LEGISLATIVE COUNCIL

Thursday 16 March 1995

The PRESIDENT (Hon. Peter Dunn) took the Chair at 11 a.m. and read prayers.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 7 March. Page 1329.)

The Hon. BERNICE PFITZNER: I support the Supply Bill, which appropriates money for Consolidated Account for public service purposes to 30 June 1995. In speaking about public services, I would like to discuss the proposed reform of health and community services, which are traditionally public services. The discussion paper put out by the Commonwealth Department of Human Services and Health, entitled 'Meeting People's Better Needs' (January 1995) is of concern. The paper proposes a number of reforms and focuses on health and community services, attempting to make these two services better coordinated. The overall thrust is to try to meet the needs of individuals rather than concentrating on services and institutions. The paper proposes to divide these two major services into three categories and in so doing has over-simplified the situation and the services. While this may appear to be a good philosophy in trying to get better services for individuals, it seems difficult, if not impossible, to achieve by the proposed method.

The first of the three categories is general care. This category is defined as a walk-in/walk-out service meeting uncomplicated and occasional needs. This section also covers health promotion and disease prevention. The general practitioner is seen to play a major role in this area. The second category is acute care, which deals with acute illness and one of needs. Acute care involves three phases: preparation, delivery of procedure and recovery. The third category is known as coordinated care, dealing mainly with chronic illness that will require a mix of services over a period of time. Coordinated care will include nursing homes and hostels for the frail and aged, disabled people's accommodation and support for people with long-term mental illness, and so on.

Unfortunately for this system, dreamed up by the Federal Government's bureaucrats, people do not fit comfortably into categories. A person suffering from a chronic illness might also experience an acute problem. That is why the concept is seen as simplistic. Ideally, the general practitioner could be directly involved in all three categories. However, the GP group is one of a number of groups allocated to the general care and coordinated care areas. The expectation that individually-tailored free care will be readily available to all who seek it is pie in the sky, unattainable and unaffordable.

The paper proposes changes to make people's needs the focus of planning and funding policy rather than services, to provide improved service coordination and continuity of care, to introduce greater flexibility of services at the local level, to promote prevention and early intervention for individuals and families, to provide clearer roles for Commonwealth and States and to develop funding and service incentives that support service reforms. These are all good motherhood statements, but how are we to achieve them?

The paper argues that the reasons for reform are that consumers seek personal choice, care needs can best be met through a wide range of services and people are looking for more community-based rather than institutionally-based services. Again, these are all good intentions, but the concern is whether these changes are being proposed to provide individual choice or to achieve the Government's desire to determine what level of care will be funded and provided to which individuals.

A further concern is whether individually-tailored services as proposed can be provided free of cost to each and every individual. The paper emphasises the Federal Government's concern about the continued increase in costs of health and community services, stating that the majority of these costs are borne by Government rather than by individuals. It is amazing that the paper finds this trend surprising, since it has been the result of deliberate decisions by successive Labor Governments. This has resulted in a major decline in the number of people with private health insurance and an ever-increasing demand on so-called free services.

There are many other concerns with this paper too complex to elicit here. However, as we are speaking on the Supply Bill, I would like to concentrate on the funding of the new system and comment on it. The funding relates to the three categories. General practitioner funding under Medicare will be assigned to the general care stream; hospital funding will be assigned to the acute care stream; and nursing home funding will be assigned to the coordinated care stream. The funding will be based on output or outcome, which is difficult, as outcome measurements in health care are difficult to obtain. What is being proposed may be more expensive and may raise the hope of providing an improved individually-based system without actually being any better than what we have at present.

The overall scope of the paper does not take into account the better use of general practitioners as primary health care professionals—a major public health service rather than a series of small businesses. The current system of funding general practitioners has resulted in a rapid throughput. It provides a perverse incentive in which the more patients seen in as short a time as possible the better the financial return to the general practitioner. A better outcome could be achieved with better communication between general practitioners, hospitals and community health services refocusing on the coordinating role of the general practitioner.

I now look briefly at mental health. This will be in the category of coordinated care as proposed, as people with mental disabilities will be categorised as chronically ill. In my last debate on matters of importance, the five minutes allocated was insufficient for me fully to elaborate on the concerns of the Burdekin report, nor on the findings of the post-Burdekin report and the simplistic view taken by the Federal Minister of Health in using the phrase 'the worried well'. In the Burdekin report 1993 on the mentally disabled, Burdekin identified the hardships of the mentally ill. A quote of Burdekin I have used before and will use again here is as follows:

> Human rights are about balancing the rights of all of us as individuals with the community, yet the mentally ill do not seem to have their rights taken into account in many cases, let alone balanced.

The Federal Minister for Health, in trying to save money in the mental health area, sets her sights on private psychiatry, arguing that private psychiatrists appear to spend too much time and taxpayers' subsidies looking after the 'worried

well', while the acutely mentally ill are inadequately attended to in the public system. She said that figures suggested that Medicare assistance for the mentally disabled was imbalanced in that Medicare subsidised treatment for people who were not yet in crisis. However, the post-Burdekin ANU research project done in December 1994 says:

> Many adult and young people do not qualify for treatment because of this focus and consequently are left in limbo until they reach crisis.

We should take note of an editorial written over 10 years ago in a publication entitled 'General Hospital Psychiatry', which says:

> It should not take 2 000 or 200 years to see the narrow, blind and destructive implications of a term like 'worried well'. The Federal Minister for Health is using it to justify the inadequate provisions of mental health services and will let the situation go from bad to complete chaos for the mentally disabled. These people are unable to obtain decent treatment for public health sector and now other sectors are being hit by the withdrawal of funds. Who will look after these mentally disabled people?

On a completely different topic but still on disadvantaged people, I comment on an immigration conference. The third national immigration and population conference was recently held in Adelaide. At that conference was a certain Professor Helen Hughes—a fellow at the University of Melbourne's Institute of Applied Economics and Social Research and an academic. She was one of the speakers and made some controversial statements in her speech, which was taken up by the State and national newspapers under various headlines such as 'Migrant policy must leap language barrier', 'Decline of English erodes values', and 'Hughes views under scrutiny'. In reading her paper I found that what she said was not taken out of context. What she said was irresponsible, damaging and inaccurate. In her introduction she said:

> The emergence of a ghetto complete with criminal gangs at Cabramatta, and high unemployment among migrants from some non-English speaking backgrounds, point to the increasing failure of immigration settlement policies.

She refers to a ghetto which the dictionary defines as a slum section of a city, occupied predominantly by members of a minority group who live there because of social or economic pressures. Those of us who have been to Cabramatta, a suburb of Sydney, would not call it a slum. It is a colourful, vibrant area, no doubt with a concentration of Asian people, as is our Hanson Road in Woodville. How is it different from, for example, Earl's Court in London—referred to as 'kangaroo land'—where all Aussie people stake out? People of like cultures tend to congregate together due to like interests and a sense of security.

Further, in Professor Hughes section entitled 'Immigration Settlement Policy', she says in part:

> Multiculturalism has undoubtedly brought great benefits to Australia. Further, multiculturalism has come to mean, surely by default, that Australia does not have and does not need a common language. While the emphasis on a multilingual society is welcome, the presumption that English is no longer an essential common language is undermining the essential democratic values of Australian society. Without a working knowledge of English, immigrants are handicapped in every aspect of social, economic and political life. How can they participate meaningfully in elections if they do not understand the issues being debated in the media?

Professor Hughes is really talking through her academic hat. First, English is essential in a multicultural society. Take, for example, her own background. We know that the Chinese language has many different dialects. The two main dialects—Cantonese and Mandarin—are not at all alike, and people from either of these dialects communicate via the English language. How much more so would English be the medium with other Asian groups such as the Chinese, Vietnamese, Indians, Malays, and so on?

In relation to undermining democratic values and not understanding the issues being debated in the media, I doorknocked in Port Adelaide and Elizabeth in the 1989 and 1993 elections, meeting a large number of migrants of English background. They spoke perfect English but Aussie style, but many had no knowledge of the issues being debated; nor did they want to be informed; nor did they care. As for those who did not speak English, many were informed of the main issues (at that time it was health and housing issues) by their own ethnic newspapers. In a letter to the editor, a Dr Bianco, who was CO of the National Language and Literacy Institute of Australia, Deakin, ACT said:

> Much of what she says is sensationalised and not supported by fact. It is unfortunate that this debate begins on a premise which is unfounded and is framed by hyperbole.

Coming back to Professor Hughes' speech at the conference, she further said:

> Real ghettos are emerging where Australian born children do not speak English, unemployment is becoming hereditary, and inevitably drugs, gangs and crime syndicates follow.

I do not know how she can state that Australian born children do not speak English. They may not speak English from two to three and a half years due to the parents coming from non-English speaking backgrounds, but once they go to kindergarten and preschool they pick up English in six months and are then fluent in two languages by the end of approximately 12 months. As a person involved in early childhood development, this has been observed personally. As far as hereditary unemployment is concerned, I wonder what the Professor would say if she doorknocked the Housing Trust homes of people of English speaking background in Port Adelaide or Elizabeth. Her statements are totally prejudiced and, dare one say, bordering on being racist.

In closing, I must state that Australia is leading the field of integrating different races and cultures into one nation via the multicultural policy, no thanks to the Professor. A book entitled *Children and Families* asks the question, 'Who is an Australian?' It discusses the rise of multiculturalism during the 1970s which brought with it a new form of national identity and which was intended to include all Australians. A number of different forms of multiculturalism have developed in Australia.

Initially, it was seen as a program of social reform in which programs such as multicultural education were introduced to address migrant disadvantage. Multiculturalism further developed to emphasise Australia as a socially cohesive society in which cultural diversity was encouraged with a clearly defined basic set of values common to all and based on Anglo-Australian values together with the overall freedom for all to pursue their own cultural and religious activities within the law and with equal rights before the law. In the 1980s, Australian multiculturalism became a guiding principle for Government policies which addressed issues of participation, access and equity. We are now in the 1990s and moving in a new and different direction. We are more aware of our geographical position and the affluence of the nations around us. Dare we take a bold step in a new direction or will we timidly progress on a familiar path? As Mr J. Harvey says:

> We can but imagine what forms being an Australian will take in these exciting but unknown excursions into a new phase in Australian history.

I support the Bill.

The Hon. T.G. ROBERTS: I will not do anything controversial such as oppose the Supply Bill. I support the Bill which, formally, has been split into two halves. In this session, we are looking at an allocation of $600 million. My two areas of concern involve my shadow portfolios of correctional services and the environment. I would like to comment on both and also on Federal-State relationships and the relationship between the environment and employment. A number of areas in this State and nation are in conflict regarding where people actually use their best endeavours to maximise the returns from our natural estate and natural resources to the constructive position of the formation of receipts rather than expenditure.

I raise, specifically, the national estate of the forests and the dilemma that is faced particularly by the Eastern States, Tasmania and, to some extent, the west regarding how they maximise the returns to their State and Federal coffers by the way in which they deal with it. South Australia does not have a particular problem with chipping of its hardwood forests or its old forests, because it has none. If anyone wants a good example of how not to handle the national estate, South Australia can provide it. In the late 1800s and the early 1900s, most of South Australia's hardwood forests, its old estate, was reduced to nil or not much at all. A few stands of hardwood forests were still left in the South-East. Fortunately, in the late 1960s measures were brought about to make sure that those stands were protected but, all over the State, in the main we actually brought about the demise of our hardwood estates. One of the things we did right was that we corrected the position. When those hardwood forests were earmarked for destruction, South Australia, probably in a better way than any other State, put together a rehabilitation program for many of those degraded areas to replant them with softwoods.

New South Wales faces a particular dilemma. It has a lot of denuded land that it has not rehabilitated or planted with softwoods. Tasmania understands that that is required, but it is slow to bring it about: 30 years ago it was told by all and sundry that if it did not have a program of reafforestation with softwoods or native hardwoods it would run out of timber for the timber, pulp and paper industries. We are at the point now where further applications for the national estate have been made and there is pressure on old forests by the timber, pulp and paper industries that should not be there. Those pressures should have been alleviated by a plan which followed the South Australian example and which should have been started to be implemented in the 1950s and 1960s. Unfortunately, in Tasmania in particular, those decisions were not made by the timber and pulp and paper industries or the departments; most decisions in Tasmania were made by the Hydroelectricity Authority. The success of Tasmanian Governments was controlled or influenced by the Hydroelectricity Authority (on both sides of politics) and other influencing forces were the operating pulp and paper and timber industry employers. They were not able to get their act together and come up with a program of reafforestation. Therefore, we have the pressures on the national estate that we have today.

Unfortunately for many people in the environmental area, there has not been a coordinated plan to work out the relationship between the environment and jobs. I have raised some questions during Question Time about the problems that are being faced by the southern regions and, to some extent, the South-East, and now with the latest outbreak of algal bloom at Coffin Bay. I have raised problems associated with poor integrated management of land-based activities and current and future aquacultural programs. That is not the only area in which employment associated with the environment can be found; there is also tourism. Fortunately, people now find that employment can be created and the environment protected by protecting areas of the national estate and areas of significance that are seen to be attractive, to people, particularly from overseas but also nationally, who are prepared to pay to see our pristine environment and conditions. They are prepared to pay to see fauna and flora. Fortunately for the national estate, it is starting to become imperative that the environment be protected to ensure that those sorts of jobs and opportunities are created. The threads of opportunities for employment and protecting the environment are starting to be drawn together rather than our national estate being slashed, burnt or destroyed.

The chipping of the hardwood estate is a good example of a very short sighted policy that compares with the views of people who take a long-term view on how the national estate ought to be treated. I go back one stage further: if we had studied the ways of the Aboriginal inhabitants of Australia, how they lived in harmony with their environment for 40 000 years, we would have come to the same conclusion of protection for exploitation rather than destruction for exploitation.

There are conflicts in the community at the moment about which line you take. I do not support the line taken by the timber industry and the timber unions in relation to chipping. I think it is a very short-sighted approach leading to the destruction of the environment for exploitation rather than the protection of the environment for exploitation. The workers in the industry have been exploited to the point where they have false expectations about the length of time that their industry will last. There will be a day of reckoning—if it is not 1995 it will be 1997 or 1998—when there will not be any hardwood forests left to chip. This will happen unless there is a propagation plan of reafforestation which has long term planning and is put together in harmony with the competitive land use programs that need to be managed and integrated.

One of the issues associated with environmental planning and environmental jobs is that you need to work together with agriculture, horticulture and viniculture to make sure that single plantations or single mono-cultural programs that can also damage the environment do not exist. In the case of the booming industry of wine, the impacts of those developments on the relationship of viniculture with agriculture and horticulture are starting to be felt in some of our regions where there is expanding growth in the international wine business. There are now expanding pressures for land to be made available for vignerons and wineries to supply those wines to international markets. In some cases, the water requirements are not there.

In the southern regions, the unconfined aquifer of the watertable is dropping dangerously and the pressures for water for growth in the Southern Vales are not matching the demand; so, solutions have to be found. In the South-East there is adequate underground water but it is not unlimited. In the Barossa Valley they have been able to match the growth requirements with the water requirements of the vines. The land management program that has been put together up there has probably been more accidental than planned in that the geographical isolation or confinement of the Barossa Valley does not allow for over exploitation, although there is a possibility of that occurring outside the

valley with demands being made on underground water for expansion programs within its boundaries. The Clare Valley clearly has restrictions in its geographical area and is also restricted by available water.

The Riverland is a good example of an oasis being formed along the river. A lot of the problems associated with run-off and salinity are now starting to show. The Riverland has started to come to terms with that but what they have done is provide an engineering solution to the salinity problem there. The cost of the Woolpunda inception scheme is enormous. I would hate to do an economic analysis on the value of the fruit, vines and horticultural products that come out of that region and match it up against the expenditure of the Woolpunda inception scheme, because the cost of the final product would work out to be very expensive. I know that the Woolpunda scheme is aimed at protecting the agricultural, horticultural and viticultural industries there but it also takes the salt slugs out the Murray River for everybody not just in the Riverland but downstream as well.

I do not advocate man creating jobs and work and spending taxpayers' money on engineering intervention to overcome environmental problems—although I guess we should be grateful for the employment programs they provide. By the time you get to providing an engineering solution to a problem then the problem has obviously dominated the program and it is too late to bring about an ecological solution to the problem that may be able to be provided by an integration of land management and a natural solution being supplied. An illustration of that is the problem we are having with waste management and the litter and leachate getting into our streams and rivers.

I use the Adelaide Plains as an example of that where in the catchment area and the head waters of the Torrens River there are land fills and dumps. It does not make much sense when the underground water supply flow is east-west and the dumps are placed at the head of the river with the leachate flowing back down into the river. It means you either have to stop using land fill programs in the metropolitan area anywhere near any of our catchment rivers that ultimately flow into the sea or you have an engineering solution to provide separation of the landfill problems through leachate and all the other contaminants, separating one out from the other. Once you get into providing engineering solutions it means that the Government generally has to supply the infrastructure support and finance for those engineering solutions to those problems, and the costs are generally borne by taxpayers. The responsibility for the whole problem which may have been under the control of a waste management team—I will not name any names because it could be any one of the waste management teams—finishes once the landfill and the dump is covered over. There has to be better management of landfill and prevention of engineering solutions or making sure that engineering solutions are not the only solutions to rehabilitating degraded land, water and air after short-sighted solutions have been provided for ridding society of our own waste. That is where most of the problems commence.

There is a number of areas where the Government has allocated money for engineering solutions to environmental problems, and there are a number of Bills in the Council today which are part of that process. It is self-evident that those solutions, which are being required by the intentions of those Bills, are a catch up phase of providing money for engineering solutions for prevention. Unfortunately, the natural solutions are unable to be applied.

I speak specifically of the Patawalonga solution, which is a total development and separate program from the prevention program that may have been applied had we managed the waterways a little better some 20 or 30 years ago. The engineering solution that is being applied at the Patawalonga will and has upset people living on its boundary in other council areas. The people at Henley and Grange are saying that the solution being applied at the Patawalonga and Glenelg is not a solution at all, that it is a part solution: that it is a solution for the people at Glenelg but will create problems for the people at Henley and Grange because the redirection of the outflow from the Patawalonga will go out through the sand hills at Henley and Grange, and that it is just transferring the problem to another area.

The point I am making is that the environment needs to be protected, and it also needs to have a total management program and not separate solutions to what should be integrated programs. If that is to continue we will continue with the difficulty we have now, that is, managing the environment, ecojobs, ecotourism and the protection of the environment with regard to the intentions of developers and others who have a vested interest in making sure that you do not have an integrated program. That is why the conflicts that face Government need to be assessed and confronted.

At the moment probably the more insidious impact of some of our lifestyle programs are seen in the form of ozone depletion, which is being advertised on a daily basis as getting worse. Scientists are not at one on this issue in relation to its cause and effect and the rate of ozone depletion. As I said, there are obvious signs that we can work through using some of the methods that the Aboriginal people have used in this nation over a long period of time to make sure that we can live and work with our environment. The depletion of the ozone is not one of those obvious areas of environmental vandalism but it is one of those areas where we have to take notice of the scientists and scientific assessments, because the average person is not able to make an assessment on their own as it is not something that is obvious: you cannot see it.

If we are to take notice of the scientific evidence and the assessments, Governments have to make provision for some of these changes. I know that the previous Government, when planning proposals were put particularly by coastal councils and councils on the Adelaide Plains which might be impacted by the greenhouse effect, was asked to do an economic assessment of those proposals, and I hope that that is still continuing. I have not seen any evidence of that under the new Government and I hope that that is continuing. Provision for this should be made because the evidence is overwhelming, and certainly the Adelaide Plains and coastal areas will be impacted upon.

