigorous academic program. The Government is supportive of this program and the management efforts of AES.

We are attempting to increase the accommodation requirements for this program.

The government will consider its decision on future accommodation for the program in the context of the 1995-96 Budget.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. R. I. Lucas)—

Reports—
Flinders University of South Australia.
Multicultural and Ethnic Affairs.
South Australian Multicultural and Ethnic Affairs Commissioner and the Office of Multicultural and Ethnic Affairs.
Erratum to ETSA Report, 1993-94.
Flinders University of South Australia—Amendments to Statutes.

By the Attorney-General (Hon. K. T. Griffin)—

Report to the Attorney-General—Claims Against the Legal Practitioners Guarantee Fund, 1992-94.
Regulations under the following Acts—
Land Agents, Brokers and Valuers Act 1973—Fees.
WorkCover Corporation Act 1994—Schedules—Various.

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

Reports—
Local Government Association.
Local Government Superannuation Board.
Office for Recreation, Sport and Racing.
Corporation By-laws—
Hindmarsh and Woodville—
No. 1—Permits and Penalties.
No. 2—Moveable Signs.
No. 3—Council Land.
No. 4—Caravans and Camping.
No. 5—Inflammable Undergrowth.
No. 6—Animals and Birds.
No. 7—Dogs.
No. 8—Bees.
Mount Gambier—
No. 2—Repeal of By-laws.
No. 5—Council Land.
Unley—No. 2—Traffic.
District Council By-law—Barmera—No. 37—Dogs.

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

Adelaide Festival Centre Trust—Report, 1993-94.

QUESTION TIME

SCHOOL GRANTS

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about back to school grants.

Leave granted.

The Hon. CAROLYN PICKLES: In previous years, funds from the back to school grants scheme have been distributed on the advice of an independent committee, which included representatives from the South Australian Association of State School Organisations and the Association of School Parents Clubs. The criteria for determining grants including equity enrolments, social justice, school card and special needs were announced by the former Minister for Labour on 21 September 1993. This year, the Minister advised that he had decided not to reconvene that committee and on 17 October 1993 said that he would seek the advice of his department before deciding whether consultation was necessary before making grants totalling $12.5 million. Many schools are now querying the criteria used to determine grants, and the method used to determine allocations needs to be explained. A further problem has resulted from grants to schools sharing a common campus being directed to only one school. Advice from the Minister's office is that schools should sort out the funds among themselves. Of course, this will result in conflict between the schools. Will the Minister release a list of all grants to schools by electorate, and will he provide details of the criteria used to determine grants, who made the recommendations and who approved the payments?

The Hon. R.I. LUCAS: I will be very happy to do that. We are an open Government, and I will gather whatever information I can which answers as much of those questions as is possible and provide the information to the honourable member. The bottom line in relation to the continued operation of this committee was that, as Minister, I took the view that we did not need another committee. The previous Minister may have required the use of a committee to make decisions in relation to the allocation of the back to school grants scheme; that was completely her prerogative, and prior to her the previous Minister's prerogative. As I indicated last year, as Minister I did not intend to reconvene or continue the operation of that committee because we would make those decisions within Government and the department.

The criteria for the provision of back to school grants schemes essentially relate to what they ought to relate to: the extent of back-log maintenance that exists on all school sites. That back-log maintenance is calculated by the Department for Building Management (the old SACON). We know for all our school sites the extent of that back-log maintenance, and the back to school grants scheme is meant to try to meet those needs.

One of the problems with the previous scheme and the operation of the scheme by the previous Minister when in Government was that the controls were not strict enough; the money was being used for a variety of other purposes or

purposes other than meeting the back-log maintenance of the school. Very important things may have been done at the school, but they were not addressing the essential back-log maintenance at the school. What was then happening was that the schools were spending the money of the back to schools grants scheme and lining up back at the department saying, 'Essential painting needs to be done, the roof needs repairing and the guttering needs to be done. We need to have this maintenance done at our school.'

In the climate of the 1980s and a Labor Government, when money was limitless and you did not have to worry about these sorts of things, that might be a very fine policy; but, I can assure you, in the climate of the 1990s when money is tight, and certainly under a Liberal Administration, that is not the way to run a $12.5 million back to school grants scheme. The decision we have taken is that the money should be spent on back-log maintenance. We have said to some schools, 'You will not get a grant under the new scheme until you send us a form (an acquittal form) which indicates how you spent the last lot of money.' What we found was that, whilst they were required to send in forms, 80 per cent to 90 per cent of schools had not indicated to the department where the money had been spent and on what priorities. So the department and the Government are saying, 'This is what the money is for. Here is the back-log maintenance. You indicate to us how that money will be spent in meeting the back-log maintenance needs of the school.'

The difficulty with the joint sites, where you have a junior primary school and a primary school on the one site, is that the Department for Building Management (the old SACON) only produces, I am told, one back-log maintenance report. Although it indicates which buildings and facilities have problems, there is just the one report for that particular site, even though there might be two schools on the site. I am told with many of these, not all, you have a joint school council anyway, so these decisions will be taken by the joint school council using the information that has been provided by the Department for Building Management. If there are problems, schools have been advised to contact the facility managers within the department and they will provide advice and assistance as to what the money should be spent on. If they have any difficulty in spending the money I am sure appropriate officers within the department will be there to provide advice.

The scheme has been changed, as I indicated last year. It is now essentially what it should have been: a scheme to address the maintenance needs of our schools. Irrespective of where the schools might be, if the schools are run down, if they need maintenance, then what the back to school grants scheme was meant to be about and will now be about is addressing the maintenance needs of those particular schools. In relation to the detail of the honourable member's question, I will ask the department to try to provide some information.

The Hon. Carolyn Pickles: Has it gone out to all your Liberal Party colleagues?

The Hon. R.I. LUCAS: It has gone out to all colleagues, Labor and Liberal. Without fear or favour this Government provides information to members of Parliament, both Liberal and Labor. As I have indicated on a good number of other occasions, we do not play politics in relation to these issues. The money has been generated in accordance with a strict formula.

The only parting shot on the back-to-school grants scheme (I would not suggest the Leader pursues it too much) is that I certainly am not the Minister and not from the Government where one Minister visited a particular school and, because that was the school at which the Minister was educated, an extra $50 000 was given to it.

MEAT CONTAMINATION

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question on freedom of information.

Leave granted.

The Hon. R.R. ROBERTS: I was delighted to hear the last answer by the Leader of the Government in this place wherein he made very clear that giving of information without fear or favour is part and parcel of this Government's *modus operandi*. On Friday last week the Leader of the Opposition was telephoned by an officer of the Health Commission, apparently at the direction of the Minister for Health. The Leader of the Opposition last Thursday served a freedom of information request on the Health Commission, requesting copies of certain documents relating to the Garibaldi mettwurst affair, and the Government's response to the outbreak of HUS.

The Health Commission officer stated that the documents, which were subject to a freedom of information request, had been requested by the Coroner. The officer clearly implied that the transfer of the original documentation to the Coroner would in some way impede the processing of the FOI request. Will the Attorney-General, whether through the Crown Solicitor's Office or personally, ensure that the Minister for Health and the Health Commission comply with the FOI request made by the Leader of the Opposition last week, regardless of the transfer of the original documentation to the Coroner?

The Hon. K.T. GRIFFIN: The Freedom of Information Act is actually committed to the Treasurer and not to the Attorney-General. That was the position under the previous Government, as with this Government. So, it is not my responsibility as Attorney-General to monitor the compliance or otherwise with the Freedom of Information Act. The honourable member will know that the Freedom of Information Act provides for certain objective standards to be met by agencies. There are certain remedies available: a review by the District Court if documents are not produced within, I think, 45 days, or if documents are refused by an agency of Government on the basis of privilege or some other reason that is clearly specified in the Freedom of Information Act.

The Council should recognise that the previous Government introduced the freedom of information legislation into this place, notwithstanding that in opposition the Liberal Party had, on at least two prior occasions, introduced private members' legislation, and those private members' Bills actually passed the Legislative Council but languished in the House of Assembly. It was only after that constant prodding that the previous Government finally came to the party and agreed to freedom of information legislation, which was the subject of debate in both Houses and was also subject to amendment.

The remedies for the honourable member and his colleague the Leader of the Opposition are not to seek assistance from a Minister to ensure compliance with the Freedom of Information Act but to ensure that the proper processes and remedies which are enshrined in the Freedom of Information Act are, in fact, activated by the honourable member or the Leader of the Opposition in another place.

That is where the action ought to be taken—not by me or by any other Minister. The fact of the matter is that there are remedies and processes within the Freedom of Information Act and, if any member of the public is dissatisfied with the response of an agency subject to the Freedom of Information Act, they can ultimately go to the District Court for a review or some appeal.

I repeat: it is not a matter for me as Attorney-General or the Treasurer to intervene in the processes, which are quite clearly expressed in the Freedom of Information Act. If any person is dissatisfied with that remedies are already specifically provided in that Act.

An honourable member interjecting:

The Hon. K.T. GRIFFIN: Without fear or favour. The remedies are available to anyone.

The PRESIDENT: Order!

CORONIAL INQUIRY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about coronial inquiry resources.

Leave granted.

The Hon. T.G. ROBERTS: Last week the Attorney-General stated that resources were to be provided to the Coroner to assist the coronial inquiry into the death of Nikki Robinson, who died of HUS as a consequence of ingesting contaminated mettwurst. The extra resources were said to include the provision of counsel to assist the Coroner. In the present circumstances, however, it is anticipated that the Health Commission would also be represented by counsel before the coronial inquest.

The prospect of a conflict of interest arises perhaps in two ways. First, if the Crown Solicitor's Office supplies barristers to both the Coroner and the Health Commission, the public cannot be satisfied beyond all doubt that the barristers have worked completely independently of each other. Secondly, in any case, it would be open to the public to doubt the integrity of the inquiry if a Government lawyer were appointed to assist in an inquiry in which the actions of Government Ministers might well be at issue. My questions are as follows:

1. Does the Attorney-General believe that there would be a potential conflict of interest if the Crown Solicitor's Office were to supply barristers to both the Coroner and the Health Commission in respect of the inquest?

2. Will the Attorney arrange for a barrister from the independent bar to assist the Coroner to prevent any such question of conflict of interest arising?

The Hon. K.T. GRIFFIN: I am surprised that members opposite had not anticipated that I would be sensitive to the issue of conflict of interest. The fact of the matter is that I had already discussed the issue with the Crown Solicitor before I made the ministerial statement, in which there was no assertion that the resources supplied would necessarily be from the Crown Solicitor's office. The issue of potential conflict of interest has been recognised and the matter is the subject—

The Hon. T. Crothers interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: I am delighted. One might think it was a dorothy dixer. I am happy. I am just saying that the matter has been anticipated. Before I made my ministerial statement I had a discussion with the Crown Solicitor, and the very issue that the honourable member has raised was discussed. It is possible that if there is a conflict or a potential conflict of interest it will be independent counsel. I said in that ministerial statement—and it still applies now—that the Coroner is independent of Government. The Coroner's Act quite clearly specifies that it is a court and that it is independent, not only by virtue of the operation of the statute but also by both tradition and the common law, and there can be no interference with the way in which the Coroner undertakes the inquest.

