HOUSE OF ASSEMBLY

Wednesday 27 August 1986

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2 p.m. and read prayers.

PETITIONS: ELECTRONIC GAMING DEVICES

Petitions signed by 313 residents of South Australia praying that the House legislate to permit the use of electronic gaming devices were presented by Ms Gayler and Mr De Laine.

Petitions received.

MINISTERIAL STATEMENT: TERTIARY EDUCATION AUTHORITY

The Hon. LYNN ARNOLD (Minister of Employment and Further Education): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: I wish to inform the House that the Government has decided to restructure the Tertiary Education Authority of South Australia into a smaller Office of Tertiary Education. The new office will commence operation on 1 January 1987, and will be responsible directly to the Minister of Employment and Further Education. The restructuring will result in a 50 per cent reduction in staff and provide expenditure savings of $.5m in a full calendar year.

The functions of coordinating and advising across the tertiary sector of education will still continue, and the new office will maintain strong links with the Commonwealth Tertiary Education Commission. The rights of present staff will be protected, and redeployment of some of these skilled researchers will be made to other sections of government. The excellent work which has been done by TEASA will continue in a tighter format in line with the spirit of restraint and streamlining dictated by current economic conditions. Prevailing economic conditions also mean that some functions previously expected of TEASA will not be undertaken in as much detail by the new office. Notwithstanding that, I wish to place on public record my thanks for the work of all the staff of TEASA over the years and to indicate that their advice has been of considerable benefit to the Government.

Also, from 1 January 1987, a new advisory committee on all tertiary education matters will be formed. This committee will replace the present TEASA board and subsume the present South Australian Council of TAFE. I expect to be able to announce the Chief Executive Officer of the new office soon.

QUESTION TIME

The SPEAKER: I point out that questions that were to be directed to the Deputy Premier are to be directed to the Minister of Mines and Energy and questions that were to be directed to the Minister of Agriculture should be directed to the Minister of Labour

POLICE INTERVIEWS

Mr OLSEN: Will the Minister of Education withdraw immediately his directive to school principals which would prevent parents being notified of police interviews with their children on school premises? I refer to the latest edition of the *Education Gazette*, which is published under the authority of the Minister. An amendment to administrative instructions and guidelines relates to police interviews in schools. Part of that directive, as amended, reads:

> Where a student over the age of 10 years specifically requests that his/her parent(s) not be contacted and the principal is satisfied that the student is capable of mature judgment—

and I reiterate that this is at the age of 10—

> consistent with his/her best interests, then the student's wishes should be respected.

The Opposition has already been contacted by a number of parents concerned by the directive, even though its existence is not generally known.

One outraged parent views the Minister's directive to school principals as tantamount to the State usurping parental rights and responsibilities and acting in a manner that does not consider the best interests of a child suspected of having committed an offence. I therefore ask the Minister to explain his reasons for allowing police interviews to be concealed from parents, and ask will he immediately withdraw this new directive.

The Hon. G.J. CRAFTER: I will certainly have that regulation reviewed and will bring before the House a full report on it.

ENGLISH PROGRAM

Mr FERGUSON: Can the Minister of Education inform the House whether it would be possible to provide sufficient funding from the education budget to make up the 45 per cent cut by the Federal Government in the English as a Second Language program? Last week I received a telegram from the Special Needs Parent Group at Findon High School expressing dismay at the announced 45 per cent cut in Federal funding to the English as a Second Language program. The telegram stated that 50 per cent of the students in that school came from non-English speaking backgrounds and have participated in intensive English support programs. The parent group urged the State Government to provide the necessary funding to maintain the current staff at that school.

The Hon. G.J. CRAFTER: I thank the honourable member for his question and, indeed, after receiving similar representations about this most unwelcome decision of the Federal Government, the member for Albert Park and many others have contacted me in recent days. The decision harms a very successful and very important program that has been sustained in our schools as a result of this Commonwealth initiative. The cuts in this area are particularly savage across this country. This year South Australia received $3.89 million from Commonwealth funding for this program and the announced cut is 45 per cent, so there is a shortfall of $1.7 million. In South Australia the program employs a staff of 154 full-time equivalents and, of those, 119 are Commonwealth funded. The State already in fact provides substantial funds to the tune of 35 full-time equivalent positions, so there will be an anticipated staffing loss of some 53 positions.

Yesterday, the Premier and I met with the teachers union, with representatives of peak parent organisations and a representative of the Ethnic Community Council of South Australia, and we discussed the difficulties that now confront us with respect to this Commonwealth Government decision which was announced in the recent budget. We have undertaken to analyse very carefully the specific details of the Commonwealth budget as they become available to

us. We will then have to review what resources we can make available in this State, but I can give no guarantee that either all or part of this program can be maintained at previous levels. I can assure members that the Government is very much committed to the very excellent work that has gone into the English as a Second Language program in our schools and we will make every endeavour to ensure that it continues at a level that is possible within the very tight budget situation that we currently face.

FESTIVAL CENTRE PLAZA

The Hon. E.R. GOLDSWORTHY: Can the Premier say whether the escalation in the cost of repairing the Festival Centre Plaza is an indication of serious structural and safety problems? Anybody who uses that car park as we do would know that it leaks like a sieve. In fact, after there has been any rain at all the car park is awash. We know also that thousands of people use that plaza car park. We have been told by an applicant for an arts grant that, when he approached the department, he was told that the plaza was in urgent need of repair, that it was dangerous and that the cost of repairing it would be $11 million or more. He was told also that, if that had to come out of the capital works program of the department, he would be whistling in the dark if he were looking for an arts grant. As the Premier said two years ago that the cost of these repairs would be $3.2 million, does the escalation in costs indicate that the car park is indeed in a dangerous state?

The Hon. J.C. BANNON: First, let me make a point about the arts grants as opposed to expenditure on arts facilities. The two are not completely correlated, as the honourable member should know. There is a recurrent grants program which any department or ministry runs and there is also the capital works program of the Government, which of course is attributable to the particular areas in which those capital funds have to be spent, but the one does not necessarily presuppose expenditure in the other. We have to look at the overall picture.

As far as the repairs and upgrading of the Festival Centre Plaza are concerned, it is certainly a major project. As the honourable member has mentioned, for some years now people have been aware of leaking membranes and an ongoing repair program has been in progress for some considerable time. Members may have noticed that, before the last Festival of Arts, for instance, certain sections of the plaza were taken up, fenced off and both inspection and repair work was done on them.

The scheme that has been devised is progressive repair to the structure over a period of some four or five years. There is no immediate danger. Indeed, if there were, obviously we would have either to ban the use of it, or we would have to give extremely urgent attention to it. There is no question that if it is allowed to deteriorate there would in fact be possible danger. The structure is a very large one indeed and we have to remember also that the Festival Centre is now approaching an age where major maintenance will be required.

The Hon. Jennifer Cashmore interjecting:

The Hon. J.C. BANNON: As the honourable member said, it is necessary to constantly monitor the structural condition of any complex such as this, particularly a structure with those large slabs such as there are in the Festival Plaza. As far as the actual program is concerned, I will be giving some details in the budget tomorrow about what is proposed, but those details do not differ markedly from any previous statements that have been made about them. A large amount of money needs to be spent, and will be spent progressively over time. There is no danger, but if the situation is allowed to deteriorate—if in fact we did not do something about it—it could indeed become dangerous.

Our Festival Centre is in many ways a flagship of our tourism and promotion industry: the image of the Festival Centre appears on just about every pamphlet or poster that is produced about South Australia, and the Festival of Arts itself is one of our major tourist attractions, internationally known, so it is obviously in our economic interest that we do not allow the centre to deteriorate. Indeed, in the course of this structural repair, we will take the opportunity to upgrade it, to make some alterations to entrances and to get rid of some of the more barren aspects which have been unfavourably commented on in the past. The overall effect will be a great improvement to the Festival Centre and the plaza area.

HALLETT COVE FOOTPATH

Mr ROBERTSON: Can the Minister of Transport inform the House as to whether or not any decision has been taken by the State Transport Authority to construct a footpath linking the eastern portion of Hallett Cove Estate to the Hallett Cove railway station? For a number of years—particularly for the last few months—I have received a number of complaints from residents of Hallett Cove Estate who for years have had to trudge through up to 10cm of mud to make their way from where they live to the Hallett Cove railway station. It is alleged that those conditions have caused considerable damage to footwear and clothing and people are thoroughly sick of having to do it. I am informed that water accumulates, particularly during winter, in the area and makes it very difficult for STA patrons to make that journey. Can any action be taken to solve the problem, and, if so, what does the STA intend?

The Hon. G.F. KENEALLY: I thank the honourable member for his question. At the outset I should say that he will be pleased to know, as well as his constituents and the commuters who use the Hallett Cove railway station, that the STA has agreed to provide the footpath that the honourable member has been urging the STA to provide for some time. I am perfectly aware of the correspondence that passes through my office from the honourable member to the STA and back again. In fairness to the honourable member—and I think members opposite should be aware of this—I think his representations, together with documented evidence he has given to me, as Minister, and to the STA, have borne fruit. However, as always the STA or myself as Minister, are not going to automatically respond favourably to requests of members of Parliament merely because it might be a good idea to do so. These things have to be proven to be of benefit not only to the commuters but also to the STA, and that evidence has been provided. I understand that the footpath to be provided will link the Hallett Cove Estate by way of Barndoo Street to the Hallett Cove railway station.

Mr Ingerson interjecting:

The Hon. G.F. KENEALLY: The cost of that is being determined now but the STA has undertaken to construct the footpath, which in itself, in response to the honourable member's urging, is not a cheap option but is an appropriate option to provide services to the people who use the STA. The STA has advised me that it will have this footpath completed by the end of this year. We will need to wait until the winter months have passed and we have somewhat warmer and better construction weather for the task to be completed. Nevertheless—

Mr S.J. Baker interjecting:

The Hon. G.F. KENEALLY: I have not been to the honourable member's house. I do not know why he needs boom gates. If the honourable member wants to talk to me about his personal problems, after the House adjourns, I will be happy to talk to him. Let us get back to the issue at hand and to those things that are of benefit to the people of South Australia rather than to individual members of Parliament. We shall respond favourably to the urging of the honourable member, and by the end of this year his constitutents will have adequate access to the Hallett Cove railway station.

STREETWIZE

The Hon. JENNIFER CASHMORE: Will the Minister of Education immediately investigate the contents of a new comic published at taxpayers' expense by the Legal Services Commission and due to be launched on 9 September by the Minister of Youth Affairs, Ms Wiese, to determine whether its publication will be in the interests of schoolchildren? I refer to the publication called *South Australian Streetwize*, which is to be published with funds provided by the Legal Services Commission with the aim of presenting practical information to young people in a format that is readable and stimulating. While this objective is supported by the Opposition, some of the contents raise serious questions about whether it will be achieved by this particular publication. Reference to the contents shows, for example, that they encourage young people to have a hostile attitude to the police. In at least three places, it suggests directly that police regard young people as 'punks'.

Another section, again irrelevant to the professed objective of the publication, glorifies drug taking, depicting it as 'good' and 'unreal'. A third section deals with young people leaving home and makes statements such as 'you can leave anytime,' 'at 16 you can get the dole from Social Security,' and 'at 15 you can get special benefits from Social Security.' While it is recognised that young people who are abused or bashed at home must have help, this publication does not suggest any alternative to leaving home, such as seeking counselling and other assistance first.

I have also been informed that a second issue of this comic to be published will deal with health issues, including pill taking. As the Opposition has been approached by parents who are concerned about the contents to which I have referred, I ask the Minister if he will investigate this comic to determine whether its publication at taxpayers' expense will be in the interests of schoolchildren.

The Hon. G.J. CRAFTER: I thank the honourable member for her question and say at the outset that I am not the moral guardian of the children of this State. If that was the purport of the honourable member's question, I am afraid that I cannot accept that responsibility. But, if the publication to which the honourable member refers does in fact convey the views that have been attributed to it, I would also be concerned. I am sure that many other people in South Australia would also be concerned. The Education Act, for which I am responsible, vests certain powers in the Director-General of Education with respect to curricula and the activities that occur in the classrooms of the schools in this State, and I will ask him to look at the publication to which the honourable member refers and to advise me accordingly.

CLUSTER SCHOOLS

Ms GAYLER: Can the Minister of Education assure the House that development of the concept of cluster schools for South Australian high school students will involve full and open discussion with affected high school councils and staff? Senior Education Department officers have begun to develop plans to introduce the cluster schools system in the north-eastern suburbs high schools in 1987. I am advised that three high school principals have been consulted. Principals and Banksia Park High School staff representatives have highlighed a number of concerns which need to be resolved, including extra travel costs for senior high school students travelling between schools for special subjects and the need for computing and other communication facilities between the cluster schools. It has been put to me that, although teachers appreciate that the scheme may assist in ensuring a broad range of curriculum offerings, they would like an assurance that school councils and staff will be involved in considering the practical and educational problems involved.

The Hon. G.J. CRAFTER: I thank the honourable member for her question. This relates to a very exciting development, which is not new. It has been occurring in South Australia for some time. In fact, it is clearly evident in other school systems throughout this country and, indeed, throughout the western world. Cluster schools are a means by which groups of schools share resources (that is, staff, equipment and facilities) to achieve a broader range of curriculum offerings for students. Recently I saw an excellent example of this in Port Augusta, with the three high schools in that town working very much in accordance with this philosophy. Such cooperation between schools and between sectors of education in South Australia has existed for many years. In fact, it is a feature of the Victorian education system in particular.

Additional emphasis is being given to the concept of cluster schools this year because of enrolment decline at a time when curriculum options are increasing and curriculum diversity is being encouraged in our schools. Schools are entering into formal and informal arrangements to optimise the range of options available to students and to make the best use of resources. High schools in the north-eastern suburbs to which the honourable member refers, and throughout the State will continue to be involved in the development and management of these clusters. Indeed, a number of the initiatives undertaken have come from school councils, school principals and teachers.

Three schools that have initiated discussions regarding clustering are Modbury, The Heights and Banksia Park. Each school has substantial enrolments and a broad range of curriculum offerings. These schools are planning ahead and ensuring that their schools can continue to offer a wide range of options in the future when enrolments are expected to decline. School staff and school councils will be involved in the consultation and policy development processes, but the principals and others in leadership positions require some time to develop concepts to put to the staff and councils in due course.

TAXATION RELIEF

The Hon. P.B. ARNOLD: Will the Premier repudiate the statement made by the Prime Minister on Adelaide radio this morning that grape growers are in a privileged position compared with other sections of the liquor industry, and will he say whether he has had any success in his discussions today with Mr Hawke in obtaining relief for South Australia from the wine tax, the citrus tax and the fringe benefits tax?

The Hon. J.C. BANNON: I would have thought that the honourable member need not ask me about that question,

because I have dealt with the matter at some length in the House. It is absolute nonsense to say that the growers are in a privileged position. The case put forward by the industry and by ourselves has made quite clear that to use the argument that the brewing industry has used, namely, that there is some kind of inequity between the tax on beer and the tax on wine is in fact to ignore what the wine industry is about. I have a summary of these arguments, which I would be happy to provide to the honourable member, although I would hope that he least of all would need it. However, I imagine that some other members would need that information. The case has been outlined.

In response to the honourable member, I point out that I had discussions this morning with the Prime Minister on these matters. As I promised to do at the meeting on Monday, I presented the Prime Minister with a submission, which I explained was simply a preliminary stand on this matter. I said that further representations would be made, that we expected a thorough review of the tax to be undertaken and that obviously our starting position was that it should be abolished, reduced or deferred. The answer that I got to that was that in no circumstances would that occur, which was the predictable answer that we all knew one could expect. However, there should be set in place a number of other things the Commonwealth Government should assist.

It is certainly true, as that statement indicates, that there is inadequate understanding (if, in fact, that is the way it is being expressed) of the fragility of the wine industry, of its low profitability, and of the ridiculous comparison that is made between an industry, which is based in particular centres and has monopolistic control of its market, and a diverse industry with a number of chains before the product goes to the market. All those points have been made, but the fact is that a wine tax has been imposed. The Federal Government is adamant (and the Prime Minister is repeating it at a forum today) that it will not change its policy, certainly in the short term. It is therefore up to all of us to maintain the pressure and to ensure that, even if we cannot get short term changes, we can do things that are positive to ensure that the industry survives.

SCHOOL STUDENTS

Mr RANN: Will the Minister of Education approach his Federal and State ministerial counterparts to support and coordinate a national campaign to encourage young people to stay on at school, gain qualifications, and go on to tertiary study or industry training? It has been put to me that, with the technological revolution likely to change the nature of so many South Australian jobs in the next decade, the least educated and least qualified will be at even greater peril in the job market. I have been told that strong peer pressure is still responsible for too many South Australian young people dropping out of the education system at the earliest opportunity. It has been suggested that a national campaign, involving the schools, the media, sporting and entertaining personalities and clubs, is needed to convince young people to stay at school and obtain the qualifications they will need in order to get jobs with a real future.

The Hon. G.J. CRAFTER: I thank the honourable member for his most interesting suggestion, which raises an issue that is wider than simply the education sector. As many as 10 000 teenagers are unemployed in this State alone. In order to provide an opportunity for many more young people to participate in the mainstream of society, whether in the area of vocational training, full-time or part-time employment, or in the educational sphere, we need a national strategy.

In this House yesterday, I outlined some of the steps being taken by the Federal Government to bring about a greater cohesion of youth policy and support in this country. However, members would agree that much remains to be done. My predecessor and indeed the Federal Minister for Education have both strenuously conducted campaigns to encourage young people to remain in our schools to senior secondary level. Last week was Year 12 Week in this State, and a most comprehensive program was conducted throughout our schools to encourage students in years 10, 11 and 12 to think about their future. Indeed, it was designed mainly to encourage year 10 and year 11 students to remain within the education sphere.

As all members would know, there is a substantial decline in enrolments in our secondary schools, which is partly due to demographic trends. However, at the same time there are indications that the retention rate is rising rapidly, especially in South Australia, and that is most welcome indeed. Various programs have been developed to encourage the retention of young people who would otherwise have left the school system. The participation and equity program, which fortunately survived the Federal budget cuts, is an important component in that overall program. I shall be happy to discuss this matter with my own ministerial colleagues and the Federal Minister for Education to see whether we cannot further enhance the campaign to encourage young people to stay at school longer.

SUBMARINES

The Hon. B.C. EASTICK: My question is directed to the Premier. What arrangements have been or will be proposed to prevent espionage at any facility established in South Australia to build Australia's new submarine fleet? Press reports this morning referred to a possible link between Kockums, one of the European tenderers for the submarine project, and the arrest of a man in Sweden on charges of spying for Russia.

While the Opposition certainly hopes this will not put any obstacles in the way of the project, or South Australia's chances of winning the major share of it, this incident raised the question of security generally, given that very sensitive defence secrets will be involved. As it is to be assumed that there will have to be security vetting and clearance procedures for workers at any South Australian facility established to undertake the project, I ask the Premier what arrangements have been considered or will be considered in this area as part of South Australia's submission for the project.

The Hon. J.C. BANNON: Obviously, security considerations have to be taken into account on any defence project. Fortunately, we do not have the same level of sensitivity in this country as one finds in northern Europe where, of course, what is known as the 'cold war' has been waged for some considerable time. It is obvious that, within the defence establishments of both eastern and western European organisations such as NATO and the Warsaw Pact countries, there are considerable espionage and other activities; in other words, they do not need to come to Australia to find these secrets out.

Security on any project in Australia involves standards and accepted procedures which will be observed. I point out in relation to the submarine project that by using the modular construction method, that is, sourcing from a number of different areas and bringing it together finally at a

construction site, one overcomes a number of security problems that a single facility can bring about under the old method of defence construction. I think all that indicates is that, although there will obviously be security considerations, standard practices and procedures will be applied and there will be no problems or slurs cast involving security or our ability to manage the project. We have successfully undertaken many military constructions and many sensitive defence, research and development projects in this State, and at no time have our security arrangements been called into question.

DRINK DRIVING

Ms LENEHAN: Will the Minister of Transport consider amending the Road Traffic Act to extend the range of penalties for drink driving offences to include community service orders? I have been informed that when the Offenders Probation Act was amended to provide for community service orders consequent amendments were not made to the Road Traffic Act to allow courts to have a wider range of penalties for the serious offence of drink driving.

This matter was raised recently with me at a celebration of the fourth anniversary of the community service order scheme in the southern area. This scheme commenced in July 1982 and since that time more than 254 selected adult offenders have worked off their hours ordered by the court, both as penalty and as reparation to the community. Approximately 20 000 hours of valuable community service has been completed in this area since the scheme began. At the completion of four years of the scheme in the Noarlunga and south coast regions the value of the work completed for the 56 heritage or progress associations, welfare groups, kindergartens and elderly citizens is in the vicinity of $160 000, involving a successful completion rate of community service orders without reference of incident of 80-85 per cent. The scheme is considered to have been a particularly successful one. It was further pointed out to me that the current Minister of Transport in supporting the introduction of the community order service scheme in 1980 stated:

> This scheme will deal with offenders charged with, for instance, driving under the influence offences. That is a very serious offence, but the offender does not necessarily have a criminal nature. According to the Minister of Transport such offenders may well participate in this scheme. The court may decide that these offenders and others might best be dealt with by continuing in their employment and receiving an income.

My question seeks to extend the range of penalties available to the courts to include community service orders for drink driving offences and not to replace the existing penalties which are currently available for courts to impose.

The Hon. G.F. KENEALLY: It is sometimes a frightening experience for a member of Parliament to quote statements that other members have made some years ago but, on this occasion, I am quite happy for the honourable member to quote me. The member for Mawson pointed out that she is not seeking to remove the penalties that currently exist for drink driving but, rather, to give the courts another option. I am pleased about that, because I do not think it would be a good thing for Parliament or members of this Parliament to suggest in any way that drink driving is becoming socially acceptable. In fact, I believe that at the moment that is a problem for a large number of South Australians. As a Parliament, I think we need to reinforce that drink driving is unacceptable and that the penalties ought to be serious enough to ensure that those who want to put themselves, and more particularly other South Australians, at risk are likely to pay the price.

