LEGISLATIVE COUNCIL

Tuesday 21 November 1995

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

PAPERS TABLED

The following papers were laid on the table:

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

Liquor Licensing Commission—Annual Report under the Gaming Machines Act 1992
Regulation under the following Act—
Industrial and Commercial Training Act 1981—Civil Construction and Maintenance Worker

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

Reports, 1994-95—
Legal Practitioners Complaints Committee
Legal Services Commission of South Australia
Legal Practitioners Act 1971—Report to the Attorney-General—Claims Against the Legal Practitioners Guarantee Fund, 1994-95
Regulations under the following Acts—
Correctional Services Act 1985—Penalties for Prisoner Drug Abuse
Workers Rehabilitation and Compensation Act 1986—Scales of Medical and Other Charges

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

Regulation under the following Act—
Liquor Licensing Act 1985—Dry Areas—Tumby Bay

By the Attorney-General, for the Minister for Transport (Hon. Diana Laidlaw)—

Reports, 1994-95—
Local Government Association—Operation of Part II Division XI Local Government Act
South Australian Harness Racing Board
South Australian Housing Trust.

SELECT COMMITTEE ON ALTERING THE TIME ZONE FOR SOUTH AUSTRALIA

The Hon. CAROLINE SCHAEFER brought up the report of the select committee, together with minutes of proceedings and evidence. Ordered that report be printed.

The PRESIDENT: Order! It has come to my attention that the press has pre-empted the findings of this select committee. I remind members that the deliberations of a select committee should not be disclosed before the committee has reported to the Council.

QUESTION TIME

MUSIC EDUCATION

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 music education cuts.

Leave granted.

The Hon. CAROLYN PICKLES: On Saturday 18 November I attended a rally, together with approximately 1 000 students, parents and teachers, to protest against cuts to music education in South Australian schools. It is interesting to note that the whole idea for this rally was put by a nine year old primary school music student. At the rally, a list of pertinent questions directed to the Minister was asked on behalf of concerned students, parents and teachers. Unfortunately, there did not appear to be any representative of the Government present at the rally to answer these questions, which I therefore bring to Parliament for the Minister's attention. I remind the Minister that these are questions formulated by concerned students, parents and teachers themselves, and I expect him to deal with these questions seriously. My questions to the Minister are:

1. How will these cuts improve learning outcomes for our students?

2. What is the Government's vision for music in our State schools?

3. The Minister has stated there are approximately 1 500 above-formula positions and the reduction for 1996 is 98 positions. What about the remaining 1 402 positions? Who will go next?

4. What about the 2 000 children who will not be able to continue their instrumental lessons next year?

5. How will the cuts affect the primary schools' music festival?

6. Will only affluent families be able to afford music either in private schools or through commercial providers?

7. How much money will really be saved by these cuts?

8. Why is the Government on the path of phasing music out of State schools?

The Hon. R.I. LUCAS: I will endeavour to answer some of the eight questions which the honourable member has put to me and will bring back a reply to any others in due course. The budgeted savings from the approximately 98 to 100 above-formula positions is about $5 million to go towards the significant salary increases for teachers and school support staff that will be obviously either agreed to or arbitrated upon in the coming months. In terms of the primary schools' music festival, I have answered that question in this Chamber before. The Government is committed to the continuation of what has been an excellent and very successful primary school music program. Indeed, one of the principles that the working party has worked to in the past few weeks, once the budget decision was announced, has been to ensure that the successful primary schools' music festival program will be able to continue. I have been assured by officers of the department that that particular wish has been met in the projected allocations for 1996.

In relation to the protest, I am aware that it was partly organised by Molly, a nine year old student from Norwood Primary School. I have had much experience with Molly and some of her campaigns in the past. She very successfully organised the Rwanda appeal and raised about $150 000, and I was very pleased to work with Molly on that campaign. I met separately with Molly and her local member, John Cummins, a week or so ago. The local member came in with Molly, so she could have a personal interview with the Minister and put her point of view in relation to the music cuts. I was very pleased to do that.

I also met on Thursday or Friday last week with the other organisers of yesterday's rally, together with the Institute of Teachers. With my open door policy, I am always prepared to meet with the teachers' union whenever it requests an urgent meeting. Mr Ken Drury, as the Vice President of SAIT, requested an urgent meeting at very short notice, together with Mr Steve Errock, as one of the field organisers, and four or five SAIT members. I was very happy to meet

with SAIT and its members to discuss some of the questions that were then put on Saturday morning.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I think that is correct: the members were not happy with the response that the Minister and the Government gave, and we acknowledge that students, parents, principals, SAIT and a number of others are unhappy with the decision. As I have said, I, too, am unhappy with the decision. As Minister it was not a decision that I chose or wanted to take. It was personally a very painful decision to have to take as Minister for Education and Children's Services, but we were forced to take these painful decisions by the budget and by the significant salary and conditions increase being sought by SAIT. I explained that to the SAIT delegation and also to Molly when I met her a week or so ago.

In relation to a vision for music and whether or not music will be restricted to the wealthier members of our community, the answer is 'No.' The Government—or the taxpayers—will continue to provide an instrumental music program, with just on 80 teacher salaries provided for the free instrumental music program to students. It is worth pointing out that 95 per cent of our students currently do not undertake instrumental music, and that we are talking about 5 per cent of the total number of students in Government schools who undertake the free instrumental music program. As I have indicated before, when we are talking about music programs within schools—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Not even your Government suggested that 100 per cent of students would undertake free instrumental music tuition at taxpayers' expense. Music nevertheless remains an important part of the school curriculum. It is a part of the arts curriculum area, and one of the eight—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, it still remains important. It remains one of the eight key areas of learning, curriculum statements and profiles, and music remains an essential part of the art profile and statement within our schools. So, classroom and specialist music teachers—separate from instrumental music teachers—will have responsibilities within primary and secondary schools to maintain an arts curriculum focus, which includes dance and drama as well as music. Yes; there will be some restrictions on the number of students so that, instead of being 5 per cent—

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes, there will be. I notice that the Leader of the Opposition has downgraded the figures from Saturday, but on Saturday the claim was that 2 500 students would miss out. This afternoon the number has been reduced to 2 000 students. Certainly, the advice provided to me is that if, as we have announced, we ask some of the instrumental music teachers that instead of having one student in their class they have two students, and if we ask some of our violin teachers that instead of having two violin students in their class they have three, we can then—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: It is not a furphy.

The Hon. T.G. Cameron: It is a furphy.

The Hon. R.I. LUCAS: The Hon. Mr Cameron says that it is a furphy.

The Hon. T.G. Cameron: How many music teachers are teaching one kid?

The Hon. R.I. LUCAS: Well, let me give an example. Does he deny, for example, that in one of our special interest music schools 25 per cent of the lessons offered are one to one?

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: No; of course he doesn't deny that.

The Hon. T.G. Cameron: How many kids will miss out?

The Hon. R.I. LUCAS: I have just given you the example.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: One special interest music school has about 160 instrumental music lessons. Of those, 37—almost 25 per cent—are one to one. We are saying that we will ask a violin teacher that, instead of having one student in the class, they have two students in the class or, if they have two students, they might have three. So, we are not talking about class sizes of 10, 15, 20 or 25 students. We are saying that, instead of having one student, they will have two students or, instead of having two students, they will have three students in the class. By doing that, we believe that we can reduce the extent of the effect on instrumental music lessons. Obviously, that will not stop the restriction, and right up front we said that there would be some restriction. That is not a new admission. Right from the word 'go' we said that we could not reduce 23.9 instrumental music teachers without having some effect on the instrumental music program, but we can reduce the extent.

The Hon. T.G. Roberts: To get back at the teachers.

The Hon. R.I. LUCAS: To get back at the teachers?

The Hon. T.G. Roberts: Yes, for salary increases.

The Hon. R.I. LUCAS: It is not getting back at anyone: it is trying to pay the salaries. The Hon. Mr Roberts, who has a closer connection than many with the Institute of Teachers, will well know that, if successful, the institute's claim will cost taxpayers $137 million plus, and we have to budget for some significant salary and conditions increase for teachers and for school support staff.

I am sorry for the lengthy reply, but the Leader of the Opposition directed eight separate questions to me, so I have endeavoured to canvass as many of those as I could. I will go back and look through those eight separate questions and, for those for which I have been unable to provide a fulsome, comprehensive reply, I will undertake to bring back a further reply.

FISHERIES MANAGEMENT

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Primary Industries in another place in relation to new arrangements for fisheries management.

Leave granted.

LOBSTER FISHERY

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about fisheries regulations regarding the removal of tail fans from rock lobsters.

Leave granted.

The Hon. R.R. ROBERTS: Over the past two or three months there has been a great deal of alteration to fisheries arrangements in South Australia, and I note that the Minister has today made a statement which I have not had the opportunity to read. Recently, the crayfish regulations in

respect of amateur craypot fishermen have been altered and gazetted. A number of problems arose, and I thank the Minister for providing me with a briefing with Mr David Hall, particularly about the matter raised by boat charterers in South Australia, who would suffer undue hardship if they could catch only five fish per boat. I am pleased to report to the Council that Mr Hall has advised me that applications by boat charterers for exemptions from that rule will be looked at very closely, so there are some prospects.

The Opposition has had negotiations with people affected by the regulation. In the *Government Gazette* of 2 November regulations regarding the taking of rock lobster or crayfish, as they are more commonly known, state amongst other things that recreational potholders must remove the middle tail fan from the lobsters taken before landing them on shore. I must confess that I did not worry too much about that, but it was raised by a number of constituents. I understand that the reason for this regulation is to differentiate between lobsters taken by professionals for sale and those which are taken by recreational fishers and which, according to the law, cannot be sold.

I have been contacted by many people involved in recreational craypotting, and they have expressed many reservations about some of the new regulations that have come into force. One of those reservations concerns the removal of the middle tail fan from live lobsters. I have been informed that the removal of the fan from a live lobster may cause it great distress and may breach the Prevention of Cruelty to Animals Act 1985. My questions are:

1. Did the Minister for Primary Industries consult the Animal Welfare Advisory Committee in relation to the regulations to enforce the removal of the middle tail fan from live lobsters and, if so, when did he consult with them and what was their advice? If he did not consult with them, why did he not consult with them?

2. Did the Minister consult with the RSPCA or any other animal welfare body before gazetting these regulations and, if not, why not?

The Hon. K.T. GRIFFIN: I will refer the questions to the Minister in another place and bring back a reply.

PUBLIC LAND AND ASSETS

The Hon. T.G. ROBERTS: I seek leave to give a brief explanation before asking the Minister for Education and Children's Services, representing the Treasurer in another place, a question about the disposal of public assets.

Leave granted.

The Hon. T.G. ROBERTS: One of the reasons the Minister may not have been available to attend the rally outside Parliament House is that he may have been at Brighton listening to the complaints that people down there have—

The Hon. R.I. Lucas: Different day.

The Hon. T.G. ROBERTS: It was a different day—about the disposal of public assets in the Brighton area, in relation to which the Brighton community has indicated a preferential use for the reserve land that is associated with the Brighton school. There have been a number of public land disposal confrontations, if you like, in communities. One that is currently running relates to the Blackwood Reserve, which is earmarked not for total recreational use but for a multitude of uses including urban sprawl and build-up. Another that has occurred in the past 12 months relates to the Mount Pleasant roadside reserves that were sold for private use by adjoining landowners in that area.