I have indicated to the Coroner in my discussions with him that he should identify the resources that he requires, which may be counsel assisting the Coroner independently, to let me know what those resources may be and the Government will meet them. We are anxious for an expeditious inquiry.

But I think you would have to remember that, although the preliminaries can be undertaken, no inquiry can commence until the police investigations are completed. Members may not know, but the Coroner, whilst acting in a judicial capacity, is also, I suppose, akin to an investigating magistrate in the European systems. So, the Coroner will, in fact, have some oversight over the conduct of the investigations.

Again, what I said in the ministerial statement was that the Coroner has spoken to the Assistant Commissioner (Crime) in the Police Department and has indicated that he wants a full and thorough inquiry. I think I said in the ministerial statement that, if the Coroner was not satisfied with that and wanted further information and inquiries to be conducted, he would direct that to occur. So, it will be a full and open inquiry under the control of an independent statutory officer who is, as I say, independent of Government, and we will provide the resources necessary to ensure that the inquiry is expeditious.

However, there are a number of matters that the police are necessarily putting together, and the point at which the inquiry will commence is something which, to a large extent, will depend upon the work of the police and the satisfactory nature of that work from the perspective of the Coroner. It is correct that in some coronial inquiries the Crown Solicitor's Office has provided counsel to assist the Coroner, but on other occasions independent counsel have been retained. Again, I come back to the issue of conflict of interest, which has already been anticipated as a potential difficulty. This matter is being addressed, and I assure the Council that there will be no conflict of interest experienced by the counsel who assists the Coroner in this inquiry.

HAEMOLYTIC URAEMIC SYNDROME

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister representing the Minister for Health a question about funding for pathology research.

Leave granted.

The Hon. SANDRA KANCK: In regard to Haemolytic Uraemic Syndrome (HUS) virus, much has been said about the Government's public duty to ensure that quality controls are applied in the manufacture of foods. It is a growing trend for governments to privatise public institutions, including pathology services and accompanying research, and the Brown Government has been no exception.

The discovery of the killer virus was made by Dr James Paton, a research scientist who is employed as the Chief Microbiologist at the Women's and Children's Hospital. However, due to lack of funding to do this specific research, I understand that the work undertaken by Dr Paton in

isolating the cause of HUS had to be funded by shifting grant money from other research pools, thereby depleting other important research programs currently being undertaken. A medical research scientist has told me that the private health laboratories are principally interested in high turnover tests with quick financial return, and that private laboratories would not have had the staff available, or the inclination, to isolate the cause of HUS. My questions to the Minister are:

1. Will the Government make up the shortfall in any research moneys at the Women's and Children's Hospital as a result of that spent on research for HUS?

2. What new initiatives is the Minister prepared to undertake to ensure that world class research, of the type undertaken at the Adelaide Women's and Children's Hospital, is able to continue?

The Hon. DIANA LAIDLAW: I will refer those questions to the Minister and bring back a reply.

CORONIAL INQUIRY

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Attorney-General a question about the coronial inquiry.

Leave granted.

The Hon. K.T. Griffin: I thought I answered it comprehensively.

The Hon. BARBARA WIESE: Perhaps not. I, too, refer to the coronial inquiry into the death of Nikki Robinson, who died as a consequence of ingesting contaminated mettwurst, and also to the assurance given last week by the Attorney-General that the Coroner's inquiry would be full and expeditious, comments that he has repeated here today. Under section 25 of the Coroner's Act, the Coroner must report on:

> . . . the cause and circumstances of the event that was the subject of the inquest.

The Coroner is given a discretion to go further if he or she wishes to make recommendations that might prevent similar deaths occurring in future. Obviously, the wording of the Act is very open to interpretation. The Coroner could assume a very narrow definition of 'cause of death', for example. My question to the Attorney is: can he assure the Parliament and the public that the Coroner will make a full investigation into all the surrounding circumstances of the distribution of contaminated mettwurst, including the adequacy or inadequacy of the actions taken by the Acting Minister for Health and the Minister for Health at all relevant times; and can he assure us that the Coroner has power to investigate the circumstances which led to many other children falling victim to HUS earlier this year?

The Hon. K.T. GRIFFIN: My understanding is that the Coroner does intend to look just beyond the immediate death of Nikki Robinson. I will obtain the full details of the scope of his inquiry; but it will involve issues such as the Health Commission and regulatory frameworks, and the processes which led to the identification of the HUS bacteria, and other issues. So, it will be a full inquiry—broader than one might ordinarily expect. The exact terms are a matter for the Coroner, but he has assured me that it will be broader than merely into the particular death, and will look at a much wider range of issues.

ADELAIDE SYMPHONY ORCHESTRA

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Adelaide Symphony Orchestra.

Leave granted.

The Hon. R.D. LAWSON: In October 1994 the Prime Minister published a report entitled 'Creative Nation'. In that report it was recommended that the Government transfer the Sydney Symphony Orchestra from the ABC to local control. The report made certain other recommendations in relation to other symphony orchestras, such as the Adelaide Symphony Orchestra, which operate under the umbrella of the ABC. The report stated:

> . . . the Government believes that centralised control has led to some inflexibility which has inhibited the full development of our leading orchestras.

The report referred to the Tribe report, of the 1980s, in which it was stated that the orchestra should:

> . . . provide Australia with vitality, international achievement, distinct character and passionate community support.

The report further stated:

> The Government believes in principle that this is better achieved if the activities, responsibilities and accountability of an orchestra's live performance are seen as primarily local, distinct from performances broadcast to a national audience.

In conclusion the report stated:

> The viability of some [of the ABC's] orchestras may be more difficult to secure in the medium to long term if their status changed at this point. While all existing orchestras will remain as major elements of the national music infrastructure, they also must have the opportunity to develop further, if necessary outside the Australian Broadcasting Commission.

Last week, on the Conlon program, the outgoing Managing Director of the ABC, David Hill, was interviewed and he commented that the ABC board is presently opposing the proposal that the Sydney Symphony Orchestra leave the control of the ABC and be handed over to local management in Sydney. But he did raise serious questions about the continued existence of the Adelaide Symphony Orchestra under the umbrella of the ABC. He said:

> There is a question mark over the size and shape of the other orchestras, including the Adelaide Symphony Orchestra.

Has the Minister seen the reported remarks of Mr Hill? Does she have concerns about the future of the Adelaide Symphony Orchestra? What support does the Government give to that orchestra, and will that support be continued?

The Hon. DIANA LAIDLAW: I heard this interview between Mr Hill and Keith Conlon last week, because Mr Conlon had pre-advertised that Mr Hill would be on and said that one of the questions he was going to ask would be about the future of the Adelaide Symphony Orchestra. I was keen to hear what Mr Hill had to say, because it has been difficult to get information from the ABC about this sensitive but important question of the Adelaide Symphony Orchestra. I actually raised misgivings about the Creative Nation statement, issued by the Prime Minister in October last year, because of the potential impact on the Adelaide Symphony Orchestra. Most members would recognise that our orchestra comprises 65 players at present, which is well under the number of players in orchestras interstate, particularly in Sydney, Melbourne, Brisbane and Perth. So we are already under par—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Yes, that's right—in terms of the number of players in the Adelaide Symphony Orchestra. If the ABC decided that it had to cut funds to the Adelaide Symphony Orchestra to help with the divestment of the Sydney orchestra as a separate orchestra with its own administration, the Adelaide Symphony Orchestra would lose between $700 000 and $750 000. That would involve a further 15 players, bringing the size of the orchestra down to 50. That is the size of the Adelaide Chamber Orchestra, and that raises a lot of issues about the future viability of the Adelaide Symphony Orchestra.

Late last year in December, I wrote to Mr Michael Lee, the Minister for the Arts and Communications, seeking some clarification, because discussions between officers at State and Federal arts levels were just getting nowhere. I have not had a reply from Mr Lee. We were pleased to receive a request for a visit by Mr Nathan Waks from the ABC, when he met with arts officers this week. We heard from him that it is unlikely that any change would occur until 1996 and that it would probably be over a two to three year period. 1996 is just a year away. I have subsequently written to Mr Lee again today, pleading the case for the Adelaide Symphony Orchestra and that there be no impact on the Adelaide Symphony Orchestra arising from a Federal Government decision to establish a separate Sydney Symphony Orchestra. I do not see why the Sydney Symphony Orchestra, if it is deemed to be divested from the ABC, should profit at the expense of the Adelaide Symphony Orchestra. Members should recognise that the Adelaide Symphony Orchestra plays an important touring role in the community, in addition to its own program, family works and pop concerts. It is critical for the Adelaide Festival. It is certainly critical for the State opera, because—

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: —as the honourable member acknowledges—Adelaide opera does not have its own orchestra as does Sydney and Melbourne. We should possibly move a motion in this place pleading the cause of the Adelaide Symphony Orchestra, because I understand the ABC will be looking at this issue next month, although, as I said, any consequences of that issue would not be determined until next year. However, it is a major concern not only for the arts but for South Australia. I thank the honourable member for his question, and I hope that there will be loud protest from all South Australians at any cut in funding from the ABC or reduced numbers to the ABC.

PARLIAMENTARY LANGUAGE

The Hon. ANNE LEVY: I seek leave to a make brief explanation before asking you, Mr President, a question about parliamentary language.

Leave granted.

The Hon. ANNE LEVY: In the other place last Wednesday, as detailed in *Hansard* (page 1 464), the Premier called the Leader of the Opposition a 'squealing little rat'.

The Hon. A.J. REDFORD: I rise on a point of order, Mr President.

The PRESIDENT: Order! Standing Orders do not allow the honourable member to refer to *Hansard* of another place.

The Hon. ANNE LEVY: I beg your pardon, Mr President; Standing Order 189 provides:

> No member shall read extracts from newspapers or other documents, referring to debates in the Council during the same session, excepting *Hansard*.

The PRESIDENT: Order! 'In the Council'.

The Hon. ANNE LEVY: Standing Order 188 provides:

> No member shall quote from any debate of the current session —

Well, I'm not quoting.

Members interjecting:

The PRESIDENT: Order! I would like to hear the question.

The Hon. ANNE LEVY: The honourable member did not finish the Standing Order, which provides:

> . . . unless such quotation be relevant to the matter then under discussion.

It is certainly very relevant to my question as to what constitutes parliamentary language. Not only did the Premier use this phrase once, he used it twice, referring to the Leader of the Opposition, according to *Hansard*, and he was not made to withdraw that remark. Our Standing Order—

The Hon. A.J. REDFORD: I rise on a point of order, Mr President.

The PRESIDENT: Order! There is a point of order.

The Hon. A.J. REDFORD: The honourable member cannot reflect upon any ruling that may have been made in the other place by the Speaker.

Members interjecting:

The Hon. A.J. REDFORD: —or lack of ruling. That last comment—

Members interjecting:

The PRESIDENT: Order! I would like to hear the question. I have not ruled on points of order. I hope that the honourable member just stays within the bounds of propriety. I will hear the question and answer it as such. I rule that there is no point of order.

The Hon. ANNE LEVY: I am certainly not reflecting on anyone. I have merely stated the facts—that this phrase was twice used and that the Premier was not called upon to withdraw. Furthermore, I now refer to the Standing Orders of this Chamber. Standing Order 193 provides that the use of objectionable or offensive words shall be considered as highly disorderly, and no injurious reflections shall be permitted—amongst other things—upon any member of the Parliament of this State.