The statement that I made is supported by my colleague, but there could well be occasions when the court, in its wisdom, may see that community service order work is preferable to the other penalties, whether they be imprisonment, severe fines, or some other penalty. In South Australia we have a very good community service order scheme, and much of the credit for that is due to my colleague the Minister of Correctional Services and the way in which he has enthusiastically promoted the scheme. I think it is well known to members that the financial cost of keeping people in prison and, more particularly, in many instances the fact of going to prison can have an incredible impact on the citizen. That was why I made that statement in the House when the community service order system was being debated. I felt that there could be occasions where South Australians who were convicted of drink driving offences may well be better dealt with by the community service order scheme so that they would be able to maintain their jobs and, in a sense, would not suffer a double penalty. However, in my view that does not in any way reduce the seriousness of the offence.

I will take up this matter with my colleagues the Attorney-General (who is the chief law officer in South Australia) and the Minister of Correctional Services (who is in charge of the community service order scheme) to determine the value of the member for Mawson's suggestion and what, if any, response the Government should give to it.

OCCUPATIONAL HEALTH AND SAFETY

Mr S.J. BAKER: Can the Minister of Labour clarify whether he has already excluded the possibility of accepting any Opposition amendments to the proposed occupational safety legislation? At today's rally on Parliament House steps before a crowd comprising mainly Government employees bussed to the venue, the Minister said that, if the Bill did not pass, the fight would be taken to the workplace. Given that it is the prerogative of Parliament to determine such matters, is the Minister now attempting to subvert that role?

The Hon. FRANK BLEVINS: If I may say so at the start, just to set the tone of the answer, that is a rather stupid question. The Occupational Health and Safety Bill has not been introduced. Therefore, the Opposition has not had time to respond to it and to suggest amendments. Therefore, I have not seen those amendments. Therefore, I cannot say whether or not I will reject them. I would have thought that was fairly basic. Even I cannot seem to spin out an answer to the question any longer than that. However, I will attempt to do so.

In relation to my statements on the steps of Parliament House, I said that, if the proper safety and compensation standards cannot be set in the Parliament because of an Opposition which just says 'No' without any rational reason, and the Democrats who, as far as I can ascertain in my years of dealing with them, just want publicity, then it would be hypocritical in the extreme for me to say to workers, 'We cannot protect you and give you those proper standards through Parliament, so you will have to put a claim on the employers to have those standards met in the workplace.'

I would say that is fair enough because I believe the standards are fair and equitable. I do not believe the protection that is offered to workers at the moment is in any way adequate and if we cannot get legislation through the Parliament quickly to stop the deaths and injuries occurring, then workers and their representatives have an obligation to ensure that that happens on the job.

As I said to the rally, I hope that does not happen—I hope that is not necessary. However, whether it is necessary or not depends very much on the Opposition and I look forward, when the Bill comes in, to receiving the full cooperation of the Opposition in ensuring that the Bill passes and that workers in this State receive appropriate occupational health and safety legislation.

The Hon. H. Allison: All dictators get a comeuppance.

The Hon. FRANK BLEVINS: Mr Speaker, the honourable member for Mount Gambier says 'All dictators get a comeuppance.' I am not quite sure what he means by that. All I am saying is that I much prefer the parliamentary system to ensure that workers in this State get appropriate protection. If the Parliament cannot ensure that, then I want the workers to have that protection and I could not in all conscience argue against them when they request from their employers directly that that protection be given. I am not clear what that has to do with the dictators getting comeuppance.

STA DAY PASS

Mr De LAINE: Would the Minister of Transport be prepared to consider the introduction of an STA bus and train day pass for the use of people on pensions? The suggested pass would be similar to those currently in use in Sydney and Perth and would particularly assist job seekers. I understand the cost of such day passes in these two cities is approximately 60 cents.

The Hon. G.F. KENEALLY: I would be very hesitant to say 'No' to the member for Price in the current environment, seeing that we have with us in the House one of Port Adelaide's most famous sons, Fos Williams. Not only, of course, is Fos famous for the work he has done at Port Adelaide but he is an old Quorn citizen, which is even more important (I notice that the member for Eyre is not here), and his splendid wife comes from Hawker, which she would suggest is even better. However, Fos and I would have some disagreement about that.

Members interjecting:

The Hon. G.F. KENEALLY: Unfortunately, both those splendid people have left the member for Eyre's electorate and are now living in Adelaide; however, I know where their hearts are. The honourable member's question is a very important one and one that has been considered previously by the STA and by me, as Minister.

Mr Ingerson: And rejected.

The Hon. G.F. KENEALLY: And rejected. There is no possibility that in the short-term we will be introducing a day pass similar to that suggested by the honourable member, but we do review our fares system, and that is done annually. We will be conducting an inquiry into the whole range of services provided by the STA to see their relevance to the commuters, the people that the STA is charged to serve. If that review shows that a day pass of the nature recommended by my colleague is a sensible way to go, then of course that will be given due consideration.

I have no argument with the concept. It applies in Sydney and Perth, as the honourable member has said, but there is certainly the potential within the fare system that we have in Adelaide for people to have at least six hours travel available to them for the expenditure of 60 cents, which is similar to the cost of the day pass. However, it is more convenient to have one pass than it is to buy three tickets; I acknowledge that. We will look at the issue. We have recently had a new fare structure established in South Australia. We are not likely to be changing that, but certainly at the next review that concept of the day pass will be very much under consideration.

TOBACCO TAX

Mr OSWALD: Will the Premier explain what action has been taken to prevent further blatant avoidance of the State tobacco tax by a shopkeeper at Clearview? Current newspaper advertising by this shopkeeper at 190 Hampstead Road, Clearview, boasts the cheapest cigarettes in town. They are supplied from Queensland. The prices quoted are between 50 and 60 cents a carton below current wholesale prices.

The Opposition has been informed that the proprietor of the business has been fined in the past for non-payment of the State tobacco franchise fee, and 12 months ago had his tobacco licence revoked. I also understand that a further large fine for this tax avoidance is already outstanding, that the business has been visited again by State taxation officers, but that so far no further proceedings have been taken.

The Hon. J.C. BANNON: The Commissioner for Taxation has reported to me on this matter and, as the honourable member mentioned, inspection has taken place and evidence is being collected with a view to possible prosecution. It certainly is outrageous that under whatever guise people who wish to sell tobacco or cigarettes in this State are crossing over borders and trying to take advantage of what they see as freedoms under section 92 of the Constitution to avoid paying the appropriate duty here in South Australia. If that situation develops to too great an extent there is no question that State and Commonwealth action on a united basis will be taken that will certainly put these people out of business.

The other people on whom it has an impact are those who are doing the right thing—obeying the law and honouring it in both its letter and its spirit. I assure the honourable member that the matter is being taken with the utmost seriousness and that investigations are proceeding. The Commissioner has been asked to take whatever action is appropriate as rapidly as possible.

NON SMOKERS HOTEL

Mr HAMILTON: Will the Minister of Transport, representing the Minister of Health, ask the Minister to confer with his colleague, the Minister of Tourism, with a view to encouraging a South Australian hotelier to cater exclusively for tourists and businesspeople who are non smokers? I have some difficulty with this question, being an on-again off-again smoker. Nevertheless, I have been requested to ask this question. This matter was directed to me by a constituent who believes that a similar hotel situation could exist in South Australia. My constituent provided me with a copy of the June 1986 edition of the *Australian Hotelier*, which states, in regard to the United States of America:

> Sanders owns the Non-Smokers Inn, which is probably America's first exclusively non-smoking hotel. Sanders opened the 134-room property three years ago after success fully experimenting with non-smoking units in his 225-room inn in Albaquerque.

It further states:

> The idea for the smoke free zone came to Sanders in 1968 after staying in a motel where he couldn't sleep because the pillow reeked of smoke. He now says that, because of the non-smoking policy, his insurance costs 50 per cent less than a traditional motel pays. He can also afford to offer a range of attractive facilities—

which are listed—

> at relatively low prices, because, he says, it costs less to operate and maintain a non-smoking inn. Maids can clean rooms 26 per

cent faster. They give each room a super clean treatment every six weeks, and this is done 41 per cent quicker. Painting can be done about one-sixth as often. And walls, carpeting, draperies, furniture, etc., all stay cleaner longer without smoke pollution. This cuts replacement costs dramatically. The danger of burns to the fittings is gone—unless, of course, someone sneaks in for a quickie.

I will not elaborate on that, Sir. Finally, the article states:

Meanwhile many Australian hotels are making a concerted effort to allow customers the freedom of choice by setting aside smoking and non-smoking areas.

My constituent believes that this would be an ideal first for South Australia; hence the reason for my asking this question.

The SPEAKER: I call on the Minister of Transport to advise the House whether the proposal has any drawbacks!

The Hon. G.F. KENEALLY: Thank you, Mr Speaker. I did not quite hear that, but I know that whatever it was that you instructed me to do would be perfect in its wisdom. I thank the honourable member for his question. I note that he has admitted to being an on-again off-again smoker. We used to have a person in this House, the Deputy Premier of South Australia, who was similar to that. But, these days he has no vices, although every now and again one sees him mixing with Port Adelaide supporters—which I guess, in itself, is bad enough. I will take up this matter with my colleague the Minister of Health, and I am certain that he will urge his colleague the Minister of Tourism with all the diligence and fervour at his disposal to encourage the hospitality industry in South Australia to provide facilities similar to those recommended by the honourable member. So, I give an undertaking that I will obtain an urgent response to the question.

PETROL RETAILING

Mr BECKER: Did the Minister of Labour or any State Government representative seek the views of local government on the effect of 24-hour petrol trading in the metropolitan area prior to the announcement of its introduction and, if not, why not? There are 11 service stations within my electorate, nine of which abut residential properties that have been rated first class residential. Many constituents have already contacted me expressing considerable concern about the potential impact on their lifestyle and property value if 24-hour petrol trading occurs next door. Their specific concerns encompass noise problems, bright lighting, advertising, and even the potential for armed hold-ups. Concerns expressed by property holders to local government have been greeted with the news that councils are powerless to act under existing regulations. I therefore ask the Minister whether the views of local government were canvassed prior to the State Government's sudden announcement.

The Hon. FRANK BLEVINS: The announcement on Monday was in response to a report of a committee chaired by the Hon. Geoff Virgo. Local government representatives, the same as everyone else, had an opportunity to make representations to that committee and to make separate representations to the Government. I am not sure whether or not they did, and I cannot remember whether they figure in the list—

Mr Becker: They didn't.

The Hon. FRANK BLEVINS: If local government chose not to make a submission to the ad hoc committee, I can only assume that they were not concerned about the issue at all.

BRIENS ROAD/BRIDGE ROAD

The Hon. T.M. McRAE: Will the Minister of Transport say whether the safe development of the Briens Road/Bridge Road/Montague Road grid is now secure? Recently, traffic build-up on these roads has been heavy. Clearly, Briens Road is too narrow for the traffic that it carries. I understand that the bridge after which the road is named is being prepared for widening but, in the meantime, a further dangerous situation has been created. Finally, Montague Road has become a main east-west access road in my electorate, and it carries a very large volume of traffic. It, too, is far too narrow and the soft shoulders of the road often cause great difficulty.

The Hon. G.F. KENEALLY: I thank the honourable member for his question and I acknowledge the representations that he has made regarding not only this intersection but also road construction and maintenance generally within his district. He is an enthusiastic representative for the people who elected him. I will need to check this matter with the Highways Department, because at present we are going through our road construction and maintenance program for the next financial year. I am aware of the priority of this intersection and I acknowledge the importance of the work.

Certainly, as the honourable member has said, the traffic is building up at quite a rate. Rather than make a guess off the top of my head, which would probably be favourable to the honourable member, I should, in all fairness to his constituents and the other commuters who use the intersection, speak to the Highways Department, look at the road program, and confirm the matter with him either in the House or by letter. I confidently expect, however, that the honourable member's representations will be met.

WUDINNA AREA SCHOOL

Mr BLACKER: Can the Minister of Education say when work on the redevelopment of the Wudinna Area School can be expected to commence? For many years it has been recognised that major redevelopment is required at this school, and in recent years any upgrading and maintenance work has been deferred by the Education Department ostensibly because of the pending redevelopment. A conflict now appears to have arisen as to when work on the redevelopment will be carried out.

The Hon. G.J. CRAFTER: I thank the honourable member for his question and I shall obtain information on this matter from the department.

SCHOOLGIRLS' FITNESS

Ms LENEHAN: Is the Minister of Education aware of the statement, reported in this morning's *Advertiser*, by Dr Wayne Coonan that a recent survey in this State has shown that schoolgirls are overweight and less fit than schoolboys in South Australian secondary schools? Further, what steps are being taken in our schools to remedy this serious situation? Today's *Advertiser* reports Dr Coonan as blaming role models, over eating, the technological age and the inability of schools to provide an exercise regime which recognised the different needs of boys and girls. He said that women were stereotyped into playing an inactive life.

The Hon. G.J. CRAFTER: I thank the honourable member for her question. I was privileged to launch the video cassette yesterday at a function at which Dr Coonan made

those statements. We in South Australia are privileged to have such a highly regarded health development unit located in the Education Department but jointly sponsored by the Health Commission and the Department of Recreation and Sport. From speaking to Professor Hetzel of the CSIRO yesterday, I understand that the unit not only leads Australia in preventive health programs but is certainly regarded around the world as an example of excellence in this area. So, young people in South Australia are privileged to have the opportunity to benefit from programs emanating from that unit. I noticed that Dr Coonan went on to say that, although women were stereotyped into playing an inactive life, in the past five to 10 years advertisements had shown females to be more active and athletic. He continued:

That has caused a bit of a jump in the level of fitness of women but it's very much a yuppie concept. Most female role models are fairly passive.

We all accept that much work remains to be done not only with girls and women but within the whole community in raising fitness standards, and the Education Department is playing an important role in that regard. The video film, with which Sir James Hardy and Herb Elliott were involved, includes a group of young people, both male and female, carrying out a set of simple aerobic exercises. That cassette will be made avilable to all schools throughout the State so that they can develop programs in conjunction with that aid. Extensive health and fitness programs are also being conducted in our schools throughout the length and breadth of the State. Indeed, only last week at the East Adelaide Primary School I launched a Jump Rope for Heart campaign, which is another successful campaign of exercises, as well as a fund raiser for the Heart Foundation. In South Australia we have much to be proud of, although we have a long way to go in this important area.

PUBLIC SERVICE APPOINTMENT

The Hon. TED CHAPMAN: Will the Premier say what qualifications Ms Midge Dunn had to justify her appointment to a position with the Equal Opportunities Unit of the Public Service Board? It has been put to me that there is a particular band of women weaving their way into senior Public Service positions in South Australia—

Members interjecting:

The SPEAKER: Order!

The Hon. TED CHAPMAN: —with the vigorous support of a certain senior member of the Premier's Cabinet. It has also been put to me that this practice has a touch of nepotism—

The SPEAKER: Order! It appears to the Chair that the honourable member for Alexandra is making comment and attributing it to an anonymous person who has put it to him. I ask him to desist from that practice. The honourable member for Alexandra.

The Hon. TED CHAPMAN: I will come to the identification details shortly. It has also been put to me that this practice has a touch of nepotism beyond the alleged sisterhood of our society (as these women have been broadly tagged) and extends into a 'family-sister' appointment. I draw to the attention of the House (and this is without malice, of course) a scenario of events put to me recently by a concerned and respected citizen of Adelaide. Ms Anne Dunn, when a Commissioner of the Public Service Board, appointed Ms Joan Russell from outside the Public Service to a position as head of the Equal Opportunities Unit under the board. Ms Joan Russell in turn appointed Ms Midge Dunn from outside the Public Service to a secure position in that unit. Ms Midge Dunn is, I understand, a family sister of Ms Anne Dunn, now Director of the Department of Local Government. In fairness, and indeed in the interests of all concerned, it is considered important to have the alleged practice of friendly appointment at public expense cleaned up, thereby avoiding witch hunts and a scatter to subsequently muster qualifications in particular of the individual cited recently in this House.

The SPEAKER: Order! The honourable member's circumlocutory style makes it extremely difficult to follow what he is saying, but the Chair strongly suspects that he is commenting and trying to disguise that comment. If he continues to follow that path, the Chair will withdraw leave for him to continue his explanation.

The Hon. TED CHAPMAN: Thank you, Sir. As indicated in the *Advertiser* report on 4 August 1986, this sort of emotional and knee jerk reaction was demonstrated by the Minister of Local Government following my legitimately raising the subject of Ms Deborah McCulloch's position and salary in the system, and those details are recorded on page 306 of *Hansard* of 13 August 1986. I recognise the sensitivity of this subject and the sort of tag that one may get in this place for raising the matter, but with respect—

The SPEAKER: Order! Leave is withdrawn. The honourable Premier.

The Hon. J.C. BANNON: Like you, Mr Speaker, I could not quite understand the question. All that I could gather was that its import was disgraceful and its subject matter fairly scurrilous. If the honourable member has something serious to allege and proper material or evidence in support of his allegations, I would appreciate it if he would present it through the appropriate channels and not waste the time of the House in this way.

PLANNING ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Pages 1 and 2 (clause 6)—Leave out all words in this clause after 'is' in line 19 on page 1 and insert the following:

amended by striking out from subsection (3) '31 August, 1986, and substituting '31 May, 1987'.

No. 2. Page 3, lines 37 to 49 and page 4, lines 1 to 11 (clause 7)—Leave out clauses 3, 4 and 5 of the schedule of repealing and transitional provisions.

Consideration in Committee.

Amendments Nos. 1 and 2:

The Hon. R.G. PAYNE: I move:

That the Legislative Council's amendments Nos 1 and 2 be agreed to.

The Bill left this Chamber containing a provision relating to the repeal of section 56 (1) *(a)*. Certain other provisions were spelt out as a result of that to make clear the provision with regard to existing use. The amendment we are now considering was subsequently made in the other place, taking into account a previous provision which was in force, relating to suspension of the provision about which I have been speaking and which expires on Sunday 31 August 1986.

The effect of the amendment moved in the other place is to extend that expiry date to 31 May 1987. Whatever was the *status quo* two weeks ago, it is now proposed that, if the Committee agrees to the first of the amendments to which I am referring, that date will be extended to 31 May 1987. As I mentioned earlier, it was not our view, when the Bill left this place, that a suspension was necessary for a further period. However, argument was put forward in the other place—and I noted the comment made earlier by the

member for Eyre who I am sure will feel wry amusement about this—that further consideration of this matter should take place and that a select committee of the Upper House should be set up for this purpose. Hence one could argue that, in order to assist the Government in this matter, the Legislative Council has provided a further suspensory period. It will also have the effect of allowing that select committee to conduct its deliberations over a reasonable period.

With the aid of notes I have here relating to this matter, I can say that it is now some three years since this matter was aired as a result of a report commissioned by the Government in respect of recommendations relating to the Planning Act. I think that in fairness, though having sought the Committee's support for the two amendments being considered from the other place, I should resume my seat to allow the Opposition spokesperson, and any other member of the Committee who wishes to do so, to comment on this matter.

The Hon. JENNIFER CASHMORE: It is truly wonderful how the numbers can enable someone to see reason. Of course, the Minister would understand that we believe that the arguments which were accepted in the other place in support of appointing a select committee and extending the date of suspension of section 56 (1) *(a)* were really no different from those put in this place. Our arguments were valid and the fact that they were not accepted related to the fact that the Minister had the numbers and we did not, which demonstrates once again the great merit of having a House of Review.

The Opposition supports the amendments. I refer particularly to the fact that, when the Minister for Environment and Planning—who is unable to be here today—concluded his third reading speech on the Bill and in response to my call for a select committee he made a veiled threat that, if the move for a select committee were successful in another place and the extension of the date were not undertaken, he would make it very clear around the eastern suburbs of Adelaide that that situation could be laid at my door. I take this opportunity to make clear to the Committee that, had my move for a select committee been successful, I would certainly haved moved for the extension of the suspension of section 56 (1) *(a)* so that there was no vulnerability on the part of any landowner in South Australia as a result of this section being repealed. The Minister referred to taking both amendments at once but did not actually address the second one. With your concurrence, Mr Chairman, I will address both, if you are happy with that.

The CHAIRMAN: I am happy with that course.

The Hon. JENNIFER CASHMORE: Because the arguments relating to this matter have been put quite thoroughly in this place and in the other place, I will not canvass them again except to express the Opposition's pleasure that a select committee will be established, that those organisations that wish to be consulted will be consulted and that property in South Australia will not be so lightly dealt with in future by a Bill being introduced without proper examination by the Parliament, to repeal a key clause in a very important Act that affects State development and people's lives and livelihoods.

In respect of the second amendment, which leaves out clauses 3, 4 and 5 of the schedule of repealing and transitional provisions, I made reference during the second reading debate to the redundancy of those provisions and the confusion which could result from having them inserted in the Bill. At that stage I had not received an opinion from the Environmental Law Association of South Australia and was therefore unable to put more forcibly the case which was put by my colleague the Hon. Diana Laidlaw in another place which was expressing a view which led her to move an amendment deleting these clauses from the Bill. On the strength of the arguments which have been put to the Opposition, we believe that the clauses should not be included. I am therefore pleased to support the Minister's request, which we regard as eminently reasonable and responsible, to support the amendments.

Motion carried.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 507.)

Mr S.J. BAKER (Mitcham): The Opposition supports the Bill. The reasons have been canvassed in another place, but just to clarify what the Bill does, section 26 of the Legal Practitioners Act provides:

> Where a legal practice is incorporated, the number of employees shall not exceed twice the number of directors.