An honourable member interjecting:

The Hon. T.G. ROBERTS: Cumberland Park is another one. The Mount Pleasant roadside reserves raised the ire of walkers in the area who were hoping that the area would be dedicated for recreational use by recreational walkers. The sale of the State's assets is starting to raise questions in the community and the Government is starting to feel the pressure of competitive use and the pressing need for building up the asset base of portfolios in which the public assets are held. The questions I have are:

1. Will the Treasurer provide a list of surplus land and assets from all departments that have been identified for sale or lease?

2. Will the Treasurer provide the names of individuals and companies that have purchased public land or assets during 1993-94 and 1994-95?

3. Will the Treasurer provide tendering details for such transactions that have taken place?

The Hon. R.I. LUCAS: I would be happy to refer those questions to the Treasurer and bring back a reply. In relation to the Department for Education and Children's Services, I am happy to provide that information. In 1994-95 the total value of land sales was about $3.3 million. The biggest land sale was about $1 million at Holden Hill and then two blocks of $700 000 at Underdale High School and at Woodend—which was not really a sale but part of a transfer between Hickinbotham, the developers, and the Government in relation to the private sector infrastructure building of a new school at Woodend, so it is not technically the sort of issue that the honourable member is talking about. In relation to other portfolio areas, I will refer those questions to the Treasurer and bring back a reply.

The second comment I would make is that it is correct that there are competing interests in relation to the use of surplus assets as agencies—such as Education and Children's Services—make judgments that assets are surplus to their needs. As I have previously indicated, for many years both Labor and Liberal Governments have had a policy of surplus assets being sold and the value of the assets being retained within the education system for the benefit of children, staff and other school communities. To my knowledge we are the only agency in Government that has a standing commitment from Government to allow the permanent reuse of sale of surplus assets for the benefit of students and staff in other school communities. I know that, in relation to my portfolio area—and Bowker Street is actually Paringa Park Primary School, not Brighton Primary School, to which the honourable member and others have referred—there are competing interests in relation to potential use of surplus assets.

The Hon. Mr Elliott referred to Cumberland Park, although I think he is referring there to Westbourne Park Primary School. From our agency's viewpoint, we are very happy for the sale of some of these assets to be maintained as open space, should local communities make the decision that that is a priority for them. In some areas it is not a priority, because they have enough surplus open space and reserves; in others, it is more of a priority. Whilst I am not in a position this afternoon to make any announcements, we are very pleased to see that in one or two areas local communities are making the decision that this is a priority for them and they are interested in purchasing surplus assets from the Department for Education and Children's Services for the benefit of local communities, in terms of open space.

DEBT REDUCTION

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

Leave granted.

EDS CONTRACT

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made by the Premier on the subject of the EDS contract.

Leave granted.

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made today by the Deputy Premier and Treasurer in another place on the subject of the sale of SGIC.

Leave granted.

INDOCHINESE AUSTRALIAN WOMEN'S ASSOCIATION

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister representing the Minister for Multicultural and Ethnic Affairs a question about the Indochinese Australian Women's Association.

Leave granted.

The Hon. SANDRA KANCK: Several women from the Indochinese Australian Women's Association (ICHAWA) met with our office on Monday last week in relation to a public meeting of that organisation held earlier this month, and expressed concern about what they saw as political interference. The women did not appear to be politically motivated and, in fact, it was pointed out to them that by raising the issue in Parliament there was a risk that it would be presented as Party political. The Premier, in a statement read to this Council last Tuesday by the Minister for Education and Children's Services, tried to present this group as being a Labor Party front. These women are quite upset by this and say that they have never, ever been members of the Labor Party. In fact, I have statutory declarations from four of them, which state that they are not and never have been members of the Australian Labor Party. I seek leave to table copies of those statutory declarations.

Leave granted.

The Hon. SANDRA KANCK: Intentionally or accidentally, the Premier has misrepresented the motivations of these women when he said, 'Court actions are being taken as a result of some of the activities of those who lost at the election.' Presumably, when talking about court actions, the Premier is referring to a police investigation that is occurring following concerns of a number of staff members of ICHAWA who had reported what they saw as serious financial irregularities. It is my understanding that these concerns were the basis of the motivation of these women to seek election to the management committee of ICHAWA. My questions to the Premier are:

1. Was the Premier in fact referring to the present police investigations when talking about court action?

2. Does the Premier agree that these investigations were a result of allegations of serious financial irregularities made by several staff members of ICHAWA?

3. What proof does the Premier have to justify claims that these women seeking election were doing so only as a front for the ALP?

The Hon. R.I. LUCAS: I will refer the honourable member's questions to the Premier and bring back a reply. However, I have to say that I am very disappointed that the honourable member has placed on the public record the issue of police investigations in relation to ICHAWA. I have had some association with ICHAWA over many years—not as much as some of my colleagues or other members of Parliament and some of the prime movers—and I have to say that I am extraordinarily disappointed by the actions of the honourable member in placing this issue on the record. I believe that this issue—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Premier did not talk about police action. I believe that this issue will come back to haunt the Hon. Ms Kanck, because this was the issue raised in this Chamber a week or so ago by way of interjection by her colleague and parliamentary leader, the Hon. Mr Elliott, and I thought that perhaps that might have been the end of it. As the Leader of the Government in this Council, I have to say that I am extraordinarily disappointed by the action of the honourable member in raising this issue in the public forum, in the way she has done.

SOUTHERN EXPRESSWAY

The Hon. T.G. CAMERON: I seek leave to direct a question to the Minister for Transport about the Southern Expressway.

Leave granted.

The Hon. T.G. CAMERON: Has the Minister been requested to keep her options open to include a southern O-Bahn in the construction of the Southern Expressway? If so, what is the additional cost of including an O-Bahn with the expressway? If the O-Bahn project went ahead, how would it be funded?

The Hon. DIANA LAIDLAW: I do not think that the Government has made any secret of the fact that in the future we would like to see the O-Bahn extended to the south. It has been a tremendous success story in the north-eastern suburbs. The Southern Expressway will have provision for express bus lanes but not a dedicated corridor. As far as I am aware, no work has been undertaken by any group within Government in terms of the incorporation of a dedicated corridor to the south, let alone the Southern Expressway, beyond the work that was undertaken a number of years ago by a former Minister of Transport, the Hon. Frank Blevins.

In the meantime, I have established a transport strategy team to look at infrastructure developments for Adelaide in the longer term. I have no doubt that, in addition to the expressway, the possibility of working as a dual carriageway and not the reversible lane as currently proposed, plus an O-Bahn, will be canvassed as part of that strategy. Following workshops which have been held in recent weeks and which will be held in forthcoming weeks, I anticipate that various scenarios will be available for public discussion as part of this exercise of developing a transport strategy.

SCHOOL SECURITY

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about school security.

Leave granted.

The Hon. G. WEATHERILL: We regularly read articles in newspapers and see news services about sick people starting fires at schools, and we also hear lots about increasing penalties for these people. Has the Minister considered visits to the schools by the MSS or is his department looking at having random checks of schools by the MSS or other security services, because prevention is better than cure?

The Hon. R.I. LUCAS: We already spend about $1 million a year on random security patrols, I think by private contractors as well as by police security, so that during the evening hours most of our high risk school premises would be visited on one, two or three occasions (I am advised) by security patrols on the basis of trying to prevent—and one can assume that they do prevent—some of these occurrences. The sad history of the past few months is that that has not been enough and we have had to look at a range of other measures. I am hoping in the next fortnight to announce the Government's response in that area.

MULTICULTURAL AND ETHNIC AFFAIRS OFFICE

The Hon. P. NOCELLA: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Multicultural and Ethnic Affairs, a question about the appointment of a Chief Executive Officer for the Office of Multicultural and Ethnic Affairs.

Leave granted.

The Hon. P. NOCELLA: The parliamentary records of 2 March 1993 show that members opposite became concerned at the fact that a whole month had elapsed and no appointment had been made for a Chief Executive Officer of the Office of Multicultural and Ethnic Affairs. That brings me to the conclusion that members opposite would be just as keen, if not keener, now that a whole three months has elapsed, to learn from the Minister replies to the following questions:

1. Will the Minister advise when a new Chief Executive Officer is likely to be appointed to this important position?

2. Will the Minister confirm what selection process will be adopted to identify the best possible applicant for this important position?

3. Will the Minister give an undertaking that an appropriate consultation process will occur in arriving at a final decision for this important appointment?

The Hon. R.I. LUCAS: I would be happy to refer the honourable member's questions to the Premier and bring back a reply. I can only assume, from what I have heard from the Premier and the Minister, that clearly there has been a most excellent appointment of an Acting Chief Executive Officer and Chairperson and that the agency has been in very good hands over the past two or three months. In relation to the terms of reference and other questions, I will seek a response and bring back a reply.

I can only suggest to the honourable member that perhaps he might like to expand outside the Chamber (or inside the Chamber if he wants) as to what he is talking about in relation to a consultation process. He would be aware, more so than some other members of the Chamber, that there are established procedures, if you are going through a panel selection process to appoint a Chief Executive Officer, in relation to how such a panel might operate. There may well be provisions with which I am unfamiliar as to how one conducts public consultation during that period. If the honourable member has some suggestions that he would like me to convey to the Premier, I would be pleased to take them on board and at least pass them on to the Premier for him.

SWALLOWCLIFFE SCHOOL

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister for Education and Children's Services a question on Swallowcliffe School.

Leave granted.

The Hon. ANNE LEVY: Many people may be unaware that the Australia Council, on 2 November, gave 22 extremely prestigious arts awards throughout Australia and that one of them—the community, environment art and design award—was awarded to Swallowcliffe School in Elizabeth West, South Australia. This award recognises high quality environmental design. It is part of the Australia Council's program, which aims to foster the design of high quality environments by encouraging collaboration among architects, planners, artists, landscape architects, designers, craftspeople, communities and local government. It is funded by the Australia Council, the Community Cultural Development Board and the Visual Arts and Crafts Board of the Australia Council. It states:

> The winning project involved the redevelopment of the Swallowcliffe School in North Adelaide.

Obviously it means in the north of Adelaide. It continues:

> In an effort to reduce vandalism and incorporate artwork into the school's design, school officials, students, graphic designers, community artists and architects worked together to revamp the buildings. Walls came down, curves and angles were added and artwork integrated making the school a more open and welcoming environment.

Although this press release from the Australia Council was sent to every major newspaper in Australia, not one mention of it was made in the South Australian media. There has been enormous work by the staff, students and parents of the school in achieving the redevelopment of Swallowcliffe School and its winning of the top national award.

The Hon. Carolyn Pickles interjecting:

The Hon. ANNE LEVY: No, I am sorry, it was not: it won another one today. Its winning of this top national award for environment, art and design went totally unrecognised in South Australia and its efforts received no public recognition whatsoever.

Today it received another award (this time a South Australian only award)—a top award from the Civic Trust—for the same efforts which it has put into making the school an absolute winner on the question of art and design in the redevelopment. I reiterate that this has involved enormous effort on the part of the students, parents and staff of the school, who perhaps, understandably, feel that their efforts and achievements have not been recognised in South Australia.

Has the Minister recognised the achievement of the school community at Swallowcliffe, either directly to it or in any way publicly, in winning both a national award and a South Australian award? If he has not done so, will he publicly and prominently congratulate the school for the efforts it has

undertaken and attempt to reward the school for having achieved such a prestigious pair of awards?