My question to you, Mr President, is: would you regard 'squealing little rat' as being disorderly, objectionable or offensive, or being an injurious reflection on any member of this Parliament and call to order any honourable member who used such words in this place, or can members of this Council, with impunity, refer to others on the other side of the Chamber as 'squealing little rats' without fear of being pulled up by you?

Members interjecting:

The PRESIDENT: Order! At this stage the question does not arise in this Chamber because it has not happened. I will rule on it if and when it happens. I do not support language which is not befitting of this Chamber. I would rely on all members to use language that is suitable for the debate of the day.

ASSET SALES

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement about the asset sales program that was made in another place by the Premier.

Leave granted.

TAXI AIR-CONDITIONING

The Hon. A.J. REDFORD: I seek leave to make a brief statement before asking the Minister for Transport a question about taxicabs and air-conditioning.

Leave granted.

The Hon. A.J. REDFORD: It has come to my attention from a number of people that a large number of taxis in South Australia are not using their air-conditioning during this hot weather. By way of background, regulation 73 of the Passenger Transport Act regulations provides:

> A vehicle that is first used as a taxi after the commencement of the regulations must be fitted with an air-conditioner that complies with standards determined by the board.

I understand that the Passenger Transport Board has determined such standards. Schedule 9, which is the code of practice for taxi drivers, places a number of obligations on the taxi driver including treating all customers with courtesy, helpfulness and honesty; paying particular attention to the needs of the frail, aged, disabled and children; and offering to put on the air-conditioning on warm or hot days. I made inquiries with the main taxi companies in South Australia as to whether or not they had a policy with regard to air-conditioning. Each of the companies stated that they required their taxis to comply with the regulations. In addition, their responses were as follows.

The Hon. M.J. Elliott: Try taxis in Indonesia.

The Hon. A.J. REDFORD: We are fortunate that we live in Adelaide, and with a good Government we will keep our standard of living high.

The PRESIDENT: Order! The honourable member will stick to the question. There will be no further interjections.

The Hon. A.J. REDFORD: Suburban reported that temperature control was a matter between customer and driver. United Yellow also stated that temperature control was a matter between driver and customer. Adelaide Independent stated that if an air-conditioner is fitted it must be operational and that temperature control was a matter between customer and driver, although the driver must comply with a request of a customer. Amalgamated Taxis encouraged that the air-conditioner be on at all times whilst the vehicle was in motion.

It was uniformly stated that temperature in the city is much higher because of the substantial amount of concrete and bitumen. I was told that there were a number of problems with cars overheating if they were not in motion during the time the air-conditioning was on and, as such, it was not always practicable to have taxis sitting at a rank for a period of time with their air-conditioners on.

It is easy to see that Amalgamated Taxis and Adelaide Independent Taxis have a policy of ensuring better customer comfort by suggesting that drivers keep on their airconditioners as often as possible so that customers do not get into an exceedingly warm vehicle. In view of that, my question is: Will the Minister consider writing to all taxi companies and possibly all taxi drivers suggesting that the question of whether or not an air-conditioner is on is a matter entirely up to the customer and not a matter of discussion between the customer and driver, as is indicated by two of the companies I contacted?

The Hon. DIANA LAIDLAW: I will undertake to write to the companies, as the honourable member has requested. I was interested to hear the results of his survey. I had not appreciated that there was such a difference in company policy. I took an interest in this matter last year when we were drawing up the code of conduct for taxi drivers, which is now within the Passenger Transport Act regulations, because it had been a source of complaint to me over time but also a source of discomfort when I had experienced very hot taxis. When you are dressed to go out you do not feel like getting sweaty sitting in the back of a hot taxi. So, I did take note of this.

As the honourable member mentioned, the code of practice for taxi drivers, which contains 16 requirements, states in No. 6 that a taxi driver will offer to put on the air-conditioning on warm or hot days. It may be that again we have to look at this regulation. Last night when I caught a taxi—in fact it was a Yellow cab, number 803—I was fortunate that the air-conditioning was on. I remarked on this fact and the journey was much more pleasant as a consequence. However, it seems from the advice I have received from others and from the discussion I had about this matter with the Passenger Transport Board this morning that every excuse under the sun is given by taxi drivers when passengers inquire whether the air-conditioner can be put on—if they use LPG fuel, they may say that does not suit the air-conditioner in the hotter weather (which does not seem to make much sense to me); others complain about the overheating; I think others are too mean to put it on. In this weather, particularly in terms of customer service, I think the air-conditioner should be on and not be a matter of discussion between driver and customer. In fact, more often it seems to be a matter of argument between driver and customer.

This morning the Passenger Transport Board confirmed that at the compulsory six monthly inspection of taxis if the air-conditioning is not working the taxi will be defected. The board also encouraged me to advertise the taxi talk back number, 362 6655, because if people note the taxi number they can complain about this or any other matter. While we wish to hear good news, it is important also that we hear about the bad experiences so that we can improve the service over all.

TEACHER NUMBERS

The Hon. M.J. ELLIOTT: I seek leave to give a brief explanation before asking the Minister for Education and Children's Services a question about teacher numbers.

Leave granted.

The Hon. M.J. ELLIOTT: Australia, as I understand it in terms of spending on education, ranks 13 out of 16 in the OECD—and that is happening in a country which claims to want to be a clever country and within a State which claims to want to be a clever State. Last year the Government announced a cutback in teacher numbers. The justification for that was not for educational reasons but because of State debt. I doubt, when I ask the question later, that the Minister will dispute that. I note that recently the New South Wales Government increased teacher numbers. It improved the staffing ratio on the basis that it believed it could improve educational outcomes. Because of decreased student numbers, the Minister is now saying that because a particular teacher ratio has been adopted that is a reason for further cutting teacher numbers. I note the initial reason was for financial reasons and, having achieved that saving, the Minister is now falling back on the ratio he created for economic not educational reasons as the justification for further cutting teacher numbers.

I have been talking to staff at a number of high schools, including the one my own child attends, and the real effect

in high schools is that they are now faced with a choice—and I understand that this is happening in the vast majority of schools. With the school year having started, they are faced with a choice of changing the timetable, taking teachers out of the school, decreasing subject option choices or increasing class sizes to try to maintain those subject choices, or in reality probably a combination of some increase in class size and some decrease in subject choice. This is clearly an educational negative.

I ask the Minister for Education and Children's Services why, his having achieved the saving that he set out to achieve for economic reasons, he is not satisfied with that and has sought to reduce teacher numbers further by using the justification of the teacher ratio, which is an artificial contrivance to achieve the first goal. Does he concede the negative outcomes that will come about because teachers are being taken out of the schools?

The Hon. R.I. LUCAS: I do not understand the honourable member's question, and I do not think he does, either. The simple fact is that if Australia—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —is the thirteenth ranked nation of all the nations in the OECD on education spending, the problem is that all other States are not spending as much as is South Australia on its education system because South Australia and the South Australian Government—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: Well, you raised the question about the OECD; that was your quote. If we are thirteenth, the reason is that the other States in Australia are not spending the same amount on education as this Government in South Australia is spending thereon, because we spend more per capita—

The Hon. M.J. Elliott: You have cut back.

The Hon. R.I. LUCAS: Do not let the facts get in the way of a good story for the Democrats, the Hon. Mr Elliott. We spend more per capita than all the States. We have the best. I am disappointed the Hon. Mr Cameron is not with us today, after his pertinent interjection last week. We now have the best student/teacher ratio of all States in Australia. The Bureau of Statistics preliminary figures for 1994 were released only yesterday, and they demonstrate that South Australia has moved up the ranking from second lowest in the first year of the Liberal Government to the best. It has the lowest pupil/teacher ratio of all States in Australia. So, if members opposite want to talk about OECD figures, let them talk to other Governments in the States and Territories, but do not talk to this Government because it spends more per head and has the best pupil/teacher ratio of all State Governments. Not even the Hon. Mr Elliott can conjure up any evidence or facts to disprove those claims.

The Hon. Diana Laidlaw: He's not interested in them.

The Hon. R.I. LUCAS: He is not interested in facts, as the Hon. Ms Laidlaw interjects, because those figures are released by independent bodies such as the Australian Bureau of Statistics.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: If you want to talk about your children's education or any child's education, there is no reason with those figures why we cannot have and should not have the best education system of any of the States and Territories in Australia. There is no reason why we cannot have the very best world class and competitive education system. One of the problems we have is the sort of head in the sand policy and attitude adopted by the Hon. Mr Elliott and the leadership of the Institute of Teachers that held back the improvements in the quality of education in our schools here in South Australia. It is not a question of resources compared with the other States, because we have the very best in relation to resources when compared with those other States. We have the very best. It is a question of policies, attitudes and approaches to education delivering the quality of education within our schools.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: In relation to that part of the question which the Hon. Mr Elliott does not understand, I do not know what he means when he refers to the Minister resorting to the ratios. We said that the decisions we took last year were taken for economic and budget reasons, and no-one disputes that. We indicated that. Where he then goes in relation to justifying the next lot on the basis of a ratio, I do not know.

The simple explanation is that the principals predicted that there would be so many students in schools at the start of February, and when we did a count there were 4 000 fewer. There is an equivalent of 150 to 200 empty classrooms of students out there in schools on the basis of the predictions that had been provided by the principals.

We have an agreement with the Institute of Teachers—the 1994-95 teacher placement agreement—the same agreement, in similar terms, that the Institute of Teachers has had with Labor Governments for the past five or 10 years. It simply says that, when you come to February, you look at the number of students who actually turn up, compare it with the number predicted and, if there are fewer students than were predicted, you then go through a process of displacement or required placement. The agreement with the Institute of Teachers was agreed with its leadership, used under a Labor Government for the past five to 10 years, and agreed in relation to what should occur at the start of this year. That was the agreement.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Elliott does not like the answer because he has no facts to back up his question. He makes a few knee jerk responses and speaks to the local neighbourhood teacher and says, 'What question should I ask next week? I have nothing to ask. What should I say?' He does not bother to check the facts or look at the figures in relation to other States or Territories. He does not look at the reasons why we spend much more on education in South Australia than is spent in any other State. He does not look at the agreements with the Institute of Teachers, used for years and probably used even when he was a teacher, if we can go back that far.

There were agreements between the Institute of Teachers and Labor Governments of the time which said that, if you overestimate, you have to move the teachers on. The Hon. Mr Elliott and the leadership of the Institute of Teachers are saying that a principal can predict that they will have 100 more students than they know they will have and then they can keep the four extra teachers because they happened to make a mistake. They thought that there would be an extra 100 students at the school.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: That is what the Hon. Mr Elliott wants us to do. That is what the Institute of Teachers wants us to do. They are saying that, if they state there will be 100 extra students and they do not turn up and we happen to have four teachers to teach them, we should not worry about it and

that we should keep the teachers there because it would be terrible at the start of the school year to do something about it. That is a policy prescription for chaos.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Exactly. That is the sort of policy prescription for chaos that the leadership of the union movement, slavishly followed by its spokesperson in this Chamber, the Hon. Mr Elliott, says we should follow.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: You at least have been wise enough to be quiet this week, but this lot has to wander in aimlessly and blindly, not knowing where they are going. What sort of system would we have with that sort of situation? What incentive would there be for any accurate predictions by principals in the system if there was no check and no accountability in relation to it? That is why the Institute of Teachers agrees to these policies, except when it happens under a Liberal Government suddenly they throw their hands in the air and say, 'We might have agreed to that policy at the end of last year, but because you are actually doing it and it is not a Labor Government doing it, there is something wrong with it.'