That refers to the number of legally qualified employees. This is a constraint that prejudices the employment opportunities of young practitioners because it limits the ability of a firm to expand. This Bill repeals that section so that there will be no limit on the number of employees that legal practitioners can have within their firms. I will ask a question in the Committee stage, but the Opposition sees no inherent difficulty with this amendment. The second amendment relates to the combined trust account which is administered by the Law Society and which comprises two thirds of the lowest aggregate held in all solicitors' trust accounts in the immediately preceding half year. The interest from the trust account goes partly to fund legal aid and partly to support the guarantee fund. As the name implies, trust accounts were set up for the reason that the money is to be held in trust for solicitors' clients and they should not be used for purposes other than for which they are designed. There is some modification under this Bill.

The Act presently requires a deposit by a legal practitioner each half year and in some instances there is an immediate payment out to a legal practitioner to enable the practitioner to have sufficient funds in his or her own trust account to pay immediate claims. That is unnecessary and the Act is to be amended to enable notice to be given to the Law Society by a legal practitioner that a payment into the combined trust account is not appropriate, because of immediate needs of his or her own trust account. If this occurs, the annual audit report must contain reference to the situation and an opinion by the auditor as to whether or not it was justified. It simply says that there is a restriction on the trust account which, in certain circumstances, becomes too burdensome because the money is in transit for other uses. In these circumstances it is therefore seen that, provided there are some checks and balances in the system, an appropriate notice can be given and that will be included in the audit report.

The third amendment extends the period of time within which complaints under the Legal Practitioners Act must be laid. The period is now six months, but the amendment proposes a period of two years and that has the support of the Opposition. We are well aware of circumstances where problems arise well after the event, not having been foreseen at the time. I have a case with which I am dealing at the moment, a workers compensation case, which falls within that ambit. The Opposition supports the Bill which seeks to make minor amendments to the Act. However, during

the Committee stage, in order to clarify several areas, I have one or two questions to ask.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for these measures which in a way tidy up the Legal Practitioners Act. The amendments perhaps facilitate a better functioning of that legislation which, in the main, embodies the principle of regulation within the profession itself and I think it must be acknowledged that the legal profession does accept substantial responsibility for the implementation of the provisions of the Legal Practitioners Act.

In relation to the combined trust account, as a result of interest going from it, that has given a great deal of benefit to the citizens of this State through the various applications that are made from the funds thereby raised. The other matters to which the member for Mitcham referred do in fact further facilitate the operation of this important legislation.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Repeal of s.26.'

Mr S.J. BAKER: Can the Minister provide some information as to the original reasons for there being a tying of employers, in this case legal practitioners, who are either partners or sole practitioners in the legal arena? Why was this constraint placed on them restrict the number of employees? It reminds me a little of the constraints placed on apprentices and the number of apprentices that can operate within a firm or company. Those provisions are designed to protect both the employer and the employee, because it was found from experience that, if there were too many apprentices and insufficient supervision, apprentices could not only be placed at risk, but also they could be deemed to be used for what I think was the term used when one goes back through the annals, slave labour. I would imagine that there is probably a similar principle involved here and perhaps the Minister can inform the Committee on this issue. I have some concern (and I think we will have to wait until the circumstances unfold, if they ever do) where more senior and experienced personnel fail to operate in a due care situation to fresh young lawyers, if you like, or that they do not have the ability to properly supervise the activities of people fresh out of law school. I would imagine that that is one of the reasons why the original impediment was placed in the Act and, under those circumstances, there must be some evidence to say that that is no longer appropriate.

The Hon. G.J. CRAFTER: I thank the honourable member for raising that interesting question. I notice that it is a matter that has perplexed the Law Society also. I suppose that in the preparation of the original provision there was consultation with the legal profession, so there must have been a history with respect to the current construction of that section of the law.

I notice that the President of the Law Society, in requesting the changes we find before us, said in his letter to the Attorney that unfortunately the Law Society was at a loss to explain the rationale behind the original enactment. Obviously they have discussed the matter with senior members of the profession (office holders of the society at that time), but they could not elicit why that was so. From my own memory of working in the Attorney's office, I guess it arises from the situation of wanting to maintain reasonably small legal practices. That is seen as desirable in the community interest and in fact reflects the tradition of small legal practices in this State. However, times have changed and this present section obviously works against the best interests of the profession and of those it serves, particularly employment opportunities for young practitioners. It is now seen by the profession and the Government as desirable that these amendments are brought about.

I do not believe that problems of supervision will necessarily be overcome by the size of the firm. I think there are matters that relate to the actual conduct of practice previously established within the firm and the like. In fact, in many cases they are probably more sound in the larger firms than they are in the smaller firms, but of course that varies from practice to practice. Apart from that, I cannot enlighten the honourable member any further.

Clause passed.

Clause 4—'Duty to deposit trust money with the society.'

Mr S.J. BAKER: Clause 4 deals with trust accounts and some variation thereto. We have the occasional case where a lawyer abuses the trust situation and uses moneys provided by clients for purposes other than those for which they were intended. When those cases amount to hundreds of thousands of dollars there are obviously people in the community who are seriously affected. This problem is not only in the domain of the legal fraternity; it happens in a number of areas, because some people are basically dishonest. Can the Minister say how many cases have come to the attention of the Attorney (and he may have to refer this question to the Attorney for the answer) of misuse of trust funds in the last two or three years?

The Hon. G.J. CRAFTER: I will certainly undertake to obtain the specific information that the honourable member has requested. From my own knowledge of the profession, I am pleased to say it is a small number, but even one instance is far too many and there have been serious breaches of this section of the Act in recent years, with substantial defaulting. I understand that those defaults have been paid out of the trust fund to those who have been harmed and have suffered loss in that way. However, I will obtain the information for the honourable member.

Clause passed.

Clause 5 and title passed.

Bill read a third time and passed.

EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 August. Page 554.)

The Hon. JENNIFER CASHMORE (Coles): The Opposition supports this Bill, which is essentially of a technical and administrative nature, an enabling Bill and certainly a Committee Bill, but for all that, any Bill that opens up the Education Act, especially one as diverse as this, also opens up the potential for discussion on a vast number of areas.

I suppose one might say that the significant clauses of the Bill are those which provide the Director-General with power to transfer, give unpaid leave of absence or recommend retirement to those persons with temporary disabilities incapable of performing satisfactorily the duties of the office; a clause which allows the association of teachers in independent schools to nominate a member for appointment to the Teachers Registration Board (the Opposition certainly has no argument with that); and a clause which provides for a greater penalty if a governing authority operates an unregistered school—and there are comments to be made on that clause.

Whilst we have no argument for appropriate penalties for those who operate unregistered schools, I suspect that the

matter of this clause being in this Bill is rather more complex than appears on the surface. Certainly none of us want to see schools operated by people who are in breach of either basic educational principles which are recognised by the community or, similarly, are in breach of any other appropriate framework in relation to the care and instruction of children—and I am referring to machinery matters such as the Health Act, and things of that nature. However, if people in good faith want to operate schools which comply in all general respects with a reasonable approach to education, albeit perhaps one that has a specific religious slant, and if those people have some fundamental disagreement in principle with the requirement to become registered, then it seems that one is using a pretty heavy instrument by simply boosting penalties in an effort to get people to comply.

Those who refuse to apply for registration may be their own worst enemies and we may respect their principles, but certainly the law cannot be set aside just for their benefit. It will be interesting to see if this clause is successful in achieving what I assume to be the Minister's goal—that is, registration for all those who wish to operate schools really being put out of the business financially by a very heavy penalty if people do not apply for that registration.

I will be questioning the Minister in Committee on the clause relating to the abolition of secondary school districts and the rights of children to be enrolled at any school with the proviso that the Director-General of Education may determine conditions under which enrolment applications may not be accepted by schools: for example, if the school is overcrowded and there is no accommodation. As I have understood it in recent years, that has been the case. There might be some finetuning which I would like the Minister to explain. Certainly, in my efforts to assist the enrolments of students at schools that are outside their zone of right, this system appears to have been the one under which we have been operating for some time.

A further clause requires the Director-General of Education to consult parents before any decision is taken to enrol children at a special school. This is an implementation of the report of the Bright committee of inquiry into people with handicaps. We can only support the notion of consultation, but in Committee I would like to ask the Minister just what 'consultation' means. If parents are not happy with the Director-General's decision, the Bill gives them the right of appeal to the local court of full jurisdiction against decisions made by the Director-General or the Minister.

This worries my colleagues and me in so far as it seems to be a fairly harsh and remote method of a parent obtaining his or her wishes for the child or children. I would not relish the prospect of going to the court in order to get my child into a school if I were not happy with the decision of the Minister or Director-General, and most parents would feel intimidated by using that as a last resort. One might say that one will never get a better or more objective hearing than in a court. To that extent the idea of a court is an impeccable one. However, I am thinking of the practicalities.

The parents of these children who require special education or who have special problems have invariably suffered extreme trauma, very often from the birth of the child, especially if there is intellectual disability as well as physical disability. The strain and tension that that induces and the colossal strain, particularly on the mother, who invariably has the 24 hour care of the child, will surely be exacerbated if these people have to go to court to get what they want for their children. That seems to us to be a rather heavy-handed way of doing things, and I would like to ask the Minister whether there might not be a better way than resorting to court action. I am simply thinking of the parents and the strain that such an action imposes on them.

The Opposition fully supports the clause, which enables money lending sources available to school councils to be widened to beyond banks. Obviously ministerial and Treasury controls still need to apply, and they will, but it is very heartening to know that there are in the community benefactors who are willing to lend schools money at low interest rates. I assume that this extension of sources permits schools to deal with financial institutions other than banks, and this may not only be as advantageous but possibly, in some cases, more convenient. It is a parallel to what is often undertaken by parish churches borrowing money at favourable rates from parishioners who are willing to lend. If that is the case with schools, every incentive and encouragement should be given to people to lend money to their local school to enable projects to be undertaken and facilities to be provided.

A further clause allows for community use of school facilities on the advice of the Crown Solicitor that there is a problem under existing legislation. The community use of school facilities is now, I suppose, 15 years old—possibly not as long as that. It has proved to be a great boon to both schools and the community and, as times become more straitened, it certainly leads to optimum use of taxpayers' money. I know that many community groups greatly value the access they have to schools, particularly being able on winter nights to hold a meeting in a heated and carpeted room, which is more attractive than some of the facilities that were previously available. Indeed, in schools in bygone days one would not have had a heated or carpeted room, even if the school had been available for a meeting. In short, the Opposition supports the Bill, although questions will need to be asked in the Committee stage as to the Minister's precise intention and as to the precise way in which the Bill varies from provisions of the existing Act.

Mr MEIER (Goyder): As the shadow Minister, the member for Coles, has indicated, the Opposition supports the Bill with some reservations. I would like to make a few comments, without wishing to repeat the substance of the material that the member for Coles has brought forward. In the first instance the provision to give the Director-General power to give unpaid leave of absence or recommend retirement to those persons who have temporary disabilities and who are incapable of performing satisfactorily the duties of the office is certainly a positive step. However, it is perhaps a sad reflection on what is occurring more today than occurred some years ago.

I know from my personal association with departmental schools and with people who have held positions of responsibility that there appear to be more temporary disabilities. I guess that this will assist those persons who cannot have a medical practitioner certify that they have a permanent disability, but who nevertheless are temporarily impaired to the point where they cannot continue their duties in a satisfactory way. I am pleased that this opening is provided. I guess that there is always a way around it if it has not been provided. However, life for some of these people has not been altogether pleasant, and this should help streamline things, so that hopefully those who have found the strains of teaching to be too much may be able, if they are still young enough, to get into some other area and get some sort of a golden handshake for the years that they have put into teaching.

Another positive aspect is that a student or a child is entitled to be enrolled at any Government primary or sec-

ondary school as the case may require. I will be interested to hear from the Minister whether this is also being put down in conjunction with the recommendations made in the transport review committee's report that was released at the end of last year. The bus problem had occurred for a long time and, if students wanted to go to a particular school, they were told that they could go to that school but were not to look for the buses to take them there. It was announced last year that that would be rectified. Is this a further item to help country schools, so that there will be free access to schools in the country, as applies in the city? If that is the case, it is a step in the right direction. I acknowledge that the proviso must be there that, if a school has too many students, those outside the area will have to be informed accordingly.

I refer to the proposed increase of penalties for non-compliance of students with attendance provisions. The penalty under section 75 (5) is being increased from $100 to $200. In his second reading explanation the Minister said:

> An increased penalty for non-compliance with the compulsory attendance provisions is also provided.

Therefore, one can only assume that it will be increased by the amount to which I referred, but it seems to me that that relates to enrolment. Perhaps this point can be clarified later. If it is for non-attendance of a child, I still have reservations about the doubling of the monetary penalty doing much good.

The Minister would be aware of one area in my electorate where considerable problems with truancy have been experienced. In that area many of the parents are in the lower socio-economic bracket, and to simply increase the fine will not solve anything. I wonder whether similar conditions exist in other areas of the State, particularly in relation to the lower socio-economic groups, where children do not go to school, and whether an increase in the fine will be any more persuasive than the current fine. I will be interested to hear the Minister's further comments on this matter.

My final comment relates to a part of the Bill with which I cannot agree. It relates to clause 22, which provides for a severe penalty in the event that a governing authority operates an unregistered school. Clause 22 provides that the existing penalty of $500 will be replaced with the following penalties:

> *(a)* for a first offence—$1 000;
> *(b)* for a subsequent offence—$1 000 or $100 for every day on which students have received instruction since the date on which the authority was last convicted under subsection (1), whichever is greater.

It is very obvious to me that this area needs further attention. I have met and spoken with various people who have endeavoured to operate a private school. They pointed out 18 months ago that the previous Minister of Education (now the Minister of State Development) indicated before the Labor Government came to power that he would look at this matter and see what could be done about it. When the Labor Government came to power in 1982, this group of people approached the then Minister of Education (Hon. Lynn Arnold) and reminded him that before the election he had said that he would look at this matter. Certainly, those persons were awaiting the Minister's response. From information that I have been given, it seems that the Minister tended to brush them aside, saying that he did not consider that there was anything he could do for them. If that is the case, that is a sorry state of affairs, because these people had hoped that alterations would be made.

But this probably does not matter so much now. We now have another Minister of Education, the Government has been re-elected for a further four years, and these people must therefore consider their situation during the next four year period. I have found them to be some of the most honest people that we have in the community, yet it was their honesty and fundamental disagreement with certain sections of the Act that led to the amendment of the penalty from $500 to $1 000, with the possibility of it being extended to $100 a day for every day that an unauthorised authority continues to operate.

I do not like to use the following analogy, but I think it is fitting. It reminds me of a country such as Russia some years ago saying to Afghanistan, 'Look, we have a great policy for you; we have got the way for the future,' with the Afghanistan people saying, 'We don't like your policy; we don't believe that your thoughts for the future are the right ones.' We all know what happened in the case of Afghanistan. Russia came in with a heavy hand and told the Afghans that they would be forced to accept what was good for them. I see this measure along the same lines.

Ms Gayler: Don't you want the law applied in relation to schoolchildren?

The SPEAKER: Order!

Mr MEIER: The Government has certain statutes on the books and it believes that what it is saying is right. However, a minority group is voicing its objections very strongly and vehemently, including going through the courts. Because the Government seems to know that it is not working, it is saying, 'We will show that small group of people who is in command here, and we will double the penalty.' In fact, the penalty will be more than doubled. I believe that that is the wrong way to go about trying to solve this problem. It would be much more profitable to leave the provisions as they are. Before anything is changed, one would probably have to look at all the new provisions that came in some years ago.

This is a classic case where, while money is short, I believe that proper investigation should occur to see whether the matter can be resolved and whether a compromise can be reached, because people are still suffering in relation to this. It is so easy for a Government which has a significant majority and which does not need to worry about the votes of a certain group of people to bring in provisions such as those that we are considering today. This will ensure that those in the community who want to put their head up will have to keep it down, but it will not solve the fundamental problem that these people who wish to conduct private schools are currently encountering.

I trust that the matter can be further looked at. I realise that the Opposition does not have the numbers, but it is possible that the matter can be further considered in the other place and that, at the very least, if the Government wants to go ahead with this provision for increased penalties to apply (with which I entirely disagree), it could appoint a subcommittee or a special group to reinvestigate this part of the provisions, thereby enabling discussion on the matter to be undertaken.

One of the key things wanted by the people involved in these schools that do not wish to seek registration is more dialogue. Until now the appropriate dialogue has not been forthcoming. Apart from those reservations, I believe that the major part of the Bill certainly streamlines facets of the Education Act, and I will watch with interest the progress of this Bill through the House.

The Hon. G.J. CRAFTER (Minister of Education): I thank members who have spoken in the debate for their contributions and the indication of support for the Bill. As the member for Coles said, the Bill tidies up some basically administrative matters in the sphere of education in this State and does not raise matters of great controversy,

although I imagine that some interpretations of those matters could be controversial. The member who has just spoken said that it might be read into the Bill that there is an ulterior motive, but I assure him that I have taken advice from the appropriate statutory body (the Non-Government Schools Registration Board) with respect to its wishes that stronger deterrents be provided.

As the honourable member said, there has been litigation in this area. I understand that it went as far as the High Court, and that issue is decided. The law is there and the law simply must be obeyed, and substantial deterrents must be built into the legislation for those who refuse to accept the law of the State. We are dealing here with a fundamental responsibility vested in the board—the proper education of children in this State. In Committee, I shall be happy to answer to the best of my ability any questions that members may wish to ask.

Concerning the four-term year to be introduced in South Australia in 1987, I originally intended that that be included in the Bill before members, but the Parliamentary Counsel advised that that would be better achieved by regulations, so I shall bring down, for consideration by Parliament and the Subordinate Legislation Committee, regulations with respect to the implementation of the four-term year. The dates in respect of this innovation have been settled now for some time, until the year 1990, but it is important that they be embodied in legislation in the appropriate way, and that will be done.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Advisory committees.'

The Hon. JENNIFER CASHMORE: According to the Minister's second reading explanation, clause 6 provides for the payment of allowances to ministerial advisory committees to be effected upon determination by the Minister. The justification given for the clause is that section 10 of the Act requires that the actual dollar amounts be prescribed, with the result that, on each occasion allowances are varied by the Government for other boards and committees in the public sector, payment to ministerial advisory committees is delayed pending an amendment to the education regulations.

I suppose that one could say that that is not a matter of great moment; at most, I suppose, it involves four or five months. However, if the payment to ministerial advisory committees can be determined by the Minister, I foresee that such determinations, if made solely by the Minister and if not made by Cabinet and/or Executive Council, could lead to an inconsistency between the payments to education advisory committees and payments to other advisory committees.

The second reading explanation implies that the Government varies allowances for all boards and committees in the public sector more or less *en masse*. However, I do not believe that to be the case: in fact, I am sure that it is not. If these things are done by Ministers in isolation from Cabinet, whether wittingly or unwittingly, an inconsistency can arise and the Minister can easily lose touch with what is considered acceptable by his colleagues and with what is the norm throughout the rest of the public sector.

Can the Minister say how many advisory committees there are in his area? I realise, of course, that it may be more difficult for him to say how many people serve on those committees. Can he say whether any of those committees are voluntary and, if they are not, what is the general fee and how often is it reviewed? The payment to members of advisory committees is a vexed question. As Minister, I always believed that asking experienced and valuable people to give up their valuable time was often difficult unless there was remuneration, if not in accordance with the income that they were forgoing by giving their time to the State, then at least in recognition of their services. One has always to weigh up on the one hand the immense cost to the public purse involved in the payment to people on advisory committees and the possibility of sinecures that could result in extreme cases and, on the other hand, the way the State can sometimes use people without what might be deemed to be an adequate reward.

Besides saying how much money and time and how many people are involved, could the Minister also say what controls are imposed to ensure that his determinations are consistent with the rest of the public sector, so that the Opposition could feel more at ease with this clause?

The Hon. G.J. CRAFTER: I am afraid that I cannot give the honourable member the precise number and the cost to the Government of these committees, but they are extensive in the Education Department.

The Hon. Jennifer Cashmore: A dozen or more?

The Hon. G.J. CRAFTER: There are probably less than 20 committees, but it is an important component of the education system to have advisory committees of one form or another. I have found them to be important in the performance of my duties. They vary in size from perhaps fewer than 10 members to more than 10. However, it must be remembered that many of the public servants on those committees do not receive fees, and there are other members who choose not to take fees, especially in the non-government schools area.

The fees payable are established by the Public Service Board and are uniform for all committees. They are the subject of Cabinet determination, and it is not a matter for the discretion of an individual Minister. Certainly, the composition of these advisory committees is also the subject of Cabinet approval, so the system contains checks and balances to avoid the dangers to which the honourable member has referred. The payment to persons who contribute in this meaningful way by their membership of advisory committees is desirable, because I am trying to encourage the greater involvement of parents in the decision making processes of the Education Department, especially where such processes involve country parents who miss out in many ways in having their say in the development of policies.

So, although the fees are probably never enough to compensate fully those people, many of whom have great experience and skills to contribute, they are some compensation for those parents who either come from a home situation or take time off from their employment to sit on such committees. The honourable member may rest assured that this is not a matter for the discretion of the Minister. The payments are determined for members of committees across the public sector and, in the normal course of events, the composition of such committees is decided by Cabinet. If the honourable member would like more details of the numbers and the fees, I will be pleased to obtain that information for her.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Incapacity of members of the teaching service.'

The Hon. JENNIFER CASHMORE: This clause amends section 17 of the principal Act so that future employment options currently available to officers suffering from invalidity or incapacity of a permanent nature are extended to officers with temporary disability. It also provides for a

transfer to a position of different status rather than one of reduced status. That sounds quite reasonable on the surface, yet I believe it could have some fairly costly ramifications. Under this clause, can an officer suffering from a temporary disability apply for retirement and superannuation payments, because, as the Minister's explanation is worded, that can happen? The Minister has mentioned future employment options, and I suppose that includes the option of not being employed, namely, retiring.