The Hon. R.I. LUCAS: My colleague the Hon. Diana Laidlaw tells me that on behalf of the Government and on behalf of me as Minister she has already publicly and prominently congratulated both the Principal and the School Council Chairperson for its first award.

The Hon. Anne Levy: Why don't you congratulate them?

The Hon. T.G. Cameron: He is about to.

The Hon. R.I. LUCAS: I thank the Hon. Mr Cameron for his consideration and for calming down his colleagues on the backbench. I cannot remember when, but sometime earlier this year, when I visited Swallowcliffe Primary School for its launch, I publicly and prominently congratulated some hundreds of students, parents, staff, and school council members on the magnificent work they had done as a community in respect of some of its murals and art and design work in relation to the redevelopments at Swallowcliffe.

It is also fair to say that it involved not just the students, school and staff at Swallowcliffe, because I also congratulated officers of what we now call the Department for Building Management, previously SACON or whatever the title was at the time, who were originally involved in some of the design of the redevelopment. I suggest to the honourable member that we should not be limiting our congratulations just to the students, staff and parents at Swallowcliffe: we should also be congratulating officers of the Public Service in the Department for Building Management and in the facility section of my own Department for Education and Children's Services who also were involved in the design of the redevelopment.

I am sure that the Hon. Ms Levy would join with me in the public thanks that I have given already, not only to those involved locally but also to the excellent public servants we had within the two departments to which I have referred for the work they did in relation to the redevelopment. If she has not done so already, I am sure she would join with me in prominently and publicly thanking those officers as well.

RABBITS

In reply to **Hon. T.G. ROBERTS** (17 October).

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

1. I still consider that rabbit calicivirus disease (RCD) has the potential to be a most important tactic in the control of rabbits in Australia. The variation in scientific opinion on the impact that foxes may have on native species if rabbits are successfully controlled,as inferred by Dr Peter Bridgewater, Australian Nature Conservation Agency, ranges from minimal impact to a major impact. Objective evidence is not available to clearly show that the abundance of native species is lessened after rabbit control. Foxes may switch to other prey when rabbits are scarce, but they may also have a serious impact on medium-sized native mammals in the presence of rabbits. Any impact of prey-switching by foxes in the event of the release of RCD needs to be balanced by the positive evidence that the density of native herbivores increases after rabbit control. The control of rabbits greatly lessens competition for food and shelter for the native species.

2. Considerable evidence is available to show that rabbits are having a devastating impact on native vegetation which, in turn, will have dire long-term consequences for native wildlife. The available information on the impact of rabbits on native mammals has recently been collated in the publication, 'Managing Vertebrate Pests: Rabbits', Bureau of Resource Sciences and CSIRO. This publication (pp 74-80) refers to the majority of scientific evidence on prey-switching on which I will be acting. The Editors of this review note that an increase in predation pressure regularly occurs when rabbit populations crash during drought. The Editors also note that 'community, governments and conservationists are concerned that effective management of rabbits will severely increase the predation pressure on native fauna. This may happen in the short-term, but the increased pressure on native species would be similar to what happens now during drought or after a widespread myxomatosis outbreak. With effective rabbit management the increased predation pressure occurs only once.'

3. To date (2 November), the virus has been found on the Point Pearce Peninsula and in the North East Pastoral area and Flinders Ranges. Unconfirmed reports of the virus have also been received from western New South Wales. The mode of spread of the virus is not understood and is in spite of the efforts of a highly committed group of people controlling rabbits at Point Pearce. The virus which has moved from Wardang Island is not expected to cause damage or inconvenience to rabbit breeders. Compensation will not be made to rabbit breeders, but RCD vaccine is available for use by rabbit breeders if further movement of the virus poses a threat to their rabbits.

(Supplementary question)

There is no ban on the export of Australian rabbit meat. Some countries have particular requirements which may cause temporary delays to consignments of meat entering those countries. The Australian Quarantine and Inspection Service (AQIS) recently asked that exporters ensure that they meet the import requirements and certification required by some countries for the import of rabbit meat. No consignments of rabbit meat have been prevented from leaving Australia.

International experience over the last 10 years has indicated that Rabbit Calicivirus disease is restricted to the European rabbit and does not infect humans despite continuous contact. There are no records of RCD infecting and causing illness in people, even in countries where the disease has caused major losses of rabbits in commercial rabbit farms.

In any case rabbit harvesting is not carried out where disease, for example myxomatosis, is known to exist. Only healthy rabbits are used for human consumption. RCD-infected rabbits do not pose a threat to the South Australian public.

In reply to **Hon. M.J. ELLIOTT** (24 October).

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

1. Because of the spread of the virus to Yunta and possibly other parts of South Australia, it is no longer feasible to attempt to contain the virus. Any future deliberate release of the virus will be made in accordance with the Biological Control Act.

2. Given that the virus is now spreading on the mainland and that it has been demonstrated that the virus causes a quick and asymptomatic death, I will not be calling for any stop to research work on this virus as was requested by the RSPCA.

3.

(a) The work on insect transmission to which the Hon Member has referred was carried out under highly artificial laboratory conditions, which are not necessarily transferable to the field. There has been no evidence from any country where this virus occurs that spread has been by any means other than contact between rabbits. Myxomatosis trials were conducted on Wardang Island in 1938 without any transmission to the mainland and yet that disease is known to be transmitted by mosquitoes.

(b) The work with fleas and mosquitoes indicated it was theoretically possible for insect transmission but considered unlikely in view of overseas experience. It was not considered appropriate to test any more of the thousands of insect species that may or may not act as a mechanical vector of the virus.

(c) I am assured that no misleading statements were made by any person from the Department of Primary Industries.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. T.G. ROBERTS** (11 October).

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

The references from the Auditor-General's Report are entirely consistent with earlier statements made by the Minister for Correctional Services. It should also be noted that the previous figures were based on anticipated outcomes, because the audited figures for 1994-95 were not available.

The Ministerial statements referred to costs 'excluding debt servicing' and 'in real terms' and also referred to the change over the two financial years that this Government has been in office. The

movements in costs, excluding the cost of capital, is the most accurate indicator of the influence that this Government's policy and management practices have had on the cost of imprisonment. Similarly, 'real term cost' (excluding the impact of inflation) gives a better comparison over time.

The honourable member has quoted from a summary paragraph in the Auditor-General's Report that referred to a reduction in the cost per prisoner (including debt servicing) over only one financial year. The table on page 148 of the Auditor-General's Report shows the cost excluding debt servicing (and large one-off costs for Workers' Compensation) to be $38 000, the figure used by the Correctional Services Minister and in earlier Ministerial statements.

A calculation of the trend over the last two financial years of total costs in real terms, including debt servicing, shows a reduction from $67 000 in 1992-93 to $52 000 in 1994-95, or 22 per cent, and a reduction excluding debt servicing from $49 000 in 1992-93 to $38 000 in 1994-95, or 22 per cent.

CPI added to the 1992-93 figure, excluding debt servicing, results in $51 000 for 1992-93 and a cost reduction of more than 25 per cent to $38 000 in 1994-95.

COLLEX WASTE MANAGEMENT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Housing, Urban Development and Local Government Relations, a question in relation to the Collex liquid waste treatment plant.

Leave granted.

The Hon. M.J. ELLIOTT: This question perhaps might also be referred to the Minister for Industry, Manufacturing, Small Business and Regional Development. It relates to the liquid waste treatment plant proposed by Collex Waste Management Pty Ltd planned for the old Tubemakers site on Churchill Road, Kilburn. This has been a subject of ongoing concern for some years in the Enfield area, and the local Enfield council and the local community have from the beginning opposed the project, which would be within several hundred metres of a school, a nursing home and many homes.

I understand that the council is prepared to make alternative land available to the company in Wingfield, in its area, valued at about $600 000, at no charge for its relocation. The council has said all along that it does not want to close down Collex but just to locate them in a more appropriate area. I am also told that several companies with non-intrusive industries are prepared to expand onto the land presently sought by Collex. One of these companies, Trio Hinging, moved to Kilburn earlier this year to a site adjacent to the Collex site and is committed to expansion. Will the Government support the council's bid to relocate Collex to another site, given that several other industries are prepared to move to the present Collex site and that an alternative site is being offered to Collex?

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

NATIVE VEGETATION

In reply to **Hon. T.G. ROBERTS** (25 October).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

1. Twelve consents or conditional consents to cut native vegetation for firewood have been granted covering 8 268 hectares. Three are in the Mid-North; seven in the Murray Mallee; one on Kangaroo Island; and one on the Eyre Peninsula.

2. The woodcutter identified in The Advertiser article of Monday 23 October 1995 obtained consent on 10 June 1994, to harvest wood from a specific property on Kangaroo Island.

The woodcutter also cuts wood, as outlined in the article, from areas exempted under the Native Vegetation Act 1991.

KOALAS, KANGAROO ISLAND

In reply to **Hon. T.G. ROBERTS** (26 October).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

Koalas on Kangaroo Island have been identified as a problem as they are impacting on the Island ecosystem. The Department of Environment and Natural Resources has been relocating young animals from Kangaroo Island to Victoria and Western Australia for some time and this strategy will continue to be applied in the future. The animals are keenly sought as they arise from an isolated population that is chlamydia free.

Currently a report is being prepared by the Department of Environment and Natural Resources on the impact of koalas on the Island. In addition, a committee has been formed consisting of both Department and community representatives to investigate appropriate management strategies. Its inaugural meeting is planned for 29 November, 1995.

Removal of koalas through culling is not a present strategy of the Department of Environment and Natural Resources. If any reports were received of such an activity, they would be vigorously investigated.

SAND REPLENISHMENT

In reply to **Hon. M.J. ELLIOTT** (26 October).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

1. The Minister for the Environment and Natural Resources has informed me that he does support this strategy if suitable supplies of new sand can be found at cost effective prices. It should be realised that the Coast Protection Board has been searching for a suitable offshore sand source since its inception and has discovered that there are only limited quantities of sand available. It has also investigated on-shore sources external to the beaches. The most promising area is at Mount Compass, although this source is currently more costly than the present off-shore deposits. The issue of co-ordinating some operation with the proposed Port Wakefield rubbish dump has been given some preliminary investigation but it would appear at this stage, due to a number of considerations, that this is not a likely possibility.

The areas offshore that could be used to supply sand to the coast by dredging, apart from Port Stanvac which is currently being used, are North Haven and Outer Harbour sand banks, north of the shipping channel. The first area is limited to the extent of the deposit probably only sufficing to extend the biennial program over the next decade. The Outer Harbour deposit may not be suitable due to environmental concerns.

There are sand deposits offshore of North Haven and Largs but because of its fineness and seaweed content the deposits are not likely to be suitable for replenishment purposes in the foreseeable future.

2. Long shore drift will occur as long as there is sand on the beach and it is not diminished if the beach is backed by sand dunes. Even with a large scale sand replenishment there would have to be some relocation of sand to maintain the dunes so developed. In addition there would be locations that particularly accrete or erode which need special attention, such as at the Torrens Outlet and Patawalonga.

It is important to note that the continued recycling of the limited sand source on the beach is a cost effective long-term strategy and does make the most of our limited sand supplies with less environmental impact than extending use of offshore sources. The cost of major sand replenishment as proposed by the Honourable Member is about twice the cost of the present strategy costed over a 20-year period, that is, if enough sand could be found. The removal of houses would be extremely costly, as the Minister for the Environment and Natural Resources explained in his Statement to the House of Assembly on 26 October 1995.