In conclusion, the overwhelming majority of schools have complied with the requirements of the placement or displacement policy. There is one school at the moment and there may be the odd other one which might take action. However, one school, Craigmore, is engaging in industrial action to the detriment of students. Some students in some classes are not being taught because of the industrial action that is being taken.

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: I am not sure whose children—obviously the Hon. Mr Elliott's children are not going to that school. Because of the industrial action at that school some students are not being taught because the local Institute of Teachers, supported by the leadership of the union movement, is being egged on by the likes of the Hon. Mr Elliott in this Chamber.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: The Hon. Ms. Pickles did last week, but she has not come back for a second serve this week.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: We do not know where the Labor Party is on this. They are being egged on by the Hon. Mr Elliott. That is the sort of circumstance we have going on at least in one school out there. The policies have been agreed with the Institute of Teachers and they will continue to be instituted in the way in which the Government has instituted them in the past.

WATER RATES

In reply to **Hon. ANNE LEVY** (1 November 1994) and answered by letter dated 9 January 1995.

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

1. There is no proposal for owners of home units and flats to be required to have separate meters. However, newly constructed home units, which are separable at ground level, are now required to provide the pipe work to facilitate separate private metering.

2. Commencing with the 1995 consumption year, annual residential water use will be charged as follows:

zero to 136 kL @ 20¢/kL
137kL to 500 kL @ 88¢/kL
more than 500 kL @ 90¢/kL

It should be noted that the extra 2¢/kL, which applies after 500 kL is consumed, will affect approximately 5 per cent of residential customers.

RATE REMISSIONS

In reply to **Hon. CAROLINE SCHAEFER** (17 November 1994) and answered by letter dated 5 January 1995.

The Hon. R.I. LUCAS: Eligible persons are:

(1) Those in receipt of a Social Security benefit, namely Jobsearch, Newstart, Sickness or Special benefit.

(2) Low income earners who are no better off financially than a recipient of a part Social Security benefit, that is, their income is less per fortnight than the relevant cut-off income limit for a Social Security benefit.

In the majority of cases, people receiving a substantial separation package would not qualify for either Commonwealth Income Support or State Government concessions on the basis of the income test.

Under current Commonwealth legislation, it is possible for people to 'roll-over' their superannuation and be paid a Social Security benefit.

A small loophole does exist with low-income earners not being subject to an assets test. However, the entire concessions program is being reviewed and this issue will be addressed as part of that review.

VIETNAMESE LANGUAGE STUDIES

In reply to **Hon. BERNICE PFITZNER** (20 October 1994) and answered by letter on 21 December 1994.

The Hon. R.I. LUCAS: My colleague, the Minister for Employment, Training and Further Education, has provided the following response.

1. The University of Adelaide advises that it is consistent with funding guidelines for the funds to be used for consolidation of Vietnamese. Since it took over the program from the SA College of Advanced Education the university has had no specific funding for it and the university has maintained Vietnamese from discretionary funding. In her capacity as a member of the university's council I am sure that the honourable member is aware that the last few years have been a period of significant financial adjustment for the university and the university administration and council should be praised for continuing their commitment to Vietnamese over this time.

2. Not applicable.

3. The funding is the first earmarked Commonwealth funding for the area and it will secure the program's present position. Regretfully, at a time of budgetary constraint the university cannot continue to direct discretionary funding to Vietnamese. However, the university intends to bring forward some expenditure in advance of the receipt of the Commonwealth funds in order to provide additional teaching support for Vietnamese.

INFORMATION TECHNOLOGY

In reply to **Hon. CAROLYN PICKLES** (23 November 1994) and answered by letter dated 8 January 1995.

The Hon. R.I. LUCAS: The Premier has provided the following response. In considering its outsourcing decision, the Government sought advice from a range of sources.

This included independent advisers of national and international repute—Shaw Pittman, Technology Partners Incorporated and Nolan Norton and Company. The advice referred to by the honourable member was received before the Government initiated negotiations with EDS which very substantially improved the company's offer for savings to the Government.

TEACHER PLACEMENTS

In reply to **Hon. G. WEATHERILL** (30 November 1994) and answered by letter dated 22 January 1995.

The Hon. R.I. LUCAS: In 1994 there were on average 1 330 permanent teachers placed in temporary vacancies (PATs). On average 800 contract teachers were also employed to cover temporary vacancies when teachers take leave.

As at 9 December 1994, there were 420 secondary teachers and 340 primary teachers placed in temporary positions (TPTs) in schools.

600 of these 760 teachers who were placed in temporary positions have now been placed in established vacancies as a result of:

(1) Targeted Separation Packages offered between 9 and 23 December 1994.

(2) Resignations resulting from non-approval of leave.

(3) Finalisation of leadership and promotion positions.

This has been similar to the practice in previous years.

WATERWAYS POLLUTION

In reply to **Hon. T.G. ROBERTS** (30 November 1994) and answered by letter dated 7 January 1995.

The Hon. R.I. LUCAS: The Premier has provided the following response.

1. The Premier and the Minister for the Environment and Natural Resources briefed the President of the Local Government Association and the Secretary General of the association on the 15 November 1994, prior to the Premier's public announcement on 24 November. At that meeting the LGA generally supported the Government position. The Local Government Association has been invited to nominate two representatives to a committee which is drafting the stormwater legislation.

2. The form of the levy is still being negotiated.

3. It is proposed that the levy would apply to all properties within a catchment where a catchment management authority is established, and that progressively all the metropolitan area would be covered by catchment management authorities. It would be proposed that the authority which covers the River Torrens catchment would include all councils within the catchment, not only those in the built up metropolitan area.

4. All councils already use their own rate revenue for stormwater works, operation and maintenance, and some participate in multi-council stormwater schemes. The stormwater levy is intended to cover those works which the catchment authorities plan and undertake, and there would be a good case for the existing multi-council stormwater schemes to be taken over as the responsibility of the authorities.

5. The immediate focus of the stormwater management proposals is in the metropolitan catchments. In rural areas many catchments lie entirely within one council district, and there would be no need for a stormwater levy in such cases since the funds could be raised as part of rates. Conceivably, even in such cases a council could decide to set up an authority as a means of focussing attention on stormwater management planning and to provide a basis for setting a levy. Clearly there could also be a case for setting up authorities in rural areas where catchments fall within more than one council area. The legislation will be written so as to permit authorities to be established in rural areas.

INFORMATION TECHNOLOGY

In reply to **Hon. T. CROTHERS** (6 September 1994) and answered by letter in January 1995.

The Hon. R.I. LUCAS: The Premier has provided the following response.

1. The proposed contract with EDS will include the necessary legal clauses and sanctions to ensure the privacy of information.

EDS has been provided with a copy of the Privacy Principles Guidelines, which it has stated it will commit to in any contract. Also, EDS has provided a copy of its policies on confidentiality, security and privacy of its customers' data. These policies have been examined and judged to be exemplary in meeting the Government's requirements.

EDS currently has clients where demands for security and privacy will be equal to, if not greater than, the South Australian Government's. For example, UK Inland Revenue Department (all UK residents' tax files), UK Department of Social Security (all UK residents' pension files) and a number of US banks have all outsourced their IT functions to EDS.

2. If there was any breach of privacy or security then the party which made the breach would be liable for any claim for damages.

3. At this stage applications development, which is what I understand the question to be asking, will be remaining within Government and is not being outsourced.

4. The agreement with EDS specifies a significant amount of work being undertaken by local companies.

5. The agreement with EDS is that all eligible public servants will be offered positions with EDS. Those who choose not to take up any offers of employment will be retained in Government and redeployed to other work.

Whilst EDS will bring in some outside expertise the company's intention is to recruit a significant percentage of its staff locally.

The benefits which will flow from this contract will create new jobs in South Australia, not reduce the number of jobs.

6. EDS is required to support bodies which will promote overseas sale of South Australian based IT companies. This will reduce the balance of payments deficit.

EDS is also required to deliver efficiency improvements to the Government, and to the extent that this reduces the need for imported hardware or software licences, there will be balance of payments improvements.

APEC AGREEMENT

In reply to **Hon. T. CROTHERS** (17 November) and answered by letter.

The Hon. R.I. LUCAS: The Premier has provided the following response.

1. Since its election, the South Australian Liberal Government has been giving the highest priority to action to assist South Australian businesses to become more competitive in world markets. Initiatives such as industrial relations reform, reductions to WorkCover levies, real reductions in ETSA tariffs, payroll taxes concessions to exporters and public sector reform are all geared to this end.

2. The South Australian Government is studying the implications for South Australia of the latest developments on GATT and the outcome of the APEC meeting.

3, 4 &5. While the Federal Government has my support for initiatives taken with other countries to liberalise regional and global trading arrangements, there is much more it could be doing with national economic policy to enhance Australia's international competitiveness. The Federal Government's refusal to embrace more substantial industrial relations reform is a prime example of the missed opportunities caused by its policy inertia.

WATER QUALITY

In reply to **Hon. T.G. ROBERTS** (19 October 1994) and answered by letter dated 21 December 1994.

The Hon. R.I. LUCAS: The Minister for Environment and Natural Resources has provided the following response.

1. The provision of water filtration for communities in the Adelaide Hills, Barossa Valley Mid North and the larger River Murray towns will lead to additional costs which the Engineering and Water Supply Department (EWS) will meet from revenue collected from its customers. These costs will be associated with service charges paid to contractors to cover the capital and operating expenditure for the plants.

2. The quality of the source water is very important and this Government is working through the Murray-Darling Basin Commission, to improve the management of the entire catchment, which covers one-seventh of the Australian land mass.

The eastern side of the Mount Lofty Ranges is part of this catchment and will continue to be included in the Murray-Darling Basin initiatives. Only a very small proportion of the flow in the River Murray is due to run-off from South Australia and improvement to source water is therefore the most efficiently addressed by pursuing the total catchment approach.

3. Privatisation of the EWS is not on this Government's agenda.

The costs associated with this proposed scheme will be dealt with in the same way as other such initiatives of the EWS and that is by spreading these costs across the agency's total customer base.

ASIAN TOURISTS

In reply to **Hon. T. CROTHERS** (30 November 1994) and answered by letter on 5 January 1995.

The Hon. R.I. LUCAS:

1. The Government recognises that bilingualism is an important asset for all students not only for purposes of economic growth but also as a means of improving educational outcomes and enhancing Australia's social cohesiveness. Within the context of these principles the Government acknowledges that changes to Australia's trading patterns and sources of tourism require modification of priorities in the area of languages education. Over the last decade we have seen a considerable increase in the number of students studying

Asian languages in our schools. In 1994, 22 per cent of all students in South Australian Government schools were studying one of the following Asian languages:

- Chinese
- Indonesian
- Japanese
- Khmer
- Vietnamese.

With full implementation of the State Languages Policy in 1995 the percentage of students studying an Asian language will further increase.