An allocation has been made for the correctional services area of some $70 million. Correctional services is a vexed area and, although there are consensus positions as to how to proceed with regard to housing, rehabilitation and returning inmates to society, there still are conflicting positions about how you go about that. The Government has indicated in relation to the allocation of those funds that it is keen to privatise management services but will maintain building and structural form. It is a little early for me to make an assessment of the Government's attitude to programs which are to be instituted internally, although I do notice some cutbacks to home detention and I disagree with that changed direction. There appears to be a Bill. I have not seen it yet although the Minister has introduced it into the Lower House, according

to the *Advertiser* this morning; I have not received a copy of it nor was I told that such a Bill was being drafted.

There appears to be a move to give prison officers more power to make assessments of prisoner's behaviour and for prison officers to become prison police. If that is accurate (and as I said I have not seen the Bill), I would not agree with it. However, there may be some detail in the Bill that will allay my fears about that. The movement with regard to prison rehabilitation seems to be to make prison officers more responsive to prisoner needs and requirements by building up a relationship based on trust between prison officers and prisoners and not based on fear, intimidation and increases in punishment and/or extensions to sentences.

In New South Wales in the two prisons I visited, particularly in the Goulburn prison, there was evidence that the conflict between hardened criminals and prison officers was being redirected towards prisoners and prison officers being able to sit down and work out their differences and to build up a respect and a relationship between each other so that some of the conflict is removed. The assessments that were being made by prison officers and professional staff were that that was starting to work, that prison officers were starting to write reports with prison managers on individual prisoners, and that there was respect being built up between prisoners and prison officers by the fact that they were forced to work closer together.

I did see personal evidence of that, but one visit does not mean that you pick up all the vibes associated with prison management. After speaking to some of the prisoners and prison officers, that appeared to be an approach that was working. When I see the details of the changes to the Act in the new Bill, I will make a close assessment of it, but there is nothing in the Minister's new management system, either the privatised form of management or any of the indicated changes which I have seen in redirecting the prison reform programs with which I totally agree. I support the Bill.

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

RESIDENTIAL TENANCIES BILL

Adjourned debate on second reading.

(Continued from 23 February. Page 1295.)

The Hon. ANNE LEVY: The Opposition supports the second reading of this Bill, although we have a number of arguments with it and will be moving amendments in the Committee stage. The Bill deals primarily with the relationship between landlord and tenant in the residential sphere in this State. What it does not do is deal with the Residential Tenancies Tribunal. The Act it is repealing and wishes to replace does, of course, devote a considerable number of its sections to the establishment of the Residential Tenancies Tribunal and its functions and powers. When I spoke (I think on 21 February) on the Magistrates Court (Tenancies Division) Bill, I made very clear the value we place on the Residential Tenancies Tribunal and enumerated many reasons for keeping it as the forum for resolving disputes between private landlords and tenants. The fact that our Residential Tenancies Tribunal has received considerable acclaim, both here, interstate and overseas, reinforces our belief that it is not appropriate to abolish that tribunal.

I will not go through all the arguments again, but I suggest that my comments on the Magistrates Court (Tenancies Division) Bill clearly indicate our belief that the Residential Tenancies Tribunal should be maintained. It seems clear, from the position taken both by me on behalf of the ALP and by the Hon. Sandra Kanck on behalf of the Democrats, that the Residential Tenancies Tribunal is likely to continue to be the forum for resolution of disputes between tenant and landlord of residential premises. I will not say any more on that topic at the moment but, obviously, will be moving amendments to ensure that the tribunal continues to exist.

The other side of this matter, which is dealt with extensively in the Bill before us, is regulating all the relevant aspects of the landlord-tenant relationship. I recognise that the Bill is extending this regulation to rooming houses, which is a very welcome innovation that we support wholeheartedly. We are not approaching this Bill with a philosophical position that tenants are always right and landlords always wrong and that landlords' rights need to be restricted: that is not our approach. On the contrary, we acknowledge that it is most important to have an appropriate balance between the rights of landlords and the rights of tenants.

We believe that the current Residential Tenancies Act, passed in 1978, set that balance pretty well, although this does not mean that change cannot occur. We have difficulty with a number of the significant changes that are proposed in this Bill. The basis for reform of the existing Act was stated by the Attorney in his second reading explanation, where he claimed that the legislative review team 'looked at ways of streamlining procedures for the hearing of residential tenancy matters before the tribunal and also had regard to the imbalance which is perceived to exist by the community between landlord and tenants.'

If those two comments are the rationale for reform, I maintain that it is founded on at least two false premises. First, the existing Residential Tenancies Tribunal practices provide a quick and efficient remedy for both the landlord and the tenant: there is really not much scope for further streamlining of these procedures. They are quick and efficient as they are, and the quick and efficient remedies are what are wanted by both tenants and landlords rather than lengthy court procedures. Secondly, we would dispute that there is an imbalance between landlords and tenants in the perception of the community at the moment. There is no doubt that some landlords will grumble about tenants and some tenants will grumble about landlords at different times, but no evidence has been offered to suggest that there is a widespread perception of imbalance between these groups of people.

There has been no evidence at all of imbalance in the way that the Residential Tenancies Tribunal handles these disputes. I presume that the Attorney is suggesting that there is an imbalance in favour of tenants, but the figures, from the information I have been given, show that more decisions given by the tribunal are in favour of landlords than are in favour of tenants. The figures show that about 60 per cent of disputes are resolved in favour of the landlords and about 40 per cent in favour of the tenants, which hardly suggests a bias towards tenants. If the Attorney is suggesting that the tribunal members themselves are biased in one way or another, I challenge him to produce any of the written determinations of the tribunal that show such bias. One of the very strong points about our tribunal is that it always provides written reasons for its determinations, which serve as precedents and information and which are held and widely used by land agents and people in the real estate industry through this State.

They are highly valued, written determinations and I suggest it would be impossible to document that these show bias. Furthermore, we know that there are very few appeals from determinations of the Residential Tenancies Tribunal, and I think this supports my contention that, on the whole, the tribunal is well regarded by both landlords and tenants. I indicated that we have arranged for the drafting of a series of amendments. I regret that these are not yet available, but I will have them put on file as soon as they are ready. Many of these amendments are aimed at retaining the provisions of the existing Residential Tenancies Act to some extent where no good case for change has been established.

Considering the more important Opposition amendments first, we will, as I indicated earlier, be ensuring that the current Residential Tenancies Tribunal continues to be the forum for resolution of disputes between landlord and tenant. Certainly, the tribunal provisions in the existing Act need to be reworded, if only to make them gender neutral and otherwise modernised to some extent. However, essentially we will be attempting to maintain the existing situation, although we will suggest that the existing monetary jurisdictional limit be raised from $25 000 to $30 000.

The next most important provision that our amendments address relates to termination of tenancies. I remain to be convinced that the termination procedures outlined in Part IV of the Bill represent any streamlining at all, and I am not convinced that landlords will necessarily be happy with what the Attorney is suggesting. So, my amendment will attempt to keep to the existing system, whereby the landlord gives notice of termination after a tenancy agreement is breached, as set out in section 63 of the current Act. Following that, the landlord can apply to the tribunal for possession of the premises and the matter is settled in one hearing before the tribunal.

We concede that a case has been made for shortening from 14 days to seven days the period before the landlord can apply to the tribunal following delivery of a notice of termination to the tenant. With this shortened period a landlord will be able to get a tenant out in two to three weeks, which appears to be the desired time frame that would occur as a result of the Government's amendments, thus overcoming what has been perceived as a difficulty by some people.

We will certainly be putting forward amendments in relation to the Government's use of regulations. For example, in clause 25, which covers receipt of the security bond and transmission of that bond to the Commissioner for Consumer Affairs, the period within which a recipient of the security must pay the amount to the Commissioner is to be set by regulation. I believe that this Parliament ought to be able to think about what is a desirable period and set it down in the Act for everyone to see, as is the case with the current Act. I do not mind if we have an argument about whether it should be seven, 14, or 28 days or whatever is felt to be an appropriate time frame, but I feel that the time for this should be stipulated in the Act. It is a matter of principle that this should be done unless there is a very good case for the greater flexibility that regulations allow. However, this is not something that one would expect to change frequently or that would need to be changed with the greater ease of regulations.

A similar argument can be put up in relation to clause 82 of the Bill, which permits regulations to be made that would provide for a matter or thing to be determined, dispensed with or regulated by the Minister. Even bearing in mind that regulations can, of course, be disallowed by either House of Parliament, this seems an extraordinarily wide power to give to the Minister.

The significance of law making by regulation should not be underestimated, particularly given that regulations come into effect generally as soon as they are made, even though Parliament may subsequently disallow the regulations. At the time that the regulations come into effect, individual rights and expectations can be profoundly affected.

Although I am not suggesting that the present Attorney would use regulations wrongly or unjustly, to have a provision such as this in the Bill opens the door to abuse. This is an unwise power to give to all future Consumer Affairs Ministers. For example, as it is presently worded, clause 82 would allow the Minister to take a decision on any particular landlord-tenant dispute out of the hands of the Residential Tenancies Tribunal and make a determination himself. It is all very well to say that if he brought in a regulation that did such a thing Parliament could disallow it, or even that there could be adverse political consequences if such a regulation were used unjustly. However, the point is that the damage could be done to particular individuals immediately the regulation came into effect. So, the Opposition will be moving amendments to that provision.

On a related topic, I also wish to move amendments to clause 80. In this clause the Minister is seeking to have the power to exempt agreements or premises from the provisions of the Act simply by publishing an order in the *Gazette*. This is most unsatisfactory. If the Minister wishes the law not to apply to a particular class of premises, a certain individual or a group of individuals, then such a matter should be put into regulations so that the Parliament has some scrutiny of the exemption being provided. Certainly, exemptions should not be provided at the whim of the Minister, merely by publishing them in the *Gazette* where the Parliament has no say whatsoever as to what the class of exemptions may be.

On other matters, my amendments will specifically reinstate some provisions of the Bill—restoring the *status quo*, or something very like it—rather than introduce the changes that the Attorney is suggesting. In clause 26, for instance, we consider it appropriate that landlords and tenants have up to 10 days in which to object to payment of bond money to the other party, instead of the seven days that the Attorney is suggesting. This is particularly relevant to tenants who may have moved on to another address. Given the time taken for letters to reach people who have changed address, the seven days mentioned in the legislation could well have elapsed so that the tenants will miss out on their right to object, if they feel it necessary, to the bond money's being paid to the landlord.

The Hon. A.J. Redford: It took me six weeks last November to get my money. When changing from one rented premises to another rented premises it took me six weeks—

The Hon. ANNE LEVY: Was it a disputed bond?

The Hon. A.J. Redford: No.

The Hon. ANNE LEVY: Well, I am talking about disputed bonds, not where there is no dispute at all. I commend the suggestions in the legislation about the return of bond money where there is no dispute about the payment of the money. What is suggested is, I am happy to acknowledge, an improvement on the current situation, but I am discussing here the situation where there is a dispute over the bond money, as set out in clause 26, which is a different matter.

Also in relation to clause 26, we can see no good reason why the time for the notice to quit period is being reduced

from 120 days to 90 days. This is in a situation where the tenant has in no way breached the tenancy agreement, which has not expired. If the landlord merely wishes to get the tenant out for no ostensible reason—there is no hardship reason and the premises are not wanted by the landlord for himself or for a relative—currently the landlord has to give 120 days notice, that is, four months, and the Bill proposes to reduce that to 90 days. No good reason is given for this reduction in time.

We also consider that the *status quo* should exist in clause 33 of the Bill, which deals with alterations to the premises by the tenant. The tenant is not able to make any alterations without the consent of the landlord, but the current Act states that the landlord cannot unreasonably withhold his or her consent. This qualification has been omitted in the Bill before us without any justification.

Clause 61 deals with the uses to which the income from the Residential Tenancies Fund can be put. I wish to move an amendment to allow for one of the uses to which the fund can be put to be research into rental housing needs and rental housing problems. It seems that such a provision for the fund is in the existing Act in section 86(ca), and I can see no reason for excluding it as a possible use of the Residential Tenancies Fund.

Another very minor matter is that clause 46 seems to contain a drafting error in that it refers to section 20 when dealing with rent control and I believe it should be section 19, but that would be easily fixed. Another minor amendment that I wish to move (and I give notice of these so that, although they are not yet on file, the Minister will know from which direction I am coming) relates to clause 59, which deals with the situation where the tenant has left and apparently abandoned goods at the premises from which he has departed. If the goods are not perishable, the landlord can store them for a certain period and he must publish notice of the fact that they are being stored and can be collected by the tenant.

If the goods are not recovered by the tenant, the landlord then has the right to sell them by public auction and retain from the proceeds of the sale any of the costs of storage and the cost of the auction which he has had to undertake, with the remainder going into a public fund. In my view after the sale of goods by public auction, the landlord should also be able to retain from the proceeds of the sale any reasonable costs of placing the required notices in the newspaper, and reference to this cost does seem to have been omitted and I seek to install it.

We will not be opposing any of the provisions which allow tenants to recover interest on their security bond money. There is certainly a novelty value about this provision. I doubt whether it will have any practical significance, however. My rough calculations show that the average amount paid out to tenants will probably be between $10 and $20. This is taking into account that the average tenancy is of about 16 months. These days it seems that sums like $10 to $20 are not necessarily sufficiently attractive to alter the behaviour of any tenants who might otherwise leave property damaged and rent unpaid. The fact that they can recover $10 or $20 is unlikely to inhibit this undesirable behaviour.

In any case the interest rate to be paid is not determined. It will doubtless be a low figure because one needs to take into account the fact that the interest on the Residential Tenancies Fund needs to be used for other purposes as set out in clause 61 and the surpluses available to be paid as interest are likely to be small. In other words, the operation of the tribunal has to be paid for. There will be other expenditure related to the administration of the Act through the Commissioner of Consumer Affairs and, at the end of the day, very little will be left for payment of interest on security bonds.

I mentioned earlier our support of the sections of the Bill dealing with rooming houses, and I commend the Attorney for tackling this very difficult area. It is a difficult area to regulate with many thorny issues arising, such as the rights of proprietors of rooming houses to enter the rooms of their boarders and what should be the appropriate response of proprietors when mentally disturbed boarders act in possibly an anti-social manner.

On the whole, we are happy with the proposed rooming house code of conduct that has been drafted and made available. I thank the Attorney for that. I have indicated a number of areas in which I expect to move amendments. I add the proviso that we have not yet received full feedback from the Tenancy Alliance which, as I mentioned in my earlier speech, is a coalition of a large number of interest groups who have a substantial interest in the regulation of landlords and tenants, both from a practical viewpoint and from a social justice perspective. It may be that in the light of further comments from them I may wish to move other amendments to which I have not alluded today, but I am happy to provide the Minister with copies of them as soon as they are available. I support the second reading.

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

PHYLLOXERA AND GRAPE INDUSTRY BILL

Second reading.

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 results from careful deliberations which began with the release in November 1992 of the Green Paper on the *Phylloxera Act 1936*. That Green Paper, in turn, was a product of the ongoing legislative review program which determines the worth of statutory measures.

It accurately can be said that this was a significant project within the review program because it centred on the South Australian grape industry and its most important adjunct, the wine industry. Within this scenario there is also the smaller but no less important table-grape industry.

Responses to the Green Paper were delayed by the unusual weather of the 1992-1993 summer, but eventually and not surprisingly there was unqualified industry support for retention of the principles set by the 1936 Act. Those responses were submitted by representative groups (such as vine improvement committees) rather than individuals and it was clear that there had been considerable discussion within industry.

Support for retention of the legislation did not consist of simple dismissal of Green Paper option number two, which suggested repeal of the Act. Rather, there was significant endorsement of the fifth Green Paper option which proposed expansion of the Act to grape diseases other than phylloxera.

Other principles to receive support were as follows:

- The Phylloxera Board should determine all policy for the protection of the State's grape industry against disease. However, measures to extend such protection should rest solely in the *Fruit and Plant Protection Act 1992*. The Chief Inspector under that Act should be appointed to the Board to ensure smooth translation of this principle.
- An additional facet of Green Paper option number five—namely that the Board enjoy the power to endorse industry-based vine accreditation schemes—should be adopted. This would free-up considerably the trade in propagative material but not increase

the risk of disease, given proper surveillance of those schemes. In all of this, attention is likely to remain focused on phylloxera.

· The Phylloxera Board's research and extension role should be clarified. At the same time, the worth of the Phylloxera Fund as a source of compensation in the event of an outbreak should be examined.

These and lesser points of agreement were written into a White Paper in March 1994 which subsequently was circulated to grape industry groups. That action was followed by meetings between such groups and departmental officers. The whole approach to the issue has been careful because of a resurgence in some circles, of the belief that the *Phylloxera Act* offers the industry protection against the introduction of the damaging phylloxera organism. Moreover there seemed to be a fear that the Act was about to be dismantled and the protection removed.

The facts which had to be reinforced were the following:

· As far as can be ascertained, the powers of protection offered by the *Phylloxera Act* have never been applied. Instead, measures against the introduction of phylloxera have been invoked under the *Fruit and Plant Protection Act 1992* and its predecessors.

· Under the proposed Bill, the industry-based Board will have a very clear and firm say about protection of the grape industry against disease, but the protection itself, correctly, will continue to be offered by the Act just described.

Honourable members now see before them a Bill that reflects both the earlier and more recent consultative processes. Inevitably, certain of the original proposals have undergone changes in emphasis or are now expressed more directly. Such is the case with the proposal that the Board be selected rather than elected as previously.

A subtle but significant addition to the thrust of the Bill can be found in the latter part of its long title, that is ". . . to assist and support the grape industry . . . " and in the simple expression of that aim in clause 12(1)*(j)*. This will provide all sectors of the industry with a forum for the analysis and resolution of needs and trends that are crucial to the effective, efficient production of grapes and wine in this State.

I commend the Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains definitions of words and phrases used in the proposed Act.

PART 2

PHYLLOXERA AND GRAPE INDUSTRY BOARD OF SOUTH AUSTRALIA

DIVISION 1—CONSTITUTION OF BOARD

Clause 4: Continuance of Board

This clause provides that the *Phylloxera Board of South Australia* continues in existence as the *Phylloxera and Grape Industry Board of South Australia* as a body corporate with full juristic capacity.

Clause 5: Constitution of Board

The Board consists of—

· the Chief Inspector (appointed under the *Fruit and Plant Protection Act 1992*); and

· up to eight members appointed by the Minister of whom one will be a person nominated by the Minister with expertise in viticultural research and up to seven will be persons nominated by the Selection Committee.

When nominating members of the Board, the Selection Committee must ensure that—

· no more than one member is nominated from each prescribed region;

· all members have proven experience, knowledge and commitment to the improvement of the State's grape growing and wine industries, and their protection from disease;

· any other requirements notified in writing by the Minister are satisfied.

No member of the Selection Committee may be nominated or appointed as a member of the Board.

Clause 6: Terms and conditions of members

An appointed member of the Board will hold office for a term of not more than three years and, at the end of that term, is eligible for reappointment. A member of the Board is entitled to allowances and expenses determined by the Minister and may be removed from office by the Minister for the usual reasons. On the office of an appointed member becoming vacant, a person must be appointed in accordance with this proposed Act to the vacant office.

Clause 7: Presiding member of Board

The members must elect a presiding member in each July. In the event that the office of the presiding member becomes vacant before the expiration of the term of office, the members must elect another member to preside.

Clause 8: Conduct of business by Board. A quorum of the Board consists of five members with each member present at a meeting having a vote on a matter before the Board. The presiding member at a meeting of the Board has a casting as well as a deliberative vote. A majority decision is a decision of the Board.

Clause 9: Conflict of interest

A member of the Board who has an interest in a matter before the Board must disclose that interest. The penalty for failure to disclose is a fine of $4 000 or 1 year imprisonment.