Finally, as the Minister mentioned in the House, I believe it is only responsible for the Government to critically review current practice. It is for this reason that it has commissioned an extensive review of coastal management. The review draws together experts from throughout Australia. As part of that review, submissions have been sought from members of the public and from groups wishing to have input into management strategies and the issues they deem appropriate. Coastal issues are always contentious. The metropolitan coastline is vital for environmental, social and economic reasons, and this Government has given it high priority.

CONSUMER COMPLAINTS

The Hon. T. CROTHERS: I seek leave to make a statement before asking the Attorney-General some questions about consumer complaints in relation to some State Government departments.

Leave granted.

The Hon. T. CROTHERS: In his annual report tabled on 14 November this year, the State Ombudsman, Mr Eugene Biganovsky, stated that consumer complaints against some State Government departments had surged by some 74 per cent over the previous year. He specifically indicated that a breakdown in communication was the most common cause behind complaints against various State Government departments, and in particular he cited the South Australian Housing Trust, the Education Department and the former Engineering and Water Supply Department.

Given the diminution of the numbers in the State Public Service, particularly in the three departments to which I have just referred, I pose the following questions to the Minister for Consumer Affairs:

1. Is he concerned that the number of consumer complaints to the State Ombudsman has risen by 74 per cent over the past year, as referred to in the Ombudsman's report?

2. Does he agree with the Ombudsman that a breakdown in communication is the major factor behind a dramatic percentage increase in complaints handled by the office of the State Ombudsman?

3. Does he believe that the marked decline of employees in the State Government public sector has any bearing on the dramatic upsurge in consumer complaints and, if not, why not?

The Hon. K.T. GRIFFIN: This question was asked of me last week in relation to the Ombudsman's annual report, and on that occasion I drew attention to some of the observations made by the Ombudsman in that report. He made the following comments, and I took the opportunity on that occasion to read some extracts from his report into the *Hansard*, and I will do it again for the sake of completely answering the honourable member's question. He said:

> Closer examination of the statistical information in this report will show that there were increases in the level of complaints in some areas in comparison with the previous year. In the case of the South Australian Housing Trust the increase was over 30 per cent; Engineering and Water Supply Department (over 60 per cent increase); and the Department for Education and Children's Services (a 50 per cent increase). These rises may not be attributed to any systemic error or show any special area of concern, but further monitoring by the relevant agencies and my office should maintain quality administration.

Then he goes on to make the following observation:

> With statistical information, it is tempting to generalise and say that many complaints may be characterised as being public concern about the perceived quality of official communication or lack of communication. Often these two may be nothing more than individual dissatisfaction with an unfavourable outcome. Many complaints are about delay, which may or may not be reasonable in all the circumstances of a case. All kinds of simplistic abstractions may be made with statistical data, but I doubt very much whether it would be helpful to any agency. I am reluctant to engage in such an exercise, as it has the regressive quality of *'reductio ad absurdum'* and ultimately everything may be restated simply as an error in thinking, which includes human errors that are reasonably foreseeable (and those which are not) or mechanical and equipment errors (such as worn components of water meters).
>
> In most instances, I have endeavoured to maintain the complainant's description of the grievance, subject of course to any correction of language and due allowance for rationality, proportionality or plain common sense as may be necessary.

I then made specific reference to what the Ombudsman had to say about the fact that few complaints were attributed directly to economic circumstances. He said that this may be significant, because 'there were times past when complainants made express reference to economic hardship'. He continues:

> I do not doubt, however, that some complaints relating to problems with payment of accounts may be at least partly attributable to individual hardship. Reduction of economic concerns may also be partly attributed to the shifts and changes of my jurisdiction such as the case of the State Bank.

As I said last week, the Government is concerned about complaints relating to Government services, agencies and departments. Quite obviously, throughout the public sector we are endeavouring to ensure that there is a much greater emphasis upon quality service to those who are the taxpayers of this State and who may be the consumers of information, product or services. Whilst we will never be perfect, because human nature is not perfect and depends upon a number of variables, the fact is that throughout the Public Service the Government is endeavouring to enhance the level of service which is given to members of the public, and we will continue to do that. Where there are complaints such as those which have been drawn to the attention of the Ombudsman and to which he refers, some specifically in this report and others more generally, the Government will throughout its agencies endeavour to redress any difficulties which may have occurred and which may have prompted those complaints.

NEWTON CURRICULUM CENTRE

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Newton Curriculum Centre.

Leave granted.

The Hon. P. HOLLOWAY: Earlier this year the Language and Multicultural Centre located at Newton Primary School was renamed the Newton Curriculum Centre. The centre supplies a range of resource material as well as professional advice to language teachers, that is, languages other than English. The centre is valued highly by language teachers and was located at Newton because of its ready accessibility. I understand that the Government proposes to transfer the operations of the Newton Curriculum Centre to the city in the new year. My questions to the Minister are:

1. Why does the Government intend to close the centre?

2. What is the cost of transferring the functions to the city, and how is the transfer being funded from the DECS budget?

3. Will the transfer of the centre result in any loss of staff compared with the numbers now employed at Newton and, if so, how many?

4. What will happen to the existing centre at Newton; and does its closure mean that Newton Primary School itself will close in the future?

The Hon. R.I. LUCAS: There certainly had been a view within the Education and Children's Service Department that because we have curriculum officers all over the State of South Australia, mainly all over metropolitan Adelaide—Plympton, Newton and a variety of other places—it would be much more sensible to have all the curriculum units together so that they could achieve some economies of scale in

working together but, more importantly, be a curriculum unit or division in actuality rather than just in name.

There has certainly been a lot of consideration of trying to centralise the curriculum units into the metropolitan area. A number of locations have been considered. However, there are some significant problems with that at the moment, and as of this stage I as Minister have not finally determined a position in relation to it. I am not interested in a bringing together of the curriculum units, which makes a lot of educational sense, if it will cost extraordinarily large sums of money. We are still looking at the costings, depending on what location the various units might go, before a final decision is taken in relation to the issue. I will endeavour to get more information for the honourable member but, until as Minister I make a final decision about what is now a difficulty in relation to the centralisation, I am not sure whether there is much more I can offer at this stage, until we have that chance to do the cost benefit analysis of such a proposition.

The Hon. P. HOLLOWAY: As a supplementary question: will the LOTE review be released before any determination is made on the future of this centre?

The Hon. R.I. LUCAS: Yes, I think so, although the two issues are not directly related. Certainly from my point of view, the release of the languages review conducted by Jo Lo Bianco covers a whole variety of issues, but to my recollection it does not address the issue of whether we should bring all curriculum officers into one section. I cannot swear to that—it is a while since I initially looked at the report—but from my point of view I see the Lo Bianco report as being a separate issue from the question of whether we put all our curriculum officers together in one section or leave them dispersed across the metropolitan area.

SA WATER

In reply to **Hon. T. CROTHERS** (11 October).

The Hon. R.I. LUCAS: The Minister for Infrastructure has provided for following response.

1. No.

2. The Minister for Infrastructure has already answered this question in Parliament on 10 October 1995 and I quote 'I make the point that there will be no sprinkler license fee in South Australia because the Government will continue to set the price of water and the price of sewerage facilities and services in South Australia. No private contractor will get its hands on that decision-making process: it will be retained by the Government.'

3. Clearly, this question is based on a false premise. As explained previously, the contractor will simply receive a payment for services provided. The contract will be managed by SA Water and will involve the operation and maintenance of metropolitan Adelaide's water and wastewater systems. Savings in the order of 20 per cent or $10 million per annum will be achieved. The Government will continue to set prices, and the provision of cross subsidies to protect the interests of rural customers will remain.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. G. WEATHERILL** (19 October).

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

1. The report is for the consideration of Cabinet. As the Premier indicated in his Ministerial Statement on September 27 1995, the Government will be making further public statements about the major policy issues raised in the report of the Auditor-General.

2. The Auditor-General will be consulted about the report.

WATER METERS

In reply to **Hon. G. WEATHERILL** (26 October).

The Hon. R.I. LUCAS: The Minister for Infrastructure has provided the following response.

Following a Registration of Interest this year to change domestic water meters in metropolitan Adelaide, several companies were short listed to tender for the work. O'Donnell Griffin was awarded the first contract to change 10 000 meters.

Prior to commencement, the contractor's employees were all trained by SA Water to undertake the work.

All O'Donnell Griffin meter changers are supplied with wooden plugs for use in the event of damage to riser pipework. Damaged pipework is repaired as a matter of urgency in accordance with the severity of the damage.

No instances of householders' front yards being flooded have been reported to SA Water.

Regarding the re-leathering of boundary stop valves, O'Donnell Griffin employees have also undertaken appropriate training.

Customers who experience leaks on their internal pipework as a result of the meter changing process are able to apply for a leakage allowance, regardless of whether the work was carried out by SA Water or by contract.

WATER, OUTSOURCING

In reply to **Hon. SANDRA KANCK** (26 October).

The Hon. R.I. LUCAS: The Minister for Infrastructure has provided the following response.

1. No.

2. The Minister for Infrastructure and the Chairman of United Water appeared on the 7.30 Report on Tuesday, 17 October.

LAND TAX (HOME UNIT COMPANIES) AMENDMENT BILL

In reply to **Hon. CAROLYN PICKLES** (18 October).

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

The number of home unit companies affected by this Bill is 44, comprising 336 home units.

As the majority of home units within the home unit companies are already eligible for principal place of residence exemption, the expected net financial impact for a full financial year is only $7 500.

LEARN TO SWIM CAMPAIGN

In reply to **Hon. P. HOLLOWAY** (10 October).

The Hon. R.I. LUCAS: The Minister for Recreation, Sport and Racing has provided the following response.

It should again be noted that the Vacswim program has been run by the Office for Recreation, Sport and Racing for the last three years and that it is in addition to the Term Time Swimming Program run by Department of Education and Children's Services (DECS) which provides the opportunity for Primary School students to undertake 7½ hours of instruction on water safety and swimming, or aquatics every year during school time. This DECS program is very well patronised in schools.

Vacswim is an important program. That is why the Government is continuing to make a substantial financial contribution to it, at a time of necessary restraint, when public swimming and water safety holiday programs, where they exist in other states, are all based on a higher user contribution. Queensland and Northern territory have no such programs at all.

The Government will continue as the main source of funds for the program through a subsidy of about $500 000 in the first year. The subsidy will be based on specified agreed performance objectives, which will include strong safeguards on the quality of the program.

It is quite appropriate that the three expert bodies, Royal Life Saving Society, Surf Life Saving Society of South Australia and SA Amateur Swimming Association become strongly involved in overseeing the program—and they are now in a position to do just that, through their membership of Vacswim Inc.

The appointment of Leisure Australia as the manager of the program is in line with Government policy of providing the most cost effective and efficient services to the community. Leisure Australia, a Quality Assured and proudly South Australian company has a proven track record in leisure management. A Corporate sponsor has indicated its willingness to support the program.

It is also reasonable to expect parents to pay a small contribution to the cost of the program. It is a very worthwhile investment in their children's safety, confidence and happiness in the water. Swimming tuition through private providers will normally cost several times that

amount. In Victoria, the cost of a similar program has risen from $30 to $35. In Western Australia it is $18 and expected to rise in 1996, in New South Wales it is $27 and $22 for a second family member.