If the option available to people with a permanent disability is the same as the option available to people with a temporary disability, one could see an exodus from the Education Department, although perhaps the Minister wants to see such an exodus, as that might solve some of his budget problems. The implications are obviously immense, if that is the case. Will the Minister explain the application of this clause, if any, to retirement and superannuation?

The Hon. G.J. CRAFTER: The general thrust of these amendments is to give the Director-General and the department a greater range of options by which to help with the rehabilitation process of members of the department who are suffering ill health. That is the simple aim of these amendments; it is certainly not to encourage persons to retire early. In fact, the aim is to provide a greater range of alternatives for future and ongoing employment, either within the Education Department or within some other sector of the Public Service, so that a person does not have the hard options to stay, for example, in a classroom situation or to simply retire.

We hope that quite the opposite will occur from what the honourable member perceives. It is of great concern that so many teachers and persons in leadership positions in our schools are suffering ill health, and there have been representations from the Institute of Teachers about this matter. They are supportive of this measure and the further options it introduces to provide a realistic program of rehabilitation, a further range of options for secure employment, the maintenance of status within the public sector generally and, it is hoped, a return to the teaching service at some future time.

The Hon. Jennifer Cashmore: And superannuation?

The Hon. G.J. CRAFTER: There is always the right for an injured worker to apply for superannuation, but that is subject to a stringent set of criteria being met. That operates apart from this clause, which is really at a different level within the administration of the department with respect to persons who are suffering some illness which diminishes their capacity to be employed. We are certainly not either encouraging or discouraging persons from having that capacity to retire from the teaching service.

The Hon. JENNIFER CASHMORE: The Minister's reply confirms my anxieties. I suspect that my colleagues in another place may take these anxieties up, because, if I have understood the Minister correctly, someone (let us say aged 35) with a temporary disability could, under this clause, use that disability to retire and be superannuated by the Education Department, and upon resumption of good health (if it is a temporary disability that might only take a matter of six months) take another job, while at the same time enjoying a pension at public expense for the rest of his or her life.

If that is not what the Minister is wanting to achieve, I think that this clause should be made much tighter to ensure that the potential for abuse that we see in it is ruled out. My colleagues may wish to pursue this matter further, but I put on the record, for pursuit in the other place, the anxiety we have about the potential there appears to be for that to happen. I will pursue another perspective relating to this clause which one might call a hidden agenda, as there often is in employment and the transfer of teachers. The clause states that the Director-General may, if he is satisfied that an officer is by reason of mental or physical illness or disability incapable of performing duties satisfactorily, recommend to the Minister that the officer be transferred to some other employment in the Government of the State. The Minister might recall that prior to the State election the Liberal Party undertook to establish procedures by which teachers who were performing their duties in a demonstrably unsatisfactory way would be removed from the system. Members and Ministers all have schools in their electorates and, as a former Minister and every parent is aware, there are a few teachers in the system without whom the children would be much better off. I recall during our last term of office a teacher at a high school in my electorate who caused immense trauma and whose conduct resulted in quite a cost to the State in terms of workers compensation for his colleague's stress related illness.

Would the Minister think that the Director-General could transfer such a person out of the teaching service into, without naming any departments, let us say an administrative area in order to remove someone who was causing unhappiness in schools and possibly inflicting some kind of psychological damage on children? If that were the case, I was going to pursue the question of the right of appeal that such a person would have, but my knowledge of the present Director-General is that, only in extreme cases would such a course be considered and, if one were to build appeals into that system, it would then become cumbersome and in fact probably unworkable. Would the Minister have any intention of using this clause, as it appears that it could be used, to transfer out of the system people who do not believe that they have any physical or mental disability but who are regarded by their colleagues, possibly by the Director-General, and by parents and possibly by students as being unsuited to the teaching service?

The Hon. G.J. CRAFTER: First, I think that that would be a convoluted way of achieving that end. There are sections in the Act which relate to the capacity of teachers to teach, but clause 9, which means section 17 of the principal Act, states:

> Where the Director-General is satisfied that an officer is, by reason of mental or physical illness or disability, incapable of performing satisfactorily the duties of the officer . . .

So, I am not sure of the circumstances in the situation to which the honourable member refers, but a person would have to fall within that criterion. Obviously, there is an onus placed on the Director-General to satisfy himself that that is so. There is then a list of options that are available, and I am sure that the honourable member would agree that that is desirable. In the substantive Act there is a right for the teacher, if that is the officer involved, to then appeal against that decision of the Director-General and to challenge the basis of that medical evidence which has been elicited to substantiate acting under this section, so it is limited to that extent. There are other sections of the Act which deal with the other matters raised by the honourable member.

Mr S.G. EVANS: Does the department keep a record of those people who have been discharged from the service because of some illness or accident, in other words, workers compensation claims? If not, why not? I would imagine that the department would have a list of those people who have left the department because of mental or physical illness or some disability, and that it would have those people listed in separate categories to show exactly how much they were paid as a lump sum payment and how much they are being

paid on an annual or weekly basis. I have on notice the following question:

How many school teachers have retired from the Education Department on workers compensation through claims of illness caused by stress during each of the past five years, what was the age of each teacher at retirement, and what was the financial commitment to each by way of:

(a) lump sum; and

(b) weekly or annual payments?

The introduction of this Bill indicates that the department must have been concerned, and I would imagine that, as a result of that concern, records would be readily available. When we first moved to place more questions on notice, we were given the guarantee by a Labor Government that we could expect the replies (and I think that the member for Mitcham backed it up) on the following Tuesday. I know that that is not possible with some questions on notice, but if we are seeking to change the law in this area and to make it a little easier administratively, then surely the department must have based its argument on something and that would only be the official records. It must have had to categorise all these groups, so I pose that question.

In this Bill are we looking not only at the transfer of employees to some other employment or leave of absence, but also retraining? Sometimes mental illness is brought about because a teacher who was educated some time ago is not *au fait* with modern methods and, as a result, can suffer from stress. In this Bill do we include the opportunity for people to be retrained: in other words, if a person is in this category, should we be offering them 12 months retraining on the basis that, if they do not come up to scratch at the end of that time, they are out the door?

The Hon. G.J. CRAFTER: I think that the member for Davenport may be confused between section 26 of the Act, which is the disciplinary section, and these sections which I have just explained to the member for Coles and which relate to reasons of mental or physical illness or disability that render a person incapable of performing satisfactorily the duties of the office. I have been advised that, at the beginning of this year, the department began to collect in detailed form statistics relating to workers compensation within the department. Indeed, this year substantial work has been done to come to grips with this very real issue for people working in the education system in this State and, indeed, across the nation. I will be able to provide the honourable member with some information, but perhaps it will not be as detailed or cover the period that he would desire.

I must say that, at any one time, the department employs some 22 000 people, so it is a substantial exercise to maintain records. We certainly would have some information on each person who has been employed for some time or other and included in this are people who come in as temporary relieving teachers and in contract positions, and who come in and go out of the service. Indeed, it includes the 4 500 ancillary staff employed in our schools, so it is not a simple exercise, but substantial work is being performed in order to collect that important information, to collate it and to see what we can learn from it and to see if we can attempt to remedy the situation, part of which I think is embodied in the amendments that we have before us, because they attempt to give the administrators of the department a much greater range of options to assist those persons who are suffering from some illness or disability which affects their capacity to serve the department.

Mr S.G. EVANS: I thank the Minister for his reply, but I understand that it is possible for a person to suffer mental illness as a result of stress and that that stress may be related to that person's inability to handle modern teaching methods because their teacher training occurred a long time ago. I can appreciate that a recommendation can be made that the person have a break without pay, but the teacher might want an opportunity to return to study for 12 months after the stress situation has been eased, on the basis that, if they achieve a suitable standard after another 12 months study, they could quite satisfactorily fall back into teaching service. That is the point that I make. I am not talking about the physical disability but, rather, I am talking about the stress situation. Is that a proposition that has been considered, or is the Minister prepared to consider it? I believe it is something that gives a fair response to the teacher?

Although about 22 000 teachers are employed by the department, I do not believe that thousands have been put off on workers compensation or, in other words, have fallen out of the system altogether and are on compensation. I would be amazed if that were the case. That should be a simple process. Every time somebody goes out permanently on workers compensation, a record should be kept. I hope that not even hundreds of people have gone on workers compensation as a result of stress situations because, if that were the case, we would have a very critical situation on our hands.

If we are going to keep proper accounts and records the figures should be available immediately. It should be just like pressing a computer button and there they are. It appears that that is not the case, and yet we are considering looking at what happens to people who may be at the point of being put off on workers compensation because of mental stress.

The Hon. G.J. CRAFTER: It may be a simple matter for the honourable member but I am advised that it is not quite as simple as that. Over the years a large number of people have not only been involved in the worker's compensation process but have taken the alternative route of being superannuated from the Public Service without having gone through the worker's compensation process. Hopefully the newly created collection of statistical material, with computerisation of a lot of the information, will overcome the difficulties that have been experienced in the past in providing that important information.

With respect to the ability of a teacher, for example, who has suffered stress sufficient to result in that person having to leave the classroom situation and, for example, study, that is certainly an option that is currently available and is in fact taken up by a number of teachers, who may at a later stage return to the teaching service or some other occupation.

Clause passed.

Clauses 10 to 21 passed.

Clause 22—'Non-government schools to be registered.'

Mr MEIER: I draw the Minister's attention to the remarks I made in the second reading debate and ask whether he acknowledges that there is a problem in endeavouring to police this original section of the Act, namely, section 72, and is that the only reason why the increased penalties are proposed? We have here an increase of 100 per cent in the penalty taking it from $500 to $1 000 in the first instance and then for subsequent offences $1 000 or $100 for every day thereafter, whichever is the greater.

The Hon. G.J. CRAFTER: I understand that the Non-Government Schools Registration Board recommended that there be a more appropriate deterrent embodied in this section because the current penalty was simply ineffective, in their view, which is that a simple penalty brought down could be easily defied in this situation by a law-breaker who could continue to conduct a school and then presumably be again prosecuted and pay a penalty, and the like. In the

view of the registration board and the Government the provision imposes an effective deterrent so that the effect of the law can be applied. There is sufficient confidence to believe that this will then prohibit the conduct of these activities which are specifically prohibited by this legislation.

Mr MEIER: I thank the Minister for the answer. Has any consideration been given to further discussions with the offending school or schools or group of persons who may have objections to this section of the Act? I acknowledge that the increase in penalties may put a stop to formal objections—and we could equate this to the existing fringe benefits tax, where people have to keep log books and the Government has said that, if you do not, the penalties are very harsh—in some cases fines of tens of thousands of dollars. Even though we might object to the fringe benefits tax, most of us are too weak to retaliate and very few of us will test the system by not paying fines and going to gaol. This is a two-pronged question: first, are the proposals for discussion, and secondly, if the fines are not paid, is gaol the logical end result?

The Hon. G.J. CRAFTER: I suggest to the honourable member that if, in fact, there is an objection to the principle of registration and that is the reason for individuals or a school, collectively, refusing to go through the registration process—I think in one instance that has been tested through our legal system so that the validity of the law has been fully tested—then they have tried, and obviously the representations the honourable member has received are quite appropriate to change the law and the honourable member advocates on their behalf the merits of the registration process. However, this is the place where the law is made for the peace, order and good government of the people of this State, and this Parliament has for some time believed that it is appropriate that there be a law to provide for the registration of non-government schools. Simply, that is the law and what is applied is in fact an enforcement of that law, once again in the interests of peace, order and good government, and specifically for the purposes of the education of our children. A refusal to obey an order of the court in relation to a monetary penalty is a contempt, and ultimately imprisonment would flow from that.

Mr MEIER: Since the Minister has held his portfolio have any of these persons who are objecting to the registration of their schools sought a deputation with him or have they met with him individually to discuss this problem?

The Hon. G.J. CRAFTER: I could have had correspondence or telephone calls about deputations. I do not have any recollection of that, but they could have approached my office. There is a very substantial flow of such representations every day. However, I have not had a deputation where I have met a group in such circumstances. I think that it probably would not be appropriate for there to be seen to be an appeal to me over the board which is set up by Statute to deal with matters of this type.

In the first instance I would at least advise such groups to try to work their way through this with the duly authorised board and to see what were their objections, what were the difficulties they feared in the legislation and perhaps how they could be resolved. An alternative to that has been to approach a member of Parliament or indeed the Government and seek some change to the law.

Clause passed.

Clauses 23 and 24 passed.

Clause 25—'Compulsory enrolment of children.'

The Hon. JENNIFER CASHMORE: In what practical way does this clause differ from the administration of the present Act and departmental policy? On reading and rereading it, it seems that it simply expresses the status quo as I have known it for the last several years. It is possible that the words in clause 25 (3) may mean that whilst the zone of right requires or enables a child to attend say, Morialta High School, he or she may live a shade closer as the crow flies to Norwood High School. Is that what it means?

The Hon. G.J. CRAFTER: There is an enormous history behind each of these provisions, which are tested daily by people in the community, as I have discovered. For all that, the system seems to work remarkably well—so much so that this provision states the current practice, but extends it to all schools rather than simply to secondary schools. That clarifies that issue.

With respect to the anomalies, the person who lives nearer to a school as the crow flies but in fact must go around a detour because a river or some other diversion interferes, is a matter of determination by consultation and discussion with the appropriate parties. In my experience common sense seems to prevail in those sorts of situations.

Mr MEIER: Do country school students now have access to any school of their choice, and does that mean that they can therefore catch a bus of their choice? Does this tie in with the recommendations of the transport review committee which reported at the end of last year? Are there the same restrictions on the bus that they catch to attend the school of their choice?

The Hon. G.J. CRAFTER: I understand that this does not place an onus on the Education Department to provide a mode of transport for any pupil who wants to go to any school of their choice. We still have some practical difficulties with respect to the matters that the honourable member has raised. They have been addressed to some extent in that report, which I understand is still being reviewed and considered in the department and in the context of budgetary processes and the like. This matter is still status quo with respect to the bussing of children and their access to particular schools. That will not overcome these problems. This really embodies the existing practice that is now in legislation.

Mr MEIER: I refer to the penalty that has been increased from $100 to $200 for non compliance with the compulsory attendance provisions. Do I take it that that simply applies to a situation where a parent fails to enrol their child at a school, or does the increased penalty also apply where parents have enrolled their child but do not make any attempt to send that student to school?

The Hon. G.J. CRAFTER: The increase of penalties is not a matter of any policy with an intention in relation to any specific clause. One will notice that throughout this amending Bill, where penalties were $100 they have been increased to $200 and in some cases from $50 to $200 in order to give a degree of uniformity. That will happen to a number of pieces of legislation when they come up for amendment from time to time. So, it is a matter of advice from Parliamentary Counsel that the penalties are increased in this way and so that they are relevant to modern times.

Mr MEIER: The specific question is whether this is increasing the penalties for truancy, even the parents may have enrolled their children but do not then do anything about forcing them to go. The child may be wandering around the streets with the parents' knowledge whilst officially enrolled at the school.

The Hon. G.J. CRAFTER: I refer the honourable member to section 76 of the Act, in which the circumstances to which the honourable member has referred are provided for. Once again, there will be an upgrading of that penalty from $100 to $200.

Clause passed.

Clause 26—'Insertion of new ss. 75a and 75b.'

The Hon. JENNIFER CASHMORE: This clause implements the recommendations of the Bright committee report into the law on persons with handicaps. I would like briefly to read into the record the relevant recommendations from volume 1, which deals with physical handicaps and which states:

> Wherever possible, handicapped children should be taught in a normal school environment. Coordination of existing health and education services available can assist in this aim. Commonwealth funding policy should assist rather than hinder this aim.

The second volume of the report, which deals with intellectual handicaps, states the following in recommendation 16:

> If intellectually handicapped persons are to lead as normal a life as possible, their education must, wherever possible, take place in a regular school. The committee considers that the Education Act needs to be strengthened in expressing a statutory commitment to that kind of education and, indeed, to the right of every child to a formal education. As a consequence, the committee considers that the Minister of Education and the Education Department should have a responsibility for the education of all children, including children who cannot go to school because of the severity of their handicaps.

This clause, as so often is the case in a statutory fashion, puts the proposition from a negative viewpoint by providing:

> The Director-General may, after consulting the parents of a child, if satisfied that the child has disabilities or learning difficulties such that it would be in the best interests of the child to do so, direct that the child be enrolled at a special school or some other particular Government school nominated in the direction.

That really is putting the proposition in the negative. It is a great pity that it is put in such a way. I assume that the Minister's best efforts to put it in a positive way were thwarted.

Bearing in mind my remarks in the second reading debate and the extreme stress and strain on parents who wish to challenge a decision to put their child in a special school rather than have that child enrolled in an ordinary school, can the Minister say what other avenues, if any, he considered before selecting the right of appeal to a court? Further, can the Minister advise the Committee whether many, and if so how many, parents challenge the placement of their child in a special school? I recognise that most parents have an instinctive feeling for what is in the best interests of their child and recognise that the more protective environment of a special school can be desirable and that, therefore, there is usually not much argument, debate or difference of opinion involved. But if there is, how often does it occur? Can the Minister advise the Committee whether any other option for appeal, other than appeal to a district court, was considered?

The Hon. G.J. CRAFTER: I thank the honourable member for her questions, as they raise very important issues. Quite dramatic progress has been made in this area, and in many respects thanks are due to the work of the Bright committee. First, with respect to the drafting of the legislation, the law is like the Ten Commandments, telling you what you cannot do, as opposed to the gospels which tell you what you can do.

The Hon. Jennifer Cashmore: Or should do.

The Hon. G.J. CRAFTER: Yes. That happens in the drafting of so many of our statutes. I guess that it is the responsibility of the Government and the appropriate department to explain in very clear and simple terms the very substantial rights that this legislation provides to parents and children who are disabled.

It is important to explain in very clear terms to people working in the teaching service and the administration area of the Education Department the implementation of this policy. It is important that full and proper advice and involvement is extended to the whole family that may be involved in making these very important decisions. These matters cause substantial trauma to families and indeed to children where there is a change of the teaching environment.

The Hon. Jennifer Cashmore: Especially in the borderline areas.

The Hon. G.J. CRAFTER: Yes, especially in those grey areas. I guess that the Education Department would concede that in some circumstances it does not know what is right in some circumstances. So, some judgment must be exercised, and it is hoped that it will be based on all the proper professional information and evidence that is available in order to help those involved to make a decision. I am very confident that within the education system a substantial number of internal appeal processes are available to the principal of a school or principals of respective schools, to superintendents of schools who become involved in these matters, quite often in my experience, and certainly to people in the senior administration of the department.

I am very impressed with the amount of time, effort and sensitivity that is involved in the decision making with respect to placement of these children in the education processes. It varies from teaching in the home, where that is done through the Correspondence School and through other support that is given to children in those circumstances, as well as to those in some special schools—perhaps those in schools that are based in institutions—to those children who are going into the normal school system.

Each one of these decisions needs to have running with it that capacity for the parents to have decisions reviewed. I give the House an undertaking that I will ensure that that is embodied in the guidelines that flow from the passing of this legislation. It was considered important that there be an appeal mechanism outside the education system. I guess that that would apply as a matter of common law, and that prerogative would be available to parents. However, it is hoped that this will be a simpler process. The legislation does provide a right for an appeal process to follow.

I also add that this provides not only an opportunity for judicial review of an administrative decision of this type but also an administrative review thereof through the office of the Ombudsman. So, an avenue is provided for both an administrative review and a judicial review to be available to an aggrieved family or parent in these circumstances.

I thank the honourable member for her reference to the Bright committee. I hope that this is a substantial advancement and entrenchment of the fundamental rights that now exist for children in our community who otherwise would have been isolated or disadvantaged even further in some ways. As I said earlier, great progress has been made in our education system, particularly here in South Australia, as a result of the work of the Bright committee, but obviously in this area as well we still have a long way to go.

Clause passed.

Remaining clauses (27 to 36) and title passed.

Bill read a third time and passed.

PLANNING ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 26 August. Page 580.)

The Hon. JENNIFER CASHMORE (Coles): This Bill seeks to improve procedures within the Planning Appeal Tribunal because of significant delays in the listing of appeals.

In so far as the Bill seeks to improve procedures and reduce delays, the Opposition certainly supports it. However, the Bill cannot be allowed to pass through this House without the observation being made that, if the Government was truly concerned about the build-up of appeals, it should be looking at the reason for the build-up of those appeals rather than simply trying to reduce the waiting time by dealing with appeals at a faster rate.

Any law that rests so heavily for its administration on the appellate process cannot be said to be good law. I understand (and I will question the Minister about this in Committee) that the number of appeals under the Planning Act has increased at least three-fold over recent years. This has, of course, caused delays that now involve a waiting time of seven months for an appeal to be heard.

The old saying that justice delayed is justice denied is true, and anyone who has experienced delays in the Planning Appeal Tribunal can bear practical testimony to that. Appeals are costly and who knows what they cause in nervous tension to people whose properties are affected by delays in having their appeals heard? In that respect I describe this Bill as a bandaid proposition: it is really putting the ambulance at the foot of the cliff for people who have fallen over rather than building a fence at the top to prevent their falling. Planning has already taken up much of the time of the House in this and previous sessions, and this debate is perhaps not the time to extend criticism of the planning legislation which results in this massive and inordinate number of appeals being put before the tribunal.