A member of the Board is taken to have an interest in a matter if—

· the member or a close associate would receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or detriment; or

· the member or a close associate would obtain or have a reasonable expectation of obtaining a non-pecuniary benefit or detriment,

not being a benefit or detriment that would be enjoyed or suffered by the member, or close associate, in common with other persons substantially involved in the grape growing or wine industries.

Subclause (3) sets out the circumstances in which a person is taken to be a close associate of a member of the Board.

A disclosure under this section must be recorded in the minutes of the Board.

A member of the Board who has an interest in a matter before the Board must not, except on the request of the Board, take part in any discussion by the Board relating to that matter, must not vote in relation to that matter and must, unless the Board permits otherwise, be absent from the meeting room when any such discussion or voting is taking place. The penalty for failure to comply with these requirements is again a fine of $4 000 or 1 year imprisonment.

It is, however, a defence for the defendant to prove that he or she was unaware of his or her interest in the matter.

The fact that a member failed to comply with these requirements does not of itself, invalidate a resolution or decision, but, where it appears that the non-compliance may have had a decisive influence on the passing of the resolution or the making of the decision, the Supreme Court may, on the application of the Board, the Minister or any person affected by the resolution or decision, annul the resolution or decision and make appropriate ancillary orders.

DIVISION 2—PHYLLOXERA AND GRAPE INDUSTRY BOARD SELECTION COMMITTEE

Clause 10: Establishment and membership of Selection Committee

The *Phylloxera and Grape Industry Board Selection Committee* is established. The Selection Committee consists of five members appointed by the Minister from a panel of 10 persons nominated by the South Australian Farmers Federation Incorporated, the Wine and Brandy Producers Association of South Australia Incorporated and any other organisations or bodies that, in the opinion of the Minister, have significant involvement in grape growing or winemaking. The Minister must appoint a member of the Selection Committee to preside at meetings of the Selection Committee.

Clause 11: Term and conditions of office of Selection Committee

The members of the Selection Committee are appointed for a period and on terms and conditions, including payment of allowances, determined by the Minister with the Board paying the allowances payable to members of the Selection Committee and any reasonable expenses of the Selection Committee. A member of the Selection Committee may be removed from office by the Minister for the usual reasons.

Clause 12: Procedures of Selection Committee

A decision may not be made at a meeting of the Selection Committee unless all members are present or participate by telephone, video or other electronic means. Each member of the Selection Committee is entitled to one vote on a matter arising for decision at the meeting and a decision carried by a majority of the votes of the members present at a meeting of the Selection Committee is a decision of the Selection Committee. The Selection Committee may engage consultants to assist it in nominating persons for appointment as members of the Board.

DIVISION 3—FUNCTIONS AND POWERS OF BOARD

Clause 13: Functions of Board

The primary functions of the Board are—

(a) to identify and assess—

- the relative threat to the State's vineyards posed by phylloxera and other diseases; and
- the risk of spreading diseases through the movement of machinery, equipment, vines and other disease carriers into and within the State;

(b) to develop policies in relation to—

- appropriate restrictions on or conditions for the movement of machinery, equipment, vines and other disease carriers into and within the State to prevent the spread of disease; and
- the quarantine of vines that are or may be affected by disease; and
- appropriate measures for the control of outbreaks of disease in the State;

(c) to develop plans for the eradication of disease in the State's vineyards;

(d) to support and encourage the conduct and evaluation of research into—

- disease resistance and tolerance of root stocks and scions; and
- diseases that affect or may affect vines, and any matter relating to such diseases, including their control;

(e) to publish the results of relevant research;

(f) to promote awareness of the dangers of disease among the public and people involved in grape growing or winemaking;

(g) to disseminate information on disease and work practices or industry codes of practice that would minimise the risk of disease, or its spread, to people involved in grape growing or winemaking;

(h) to approve nurseries (whether within or outside the State) that are capable of producing propagative material that is free of specified diseases or industry-based accreditation schemes for such nurseries;

(i) to collect and, on request by an interested person, supply data relating to vineyards and vine health in South Australia;

(j) to perform the other functions assigned to the Board by or under this Act or by the Minister.

The Board has the additional function of assisting and supporting the grape industry in its initiatives.

Clause 14: Action to be taken on outbreak of disease

If an outbreak of disease occurs, the Chief Inspector and the presiding member of the Board must—

- determine the appropriate action to be taken to control the outbreak; and
- provide on-going advice to the Minister in relation to the outbreak and the action being taken to control it.

Clause 15: Regional and other committees

The Board must establish regional committees representing each of the prescribed regions to advise the Board in relation to vine health in those regions and any other matter determined by the Board. A member of a regional committee may also be a Board member. The Board may establish other committees to advise or assist the Board.

Clause 16: General powers

For the purpose, or in the course, of performing its functions, the Board may—

- accept money or other things provided or given to the Board by an authority or person for the performance of its functions under this proposed Act;
- obtain expert or technical advice on any matter on terms and conditions determined by the Board;
- employ staff on terms and conditions approved by the Minister or make use of Public Service facilities or the services of Public Service employees;
- enter into a contract or arrangement of any kind;
- acquire, hold, deal with and dispose of real or personal property;
- exercise any other powers that are necessary or expedient for, or incidental to, the performance of its functions.

Clause 17: Delegation

The Board may delegate any of its functions or powers under this Act to a member of the Board, to a committee appointed by the Board, to a particular person or body or to the person for the time being occupying a particular office or position.

DIVISION 4—FIVE YEAR PLAN

Clause 18: Duty to prepare and maintain five year plan

The Board must, within 12 months after the commencement of this proposed Act prepare a plan of the Board's proposed principal undertakings and activities for the ensuing five years and present that plan at a public meeting convened by the Board. The Board must, at least two weeks before the date of a meeting to be held under this proposed section publish a notice of the date, time, place and purpose of that meeting in a newspaper circulating generally throughout the State and send a copy of that notice by post to each registered person.

The Board may revise and update the plan at any time, but must present a revised plan for the ensuing five years to a public meeting (of which notice has been given in accordance with this proposed section) at least once every 12 months after the initial presentation of the plan.

PART 3
THE REGISTER

Clause 19: The Register

The Board must maintain a Register of persons who own vineyards comprising 0.5 hectares or more of planted vines in which the Board must enter (in relation to each registered person) the following information:

- the person's name and address; and
- the location of the vineyard (including Section Number, District and Hundred); and
- the varieties of vines planted; and
- the area of each variety planted; and
- the age of the vines; and
- the source of the vines; and
- any other relevant information.

Clause 20: Power of Board to inspect assessments

For the purposes of proposed Part 3, the Board may (without payment) make searches in the Lands Titles Registration Office and inspect and take extracts from the records relating to rates, charges or taxes under the *Local Government Act 1934*, the *Irrigation Act 1994* or the *Land Tax Act 1936* kept by the council or authority responsible for collecting the rates, charges or taxes.

Clause 21: Returns

A person who—

- transfers or acquires ownership of a vineyard comprising 0.5 hectares or more of planted vines; or
- establishes a vineyard comprising 0.5 hectares or more of planted vines on land owned by the person; or
- extends a vineyard owned by the person so that it comprises 0.5 hectares or more of planted vines; or
- removes vines from a vineyard owned by the person so that the vineyard ceases to comprise 0.5 hectares or more of planted vines,

but does not, within three months, provide the Board with a return containing the particulars required to be entered in the Register under this proposed Part is guilty of an offence and liable to a division 8 fine ($1 000) that is expiable on payment of a division 8 fee ($150).

Clause 22: Correction of Register

The Board may correct the Register from time to time. If a correction would have the effect of increasing a contribution payable under proposed Part 4, the Board must not make the correction unless the owner of the vineyard has been given written notice of the proposed correction and allowed a period (not less than one month from service of the notice) to make submissions in relation to the proposed correction.

PART 4
FINANCIAL AND REPORTING

Clause 23: Contributions

Subject to this proposed section, the Board may by notice in the *Gazette* require that—

- a registered person; or
- a winemaker; or
- a distiller,

pay to the Board a contribution towards the costs incurred, or to be incurred, by the Board in carrying out its primary functions, in an amount determined in accordance with rules approved by the Minister and specified in the notice.

The Minister may approve different rules for the determination of contributions in respect of the various classes of persons listed.

A contribution payable under this proposed section will be levied and collected or recovered by the Commissioner of Land Tax on behalf of the Board as if the contribution were land tax, will be subject to the same penalties for delay or default in payment and will, until payment, be a charge on the land on which the vineyard, winery or distillery is situated.

Clause 24: Phylloxera and Grape Industry Fund

The Fund at the Treasury known as the *Phylloxera Fund* continues in existence as the *Phylloxera and Grape Industry Fund*. The Fund consists of—

- all contributions paid under this proposed Part; and
- any income paid into the Fund; and
- all other money that is required or authorised by law to be paid into the Fund.

Any money in the Fund that is not for the time being required for the purposes of this proposed Act may be invested by the Treasurer and any income from any such investment will be paid into the Fund.

The Board may apply any part of the Fund in defraying the expenses incurred by the Board in the performance of its primary functions or in making any other payment required or authorised by law.

Clause 25: Accounts and audit

The Board must keep proper accounts of all money received and paid by or on account of the Board, showing the purposes for which that money has been received or paid and must cause its accounts to be audited by a registered company auditor or the Auditor-General at least once in each year.

Clause 26: Report

The Board must, no later than 31 July in each year, submit to the Minister a report on its operations during the financial year of the Board ending on the preceding 30 April incorporating the audited statement of accounts of the Board for the period to which the report relates and the five year plan prepared or revised by the Board. The Minister must, within 12 sitting days after receipt of a report under this proposed section, cause copies of the report to be laid before each House of Parliament.

After each meeting the Board must provide a report on its activities (which may include the minutes of the Board's meeting) to each regional committee and each organisation invited to nominate persons to the panel from which appointments are made to the Selection Committee under Part 2.

PART 5
MISCELLANEOUS

Clause 27: Members of Board to be inspectors

The members of the Board are inspectors under the *Fruit and Plant Protection Act 1992 ex officio*.

Clause 28: Protection from personal liability

A person engaged in the administration of this proposed Act incurs no liability for an honest act or omission in the exercise or discharge, or purported exercise or discharge, by the person or by a body of which he or she is a member, of a power, function or duty under this proposed Act. A liability that would, but for proposed subsection (1), lie against the person, lies instead against the Crown.

Clause 29: False or misleading statements

A person who, in furnishing information under this proposed Act, makes a statement that is false or misleading in a material particular is guilty of an offence and liable to a division 7 fine ($2 000).

Clause 30: Regulations

The Governor may make such regulations as are contemplated by this proposed Act or as are necessary or expedient for the purposes of this proposed Act. The regulations may prescribe a fine, not exceeding a division 7 fine ($2 000), for contravention of the regulations.

Schedule: Transitional and Repeal

The schedule repeals the *Phylloxera Act 1936* and contains provisions of a transitional nature.

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

CONSUMER CREDIT (SOUTH AUSTRALIA) BILL

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. ANNE LEVY: Will the Attorney remind us when this Bill will come into effect? I understand that it was to be 1 July this year, but I am not sure of the timetable in other States and whether that 1 July timetable can be adhered to.

The Hon. K.T. GRIFFIN: The current date is 1 September 1995. The ACT has just had its election, but this legislation is expected to be passed between now and the end of June when the legislature resumes. After the State election in New South Wales, I understand that the matter will be given some priority. In Queensland, of course, the legislation has been passed. Victoria's application legislation is expected to be before the Parliament this month and to be passed between March and June. Western Australia is developing alternative legislation. That is expected to be before the Western Australian Parliament before the end of this month, and it looks as though it will be passed before the end of June. Tasmania has sought an extension of time to introduce this measure, because its legislature will not resume until 28 March. I have indicated support for that. The deadline for Tasmania has been extended to about the end of May, but it is not expected that that will upset the program. An extension to 30 June has been requested by the Northern Territory. Again, that is not expected to upset the 1 September date.

Anything can happen. The finance industry and some local credit providers have been in touch with my office. They are concerned about decisions they have to make about commitments involving millions of dollars and the preparation of training programs and a variety of other matters, including changing their computer programs, by 1 September. They are very nervous about it, but at the moment the date is still 1 September. I have not indicated anything other than the fact that I am sensitive to the narrowing time frame. There are some issues which Ministers will have to consider over the next month or two, particularly after the ACT legislature resumes and the New South Wales Parliament meets after its election.

Clause passed.

Remaining clauses (3 to 13), schedule and title passed.

Bill read a third time and passed.

CREDIT ADMINISTRATION BILL

In Committee.

Clauses 1 to 8 passed.

Clause 9—'Disciplinary action.'

The Hon. K.T. GRIFFIN: The Hon. Anne Levy raised some questions about the difference between the $8 000 maximum fine, which the court may impose in respect of disciplinary action, and the $30 000 maximum fine which may be imposed by the court in contravention of an order of the court. I point out to the honourable member that these provisions are identical now with the provisions which have been passed in the real estate package of legislation and in the second-hand vehicles legislation. I would like to maintain consistency. The rationale for it is that if one looks at clause 9 the fine is at the lower end of the disciplinary scale which the court may impose. It can reprimand, which is the least serious fine, prohibit from carrying on business, prohibit a person from being employed or prohibit a person from being a director. They are a range of sanctions which are in ascending order of seriousness, and it was felt in all this legislation that the capacity to fine is but one and at the lower end.

In relation to the $30 000 maximum penalty for a contravention of an order of the court or imprisonment for six months, it is regarded as particularly serious because if, for example, there is an order made by the court which prohibits a person from being employed in the industry or from a defendant carrying on the business of a credit provider, then to flout that order of the court is much more serious than the initial prohibition. That is one of the reasons why it has both the fine and the period of imprisonment attached to it. In my

view there is a consistency of approach with other legislation but more particularly it reflects an ascending level of penalties and ultimate imprisonment for that range of action which courts may need to take.

Clause passed.

Clauses 10 to 14 passed.

Clause 15—'Liability for act or default of officer, employee or agent.'

The Hon. ANNE LEVY: I move:

Page 7, line 6—Leave out 'the person could not be reasonably expected to have prevented the act or default' and insert 'the officer, employee or agent acted outside the scope of his or her actual, usual and ostensible authority.'

The Attorney has just spoken of the desirability for consistency across legislation. I move this amendment likewise for reasons of consistency across legislation. The liability of an employer for acts or defaults of their employees was worded as suggested by my amendment for the land agents, valuers and conveyancers. It seemed to me that for consistency across all such legislation my amendment was preferable to what was set out in the Bill before us.

The Hon. K.T. GRIFFIN: I indicate that I accept the amendment. It is consistent with the other legislation that we have already enacted and I agree that there ought to be consistency of approach in some of these areas which are common to all of the various Acts we are putting through the Parliament.

Amendment carried; clause as amended passed.

Remaining clauses (16 to 19), schedules and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN HOUSING TRUST (WATER RATES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 March. Page 1493.)

The Hon. T.G. ROBERTS: I support the Government's position in relation to water rates but indicate that the Opposition will be opposing the regulation at a later date. We recognise the concept behind the application of the principle for charging subsidised tenants for water. It is a recognition that everyone has responsibilities for conservation. It is not saying that people in subsidised housing do not already have that understanding; it is to acknowledge that some equity needs to be brought into the program. The Opposition is not particularly happy that the amount of water allocated to tenants is less than the average allocation that would be required—200 kilolitres. Apparently, the average Housing Trust tenant uses 150 kilolitres, whereas the average household uses 250. On those indications there will probably be excess payments being made. To subsidised tenants, any increase in outlays is difficult for them.

I suspect that there will be tenants who will not be able to pay the excess and there will be provisions having to be made by Government to allow further provision for subsidisation not only of their rent but of their water. Be that as it may, I suspect there are already difficulties starting to emerge from what I am hearing from members in the Lower House with large numbers of Housing Trust constituents. Tenants have been in to pay their rent and have had the excess water charges taken off the amount payable that they have provided for their rent. The Minister is making some consideration that, where a determination for a specific allocation for payment is made, that is where that money has to be allocated to. If someone goes in and determines that they are paying their rent and not their excess water then it is the rent that the money will come off and not their excess water rates. That is an administrative problem the Government will have to come to terms with.

The other point made in another place concerned the retrospective nature of the Bill, which was introduced on 14 February but whose application is from 1 January; there is a retrospectivity period there. That has been discussed in another place and I place it on record as a point of contention by the Opposition with the administration of the Bill and not the principles itself.

The other problem which the previous Government had and which the current Government now has is the number of Housing Trust premises that do not have meters. A formula is being applied by the Government for that, to have an averaging system which allows people who live in premises without meters to pay for their water usage. There will be some difficulties with that, but there is no easy way around it without fitting water meters. Again, it will be up to the Housing Trust's administrative body to deal with the arguments, discussions and differences of opinion that people have about the collective use of the water allocation.

Another problem, which particularly relates to older tenants in Housing Trust accommodation, is that many people have gardens and their gardens take up a lot of their time; they get a lot of pleasure out of growing flowers, fruit trees and so on. If the increases in the water rates are applied I suspect that a lot of people, because of their financial circumstances, will not be able to afford the extra money to keep those gardens going. That is happening at present. In a lot of Housing Trust areas tenants are allowing their lawns in particular to brown off but are keeping their flower beds and vegetable gardens going.

I think that we should do all we can to encourage Housing Trust tenants to take pride in maintaining their gardens. I do not think that water used to maintain a good, clean, healthy and sound environment around your home can be considered to be water wastage. I hope that the Government will be sympathetic when people declare hardship when they are not able to meet the extra payments required because of the increases in rates. If people let their gardens go it detracts from the street and suburb. I hope the Housing Trust and the Government take measures to encourage people to maintain their gardens, not only for the well-being of the tenants but for the general character of the area. I trust that the Housing Trust and the Government will take those matters into account when applying the principles contained in the legislation.

The Hon. DIANA LAIDLAW (Minister for Transport): I thank members for their contributions to this debate. I know that the former Government sought to address this issue which is important not only in terms of the conservation of water in this State but also because of the question of equity and social justice. It has been an interesting matter for the Government to work through. Essentially, we have ended up with a compromise where the Government will set, through regulations, a limit of 136 kilolitres of water. If trust dwellers who have a separate meter use over that amount of water they will pay the excess water rate and if they do not have a separate meter the trust will pay for their water usage.

The Hon. Sandra Kanck raised a number of questions. She asked about the EWS and subsidies with respect to water

rates to preserve capital values of houses, and she sought to know to what extent this applied to South Australian Housing Trust houses and how many tenants were affected. I am able to confirm that there are no EWS subsidies designed to preserve or enhance the capital value of Housing Trust properties and, therefore, no tenants will be affected in the manner that concerned her. She also asked whether there were other strategies to help reduce water bills for heavy users of water. I note that neither the EWS nor the South Australian Housing Trust reduce water bills, and they do not plan to beyond the 136 kilolitres allowance for use on gardens, washing cars and so on. However, other agencies may offer financial support to families which, for medical or social reasons, incur large water bills.

With regard to social justice for tenants who live in units which are not separately metered, I reiterate that neither the EWS nor the South Australian Housing Trust will bill any such tenant for water use; the South Australian Housing Trust will pay for all water used in those units. This is a policy decision by the Minister and the department, and it has been communicated to all tenants. It would be impractical—in fact, a financial nightmare—for the Government to meter every Housing Trust dwelling and we reached a compromise in this matter.

Tenants living in units that are metered will pay for water use above the 136 kilolitres, but tenants living in units that are not separately metered will not pay for their water use. Therefore, no conscientious water user will be disadvantaged, and that was a matter of concern to the honourable member. Accordingly, every case that might be envisaged by the Democrats' proposed amendment (suggested on the understanding that I would not satisfy the honourable member's concerns, which I hope I have) would fail in terms of the criteria, and such an amendment would have no work to do. I hope I have discouraged the honourable member from that course of action.