In South Australia it will be $1 a day, $9 in total. That is less than half the cost of the next cheapest program—in Western Australia, where in fact there is significantly less instruction time.

I am also pleased to note that a concession rate of $7 in total will be charged to all children who were approved for School Card entitlements by the Department for Education and Children's Services in 1995.

The promotion of the Vacswim program will be undertaken throughout the State in the next two months to ensure that all families are aware of the centres to be used and can take advantage of the opportunity for involvement in the program at the centres of their choice.

STAMP DUTIES (VALUATIONS—OBJECTIONS AND APPEALS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 413.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading of this Bill. In this day and age it is surprising to think that an administrative decision in relation to market valuation of a property could be immune from any sort of judicial consideration. The consequence of a mistakenly excessive valuation could be aggrieved citizens or commercial entities unjustly being forced to hand over substantial sums of money to the Government. This Bill remedies that situation by amending section 2A of the Stamp Duties Act. The Opposition is pleased to support the Bill, with just two queries. The appeal mechanism in section 24 is essentially by way of a case stated to the Supreme Court by the Commissioner of Stamps. Has the Minister considered having the appeal to the court made to the District Court rather than the Supreme Court either for objections to market valuation specifically or for all types of stamp duty assessment disputes? Secondly, what is the justification for retaining the Treasurer as a review body with respect to the Commissioner's assessments? The Minister would appreciate that, in most jurisdictions, Ministers of the Crown stay right out of the what are essentially administrative disputes, whether the arguments are about an interpretation of law or whatever. If the Minister can satisfactorily answer these questions, which he may wish to put on the record, we are pleased to support the passage of the Bill.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the honourable member for her Party's support for the legislation. On behalf of the appropriate Minister, I undertake to get a reply as expeditiously as possible and correspond with her and, if the honourable member would like it placed on the public record at some later stage, to incorporate it in *Hansard*.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

FRIENDLY SOCIETIES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 418.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. Clearly, friendly societies form an important part of the financial institutions scene in South Australia. There are seven societies registered in South Australia, with $800 million in funds between them. The Friendly Societies Act does not sufficiently take into account the changes that have occurred in the financial institutions scene over the past decade or so, particularly in light of competition policy and the trend towards uniform legislation in these areas. It is appropriate that the Minister's powers in respect of friendly societies be increased, not because they are being singled out but to bring supervisory powers in line with those applicable to other major financial institutions.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the honourable member for her support for the second reading of this important legislation.

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

STATUTES AMENDMENT (SUNDAY AUCTIONS AND INDEMNITY FUND) BILL

In Committee.

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

A quorum having been formed:

Clauses 1 to 5 passed.

Clause 6—'Limitation on Sunday auctions.'

The Hon. SANDRA KANCK: I move:

Page 2, lines 32 and 33—Leave out clause 6 and insert the following clause:

Amendment of s. 37—Limitation on Sunday auctions

6. Section 37 of the principal Act is amended by inserting 'before 12 noon' after 'Sunday'.

The amendment that I have moved is different from the one that I put on file on Thursday, with which I am not proceeding. The reason that my amendment is now in a different form follows the comments that the Attorney-General made last Thursday to me in response to the proposed amendment. He was talking about the technicalities of defining 'adjoining premises', and when I talked further with Parliamentary Counsel it seemed very much too complicated. As a consequence, I decided to make it a simple amendment that prevents auctions occurring before 12 noon on Sunday, as a blanket thing. It is quite ridiculous to have a provision that will allow auctions all day. Under this Bill, auctions could be conducted at 2 o'clock in the morning or at 10 o'clock at night, and I think that some commonsense ought to prevail. As I mentioned in my second reading speech, churches are very concerned that auctions will be occurring on Sunday at all. It is a sensible approach to ensure that we limit auctions to a time after midday on a Sunday.

The Hon. K.T. GRIFFIN: Under the Hon. Sandra Kanck's amendment, auctions can still be held at 10 o'clock at night, although not at 2 o'clock in the morning. She seeks to limit the timeframe within which auctions may be held on Sundays to after 12 noon. The Liberal Parliamentary Party

considered the options available in relation to Sunday auctions. One of the options was that perhaps we ought to put in a time before which auctions could not be held. However, the Party decided that that was just playing at the edges with it and that it would not be of much practical significance. It took the view that we should not have a time limit on the Sundays, and that is the position which is being maintained. So the amendment proposed by the Hon. Sandra Kanck is not supported.

There will be many people with some sympathy for it; it may raise some misgivings, but in a practical sense it is unlikely to do anything other than to reinforce a practical approach which real estate agents and auctioneers will be most likely to take in any event. There are not many real estate auctions at 6 o'clock on Saturday mornings; most start around 10.30 a.m. or 11 a.m. on Saturdays. I expect that there will not be very many, if any, early Sunday morning auctions. In any event, it will be a community issue for the agents and auctioneers to address. The last thing that any real estate salesperson wants is to alienate people, either generally in relation to real estate transactions—and, more particularly, in relation to the offering for sale of a property—or in relation to the business of that particular agent. It is very much an industry built upon personal reputation. Sales depend upon public goodwill. I would be very surprised if there was interference with community life by auctions which disturb the neighbourhood at an unreasonable time of the day on Sundays.

The Hon. T.G. Roberts: Might get divine intervention.

The Hon. K.T. GRIFFIN: There may well be divine intervention, but I am not sure that the Almighty is particularly concerned about real estate auctions.

The Hon. T. Crothers: There are some that have their religious observance on Saturday.

The Hon. K.T. GRIFFIN: There are those who have their religious observance on Saturday. I subscribe to the view that we should be maintaining Sunday as a day without a huge amount of hype and intervention—but we had the Grand Prix less than two weeks ago on a Sunday.

The Hon. Carolyn Pickles: Plenty of noise there.

The Hon. K.T. GRIFFIN: It reached to the heavens. Already one can offer a real estate property for sale on Sunday. It can be Sunday morning; there can be open inspections; the *Sunday Mail* is full of advertisements for open inspections and sales. While we are sensitive to the representations made by the churches, all of those combined matters suggest to the Government that in practice it will not be a matter of concern. I indicate that the Government does not support the amendment.

The Hon. CAROLYN PICKLES: The Opposition does not support the amendment and I support the comments made by the Attorney-General. In my second reading speech I indicated that we thought that this would be a delicate issue and we have subsequently received representations from some of the churches—not all of them. We did point out, as has the Attorney, that public inspections of properties and negotiated sales can, and do, occur every Sunday. We do not believe that this is a logical amendment to the legislation. Clearly, like the Attorney, we believe that this industry is based on goodwill and the need to sell properties. Obviously, vendors will not conduct auctions that will raise the ire of churches or people in the neighbourhood. I do not believe that auctions will be conducted early in the morning.

As the Attorney rightly points out, the Hon. Sandra Kanck's amendment does not prohibit having an auction one minute to midnight. If there is an abuse of this Act, then we will have to re-visit it. I am sure that the Attorney would be reviewing the legislation if there was outright abuse and people were conducting auctions very early in the morning. The Opposition has considered this issue thoroughly and does not believe it will be abused. I think that the industry will be sensible and mindful of the representations that have been made by the churches to the Government, to the Opposition and to the Australian Democrats. I think that the industry will be mindful of those representations and will be sensible.

The Hon. SANDRA KANCK: In relation to the responses that I have just heard, I indicated in my second reading speech that I thought that, in the main, the real estate industry would be sensible and probably would not hold auctions before midday because it would not be in their interests. However, the opportunity for short-term gain may influence the odd real estate agent to have an auction well and truly before midday. There is a distinction between an auction being held at a set time as compared to open inspections that occur over a period of hours which means that the number of people coming and going is distributed over that time. It also does not result in someone standing in the frontyard of a premises calling out for bids. It is a quite different approach.

Although I expect that most people in the real estate industry will handle it sensibly, there is no guarantee that that will be the case, and that is why I believe that this amendment is necessary. We are still, ostensibly, a Christian society, and when a census is taken most people indicate that they are Christians. Despite the fact that I am not a Christian, I believe that many of the traditions of the Christian church are worthwhile preserving—including having a certain time each week that is a little more peaceful than the rest of the week. I must say that the Government and the Opposition will have to answer to the churches on this—and I express my disappointment at it.

The Committee divided on the amendment:

AYES (2)

Elliott, M. J.	Kanck, S. M.

NOES (16)

Cameron, T. G.	Crothers, T.
Davis, L. H.	Griffin, K. T. (teller)
Irwin, J. C.	Laidlaw, D. V.
Lawson, R. D.	Levy, J. A. W.
Lucas, R. I.	Nocella, P.
Pfitzner, B. S. L.	Pickles, C. A.
Roberts, R. R.	Roberts, T. G.
Schaefer, C. V.	Weatherill, G.

Majority of 14 for the Noes.

Amendment thus negatived; clause passed.

Schedule and title passed.

Bill read a third time and passed.

CONSUMER TRANSACTIONS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 411.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank the honourable member opposite for indicating support for the second reading of this Bill. I delayed the completion of the second reading debate and the Committee consideration because, somewhat late in the piece, my attention was drawn to a consequence of one of the amendments which had certainly not been intended and which would have altered the

effect of the Consumer Transactions Act, and that matter had not been identified in the second reading report. As a result of that, I will move some amendments during the Committee consideration of the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

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

Page 2, line 24—Leave out the definition of 'credit'.

The principal amendment is to clause 5, and the amendments that I will now move to clause 4 are consequential upon that amendment. I think it would be helpful for members if I identified the rationale for the package of amendments. The substantive amendment in clause 5 extends the provisions of the uniform Consumer Credit Code relating to certain types of consumer leases, which were covered by the Consumer Transactions Act but which would not be dealt with by the code. The effect of these amendments is to preserve the rights of those consumers. The Consumer Credit Code applies to a lease if, among other things, a charge is or may be made for hiring the goods, and the charge together with any amount payable under the consumer lease exceed the cash price of the goods.

The Consumer Transactions Act provides that a 'consumer lease' means a consumer contract under which a supplier lets goods on hire to a consumer for a period exceeding four months but which does not purport to confer on the consumer any right or option to purchase the goods subject to the lease. It appears that the persons who would be affected by the repeal of these provisions in the Consumer Transactions Act would be consumers who leased goods for longer than four months where the charges and costs did not exceed the cash price of the goods.

Therefore, the repeal of these provisions could represent a removal of the specific statutory protections for a particular group of consumer leases. Rather than set up a separate regime for this group of leases, it has been determined that the code should be extended to them as the most efficient way of dealing with the gap. This would not conflict with the State's obligations under the Codes Uniformity Agreement. As I said when I replied at the second reading stage, I was not anxious to change the substantive provisions of the Consumer Transactions Act in those areas not covered by the new Consumer Credit Code, particularly because I had not signalled that.

When we came to look at the amendments in the Bill, it was not clear how anyone would suffer anyway—that is, those who were not covered by the Consumer Credit Code. But, nevertheless, rather than taking a risk on it, I decided that it was appropriate to maintain the *status quo* although that *status quo* has now shifted a little to reflect the provisions of the Consumer Credit Code. So there are some modifications but, basically, the principle of protection remains. If we want to address the substantive issue at some time in the future, there will be an opportunity to do so by bringing legislation before the Parliament, but I do not think that that will be necessary. The provisions of the Consumer Transactions Act as they relate to consumer leases not otherwise covered by the Consumer Credit Code are not likely to be significant in any event.