2. In 1994 the Government spent approximately $8.0 million to support the teaching and learning of Asian languages within the Government schooling sector. The majority of these funds constitute recurrent expenditure in the form of teacher salaries as well as support for teachers in the form of curriculum materials development; advisory support; and training development. With increased provision for Asian languages in 1995 and within the context of the likely phased implementation of the COAG Report on Asian Languages and Australia's Economic Future there will be increased funds allocated to Asian languages.

3. As stated earlier in the response the Government has already implemented strategies to ensure increased numbers of students are studying Asian languages. However, the Government is also committed to ensuring access to the study of languages spoken by indigenous Australians and Australians from non-English speaking backgrounds as a manifestation of our commitment to multicultural education and as a means of productively utilising the rich cultural and linguistic resources available to this State for purposes of enhanced educational outcomes for all students, improved social cohesiveness and economic development.

4. At this point in time it is anticipated that an additional 43 primary schools are likely to be introducing an Asian language in 1995. Advisory services, curriculum development and training and development will continue to be provided for teachers of Asian languages and are likely to be increased through the implementation of the COAG Report on Asian Languages and Australia's Economic Future.

5. The provision of studies in Asian cultures will be at least as important as Asian languages as such studies have the potential to involve all South Australian school students.

DECS is already active in this area through its participation in the national Asia Education Foundation Magnet School Program, which aims to develop schools as centres of excellence for the incorporation of studies of Asia across the curriculum. In South Australia there are over 20 schools participating in the program across all year levels of schooling.

SSABSA has already included some compulsory objectives relating to knowledge of Asia in courses such as Stage 1 Modern History and the SSABSA Board has approved the development of a Stage 1 Asian Studies course which is likely to be available in schools at the beginning of the 1996 school year.

WATER MAINS

In reply to **Hon. G. WEATHERILL** (25 October 1994) and answered by letter 8 January 1995.

The Hon. R.I. LUCAS: My colleague the Minister for Industry, Manufacturing, Small Business and Regional Development, Minister for Infrastructure has provided the following response:

1. Metropolitan water mains bursts increased in the 1993-94 year compared with 1992-93.

2. The majority of pipe bursts during 1993-94 were caused by ground movement. Much of the Adelaide suburban area is founded on expansive clay soils which either heave or crack depending on whether we have wet or dry conditions. More than half of the burst mains during 1993-94 occurred in the expansive soils of the North Eastern suburbs.

Even though the number of bursts increased last financial year, in comparison to eastern States, the numbers were still very low. Bursts per 100 km of main are listed below (ARMCANZ).

Year	Sydney Water	Melb. Water	EWS	Brisbane City Council	Hunter Water
90-91	41	43	20	37	94
91-92	35	30	19	37	76
92-93	37	50	16	39	71
93-94	unknown	unknown	23	unknown	unknown

3. The number of burst water mains in the metropolitan area causing loss of supply over a five year period are as follows:

1990-91	1991-92	1992-93	1993-94	Since July 1994
789	800	612	1077	235

The main reasons for the increase in 1993-94 have been addressed in Answer 2.

Contractors will not be taking over the EWS.

4. Any future agreement between contractors and the EWS to undertake works will include specific performance agreements which will include response times. These response times will be equal to, or better than, current EWS response times.

ALDINGA SEWERAGE WORKS

In reply to **Hon. T.G. ROBERTS** (24 November) and answered by letter.

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

1. Cabinet has approved a call for expressions of interest from the private sector to build, own and operate the Aldinga Wastewater Treatment and Reuse Scheme.

2. During the development of this project, the EWS consulted with several groups regarding the proposed site of the treatment plant and the method of effluent disposal.

These groups included the District Council of Willunga, the Southern Vales Water Resources Committee, Friends of the Earth and the Conservation Council.

One of the outcomes of this consultation was that the site of the treatment plant was moved from a site on Crown land on the western side of Main South Road, to a new site located on the eastern side of Main South Road. This moved the plant away from an area zoned for urban development to one zoned for rural use, where recycled water from the plant will be available for irrigation.

Another outcome of this consultation was that the recycled water will be used on land for irrigation to avoid the environmental impact of the alternative discharge to the marine environment.

3. A call for expressions of interest was advertised locally and nationally in December 1994. Following the receipt of expressions of interest, it is intended to invite tenders from a short list of companies.

HOME SAFELY

In reply to **Hon. ANNE LEVY** (25 August 1994) and answered by letter 5 January 1995.

The Hon. R.I. LUCAS: The development of the *Home Safely* education kit for schools was sponsored by the Distilled Industry Council of Australia Inc. in 1993. No South Australian curriculum officer was involved in its development. The council is not in any way promoted in the kit, nor is alcohol use. However, the materials do focus on pre-planning strategies to get home safely (rather than avoiding) situations involving one's own or others' alcohol use.

The kit is designed for use in senior secondary English programs. DECS health and physical education curriculum officers have in the past expressed some concerns that the kit might be seen as a simple solution to what is a very complex issue. Of course it is important to realise there is no one simple solution. However, I do accept that the kit can be an element of a comprehensive package to address this issue.

The Home Safely Campaign did write of the kit to all Australian secondary schools last year inviting them to order a free copy. The former Minister for Education, Employment and Training, Ms Susan Lenehan, strongly supported this project, to the extent of 're-launching' it in South Australia on 17 November 1993. This would explain reference in the package to support from health and education Ministers in this State.

LOTTERY AND GAMING (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That this Bill be now read a second time.

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

Leave granted.

The Bill provides for the Minister to have a discretion to suspend an instant ticket suppliers licence where that may be considered a more appropriate penalty for non compliance with the conditions of the licence than cancellation of the licence and will close a loophole which has enabled individuals to conduct lotteries for personal gain in competition with those conducted by the non profit sector.

A provision is included which will allow Racing Clubs to conduct 'Punter's Clubs' which facilitate betting activity for racing patrons who are unfamiliar with the process.

The Bill also contains provisions which will strengthen the laws relating to the occupation of a common gaming-house by placing the onus of proof upon the occupier to demonstrate that he did not know and could not have known, that the premises were being used for illegal purposes.

Penalties under the Act have been reviewed and adjusted to reflect contemporary values.

Instant Ticket Suppliers' licences

The Act currently provides for the Minister to issue licences to the suppliers of instant lottery tickets and to cancel a licence in particular circumstance such as failure to comply with a condition of licence. The Act allows no discretion to suspend a licence where that may be considered a more appropriate penalty for non compliance with licence conditions. The authority to cancel an instant ticket suppliers licence should be exercised only in circumstances where some serious breach of the licence conditions has been committed. The ability to suspend a licence would add a degree of flexibility towards encouraging compliance with licence conditions.

Lotteries

Currently the Act and Regulations aim to limit the conduct of lotteries to those conducted by non profit organisations, under licence, as means of fundraising. Such lotteries are subject to rules of operation to ensure that participants have a fair and equal chance of winning, to payment of Government fees based upon a percentage of the gross proceeds from the lottery (Charities excepted) and to requirements that the proceeds from the lottery benefit the non profit organisation rather than individual promoters.

A lottery is exempt from the provisions of the Act if, in accordance with section 9(d), participation does not depend upon the payment of an entrance fee or other benefit. In other words, there is a free draw.

A scheme has been developed which involves the following features:

- a $2 payment which entitles applicants to membership of the 'Australian Fun Club' and access to a range of discount goods at stores throughout South Australia;
- a 'free' lottery draw for a major prize;
- a donation to some nominated charity.

The lottery element of the scheme escapes the licensing provisions of the Act and Regulations because, in terms of section 9(d), entry is not subject to payment of an entry fee or other benefit. The scheme therefore operates for the benefit of the scheme promoters in competition with lotteries conducted by charities and other non profit organisations. It is necessary to amend the legislation so that where payment of a membership fee entitles the member to participate in a lottery at no further cost, then such lotteries will become subject to the provisions of the Act.

Punter's Club

Punter's Clubs are a Racing Industry initiative which aim to assist new or inexperience racing patrons. Only racing clubs which are registered under the *Racing Act 1976* will be able to conduct Punter's Clubs which would operate only in relation to approved race meetings. Similar Clubs operate successfully in Victoria and Western Australia.

Authorised racing clubs would appoint a person to operate the Punter's Club on their behalf. That person will not receive any commission, fee, share or interest from the operation of the Club.

The Clubs would operate by selling tickets for a set amount prior to or at a race meeting. The funds received from the sale of tickets will used to bet on races at the meeting based upon judgement exercised by a panel of persons established for this purpose. All funds received from the operation of the Punter's Club including winnings, will be deposited in a special account. All bets will be a charge against that account. Details of the fund, including details of wins and losses will be made visible to the general public. Net winnings at the end of the meeting will be shared between all the investors.

The Punter's Club operations will be subject to very close scrutiny through the supervisory processes of the Department of Recreation, Sport and Racing, the Police and racing club detective presence on course and the general scrutiny exercised by the participants themselves.

Penalties

The penalty provisions in the current Act have been reviewed. The Bill contains revised penalties which reflect contemporary values. The penalty of imprisonment for less serious offences has been removed.

Strengthening of Common Gaming-House laws

Currently it is difficult to bring successful prosecutions against the occupiers of common gaming-houses pursuant to section 75 of the Act, which provides simply that no person shall be the occupier of a common gaming-house. Occupiers can minimise the risk of prosecution and conviction under that section simply by denying any knowledge of illegal gaming activity even though in some cases they are participating. The Bill seeks to amend section 75 so that it contains a provision similar to that under section 90(4) which provides that, in relation to keeping a house for the purpose of gaming, it shall not be necessary to prove that the occupier knew that the premises were kept or used for illegal gaming, although such person shall not be convicted if he proves that he did not know and could not, by the exercise of reasonable diligence, have known that the premises were being so kept or used.

The effect of the proposed amendment will be that it will remove the current necessity for the crown to prove 'knowledge' on behalf of the defendant in order to achieve a successful prosecution. It will also provide a defence to the charge by placing the onus upon the defendant to prove (on the balance of probabilities as opposed to beyond reasonable doubt which is the normal standard) that he/she did not know. An amendment to section 75 as proposed would also remove the inconsistency which currently exists between sections 75 and 90(3) both of which relate to offences for occupying certain prohibited places and for which the penalties are the same.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that all provisions except clause 3 of the proposed Act will come into operation on assent. If the Bill is passed, clause 3 will be taken to have come into operation on 30 November 1994.

Clause 3: Amendment of s. 9—Exemptions from Act

This clause inserts new section 9(2) in principal Act to make it clear that payment of a 'membership fee' is equivalent to payment of an 'entrance fee', if membership entitles the member to participate in a free lottery.

Clause 4: Substitution of s. 20

Section 20 of the principal Act currently only provides for cancellation of a instant lottery ticket supplier's licence. New section 20 provides for cancellation of a licence that was improperly obtained and cancellation or suspension of a licence where a provision of the Act or a condition of a licence was breached.

Clause 5: Amendment of s. 57—Soliciting totalisator investments

This clause inserts new subsections into section 57 of the principal Act to allow the Minister to grant an exemption to registered racing clubs from the prohibition on soliciting totalisator investments. An exemption would only operate for the purposes of lawful race meetings and may be varied or cancelled. Breach of any conditions of the exemption would result in the club being liable to a division 6 fine.