In reply to the Hon. Terry Roberts and the suggestion that the Labor Party is considering amending the regulations, he would know, after his vast years of experience in this place, that it is not possible to amend regulations and that it is only possible to allow or disallow them. That would have to be taken into account with regard to any proposed course of action by the Labor Party.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

[Sitting suspended from 12.52 to 2.15 p.m.]

PAPER TABLED

The following paper was laid on the table:

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

South Australian Housing Trust—Report on the Triennial Review.

JOINT COMMITTEE ON WOMEN IN PARLIAMENT

The Hon. A.J. REDFORD: I move:

That Standing Orders be so far suspended as to enable the members of this Council appointed to the committee to sit on that committee during the sitting of the Council this day.

Motion carried.

OPERA AND ORCHESTRAL SERVICES

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a ministerial statement on the subject of models for opera and orchestral services in South Australia.

Leave granted.

The Hon. DIANA LAIDLAW: South Australia should be at the forefront of innovation and international standards in the provision of both opera and orchestral music services. I have therefore asked that an assessment be undertaken of possible new models for the management of opera and orchestral services in this State so that the future of both can be secured. There has been considerable attention recently on the future funding of the Adelaide Symphony Orchestra (ASO) consequent upon the proposed divestment of the Sydney Symphony Orchestra from the ABC, which was announced by the Federal Government as part of its Creative Nation statement, despite there being no evaluation at that time of the arrangements regarding the divestment. The ABC has now said that there will be no plans to change the structure of the ABC orchestral network until the responsibility concerning the divestment has been resolved.

The South Australian Government is therefore undertaking its own evaluation of opera and orchestral services as part of a responsible examination of the options and so that the Government is in the best possible position to negotiate with the ABC and the Federal Government to secure the future funding of the ASO. It should not be presumed that divestment of the orchestra is a pre-condition of any new model, although the issue of divestment must be taken into account. The costs of providing first class opera and orchestral performances continue to increase at a time when there is greater pressure for the arts to reduce their dependence on public funding. All areas of the arts must build audiences and ensure the most efficient administration of their organisations. Without new models for management and service provision we may arrive at a point where creative capacity and future growth is seriously undermined.

South Australia can be the leader in finding new solutions to these longstanding problems. The assessment will be undertaken by Mr Peter Alexander, who will work with a reference team comprising a representative of each of State Opera of South Australia, the Adelaide Symphony Orchestra and the Department for the Arts and Cultural Development, and will report to me by mid-April 1995. The terms of reference are as follows:

1. Assess models in Australia and internationally with regard to establishing forward-looking, innovative ways of delivering opera and orchestral services.

2. Assess within the context the possibilities of adopting a merger model for the joint delivery of these services in South Australia, including appropriate corporate structures, and elucidating advantages and disadvantages.

3. Assess the financial implications of any such model with the respective organisations, for funding bodies and for the State Government of South Australia in particular.

4. In doing so, consult with parties including the board and management of the Australian Broadcasting Corporation, the board and management of State Opera of South Australia, the foundation and management of the Adelaide Symphony Orchestra and other relevant organisations and individuals.

5. Work with a review team comprising a representative of each of the State Opera of South Australia, the Adelaide Symphony Orchestra and a senior representative of the

Department for the Arts and Cultural Development, and report to the Minister for the Arts through the Department for the Arts and Cultural Development.

6. Assess potential proposals for subsequent discussions with major funding bodies.

7. Report by mid-April 1995.

QUESTION TIME

SCHOOL DENTAL CARE

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 dental care.

Leave granted.

The Hon. CAROLYN PICKLES: Changes to the school dental scheme now mean that a majority of secondary students are required to pay $35 per year to maintain access to the service previously offered by the South Australian Dental Service to all school children free of charge. Only secondary students in receipt of schoolcard will continue to receive free care. This is another move to remove benefits from the parents of children attending school and means that many children will now not be receiving the regular dental care required during their adolescent years. In a society where the emphasis should be on preventive health care, this decision will be a cost to the community as the children require attention later in their lives: the wrong policy introduced to save this Government $500 000.

The big cost is to families who have more than one child at secondary school and who earn just a few dollars too many now to be eligible for schoolcard under the Minister's new guidelines. With three children it means another $105 each year or choosing between a private dentist and no dental care. These are the same people who are now paying an extra $200 each year for bus fares for each child. Will the Minister tell the Council how many children have paid the $35 fee and how many children not covered by schoolcard have been forced out of the State's dental scheme?

The Hon. R.I. LUCAS: As the honourable member knows, this is primarily the responsibility of the Minister for Health, so I will need to refer the question to that Minister and bring back a reply. The only point I can make is that the changes the Government made to the schoolcard scheme did not actually change the income limit that the Labor Government used of $426 a week, so it is not as if, as is suggested by her question, that income limit in some way has been changed. We have continued to use the same income limit of $426 a week as used by the Labor Government.

COLLINSVILLE MERINO STUD

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Leader of the Government in the Council, representing the Treasurer in another place, a question about Collinsville Stud.

Leave granted.

The Hon. R.R. ROBERTS: Unfortunately, a couple of years ago South Australia's premier merino stud got into financial difficulties and has gone into liquidation. Since that time it has been part of the Assets Disposal Unit and has been managed by a board. My questions to the Treasurer are:

1. Is the Treasurer happy with the management of the Collinsville asset, including the cost of the management?

2. Is the Treasurer happy with the tender process for the sale of the Collinsville Stud?

3. Does any member of the management board of Collinsville Stud have any family or business connections with any of the tenderers for the Collinsville Stud, which may constitute a conflict of interest?

The Hon. R.I. LUCAS: I am happy to refer the honourable member's question to the Treasurer and bring back a reply.

ECOCITY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Minister for the Environment and Natural Resources a question about EcoCity.

Leave granted.

The Hon. T.G. ROBERTS: The Messenger press has an article—

Members interjecting:

The Hon. T.G. ROBERTS: The Messenger press carries very important questions associated with the environment, which is my portfolio. Wherever the articles appear I will quote from them. If the National Farmers Federation—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: I will take up my concerns from any paper.

Members interjecting:

The PRESIDENT: Order! I cannot hear the question because of the byplay that is going on.

The Hon. T.G. ROBERTS: The article in the *Messenger* Press, which includes a photograph that makes it far easier to read and understand for members opposite, states:

> The future of Adelaide's green housing showpiece, the Halifax EcoCity project, is misted in a confusing cloud of doubt delays and rumours.

The article, written by investigative journalist Megan Lloyd, who is doing a very good job, goes on to state:

> The *City Messenger* has learned that last year a visiting American environmental analyst was shown a detailed list of the contamination, reportedly compiled by the office of the Environment Protection Authority. Based on the list, the analyst apparently advised the EcoCity developers to find another site for the project.

If that is correct and the advice is to find another city, it is very disturbing because the site itself, if it is contaminated as seriously as the article implies, nevertheless has to be cleaned up regardless of what goes on it. All those people who have worked very hard to ensure that the project does come to fruition—that is, members opposite, Federal members who are involved and watching closely, and Opposition members—would be disappointed if the project were either shelved or delayed. Will the Government work with the Adelaide City Council to ensure that Adelaide's model environmentally compatible housing project is given the green light? I am sorry about the pun.

The Hon. DIANA LAIDLAW: I was distracted by the pun and was not paying attention. I will refer the honourable member's—

Members interjecting:

The Hon. DIANA LAIDLAW: I will nevertheless refer the honourable member's question to the Minister and bring back a reply.

WATER SUPPLY

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport a question about the Strathalbyn water supply. Like the question I asked yesterday, this question may need to be referred to the Minister for the Environment and Natural Resources and the Minister for Infrastructure.

Leave granted.

The Hon. M.J. ELLIOTT: I have received correspondence from some concerned Strathalbyn residents who, as Trees for Life members, regularly grow about 4 500 trees and shrubs for farmers in their local district. This year their trees were attacked and killed by saline bore water, which is pumped through the town as an alternative supply as distinct from the regular supply that comes from lakes water at Milang. I understand that today in the local *Argus*—which I have not as yet read—it is reported that between 900 and 1 200 parts per million of salt were present in the reservoir water being used at Strathalbyn for all of last year. The World Health Organisation recommends a maximum salt content of 440 parts per million, and EWS guidelines recommend a maximum of 1 000 parts of salt per million.

Strathalbyn experienced only a few weeks of low salt water for the whole of 1994, even though the toxic algal blooms were a problem for only 10 of those weeks. Residents fear that they are being made to suffer with this unacceptable level for purely financial reasons due to the cost of pumping water from the lakes system. I have also received reports that one of the local nurseries had severe damage done to its plants due to the water supply. My questions to the Minister are as follows:

1. Can the Minister confirm the salt content levels in the domestic water supplies for Strathalbyn?

2. Will she confirm how often Strathalbyn residents have been receiving reservoir water and on what occasions they have received water from the lakes system?

3. What does the Government propose to do about the water supply in the Strathalbyn district, recognising the problems and, of course, that the town is still undergoing growth? It is also worth noting that grape growers in the area were given extra allowances not long ago.

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the Minister and bring back a reply.

TRADING HOURS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Attorney-General, representing of Minister for Industrial Affairs, a question about Friday night shopping.

Leave granted.

The Hon. G. WEATHERILL: Over the period that we have had Friday night shopping in the outer city areas, the union has been keeping a watch. The union representative has received complaints from members that in most of these areas the small business people are really hurting. Some are closing their shop one week in every four to enable them to remain in business. Union representatives recently visited Marion Shopping Centre and they found that they could have shot a shotgun in the place and not hit anyone; there were no people around. Small businesses have employees sitting around until 9 p.m. and they have to pay their wages. We blame Sunday trading in the city; people are all coming to the city on Sunday to do their shopping rather than doing it in the outer areas. Will the Minister review his decision about Friday night trading?

The Hon. K.T. GRIFFIN: I will refer the question to my colleague and bring back a reply.

FOSTER CARE

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about foster care funding.

Leave granted.

The Hon. BARBARA WIESE: The Opposition has been contacted by foster parents who are concerned at significant cuts in their Government assistance. Recently, foster parents received notification from their host agency that there would be no changes to the school card and that discussions were continuing between FACS and the Department for Education and Children's Services. On the same day, one family received notification from the Department for Education and Children's Services that school card eligibility for foster children would now be subject to an income test applied to foster parents. This was despite the fact that the family has letters of support for school card eligibility from FACS dated 24 November 1994.

Until this year, foster children have automatically received eligibility for school card. This was essentially at little additional cost to the department, as foster children tend to come from backgrounds that have eligibility for school card on an income basis in any case. In addition, foster parents with children in their care who need to travel to school by public transport have also incurred, along with many low income families, the extra cost caused by the abolition of free train and bus travel for school card holders.

One family that has two foster children in its care will be facing additional costs of over $700 per year. The costs associated with caring for two foster children for this family already far exceed the payments provided by the Department for Family and Community Services.

The State already faces a chronic shortage of suitable foster parents, and hundreds of foster children will be further disadvantaged by this decision. A recent *Four Corners* program highlighted the huge saving in financial terms alone of foster care as opposed to institutional care and the lack of support that foster parents receive in their vital role. Will the Minister intervene to overturn this callous and short-sighted cost cutting measure?

The Hon. R.I. LUCAS: I am aware that some discussions are going on between officers of the Department of Family and Community Services and the Department for Education and Children's Services. I am also aware of the concerns about this issue. I will undertake to get a report and bring back a reply.

BANKS, BRAND NAMES

The Hon. R.I. LUCAS (Minister of Education and Children's Services): I seek leave to table a copy of a statement made today by the Deputy Premier and Treasurer on the subject of the use of brand names by banks in Australia.

Leave granted.

MBf

The Hon. R.I. LUCAS (Minister of Education and Children's Services): I seek leave to table a copy of a statement made by the Premier today in another place on the subject of allegations about MBf.

Leave granted.

The Hon. Anne Levy: Why doesn't he give me an answer to my question?

The Hon. R.I. LUCAS: If you read it you might get it. Do you want me to sit down and read these things to you?

ABORIGINAL HERITAGE ACT

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Transport, representing the Minister for Aboriginal Affairs, a question about delegations of authority under section 6 of the Aboriginal Heritage Act.

Leave granted.

The Hon. SANDRA KANCK: On 4 November 1994 the Minister revoked all—not some, but all—delegations of authority under section 6 of the Aboriginal Heritage Act 1988, which relates to powers to investigate possible breaches of the Act. The Minister instead vested these powers in the Chief Executive Officer of the Department of State Aboriginal Affairs and permitted the CEO to subdelegate these powers to other officers in the department from 4 November 1994 onwards. I remind the Minister that on 11 August last year I raised in this place the matter of the virtual decimation of the Culture and Site Services Branch of the Department of Aboriginal Affairs, and I understand that staff numbers have declined further since then. In answer to that question the Minister said in part:

> The Government is addressing the resources available and needed to ensure the effective management of the Aboriginal Heritage Act.

It has been put to me that the withdrawal of the authority of inspectors to enforce the Act will make it virtually impossible for any prosecutions to be brought against people or organisations who breach the Aboriginal Heritage Act since the Act cannot be effectively policed. Breaches are going on at the moment such that Aboriginal sacred sites are being decimated and many Aboriginal people are extremely distressed.

I am informed that Department of Environment and Natural Resources officials went to DOSAA expressing grave concerns about the decision. Aboriginal people are particularly incensed at the assertion by the Minister for Aboriginal Affairs that, if the Federal member for Barker has in fact breached the South Australian Aboriginal Heritage Act, he should be prosecuted, when there would be no-one in his department, apart from the CEO, who could investigate the alleged breach. My questions to the Minister are:

1. Is the decision by the Minister to revoke delegations of authority under the Aboriginal Heritage Act 1988 a deliberate political ploy as a result of the recent *Iron Princess* and Hindmarsh Island bridge debacles?

2. What was the total number of delegations under section 6 of the Aboriginal Heritage Act revoked by the Minister's decree of 4 November 1994? How many subdelegations have been made by the CEO of Aboriginal Affairs since that date and up until today's date?

3. Have officers of the Department of Environment and Natural Resources spoken with officers of the Department of State Aboriginal Affairs and, if so, what recommendations did the Department of Environment and Natural Resources officers make?

4. Has the Minister been informed that National Parks and Wildlife officers have been instructed not to do anything about breaches of the Aboriginal Heritage Act, and what are the implications of that for Aboriginal heritage in this State?

5. Is it the case now that if Ian McLachlan was found to be in breach of the Aboriginal Heritage Act 1988, the only person able to issue proceedings against him would be the CEO of DOSAA and that effectively this would have to be done at the direction of the Minister? Would the Minister be prepared to issue proceedings against the member for Barker if he is found to have breached the State Aboriginal Heritage Act?

The Hon. K.T. GRIFFIN: On behalf of my colleague the Minister for Transport, I will have the questions referred to the Minister for Aboriginal Affairs and bring back some replies. In passing I say that so much of that questioning is related to hypothetical issues that it would not be possible to answer it. The use of inflammatory or colourful language like 'ploys' and 'political ploys' is totally inappropriate and would not occur.

MOUNT BARKER ROAD

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Transport a question about Mt Barker Road.

Leave granted.

The Hon. ANNE LEVY: I understand that surveys have shown that about 9 per cent of motor vehicles using the Mt Barker Road are commercial vehicles, mainly semitrailers, leaving 91 per cent to be mainly domestic and passenger cars. I also understand that the survey has shown that on the Mt Barker Road commercial vehicles, mainly semitrailers, are directly involved in 13.2 per cent of all accidents and indirectly involved in a further 7.1 per cent of accidents, meaning a total involvement by commercial vehicles of 20 per cent of all accidents on the Mt Barker Road although they constitute only 9 per cent of all vehicles using the road. I ask the Minister whether these statistics relating to the Mt Barker Road are applicable to the entire State (in other words, are commercial vehicles grossly over-represented as being involved in accidents compared with their numbers on the roads), and will the Government deduce from this that carting goods by commercial vehicles is a dangerous means of transport and that the presence of these large commercial vehicles on the road poses a—

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: The statistics are for the Mt Barker Road, but I have asked whether these same statistics are applicable for the entire State. In other words, are commercial vehicles grossly over-represented as being involved in accidents compared with their numbers on the roads? If this is true, will the Government recognise that carting goods by these commercial vehicles is in fact a dangerous means of transport and that these commercial vehicles pose safety problems for all other users of the roads?

An honourable member interjecting:

The Hon. DIANA LAIDLAW: With all due respect to the honourable member, she seems to have been a bit confused between Mt Barker Road and all roads. If she is suggesting that heavy vehicles are a dangerous means of transporting in relation to the whole State and therefore all roads, I would definitely say 'No,' notwithstanding the fact

that most people do not have any alternative but to transport by road since the Federal Government's AN has been pulling up railway lines all over the State. Even if it was not (and we will hear more about the Wolseley to Mt Gambier freight rail service this week or next with respect to Mr Brereton's decision), it is not possible in South Australia to have any other option but to transport goods by heavy vehicles.

We used to have a coastal shipping service, but that would not work today. The railway service has been progressively dismantled. I would argue in terms of heavy vehicles that over the past few years (and the Hon. Barbara Wiese would be aware of this) the heavy vehicle industry has taken a much more responsible approach to road safety issues and driver behaviour. That is contributing to a much sounder safety record on our roads. So, I do not agree with the second proposition that the honourable member has outlined today. I am not aware of whether the figures in relation to heavy vehicles on the Mount Barker Road are relevant to all roads in terms of safety records, but I will investigate that further and bring back a reply for the honourable member. I doubt whether it is the case, because the Mount Barker Road is a notorious road. Yesterday, I wrote the fifth or sixth letter in the past year to Mr Brereton pleading for Mount Barker Road to be included in the 1995-96 budget for national—

The Hon. A.J. Redford: He's got other things on his mind.

The Hon. DIANA LAIDLAW: He has many other controversial matters on his mind, that is quite correct. Notwithstanding that, there is logic in incorporating the Mount Barker Road in the allocations for 1995-96. In the meantime, Liberal Party policy in respect of the Mount Barker Road indicates that we will look at confining heavy vehicles to one lane only during certain peak hours of the day. That policy has caused some concern amongst heavy vehicle operators in South Australia, and it has been discussed by the Commercial Transport Advisory Committee (CTAC), which advises me on transport matters in the freight area. I have indicated to CTAC that I will not push for the implementation of this policy until we hear from Mr Brereton about any decision he may make in terms of road funding for the Mount Barker Road, because it is imperative that this road be brought up to the standard of national highways in this country. If Mr Brereton refuses to act as he should as a responsible Minister interested in issues of road safety and also the efficient movement of freight, I will have to make a recommendation to Cabinet about the introduction of such a restrictive practice. I respect that it is a restrictive practice, but in road safety terms it may be one that we will have to consider if we do not get positive advice about road funding in this budget or the possibility of funding in the next.

BANK OF SOUTH AUSTRALIA

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister representing the Treasurer a question about BankSA.

Leave granted.

The Hon. T.G. CAMERON: The Federal Treasurer (Ralph Willis) is to be congratulated for agreeing to the request by the South Australian Government to allow regional banks or institutions to keep their brand name. The action taken by the State Government was correct, and it is also to be applauded, because the sale value of BankSA will be enhanced by as much as $50 million to $100 million, or possibly much more. The *Financial Review* stated today that up to 30 per cent could be added to the value of regional banks as a result of this decision. The State Government initiative supported by the Federal Treasurer will enable BankSA to retain its name, but more importantly it will be of great assistance in keeping BankSA's headquarters in South Australia with all the consequential benefits, particularly in employment, that will flow from this.