There is a further amendment to clause 9 which is not consequential on this amendment but which arises from a further consideration of some of the issues, and I will explain that when we get to it. So, the amendments to clause 4 are consequential on the substantive amendment to clause 5.

The Hon. ANNE LEVY: The Opposition supports this amendment and appreciates the intentions of the Attorney in moving it. It would be a shame to remove protection from people who currently have it, although as I understand it there is no particular indication that a vast number of people are affected. In fact, the number may be minuscule. Even if it is only one such person, I agree with the Attorney that there is no reason why such a person should not continue to have the protection which they currently enjoy. Consequently, we support this group of amendments.

Amendment carried.

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

Page 2, lines 28 and 29—Leave out the definition of 'mortgage'.

This is a consequential amendment.

Amendment carried; clause as amended passed.

Clause 5—'Substitution of section 6.'

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

Page 3, line 2—Leave out 'section is substituted' and substitute 'sections are substituted'.

This amendment is consequential on the next amendment.

Amendment carried.

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

Page 3, after line 8—Insert new section as follows:

Application of Consumer Credit (South Australia) Code to certain consumer leases

6AA. Part 10 of the Consumer Credit (South Australia) Code extends in its application to a consumer lease within the meaning of this Act despite any provision of the Code to the contrary.

Amendment carried; clause as amended passed.

Clauses 6 to 8 passed.

Clause 9—'Substitution of ss. 16 to 19.'

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

Page 3, lines 17 and 18—Leave out 'sections are substituted' and substitute 'section is substituted'.

This amendment is consequential.

Amendment carried.

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

Page 3, lines 19 to 39—Leave out proposed sections 16 and 17.

I did indicate earlier that this amendment is not directly related to the amendments which have already been carried. Whilst working on the consumer lease provisions it was discovered that parts of proposed clause 9 conflicted with the linked credit provider and related sale provisions of the Consumer Credit Code. Therefore, these provisions in clause 9 are removed by these further amendments, and that will overcome the difficulty. As I say, it was an issue which arose from the complexity, I suppose, of the Consumer Credit Code and relating it to the Consumer Transactions Act. So, it is not unlikely that there would have been some oversight which has now been picked up.

The Hon. ANNE LEVY: The Opposition supports this amendment. It is obviously undesirable to have potential conflict between the Consumer Transactions Act and the Uniform Credit Code, and the amendment moved by the Attorney retains in the Bill the new section 18 (which I suppose now will be renumbered new section 16) ensuring that the Magistrates Court has power in the event of a recision. It is the proposed sections 16 and 17 that are being omitted because of potential conflict with the credit code.

Amendment carried; clause as amended passed.

Remaining clauses (10 to 15) passed.

Schedule 1.

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

Page 7—

Line 6—Leave out 'section 14' and substitute 'section 13'.

Line 9—Leave out 'section 19' and substitute 'section 18'.

These amendments are both consequential.

Amendments carried; schedule as amended passed.

Schedule 2.

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

Page 9—

Lines 5 and 6—Leave out from the last entry relating to section 9(2)'with the services' first occurring.

Line 7—Leave out all the words in this line and substitute as follows:

Section 10(1) Strike out 'pursuant to the provisions of this Part' and substitute 'under this Act'.

These amendments are also consequential.

Amendments carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

SENATE VACANCY

Her Excellency the Governor, by message, informed the Legislative Council that the President of the Senate of the Commonwealth of Australia, in accordance with section 21 of the Constitution of the Commonwealth of Australia, had notified her that, in consequence of the resignation on 20 November 1995 of Senator John Richard Coulter, a vacancy had happened in the representation of this State in the Senate of the Commonwealth. The Governor is advised that, by such vacancy having happened, the place of a Senator has become vacant before the expiration of his term within the meaning of section 15 of the Constitution of the Commonwealth of Australia, and that such place must be filled by the Houses of Parliament, sitting and voting together, choosing a person to hold it in accordance with the provisions of the said section.

STAMP DUTIES (VALUATIONS—OBJECTIONS AND APPEALS) AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 488.)

Clause 2—'Commencement.'

The Hon. CAROLYN PICKLES: The Opposition thanks the Government for giving an undertaking to supply us with answers to our questions. We do not wish unduly to delay the passage of this Bill and, since an undertaking has been given, we are happy to accommodate its speedy passage.

The Hon. K.T. GRIFFIN: I confirm what has been undertaken, namely, that answers will be provided to the honourable member in due course.

Clause passed.

Title passed.

Bill read a third time and passed.

HOUSING CO-OPERATIVES (HOUSING ASSOCIATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 413.)

The Hon. SANDRA KANCK: I will be brief in my second reading contribution on this Bill. I do not consider it to be in any way a controversial Bill. The housing cooperatives movement is very happy with it, from what I have been able to determine. I want to make two points about the Bill. First, community housing is highly recommended by some people, but the Government must really be very much aware that it cannot be seen to fully replace the demand for all future public housing requirements. If it is looking at housing cooperatives as a solution to our need for rental housing in this State, I do not think it is actually the long-term solution.

Secondly, the success of the project depends on the resources provided by the Office of Community Housing Assistance Service of South Australia, which I hope will continue to be adequately resourced in the future. Otherwise, this Bill may in the end be for nothing. I indicate that the Democrats support the second reading of the Bill.

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

PUBLIC HEALTH

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to table a ministerial statement made this afternoon by the Minister for Health in relation to public health and water and sewage treatment services.

Leave granted.

LOCAL GOVERNMENT (BOUNDARY REFORM) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

This Bill is to facilitate the reform of local government, through amalgamations.

The Government has long supported local government reform, recognising the important and growing involvement role of our third sphere of government in a very wide range of services to the community.

We recognise also the strong desire within local government to improve its performance, whether that is measured against economic, social or environmental criteria.

It has long been recognised that a significant contribution to efficiency and effectiveness of local government service delivery would be achieved by reducing the number of councils.

Simply by reducing the number of administrative units and combining their functions, economies of scale would result to the benefit of all parties.

The structure of local government, established in the main 100 years ago, was developed around the social networks and transport conditions of those times.

It was the era of small organisations and cheap labour, of passenger rail and coastal ketches. Each town had its progress association and many of those grew into a local government.

The conditions that gave rise to those many small councils have long since gone. The great improvements in transport and communications, the rapid increase in complexity of our business and social networks and the globalisation of the economy have all contributed to our new attitudes and wider scope of interaction.

All organisations, private and public, have responded and adapted to these conditions, but the response of local government structures has been stultified by the legislation setting out the processes for change.

This Bill is intended to break the impasse that has developed in the reform of local government boundaries as a result of the current cumbersome panel method of dealing with amalgamation proposals.

It is based on the principle of voluntary amalgamations which has long been the policy of this Government. However, because there has

been such a backlog in the natural evaluation of local authorities, the Bill introduces measures intended to hasten the pace of that voluntary reform.

A deliberate process towards an agreed goal needs someone with the responsibility to drive it. In this case, the Government proposes a Board, the Local Government Boundary Reform Board, to take that responsibility.

The Board's functions are to oversee the voluntary amalgamation process, to co-ordinate it so that viable local government units result, of a viable size, and with no awkward remnants left over, which might arise if there was no guiding hand.

The Government is also anxious that the amalgamation process, once started, can be quickly completed. Change is often disruptive and prolonged change can be unnecessarily disruptive and debilitating. It is not our intention for local government boundary reform to degenerate into a protracted bureaucratic exercise, so the Bill contains two provisions which are intended to expedite the work of the Board.

Firstly, the Board will have powers to initiate its own proposals for amalgamation. We would prefer that those powers are never used. However, we recognise the enormous scope for permutations in amalgamating 118 councils, and the diversity of opinion as to the desirability of competing schemes. Hence, the Government believes that the Board should be able to initiate proposals where no satisfactory council proposed schemes exist, or where the councils cannot agree on which one to pursue.

This power is not a slight on the councils of this State or an admission that we expect a poor result. It is a prudent power to patch up a mosaic of new Councils that we confidently expect will be quickly proposed under this Bill.

I will explain the way in which it works later, for I now turn to the second provision to expedite the work of the Board.

The Bill has a sunset clause. The Board will cease to exist on 1 September 1997.

The desirability of a sunset on the Board's operations was considered in our early thinking on the Bill. It was not included in the consultation draft because we intend that this Bill will be repealed by a forthcoming Local Government Bill to institute major wide-ranging reforms. In that scheme, the Board would be abolished when its work was done and the next phase of our reform agenda begun.

On consultation, the Local Government Association pressed on us the desirability of a sunset for the Board. They were not attracted by the possibility of the Board taking on a role outside amalgamations, or becoming a sort of ongoing watchdog on the efficiency of local government.

It is clearly not the Government's intention that such things should happen, but the LGA remained happier with a definite date, on which the Board would cease, than with our assurances on the point. We were reminded, correctly, that we cannot pre-empt the Parliament's decision on the intended new Bill.

Having given the Board both a carrot and a stick to accelerate its work, it was necessary to give it powers to make that work possible.

Hence, the Bill confers on the Board powers of investigation, of setting criteria for the assessments of possible improvements in council performance and of requiring the cooperation of those in a position to help.

Some people have viewed these powers with disquiet, but they are essential to its function. The disquiet was, we believe, misplaced because the powers are available only in relation to boundary reform and the Board, when all is said and done, can only make recommendations to the Government.

It can make no decision that is binding on any council amalgamation.

The Board can, as I have said, make its own proposals for boundary reform. It is repeated that the Government would be very happy if that is never necessary. Of course, it is expected in a pragmatic way that it will be necessary.

Having made such a proposal, the Board must then seek the agreement of the affected councils. Again, I would wish that that agreement will be forthcoming. I would wish that the Board would have conducted its investigations with such insight and negotiated its proposals with such wisdom, that they will be adopted by the councils as their own.

It will be seen that the first role of the Board is that of the catalyst, the honest broker and facilitator of boundary reform. To carry out that role it will have to carefully consider the wishes of the councils, not only in terms of their own settled views on boundary reform, but also the councils' joint and several objectives and aspirations.

In our very real world, it is unlikely that all of the Board's proposals will be accepted at once with enthusiasm. There is then the need for a judgement on the part of the Board, whether to persevere or to recast the proposal in a way that can attract acceptance.

If the Board wishes to proceed in the face of adversity, the Bill provides that it can. However, the matter will then be subject to a poll of council electors in the area of the proposed new council.

The poll must be carried out by a postal ballot and under conditions that are designed to ensure that the electors are provided with a balanced account of the advantages and pitfalls of the proposal.

If a significant proportion (50%) of the eligible electors respond to the poll and a majority of them vote against the proposal, that is the end of it.

The proposal is vetoed and cannot proceed.

If, however, a smaller proportion show their interest by voting or the poll is in favour, the Board will consider that expression of desire with the other factors it has had regard to, in making its recommendations to the Minister.

This brings me to the Minister's role in the amalgamation process. The Minister can accept a recommendation of the Board or refer it back to the Board with a request to consider certain matters and the reasons for that request.

This process is aimed at refining and accepting recommended amalgamations.

When satisfied with the Board's report the Minister may forward the recommended proposal to the Governor for the making of a proclamation to give it effect.

The principal objectives for the Board are a significant reduction in the number of councils in the State and a significant reduction in the costs of providing local government services.

The government has no fixed target for the number of councils resulting from this initiative but we expect that the number could be halved.