The proposition that matters coming before the tribunal may be heard and determined by a single judge, a single commissioner or a full tribunal comprising a judge and no fewer than two commissioners is a practical one. However, it is important for Parliament to foresee what may transpire as a result of that provision. Those people who want to have their day in court and who are satisfied when they have had it are more likely to be satisfied if they have appeared before what they see as a fully constituted court. I suspect that the number of people who are aggrieved because they have been heard by a single commissioner and believe that that commissioner has a certain perspective, which could be well known and could mean that they are therefore unlikely to get a fair hearing on appeal, is likely to increase under this system.

I understand that the judge will determine whether appeals are to be heard by a single commissioner or by a full tribunal comprising a judge and no fewer than two commissioners. To that extent there is some protection, and presumably that judge will determine whether an appeal which, in the full scope of the appeal process, might be described as trivial (say, involving the erection of a carport) shall be heard by one person as against a matter involving substantial sums of development capital, in which case the judge would presumably decide that the appeal was to be heard by the full tribunal.

Nevertheless, I believe that the Minister would agree that the possibility of people being aggrieved because they considered that their appeal had been heard by a lesser body will be increased as a result of this Bill. I hope that the Minister would also agree that the number of appeals now being heard under the Planning Act has reached alarming proportions and should make Parliament, or more particularly the Government, look to the cause of the appeals, rather than looking for a quicker way of putting the appeals through the appellate machinery so that they can be disposed of expeditiously. That is a philosophical approach to the Bill. I believe that colleagues on both sides have more practical and specific matters to take up in the second reading debate, and I will leave such matters to those members.

Ms GAYLER (Newland): I support the Bill. In 1978, when the Dunstan Government set up an inquiry by Mr Stuart Hart into the control of private development, Mr Hart recommended that a single commissioner or a single judge should be able to hear appeals. At that time he consulted a wide range of parties involved in the planning process, including local government, planners, solicitors and other people who were involved with the Planning Appeal Board, as it was then. As a result, Mr Hart heard a considerable number of complaints, especially about the delays, the cost of the hearings, and the time taken for judgments. Mr Hart pointed out that delays were costly to developers and also frustrating to all the parties involved.

It is significant that in 1978 Mr Hart recommended the course that we now propose to adopt, and it is even more important today because time is money, and this move to allow a single commissioner or a single judge to hear a matter will certainly mean that the backlog of cases can be reduced, that more cases can be heard more quickly, and that justice will be available to more people. It is a pity that, when the former Liberal Government introduced the new planning legislation in 1982, this recommendation of Mr Hart was not taken up, but it is pleasing to see that at least in the Upper House this time the proposal has the support of the Liberal Party also.

Mr M.J. EVANS (Elizabeth): I congratulate the Government on taking this step forward in the planning appeal area. For a long time, both in my former capacity in local government and also since becoming a member of this place 18 months ago, I have drawn attention to these matters, and I am happy that the Government has finally noted the points that I have raised and has decided to do something about the Planning Appeal Tribunal delays and the people involved, in order to provide a better response. However, I am disappointed with the nature of the response now before us.

I do not see that simply diluting the nature of the appeal process by reducing the level of commitment of the tribunal that is to hear the matters, thereby spreading it a little more thinly, is a real contribution to improving the system of planning appeals in this State. It does not address the root cause of the problem. It seems to me that, if one considers the most recent annual report of the Planning Appeal Tribunal for the year ended 30 June 1985, as well as the somewhat obscure and voluminous statistics at the end of the report concerning the number of matters lodged with the tribunal, by comparing the figures of some years ago with those of more recent years, one sees a dramatic change. In the year 1967-68, 22 matters were lodged with the tribunal; in 1972-73, 208; in 1977-78, 566; in 1982-83, 947; and in 1984-85, 1 371.

Clearly, the growth in the number of matters lodged with the tribunal is greater then exponential. In fact, the results obtained by those growing numbers are diminishing when one considers statements in the text of the report. There, the Chairman of the tribunal refers to the statistics relating to objector appeals and the number of such appeals finalised during the year. The report states:

> . . . in objector appeals, in just under 9 per cent of cases, the decision of the planning authority was completely reversed.

So, in other words, in 90 per cent of objector appeals, the decision was not reversed. The figure of 10 per cent may seem reasonable, but the report continues:

However, of those more than half were reversed because the applicant for consent indicated that he no longer wished to avail himself of the consent.

So, we are now down to about 95 per cent of cases not having a substantive matter resolved by the tribunal and 5 per cent doing so. The report continues:

In 6 per cent of these cases the decision of the planning authority was varied after a full appeal hearing. In 23 per cent the decision of the planning authority was varied as a result of a compromise or settlement reached at a compulsory conference. A considerable number of objector appeals lodged in the period did not proceed even to the conference stage but were withdrawn.

Notwithstanding that, we still have substantial delays in the process, so it is becoming quite apparent that this whole process is to deal with about 3 or 4 per cent of the total number of cases, while 95 or 96 per cent of the cases in fact get nowhere and achieve nothing but delay. They do achieve a certain amount of discussion, however. Probably, the Planning Appeal Tribunal is second only to this Parliament in promoting discussion.

The Chairman of the tribunal goes on in his report to say in relation to the value of third party participation that, in fact, the greatest merit of allowing objector appeals is that it serves an educative process for members of the public, that it is the first occasion on which most people become familiar with the planning appeal process; and that, if one did not have such a third party participation, those people would not have any contact with the planning process. That seems a pathetic excuse to set up this whole process, if it is simply designed to educate the public. I believe that educating the public in matters of planning is an important function of government and local government, but I certainly do not see it as a function of the Planning Appeal Tribunal, as that is a wasteful and inefficient way of providing education in such matters for the public. That function could best be undertaken at the level where the decision is originally being made—at the local government level, in fact. If people are to be educated about the planning process, it is far more appropriate that that education take place at the time the original planning decision is made, because they can then have a real input into the decisions of the local authority rather than allowing decisions to proceed and then waiting on objector appeals for their so-called education to take place at the Planning Appeal Tribunal level, thereby incurring the sorts of seven month delays referred to in this debate.

I find it absurd that the Government's response to that process is, in effect, rather than having the appeal heard by a judge and two commissioners to allow it to be heard by an individual commissioner—that by simply, in effect, trebling the number of people available, we can hear more appeals and quickly dispense with the 96 per cent of the cases in which there is no real substance to the matter; in other words, it is not varied by the tribunal as a result of a hearing. That is not to say that the people who lodge those objections do not believe quite sincerely—and sometimes rightly—that they have a valid point to make and that they legitimately wish to have the matter reheard in some way.

I believe that the Government would be addressing the problem far more realistically if it was to look at the local level; in other words, to reform the processes of the Act so that the decision making places at the local level—at the coal face as the Prime Minister is so fond of saying—would in fact be a relevant way of addressing the appeal backlog.

Ms Gayler interjecting:

Mr M.J. EVANS: I am tempted to respond to the interjection, 'Take their appeal rights away': that relates very much to what I intend to say, so I will address that as part of the discussion. I certainly would not, in that discussion, take those appeal rights away. What I would do is strengthen the local decision-making process so that people are involved in the planning process at that level, and the appeal system is so geared as to ensure that. It should also take account of the fact that local government is now well aware of the appeal process, and objectors are also aware of it. To some extent that appeal process is being used as a method of achieving the line of least resistance at the local level; in other words, some councils and some council members are taking the view that they can afford to take the line of least electoral resistance in their own locality because they know that there is a Planning Appeal Tribunal to fix a decision if it goes wrong.

That is a most unfortunate attitude to take, but one for which in some respects we cannot blame local government, because the Act does not place enough responsibility on it to ensure that its constituents—the potential third party objectors—are fully informed of the merits or demerits of the arguments at the time, are fully involved in the original decision at the local level, and that there is far less need for a planning appeal process. If the decision was, in fact, properly taken at the local level, there would then be very little need to provide for appeals on the basis of merit; there would only be a need to provide for protection in the case of legal matters.

It is my view that, if we strengthen substantially the local decision-making process in planning, we would only need to provide appeals where people's legal rights had been breached: where a council had failed to properly process an application, had breached the provisions of the Act in some way, or had denied justice to either the developer or the objector. Those are the kinds of appeal which I believe are real and which have substance, not the 95 per cent of appeals which are simply taken out of an almost reflex action to delay and possibly frustrate some development; or, alternatively, to air a point of view which the person may wish aired rather than securing a genuine appeal process.

Certainly, one must also look at the quality of that appeal process. Now that it is to be reduced under the Government's proposal to simply a single commissioner in some cases, one can very legitimately look to the list of those people. I certainly have no wish or evidence on which to impugn the character, experience or ability of any of those people, and it is certainly not my intention to do so. However, if one looks at the list of people who constitute that commission one can see that in many cases they are not particularly more qualified to make that decision than are the 10 or 11 members of a locally elected council in the area where the development is to take place.

In some cases we are substituting the decision of a retired member of local government for the decision of 12 active members of local government. That is not in any way to criticise that retired member's decision, because it is a perfectly valid exercise of his or her judgment. But, when one compares the relative weights of those judgments, I would certainly put my money on the decision of a dozen or so elected councillors in the area where the development is taking place—councillors who have been elected by the people who live and work in that area—over and above someone who sits in the city of Adelaide, perhaps miles from the development, unaware of local circumstances and conditions and hearing the evidence in a legalistic form. That does not seem to me to be the appropriate way to ensure proper decision making processes in planning appeals.

Certainly, I know that we must provide for those thankfully rare cases where there is some degree of deliberate corruption on the part of the council; where, in fact, the

law is deliberately flouted; where a member of a council may, in fact, have become involved far too closely with a developer; or in fact where a council may accidentally proceed with an application without properly advertising it, or without properly notifying nearby residents. In all those cases there are valid and appropriate mechanisms for appeals, and they should certainly remain. However, they would not constitute anything like the 1 300 appeals which we are now hearing and which I believe is the area that the Government needs to address rather than devaluing the coinage of the appeal.

It is all very well to say that we will simply remove the criteria for a so-called Full Bench to hear an appeal and replace that with a single commissioner where appropriate but, of course, that really is not providing the sort of appeal which, if these matters coming forward were all that solid and substantive, would be required. The Government is, in effect, acknowledging that many of those cases can be so easily dealt with and that only a single commissioner's attention is required. Surely then, having admitted or accepted that fact—and it is not the Government's fault, so it can hardly admit that—we should redirect our attention to the local decision making process and set up mechanisms which will ensure that councils are fully responsible for the decisions that they take; that those decisions are taken in a way that is effective and fully consultative with the local community; and that the council itself constitutes a step in the appeal process.

If one looks at a similar system—that is, the rating and valuation system where one places values on properties each year—the council itself is part of the appeal process. Many appeals from local residents are resolved at that level, where a council is responsible for its own valuations; that obviates the need to take appeals anywhere beyond that. If adequate safeguards were provided in the Planning Act and in the Local Government Act to ensure that the council had to give due attention to the appeals made to it by local residents, we could secure all the education and discussion at the local level, where it most probably should take place, without the necessity to have this kind of appeal mechanism. We could in fact treat those appeals that require it with the sort of quality of attention of the so-called full bench that in fact they may well merit. I believe that, if the resources were devoted to that, we would better serve the planning community.

All this Bill does is to remove the decision even more from the local level, to make appeals a little quicker, and almost to encourage them to go through. I would certainly have preferred it if the Government had turned its attention to strengthening local government to ensure that, say, for example, each council had to establish a planning committee as a matter of course and that, where an objector presented to a particular application, the planning committee decision could be reported to the full council. The full council may then have to advertise the result of that hearing, respond to any objector appeals in the local community and then, perhaps by an absolute majority requirement in order to ensure that there was full participation of the local council, make a decision on that application, taking into account the objectors.

The appeal process could then provide for appeals on legal grounds, or for those other areas that I have already canvassed, which would provide for a really effective appeal process for a very much smaller number of cases, perhaps back to the numbers that we had in the early days of the appeal system and ensure that those appeals receive the kind of quality attention from the tribunal which it was originally constituted to do. It is certainly not the case that the appeal mechanism reform that the Government proposes in this Bill will do much more than simply spread that responsibility a little thinner. I do not believe that that is consistent with the original intention of the Act, or consistent with improving the quality of planning administration in this State.

I believe that the other mechanism that I have outlined, or something similar to it, whatever the Government considered was reasonable in those circumstances, would be a far better way of ensuring that planning appeals were both realistic and meaningful and not, as we have it now, some 1 400 appeals a year where fewer than 4 per cent or 5 per cent of them are really of substance. I believe that is a far more relevant way of addressing the question than by simply devaluing the existing coinage.

I ask the Government to take that kind of process realistically on board, although no doubt, given the support of the Opposition and of the Government in both Chambers, this present provision will be adopted. It will be interesting to see what effect that has on the appeal process. I certainly believe that, in the long term, it is essential to address the actual cause of the situation and not simply find ways of hastening through the 95 per cent. Rather, we should be giving quality attention to the 5 per cent which remain and which deserve the proper attention of a fully constituted tribunal.

Mr D.S. BAKER (Victoria): While I agree with some of the sentiments expressed by the member for Elizabeth, I disagree with quite a few of his other proposals. First, I applaud those members in the other place who have sent to a select committee the other part of the Bill that is causing a lot of the problem, because section 56, which is the existing use section, is fundamental in any society and in any Planning Act. The member for Elizabeth took the councils' point of view and I can see very good reason why he would do that. There are very good reasons why councils should not have increased powers and there are very good reasons why powers should be greatly widened, because often within those councils there are many vested interests. Although some plan or development may be very good for the State in general, residents of that council or area may not think that it is in their best interests and many times I have heard (having been involved in development over some years) everyone saying that it is a fantastic development and that we should have it in Adelaide, Melbourne, or wherever, but they do not want it next door to them.

In one of the test cases that a group with which I was involved had to fight four appeals in this State, one of the problems was that councillors individually said, 'Yes, we think it is fantastic, but of course we cannot vote for it because we will get thrown out of office.' That is why the appeal procedures are there and that is why I disagree entirely that councils should have more say, because it is really in the best interests of the city or the town overall. Those are the interests that should be taken into consideration and not the narrow-minded interests.

Some of the proposals relating to changing the tribunal worry me because, as I see it at present, if there is an appeal, it is conducted before a full tribunal, which consists of commissioners and a judge and, of course, after the hearing of the appeal, an indication is given as to how the case is progressing—it is either three to nil or two to one. As I see it, the proposed system will only cause greater litigation because, if a case is heard before a single commissioner, whatever the decision, the losing party will contest it and say that they have not had a fair hearing.

Ms Gayler interjecting:

The DEPUTY SPEAKER: Order!

Mr D.S. BAKER: I did not hear the interjection.

The DEPUTY SPEAKER: Disregard the interjection.

Mr D.S. BAKER: Obviously, the honourable member does not understand or has not been through the excruciating court cases that can result in these circumstances. If an indication is given after going to the full planning tribunal, both parties then have to make a decision as to whether they will spend further money, because they will have a pretty fair indication. This proposal, I think, puts a fourth tier in the system, so firstly, there will be a single commissioner to hear the case and his decision will be handed down. Secondly, there is an appeal to a full tribunal. If one does not like that decision (and councils are very adept at not accepting the opinions of these tribunals, especially if they can get outside backing, as happens in many cases), there is then the single judge of the Supreme Court and, finally, the full bench.

The figures show that 60 per cent to 70 per cent of the cases that come before the tribunal are of a minor nature but, unfortunately, in dollar terms, the other 30 per cent of the cases involve major development proposals that are initiated in this city or in any other city. Although the time lapse is claimed at present to be seven months, in practice, over the past 12 months it has been four to five months and, once that has taken place, there is then a two or three month delay with the process through the next two tiers. I would have thought that, if local councils are to be given any more power at all, it would relate to proposals involving smaller monetary values that somehow can be argued out at council level. But many developers are being frightened not only out of Adelaide, but also out of South Australia, because of the problems associated with the Planning Act as it stands at present, because of the problems with appeals, and also because it is very easy, in any major development involving millions of dollars, for even one resident to hold up that development for a lengthy period of time. I know that, in many cases around this city and in the country, councils find that, in many stages, it is too hot to handle. That is one of the reasons why I am afraid that I could not support the proposal to give more say to local councils when dealing with the larger developments.

Although I agree with any streamlining of the system, I am afraid that this streamlining in the long term will only create a fourth tribunal or court to which to appeal and, although it may speed up the initial process, in the end I think we will find that it will throw the burden onto the single judge or onto the full bench of the Supreme Court without solving a lot of the major problems involving the monetary values of the developments that we see at this stage. I guess only time will tell. Although I accept some of the arguments from the member for Elizabeth, I can assure you, Sir, that a lot of people have been frightened away from this State because they do not have confidence in our Planning Act. Millions of dollars have been incurred in holding costs and tribunal costs, and that is why I would be very loath to hand the matter back to the local councils.

The Hon. G.J. CRAFTER (Minister of Education): I thank the honourable members who have spoken in the debate and indicated their support for this relatively minor measure, but one nevertheless that hopefully will bring about a speedy resolution of appeals to this tribunal and enhance the administration of planning law in South Australia.

I will not comment on matters raised, except the contribution of the member for Elizabeth, who I believe unfairly criticised the capacity of Commissioners of the Planning Appeals Board in referring to them as the replacement for the decisions of 12 active members of local government with one inactive member of local government. Whilst some commissioners bring with them experience as elected members of local government at some stage in their careers, others do not; nevertheless, those who have experience as members of local government bring a great deal of experience and are very valuable members of the commission.

I point out to honourable members that it is possible that there can be decisions of councils that are seven to five—it all depends on how many members actually attend that night—or five to four. The majority may not even live in the council area. As has been suggested by other members, they may have strong vested interests in a matter, not sufficient of course to disqualify them, but sufficient to cause preconceived views, and there should be rights of appeal from those decisions.

I guess what many members have said in their contributions is that there is an uneven spread of decision-taking and of the quality of decision-taking at the local government level. It is a pity that the member for Victoria was not in the House when his Party was in government, because the planning legislation enacted by that Administration substantially vested increased powers in local government, and I think many of the problems that have been experienced in recent years have perhaps come from a poor construction of the policies behind that piece of legislation which we have had to amend since that time to modify many of those unsatisfactory policies that were enunciated by that Government at that time.

It is hoped that this provision will speed up the appeal process and allow for those appeals that remain to be heard by commissioners and a judge sitting *in banco* to be heard more quickly and thereby bring about a speedy resolution, a saving of the anxiety and cost associated with long delays in this jurisdiction.

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

STATUTES AMENDMENT (ANALYSTS) BILL

Returned from the Legislative Council without amendment.

CONSTITUTION ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 7 August. Page 192.)

Mr S.J. BAKER (Mitcham): The Opposition supports certain parts of this Bill but has reservations about one aspect. The Bill is only a very small one but, as all members of this House would realise, any changes to the Constitution are important, and in this case we have amendments which will affect Executive power within the State. There are three elements to the Bill: first, a simple drafting change to reposition the subclause that deals with pecuniary interest or interests in respect of money received from the Crown; the second deals with circumstances under which temporary Ministers shall be appointed; and the third concerns the procedures to be adopted when appointing these temporary Ministers.

On the first and third points the Opposition has no difficulty in accepting either amendment. The first one, of course, is just a better positioning within the Act. We now have a clarification of section 45, which prohibits members

of Parliament from receiving sums of money, either in pension form or other forms of remuneration, from the Crown. Section 67, where we had a waiver provision, dealt with Ministers receiving remuneration from the Crown, and that has now been repositioned and provides for more effective drafting and legislation.

The third matter before us concerns procedures when appointing temporary Ministers. We agree with the Government that there is no need to have a commission under seal when appointing temporary Ministers. We believe that it should be a simple matter for the Governor in Executive Council to sign the document and indeed the notification would be put in the *Gazette* as is normally done. The additional burden that previously existed is no longer appropriate and we think it will speed up the process and reduce the amount of work involved for what should be a fairly mechanical sort of process.

It is on the second matter that the Opposition wishes to put forward a number of reasons why the proposition in this Bill should not be accepted. So that people can understand what the change means, I will read out section 67 of the Constitution Act and then the proposed amendment. Section 67 provides:

(1) Whenever any Minister of the Crown, through ill health, temporary absence from the seat of Government or from the State, or other like cause, is unable to perform the duties of his office, the Governor in Council may issue a Commission under his hand and the public seal of the State nominating and appointing one of the Ministers as Acting Minister in the place of the Minister unable to perform the duties of his office, during such inabilitiy.

(2) From and after the issue of the Commission, and during the continuance thereof the Minister therein nominated and appointed shall have, exercise, posses, and enjoy all the powers, authorities, and discretions, and shall do and fulfil the acts and functions of the Minister in whose place and office he has been so nominated and appointed in as full, complete, and effectual a manner as the Minister in whose place and office he has been so appointed could have exercised, done, or fulfilled the same.

In simple terms the temporary Minister is responsible for the duties of the Minister and should carry out those duties in a fashion that will be commensurate with his general responsibilities as a Minister and, in particular, in reference to the new portfolios that he has acquired temporarily. Clause 3 inserts new section 67, subsections (1) and (2) of which provide as follows:

(1) The Governor may appoint a Minister to act in the office of another Minister.

(2) An appointment under subsection (1)—

(a) may authorise the appointee to act for—

(i) a specified period;

or

(ii) a period terminating on the occurrence of a specifed event.

(being a period for which the holder of the office is expected to be unavailable to carry out official duties)'

That provision more or less coincides with what is existing in the Act. It is with new subsection (2) *(b)* that there is some dissension as to whether we are changing the rules for the benefit of the Government and not for that of the people. That new subsection provides:

(b) may authorise the appointee to act in a particular Ministerial office whenever the holder of that office is unavailable to carry out official duties.

That new subsection provides that the Government of the day can appoint a temporary Minister without reference to the fact that anybody will be away for whatever reason. It could be an all embracing appointment which allows for any Minister to act on behalf of another Minister in whatever circumstances may arise without reference to the period, or whatever. This raises some constitutional questions which, I am sure, the Minister has probably thought about in the process but to which perhaps he has given inadequate attention in terms of its ultimate impact.