Regional bank share prices are currently trading at premiums to net asset backing of 40 per cent. These premiums recently were as high as 80 per cent. Again, this augers well for a substantially higher price for BankSA than originally expected and factored into the State budget. A figure well in excess of $1 billion is now more than achievable. This will not only help to reduce the State debt but it should put a brake on tax increases and further cuts to Government expenditure.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: Well, unless you're going to give it away, and that wouldn't surprise me. My questions to the Treasurer are:

1. Are any overseas banks, particularly in Hong Kong, interested in tendering for BankSA?

2. In the light of the Federal Treasurer's decision, will the State Treasurer give an undertaking that two of the conditions of sale of BankSA will be that BankSA will remain under Australian ownership and that its headquarters will remain in South Australia?

The Hon. R.I. LUCAS: I will refer the honourable member's questions to the Treasurer and bring back a reply. The honourable member might be interested in the text of the ministerial statement made today by the Deputy Premier and Treasurer on this particular issue, and I will provide him with a copy. On behalf of the Treasurer and the Government, I can only say that if the Hon. Mr Cameron knows a Mr Khemlani or someone else who has $1 billion to pay for the bank, I am sure that the Deputy Premier and Treasurer will be delighted to be put in touch with an investor or investors who are prepared to pay that sort of money for BankSA. However, I am pleased to refer the honourable member's questions to the Treasurer and bring back a reply.

POLITICAL DONATIONS

The Hon. T. CROTHERS: A very appropriate question. I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, in his capacity as Leader of the Government in this Council, a question about a donation made in February 1993 by the now defunct company Moriki Holdings Ltd and also the Catch Tim donation.

Leave granted.

The Hon. T. CROTHERS: The squeaky wheel always makes the most noise.

The PRESIDENT: Order! The honourable member should ask his question.

An honourable member interjecting:

The Hon. T. CROTHERS: Very well oiled indeed. I refer to an article on page 5 of today's *Advertiser* written by Greg Kelton. Some statements in that article are worth noting and may possibly interest many South Australians, even if only to express some surprise that this is the second major electoral donation apparently organised by Mr Bill Henderson who, it is said, is a director of Gerard Holdings. Another apparent coincidence with which Mr Henderson was concerned by way of his association with Moriki Holdings

Ltd and the Catch Tim company is that both companies, as has been stated, were merely so-called shelf companies. One of the owners of Moriki Holdings, Mr Anthony Tang, is quoted in the article as stating that:

> . . . Moriki was an off-shore company belonging to his family and the company was 'eventually defunct'.

Mr Tang, who is a resident of Singapore, said in the article that he was 'disheartened' to learn of the current situation in relation to the Moriki donation to the Liberal Party. The article states further:

> He said his family had been surprised and upset by the publicity and the suggestion that their gift had in some way been improper.

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: There is more to come, you can be assured of that, so I would be careful if I were you. The article states further that Mr Tang said:

> . . . he feared his experience might make other Asian investors think twice before committing themselves to South Australia.

In the light of the foregoing, I ask the Minister:

1. Does he consider that it was merely coincidence that in respect of both the Catch Tim donation and the Moriki donation, which were solicited for the Liberal Party by Mr Henderson, who is a director, so it is stated, of Gerard Holdings, both Catch Tim and Moriki Holdings were shelf companies?

2. Does the Minister believe that the advice to the owners of these companies relative to their being set up came from within South Australia and was aimed at evading the laws laid down at both State—

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: Well, you seem to know a lot. As I said, the squeaking wheel makes the most noise.

The PRESIDENT: Order!

The Hon. T. CROTHERS: Thank you, Mr President, for your protection. I repeat:

2. Does the Minister believe that the advice to the owners of these companies relative to their being set up came from within South Australia and was aimed at evading the laws laid down at both State and Federal level in respect of electoral donations? If the Minister does not believe that, why not?

3. Does the Minister believe that Mr Tang's statement about other Asian investors thinking twice before committing themselves to investing in South Australia is a none too subtle threat to the Government that if there is no *quid pro quo* relative to the $50 000 donation to the State Liberal Party it might be a black day for South Australia in respect of Asian investment here—

The Hon. Diana Laidlaw interjecting:

The Hon. T. CROTHERS: Minister, I noticed your father was on the finance committee so I would be very careful if I were you.

Members interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: Thank you, Mr President: members opposite force it out of me—particularly from capital controlled by Mr Tang and his family?

4. If, on this occasion, the Minister is prepared to answer this or any of the other questions for that matter, does the Minister find it strange that a citizen from another country would make an electoral donation of some $50 000 to a foreign political Party in the Australian mainland State farthest away from Singapore out of the goodness of his heart without having solicited—

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: Mainland State, you dummy; get a hearing aid.

The Hon. Anne Levy: Don't run down the Irish schools.

The Hon. T. CROTHERS: We have the highest credited scholars in the world.

The PRESIDENT: Order!

The Hon. T. CROTHERS: Thank you very much, Mr President.

Members interjecting:

The Hon. T. CROTHERS: Well, I did not, like you, go to the school for the deaf. I will continue:

4. Does the Minister find it strange that a citizen of another country would make an electoral donation of some $50 000 to a foreign political Party in the Australian mainland State farthest from Singapore out of the goodness of his heart without having solicited some promises from representatives of the Liberal Party about dividends being paid back to him as a result of his company's $50 000 electoral investment donation?

The Hon. R.I. LUCAS: I do not know whether it is a happy coincidence or not but we have St. Patrick's Day on the same day as a full moon, and I think that is the sort of context of this question from the Hon. Trevor Crothers in relation to these issues. All I know about Moriki is what I read in the paper yesterday where the Labor Party had written to it asking for a donation. At the same time—

The Hon. L.H. Davis: Trevor was probably the bag man.

The Hon. R.I. LUCAS: Well, I don't know. In 1993 the Hon. Mr Crothers had some influence within the Centre Left of the Labor Party. He has the right dimensions for a bag man and it may well be that the Hon. Mr Crothers might have been the bag man for the Labor Party and the Centre Left with the Hon. Mr Cameron sitting on his right over there. That is all I know about Moriki. The Labor Party wrote to it and asked for a donation and yet we have the hypocrisy of the Leader of the Opposition, Mr Rann, saying he had searched the records and could not find any record of Moriki. Yet he and his Party were able to find the name of the company and its address to write it a letter saying, 'Please give us some money to fight the campaign.' It sounds a bit strange to me that on one hand Mr Rann says, 'We do not know; we cannot find this company; we do not know its address and it is a bit of a mystery,' yet the Labor Party, probably under the signature of the Hon. Mr Cameron as the State Secretary of the Labor Party in a previous life—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: It may well have been that someone like the State Secretary of the Labor Party, the Hon. Mr Cameron or maybe—

The Hon. T.G. Cameron: Former.

The Hon. R.I. LUCAS: —the former State Secretary of the Labor Party, the Hon. Mr Cameron—someone else or some of the heavies within the Centre Left, like the Hon. Mr Crothers, or others who used to have some influence back in 1993 within the Centre Left, may well have known the sort of fund raising campaign techniques that the Labor Party were using in contacting—

The Hon. T.G. Cameron: Not as good as yours.

The Hon. R.I. LUCAS: Maybe the Labor Party is a little bit unhappy because it did not get any money. The point remains that the Labor Party and somebody on behalf of the Labor Party was writing to Moriki saying, 'Please give us some money.' Obviously, whoever is behind Moriki said, 'No

way in the world will we give money to the Labor Party for whatever reason.'

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Well, why were you asking for it?

The Hon. T.G. Cameron: We didn't.

The Hon. R.I. LUCAS: Yes, you were. Mr President, members opposite are bleating at the moment. Why was the Labor Party asking for the money? We did the same as members opposite evidently but why are they asking for the money? At the same time the Leader of the Opposition is ringing his hands in the House of Assembly saying, 'We cannot find this company,' yet he and his Party had written to it seeking a donation to the Labor Party, I presume for the same Federal election campaign.

An honourable member: He's a fabricator.

The Hon. R.I. LUCAS: He has been referred to by that particular term in the past.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Hon. Mr Cameron is now suggesting that perhaps it was not a letter but that it was a phone call. The words of the letter that one of my colleagues has just provided to me states:

> The company was approached by the Liberal Party and also the Labor Party for donations.

The Hon. Carolyn Pickles: Who wrote that?

The Hon. R.I. LUCAS: Mr Tang, the man who obviously gave the donation. The company was approached by the Labor Party. Let me stand corrected: maybe it was not a letter. I would not want to rule out any options or possibilities with the Labor Party and I would not want to mislead this Council in relation to the duplicity of the Labor Party in relation to this issue. The letter does not actually say that it was a letter. It says:

> . . . were approached by the Labor Party.

It was either a letter, telephone call, fax or maybe a brown paper bag. Maybe one of these wandering Labor members who travels through South-East Asia on parliamentary trips might have dropped into this company with a brown paper bag seeking a donation. We are not really sure of the process, all we know is that the Labor Party approached Moriki for a donation. Let us put this hypocrisy of the Labor Party to the side on this issue.

The Hon. R.R. Roberts: Table the letter.

The Hon. R.I. LUCAS: As I said, I do not want to mislead the Parliament in relation to the duplicity of the Labor Party on this issue. What I have said is that the company was approached. So, you might have written to it, you might have telephoned it, you might have faxed it or you might have sent one of your bagmen by the company offices with a brown paper bag. There are a thousand ways you might have collected the money or approached it, but the fact remains that you approached Moriki for the money. You were wanting to get the money from Moriki and, at the same time, we have the Leader of the Opposition saying, 'We can't find any record of this company.'

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: The Hon. Terry Roberts wants me to table the telephone call. I can do some things, but I cannot table a telephone call even if the Hon. Terry Roberts wants me to. I am always anxious to please, but on this occasion I am afraid that I cannot table it. In response to the Hon. Mr Crothers' delightful set of questions, I do not have much knowledge of this issue other than what I have placed on the record.

The Hon. T. CROTHERS: As a supplementary question, is the Leader aware, within his apparent limited knowledge of the matter—

The Hon. K.T. Griffin: No comment.

The Hon. T. CROTHERS: I was trying to be kind to him. Is the Leader aware that the Moriki donation arrived at the State Liberal Party's offices on 19 February 1993 purportedly for the Federal election, and that the Catch Tim donation arrived at the State Liberal Party's offices in 1994 prior to the last State election? In other words, one donation, the Moriki donation, purportedly was for the 1993 Federal election in March, the one that the Minister referred to and I believe suggested—

An honourable member interjecting:

The PRESIDENT: Order! There is not to be any opinion.

The Hon. T. CROTHERS: —that we from South Australia had written to Moriki in respect of that, whereas the Moriki donation was for a Federal election, so it is said in the newspaper article. Is the Minister aware of that? His answer seems to indicate that he is not.

The Hon. R.I. LUCAS: I struggle to find the question, but the answer is that I have no direct knowledge one way or another as to the ins and outs of donations to the Liberal Party.

LEIGH CREEK MINE

In reply to **Hon. T.G. ROBERTS** (16 February).

The Hon. K.T. GRIFFIN: The Minister for Industrial Affairs has provided the following response:

The honourable member has asked certain questions in relation to the decision by the review committee in regard to the hearing of improvement notices at Leigh Creek. It appears that the honourable member has not read the decision of I.M. Thompson. The decision records in detail the nature of the witnesses, the evidence which they gave, and the magistrate's view in relation to the weight which needed to be given to that evidence in the context of the hearing. I will not provide an exhaustive summary of the magistrate's comprehensive determination in this matter as the document is available for public record.

The important consideration is that the Government has instructed the Crown Solicitor to advise further on health and safety issues at the Leigh Creek mine and is in the process of commissioning an independent assessment by WorkSafe Australia. This assessment is to be completed within a few months. This step demonstrates a decisive response to ensure that any concerns in relation to occupational health and safety issues will be considered and properly dealt with.

WORKCOVER

In reply to **Hon. J.F. STEFANI** (21 February).

The Hon. K.T. GRIFFIN: The Minister for Industrial Affairs has provided the following response:

1. WorkCover is aware of the operation of Better Care Pty Ltd. The corporation is not aware of any other hearing test company operating in South Australia. The corporation has had several inquiries about the company which has established an office in Woodville South and also operates in New South Wales and Victoria. Better Care representatives telephone workers of minority ethnic background and offer free hearing tests with a view to assisting them to make workers compensation claims for hearing loss. When hearing loss is found, it seems that an up-front fee of $250 is requested for further consultations or examinations.

Workers are asked to sign an Authority and Instructions to Act document handing over the management of their claim to a firm of lawyers in Mount Waverley, Victoria. The cost of handling the claim is deducted from the eventual lump sum that the worker receives. The fees payable to the company are on a sliding scale, based on a percentage of the lump sum.

The company is not advising workers that they may make a hearing loss claim without incurring any costs, and that the

corporation would bear the costs of any examinations, tests and consultations needed to determine entitlement.

2. The Office of Consumer and Business Affairs is currently investigating the operations of Better Care Pty Ltd and has sought advice from WorkCover. It has sent a letter to Better Care Pty Ltd seeking a response to a series of questions. The corporation has advised its staff of Better Care's activities and is assisting the investigation.

3. The outcome of the investigation will determine whether information about this company is published.

LEGAL AID

In reply to **Hon. G. WEATHERILL** (22 February).

The Hon. K.T. GRIFFIN: The honourable member's question is based upon the assumption that because the Legal Services Commission has the power under section 18a of the Legal Services Commission Act to secure legal costs by way of a charge over real estate, this means that the commission forces legally aided persons to sell their homes to pay for representation. This is incorrect.

The effect of the statutory charge is to secure the full eventual repayment of legal costs, up to the extent of equity in the home, at an unspecified future time. The repayment is not required until such time as the land owner sells, refinances or transfers the land, or when he or she dies. In other words, the money is collected at a time when the client is actually able to pay without hardship. Until one of these events occurs, the charge merely remains registered on the title, accruing interest at a CPI indexed rate. Even when the aided person sells the home, in a case of serious hardship, the commission has a discretion to roll the charge over to new real estate in lieu of cash recovery, if it is satisfied that there are proper grounds why a recovery should not yet be made.

It is not commission practice to require any aided person to sell his or her home in order to reimburse legal aid's costs secured by the statutory charge. No instance of this has ever occurred. This is to be distinguished from the situation where a client is adjudged liable to the commission for an amount of money, for example, because the client has received legal aid to which he or she was not entitled. In the case of a judgment of a court, execution against land is an available option which the commission may exercise.

The purpose of the statutory charge is two-fold:

1. The charge enables the commission to grant legal aid to home owners equally with renters, notwithstanding that they may have substantial equity in their home. In fact, it is only because such persons are able to obtain legal aid that they can avoid the necessity alluded to of selling their homes, or mortgaging them at commercial lending rates, to fund legal representation.

2. The charge secures the eventual repayment of costs at the time the equity in the home is liberated, so as to reduce the burden of legal aid funding upon the community at large, including the many persons who never require to use the justice system.

The charge does not work the injustice suggested, because it does not require the sale of the home. Instead, it offers in effect a low interest long term loan. The current rate of interest is 1.85 per cent. The term is unspecified precisely because the commission does not know when the client may be able to repay the money. The commission is prepared to wait for the client's remaining lifetime if necessary.

Every client who is dissatisfied with the statutory charge condition has a right of appeal. He or she may present to the commissioners any special circumstances applying in his or her case which would justify a waiver of the usual statutory charge conditions. Commissioners are empowered to waive the charge if they are satisfied that the interests of justice so require. This decision is made on the individual merits of the case and is in the discretion of the commissioners.

Very few legal aid clients or their financially associated persons are in fact the owners of interests in real estate, so that most clients do not have a charge taken. Of those who do, the current average dollar amount secured per statutory charge is approximately $2 000. If a legal aid client wishes and is able to make repayment of their legal costs, either in instalments or as a lump sum, he or she may do so at any time. When full repayment has been made the statutory charge is withdrawn.

GLENELG-WEST BEACH DEVELOPMENT

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

The Hon. DIANA LAIDLAW: The Minister for Housing, Urban Development and Local Government Relations has provided the following information.

1. Material to be dredged from the Patawalonga has been comprehensively tested. This includes sampling taken for extensive EIS level investigations carried out over recent years and additional sampling carried out by Kinhill Engineers as part of their current design work.

The investigations undertaken satisfy requirements of the Office of the Environment Protection Authority.

There is absolutely no requirement for any new EIS to be prepared for that work.

2. The material is classified as low level contaminated material. It contains two metals at a level which is marginally above criteria set by environmental authorities for residential areas.

The material is being removed as part of the Government's stated overall objective to make the Patawalonga safe and attractive for primary contact recreation activities.

The dredging works are specifically mentioned in the Building Better Cities agreement entered into with the Federal Government. They will be funded by the BBC program.

Removal of the 20 year build up of sediments from the basin is a substantial public benefit.

3. The consultation processes for public works in the Patawalonga basin have been most extensive.

Four community information forums totalling 23 hours in duration have been held during late February/early March, in addition to the consultation with community interest groups and local authorities.

A separate consultation process is about to begin for the preparation and evaluation of developer proposals for the area. This will involve the establishment of a reference group comprising a membership similar in many respects to the Mount Lofty panels. The first task will involve the preparation of broad parameters for the project. The nominated developer will be a party to this process in this instance.

Private sector developer input is essential if we are to demonstrate that we have been able to deliver all the objectives under the Building Better Cities agreement, under the time frame imposed by the Building Better Cities agreement. It is imperative we have the developer involved as an integral part of the process, so we can be assured that the planning process is sensitive to commercial reality.

4. The Government, in relation to Glenelg and the Patawalonga, has been working on three fronts to ensure a quality project with long term benefits is achieved in the area.

We have not simply held out our hands to the private sector and announced a project that was never realistically going to happen.

We have put our efforts into attracting sufficient public funds to enable much needed environmental improvement works in the Patawalonga basin to begin.

We have also begun the process of cleaning up the upstream catchment. A program of works is already underway in the catchment and legislation to enable this process to continue will shortly be before this House.

The planning process which is being led by the private sector is the third component of the project. It is only one part of the big picture.

The process is open and comprehensive. There are no hidden agendas; simply a desire to ensure that we deliver long term solutions and that we see results on the ground.

MENTAL HEALTH

In reply to **Hon. SANDRA KANCK** (23 November 1994).

The Hon. DIANA LAIDLAW: The Minister for Health has provided the following information.

1. Clients discharged from Glenside Hospital are followed up in a variety of ways depending upon clinical need.

- the majority are referred on to community based support services for medical monitoring and case management.
- some are referred to their GP or private psychiatrist with or without additional case management support.
- some refuse ongoing contact or move interstate.
- some do not require any follow up.

It is not possible for the South Australian Mental Health Service to know how many clients have suicided or attempted suicide following discharge. Any such incident relating to a client still in

contact with services is followed up and investigated, if required. In particular, suicides of current patients are reviewed through a death audit and sometimes a coronial enquiry.

2. The South Australian Health Commission is aware of one such complaint and action has been taken to review the circumstances referred to in the complaint.

3. The Acting Chief Psychiatrist requested sick leave on 2 November 1994 and ceased active employment on 24 November 1994. The position has been filled temporarily, while recruitment continues for a permanent replacement.

TRANSIT POLICE

In reply to **Hon. SANDRA KANCK** (16 February).

The Hon. DIANA LAIDLAW: The Minister for Emergency Services has provided the following information.

On Friday, 10 February 1995, two males were arrested by police at the Coromandel Railway Station.

Under the current policing arrangements the Transit Police Division is the primary specialist unit for policing the public transport system. When unavailable, local divisional police patrols respond. In this instance Transit Police Division personnel were unavailable when the incident was initially reported. A local divisional patrol responded and effected the arrests, and was later assisted by Transit Police.