Similarly, we have no fixed agenda for council cost savings. Experience with council mergers here and in other States shows that substantial savings are achievable and we are determined that that will be the case.

It is just as important that the benefits of the amalgamations are shared by the councils with their electors.

The Bill will produce an immediate benefit in this regard by requiring three year financial plans of amalgamating councils. These plans will be vetted by the Board and they will be considered in its report to the Minister.

The plans will be considered in the light of the objects for local government and the principles for council amalgamation set out in the Bill. They will be an integral part of the amalgamation proposal.

To ensure that some portion of the savings resulting from the amalgamations are passed onto the electors, the Bill sets a condition that the revenues collected from rates set for the 1997-8 financial year are to be 10 per cent less than those set on the same land in 1995-6, indexed by the Adelaide Consumer Price Index to March 1997.

The Board can agree to a percentage less than 10 per cent in special circumstances, but the council will be required to comply with this requirement unless a poll of electors for the area is conducted and a majority of those voting are in favour of the proposition that a higher rate revenue is to be raised in that year.

The Board has until May 1997 to complete the bulk of the work, so that the new councils can be elected in that month.

As I have said, the Board will cease to exist, as will its powers and responsibilities, at the end of September 1997.

It is obvious that council boundary reform will be done at a rapid pace in South Australia. We have been very pleased by the positive response from councils and the timetable set for the Board's facilitation of boundary reform is deliberately tight.

To achieve that rapid rate of reform, it is essential that the procedures adopted by all parties are as flexible and cooperative as possible. This is not the arena for rigid, legalistic approaches to formulating plans, preparing data and making recommendations.

This dynamic approach to the task will depend on a cooperative attitude and a mutual desire to concentrate on the outcomes of the reforms.

Those qualities cannot exist in a litigious environment, with the threat or actuality of court supervision of processes. For that reason, the Bill protects the Minister, the Board and all other people from judicial review of their actions in connection with amalgamations.

It does not, however, protect them from action against an excess or want of jurisdiction, or on the ground that compliance with a requirement might incriminate the person or would result in the disclosure of information subject to legal professional privilege. In short, they are protected as long as they go about the job conscientiously but are liable to action if they go astray.

I turn now to the composition and workings of the Board.

The Bill provides that the Board will consist of seven members, six being appointed by the Governor. Of those:-

- two are to be nominated by the Local Government Association;
- at least two are to reside in metropolitan Adelaide;
- at least two are to reside outside metropolitan Adelaide;
- at least one is to be a woman; and
- at least one is to be a man.

Finally, the Executive Director, Local Government Reform, is to be a member of the Board.

There will be a chair appointed from the members.

Each member will have a deputy, who will be nominated by the same body and at the same time as the member.

The Executive Director will be the principal executive of the Board and will be responsible for managing the staff and resources of the Board. Mr Ian Dixon has been acting to set up the required establishment and will be appointed to the position on passage of this Bill.

The functions of the Board are set out clearly in the Bill. Briefly, the Board is to:—

- assist councils working towards amalgamation or a significant rationalisation of their services, such as the so-called ILAC model;
- facilitate financial incentives for amalgamation;
- establish criteria for local government authorities;
- measure performance of councils;
- consider both Council and Board initiated proposals for amalgamations;
- examine 3 year financial plans for amalgamating Councils; and
- recommend on proposals and other matters to the Minister.

In performing these functions the Board must have regard to the objects for local government under the Act, which are unchanged by this Bill, and to the principles for amalgamation set out in proposed Section 17B.

The Board may also have regard to the report of the Ministerial Advisory Group on Local Government Reform (MAG) insofar as it is relevant to the proposal.

The Government, while not accepting all of the MAG Report's recommendations on the number or size of new councils or method of council amalgamations, believes that there are important principles and valuable data established by that Report and wishes the Board to consider them.

I will touch on two important divergences in our approach to amalgamations from that in the MAG Report.

Firstly, as I have said, we propose that the amalgamations should be voluntary. This means that a neat map with even-sized local government areas is not a primary requisite. The amalgamations we propose are to be based on function, economy and effectiveness of local representation.

Secondly, we prefer amalgamations of whole council areas, to avoid the trauma of the division of existing community networks, although we recognise that there may be some cases where excision of a part of a council area may be sensible.

Where a council is split by a major reform proposal, only those electors of the area of the proposed new council will be included in the poll. It is expected that, in general, split councils will not have an independent residual part, but that each part will be involved in an amalgamation. In that case, all electors will be included in the relevant polls.

With respect to those matters, the Board will make its recommendations either on the initiative of the affected councils or after extensive study and consultation.

I have said that elector polls will be called and may decide the issue, where there is disagreement between councils or with the Board. The Bill specifically excludes the possibility of hostile takeovers, of one council by another, going through the route of simple acceptance that is provided for mutually agreed amalgamations.

This Bill does not envisage amalgamations for their own sake. It follows that the Board needs its powers of investigation to extend to the performance and efficiency of local government, so that it can satisfy itself that proposed amalgamations will improve that performance and efficiency.

That is the reason for the provisions relating to financial plans, as it is for the broader powers of the Board I have already explained.

Under the proposed Section 22A, every amalgamation proposed must include a three year financial plan to cover the financial years 1997-8, 1998-9 and 1999-2000, for the council that is to be formed.

The plan will have to indicate the expected savings from the constitution of the new council and, most importantly, the way in which those savings are to be used to benefit the community.

I have previously explained the yardstick built into this section. The plan must provide that the rate revenue collected by the council for 1997-8 will effectively not exceed 90 per cent of that collected for 1995-6 (adjusted to CPI).

This provision is intended to put some of the benefits of the amalgamation straight back into the pockets of the community at large. So as to encourage amalgamations, it will apply to all councils, whether they amalgamate or not.

While it applies only for one year, the intention is that the pattern of restraint will have been set and that the electors and the responsible new councils will have agreed to embark on a path of economy and efficiency of operation that will continue thereafter.

To ensure that this begins in a way acceptable to the Government, proposed Section 174A insists on the 10 per cent reduction of rate in financial year 1997-8. Only by the positive result of a special poll of electors or by the intervention of the Board can it be varied.

There are also provisions for differential rates to be set, to ease the transition for the electors of amalgamating councils which might have had quite different rate structures from each other in the past.

Finally, there are additional transitional provisions that:

- extend the life of existing local government by-laws by two years to the end of 1998;
- allow for current proposals for amalgamation or boundary alterations before the panel to continue in that process if the councils so desire; and
- remove the need for a review under Section 24 while such proposals are still under consideration.

This Bill is one which has excited a great deal of interest in the community. There is no doubt that the time for council amalgamations is upon us and that they have a great deal of support.

We have listened carefully to councils and the Local Government Association in the refinement of the Bill and acknowledge that it contains the fruits of much preparatory work on their behalf.

The Ministerial Advisory Group report has been carefully considered and the Government's own long-held policies on council boundary reform are fully embodied in the Bill.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause provides for the short title of the measure.

Clause 2: Commencement

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

Clause 3: Amendment of s. 5—Interpretation

It is necessary to insert a definition of the Local Government Boundary Reform Board in section 5 of the Act.

Clause 4: Insertion of s. 5A

Later amendments provide for the substitution of sections 14 to 22 of the Act. Section 14(1) relates to the objects of local government for the purposes of the Act. It is now appropriate to provide for those objects under a provision in a general part of the Act.

Clause 5: Amendment of s. 6—Constitution of councils

This amendment relates to proposals for the constitution of a council under section 6 of the Act. It is appropriate to give the Governor power, by proclamation, to determine the method or methods of assessing rateable property within the relevant area to provide for the realignment of rating relativities if the area (or part of the area) has previously been within the area of a council, and to make provision with respect to by-laws. (These are matters that may need to be in place on the commencement of the relevant council.)

Clause 6: Amendment of s. 7—Amalgamation of councils

This amendment relates to proposals for the amalgamation of two or more councils. It is consistent with the amendment to section 6 of the Act. It is also more accurate to include references to "assets" under subsections (7) and (8).

Clause 7: Amendment of s. 8—Alteration of the boundaries of council areas

This amendment relates to proposals to alter the boundaries of the area of a council under section 8 of the Act. Such a proposal may effect a major change to an area or areas of a council or councils. It

is therefore appropriate to make provision for the declaration of differential rates in order to gradually realign rating relativities.

Clause 8: Amendment of s. 9—Abolition of councils

This amendment relates to proposals to abolish a council under section 9 of the Act. The amendment will allow the Governor, by proclamation, to make provision to protect the rights and interests of officers and employees of the council.

Clause 9: Amendment of s. 11—Formation, alteration or abolition of wards

A subsequent amendment provides for the substitution of section 14(2), (3) and (4) of the Act with other material. It is appropriate to relocate the contents of those provisions in the general provision relating to formation, alteration or abolition of wards.

Clause 10: Substitution of ss. 14 to 22

It is intended to repeal sections 14 to 22 of the Act and include new provisions relating to reform proposals under Part II of the Act.

New section 14 allows the Governor to make proclamations under a relevant Division in pursuance of an address of both Houses of Parliament, or in pursuant of a proposal recommended by the new Local Government Boundary Reform Board under new Division X. Other operational provisions relating to proclamations under this scheme are also included.

Section 15 is an interpretative provision. A key definition relates to a "structural reform proposal", which will be a proposal to constitute a council, amalgamate two or more councils, abolish a council and incorporate its area into the areas of two or more councils, or establish a co-operative scheme under a federation of councils. However, this concept will not include matters that may be the subject of a separate proclamation under this Part once an initial proclamation providing for the constitution, amalgamation or abolition of a council or councils has been made.

Section 16 establishes the new Board. Section 16A provides for the constitution of the Board. At least two members must reside in Metropolitan Adelaide and at least two members must reside outside Metropolitan Adelaide.

Section 16B relates to conditions of membership of the Board. Section 16C provides that a member of the Board will be entitled to remuneration, allowances and expenses determined by the Governor.

Section 16D provides for the protection of information, and places a duty on members of the Board not to make improper use of their official positions. There will also be an express duty to protect confidential information.

Section 16E provides for personal protection against actions. Civil liabilities will lie against the Crown.

Section 16F relates to the proceedings of the Board.

Section 16G provides that there will be an Executive Director of the Board. The Executive Director is a member of the Board under section 16A, and will also be the principal executive officer of the Board.

Section 16H provides for the staffing arrangements of the Board.

Section 17 sets out the proposed functions of the Board. The Board will have under section 17A the objective of seeking to achieve a significant reduction in the number of councils in the State, and a significant reduction in total costs of providing local government services.

Section 17B sets out various matters and principles that the Board should consider.

Section 18 sets out the procedures and related powers of the Board.

Section 19 will allow the Board to establish various committees. The Board will be required to establish a Metropolitan Councils Reform Committee and a Country Councils Reform Committee.

Section 19A provides that the Board may delegate a power or function.

Section 20 relates to the ability of councils to submit proposals to the Board. These will be "voluntary" proposals that must be submitted by all councils affected by the proposal (if the proposal relates to more than one council). The Board will be able to conduct an inquiry into a proposal submitted under this section but will not be able to amend it, or substitute an alternative proposal, without the consent of each affected council.