With the help of the Parliamentary Library, I have done some research on parliamentary responsibility and on responsibility of Ministers. Like many things that are written into Acts, there are assumed to be certain standards of conduct which are followed by convention rather than being written into the Act.

I go back to the situation in new subsection (2) *(b)* where indeed we could have a Minister standing in the wings awaiting the departure of another Minister; therefore, we would have what I understand to be a conflict. There are two elements to that conflict, the first being accountability at all times to the Parliament and the people. As Ministers opposite would realise, that is one of the fundamental tenets of parliamentary government, irrespective of the country in which those Parliaments operate.

The second element is the identification of the Minister who is responsible for whatever acts take place during that ministry. There are some contributions, as we move back in time, which are relevant. For example, there is the statement by John Stuart Mill, who stated:

Responsibility is null when nobody knows who is responsible... To maintain it at its highest there must be one person who receives the whole praise for what is well done, the whole blame of what is ill.

John Stuart Mill has a number of other statements on the matter. Former Prime Minister Gladstone of England stated:

In every free state, for every public act, someone must be responsible; and the question is, who shall it be? The British constitution answers: the Minister and the Minister exclusively.

With reference to the Australian situation, given that the traditions and roots of our parliamentary system are founded in Westminster but not necessarily totally correlated with Westminster, a number of people have reflected on ministerial responsibility. Much of the time they have reflected on it in terms of an act by a Minister and have failed to draw a conclusion as to whether or not Westminister traditions apply. We have seen that situation deteriorate over the years so that there have been a number of examples where indiscretions of a serious nature have taken place and Ministers have failed to resign. That is not what we are talking about tonight.

The more important thing is accountability and identification. I refer to an authoritative recent Australian statement found in *Pettifers House of Representatives Practice* in (1981), as follows:

When responsibility for a serious matter can be clearly attached to a particular Minister personally, it is of fundamental importance to the effective operation of responsible government that he adhere to the convention of individual responsibility.

As I said at the start, we have here a situation where I believe that the individual responsibility of Ministers is being departed from because of the wide provision in new subsection (2) *(b)*.

There are a number of other thoughtful statements on the matter by Dr G.S. Reid, who was Professor of Political Science at the University of Western Australia, and who canvassed the literature on ministerial responsibility. Some of the observations that he made came from excerpts from British literature as well as statements made by eminent judges within our own system. One such statement was based on the comments of the Professor of Constitutional Law at London University. I will not bore the House with his findings on the subject. That statement is as follows:

Ministers are collectively and individually responsible to a freely elected and representative Legislature.

He is saying that Ministers are collectively as a group and individually, which is more important in these circumstan-

ces, responsible to a freely elected representative Legislature. There is another reference by one of Australia's scholars by the name of Professor Parker from the ANU who, in assessing the significance of Westminster in the Australian situation, commented:

> The lines of accountability of the whole administration run from the lowliest official up through his Minister to the Cabinet, the Parliament and ultimately—and only by that circuitous route—to the elector.

He is saying that there must be a responsibility and that it must be defined. I refer also to a well recognised statement by a Mr A.C. Dicey made in 1885. There were three elements to this, as follows:

> (i) the responsibility of Ministers to Parliament, or the liability of Ministers to lose their offices if they cannot retain the confidence of the House of Commons.
> (ii) the legal responsibility of every Minister for every act of the Crown in which he takes part.
> (iii) the Cabinet is responsible to Parliament as a body, for the general conduct of affairs.

Throughout the literature, we find that great pains have been taken to point out ministerial responsibility and accountability. Whether that extends in the Australian situation to the dismissal of Ministers is a very vexed question, and convention has changed over the years.

As I said at the beginning of my address, this measure involves a departure from what has applied in the past. During the Committee stage I will canvass the reasons why the Minister should embark on this course. However, at this stage I will restrict the topic to the principles involved. Perhaps during the Committee stage I will look at some of the ramifications of what may be undertaken by the Bannon Government under the measures proposed. The Opposition holds very clearly to the ideal that Ministers have specific responsibilities in terms of the departments that they administer. They are sworn in by the Governor to dispense their duties. When a temporary Minister is appointed, it is assumed that he will dispense those duties in his acting capacity with equal vigour and integrity.

However, new section 67 (2) *(b)* provides the facility to have two Ministers responsible for official duties. Whilst the Minister may argue that the Minister's appointee will not assume office until the primary Minister has gone on leave or is away from his office for whatever reason, the fact is that a standing arrangement will apply where there will be a temporary Minister as well as an actual Minister and, indeed, that is confusing.

The second point concerns the more practical issue of which Minister is responsible in a given set of circumstances. We well know that, if a blanket acting ministerial status is provided, in circumstances where both Ministers are unavailable at a given time, the process of appointing a third Minister to act in the position will have to be undertaken, and to say that that is confusing is an understatement. I believe that this Parliament should not impart any power on the Government to be able to give blanket approval for any person in an elected position to stand as temporary Minister for a period that has not been defined, for reasons laid down in the Act. The current Constitution Act lays down reasonably wide provisions. The new amending provisions simplify the procedure but in no way extend it.

The Opposition agrees with the simple proposition that the appointment of a temporary Minister should be for a specified period or for a period terminating on the occurrence of a specified event, with a rider that it be for a period for which the holder of the office is expected to be unavailable to undertake official duties. We have no difficulty with that, because it is consistent with the previous provisions. However, we do have particular difficulty with any attempt by the Government to in any way dilute those two principles of ministerial responsibility, which I defined earlier. One is accountability at all times to the Parliament and the people and another is the clear identification of the Minister who is responsible so that, as John Stuart Mill said, we know whom to congratulate when things are done properly and whom to blame when things are not done as well. With those few words, I indicate that the Opposition intends to support two of the provisions in the Bill. However, the Opposition will certainly not support a third provision about which I have spoken this evening.

Mr M.J. EVANS (Elizabeth): I intend to use the opportunity afforded in this debate to raise some points of constitutional theory, which I would not otherwise have the opportunity of doing but which I do not wish to be taken by members as being matters that I am advocating should be put into effect immediately or even in accordance with the detail by which I am spelling them out. Simply, I believe that these matters should be on the public agenda of this State and looked at in the near future. By that, I mean in constitutional terms, in the next, say, five to 10 years, so that we can ensure that the parliamentary democracy which we now enjoy and the administrative processes which now govern this State properly meet the needs of South Australia in the 1980s and, in reality, into the 1990s. So, it is with those cautions and disclaimers that I would like to put before the House some constitutional alternatives that I believe this Bill makes it possible for me to suggest. I refer first to clause 2. I do not want to go into this in detail, but proposed new subsection (1a) of section 45 provides:

> Subsection (1) does not prevent a member of Parliament from accepting office as a Minister of the Crown . . .

Of course, clearly, there are two alternatives there. In the Constitution Act one could say that a member of Parliament shall not take up office as a Minister of the Crown. To my way of thinking, that is an option that we will have to seriously address in the next five to 10 years. The parliamentary democracy that we have inherited from Westminster has a long and sometimes chequered history, and the early part of that history in fact involved the system where Ministers were not part of the House of Commons. Rather, Ministers were deliberately excluded from service in that body.

Mr S.G. Evans: What about half and half?

Mr M.J. EVANS: We are approaching that ratio. I believe that the House of Commons recognised, correctly, at the time, many hundreds of years ago, that, by allowing its members to be Ministers, they would be too readily influenced by the requirements of the Crown of the day, and in those days, of course, the Crown was very much the executive government of the country and was held in check by Parliament. Many wars were fought on the basis of that division of responsibility. Over a period of time, the Commons came to see that by requiring Ministers to be members of the House of Commons it could exercise more control over them and therefore in some way deprive the Crown of its pre-eminent position of power.

That, of course, turned out to be true, but over a period of time, while the transfer of responsibility from the Crown to Parliament took place, it did not devolve upon Parliament but rather upon the Minister. So, because Ministers were already in Parliament, they were in a position to inherit that vice-regal power, if you like, and they have done so ever since, continuing to monopolise and to draw more of it onto executive government of the country or State as time has gone by. I suspect that, were the Commons to review today that decision of some few hundred years ago, it would probably conclude that too much executive power

now resides with the executive government, unaccountable to Parliament and that, over time, the parliamentary process has been frittered away and eroded to the point where Parliament is no longer an effective check and balance against the Crown in the way that it once was.

I do not make that statement with a view to casting aspersions on any particular government or on any executive of either political Party that we have in this State today, because I do not think it is relevant to talk in those terms. What I am talking about is the matter of Parliament as against the executive government. It does not particularly matter which Party constitutes the government, but it is simply a matter of the process being reformed so that there is an effective check on the immense resources of the executive government in South Australia, for example, and Australia as a whole.

There can be no doubt that over the past 50 to 100 years the processes of government have become so much more complex and that resources available to the executive government have become so much more a dominant part of the administration of government in this State that Parliament no longer has sufficient command of resources or the processes to be an effective check and balance on the executive government on behalf of the people who elected it.

While it is true that Parliament retains the right to dismiss a government, given the Party political structure that is not a likely eventuality, and it has occurred very rarely in modern parliamentary terms. Members would be aware that Ministers remain accountable in the broad sense in that they must present themselves here and answer questions in such terms as they wish. The reality of that accountability is that Parliament is not able to properly hold them accountable by demanding answers or by using its powers of search and discovery to find out those answers for itself. Because the Ministry constitutes a substantial proportion of the governing political Party, they are in a position to dominate it within this House and the Parliament as a whole.

[*Sitting suspended from 6 to 7.30 p.m.*]

Mr M.J. EVANS: Prior to the dinner adjournment I was discussing the historical perspective of parliamentary democracy we now enjoy and its implications for the division of power between the Executive of the State and the Parliament. The significance of that, of course, for us today is something that will need to be considered over the next few years by the South Australian community. It is one of the reasons why I have suggested to the Parliament through the medium of private members' business that we should, in fact, constitute a commission to review the terms of our Constitution Act in a broader perspective so that the whole community can contribute to that debate rather than just the members of this Parliament. In fact, we have now arrived at a situation, due to the increasing complexity of Government itself and of the legislation coming before this House, where the Executive Government is able to exert its influence on the Parliament: first, due to its command of those resources; and, secondly, due to the relative number of members which it holds in the Parliament itself.

Given that the Opposition constitutes around 40 per cent of the numbers in most Parliaments—although that may be lower or higher at any given time—the Government backbenchers form only 50 per cent of that side of the House, leaving the Cabinet with approximately half of those numbers. That, of course, is a substantial weight of influence in any Party, or in any Chamber, and it gives the Executive a substantial degree of control over the workings and operations of the House, given that the Government's will—whichever Government that might be—usually prevails in the Chamber.

Accordingly, those members who are expected to play the role of Her Majesty's loyal Opposition are not normally accorded the resources, facilities or numbers in this place to make use of the powers of this Chamber, or of the Parliament as a whole. They are usually, therefore, quite powerless and ineffective in terms of actually maintaining any kind of responsible democracy.

Members interjecting:

Mr M.J. EVANS: Members may speculate, but in the case of particular Oppositions they would be more or less effective. A member is entitled to make that judgment, and I am sure that if the honourable member in question wants to contribute to the debate he will do so. It is my contention that that is not relevant. If one says, for the sake of the argument, that there is a full quality Opposition—one able to take advantage of every point and to put forward alternatives at every stage of a debate—that really is not relevant, because if it had the numbers to make that effective it would, of course, be the Government and its contribution would be at a different level altogether.

It is that very process whereby numbers maketh the Government that has, I believe, resulted in the Parliament losing the credibility and effectiveness which it once enjoyed as a check and balance to the Executive Government of the State. I think the fact it has lost that role should be of substantial concern to the community, given the complexity and cost of modern government. To take one example of that, I believe that the tradition whereby if this House changes one dollar in a budget of thousands of millions of dollars the Government is expected to resign is an absurd tradition and one that we should do away with immediately.

The Chamber is trusted to, and elected by, the people at large to safeguard their taxes and expenditure. There is no reason at all why this House should not exercise its discretion, if it believes that it is in the best interests of the community, to vary the size and magnitude of particular budget allocations that Executive Government has set about implementing. The fact is that, just because a House varies a budget allocation, that does not reflect a lack of confidence in a Government. Just because a House enacts some minor amendment to a Bill does not necessarily mean that that House lacks confidence in the Minister who presented it—not at all: it simply means that the House has an alternative view to that of the Minister or the Government and believes that some other solution is more satisfactory and in the best interests of the community over and above what the Minister may have placed before the House.

I believe that it will be a fortunate day for democracy when we overcome those inhibitions and allow the Parliament, either State or Federal, the freedom to exercise its proper role of correcting and supervising Executive Government. The alternatives that we might put forward to that, of course, are not easy ones and I certainly do not claim to have a clear cut solution to that proposal. I believe that it is a matter that needs to be raised, debated in the public arena and a consensus finally arrived at.

Those changes will necessitate having Ministers of the Crown outside this Parliament, which is expressly contrary to what is provided in the Bill before us. One might go so far as to prohibit their membership of this House. I believe that that would be the only way to effectively restore to the Parliament the authority and the ability to properly hold Executive Government in check and to properly scrutinise its accounts, budgets and legislation. Of course, one needs also to take into account the fact that Ministers spend a great deal of time in this Parliament not actually performing their duties: only one Minister at a time is required to justify particular measures or to answer questions. In fact,

remaining Ministers play no part in a debate before the House and, therefore, a substantial waste of Executive time, if you like, occurs when Ministers are required to attend here while one of their colleagues is in fact required before the House.

This waste of Executive time will certainly become more apparent as the years go on and Executive Government becomes even more complex. Ministers will be less inclined—and the community will be less inclined to allow them—to spend time in this Chamber, simply acting as backbench voting fodder, when in reality they could be performing a much more valuable and worthwhile task in the community. I place those random thoughts on constitutional reform before the House and the public in the hope that over the next decade we can make some important and almost revolutionary changes in the way in which we conduct our democracy and, in fact, make it more effective, more efficient and restore to the Parliament the role which it once had but which it has in fact given away over time.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): This Bill to amend the Constitution Act is not as earth shattering as a number of Bills that we have had before this place previously to amend that Act. I would be the last one to seek to put impediments in the way of appointing acting Ministers, so I lend general support to the Bill. However, clause 3, which seeks to amend section 67, provides, in part:

> . . . may authorise the appointee to act in a particular ministerial office whenever the holder of that office is unavailable to carry out official duties.

That implies that an acting Minister carries on as such indefinitely. That seems to me to be a very strange provision. I do not object to the Governor in Executive Council appointing an acting Minister as opposed to granting a commission, which often requires arranging an appointment with the Governor at short notice, which can be inconvenient. It seems to me to be a fairly strange arrangement when an acting Minister can be appointed and then continue as an acting Minister after the Minister in question has returned to his normal duties in this State.

It seems to me that that could lead to a degree of confusion in that there would be an element of doubt as to just who was in charge of a department at any one time. I think that that is a silly proposal. The acting Minister should be acting while the Minister is absent from his duties but, as soon as the Minister returns to his duties, that should be the end of the acting appointment. It seems silly to have a Minister who is actively on duty and at the same time have an acting Minister also performing those functions. As I say, that situation could lead to confusion. I think that one of my colleagues has indicated that he will seek to move an amendment to remove that rather silly provision but, other than that, we have no particular complaint about the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank members, whether they have spoken on the Bill before us or on other matters, for their contribution to this debate. I suppose that whenever the Constitution Act is before the House members take the opportunity to raise a number of matters.

Members interjecting:

The Hon. G.J. CRAFTER: If the cap fits, members can wear it. The clauses to which we have been referring in this amendment Bill provide for a more appropriate administration of this section of the Act. It is important that the business of Government not be held up because of an anachronistic way of appointing acting Ministers of the Crown and, indeed, if there is greater flexibility and efficiency in the procedures that apply in whatever the circumstances are that take a Minister away from his seat of office, then that is to the benefit of the people of the State and indeed to the function and role of Government.

The Opposition has raised an objection to a part of the amending Bill which gives broader authority to the Governor to appoint a Minister to act whenever the holder of a ministerial office is unavailable to carry out official duties. I would have thought that that broader, if you like, discretion vested in His Excellency would in fact allow for a greater, rather than a diminished, degree of ministerial responsibility to be exercised. The current situation is as described in the first part of that amending clause. There is now a provision that proclaims the specified period that an acting Minister shall be appointed, but there are a number of circumstances—whether it is because of continuing ill health or the requirement for a Minister, for example, the Premier, to travel overseas or interstate at very short notice—where the entirety of this provision would come into vogue.

There are safeguards. This is a matter that is decided by Cabinet, then Cabinet's recommendation, and subsequently the Government's recommendation to the Governor in Executive Council. It is then published in the *Gazette*, so there are substantial checks and balances in the system. Therefore, I regard the arguments advanced by the member for Mitcham, despite all the research that he has done on ministerial responsibility (and I commend him for that), as missing the point of this provision, as is the case also with the other members who have cast some doubts on it. I recommend the measure to all members.

Bill read a second time.

Mr S.G. EVANS (Davenport): I move:

> That it be an instruction to the Committee of the whole House on the Bill that it have power to consider new clauses relating to quorums and numbers of and terms of service of members of the Legislative Council and the House of Assembly.

My reasons for moving this motion are that I believe that the Bill needs to be widened at this point, now that it is before the House, in order to give members the opportunity to discuss a matter which does crop up in the community and does give some people cause for concern. I refer to the numbers of parliamentarians who represent the people of South Australia. In brief terms, the proposal is to reduce the number in the Upper House, over a period of two elections, to 18 members, except if there is a double dissolution (and that has happened at one election) and to 39 in the Lower House.

I have been called a few nasty names and told that I am 'naughty' as well as being referred to in more abrasive terms. It has been said also that I am doing this for other reasons. To illustrate that I have been consistent in this area, I read *Hansard* of 8 October 1968, when I said:

> Does the fact that a Victorian member represents 25 000 people whereas, under the Bill, a member here will represent only 16 000 or less mean that Victorian members are superior to South Australian members or does it mean that we are bludging? Do we need to have as many parliamentarians . . . I am trying to prove that in Victoria parliamentarians represent more people than do parliamentarians here. I do not honestly believe that the number of members in this House should be increased to such an extent.

That was my point of view at the time. I came to the House as a chap from the bush who had attended only two campaign meetings, and I had no say in the policy of the Party which it took to the election at that time. The Party went to the people on a 45 seat plan, and the Labor Party went on a 56 seat plan. At that time my Leader, the then Premier, told me a lie. When the Bill was before the House, John Freebairn, Howard Venning and I opposed it within the

Party structure. The reason that I raise this matter now is that I had never been happy with the 47 seat plan, but I was told subsequently that those two people agreed with it and, on checking the matter, I found that they had not. I did not agree to the proposition in an evenly constituted House until the then Premier (Steele Hall) apologised to me for telling that lie.

If members believe that I am wrong, I ask them to give me the opportunity to move amendments so that they can justify what they see as their right position and my wrong position, because I believe that Parliament should discuss the issue and, if we are right, we should not be afraid of standing up and putting our point of view before the House so that others, in addition to members in this place, can make a judgment. Those are the reasons why I believe that the Bill should be widened, so that there is an opportunity for those amendments to be discussed. The community feeling is that sometimes there are too many Parliamentarians and, if members feel that that is not the case, this is an opportunity for us to justify that position.

The Hon. G.J. CRAFTER (Minister of Education): I oppose this motion. If the honourable member wants to bring about some change in the structure of the Parliament in this State, I suggest that the appropriate mechanism to do that is by way of a private member's Bill, which is the procedure followed by all other members when they want to bring about a change in the law of this State. I do not think that he should do it by way of using a device during the passage of the Bill, which deals with a completely different measure. I think that it is unfair to all members to use the Parliament in this way, and that it can only lead to chaos in law making if these are the procedures to be followed by this House. I urge members to oppose this motion and, in the alternative, I suggest that if the honourable member feels so strongly about this matter he should introduce a private member's Bill.

The House divided on the motion:

Ayes (2)—Messrs Blacker and S.G. Evans (teller).

Noes (31)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, S.J. Baker, and Blevins, Ms Cashmore, Messrs Chapman, Crafter (teller), De Laine, Eastick, M.J. Evans, and Ferguson, Ms Gayler, Messrs Goldsworthy, Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs Lewis, McRae, Meier, Payne, Peterson, Rann, Robertson, Slater, Tyler, and Wotton.

Majority of 29 for the Noes.

Motion thus negatived.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Appointment of acting Ministers.'

Mr S.J. BAKER: I move:

Page 1, lines 31 to 34—Leave out all words in these lines.

The words that we wish to delete relate to the provision which allows temporary Ministers to be appointed for an indefinite period. Sir, with your indulgence, I would like to reflect briefly on the previous issue that came before the House. It is difficult enough in this Parliament to consider the questions before us and for the member—

The CHAIRMAN: I warn the honourable member that he is treading a very delicate and thin line here and, if he is going to make comments, I would ask him to make them very briefly.

Mr S.J. BAKER: I just want to make the point that I do not think this House should be used for publicity purposes. The amendment before the Committee addresses a question which I have spent some time expanding on. The question of whether Ministers should be identifiable is still a very real one in my view, despite the Minister's explanation. I have canvassed the debate as far as I need to on this issue. However, I would remind the Committee that in the past few months various rumours have been circulating in the Parliament as to the possibility of a fourteenth Minister. That matter has been canvassed for a number of reasons. It has been suggested that the back bench of the Labor Party is a little overloaded and that, unless there is some way we can relieve the tension (that is by the formation of a fourteenth Ministry), there could be a slight backbench revolt.