The current method of policing the suburban trains is adequate and positively contributes to the maintenance of public confidence. Most members of the community are realistic and understand that it is neither necessary, or possible, to have police on every public transport vehicle, station or interchange. They understand that police deploy themselves within the community to provide a preventative presence, and to respond quickly if their services are called for. This is also the case for officers from the Transit Police Division and patrols are deployed in a preventative and response capacity across the public transport system in accordance with the offending requirements of each shift.

Information available to police does not indicate the dramatic levels of offending on the rail system that are implicit in the honourable member's question. The attached table indicates the behavioural incidents known to the Transit Police Division since July 1994 across the entire rail system. This includes incidents on trains and at railway stations:

Months	Total
July 1994	74
August 1994	124
September 1994	158
October 1994	135
November 1994	130
December 1994	120
January 1995	102
Total	843

These figures indicate approximately 4.5 behavioural incidents per day. In the context of 500 train journeys, during an operating day of 21 hours, the level of offending is not as high as is commonly perceived. It is important to note that now, arrests on public transport can be made far more easily. Prior to the last election, trains were policed by transit officers who did not have the power to arrest and detain. The new Transit Police have these powers.

Since the establishment of the Transit Police Division the policing strategy has been to provide a highly visible uniform presence for public reassurance and prevention and to facilitate rapid patrol response to incidents. When not tasked to specific incidents, this has involved members of the Transit Police Division riding or performing 'beat' duties on trains. They have a patrol vehicle nearby and move between trains, railway stations, and interchanges as much as possible. This strategy has been successful and has provided an appropriate balance between a preventative and response service. Anecdotal evidence confirms that public disorder offending has moderated since the inception of this policing strategy. Notwithstanding this and in order to improve their effectiveness, police are trialing plain clothes patrols at night which will focus on the unacceptable behaviour highlighted by the honourable member, and of equal and ongoing concern to the Government.

Although the police have an instrumental role in maintaining public confidence, they alone are neither responsible nor capable of achieving it. It is because of this that the Government has sought to increase the comfort and reassurance of the passengers and to enhance the police response by placing passenger service assistants on trains.

This initiative represents a significant investment in human resources across the rail system which should reduce the isolation and vulnerability that travellers have felt since the massive removal of the then STA staff which occurred under the previous Government.

TRANSPORT DEPARTMENT

In reply to **Hon. SANDRA KANCK** (22 February).

The Hon. DIANA LAIDLAW:

1. $57 million (in 1993-94 prices) which in net present value terms equals $46.7 million. Asset sales therefore represent one third of the total $141 million net present value savings anticipated by the implementation of Option 2.

2. Strategic Review Report Savings

$m in 1993/94 Net Present Value Terms

	Option 1	Option 2	Option 3
Revenues			
Savings through productivity improvement (Options 1-3) and outsourcing (Options 2 & 3)	78.0	149.1	97.1
Asset/business sales	-	46.7	46.7
		195.8	143.8
Outlays			
Cost of separation packages and leave liability payouts	-(1)	54.8	85.8
Net benefit of each Option	78.0	141.0	58.0

(1) reductions achieved by natural attrition.

In reply to **Hon. BARBARA WIESE** (22 February).

The Hon. DIANA LAIDLAW: The Department of Transport's new strategic direction will lead to a work force reduction of 1 300—from 2 600 in June 1994 to 1 300 in December 1996. Approximately 800 of these employees are weekly paid and 500 are GME Act employees. Of these reductions 500 employees have already left the department. As the honourable member would be aware, I intend to allow the department's maintenance gangs and, in some cases, construction gangs to bid for work on an open tender basis. The actual composition of the reduction will not be known until the outcome of these competitive tendering processes are known and the sale of plant and mechanical services occurs.

The strategic review was conducted by the department and a process of consultation has commenced with all unions and employees in the Department of Transport.

The options available to employees in the Department of Transport are the same as the options available to all employees across Government.

Employees affected in the Department of Transport are able to, depending on their own circumstances:

- transfer their employment to the purchaser businesses with accompanying incentive payments;
- consider redeployment in the public sector;
- consider a targeted voluntary separation package (TVSP); or
- be assisted by out-placement services to find private sector employment.

In addition the department is providing counselling and training to assist employees as the department restructures.

When a business is purchased by the private sector employees will be able to choose whether to accept employment with the new owner. The right of return to the public sector will be negotiated with the purchaser of the business. However, it is not envisaged that redeployed employees accepting incentive payments will be able to avail themselves of the right of return to the public sector.

ROXBY DOWNS TO ANDAMOOKA ROAD

The Hon. DIANA LAIDLAW: I provide the following reply in answer to a question which was asked by the Hon. Ron Roberts on 14 March. The Hon. Mr Roberts expressed concern that the Department of Transport was not honouring commitments that it had undertaken for road funding for the Roxby Downs and Andamooka road. I recall saying at the time that I had not approved and was not aware of any change in the situation. I am now able to formally advise that the Department of Transport has allocated approximately

$750 000 in 1994-95, this financial year, for the sealing of eight kilometres of road. Work is expected to commence in March 1995, this month, and it is anticipated to be completed in early May 1995.

The sealing of the eight kilometres in 1994-95 will leave eight kilometres to be sealed to complete the sealing to the edge of the township of Andamooka. Funds have been provided in the Department of Transport's forward estimates in order to complete the final eight kilometres in 1995-96. The work is programmed to be completed as early as possible. I also advise that improvements to the road through the township of Andamooka have yet to be resolved with the Andamooka Progress Association.

POLITICAL DONATIONS

The Hon. T.G. CAMERON: I seek leave to make a personal explanation.

Leave granted.

The Hon. T.G. CAMERON: In relation to the comments that were made by the Minister for Education and Children's Services that I have written to, spoken with, approached or faxed Mr Tang or Moriki Holdings, I can say that I do not even know what Moriki Holdings is or who Mr Tang is. It is pretty obvious that bagman Bill knows who he is. I can assure the Minister for Education and Children's Services that I have had no contact with Mr Tang or Moriki Holdings in any way, shape or form at all. If Mr Tang believes that he was approached by the Labor Party then I suggest he put up or shut up; that he either provides some evidence or comes forward and names the person who approached him. If someone did, it certainly was not me.

DRIVERS' LICENCES

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for Transport a question about drivers' licences.

Leave granted.

The Hon. ANNE LEVY: I have a driver's licence which I am sure is similar to those of many other members and which states that I am an organ donor, having filled in the appropriate form. Recently I was approached by a constituent who was inquiring whether it would be possible to amend her driver's licence so that it would say that she was an organ donor with the additional words 'not for use by any member of the Liberal Party'. She wanted to know whether such an addition to her driver's licence would be valid or whether it would be respected as her last wishes. I indicated to her that I thought that was unlikely but agreed that I would raise it with the Minister for Transport, and perhaps through her to the Minister for Health, seeing such a matter would obviously relate to both their portfolios.

The Hon. DIANA LAIDLAW: I believe that the honourable member is quite right in assuming that it is most unlikely.

RETAIL SHOP LEASES BILL

Returned from the House of Assembly with the following amendments:

No. 1 Long Title—Leave out 'and the Magistrates Court Act 1991'.

No. 2 Clause 3, page 2, line 6—Leave out the definition of '(indexed)'.

No. 3 Clause 3, page 2, lines 16 and 17—Leave out the definition of 'Magistrates Court'.

No. 4 Clause 3, page 2, line 31—Leave out the definition of 'Registrar' and insert—

'Registrar' means the Registrar of the Tribunal;.

No. 5 Clause 3, page 3, after line 23—Insert—

'Tribunal' means the Tenancies Tribunal.

No. 6 Clause 3, page 3, lines 26 to 30—Leave out subclause (3).

No. 7 Clause 4, page 4, lines 1 and 2—Leave out paragraph (a) and insert—

(a) the rent payable under the lease exceeds $200 000 per annum or, if a greater amount is prescribed by regulation, that other amount; or.

No. 8 Clause 4, page 4, after line 9—Insert—

(ai) public company or a subsidiary of a public company; or.

No. 9 Clause 11, page 5, lines 25 to 31—Leave out the clause.

No. 10 Clause 18, page 9, lines 6 to 13—Leave out paragraph (c) and insert—

(c) the lease contains a provision excluding the operation of this section 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; or.

No. 11 Clause 19, page 9, line 26—Leave out 'landlord' and insert 'lessor'.

No. 12 Clause 21, page 11, lines 21 and 22—Leave out 'Magistrates Court' and insert 'Tribunal'.

No. 13 Clause 25, page 14, lines 33 to 36—Leave out subclause (5).

No. 14 Page 16, after line 1—Insert new clause 31 as follows:

31. 'Land tax not to be recovered from lessee

(1) A retail shop lease cannot require the lessee to pay land tax or to reimburse the lesser for the payment of land tax.

(2) However, the lessor's liability for land tax in respect of the premises may be taken into account in the assessment of rent.

(3) This section does not apply to a retail shop lease entered into before a date fixed by regulation for the purposes of this section.

No. 15 Clause 38, page 19, lines 7 to 16—Leave out the clause.

No. 16 Clause 41, page 21, lines 26 to 30—Leave out subclause (4).

No. 17 Clause 42, page 21, lines 31 to 41 and page 22, lines 1 to 19—Leave out the clause.

No. 18 Clause 50, page 25, lines 30 to 37, page 26, lines 1 and 2—Leave out subclauses (2) and (3).

No. 19 New clause, page 29, after line 24—Insert new clause as follows:

59A. Relocation

If a retail shop lease contains provision that enables the lessee's business to be relocated, the lease is taken to include provision to the following effect:

(a) the lessor cannot require the relocation of the lessee's business unless and until the lessor has provided the lessee with details of a proposed refurbishment, redevelopment or extension sufficient to indicate a genuine proposal that is to be carried out within a reasonably practicable time after relocation of the lessee's business and that cannot be carried out practicably without vacant possession of the lessee's shop; and

(b) the lessor cannot require the relocation of the lessee's business unless the lessor has given the lessee at least three months written notice of relocation (a 'relocation notice') and that notice gives details of an alternative shop to be made available to the lessee; and

(c) the lessee is entitled to be offered a new lease of the alternative shop on the same terms and conditions (excluding rent) as the existing lease except that the term of the new lease is to be for the remainder of the term of the existing lease[1]; and

(d) if a relocation notice is given the lessee may terminate the lease within one month after the relocation notice is given by giving written notice of termination to the lessor, in which case the lease is terminated three months after the

relocation notice was given unless the parties agree that it is to terminate at some other time; and

(e) if the lessee does not give a notice of termination under paragraph (d), the lessee is taken to have accepted the offer of a lease unless the parties have agreed to a lease on some other terms; and

(f) the lessee is entitled to payment by the lessor of the lessee's reasonable costs of the relocation, including legal costs[2].

[1]Paragraph (c) only specifies the minimum entitlements that the lessee can insist on. It does not prevent the lessee from accepting other arrangements offered by the lessor when the details of a relocation are being negotiated.

[2]This section does not prevent the parties negotiating a new lease for the purpose of relocating the lessee. Paragraph (f) only specifies the minimum entitlements that the lessee can insist on and the parties can come to some other arrangement for the payment or sharing of the lessee's relocation costs when the details of a relocation are being negotiated.

No. 20 Clause 67, page 31, line 12—Leave out 'a court, the court' and insert 'the Tribunal or a court, the Tribunal or court'.

No. 21 Clause 67, page 31, line 15—After 'The' insert 'Tribunal or'.

No. 22 Clause 68, page 31, line 19—After 'before' insert 'the Tribunal or'.

No. 23 Clause 69, page 31, line 22—After 'before' insert 'the Tribunal or'.

No. 24 Heading, page 31, line 26—Leave out 'MAGISTRATES COURT' and insert 'TRIBUNAL'.

No. 25 Clause 70, page 31, line 29—Leave out 'Magistrates Court' and insert 'Tribunal'.

No. 26 Clause 70, page 31, line 30—Leave out 'Magistrates Court' and insert 'Tribunal'.

No. 27 Clause 70, page 32, line 7—Leave out 'Magistrates Court' and insert 'Tribunal'.

No. 28 Clause 70, page 32, line 9—Leave out 'Magistrates Court' and insert 'Tribunal'.

No. 29 Clause 70, page 32, line 10—Leave out 'Magistrates Court' and insert 'Tribunal'.

No. 30 Clause 71, page 32, line 15—Leave out 'Magistrates Court' and insert 'Tribunal'.

No. 31 Clause 71, page 32, line 16—Leave out 'Magistrates Court' and insert 'Tribunal'.

No. 32 Clause 71, page 32, line 19—Leave out 'Magistrates Court' and insert 'Tribunal'.

No. 33 Clause 73, page 33, line 15—Leave out 'Magistrates Court' and insert 'Tribunal'.

No. 34 Clauses 75, page 34, lines 1 to 12—Leave out the clause.

No. 35 Clause 76, page 34, lines 13 to 17—Leave out the clause.

No. 36 Clause 77, page 34, lines 18 to 27—Leave out the clause.

No. 37 Clause 78, page 35, lines 3 to 13—Leave out the clause.

No. 38 Clause 79, page 35, lines 14 to 19—Leave out the clause.

No. 39 Clause 80, page 36, line 24—Leave out 'Magistrates Court' and insert 'Tribunal'.

No. 40 Clause 81, page 36, line 32—Leave out 'Magistrates Court' and insert 'Tribunal'.

No. 41 Clause 82, page 37, line 7—Leave out '30 September' and insert 31 October'.

No. 42 Clause 82, page 37, lines 9 and 10—Leave out paragraph (a) and insert—

(a) containing a report on—

(i) the administration of this Act during the financial year ending on 30 June in that year; and

(ii) the administration of the Fund during the financial year ending on 30 June in that year; and.

No. 43 Clause 82, page 37, line 12—Leave out '30 September' and insert '31 October'.

No. 44 Clause 82, page 37, line 14—Leave out 'Magistrates Court' and insert 'Tribunal'.

No. 45 Clause 85, page 38, lines 3 to 10—Leave out subclauses (2) and (3) and insert—

(2) However—

(a) the former legislation continues to apply (subject to modifications prescribed by regulation) to a retail shop lease entered into before the commencement of this Act; but

(b) if the retail shop lease creates a periodic tenancy, this Act applies to the lease as from the beginning of the first period after the first anniversary of the commencement of this Act as if there were a novation of the lease on that date.

(3) The regulations made for the purposes of subsection (2)(a) may provide that specified provisions of this Act apply to a retail shop lease entered into before the commencement of this Act.

No. 46 Clause 86, page 38, lines 16 to 24—Leave out the clause.

Consideration in Committee.

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

That the amendments be agreed to.

The House of Assembly has accepted a number of the amendments that were made by the Legislative Council, particularly those that were agreed between the various representative bodies in the retail industry. It has rejected those amendments that were moved in this Chamber and supported by a majority, namely, the Australian Democrats and the Australian Labor Party. It is quite obvious that this Bill is to go a deadlock conference where these issues can be explored and, for that reason, if I am not successful on the voices on my motion, I will not be dividing.

The Hon. M.J. ELLIOTT: I believe that the Legislative Council should insist upon its amendments. Since the debate in this place I have been contacted by a significant number of people involved in the retail industry, both representatives and a large number of people out in shops, who tell me that the amendments the Legislative Council made are amendments that they want to see. They are saying to me, as I have said in this place, that without them the Bill loses most of its value. For those reasons I feel as strongly now as I did before that those amendments are important and that we should insist upon them.

The Hon. CAROLYN PICKLES: The Opposition will be insisting on the amendments moved in the Legislative Council. We also have had contact and believe that the amendments that were moved were in the best interests of shopping leases in South Australia. We realise that this Bill will go to a deadlock conference and we can discuss those matters further; but we will be insisting on our amendments.

The Hon. K.T. GRIFFIN: One matter raised by the Hon. Mr Elliott requires some response. The fact is that even without the amendments moved by the Legislative Council and disagreed with by the House of Assembly, this Retail Shop Leases Bill would be a significant improvement for retail tenants on the legislation that exists at the present time and a quite dramatic change, particularly in relation to issues such as the abolition of ratchet clauses in relation to rent. I suggest that it is quite misleading to represent the Bill as being next to useless if these amendments are not included in it.

Motion negatived.

The following reason for disagreement was adopted:

Because the amendments are not desirable to achieve the purposes of the Bill.

SUPERANNUATION FUNDS MANAGEMENT CORPORATION OF SOUTH AUSTRALIA BILL

Adjourned debate on second reading.

(Continued from 8 March. Page 1422.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the Bill. This Bill seeks to reconstitute the South Australian Superannuation Fund Investment Trust as the Superannuation Funds Management Corporation of South Australia. The purpose of this Bill is to establish an investment body with a new image and

mission charged with the responsibility of investing the funds associated with the main State Government superannuation scheme. The Opposition in another place was considering a number of amendments, which were ultimately moved by the Government. The first amendment was to ensure that there was a gender balance on the board. I am very pleased to see that the Government is now managing actually to move this amendment when it is setting up various boards. The Opposition has been reminding them on every occasion that it should do so, and I am pleased that in another place this amendment was moved by the Government.

The other amendments were that there be a member representative on the board and that the South Australian Superannuation Federation would also have a member on the board. The Opposition is pleased that the Government chose to move those amendments. We had some mirror amendments that we would have moved, and we are pleased to support the second reading.

The Hon. BERNICE PFITZNER secured the adjournment of the debate.

CO-OPERATIVES (ABOLITION OF CO-OPERATIVES ADVISORY COUNCIL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 March. Page 1545.)

The Hon. K.T. GRIFFIN (Attorney-General): When the Hon. Carolyn Pickles spoke on this Bill yesterday she raised some questions and I undertook to provide some replies. She asked: what is the membership of the Cooperative Federation of South Australia Inc.? I am informed that the federation has 21 members drawn from the most active cooperatives in South Australia. The honourable member's second question was along the lines: does the membership represent only the larger commercially oriented cooperatives? I am informed that the federation classifies at least seven cooperatives in this category. The remainder it classifies as medium, with at least one that is small. The federation's membership has been in decline in recent years and this is principally due to what were the larger cooperatives transferring their activities to companies.

The honourable member's third question was: what is the primary source of income of the federation? I am informed that its primary income is from membership subscriptions. These range from a minimum of $50 to a maximum of $300 per annum depending on the size of the cooperative. The next question was: with which cooperatives are the current board members of the federation particularly associated? The following cooperatives are represented on the current board: the Angaston Fruit Growers Cooperative Society Ltd; the Ashton Cooperative Society Ltd; the Associated Newsagents Cooperative SA Ltd; the Community Cooperative Store Nuriootpa Ltd; Equity Tree 1971 Cooperative Ltd; Equity Tree 1973 Cooperative Ltd; Riverland Fruit Cooperative Ltd.

The fifth question generally related to whether the federation was truly representative of South Australian cooperatives. The federation has advised that its membership has always comprised those cooperatives that are most active in the industry. It has set its minimum subscription at a low level to attract the smaller cooperatives. A small cooperative and a medium cooperative have recently joined the federation. The federation has advised that it has no objection to circularising all registered cooperatives when it is invited, where necessary, to submit the industry's views to Government in relation to any future legislative proposals. During such processes it is not intended to preclude individual cooperatives from making representations to Government.

In addition to that, I can indicate to the honourable member that if there is any aspect of this which in the circumstances of a particular matter might prove to be unsatisfactory then the State Business and Corporate Affairs Office itself will consult with any member of the federation who may wish to be consulted on that particular issue. I hope that provides the information which the honourable member wished to have.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 15 March. Page 1546.)