Section 21 will allow the Board itself to formulate proposals under this Part, subject to various requirements in relation to a structural reform proposal. If, at the conclusion of its inquiries, a council affected by a structural reform proposal rejects the terms of the proposal, the proposal will not be able to proceed unless or until a poll is conducted. The poll will be conducted by postal voting. The Board will facilitate the process. If 50 per cent or more of persons entitled to vote actually vote at the poll, and a majority of those voting vote against the proposal, the result will be binding. In any other event the Board will be required to reconsider its proposal in view of the outcome of the poll.

Section 22 provides for the consideration of reports from the Board. A recommendation by the Board may form the basis of a proclamation by the Governor.

Section 22A requires the preparation of three-year financial and management plans for councils that are constituted under these provisions.

Section 22B provides that proceedings, inquiries and other processes under these provisions will not be subject to proceedings based on prerogative writs or any other form of judicial review. However, the provision will not prevent proceedings to challenge a want or excess of jurisdiction, or certain Board requirements.

This Division will expire on 30 September 1997 under section 22C.

Clause 11: Substitution of heading

Clause 12: Amendment of s. 23—Application of subdivision

Clause 13: Amendment of s. 24—Initiation of proposal

Clause 14: Substitution of heading

Clause 15: Repeal of ss. 27 and 28

Clause 16: Amendment of s. 29—Error or deficiency in an address, recommendation, notice or proclamation

These are consequential amendments.

Clause 17: Amendment of s. 42a—Annual report

Newly constituted councils will be required to report on financial savings achieved over the three financial years commencing with 1997-1998.

Clause 18: Insertion of s. 174A

This clause provides for a new provision relating to the level of general rates charged on land within the area of a council for the 1997-1998 financial year. Councils will be required to ensure that revenue from these rates does not exceed the total revenue collected in 1995-1996, adjusted according to CPI, less 10 per cent. However, a council will be able to exceed this level if it obtains the approval of its electors through a poll. The Board will also be able to authorise the use of a lower percentage in special cases.

Clause 19: Amendment of s. 176—Basis of differential rates

This amendment relates to the ability of a council to declare differential rates. The Act currently allows a council to declare differential rates on a basis determined by the council following an amalgamation. However, it is appropriate to apply that same principle to cases where a new council is formed (the area of the council including land previously within the area of another council), or where the boundaries of an area have been altered. Any declaration will need to be consistent with a proclamation under Part II.

Clause 20: Amendment of s. 673—Expiry of by-laws

Section 672 of the Act provides that a by-law made before the commencement of the section will expire on 1 January 1996 (and that subsequent by-laws expire on their seventh anniversaries). Given the potential for major boundary reforms under this measure it is intended to extend that date to 1 January 1998.

Clause 21: Transitional provisions

This clause sets out the transitional provisions associated with the enactment of this measure.

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

STATUTES AMENDMENT (DRINK DRIVING) BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 377.)

The Hon. T.G. CAMERON: The Opposition supports the Bill. A number of issues that are addressed by this Bill revolve around amendments which have been made to the Road Traffic Act but which have not passed through to the Harbors and Navigation Act. This Bill will ensure that the provisions in the Road Traffic Act and the Harbors and Navigation Act are the same.

There are amendments in relation to learner drivers. Instances have occurred where learner drivers have been involved in accidents and it has been obvious that the

accompanying licensed driver has been under the influence of alcohol. Amendments will enable the licensed driver who is accompanying the learner to be tested. It will be an offence if the licensed driver accompanying the learner has a maximum blood alcohol concentration in excess of .05 per cent, and the reasons for that are self-evident.

There are a number of amendments to section 47I in relation to steps taken by medical practitioners; another section will deal with problems in relation to intermediate drinking, that is, where people have been advised that a few quick stiff drinks before the arrival of the breathalyser might provide a defence on the basis of intermediate drinking.

As I said at the outset, the Opposition supports this Bill. There is a range of amendments to cover anomalies in relation to the issuing of blood testing kits. It is our view that the amendments put forward will make it more difficult for lawyers to earn a living by getting people off offences on technicalities; there will be less opportunity to do that under this Bill.

While I am on my feet, I ask the Minister for a brief report on the matter that I raised earlier in the year in relation to passengers in a vehicle being forcibly required to undertake a blood test if the vehicle is involved in an accident. I understand that the department has been working on that issue and I hope the Minister can give a brief report.

The Hon. DIANA LAIDLAW (Minister for Transport): I thank the Hon. Terry Cameron for his brief and thorough assessment of this Bill. I acknowledge that he and the Hon. Ron Roberts have spent some time speaking with various officers about some of their concerns, particularly in relation to the blood test kit issue. The Hon. Ron Roberts has raised the matter in this place during the past 18 months. It has been a matter that has vexed me and upset me at times: on advice one follows a course in terms of a legal response to an issue only to find that within weeks there is another legal angle that has not been addressed and the matter has to be reassessed. After considerable discussion with the police, legal officers, road safety authorities and the Opposition, I understand that this matter has been resolved to the satisfaction of all.

As the Hon. Terry Cameron says, it is true that it will be more difficult in future for lawyers to make a living off the technicalities in the law. This area of the Road Traffic Act, possibly more than any other, has been the focus of legal attention because of the severity of the penalty for what we, as a Parliament, consider to be such an odious practice, that is, drink driving with a BAC level above .08 per cent results in a loss of licence.

The penalty is harsh and for good reason. It is the spur for lawyers to consider every possible angle to get around the law and, to my disgust, a focus of their attention has been ministerial approval in respect of these blood test kits. The amendment initially introduced by the former Minister for Transport (Hon. Barbara Wiese) in good faith—and supported by this Parliament—was amended more times than anybody would wish. The Parliament and its advisers were trying to do the right thing in terms of road safety issues, only to find that there were still legal arguments considered to be valid in respect to this issue. I am very pleased that, to the best of our ability, those arguments have now been tightened. I have no doubt that much time will be spent by many lawyers in what I see as a very unproductive practice; but if they, after all their years of training, believe that it is their goal in life to try to get around the drink driving laws in this State, that is their problem.

Members interjecting:

The Hon. DIANA LAIDLAW: It may be money, it may be greed; I will not question the motivation, but it certainly seems to attract a great deal of time and energy which could be much better spent by some in the legal profession on a whole range of more productive activity. Nevertheless, I understand that it is their job on behalf of their clients, and they are being paid to do that job.

Our job is to make sure that we achieve justice for those who are proved innocent and that we uphold the fact that one is innocent until proved guilty. At the same time I am very conscious that many people are injured (possibly even killed) and certainly put to a great deal of personal expense due to road accidents because of others who are drink driving on our roads. It is difficult, as in so many areas of road safety, to strike a happy medium. As I have said in this place in the past, until I had the responsibility initially as shadow Minister and now as Minister for Transport, I was a civil libertarian. I cannot say that that would be my position on many transport matters at this time.

I thank members for the time that they have devoted to addressing all the matters in this Bill, in particular the issues related to the approval of a blood test kit. The Hon. Sandra Kanck has informed me that she has read the Bill, received advice and is happy with the Bill in its current form. She does not intend to participate in the debate and has no questions on any matter. So, I thank all members for their consideration of this important Bill.

Bill read a second time.

In Committee.

The Hon. DIANA LAIDLAW: I was remiss, in summing up the second reading debate, not to respond to a specific question from the Hon. Terry Cameron in relation to compulsory blood testing or alcotests in hospitals. It is true that questions he asked earlier this year have prompted activity on this matter, and I am able now to advise that a project officer has been engaged by the Department of Transport to address the issues related to compulsory blood alcohol testing of passenger casualties. The project brief describes the preparation of a negotiated and detailed plan for the introduction of breath alcohol screening in prescribed hospitals.

Stage 2 proposes a workshop with stakeholders to monitor and evaluate the draft model operational procedures, and stage 3 proposes a confirmation by all stakeholders of the proposals. Project finalisation is scheduled for mid-December 1995. This date is predicated on all of the above stages progressing as planned. At that time the department and I would welcome the opportunity to speak with the Hon. Terry Cameron and any other member of Parliament about the work undertaken to that time, and before it progresses to decisions that would bring any amendments before this place. The project officer has presented three options for consideration as part of stage 1.

Option 1 is to continue with the mandated taking of blood samples from road vehicle accident patients at declared hospitals if alternative options prove too difficult or too costly. Option 2 involves the use of breath testing devices at a capital cost of $1 000 to $3 000 each to screen patients for alcohol in casualty wards and then to take blood samples, but only if breath results are positive, that is, above .02 per cent. Option 3 involves the use by medical practitioners of an evidentiary breath analysis instrument at a per unit capital

cost of $10 000 to $13 000, so that a once-only certificate of the test result could be produced at the hospitals for the majority of patients.

As I indicated, these options are being considered in a phased project. They are being evaluated by the Office of Road Safety and the preferred option will be recommended shortly. I would welcome participation in that process from the Hon. Terry Cameron and other members. I indicate again that this matter has been around for some time. I know that a highly respected doctor (particularly at Flinders Medical Centre), although I do not have his name at the moment, has written to me about this matter in support of questions raised in this place by the Hon. Terry Cameron at an earlier date.

Clauses 1 to 6 passed.

Clause 7—'Evidence.'

The Hon. DIANA LAIDLAW: I move:

Page 3, line 36—Leave out 'No' and insert 'In proceedings for an offence against this division, no'.

Section 47G of the Road Traffic Act contains a number of evidentiary presumptions to do with blood alcohol readings obtained by breath analysis. The current legislation applies only in relation to offences under the Road Traffic Act but, clearly, evidence of blood alcohol level will be relevant to other offences not in the Road Traffic Act. The obvious example is causing death by dangerous driving. At present the Director of Public Prosecutions can put in evidence of the breathalyser only by meticulously proving the known value of the machine in every single case. This is a waste of time and resources. So, in this Bill, the presumption of the correctness of the readout is extended to all offences in which that evidence is relevant and admissible.

The existing Road Traffic Act includes a presumption that the BAC reading is valid for the past two hours. That is clearly an artificial presumption but one which is necessary, for example, for the purposes of an offence of driving over 0.08, but this artificiality should not be extended to very serious crimes such as causing death by dangerous driving. Hence, the Bill provides that it does not do so.

The current provisions also limit the type of evidence that can be used to rebut the presumption of the correctness of the reading. In essence, the Act provides that a defendant may do so only by way of evidence obtained through a blood test in accordance with the statutory scheme. The Bill currently extends that limitation to other offences. On reflection, it has been decided that this is not desirable. The amendment proposed simply confines the operation of that provision to the relevant offences of the Road Traffic Act. It does so twice, however, because of the minor provisions proposed in the Bill which deal with the offences to the Harbors and Navigation Act.

Amendment carried; clause as amended passed.

Clauses 8 to 14 passed.

Clause 15—'Amendment of s. 47G—Evidence, etc.'

The Hon. DIANA LAIDLAW: I move:

Page 11, line 13—Leave out 'subsection (1ab) applies' and insert 'subsections (1a) and (1ab) apply'.

The earlier explanation also covers this amendment.

Amendment carried; clause as amended passed.

Remaining clauses (16 and 17) and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (COURTS) BILL

Returned from the House of Assembly without amendment.

STATUTES REPEAL AND AMENDMENT (COMMERCIAL TRIBUNAL) BILL

Returned from the House of Assembly without amendment.

ADMINISTRATIVE DECISIONS (EFFECT OF INTERNATIONAL INSTRUMENTS) BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 5.30 p.m. the Council adjourned until Wednesday 22 November at 2.15 p.m.