The question that arises in my mind (and I am sure the Minister can answer it) relates to the fact that, if we have an indefinite acting/temporary-type position thrust into this Bill, it provides some semblance of credibility, if you like, to the possibility of a fourteenth Minister without portfolio, given that we recognise that Ministers have to go on leave and have to perform other duties. I know that in these harsh times the public could not possibly countenance another Minister being appointed to the Parliament and it is my personal belief that we should possibly be doing with fewer rather than more. Under those circumstances, I would like the Minister to respond to the possibility of using this paragraph, which has been included for some unknown reason, for use by the Government to create an extra Ministry.

The Hon. G.J. CRAFTER: I am totally at a loss to know how a fourteenth Minister could be created without there being legislation to specifically provide for it. I have no idea how the honourable member has constructed that device. I think it is drawing the most extreme of bows to say that that is a device to be used for the creation of a position in those circumstances: it is simply a matter of the machinery of government. As I have said, there are checks and balances in respect of the appointment of Ministers to act in the place of another and the Government believes those checks are satisfactory to protect the interests of the residents of this State. This is a matter that goes through the Cabinet, Executive Council, His Excellency makes such an appointment and it is gazetted, and that is the process whereby a person is then placed in an acting ministerial position. As is stated in the Constitution Act, those powers of officer flow to that person and in Parliament the Government can proceed speedily and without delay in circumstances that cannot be predicted, as I have explained previously.

The Hon. E.R. GOLDSWORTHY: We are not arguing with the basic premise of this Bill which is that it does appear to simplify, albeit not dramatically, the appointment of acting Ministers. The Governor in Council is a bit more straightforward than the granting of a commission and all that is entailed there, so it is slightly more convenient. It is not an earth-shattering reform.

Ms Lenehan interjecting:

The Hon. E.R. GOLDSWORTHY: I am sure that the honourable member was trying to help me. However, two things were wrong: I could not hear her, and she was out of her seat. Now that she is back in her seat, if she speaks up I might be able to help. I have listened to what the Minister said in his response and to what he said a moment ago. I cannot see the sense of paragraph *(b)*, which indicates to me that we can have an acting Minister who is still an acting Minister even if the real guy comes home. That seems plain stupid. Maybe it is convenient that the Minister, at five minutes notice, can hop on a plane and fly interstate and have someone there immediately to step into his shoes.

Nobody knows that unless it has been gazetted or there has been some public notice. It is part of the deal that there will be public notice in the initial appointment, but every

time he is going to act as an acting Minister the public need to know. The way to know is to quite simply in Executive Council make the appointment and gazette it. We could have more than one acting Minister under this idea—we could have 13 acting Ministers acting in each other's stead. That is what the Bill would allow and it is what it says. The Hon. Mr Crafter could be the acting Minister for the other dozen or 13 in the Ministry.

Ms Lenehan: And a very capable Minister he would be, too.

The Hon. E.R. GOLDSWORTHY: The honourable member may have a high opinion of the Minister and may be looking for a vote in Caucus, but there is no way in the world that there would be any sense in the Hon. Mr Crafter acting permanently for 12 other Ministers—it would be stupid.

Ms Lenehan: That is far fetched.

The Hon. E.R. GOLDSWORTHY: It may be far fetched but under the Bill it is possible. It is allowed for. If it is in the Bill, it is possible. What if two Ministers are interstate and in terms of the Bill we want somebody to step into their shoes? What if the Minister and the permanent acting Minister are both out of the State? We then have two acting Ministers of Education, and anyone can step into his shoes. That paragraph is quite confusing and, if it is used where an acting Minister does not lose his capacity on the return of the Minister, it will lead to a great deal of confusion.

The Hon. B.C. Eastick: There was a two man Federal Ministry back in 1972.

The Hon. E.R. GOLDSWORTHY: Yes, they did a wonderful job for Australia, did they not? It is a silly provision whereby the appointee may be authorised to act in a particular ministerial office whenever the holder of that office is unable to carry out his official duties. That means that he is a permanently acting Minister. To have a permanently acting Minister and a Minister is plain silly. If somebody is going to be an acting Minister while the other Minister is unavailable for duty, the public should know, he should be appointed in Executive Council and it should be gazetted. It is silly and will lead to confusion as far as the public is concerned. Maybe the member for Mawson thinks it is far fetched, but it could lead to that situation. She is suggesting that we could have a whole heap of acting Ministers who could all be acting for one another at any given time.

The Hon. Jennifer Cashmore: It's not constitutionally desirable.

The Hon. E.R. GOLDSWORTHY: But it is possible. The provision is silly, because the acting Minister and the Minister could both be interstate or in the Ministry at any given time. I cannot for the life of me see any sense in the provision. My colleague has made that point.

The Hon. G.J. CRAFTER: I can only add to what I have said on other occasions. The appointment of an acting Minister is not a matter of frivolity or abuse of powers. It happens in necessitous circumstances. It is the subject of discussion by the full Cabinet. It is a matter put to the Governor at Executive Council. If one wanted to have a Minister assuming responsibilities for other Ministers, one can do that now and the system used in that way. This clause can be used in certain circumstances where it provides additional convenience and provides for a more efficient administration of the Government. It is not a devious device or some cunning mechanism to overthrow the law or the Constitution of this State. If one does not have confidence in the Administration then no law will satisfy honourable members. I assure them that this is simply a mechanism to achieve additional efficiency in responsible administration of the affairs of the State.

The Hon. E.R. GOLDSWORTHY: That will not do. The business of government is not simply the convenience of the Government. The only fresh point the Minister has injected into this debate is that this silly little provision is there for the added convenience of the Government. One has to think about the convenience of the public in talking about good government. The public want to know who is the Minister or the acting Minister. Of course it is convenient for the Minister, if he is home sick in bed with the flu, to ring up and say, 'Ron, your turn today, I am off work crook—can you act for me?' We will have an acting Minister for the day and the next day he can ring up and say, 'Ron, I am feeling better today, I am back at work, no need to continue to act.' That is convenient for the Minister, but it is plain stupid in terms of the public and the people who should know who is in charge of that department, who they should approach and who is responsible.

The Hon. G.J. Crafter: You're making a mockery of it.

The Hon. E.R. GOLDSWORTHY: It is not making a mockery of it. What other added convenience is there for a Government unless that is what it is on about? We will have a permanent acting Minister.

The Hon. G.J. Crafter: We can do that now.

The Hon. E.R. GOLDSWORTHY: You cannot.

The Hon. G.J. Crafter interjecting:

The Hon. E.R. GOLDSWORTHY: One is not acting for the Minister unless one has a commission. The Minister is suggesting that the Governor will appoint a permanent acting Minister for the convenience of the Government. I am saying that that is silly. It may be for the convenience of the Government, but it is certainly not for the convenience or the proper information of the public. We agree with the Bill but do not agree with this provision. The complete and absolute convenience of the Government is not what it is all about. The good government of the State and the public and other people knowing who is in charge and who is the acting Minister should be given that chance. The appointment of an acting Minister in Executive Council is a moderately sensible step to reduce the business of getting a formal commission, but this extra step is silly. It is not practical, it will lead to confusion, and the public will not know what the situation is. The only factor referred to by the Minister was that it will provide an additional convenience for the Government. However, it will be a confounded humbug for the public.

Mr LEWIS: I rise because I think it is necessary. I thought that the Minister would otherwise have understood this matter, but obviously he has not understood it. It is necessary for the Minister and other members of this place to understand that what the Deputy Leader and the member for Mitcham have said is indeed the case. We have already agreed that any member of Parliament can accept an office as Minister of the Crown, without a specific portfolio being allocated, or that any Minister may be appointed to undertake specified duties. This clause goes further than that and makes the changeover of actual responsibility something that we as members of this place and the rest of the general public will not know about until after it has happened.

The provision is really there for the convenience of the Government, as the Minister has said. In this respect, a Minister can go interstate or overseas whenever it suits him or the Party's interest for that to occur. The public of South Australia will not know that a Minister is going or that the Minister has returned. In fact, we will not know who is responsible for a Ministry until after the Government publishes what it has done in respect of the day-to-day allocation of portfolios some days afterwards. Worse still, as I read the legislation, under this clause and the preceding

clause, when an acting Minister takes the responsibilities of the position to which he has been appointed he obtains all the fruits of office, which I think is one euphemism to describe it.

So, if this Bill was passed the situation could pertain here, and indeed in the other place, where every member of the Government Party was an acting Minister and was therefore entitled to a white car. Also every member of the governing Party, whilst they were acting as Minister, could use the allocated funds for the purposes of entertainment and travel, as allocated to the various portfolios. There would be nothing in the Constitution Act, if amended by the passage of this Bill, to prevent what I have just described from happening. Indeed, the consequences for the parliamentary superannuation fund would be horrendous, because under this clause that we have just passed the acting Minister appointed from the back bench would be entitled to have that service taken into consideration for the purposes of determining higher duty recompense from the superannuation fund.

So, it is all about the convenience of the Government and the lurks and perks that are available to people who have either the kudos initially of being appointed as Ministers or afterwards as also-rans in the acting capacity. One has only to read the first part of the previous clause to understand that what I am saying is precisely the case. After reading this Bill and checking the Constitution Act, I was greatly disturbed to find that there was nothing in the Constitution Act that would otherwise preclude what I have just described from becoming a reality. Therefore, I must ask the Minister what possessed the Government—if the situation is not the way that I have described it—to introduce this proposition, which gives the Government the right to appoint all or any of the members of the governing Party as acting Ministers.

Mr BLACKER: Can the Minister explain what proposed new subsection (5) actually means? In practice this might cause the Government some concern. It would probably not matter so much from the Opposition's point of view. New subsection (5) provides:

> If, in any legal proceedings, it appears that a Minister has acted in the office of another Minister, the Minister shall be deemed, in the absence of proof to the contrary, to have acted in pursuance of an appointment under this section.

I would think that, if a Minister acting in a portfolio made an off the cuff comment that implicated another Minister's portfolio, under this clause and in the eyes of the court he would be deemed to have been acting in pursuance of an appointment even though he might not technically have been appointed to that position. There must be another reason for this provision, because as it stands the provision could be quite dangerous in relation to a Minister's commenting on any other portfolio, for fear that in the eyes of the court the Minister could be deemed to have acted in pursuance of an appointment under the Act.

The Hon. G.J. CRAFTER: If a Minister is ill and it is not known when he will return to duty, another Minister can under section 67 be appointed to act in his stead during the period of illness; that would ratified in the normal way through Cabinet and through Executive Council or by His Excellency, and gazetted. Yet, it would come under this section because in the case of illness, for example, the specific period would not be determined precisely, as would happen in circumstances where that was known or as the situation now stands.

If a Minister who is acting in a Ministry makes a decision which becomes the subject of legal proceedings, proposed new subsection (5), to which the honourable member referred, ensures that there is a right of action against that decision. So, there is no sinister motive at all about this provision. It simply ensures that that is so, even though under paragraph *(b)* there is not a determinate period of acting office, as there is under the present law or under the provisions of paragraph *(a)* of proposed new subsection (2).

Mr BLACKER: I thank the Minister for that explanation. Although I understand the necessity for the provison covering the event of sickness and Ministers acting in a position before that is officially approved, I would have thought that in the event of a hostile community confronting a Minister on a certain subject the situation could become confused. For arguments sake, what if all Ministers were present when a matter concerning the education portfolio arose and one of the Ministers present happened to make a comment that could be construed as being the voice of the Government. Under this legislation that Minister would be responsible for that comment, because it clearly says that if in any legal proceedings it appears that a Minister has acted in the office of another Minister the Minister shall be deemed, in the absence of proof to the contrary, to have acted in pursuance of an appointment under the section. Each of the other 12 Ministers could, if confronted with hostile people, appear as though they were acting, because there is no legal interpretation of that other than that to which I have referred.

The Hon. G.J. CRAFTER: The honourable member may be slightly confused. As I understand the situation, notice is given to the public that a Minister is acting in the stead of another Minister. In certain circumstances that is more flexible than what is currently provided with respect to paragraph *(b)*. I cite the example of a Minister who is ill and where it cannot be determined how long that Minister will be absent from office; in those circumstances another Minister acts in that position.

If there was some doubt with respect to a statement made, a document signed or an act carried out by that Minister in accordance with his duties and that act was the subject of legal proceedings and the argument revolved around who was the Minister at that time, obviously, there would be Executive Council minutes, or some other proof which could be tendered to the court that would clarify that matter. The important thing is that a right of action lies, and that is the guarantee that people of the State, under that new subsection, do have a right to take legal proceedings in those circumstances.

Mr BLACKER: I understand what the Minister has said thus far, but, irrespective of the procedures that have been taken to replace or appoint an acting Minister, new section 67 (5) provides that the Minister shall be deemed, in the absence of proof to the contrary to have acted in pursuance of an appointment. The Bill is virtually saying that, if it appears during any legal proceedings that a Minister has acted in the office of another Minister, then irrespective of the technicalities that led to that point, for instance, if another Minister had assumed the responsibility for the Minister of Education, the court would deem that that person had been given the appointment under this new section. That would be so, if it appeared that the Minister had acted in the office of another Minister, irrespective of the lead-up to that.

The Hon. G.J. CRAFTER: I am not sure that I can add much more to what I have said. The purport of that section is to make sure that at all the relevant times there is a Minister who has acted in that office. This clarifies the situation so that a right of action does lie with respect to any uncertainty that may arise out of the application of new subsection (2) *(b)*. I will quote another example which has just occurred to me. If the Premier was required over a period of a fortnight to be interstate or overseas on a

number of occasions, coming in and out of the State on a particular matter, it would be open to the Government to appoint the Deputy Premier to act in his stead for that period. That period would be indeterminate and would not show which days he would or would not be here, but the business of government would go on during that time. There is no requirement to go through the mechanism of continual meetings of Cabinet or Executive Council and making all these formal declarations and proclamations during that process.

The business of government could go on smoothly. The public would have been given notice in the *Gazette* that in the absence of the Premier the Deputy Premier would act in his stead. If there were legal proceedings against decisions that either the Premier or the Deputy Premier had made while holding that office, there would not be a loss of ability to take legal proceedings because of the way in which that gazettal was framed.

The Hon. E.R. GOLDSWORTHY: The Minister's explanation indicates to me even more clearly than was obvious earlier just how stupid and dangerous is new section 67 (2) *(b)*, because he is now linking it with the very pertinent points that have been raised by the member for Flinders. The Minister seeks to explain that it is necessary to have new section 67 (5) because of the confusion that is likely to arise through new subection (2) *(b)*. The whole burden of the remarks that I made earlier in relation to new subsection (2) *(b)* was that it could lead to confusion where an acting Minister had been appointed and he continued to act whether or not the Minister was in town.

The Minister may not be out of town or off duty for a couple of years and in the meantime the Government might not be able to remember who had been appointed acting Minister. This indicates the stupidity (which is not too strong a word in view of the Minister's explanation of new section 67 (2) *(b)*) that leads to the sort of confusion that requires a new subsection (5) to be inserted in that section in an attempt to sort out the legal provisions if one does not know who the acting Minister is.

If the Bill went as far as we are suggesting it should go, we could streamline slightly the method of appointing acting Ministers so that we did not have to go through the business of getting a commission executed. One would simply appoint the acting Minister with the Govenor in Council, which is more convenient. Then when the Minister resumed duty, the acting Minister's authority would lapse, and when one next appointed an acting Minister, one would gazette that appointment again. There would be no possible legal confusion under those circumstances.

The member for Flinders has very rightly pointed up another stupid aspect and another confusion that this Bill will lead to. This highlights to me the further stupidity of appointing Ministers who continue to act when the Minister is back on the job. If we wipe out new section 67 (2) *(b)*, which is what we are suggesting, we will not require this other silly amendment to try to overcome the confusion that is likely to arise. I think the Committee should be grateful to the Opposition, and particularly to the member for Flinders, for pointing out just how silly, in fact stupid, the Government is being in trying to ensure its absolute convenience, which can be a confounded humbug for the public and lead to legal complications.

The Minister has compounded his argument by explaining that this new subsection is there to resolve any confusion as to who is acting Minister at any point in time. If section 67 (2) *(b)* did not exist—which allows the acting Minister to swing on whether or not the Minister is on duty—the problem would not arise. I urge the Minister to reconsider that small new subsection and the stupidity of proceeding with it.

The Hon. JENNIFER CASHMORE: I endorse the arguments that have been put by my colleague and will pursue the question of the legal and constitutional risks that are involved if the Government persists with its insistence on new section 67 (2) *(b)*. It is no light matter to act for another Minister, and I think that most people who assume a Ministry in an acting capacity feel a double sense of responsibility because of a lack of familiarity with the area with which they are dealing, in most cases, and also a strong sense of obligation, not only to the public but also to the public servants who look to the Minister for guidance and direction.

The Deputy Leader stressed the matter of accountability to the public and the public's right to know. I would like to pursue in relation to new subsection (2) *(b)* the very invidious position in which public servants will be placed by the enactment of this clause. All of us who have served in Cabinet are aware of what one might call the constitutional bonds between public servants and their Ministers.

The public servants are there to carry out the instructions and the policy of the Government, and they look to their Minister on many matters. On many matters they are able to pursue their duties without any instruction or guidance whatever, but when an issue is contentious and where guidance is sought, and where a dedicated and conscientious public servant wants to keep the Minister always informed, where does that person stand when they do not know to whom they are accountable? Is it the Minister who holds the commission, or is it the acting Minister who, as the Deputy Leader picturesquely described, is just swinging in and out under new section 67 (2) *(b)*?

It is simply not good enough to expect public servants to be answerable to someone when they cannot be expected to know who that someone is. When the Minister is away, who literally is minding the shop? Is it the Minister who might dart back to Adelaide from Melbourne for half a day, or is it the acting Minister who does not hold a commission and who simply, under new section 67 (2) *(b)*, has the constitutional authorisation to act in the office of Minister? I doubt that the Government has really considered the consequences of this new section, and I urge that very careful consideration be given to the consequences to public servants. I think that a diligent public servant who sincerely wants to keep a Minister informed would be placed in a very vulnerable position by the enactment of new section 67 (2) *(b)*.

In affirmation of the member for Flinders' arguments, which had occurred to me also and which he put in an admirable fashion, I suggest that the Government is laying itself open to an extremely risky legal situation on the grounds that decisions in regard to legal proceedings will be made on the 'appearance' that a Minister has acted in the office of another Minister. I suggest that this could create extremely bad blood between members of Cabinet when no one knows quite clearly who is responsible for what. It could create unutterable nightmares for a Premier in trying to sort out who indeed was on the job and who was not, who was minding the shop and who was not; and who will bear the odium of a decision and who will not.

A classic example of that problem occurred very recently when the Minister of Correctional Services was absent from office and the Minister of Housing and Construction was acting on his behalf. Apparently, the Minister of Housing and Construction was not fulfilling his duties in a very competent fashion and the Minister of Correctional Services rushed back to take over from the acting Minister. If this

Bill had been enacted in that situation and decisions relating to the prisoners (which are contentious and difficult for any Government) were being made when they are both there on the spot (and under this Bill both would have the constitutional right to be acting as Minister of Correctional Services), who is in fact responsible as the Crown in any legal proceedings if such proceedings should in fact eventuate? The whole thing is fraught with difficulties which would be very much simplified, if not eliminated, by the removal from the Bill of new section 67 (2) *(b)*.

I ask the Minister to respond specifically to my questions relating to the position of public servants who seek advice, direction or guidance from a Minister when an acting Minister is literally—and I mean literally—sitting in the Minister's chair at his or her desk while the real Minister might be crossing Victoria Square but temporarily unable, for one reason or another, to fulfil his or her duties. Where is a public servant placed in that situation and what guidance does the law give to that public servant in that situation?

The Hon. TED CHAPMAN: The Bill enables the Governor to appoint a Minister to act in place of another at any time when the principal Minister is unavailable to carry out the duties of his or her office. The argument before the Committee appears to be centred around how that appointment should be made and whether it is appropriate to speed up the processes that have been traditional in relation to the appointment of an acting Minister. I do not wish to canvass that aspect at great length, but I draw to the Minister's attention section 65 (2) of the Constitution Act, which provides:

> The Ministers of the Crown shall respectively bear such titles and fill such ministerial offices as the Governor from time to time appoints: Provided that a Minister shall not bear the titles or fill the ministerial offices of Minister of Agriculture and Minister of Lands at the same time.

Can the Minister assure the Committee that this new section does not in any way erode or cut across the relevance of section 65 (2)?

Mr S.G. EVANS: I support the amendment. I agree with the comments that have been made by the member for Mitcham only in relation to the amendment, but not with what he said about my motion. I have experienced one situation, in 1969, when I was with a Minister at Lake Bulpani which is out off the Cooper system and papers had to be flown in for the Minister to sign. That is a ridiculous situation. One understands that there must be provision for a Minister to act when the incumbent is in an outback area where he or she is very difficult to contact. But the point that the Minister made in relation, for example, to the Premier being interstate and expecting to be away a week or more but then suddenly finding that he has to come back to Adelaide does not mean that the Premier or any other Minister has to take up the particular ministerial responsibility immediately. He does not have to do that at all: he can leave the acting Minister in charge until such time as he or she has had time to finish business in the Eastern States, or wherever it may be; so that argument does not stand. One might expect that they would take up their duties immediately, but they do not have to. For example, on many occasions Ministers are in the State, but are inaccessible in the outback, or ill in hospital and an acting Minister in that situation would still carry out the role, so I do not accept the Minister's comments.

I do not believe that the Government has thought this new section through. I query why it has been introduced in the other place at the same time that it has been introduced here. I hope that the other place gives it the right treatment, so that we can then confirm the amendment we seek when it is returned to this House. That is my hope, and I know that the Government will not give in on any proposition that has any common sense. There was an example of that earlier tonight. I strongly support the amendment and ask the House to support the member for Mitcham in what he attempts to achieve.