The Hon. K.T. GRIFFIN (Attorney-General): I appreciate the support given by the members who have contributed to the debate. Two issues were raised. One relates to the insertion of a new part to amend the Fences Act, for which I expected an instruction might have to be given to the Committee. I will not oppose it, but I need to put that on the record in order to get the appropriate motion on file.

However, the problem to which this amendment is directed is the apparent inconsistent approach taken by magistrates to failure to comply with the time requirements for giving notices under the Fences Act. Some magistrates are apparently requiring strict compliance with the time requirements, while others are acting according to equity, good conscience and the substantial merits of the case. That is dealt with in section 38(1)(f) of the Magistrates Court Act 1991.

I do not have any information about whether or not magistrates are dealing with matters in these particular ways. However, relying upon what the honourable member has indicated, I have a response to the issue that she raises. Of course, there are arguments both for requiring strict compliance with the time requirements and for not so requiring them. When strict compliance is required everybody knows, or at least is presumed to know, where he or she may be. Of course, fences and disputes over fences can be the subject of high passion.

The Fences Act does lay down a code for the recovery of costs of fences. I would suggest that strict compliance can lead to what some may regard as an overly technical application of the law which fails to do justice. For example, a person may miscount and commence building a fence 29 days after the date of service of the notice of the proposal to erect a fence. Such a person is not entitled to recover any of the cost of the fence from the adjoining neighbour unless equity, good conscience and the substantial merits of the case come to his or her aid. Such a person would, without this assistance, have to pull down the fence and start again by giving notice.

It is a question of balancing whether we want to apply the time provisions strictly or to allow the court to make its own judgment about the issue based upon equity, good conscience and the substantial merits of the case. I suspect that that is the reason why, if there is a difference of approach between magistrates, that difference exists.

I have not yet concluded a view as to which way the Government will go in respect of that matter. It may be preferable to provide that there is strict compliance. However, of course, members will have to realise that if that is the case it will in a sense be a sudden death provision: if you do not comply strictly, you do not qualify.

In relation to the amendment to the Parliamentary Committees Act, I note that the honourable member has an amendment on file and she did make some observations about the specific provisions when she spoke at the second reading stage.

It is correct that under the amendment in the Bill a quorum of three would not necessarily have to be constituted of any particular members with any particular relationship to the Parties in the appointing House. The amendment of the Leader of the Opposition would require an Opposition member to be part of the quorum in respect of each of the committees. There is no difficulty with the six or seven member committees because the quorum is five in each case, and that, of necessity, requires at least one member of the Opposition to be present.

In respect of the Statutory Authorities Review Committee—a committee of this House comprising five members with presently a quorum of four members—obviously a member of the Opposition must be present to constitute the quorum because the three Government members would not be sufficient to constitute the quorum under the present Act. In the House of Assembly, the Public Works Committee is similarly placed. There is a different function between the Public Works Committee and the Statutory Authorities Review Committee in that the Public Works Committee has a more immediate task than has the Statutory Authorities Review Committee. Every capital works project of the Government of the day valued at over $4 million must go to the Public Works Committee. Frequently it is important to maintain the momentum of the capital works program—

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: Put on another Liberal if you like—by considering the matters quickly. It has been raised with me that if in the Public Works Committee instance the Opposition member was absent for a period of weeks it would mean that the committee was not able to meet, and that would have a detrimental effect on the Government's capital works program.

I have asked the Opposition to give further consideration to this issue. I can understand the principle upon which they seek to rely in relation to the amendment. I have not had an opportunity to consider what alternative there may be. It may be that one increases the membership of the committee, although I am not particularly attracted to that. I place on the record that there is that difficulty with—

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: That is the problem in the House of Assembly with the Parliamentary Public Works Committee.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: What they do is their business. My recollection is that the Opposition did not want an extra person on that committee, so if there is only one Opposition member it throws out the whole program if the Parliament insists that one of those persons constituting the quorum should be a member of the Opposition. As it is at the moment with a quorum of four, four Government members can continue to do the work of the committee, notwithstanding that the Opposition member might be away.

Members interjecting:

The Hon. K.T. GRIFFIN: I am not arguing about the rights or wrongs of it: I am simply responding and trying to put the position which has been represented to me so that honourable members can give consideration to it before we get into Committee. It is not an easy issue to resolve. I recognise the need for appropriate balance or representation of political Parties on the committees because, unless there is appropriate representation, the work of the committee may well be undermined. I am simply putting the problem on the table and asking honourable members, particularly in the light of the amendment on file by the Leader of the Opposition, to further consider it before we get into Committee next week. I thank the honourable member for her contribution on the Bill.

Bill read a second time.

SUPPLY BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1555.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): I support the second reading of this Bill. Although it is incumbent on an Opposition to support such a monetary appropriation, it must be made clear to Government members that their economic and social policies are doing grave harm to South Australia's battlers and to any hope for a real sustainable prosperity for ordinary South Australians. We need go no further than to consider this Government's deplorable record on public education.

This Government has breached all of its promises to maintain a top level quality education system. The Minister's recent decision to remove a further 260 teachers from the system provides further proof, if any were needed, that the Government is in a process of vandalising our public education system.

Before I deal with this, I remind members of how the Liberal Government has let things reach such a deplorable pass. The Government's education policy was an imposture from the very beginning. Remember some of those promises—if not, I will happily remind members of the Government's education policy which said, in part:

> A Liberal Government will therefore ensure education is always treated as a priority spending portfolio. The current education budget for 1993 will not be cut and will be increased for the 1994-95 financial year. School closures are minimal. As a result of these funding commitments, average class sizes can be maintained at current levels.

The Government's first budget ended that charade. The cuts to public education, which it had always intended to make, show the depth of its disdain for the public education system. Its first budget cut public education savagely, with the loss of a total of 422 teaching positions and 37 SSO positions, the closure of 40 schools and cuts to school card of $3.3 million, which has cut eligibility for benefits to some of the most disadvantaged families in the community, there being a $22 million cut in the current year and a further $18 million over the following two years.

Of course, the Minister told us exactly what Jeff Kennett had told Victorians: that there was no alternative. He told us that the State's financial position was so much worse than they could ever have conceived in Opposition. It involves those worn out old words, 'We never thought it could be so bad.' It is about time that tired old song was taken out of the top 10 on the Liberal charts. All but the hapless back bench

knew that it was totally untrue. The Liberals knew that, in spite of the trauma caused by the State Bank and the SGIC bail-outs, our debt levels for the early 1990s were low by both international and South Australia's historical standards. The Government knew that debt would come under control under the Meeting the Challenge policies without turning back the clock with huge and regressive social and welfare cuts.

Most of all, the Government new full well the actual numbers of our debt and superannuation liabilities because the 1993-94 Auditor-General's Report made this very clear. Nothing was hidden and nothing could justify the duplicity of the Liberal Party which when in opposition during 1993 complained with breathtaking hypocrisy that the Government had adopted a cut and slash policy, only to cut three or four times deeper within a month of the election. Just two weeks ago, however, Minister Lucas added further insult to grievous injury with the announcement that a further 260 teachers are to go. With the latest rounds of cuts, this Government has gone from promising increased education funding to cuts of $40 million to further cuts of about $13 million.

The Hon. L.H. Davis interjecting:

The Hon. CAROLYN PICKLES: If you get rid of your teachers what will you do if the demography changes? You're getting rid of some of the most talented teachers in our State.

The Hon. L.H. Davis: So, you say if your market shrinks you should increase or maintain your work force. Is that how you would run a small business? You would certainly need a Government grant to keep you going.

The Hon. Barbara Wiese: Small business is a bit different from an education system.

The Hon. CAROLYN PICKLES: It is a public education system. It is not designed to force people into private education so that you can save money. This means that up to this point, with no guarantee of having seen the last of this Government's slash and burn policy, the Liberals' cuts in public education amount to at least $53 million during its first term. During 1994-95 and 1995-96 alone cuts will amount to about $44 million. By the end of this Government's first term, it will be able to claim credit for decimating our public education system, the system that is responsible for the education of all the State's children regardless of how wealthy or poor their parents may be. It is a system which gives everyone a chance, and when through callous Government policy it is diminished so too are the opportunities available to the ordinary battlers of South Australia, the people who the Liberal Party claims deserted the Labor Party at the last election.

When these opportunities for education and advancement are denied to those most in need, the community is divided and our society is also diminished. This Government has pursued the policy of division and exclusion. While the Minister seeks to justify such policies with the claim that our financial position is so bad that there is no alternative, it seems that there is an alternative when it comes to non-government schools. The imperative of debt reduction apparently begins and ends with public schools. The Government's last budget increased funding for the non-government sector from $53.2 million to $54.5 million with an increase in the overall appropriation to $57 million. The non-government sector can clearly expect generous consideration from this Minister.

The Minister tells us that his gutting of the public system is to do purely with economics, that, for example, unit costs are too high in small schools, which will therefore have to close. However, it seems that this criterion does not apply where non-government schools are concerned. Non-government schools in receipt of Government funds may stay open with lower enrolments than Government schools which have been forced to close. If it were really just a question of economic exigency, why has the Government chosen to insulate the non-government sector from the burden of its cutbacks? Even if the financial situation were as bad as the Government's beat-up suggests, this would in no way justify what the Government has done in imposing the total burden upon those in the public system and insulating those generally better off people who use the private system. This Minister's education policy deprives those most in need of opportunity and protects the privileged. It is an affront to any person who cares about fairness.

The Minister seeks to justify his latest cut of a further 260 teachers from the public system by claiming a drop in enrolments. He says, 'Look at the recent fall in youth unemployment; students are leaving school to take up jobs.' He goes on to say also that students are taking up opportunities within the TAFE system and elsewhere. Doubtless there is some small amount of truth in these claims—a small amount. The fall in youth unemployment in recent months is very welcome even though it remains way too high. The increase in overall employment recorded in February was the first good news about jobs for a very long time. We must hope for the sake of ordinary South Australians that this rise is more than just a statistical aberration. But even this increases the rate of job creation in South Australia to only 2.2 per cent since the election of the Liberal Government in December 1993. Nationally, the employed labour force grew by 4.5 per cent over the same period. No amount of blustering by members opposite will hide the truth revealed by the Australian Bureau of Statistics that South Australia's rate of job growth since the election of the Brown Liberal Government has, on the most favourable figures for the Government's case, been less than one half of the national rate of job growth. That is hardly a record that provides any laurels for the Government to rest on or that justifies any further savage cuts.

There has been some improvement in TAFE enrolments, but we know that the Government plans savage cuts for the TAFE system too following a year of under-achievement by Minister Such. This has led the Commonwealth to threaten the withdrawal of growth funds. South Australia cannot afford these cuts. The falling rates of retention under this Government should be a cause for concern, not an opportunity for further cuts. Our rates of retention have fallen from 86.3 per cent in 1993 to 81.7 per cent in 1994. The impact of these cuts will be felt in a reduced quality and scope of tuition in the public system, larger class sizes, less attention to the particular needs of individual students, fewer support staff, cuts to programs dedicated to addressing the needs of disadvantaged students, and reduced curriculum choices.

In fact, while the Minister has succeeded in creating the impression that these cuts are relatively benign, the reality is that one additional student in the staffing formula does not mean only one additional child per class. In many areas, classes will grow by more than one extra student. The Minister may claim that even with the cuts our staff:student ratio compares favourably with that of certain other States, but the reality is that these States have suffered as South Australians are now suffering from the backward looking policies of Liberal State Governments.

The Hon. R.I. Lucas: Queensland.

The Hon. CAROLYN PICKLES: Queensland is the only other Labor State, yes, and Queensland's previous history before the Labor Government was hardly one to commend it to the rest of the nation. A strong and accountable public education system is one of the critical elements in achieving a fair society and a community with improved equality of opportunity. These cuts harm the prospects of those most in need of a hand up while protecting the privileges of a minority. They injure those most in need, while the inequity of those cuts adds insult to that injury.

I realise that this Government does not care about fairness; however, we are familiar with hearing the Premier claim that economic development is the No. 1 priority of his Government. What exactly has this Government achieved? In the 12 months to September 1994, South Australia had the lowest growth of any mainland State. In seasonally adjusted terms, South Australia grew 1.7 per cent compared with a national economic growth of 6.4 per cent, less than one-third of the national rate. This anaemic growth of 1.7 per cent was easily the lowest growth rate of any State in mainland Australia. South Australia became the only mainland State that did not grow faster over the year to September 1994 than during 1992-93. We have gone backwards under Premier Dean Brown. During 1993, when the Liberal Opposition claimed that nothing positive could happen in this State unless and until the Labor State Government was removed from office, South Australia grew at a rate of 4.8 per cent, well in touch with national growth rates. Today, our economy is depressed while most of the rest of the nation is experiencing the highest growth rates of the past decade. As I pointed out previously, job growth since the December election has been at a rate of less than half the national rate. During 1993 our employed labour force grew by 2 per cent, a rate well up with national job creation.

The complacency of Minister Lucas ignores completely our dire economic position. It ignores completely just how central to the improvement of our economic performance is a comprehensive, high quality public education system. The body of economic literature, known as the new growth theory, has demonstrated analytically what common sense has always told us any way: high levels of education and training are an investment in human capital and enhance the dynamic efficiency of economic performance. The Asian economic leaders (Japan, Taiwan, South Korea, Hong Kong and Singapore) have historically invested heavily in education and training with positive economic benefit. They have used high levels of public investment in education and skills formation to overcome the initial disadvantage of scarcity of natural resources. They have transformed their economies by means of a strategy involving high levels of investment in education and skills and targeting of high value-added industrial development. Listening to the Minister for Education and Children's Services, one could be forgiven for mistakenly believing that South Australia need not worry about its lamentable economic performance under this Government.

The Opposition supports the passing of the Supply Bill to allow the processes of Government to continue. The Opposition takes the greatest exception to the Government's policy of exclusion. This Minister's gutting of the public education system is a policy of exclusion: the exclusion of the disadvantaged, the exclusion of the poor. It is a policy that will create offensive social distinctions. It is a policy also that will reinforce rather than redress the decline of our economy. South Australia's children, tomorrow's adults, cannot afford Minister Lucas's cuts.

The Hon. L.H. DAVIS secured the adjournment of the debate.

SYMPHONY ORCHESTRAS

Adjourned debate on motion of Hon. Diana Laidlaw:

That this Council, following the release of the Commonwealth Government's Creative Nation Statement supporting divestment of the Sydney Symphony Orchestra—

I. Expresses alarm at the projected impact on all other ABC orchestras, most notably the Adelaide Symphony Orchestra.

II. Notes the devastating effect of any move to reduce the capacity of the Adelaide Symphony Orchestra by cutting ABC funding by some $700 000 per annum which would mean a cut of 15 in the number of players to 50.

III. Recognises the invaluable role the Adelaide Symphony Orchestra plays in the artistic and cultural life of South Australia through its own major orchestral concert seasons including family concerts and country touring, plus the services it provides for the State Opera of South Australia, the Adelaide Festival, Come Out and the Australian Ballet.

IV. Requests the President to convey this resolution to the Chairman of the ABC, the Federal Minister for Communications and the Arts, and the Prime Minister forthwith on the understanding the ABC Board is to consider all options for the future orchestra funding by the end of March 1995.

To which the Hon. Anne Levy has moved the following amendment—

Leave out all words after 'Sydney Symphony Orchestra' in line 3 and insert the following—

I. Expresses alarm at the possible impact on all other ABC orchestras, most notably the Adelaide Symphony Orchestra.

II. Asserts forcefully that the Adelaide Symphony Orchestra must not be adversely affected financially by the divestment of the Sydney Symphony Orchestra from the ABC, and that the Commonwealth Government and the ABC should guarantee that such divestment will not affect other orchestras.

III. Recognises the invaluable role the Adelaide Symphony Orchestra plays in the artistic and cultural life of South Australia through its own major orchestral concert seasons, including family concerts and country touring, plus the services it provides for the State Opera of South Australia, the Adelaide Festival, Come Out and the Australian Ballet.

IV. Requests the President to convey the above points to the Chairman of the ABC, the Federal Minister for Communications and the Arts and the Prime Minister forthwith on the understanding the ABC Board is to consider all options for the future orchestra funding by the end of March 1995.

Furthermore, this Council—

V. Notes the devastating effect on the Adelaide Symphony Orchestra if State funds to it are not increased, regardless of whether divestment of the Sydney Symphony Orchestra occurs or not.

VI. Asks the State Government to urgently consider a Concert Hall for Adelaide, which would ensure the financial viability of the Adelaide Symphony Orchestra.

To which the Hon. Sandra Kanck has moved the following amendment—

Leave out all words after 'Sydney Symphony Orchestra' in line 3 and insert the following—

I. Expresses alarm at the possible impact on all other ABC orchestras, most notably the Adelaide Symphony Orchestra.

II. Notes the devastating effect of any move to reduce the capacity of the Adelaide Symphony Orchestra by cutting ABC funding by some $700 000 per annum which would mean a cut of 15 in the number of players to 50.

III. Asserts forcefully that the Commonwealth Government and the ABC should guarantee that the divestment of the Sydney Symphony Orchestra will not affect other orchestras.

IV. Recognises the invaluable role the Adelaide Symphony Orchestra plays in the artistic and cultural life of South Australia through its own major orchestral concert seasons, including family concerts and country touring, plus the services it provides for the State Opera of South Australia, the Adelaide Festival, Come Out and the Australian Ballet.

V. Requests the President to convey the above points to the Chairman of the ABC, the Federal Minister for Communications and the Arts and the Prime Minister forthwith on the understanding the ABC Board is to consider all options for the future orchestra funding by the end of March 1995.

Furthermore, this Council—

VI. Notes the devastating effect on the Adelaide Symphony Orchestra if State funds to it are not increased, regardless of whether divestment of the Sydney Symphony Orchestra occurs or not.

VII. Asks the State Government to consider a Concert Hall for Adelaide, which would significantly contribute to the future viability of the Adelaide Symphony Orchestra, once the short term future of the orchestra is secured.

(Continued from 14 March. Page 1492.)

The Hon. R.D. LAWSON: I support the Minister's motion, but the Council would be aware that there have been two other amendments to substantially the same effect. It is a matter of concern to all South Australians that the Australian Broadcasting Commission is, apparently at the direction of the Federal Government, contemplating divestiture of the Sydney Symphony Orchestra and ceasing to fund in the same manner as is presently funded the orchestras in other capital cities. The Minister's motion proposed that alarm be expressed at this development and that an approach be made to the Chairman of the Australian Broadcasting Commission, the Federal Minister for Communications and the Prime Minister urging that the ABC board consider all options for future funding by the end of this month. The amendments moved by both the Hon. Sandra Kanck and the Hon. Anne Levy have sought to turn the motion around somewhat by focusing on the State Government's consideration of a concert hall for Adelaide and also noting what is said to be the devastating effect on the Adelaide Symphony Orchestra if State funds are cut. I have a motion on file for an amendment to the amendment moved by the Hon. Sandra Kanck which I move as follows:

Leave out paragraphs VI. and VII. and insert the following:

VI. Notes the State Government, as a matter of priority, is assessing means to increase funding for the Adelaide Symphony Orchestra from State sources.

VII. Notes the State Government is examining the feasibility and cost of a Concert Hall for Adelaide, recognising the impact of current venue arrangements on the financial viability on the Adelaide Symphony Orchestra.

Speaking in support of my amendment, I remind the Chamber that the Adelaide Symphony Orchestra itself has been advocating the establishment of a purpose built concert hall to be constructed in Adelaide, because the orchestra acknowledges the inadequacies of the current situation with respect to the performance of classical music in this city. Of course, it is not only the Adelaide Symphony Orchestra which finds itself affected by this inadequacy because we have a number of fine orchestras and classical music groups in Adelaide who will also be affected: the Adelaide Chamber Orchestra, the Australian String Quartet, the Adelaide Chorus, Baroque Music Promotions, ACME new music group and the Adelaide Chamber Singers. There are various other groups representing jazz music in Adelaide which could benefit from a concert hall.