Clause 6: Substitution of s. 75

This clause substitutes a new section 75 in the principal Act dealing with the offence of occupying a common gaming-house. The new section provides that the prosecution need not prove that the defendant knew that the premises were being used as a common gaming-house but that it is a defence for the defendant to prove that he or she did not know and could not reasonably be expected to have known that the premises were being so used.

Clause 7: Transitional

This clause makes it clear that the amendment to section 9 of the Act does not affect any lottery opened before commencement of the amending clause.

Clause 8: Further amendments of principal Act

This clause provides for further amendments as set out in the schedule. The amendments set out in the schedule all relate to penalties under the Act. All penalties under the Act have been reviewed and converted to divisional penalties.

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

GOVERNMENT FINANCING AUTHORITY (AUTHORITY AND ADVISORY BOARD) AMENDMENT BILL

Second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): 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 Bill amends the *Government Financing Authority Act 1982* to restructure the South Australian Government Financing Authority and to establish a Board to advise the Authority and the Treasurer.

The *Government Financing Authority Act 1982* established the South Australian Government Financing Authority (SAFA).

Section 6 of the Act provides that 'the Authority will consist of a minimum of three members and a maximum of six members, as the Governor determines, of whom-

(a) one (the Chairman) will be the person for the time being holding the office of Under Treasurer; and

(b) the remainder will be persons appointed by the Governor, upon the nomination of the Treasurer'.

The Bill changes the structure of SAFA by providing that it will be constituted of one person—the Under Treasurer. SAFA is subject to the control and direction of the Treasurer by virtue of section 13 of the Act.

The Bill provides that the Advisory Board will consist of five or six members of whom one will be the Under Treasurer (as presiding member) and the remainder will be persons appointed by the Governor, one of whom is employed by a semi-Government authority. It is planned that a minimum of three persons from the private sector will be appointed. Four members will constitute a quorum for meetings of the Board.

The functions of the Advisory Board are to advise the Treasurer or the Authority on any question relating to the exercise by the Authority of its powers, functions or duties under the Act.

The Advisory Board will provide written advice to the Treasurer. The Treasurer will also receive a copy of all advice provided by the Advisory Board to the Authority.

The Bill requires SAFA's annual report which is laid before each House of Parliament to include details of any advice received from the Advisory Board which the Treasurer or the Authority decided not to follow and the reasons for deciding not to follow that advice.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 4—Interpretation

Clause 3 amends section 4 which provides for the interpretation of terms used in the principal Act.

Clause 4: Repeal of ss. 6, 7, 8, 9 and 10 and substitution of new sections

Clause 4 removes section 6, 7, 8, 9 and 10 of the principal Act and replaces them with two new sections that constitute SAFA of the Under Treasurer and protects the Under Treasurer from personal liability when carrying out powers, functions or duties under the Act. The substance of the provisions removed are not required in view of the constitution of SAFA by a single person.

Clause 5: Amendment of s. 11A—Validity of transactions of Authority

Clause 5 makes consequential amendments to section 11A of the principal Act.

Clause 6: Insertion of Part 3A

Clause 6 inserts Part 3A which establishes and provides for the South Australian Government Financing Advisory Board. New section 18B sets out standard provisions in relation to membership of the new Board. Section 18D which provides for proceedings at meetings of the Board allows for meetings to be held by telephone or other electronic means and allows resolutions to be passed by agreement of members without a formal meeting. Section 18G sets out the functions of the Board. In those instances where the Board gives advice to the Authority but not the Treasurer it must inform the Treasurer of the advice by providing him or her with a copy of the minutes recording the advice.

Clause 7: Amendment of s. 19—Delegation by the Authority

Clause 8: Substitution of s. 24

Clauses 7 and 8 make consequential amendments.

Clause 9: Insertion of s. 24A

Clause 9 inserts a new section which requires the Authority to keep a record of its more important decisions (those that have not been delegated) and requires the Under Treasurer to certify the accuracy of the record.

Clause 10: Amendment of s. 25—Accounts and audit

Clause 10 makes a consequential amendment.

Clause 11: Amendment of s. 26—Annual Report

Clause 11 adds subsections to section 26 to ensure that decisions of the Authority or the Treasurer not to follow the Board's advice and the reasons for those decisions are disclosed to Parliament.

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

ADELAIDE FESTIVAL CENTRE TRUST (TRUST MEMBERSHIP) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 February. Page 1111.)

The Hon. ANNE LEVY: The Opposition supports this very short Bill. As the Minister said in introducing this legislation, it does two things. As the Act stands, one member of the Adelaide Festival Centre Trust is a trustee of the Adelaide Festival. As the trustees have now been abolished and the organisation of the festival is now the responsibility of a newly constituted festival board, it is replacing that member of the Adelaide Festival Centre Trust with a nominee from the newly constituted festival board.

As the festival board is very largely composed of ministerial nominees this will certainly, or can, increase the number of trustees who are nominated by the Minister. Previously the festival trustees had only one ministerial nomination in about 18 members. So, the person selected by the festival trustees to represent them on the Festival Centre Trust was unlikely to be the sole ministerial nominee. The new festival board has a majority of members who are chosen by the Minister. While there are representatives of other groups, as I said, the majority are chosen by the Minister.

So, it is highly probable that the representative from the new festival board on the Adelaide Festival Centre Trust will be a ministerial nominee, as are the majority of members of the Adelaide Festival Centre Trust, anyway. So, this is potentially diluting the community representation on the Festival Centre Trust and increasing the number of members nominated by the Minister. However, for all that, obviously some change to the Act had to be made: one cannot have the legislation providing for a non-existent entity choosing a member of the Adelaide Festival Centre Trust.

The legislation also ensures that the trustees of the Adelaide Festival Centre Trust are appointed by the Governor. Of course, this means that they must be approved by Cabinet, and it is then a formality to have them appointed by the Governor in Executive Council.

I do not oppose this, but I assure members that, to my knowledge, the membership of the Adelaide Festival Centre Trust has always received Cabinet approval, if not then, subsequently through Executive Council. So, while the effect of this amendment is to ensure that all members of the

Festival Centre Trust are approved of by Cabinet and not merely by the Minister without Cabinet approval, in practice, that has never happened: membership of the trust has always been a matter for Cabinet consideration.

A third matter that I wish to raise is that I will move an amendment to this legislation that is not intended in any way to change what exists but to add something which I feel is highly desirable. Now that the Act is open, it is worth making such an amendment to ensure representation by both genders amongst members of the Adelaide Festival Centre Trust. Although I have asked Parliamentary Counsel to prepare such an amendment, it has not yet arrived, so I am afraid I will not be able to go through the Committee stage this afternoon. However, I hope this very simple amendment will be approved by the Minister. I would be surprised if she disagreed with the sentiments expressed, and I think it is opportune while the Act is open to make such desirable amendments. I support the second reading.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

DOG AND CAT MANAGEMENT BILL

Adjourned debate on second reading.

(Continued from 1 December. Page 1054.)

The Hon. CAROLINE SCHAEFER: I begin by commending the Minister on his attempt to introduce legislation to define the legal status of pets, particularly cats, and to encourage responsible pet ownership and the protection of the environment. These are all matters of great importance to the wider electorate and on which the wider electorate has sought advice for a number of years. In this legislation, the Minister has attempted to allay some of the fears and to define some of the more interesting issues in the arguments, particularly as they refer to cat legislation. He has attempted to please both the anti-cat lobby and the pro-cat lobby, and I commend him for his goodwill in doing so and for seeking the opinions of a number of people and organisations prior to introducing this legislation.

However, I have a number of concerns about this legislation. I suppose that my most urgent concern is that I do not believe that this legislation will do anything to address the real problem of feral cats, which exist in plague proportions in some parts of the interior of Australia. Whether or not they are identified will not have much to do with either their breeding pattern or the number of them that are allowed to procreate and encroach on urban areas, because as we know cats are territorial and, as urban cats and semi-wild cats are wiped out on the edges of urban areas, there will be more places for true feral cats to move in.

There is considerable debate, as you would well know, Sir, on just how much damage to our native fauna is done by feral cats. One body would have us believe that no damage is done, while another body would have us believe that cats, single-handedly—or single-pawedly—are responsible for the wiping out of most of our native fauna. I believe that probably somewhere in between is more accurate. Another matter that needs to be addressed with reference to the wiping out of feral cats is that they are one of the main predators of rabbits, which are also in plague proportions in the same areas in the interior of this State. That issue needs to be looked in a non-biased fashion.

Most of the concern that I have with this Bill has been raised by anxious pet owners. I am sure that most members here would have a similar pile of correspondence on their desk. Most concern has been expressed by elderly people and people who live on their own regarding the identification of cats. Although it sounds like a good way to go, collars are easily removed by cats. Most of us would know of someone whose cat has either hung or nearly choked itself by trying to remove a collar. Collars are removed often. Chips are expensive and cannot be distinguished with the naked eye, they need to be taken to a vet to be identified, which is all very well if everyone plays the game by the rules, but it seems to me that a number of people will choose not to identify the cat, regard it as unidentified whether or not it was, and use that as an excuse to hand in the cat or kill it themselves.

The legislation contains a safeguard which permits cats to be put down only by an authorised agent, but in my lifetime that has not happened and I cannot see that that will change. I cannot see that people who hate cats as passionately as they appear to will take the time or bother to go to a vet when they have been knocking off their neighbours' cats for a number of years. This is probably an encouragement for them to do so more.

The Hon. Anne Levy: How do you knock off a cat?

The Hon. CAROLINE SCHAEFER: I will tell you afterwards if you like, but it is not terribly relevant to the parliamentary debate.

The Hon. Anne Levy: If people are doing this, they must have a means.

The Hon. CAROLINE SCHAEFER: The honourable member wants to know how to kill a cat. There are a number of methods to kill a cat; in fact, a couple of books have been published on it, I think. So, if the honourable member would like to look at them, I am sure they are available in the Parliamentary Library. It seems to me that the people who have asked for this legislation are not involved in or concerned with environmental matters but more with the nuisance that wandering cats cause in suburban Adelaide. I cannot see that this situation will be altered other than by requiring those people to own a desexed cat, because cats are very territorial and the best way to manage a wandering cat is to have one of your own.

The best example of that is the colony of cats at West Beach which are not officially owned by anyone but which are fed and desexed and they keep that area free of other cats. As I have said, I have a number of concerns about this legislation and, in the end, the only thing that has made me decide to support the legislation is that it is supported by the RSPCA, which is, I believe, a very responsible body. But I do wonder whether this legislation is going to do anything to solve the questions that have been asked of it. I wonder how effective it is going to be, and I certainly believe that it is necessary to express those concerns in *Hansard*. I support the second reading.

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

RETAIL SHOP LEASES BILL

Adjourned debate on second reading.

(Continued from 7 February. Page 1097.)