As the Hon. Anne Levy noted in speaking in support of her amendment, the Festival Centre has inadequate acoustics and in any event is often not available for the purposes of the Adelaide Symphony Orchestra by reason of its commitment to long running musicals and the like. The Adelaide Town hall is acknowledged to have excellent acoustics—perhaps the best in Australia—but that venue is too small for much of the Adelaide Symphony Orchestra's program. The orchestra is forced to stage repeat performances of some concerts which represents a financial burden to the orchestra.

The Australian Bureau of Statistics published a report in 1992 entitled: 'Attendance at selected cultural venues in 1991.' It noted that 86 000 people attended at least one classical music concert in Adelaide in 1991 out of total attendances of some 230 000. In other words, about 40 per cent of concert attendees in Adelaide in that year attended a classical music concert. In another ABS study conducted in both 1991 and 1992 it was reported that there were 190 separate performances in Adelaide in 1991 by the symphony orchestra as well as chamber and other choral groups. In the following year (1992) that number had risen to 220: a rise from 190 to 220 in just one year which shows the popularity of this form of music in this city.

It is clear that there is a substantial audience in South Australia for the performance of classical music. The Adelaide Symphony Orchestra has been advocating the examination of a feasibility study for a concert hall for Adelaide. As the Hon. Anne Levy noted, Adelaide now is the only capital city which does not have a purpose-built concert hall.

The Hon. Anne Levy interjecting:

The Hon. R.D. LAWSON: Tasmania is in the process of getting one in Hobart, as I understand it. The State Government has announced that, with the Adelaide Symphony Orchestra, it is undertaking a feasibility study into the establishment in Adelaide of a concert hall.

The Hon. Anne Levy interjecting:

The Hon. R.D. LAWSON: That is an initiative to be welcomed. It is a feasibility study at this moment. It is a step forward, and previously there was not one. It was an initiative taken by the orchestra, with the support of the Government and the Minister. It seems to me that that is an important fact to note, and my amendment records it as a positive development. It is a development worth noting and one that ought to be noted in the motion.

The Minister's statement today to this Council announced that an assessment is to be undertaken of possible new models for the management of opera and orchestral services in the State so that the future of both can be secured. This assessment will be undertaken by the well-credentialled Mr Peter Alexander. He will be working with a reference team comprising representatives of the State Opera and Adelaide Symphony Orchestra as well as the Department for the Arts and Cultural Development. This assessment team will be reporting to the Minister in the near future, and it is anticipated that the report will be available by mid-April. Its terms of reference, as the Minister noted, will require it to assess models in Australia and internationally with regard to establishing forward-looking, innovative ways of delivering both opera and orchestral services.

This is a matter which the Government is addressing. The fact that it is addressing it ought to be acknowledged in a

motion of this kind, and that has prompted my amendment. There is a fair degree of unanimity in this issue. The substance of the Minister's motion, as well as the substance of the amendments moved successively by the Hon. Anne Levy and the Hon. Sandra Kanck, has been the same: all members support the symphony orchestra and deprecate the fact that its funding is under threat as a result of decisions made outside this State. The substance of the motion and the amendments is to move the matter forward positively. So, I urge the Council to support my amendment to the Hon. Sandra Kanck's amendment.

The Hon. DIANA LAIDLAW: I thank all members who have contributed to this debate and all members who gave a clear indication that they share the Government's concern about the potential or possible impact on other ABC orchestras, notably the Adelaide Symphony Orchestra, following the release of the Commonwealth Government's Creative Nation Statement which supports divestment of the Sydney Symphony Orchestra.

With the exception of the Hon. Ms Levy, all members have noted the devastating effect of any move to reduce the capacity of the Adelaide Symphony Orchestra by cutting ABC funding by some $700 000 per annum, which would mean a cut of 15 players and bring the number of players to 50. As has been noted earlier, at present we have a very small orchestra of 65 players. It should be 68 players, but three positions have not been filled in order to save money. If we lost 15 players and the orchestral strength fell to 50, essentially we would have two orchestras of the size of a chamber orchestra in South Australia. I think that most members, from what they have said to date, would share my view that that is almost beyond belief, that it is unthinkable that we could not have a symphony orchestra in this State at its current size and preferably with more players.

All members have recognised the invaluable role that the Adelaide Symphony Orchestra plays in the artistic and cultural life of South Australia through its major orchestral concert seasons, including family concerts and country touring, plus the services it provides for the State Opera of South Australia, the Adelaide Festival, Come Out and the Australian Ballet. In addition to recognising the artistic and cultural impact of the Adelaide Symphony Orchestra (and I did not mention this in my motion but it is worthy of note) it also plays a very important role in the economic life of the State, as do the arts generally, in the way in which it teams with the many initiatives that have a tourism focus and with other economic and business activities in this State. I believe that it has an economic as well as an artistic and cultural impact which is of great benefit to South Australia. All members indicated that we should request the President to convey forthwith this motion to the Chairman of the ABC, the Federal Minister for Communications and the Arts and the Prime Minister on the understanding that the ABC will be considering all options for future orchestra funding by the end of March 1995.

When I moved this motion on 16 February I was not aware of what would be discussed at a subsequent meeting of the ABC board on 23 February. At that meeting, the Chairman, Professor Armstrong, said, 'There are no plans to change the structure of the ABC's orchestras until the responsibility concerning the divestment of the Sydney Symphony Orchestra has been resolved.' He went on to promise consultation with State Governments and the orchestras before any decisions are made about the structure of individual orchestras and the network. What I want to indicate here is the importance of Professor Armstrong's words about consultation with the State Governments and the orchestras before any decisions are made about the structure of individual orchestras.

Over more recent times I have wanted to ensure that we, as a State, are not hanging around waiting to see what the ABC and the Federal Government deemed was convenient for them in terms of our orchestra. As we all know, notwithstanding the best will in the world, the ABC, as do so many other eastern-based organisations, finds it very difficult to look beyond Wagga Wagga and does not think that there is much life of any sort that is worth considering to the west. We have had fierce debates from time to time about local production and television.

The Hon. Anne Levy: And radio.

The Hon. DIANA LAIDLAW: And radio, that is correct. Now we are fighting a battle in terms of the ABC orchestra. As I said, I believe that we must put an argument to the ABC and the Federal Government which is in the best interests of our State and which has the long-term interests of the orchestra at heart and not wait around for the ABC or the Federal Government to tell us what to do when they have decided what they want to do.

It is for that reason that I have been working with a number of people over recent weeks, the outcome of which I announced today in a ministerial statement advising that I am seeking a new model for the provision of both opera and orchestral music services in South Australia. I will expand on that in a few moments but first confirm that there is one aspect of the motions moved by the Hon. Anne Levy and the Hon. Sandra Kanck that I applaud. Both of them have sought to insert the words 'the Commonwealth Government and the ABC should guarantee that such divestment [in relation to the Sydney Symphony Orchestra] will not affect other orchestras'. That is an important addition to this motion.

Also, both motions on the Notice Paper introduce new matter, as referred to by my colleague the Hon. Mr Lawson a moment ago. Both refer to the issue of State funding of the orchestra and both refer to the issue of a concert hall. Earlier in this debate today the Hon. Robert Lawson introduced another motion. What he has sought to do is reflect on the current status of the two issues that the Hon. Anne Levy and the Hon. Sandra Kanck have raised as additional material to this motion. The amendment moved by the Hon. Mr Lawson reflects the fact that the Government is addressing both matters and doing so as a matter of urgency.

In relation to the first issue of State funding for orchestras I think it is important to reflect on the fact that this is not a new problem, although it would seem to be such from the wording of the motion moved initially by the Hon. Anne Levy. I have been aware for some years that this is an issue. It was certainly raised with me when I was shadow Minister for the Arts, and I have spent a little time looking back in the files in respect of correspondence on this matter. I have not gone far back, but it is interesting that even in 1990 it was quite clear from reports to the Minister of the day that the Adelaide Symphony Orchestra was highlighting this problem that it was experiencing following a decision by the former Government in 1988 to bring together more closely the funding between the Adelaide Symphony Orchestra and State Opera.

For instance, we have a situation today where the first opera of each season is paid for through the State grant to the Adelaide Symphony Orchestra, so they are intrinsically

entwined in terms of funding and their future. This issue of a funding crisis for the Adelaide Symphony Orchestra was highlighted to the Hon. Ms Levy when she was Minister in 1990.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: I will not go through that minute at any length, considering the time that has already been devoted to this matter. There was further correspondence in 1991 and 1992, and it is interesting that on 9 December 1993, just days before the State election, the Hon. Ms Levy (as Minister for the Arts and Cultural Heritage) actually wrote to the General Manager of the Adelaide Symphony Orchestra in the following terms:

I am writing in response to your letter of 10 November 1993 advising me of the Adelaide Symphony Orchestra's problems with providing services to State Opera in 1994. Whilst I can appreciate your disappointment in not receiving the increased funding that you requested from the Government for the State Opera component of your grant, I have to inform you that no organisation received a large increase for 1994 and we are unable to assist the Adelaide Symphony Orchestra in this regard.

We are certainly committed to maintaining the Adelaide Symphony Orchestra's services to State Opera but, given that both the State Opera and the Government are not currently in a position to provide any extra funds, it seems that the only viable option at the moment is for the Adelaide Symphony Orchestra to redirect money from its general operating grant. I understand that officers from the department are researching the issue with your assistance in an effort to come to grips with the financial situation confronting the Adelaide Symphony Orchestra in the broader ABC context.

I trust that in these difficult economic times a reasoned solution will be found for what is a formidable but not insurmountable problem.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: It had become a formidable situation, as the former Minister noted, because it had not been addressed for at least three years prior to this letter's being written on 9 December, just days, as I said, before the last State election.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: The Hon. Ms Levy is saying quite a bit opposite in terms of the funding, so it may be of benefit to refer to this funding issue. I go back for seven years. Seven years, in terms of funding for the Adelaide Symphony Orchestra, is not a lucky number. I seek leave to have this statistical table incorporated in *Hansard* without my reading it.

Leave granted.

State Funding over the last seven years is as follows:
Calendar years

	1989	1990	1991	1992	1993	1994	1995
	$000s	$000s	$000s	$000s	$000s	$000s	$000s
Operating	240	250	260	260	260	260	260
Orchestral	190	180	240	255	230	270*	230
Total	430	430	500	515	490	530	490

*Includes special grant $40 000

The Hon. DIANA LAIDLAW: When members review this table of funding for the Adelaide Symphony Orchestra, they will see that in 1989 the figure was $430 000; in 1990, $430 000; in 1991, $500 000; in 1992, $515 000; in 1993, $490 000; in 1994, the first year of Liberal Government, $530 000; and we put it back to $490 000 last year for 1995. The $530 000 in 1994 includes a special grant of $40 000 to the Adelaide Symphony Orchestra to accommodate overtime costs associated with the opera *Adriana* and the augmentation costs of *Salome*. So, over the years, to this year the Adelaide Symphony Orchestra has had a very poor success rate in gaining funds from the State Government. I have highlighted only the period from 1989 to 1995, and over that period there was a 13 per cent increase, but I think that inflation went up about 25 or 30 per cent over the same period.

The Hon. Anne Levy: Nonsense!

The Hon. DIANA LAIDLAW: I have the exact figures: I just got them from the library. The honourable member says 'Nonsense'. To be fair, between December 1988 and December 1994 the CPI increased 24.3 per cent. So I did exaggerate in saying that it was 30 per cent: it was 24.3 per cent. The funding to the Adelaide Symphony Orchestra has increased by only 13 per cent—half the CPI increase over that period. It is interesting to note the ABC's funding over that same period for the Adelaide Symphony Orchestra. I seek leave to incorporate in *Hansard* a further statistical table relating to the ABC's funding to the Adelaide Symphony Orchestra over the past six years.

Leave granted.

ABC Funding over the last 6 financial years

1989-90	1990-91	1991-92	1992-93	1993-94	1994-95
$	$	$	$	$	$
2,311,582	2,680,127	2,927,913	3,065,154	3,110,000	N/A

The Hon. DIANA LAIDLAW: The ABC has been far more generous than the State Government over the past six years, one year of which the Liberal Government has been in office. I think it is also important to note the total State and ABC funding last financial year (1993-94) Australia-wide. I seek leave to incorporate a further statistical table in *Hansard*.

Leave granted.

Total State and ABC Funding 1993-94 Australia Wide

	States	ABC
	$	$
Sydney SO	393,000	5,103,000
Melbourne SO	255,000	5,316,000
Qld SO	395,000	3,402,000
Western Australia SO	1,269,941*	3,060,000
Tasmania SO	138,000	3,190,000
Adelaide SO	490,000	3,110,000
TOTAL	$2,940,941	$23,181,000

* The high WA State funding results from the amalgamation of two orchestras, and a special agreement with the ABC that the ABC fund 65 players, and leave WA to fund the other 24 players of their 89 member orchestra.

The Hon. DIANA LAIDLAW: This table indicates that the figure of $490 000, which I have been indicating is only a 13 per cent increase in funding since 1989, does however represent the second highest contribution by any State Government, other than the Western Australian Government, to opera services. In fact, we have the second highest *per*

capita contribution in this State to orchestral services.

It is an interesting argument to highlight how dire the problems are for the Adelaide Symphony Orchestra, notwithstanding the fact that this State's contribution is the second highest of all States to the orchestra and also, other than Western Australia, we are the highest *per capita* in South Australia in terms of our contribution to the orchestra.

The Hon. Anne Levy: Does that include Kennett's $600 000 or not?

The Hon. DIANA LAIDLAW: No, I indicated it was 1993-94. Mr Kennett, as the Premier of Victoria, has recently granted further funds. I understand that the Queensland Government is looking at doing the same, and so is the South Australian Government. That is the point I wish to make in terms of the first part of the amendment moved by the Hon. Robert Lawson, which reads:

> . . . notes the State Government as a matter of priority is assessing means to increase funding for the Adelaide Symphony Orchestra from State sources.

I do not pretend it is easy times in the arts budget or any other aspect of any Minister's budget at the present time. However, I am absolutely determined in terms of the Adelaide Symphony Orchestra and the opera that we make every effort to secure the financial and creative contribution of both art forms now and in the future. I am also not prepared, as I indicated earlier, that we as a State should hang around at the beck and call or at the mercy of the ABC in Sydney and the Federal Government to tell us what is in our interests.

I am very pleased that the chairpersons of both the State Opera and the Adelaide Symphony Orchestra Foundations have agreed with this assessment, that we must get on with it and develop our own position, and that that is in our interests. Their representatives will form part of a reference group that will work with Mr Peter Alexander to explore new models of operating opera and orchestral music services in South Australia. I believe that by such means we will find savings in administration which will mean that we can look at putting more money towards the employment of more players and that we can also look at a wider range of activities for the State Opera to undertake in touring and in other areas.

If these new models looked at in Australia and elsewhere prove to be fruitful and there is a new way of exploring the structural arrangements for opera and orchestral services in South Australia, I certainly undertake to look at other means within the arts budget to find further funds for the State Opera and the Adelaide Symphony Orchestra. I make that undertaking in all sincerity and not lightly.

I believe very strongly that we can continue to provide first-class opera and orchestral services in South Australia. However, at the moment there is some vulnerability in respect of the future of such services. I have therefore instituted the evaluation that I have announced today. Some members may be sceptical about whether the evaluation can be achieved by mid April 1995, which is not far away. But Mr Peter Alexander, who is an arts consultant, has indicated that he is prepared to meet that time frame. I believe he will do so because he has vast experience as the former Chair of the Department for the Arts Finance Advisory Committee which, while no longer existing, was responsible for recommending the grants for the larger arts organisations in South Australia. So, he is very familiar with the matters that he will be asked to address.

The Hon. Anne Levy: He is a very capable bloke.

The Hon. DIANA LAIDLAW: He is a most capable gentlemen. As I indicated, he will be supported by a reference group, comprising either the Chair and/or the representative of the Chair of the Adelaide Symphony Orchestra Foundation and the State Opera and a representative of the Department for the Arts and Cultural Development. So, in no way is he working in isolation without having this representative reference group that will keep the interests of these art forms in mind at all times.

Finally, I make reference to the issue of a concert hall. I, like all other members who have spoken in this debate, recognise that the issue of the current venue, the Town Hall, for a majority of performances by the Adelaide Symphony Orchestra is contributing to some of the financial problems encountered by the orchestra at the present time. I will not go through all those reasons now. It was for that reason, however, that last year the Adelaide Symphony Orchestra, having approached the Department for the Arts and Cultural Development, agreed that it would place the following advertisement:

> A stage one concert hall feasibility, seeking consultants to register expressions of interest.

The advertisement, inserted in local and interstate papers, read as follows:

> Expressions of interest are sought from Adelaide-based consultants having relevant experience to undertake a study of market requirements for a concert hall in Adelaide and alternative venues currently available in accordance with the following terms of following terms of reference:
>
> 1. Market research to establish principal users of a concert hall in Adelaide and their current and future requirements;
> 2. Predictions of future utilisation;
> 3. Based on market needs to assess current and possible venues, develop concepts and establish financial projections.

After that advertisement was inserted in local papers, Ernst and Young was appointed as the consultant to undertake that work and is reporting to the Adelaide Symphony Orchestra in respect of three phases of that study. I understand that phase one will be ready by the middle of this year, Ernst and Young having been confirmed on 15 February as the approved consultant to undertake this work.

Again, within a year of the Liberal Government's coming to office, we are not only bravely facing problems we have inherited but we are also facing those problems creatively so that we can impress them in a way that will ensure that financially and creatively the opera and orchestral services remain at the forefront in Australia and internationally in terms of its Adelaide-based activities. We have dealt with these problems promptly and with a view to securing the long-term future of these activities.

The Hon. Anne Levy's amendment negatived.

The PRESIDENT: The question is that the amendment moved by the Hon. R.D. Lawson to the words proposed to be inserted by the Hon. Sandra Kanck be agreed to.

The Hon. ANNE LEVY: On a point of order, Sir: it may be that the Hon. Mr Lawson is moving two points, and I ask that they be voted on separately, as it can be possible to accept half the Hon. Mr Lawson's amendment and not the other part.

The PRESIDENT: The question is that paragraph 6 of the Hon. Sandra Kanck's amendment be struck out and the new paragraph 6 moved by the Hon. Robert Lawson be inserted.

Question carried.

The PRESIDENT: The question is that paragraph 7 of the Hon. Sandra Kanck's amendment be struck out and that the new paragraph 7 proposed to be inserted by the Hon. Robert Lawson be so inserted.

Question carried.

The Hon. S.M. Kanck's amendment, as amended, carried; motion as amended carried.

RETAIL SHOP LEASES BILL

The House of Assembly intimated that it insisted on its amendments to which the Legislative Council had disagreed.

Consideration in Committee.

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

That the Legislative Council do not insist on its disagreement to the House of Assembly's amendments.

This is getting towards the final stages of establishing a deadlock conference. I indicate that if I am not successful I will not divide.

The Hon. ANNE LEVY: I feel that the Council should insist on its position. While there may be room for compromise, this will best be achieved by sending this Bill to a conference, so I consider that we should persist in our opposition to the House of Assembly's amendments.

Motion negatived.

A message was sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the Hons M.J. Elliott, K.T. Griffin, Anne Levy, Carolyn Pickles and A.J. Redford.

GAMING SUPERVISORY AUTHORITY BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

DOG AND CAT MANAGEMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

RETAIL SHOP LEASES BILL

A message was received from the House of Assembly agreeing to a conference, to be held in the second floor conference room at 3.30 p.m. on Tuesday 21 March.

ADJOURNMENT

At 5 p.m. the Council adjourned until Tuesday 21 March at 2.15 p.m.