The Hon. M.J. ELLIOTT: I rise to support the second reading of this Bill and in so doing note that through private members' legislation the Democrats introduced a somewhat similar Bill back in September last year. We did so because for some years we had been approached by a large number of retail tenants who complained about the sorts of abuses they were suffering at the hands of landlords. Up until the introduction of the Democrat Bill last September I had had very close negotiation with a number of people and suddenly things went quiet. I did not realise for a while why some groups I had been talking with had gone quiet until I found out that they had been brought into a consultation process in which they had been sworn to secrecy—a very much behind the doors process, and so at that stage they did not feel free to speak. The reason became obvious when the Government brought out its Bill and the Minister said that the legislation had come about as a result of consultation and agreement.

On going back and talking to representatives of retailers in particular, although I have met with building owners and landlords as well, what becomes clear is that the legislation contained those things that they agreed on. It did not contain those things upon which they disagreed, but some of those things they disagreed on were considered to be very important, in fact, in at least one of those cases, absolutely crucial to whether or not the Bill was simply a piece of paper or actually going to achieve something.

Not surprisingly, BOMA is generally resistant to this sort of thing, but the writing was on the wall that something was going to happen and so BOMA entered a process. But, clearly it was not agreeing to some things, therefore the Minister could not say that he had agreement for some things and did not bring those others in—matters that are important if we are generally interested in giving protection in what is a very unequal relationship between the landlord and the tenant. I intend to tackle by way of amendment the issues which have not been confronted by the Government, and I will foreshadow most of those matters during this second reading stage.

The first important area where there is a weakness is clause 4(2)(a), which at present provides:

> However, this Act does not apply to a retail shop lease if—
> (a) the rent payable under the lease exceeds $200 000. . .

That is a lot of money to most people, but I can tell you that there is a surprising number of quite small traders who are paying more than $200 000 a year in rent. In fact, if you go into the big malls, I understand that it could be about a third who are currently paying more than $200 000 a year, and if you go into places like Rundle Street virtually everybody, including the smallest of shops, will be paying more than $200 000 per annum. And yet they are small businesses in most cases, often family businesses, who do not have the economic muscle to take on the landlords. The so-called protection of this legislation will not be available to those people. Of course, being a fixed figure it will not take too long for inflation to get to work and a significant number more will not be offered the so-called protection of this legislation.

What we should be doing is what they have done in New South Wales, Queensland and the ACT where coverage applies to shops which have less than 1 000 square metres. Of course, inflation will not attack that sort of measure. That is what is in the New South Wales, Queensland and ACT legislation, rather than using a figure, which already many small traders exceed and which also with inflation many more will exceed and therefore they will not have protection.

The second issue is the question of public companies. There are many public companies which are just family businesses. You do not have to be a big business to be a public company, so why are not public companies being afforded protection by this legislation? Clearly, they should be. I will be moving an amendment to ensure that they get protection. Thirdly, there is concern whether or not the legislation gives adequate protection to franchisees. What happens in many cases is that the franchisor takes out a lease with the landlord and then sublets.

This legislation will afford some protection to the franchisee, but let us take the position where the franchisor gets into financial difficulty. The franchisee has brought a franchise and believes he is going into a five or 10 year lease in a shopping centre. The franchisor goes broke and, since it is the franchisor who has taken out the lease, the franchisee, through no fault of his own, is left completely in the cold. That is one of a number of areas where clearly a franchisee can be put in a position of disadvantage which they should not be in, and this is a matter that I will be addressing by way of amendment.

Clause 13 is about the minimum five year term. In general, this legislation aims to set a five year term and then there are some exemptions available. Of course, the moment you start to provide some forms of exemptions you are also starting to provide some loopholes that are capable of being exploited. We need to look at those very carefully.

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: Let me finish. You can get upset afterwards; but I do not think you will be at all upset when you hear what reasonable ideas I have in relation to this matter. Subclause (3)(c) provides:

> The lease contains a provision excluding the operation of subsections (1) and (2) and a lawyer who is not acting for the lessor certifies in writing that the lawyer has, at the request of the prospective lessee, explained the effect of the provision and how this section would apply to the lease if the lease did not include that provision.

In some of these situations the reality is that the landlord will tell the lessee that they want a shorter period for a reason which may or may not be legitimate. Even though the reason may not be legitimate, somebody who is already in a lease arrangement—and this is not a hypothetical—might be running to the end of their first five years and going to renew, and the landlord might say, 'I am prepared to offer you only two years at this stage.' The landlord may or may not have a legitimate reason for doing so. If you have a significant investment and the landlord says, 'I will offer you only two years,' this bit about a lawyer explaining things to you, etc., does not mean a lot. At the end of the day, all that person wants is to be able to continue business as best they can.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Let me finish. I will move that, if a reason is given as to why it should be a shorter period, the reason be in writing and that it be lodged with the tribunal. In that way, there would be a record—hopefully containing a genuine reason (and something which may be capable of being tested at a later time, if any games are played)—with the tribunal as to the stated reasons why the lease has not been made for the full five years. It is not a particularly onerous provision, but it means that there must be a genuine reason for doing so, not just this artificial contrivance of the lessee having it explained to them and signing that they have understood it, or the lawyer saying that the person understands. As well as that, the reason given for this shorter term should be lodged with the tribunal. There is

no other requirement beyond that, but it might be useful if there is a need for proceedings or if the tribunal just wants to monitor what is happening.

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: Not in its own right, no. It would be very hard to write in a remedy. One might have good reasons for wanting exemptions, but anyone would acknowledge that exemptions always create loopholes at the time, and it is a question of, 'Is there some way of just narrowing that off a bit, whilst allowing the exemption to occur?' Nothing I have proposed there will prevent that.

Clause 43 is really crucial, and it is the clause that will need the most thinking through. When the lessor and the lessee come into a lease for the first time, both are relatively equal partners. The lessor can decide whether they want to go in, whether or not the rent being asked is too high, etc. It is a relatively equal commercial arrangement and something into which both lessee and lessor enter quite freely. However, once one has gone into such an arrangement and has built up goodwill in a business, perhaps made major investments in terms of stock, equipment, etc., one has made some quite significant commitments. At the end of the five years, the whole thing is up for review. We are proposing that, six months before that five years expires, lease renegotiation be started.

This is one of the places where the landlord can play significant games with the lessee. I will not go through them all now, as I gave examples last time I spoke. When a lease is up for renewal, a landlord could have the lessee in a slightly different position from that in which they had them the first time they came in. Five years of hard work, family commitment and investment are all sitting on the line, and whether or not the lease is renewed will have significant impact. That is hard enough in itself. Let us look at all the other protections that this Bill purports to supply. If the lessee knows that at the end of five years the landlord has got a bit aggravated with them and will not renew their lease, will they or will they not challenge them on some of these other matters on which this legislation legally allows them to challenge? Certainly, they can make up their own mind and take their chances but, without any doubt, knowing the record of some of the landlords in this State, a lot of tenants will not be prepared to take them on, because they know that in two years' time they will be up for lease renewal, and it is better to cop it sweet. It is better to take this thing which is illegal and which is not supposed to happen and not aggravate the landlord too much, because the landlord has the upper hand. The lessee could take the attitude, 'The landlord has the upper hand at the end of this five years, and I could lose everything that I have worked so hard to establish.'

We could take two approaches. One approach—and I am not taking this approach—is to say that a person should have an absolute right to have their lease renewed. If the lessee knew their lease would be renewed, they would have no compunction at all about enforcing their rights under the rest of the legislation. Let us turn it around, a little bit at least, and ask, 'Under what reasonable reasons does a landlord want to remove a tenant?' I suppose the most obvious reason is the landlord thinks they can make more money. That is commercially a reasonable expectation for a landlord to have. That landlord might feel that they can get in somebody else who can pay them more. That is fair enough. The landlord might want to change the tenant mix, because that might have a better effect on the way the whole centre works and ultimately might impact on the rents and the return to the landlord. I suppose that is also a legitimate commercial consideration.

But what about this other situation? It is not hypothetical, it happens. A landlord might just simply put in somebody else, running exactly the same business and paying exactly the same rent. In what way is that of any significant commercial benefit to the landlord? I suggest that it is of no significant benefit at all.

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: Yes, we will get to that, but you have to understand the point that the fact that your lease is up for renewal really is a pretty heavy thing to hang over you and does severely limit your capacity to enforce anything else in this legislation. It is not unreasonable for the lessee to have some sort of expectation for a lease renewal, unless somebody will come in who will pay more than you will pay or the landlord is genuinely wanting to change the tenant mix. I will be looking to insert an amendment which really puts four propositions, any one of which would be sufficient for the landlord to not renew. First, if the landlord can obtain a higher rent for the space but has given the existing tenant an opportunity to match that higher rent proposed, and that existing tenant is not prepared to do so, that would be bad luck for the tenant.

Secondly, if the landlord wishes to show that the centre would benefit from a change of tenancy mix (for example, there might be a newsagency there but he might want to put in a cake shop because that will give a better mix of whatever is available and, therefore, give better returns), that would be fine. Thirdly, the landlord might have plans to redevelop the centre, perhaps a total rebuilding, and therefore does not want to renew the lease. Fourthly, there might be proof that the tenant has not complied with the terms of the current lease. Those are all legitimate reasons that nobody could complain about when not getting a renewal. It will be bad luck for them that they have lost five years' hard work and that the goodwill they have generated could all be stripped off them. When I say 'bad luck', I do not feel good about that, but it is a question of trying to find the balance.

Frankly, unless we do something like this, I am not sure that any other protections we are offering here are really worth the paper they are written on, because the landlord can simply say, 'Look, I'm pulling you out and putting somebody else in' and the landlord is doing it purely for arbitrary reasons. Those reasons are not arbitrary to the landlord, but there are no good commercial reasons for the landlord's doing it, and they are exercising the power they have to destroy somebody else.

Having made those observations, I now go back to clause 35 which has a new definition of 'demolition', which is a fairly broad definition. In relation to clause 35, I will argue that if demolition and rebuilding are to occur and at the end of the day a baker, for example, has been removed, and after the demolition and rebuilding a baker's shop of similar size is put in there, in those circumstances, it is not unreasonable that a chance of a first offer be made to a tenant who has been displaced by that demolition.

The same sorts of circumstances that I discussed in relation to clause 43 again could prevail. At any stage this does not deny the landlord the opportunity to get in somebody who is prepared to pay more or not to put in a baker if they do not need to. In relation to clause 54, we were talking about retail shopping centres defined as being at least five shops. I do not accept the need for the number 'five' or any number to apply there, and will be opposing it.

We will have to look very closely at the question of retrospectivity. In this legislation Parliament will deem inappropriate certain things which have been flagged by this legislation as being inappropriate for some months. I have been getting feed back that at this stage landlords are very busy renewing leases which some people have been trying to renew for two years. People now are being tied into leases of five years or more and, once the Act becomes operational, we are not offering any protection to them. I know all the arguments that we can have about retrospectivity. I do not believe that it is—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: You go and talk to them and they will tell you all about it. They cannot. It is not unreasonable for not all but a significant number of the protections that we are offering in this legislation to be applicable from the date that it was introduced, simply to overcome the game that is being played. Some of the landlords are the lowest of the low. I sat in a meeting with representatives of various retail organisations and BOMA, and one of the representatives of the building owners made a threat in front of me that, no matter what, they were going to get around it.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: You could have knocked me over, and they saw that. I think they were frustrated because they knew that not only was I going to support the legislation but I was going to try to give it a few more teeth. They were not happy about that, and the threat was that they would get around it. They are moving as quickly as they can to get people in contracts now before this legislation passes through the Parliament. In some circumstances it is not unusual for us to backdate things to their date of introduction. For instance, it is done with tax legislation because we know that, if we do not backdate it to when it was announced that there is to be a change in taxes, people will start doing deals beforehand. I think that this legislation carries the same sort of attitude generally and is the same sort of issue. With this legislation I do not think that retrospectivity is unreasonable. You can have all sorts of debates about going back further.

The fact is that already most people are in retail tenancy arrangements which, by passing this legislation, the Parliament is saying is not the way things should be going. However, 95 per cent or more of people, when this legislation is passed, will be under arrangements which we say are unacceptable. I think that there is a strong argument that there could be levels of retrospectivity on a number of matters, but that is not the argument I am putting here. I am saying that substantially the legislation can be made retrospective. Those parts which I think can be made retrospective to the date the Bill was introduced are parts 1, 2 and 3, sections 28, 29 and 30; part 5, section 44; parts 7, 8, 9, 10 and 11; and the schedules.

I will be tackling one other issue in relation to retrospectivity but I will not go as far as I was tempted to go, and that is in relation to the level of rents. In this legislation we will be saying that ratchet rents are unacceptable, but many people have been under ratchet rents for a long time. I will not suggest that we should retrospectively say that no ratchet rents should apply, but prospectively ratchet rents should not continue to apply. If we say that ratchets are unacceptable, I think that prospectively, in terms of existing arrangements, we can give consideration to that.

In extreme cases, where a person can demonstrate to the tribunal not that they think that their rent is too high but that their rent is out of kilter with any reasonable market expectation, the tribunal might be able to intervene to reduce it (and I do not have the wording for this yet, this is Parliamentary Counsel's challenge). I do not want every retailer running off and saying that their rent is too high and I do not expect the tribunal to be involved in many cases but, if a person can demonstrate that their rent is out of kilter to a very large extent, I do not think it is unreasonable, if it has been caused by ratchet clauses which we say are an unacceptable commercial practice, for the tribunal to intervene. I do not think there will be many cases where that would actually occur.

The Hon. A.J. Redford: Are you saying that if there are ratchet clauses in the agreement now that in certain cases the effect of those ratchet clauses should not continue?

The Hon. M.J. ELLIOTT: Yes, that is what I am saying. If we are saying that ratchet clauses are one of the big evils—there are a couple of big evils in the landlord-tenant arrangement—I do not think it is unreasonable in a prospective sense to say that they should not continue to apply. More importantly, where rents are significantly out of kilter with any reasonable market expectation, the tribunal may be able to intervene simply to put it back to a more reasonable level. We will obviously get a chance, once I have tabled the amendments, to discuss these matters further during the Committee stage.

As I said, I support the Bill. I think there are a couple of significant omissions which have to be addressed, particularly in terms of who is and who is not covered. The question of lease renewal and procedures surrounding that are also very important or, at the end of the day, the legislation really will be totally useless. The Democrats support the legislation.

The Hon. A.J. REDFORD secured the adjournment of the debate.

DOG FENCE (MISCELLANEOUS) 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.

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

Leave granted.

This Bill proposes a series of miscellaneous amendments to the *Dog Fence Act 1946*.

It amends the definition of 'dog proof fence' to make it more flexible. The current definition of a dog proof fence is contained in the *Animal and Plant Control (Agriculture and Other Purposes) Act*, and refers to a single configuration of netting fences with no provision for alternative configurations to cope with differing circumstances (eg. areas subject to frequent flood damage, etc). The current definition does not allow the introduction of electric fences which can be a cost effective alternative to netting in many areas.

The amendments clarify responsibility for the fence by clear identification of the ownership of the fence structure and the land upon which it is sited.

They also provide for greater flexibility for Board involvement in replacement of parts of the fence. Under existing provisions, the Board can only fund fence replacement in the event of owner default.

The amendments consolidate the provisions relating to the recovery of amounts payable to the Board and strengthen the Board's capacity to recover such amounts by providing for these amounts to be a first charge in favour of the Board upon the land in respect of which the amount is payable.

The Board, at its discretion, on grounds of hardship or otherwise, may remit the whole or part of an amount payable to the Board under the Act, or postpone payment or allow payment by instalments.

An enigmatic expression in Section 25 of the Act which refers to rateable land is replaced. The expression 'separate holding' is not defined in the Act and could be interpreted to mean that a holding comprised of several titles, each of which is greater than the prescribed minimum rateable area, would be liable for a separate charge upon each title. This would result in a total rate charge disproportionate to the area of land held. By deleting the word 'separate' this undesirable potential is removed.

The amendments recognise the change of name of an organisation which nominates two members for appointment to the Board and at the same time clarifies a prerequisite for nominees to the Board to be occupiers of land rateable under section 25 of the Act.

The Bill also introduces an alternative rating system to enable the cost of the dog fence to be spread more equitably across landholders. In this respect, the Local Government Association has given measured support to the Board by agreeing to facilitate the collection of dog fence levies in areas where councils opt to participate on a voluntary basis.

Clauses 1 and 2:

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

Clause 3 strikes out the definition of 'dog proof fence' and replaces it with a definition which allows the board to determine the appropriate type of fencing for the circumstances. It also inserts definitions of 'land' and 'owner' in relation to land. 'Land' is defined as including any interest or right under a lease, licence or agreement to purchase Crown lands. The definition of 'owner' in relation to land provides that where the land is leased or held under an agreement to purchase the owner is the lessee or the person on whom the right of purchase is conferred. The clause also strikes out the definitions of 'chairman', 'suburban land' and 'town'.

Clause 4: Amendment of s. 6—Members of board

Clause 4 amends section 6 of the principal Act to make the Minister responsible for nominating the person who is to chair the meetings of the board. It also reflects the change of name of the United Farmers and Stockowners of S.A. Inc. to the South Australian Farmers Federation Inc. and replaces the definition of 'occupier of rateable land'.

Clause 5: Substitution of s. 15

Clause 5 substitutes section 15 of the principal Act to provide that the member appointed to chair the board is to preside at meetings of the board.

Clause 6: Substitution of ss. 20a and 21

Clause 6 repeals sections 20a and 21 of the principal Act and replaces them with a new section 21. The proposed section deals with the replacement of parts of the dog fence, allowing the board to construct a dog proof fence or alter a fence to make it dog proof, in order to replace an existing part of the fence. The board may enter into an agreement for contributions for the cost of this work to be made to the board or by the board. Where the board replaces part of the fence with another fence because it is not practicable for it to be fixed, and the new fence is under the same ownership as the old fence, the board may recover the cost of the work from the owner.

By proclamation, and on the recommendation of the board, the Governor may declare a new fence to be part of the dog fence in place of an existing part of the dog fence.

Clause 7: Amendment of s. 22—Duty of owner to maintain dog fence and destroy wild dogs

Clause 7 alters the maximum penalty for an offence against section 22 to bring it up to date with current penalties.

Clause 8: Amendment of s. 23a—Dog fence on Crown lands

Section 23a of the principal Act provides, in part, that the board may erect a fence on Crown land for the purpose of completing part of the dog fence. Clause 8 amends section 23a to allow the board to replace as well as complete part of the fence.

Clause 9: Amendment of s. 24—Payments to owners of dog fence

Clause 9 is a consequential amendment.

Clause 10: Amendment of s. 24a—Provisions as to ownership of dog fence

Section 24a deals with the ownership of the dog fence. Clause 10 inserts a new subsection which provides that where part of the dog fence adjoins an area in which a local board is established, the ownership of that part of the fence is vested in that local board.

Clause 11: Amendment of s. 25—Imposition of rates on rateable land

Section 25 of the principal Act provides that the board may declare any separate holding of more than ten square kilometres of land to be rateable land. The proposed amendment removes the word 'separate', allowing the board to declare any holding of more than ten square kilometres to be rateable.

Clause 12: Amendment of s. 26—Special rate in respect of local board areas

Section 26 of the principal Act provides that the board may declare a special rate on separate holdings of more than 100 hectares. The proposed amendment removes the word 'separate', allowing the board to declare a special rate on any holding of more than 100 hectares.

Clause 13: Amendment of s. 27—Payment and recovery of rates and special rates

Clause 13 removes the provisions imposing a fine for the late payment of rates or special rates.

Clause 14: Insertion of s. 27a

The proposed section 27a provides that the board may, with the approval of the Minister and after consultation with the Local Government Association of South Australia, by notice published in the *Gazette*, declare a council to be a participating council and before 31 December in any year, declare that a contribution for the next financial year is to be paid to the board by each participating council. In respect of the rural land of a council the rate is to be not greater than 1 per cent of the general rate revenue to be derived by the council for the next financial year in respect of that rural land, and in respect of the urban land of the council the rate is to be not greater than 0.25 per cent of the general rate revenue to be derived by the council in respect of that urban land for the next financial year.

A declaration made under this section must be served on each council to which it applies not later than 31 December of the year in which the declaration is made. The amount must be paid by the council to the Dog Fence Fund not later than 31 May in the financial year following the making of the declaration.

Clause 15: Amendment of s. 28—Charge to be payable by occupiers of land outside dog fence

Clause 15 amends section 28 of the principal Act to reflect the change of name of the United Farmers and Stockowners of S.A Incorporated to the South Australian Farmers Federation Inc.

Clause 16: Amendment of s. 31—Subsidy

Clause 16 is a consequential amendment.

Clause 17: Amendment of s. 33—Dog Fence Fund

Clause 17 is a consequential amendment.

Clause 18: Amendment of s. 41—Recovery of amounts payable to board

Clause 18 strikes out subsection (1) of section 41 and replaces it with clauses which provide that where the board is empowered to recover the cost of any work from a person under the Act, the amount becomes payable on the expiration of 28 days from the day on which notice of the amount is served on the person. If the amount is not paid within 28 days after this, the person is liable to a fine of 10 per cent on the amount unpaid. This fine, together with the amount to which the fine relates, may be recovered as a debt due to the board by action in a court of competent jurisdiction. Until paid, in the case of an amount payable for the cost of work carried out in respect of a fence, the amount is a first charge in favour of the board on the land of which that person is owner. In any other case, the amount is a first charge in favour of the board on the land in respect of which the amount is payable.

The board may remit the whole or any part of an amount payable to the board or allow postponement or payment by instalments.

Clause 19: Amendment of s. 42—Penalty for failure to supply statement

Clause 19 alters the maximum penalty for an offence against section 42 to bring it up to date with current penalties.

Clause 20: Amendment of s. 43—Penalty for damaging or removing dog fence

Clause 20 alters the maximum penalty for an offence against section 43 to bring it up to date with current penalties.

Clause 21: Amendment of s. 45—Penalty for leaving gate open

Clause 21 alters the maximum penalty for an offence against section 45 to bring it up to date with current penalties.

Clause 22: Amendment of s. 46—Penalty for failing to apply amounts paid for maintenance of dog fence

Clause 22 alters the maximum penalty for an offence against section 46 to bring it up to date with current penalties.

Schedule

Statute Law Revision Amendments

This is a statute law revision schedule to ensure modern, gender neutral language.

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

ADJOURNMENT

At 4.6 p.m. the Council adjourned until Wednesday 15 February at 2.15 p.m.