The Hon. G.J. CRAFTER: The member for Alexandra queried the effect of this provision on the section in the Constitution Act that separates the Ministries of Agriculture and Lands. Of course, that situation still prevails, and an acting ministerial appointment must not offend against that section in the Constitution Act. The member for Coles raised a number of issues, and I suppose that, if one wants to read irresponsibility into the conduct of a holder of ministerial office, then under the current law a Minister can come back into his office while an acting Minister is appointed. That situation can occur at present.

It is in fact the public servants who prepare the documentation and who are precisely aware of when a Minister is acting, who is acting and what the circumstances of that acting office are. That has been my experience in nearly four years of ministerial office, and that is well known to the heads of departments, who are informed almost daily where Ministers are—

The Hon. Jennifer Cashmore interjecting:

The Hon. G.J. CRAFTER: It is certainly well known to those in the Cabinet office, and the like. I do not know the experience of the honourable member when she held office in this State, but in my experience that certainly is not a practical problem: in fact, quite the contrary. This Bill will allow for an even greater degree of efficiency with respect to the head of a department or other authorised people signing documents and having contact with the Minister on a daily basis. It does allow for that flexibility and does not involve the difficulties of the current system where there is often a hiatus because of the procedures and practices that need to be followed.

I must say that the circumstances where that provision will be used are not an everyday occurrence, as members are assuming that it would be, or there would be wholesale use of this, thereby tending to suggest that Ministers, and the public servants who advise them, are quite irresponsible. That is simply not the case.

The Committee divided on the amendment:

Ayes (14)—Messrs P.B. Arnold, D.S. Baker, S.J. Baker (teller), and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Lewis, Meier, Oswald, and Wotton.

Noes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Blevins, Crafter (teller), De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Payne, Rann, Robertson, Slater, Trainer, and Tyler.

Pairs—Ayes—Messrs Allison, Ingerson, and Olsen. Noes—Messrs Hopgood, Mayes, and Plunkett.

Majority of 9 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

COOBER PEDY (LOCAL GOVERNMENT EXTENSION) ACT AMENDMENT BILL

Consideration of the Legislative Council's message seeking the House of Assembly's concurrence in the following resolution:

That the Joint Address to His Excellency the Governor, as recommended by the Select Committee on the Coober Pedy (Local

Government Extension) Act Amendment Bill in its report to the Legislative Council, be agreed to.

(Continued from 26 August. Page 609.)

The Hon. B.C. EASTICK (Light): The Opposition supports this measure which has come about as a result of the deliberations of a select committee. That committee has not only visited the area but has also taken extensive evidence from members of the Local Government Department and also from the community at Coober Pedy which is in the area of my colleague the member for Eyre. I am quite sure that the honourable member will confirm to the House in a few moments the fact that it is a matter which is totally acceptable to the people in that community. Suffice to say that the measure is only partly addressed by the message which is before us at the moment.

The select committee has provided to the two Houses information on the necessary clauses to be contained in two subsequent Bills: one to amend the Local Government Act, and the other to amend the appropriate Coober Pedy measure. Those measures will no doubt be debated in the near future. My summation of this matter is that these measures give complete effect to the case made out before the select committee, and cover the transition from a miners' association to a local government body, with the members of that miners' association transferring into the role of councillors at the same time as their staff, their assets and their liabilities are transfered into the entity of the Coober Pedy District Council.

It will be quite a unique organisation of its kind, because not only does it provide for local government representation in that area but also it takes away from the council certain of the responsibilities which would otherwise apply in respect of health, which will be undertaken by the Health Commission. It overcomes the difficulty of rates having to be extracted from mining sites. Certain sections of the Building Act will not apply. It will allow for the body to create a system for the distribution of potable water and other activities in relation to normal local government practice which do not apply to a far out or far away area but will be adequately provided under the broad terms of the local council's existence.

As indicated, the Opposition looks forward to the other two measures that will need to come before the House before it can be put into place, although we fully recognise that it will not be possible for an election to be undertaken until May 1987. However, it would be the express wish of all parties that the effective change from the existing Miners Association to a District Council of Coober Pedy take effect as from 1 January 1987 and to allow the necessary actions to be taken to put that into effect the passage of this message and its ultimate delivery to His Excellency the Governor is critical timewise. I support the measure.

Mr GUNN (Eyre): I wish to say a few brief words in relation to this matter, as I have seen considerable changes in the town and area of Coober Pedy in the almost 17 years that I have had the privilege of representing that area. At the time that the Coober Pedy Progress and Miners Association was originally incorporated concerns were expressed about that move. Concerns have been expressed to this proposal. However, the referendum put to the local community a few weeks ago was a fairly narrow question. Earlier this week I heard the Mayor elect, Mr Thrower, supporting this measure. As I understand it, at an earlier stage he was one of the strong opponents of this proposal along with another well known Labor Party supporter, Mr James, who was also a strong opponent of this measure.

In a town like Coober Pedy there is always concern about change. It is a unique part of South Australia. It is colourful and has a great deal to offer the tourist industry having developed considerably over the last few years. I believe it will play a most significant role in the tourist industry in this State and nation in the years to come. The number of people who pass through that town or stay there from overseas is probably second only to Adelaide. People come to look at its unique character and at what Coober Pedy has to offer.

The concern has been that suddenly they will have local government imposed upon them and people from Adelaide will come and impose upon that quite unique community all sorts of unnecessary controls which will make life difficult for them. I do not support those controls. Therefore, I believe that the select committee, after a great deal of consideration, has come to the right decision to exempt the town from a number of those provisions which most other communities in the State have had imposed upon them. Most communities have had experience with the Planning Act and with the Department for the Environment and know that they are a very negative group—an impediment to proper development and to people getting on making a living. Therefore, the people at Coober Pedy are quite wise in not having those people attempting to impose upon them these unrealistic controls.

Parts of the business community have already had a taste of the planning office trying to impose upon it restrictions on advertising, with people of that department trying to stop such people as the Big Winch from advertising their business. Mr Paul Simpson and others should come to their damn senses, leave the people alone, and let them encourage tourists to come to South Australia. I could mention a number of other issues. However, this Bill is only an enabling measure and, if agreed to, further legislation will have to be put to the Parliament so that local government or a form thereof can be extended to Coober Pedy.

Parliament as a whole and the Government have to understand quite clearly that they have to tread carefully in handling the situation because we do not and should not interfere with the unique character of that town, which is very important in attracting tourists to that part of the State. We have at Coober Pedy a group of rugged individualists, people who have gone there to get away from authority. They do not want to be interfered with, controlled, organised or regimented by bureaucrats or others. There is a number of most interesting characters and they add quite a unique character to the town and to the north of South Australia. It is important that such characteristics be preserved.

The exemptions to local government's normal provisions contained in these recommendations are very important. The town of recent times has had installed an excellent water scheme. It will in the near future be connected to a sealed road from Alice Springs to Adelaide which I hope will bring more tourist trade. The airstrip was recently sealed for the second time after problems there.

The Hon. Jennifer Cashmore: Properly?

Mr GUNN: Yes, on this occasion. I believe properly. I do not want to go into all the details, but there is quite a story to be told about that exercise. I would be out of order to mention it and I do not like being out of order; I prefer to conform to Standing Orders. The town was bypassed by the railway and many people were concerned about that. I sincerely hope that as this measure is gradually introduced common sense will prevail with the local government department, other statutory authorities and Government departments involved realising that they will achieve a lot

more by cooperation and understanding than by attempting to enforce regulations and other controls that people do not want, will not accept, or are unnecessary.

People in Adelaide ought to understand that in Coober Pedy is a group of people who live a long way from Adelaide, are suspicious of bureaucracy, and have to be given the opportunity to understand what this measure will mean, to understand the effects and the benefits that will flow from it. The main benefit that will arise is that it will allow local people to be masters of their own destiny. They do not need the assistance of people from Adelaide to tell them how to organise themselves. There has always been a concern that they will have imposed upon them substantial rates. I sincerely hope that that does not take place. I sincerely hope that, when some other measures are to be imposed upon them, it is done by way of regulation so that those who are concerned about it can give evidence to the Parliamentary committee and so that the Parliament as a whole can then sit in judgment upon those recommendations.

I have watched the developments at Coober Pedy over a long time and sincerely hope that this measure will be one that enhances and helps the further development of that unique part of South Australia. I hope that the Minister will give an undertaking to this House that, before further measures are introduced, there will be full and frank discussion with the local community because Governments unfortunately, as well meaning as many may be, do have a history of moving into areas and messing up things. It is often not the fault of Government, but Ministers get locked into decisions taken by isolated public servants and bureaucracies which are insensitive to the real needs and understanding of people living in remote communities. As someone who has lived in an isolated community all his life, I am personally suspicious of the bureaucracy and public servants. I make no apology for saying that. They have done little for the community in which I live. What most people accept as normal, isolated communities have to fight hard to obtain. That is why communities such as Coober Pedy have been very suspicous of the move to further develop local government in that area. It has in the past been neglected, overlooked and forgotten. As soon as it shows some semblence of success and its developments become of benefit, people who live a long way away want to get into the act and impose controls and restrictions and, more importantly, put charges and taxes upon them so that they can justify their existence. I sincerely hope in relation to this exercise that that does not take place.

I think that the select committee has done a particularly good job under difficult circumstances. It went to Coober Pedy and in any of these exercises it is important that Parliamentary committees do visit the areas and have full and frank discussions with the people concerned, because decisions should not be made from afar. I look forward to watching closely the developments that take place in relation to this motion. I make it clear that if problems arise I can assure these people that I will be the first to rise in this House and make sure that their difficulties are raised as vigorously as possible. I am one who firmly believes that those people who live in the community at Coober Pedy have played a significant part in promoting and developing South Australia. The opal industry is unique. Coober Pedy is no doubt the opal capital of the world, with a product that is sought overseas.

The community has not been helped by Governments. I could talk about the failure of the Commonwealth Government to recognise the problems that it faces in relation to taxation, averaging and those sorts of things. I will not go into that tonight, as it is another subject, but it is reflected in their attitude towards Government and the suspicions those people have. There are current developments taking place at Coober Pedy which will enhance the tourist industry.

Members interjecting:

Mr GUNN: I am in a particularly good mood and I have another nine minutes. I will conclude my remarks by saying that I sincerely hope that all people involved at Coober Pedy will support those who are elected to the first council and will support them in their endeavour to improve the town and facilities and in particular the two major industries—the opal and tourist industries. A number of important developments are taking place in that town which I believe will play a significant role in promoting South Australia. There is a new underground motel, the completion of the Stuart Highway, and a number of other matters currently under consideration.

I think that anyone who visits Coober Pedy for the first time would realise that it is a unique town that has developed quite rapidly. People are really seeing the frontier of Australia there. A number of people who have experienced the difficulties of Europe have gone to Coober Pedy to build a new life, and the last thing they want imposed on them is more unnecessary Government controls and interference with their way of life. That is why they are suspicious of the activities of government and particularly why the vote against the proposition that there should be full local government there was as large as it was. Therefore, I believe that the select committee has come up with a reasonable compromise, and I sincerely hope that, as this matter is implemented, full and frank discussion and consultation will take place with the local community and its leaders.

The Labor Party is a great Party to talk about consultation, and so I sincerely hope that in this matter the Government carries that out to the nth degree—because I do not want to see confrontation arise. I am a very moderate fellow myself. I am a man who really wants to get on with it. I do not want difficulties to arise. The last thing I want to occur is for me to have to get up in this House and castigate the Government. The Minister smiles, and I understand that for many years he has been given the role of shadowing me at Coober Pedy and at other places, but I have always won the box. He has not done a particularly good job.

The Hon. G.F. Keneally: It is the 6 o'clock shadow that worries me!

The DEPUTY SPEAKER: Order! I ask the member to come back to the Bill.

Mr GUNN: I am quite happy to do that, although I did not think that I had strayed very much at all from the Bill before us tonight. I thought I was linking fairly closely my remarks on the matter before the House. Normally I am a man of few words in this House because I am rather shy by nature.

Mr Hamilton: Those few words you use a lot.

Mr GUNN: Never—I am a man of few words. However, I intend to look closely at this legislation as it is gradually implemented. I shall certainly participate in the debate when the relevant legislation is brought into this House, and I will have full and frank discussions with my constituents at Coober Pedy over the next few weeks when I am in that part of my electorate. I always appreciate going there and the way in which my constituents discuss matters with me. I shall monitor closely on their behalf how the Government handles this situation.

Mr LEWIS (Murray-Mallee): In 121 seconds I want to support the Address. In the first instance I declare an inter-

est that I have, although it is not necessarily a requirement in terms of declaring a member's pecuniary interests that I do so: I am an opal dealer. That is the reason that I rise tonight—it is not that I am an opal dealer but that I have had considerable contact with a number of people in Coober Pedy who have telephoned me and sought my opinion about what is going on, to use their words. The next time that I go there—

The Hon. G.F. Keneally interjecting:

Mr LEWIS: It will not be first time or the second time in the past 12 months.

The Hon. G.F. Keneally: Do you let the local member representing the district know that you are going there?

Mr LEWIS: I do not go there on political business. I have made clear to the people at Coober Pedy, who have raised questions with me about their reservations about accepting the responsibility of full local government, that they should be very wary of that because of the direction in which the present South Australian Government is taking local government and its attendant financial responsibilities.

I refer members to the grievance debate in which I addressed this question recently as it arose from the precis which I gave of the remarks made by the Minister of Local Government (Hon. Barbara Wiese) in the Local Government Association publication called *Council and Community*, Volume 5, No. 7 of June 1986, where it is countenanced that the responsibility of providing welfare services to communities will become part and parcel of the responsibility of local government in Coober Pedy. That has horrendous implications. I cannot begin to imagine how it would tear the community to pieces if miners and other businessmen in that town had to pay rates on their businesses to support the kinds of people who from time to time move into that town on welfare of one kind or another. It makes the mind boggle and it makes me freeze to think of the complications and implications of the way in which such free spirited frontiersmen would view the responsibilities demanded of them by law in the event that they had to look after people who came to the town as itinerats and as welfare recipients.

Indeed, no member on the Government side can deny that that is what the Minister of Local Government said in the June publication of the Local Government Association to which I referred. I support the proposition that the address be agreed to, and I urge the people of Coober Pedy to make haste very slowly indeed towards the full responsibility of local government. The most recent impost that they need to recognise as being outside the ambit of the benefits that they see coming from local government—but well within the ambit of the disbenefits—is the requirement that every local government body pay a fee of 10c to the Electoral Department for every head of population in each local government area. God knows how that would be worked out in Coober Pedy over 12 months. People will now have to pay a fee of 10c a head to the local government body, to be paid to the Electoral Department for the maintenance of electoral rolls.

The member for Eyre and I know (and other members of this place may not know) that there are a good many anonymous people in Coober Pedy at this time, so there would be hell's own strife counting heads. On that note I indicate that I support the address. I think the member for Eyre has counselled his constituents wisely.

The Hon. G.F. KENEALLY (Minister of Transport): I thank members who have participated in this debate for their support of the address. I am forced to comment that it is quite interesting that, after the member for Eyre expressed the strong view that the people of Coober Pedy are not very keen (and I share this view with him) on being instructed by people who live many hundreds of miles away in places like Adelaide, for instance, we now have an instruction to the people of Coober Pedy from someone who lives even further away than Adelaide. I thought that that was rather contrary to the views expressed by the local member.

I am sure that the local member is cognisant of the needs of some members of his community. I believe that when the member for Eyre spoke in the debate he put a view strongly held by the minority of the people of Coober Pedy in their concern about local government. Nevertheless, all members of this House and members in another place who participated in the discussion have agreed that it is inevitable for local government to come to Coober Pedy.

Local government is coming to Coober Pedy in a way that I believe the local community can adopt and adjust to. It is a transitionary time, as Coober Pedy moves from no local government at all to full local government. That may take a number of years. The member for Eyre asked me to give the House a commitment that the Minister of Local Government—who, incidentally, I am representing at the moment because the Minister of Local Government is representing South Australia in Penang—will allow full and frank discussions with the local community. As far as I am able, I certainly give that commitment because I understand that the Minister is very much aware of the need to move slowly into full local government.

Those of us who have visited Coober Pedy more than once—and there are members on this side who have visited Coober Pedy quite a number of times, although certainly not as often as the member for Eyre—understand the need to hasten slowly, which I think was the suggestion from the member for Murray-Mallee. The two pieces of legislation which will flow from this enabling motion should be in another place immediately Parliament reconvenes after the short break that we face as from tomorrow. So there will be no delay in ensuring that the will of the select committee and the needs of the local community of Coober Pedy are met as soon as possible.

I look forward to tremendous development in the local community. It is a community for which I have some personal concern and, as the member for Eyre has said, there have been times when in another role I have been up there talking to the local people. I have concern for them. We are all aware of the work that the member for Eyre does for the people of Coober Pedy and I think his support of this measure is significant. In saying that, I acknowledge that in his contribution he put strongly a view held by many of his constituents. However, I believe that they are in a minority and that as time passes more and more people in Coober Pedy will come to understand the benefit and the value of decisions that this Parliament is making.

Motion carried.

STATE SUPPLY ACT AMENDMENT BILL

In Committee.

(Continued from 26 August. Page 620.)

New clause 4—'Board to observe or have regard to certain policies.'

The Hon. G.F. KENEALLY: When the Committee adjourned yesterday we were discussing the amendment moved by the member for Elizabeth. I advised the Committee that whilst I certainly supported the intention of the amendment I felt that it was necessary for me to check with

my officers, the Crown Solicitor and others to ensure that should we go down that track we would not be in any way interfering with the National Preference Agreement that the State Government of South Australia is a party to.

Therefore, I had the Chief Executive Officer of the State Supply Board, Mr Bridge, write to the Crown Solicitor, the Director of State Development and the Parliamentary Counsel asking them the following four questions:

1. Is the State Supply Act the appropriate place to instruct the State Supply Board to apply a preference for Australian manufactured goods?
2. Does this amendment conflict with the National Preference Agreement?
3. In view of the National Preference Agreement, is it appropriate to provide a preference provision in the State Supply Act?
4. If it is appropriate to include the provision in the Act, are the terms of this provision expressed in the best way?

The advice I have received is that it is the view of the Department of State Development, Parliamentary Counsel and the Crown Solicitor in particular, that introducing the amendment would not necessarily achieve the aims that the honourable member seeks. In fact, there are one or two problems that it would cause; for instance, introducing that preference statement into the legislation would give an unhappy and unsuccessful tenderer the right to take this matter to court. Therefore, the State's purchasing policies would be determined by the court rather than by the State Supply Board or the Government and that really has horrendous implications, in my view, if we were to go that way.

In addition, we would need to change the Act, because the Minister or the Government cannot instruct the State Supply Board how it should purchase goods and services, and for the very good reason that that ensures that the Minister or the Government cannot instruct the State Supply Board in that way. Not only is that a fair procedure, but also it has to be seen as a fair procedure applying in terms of State supply. I have already shown the correspondence to the member for Elizabeth and I will give a copy of it to the shadow Minister so that he is fully aware of the details of the replies that I have.

The Crown Solicitor has suggested that I, as Minister, could advise the State Supply Board of the policy that the Government would prefer in terms of preferences. The board is not required to heed or follow that advice, but it is required to take account of it. Whilst the Government cannot instruct the board, nevertheless the board must be conscious of the Government's policy. In terms of the National Preference Agreement to which South Australia is a party, the State Supply Board has distributed copies of that agreement to all the State departments and bodies that are able to purchase through that agency.

So, in a *de facto* sense, if you wish, although it is the policy of the Government, the board is already doing what the honourable member would seek to write into the legislation. I will give an undertaking to the honourable member that, although there has been, in a sense I suppose, technically an informal instruction to the board, I am prepared to formalise that by writing to the board pointing out that it is the Government's opinion that full preferences should be given to Australian made or produced goods.

The National Preference Agreement to which we are a party already provides a 15 per cent protection for Australian manufactured goods as against New Zealand and 20 per cent protection as against goods manufactured in other parts of the world. So, there already exists a very strong preference within that agreement to which South Australia is a party and of which the State Supply Board is aware.

In summarising, the point that the honourable member has raised is pertinent. It was good that Parliament had the opportunity to have this checked thoroughly by the agencies that have responsibility for doing it, so that we can be assured that, even though that intent need not be written into the legislation, the legislation ensures that Australian manufactured goods receive the protection that this Parliament and the Government of South Australia would wish them to have. Perhaps the honourable member would indicate to the Committee whether he wishes this to go to a vote, or perhaps he may wish to withdraw; that is a matter for him. In any event, he should rest assured that what he has set out to achieve already exists, and it will be reaffirmed by correspondence that I will have with the State Supply Board.

The Hon. B.C. EASTICK: I appreciate the offer that has been made by the Minister to acquaint me of the content of the file. Certainly, the spirit was quite bipartisan last evening, and I believe that it remains that way. In fact, whilst I appreciate that the Minister, in writing to the State Supply Department, can only really speak on behalf of the Government, I would prefer that he spoke on behalf of the Government and indeed the Parliament, because I believe that it is quite a universal view here that those factors should be considered by State Supply, involving not a specific direction but certainly the spirit of what we would have apply in this State.

I mentioned last evening the position in relation to the granite facing for the new State Bank building. A few years ago, when we had a number of politicians from other States staying at the Gateway Hotel overlooking Parliament House and the old Constitutional Museum, as it was then (now the Old Parliament House), one member from the New South Wales Parliament admired the slate roof and wanted to know where similar slate could be obtained. Because I genuinely believe that Mintaro slate is the best in the world, I said that there would be no difficulty in finding out. I made inquiries, only to discover that it is Burlington slate from Great Britain that is on the refurbished Old Parliament House.

I recall on other occasions when the Hon. Hugh Hudson, as Minister of Education, was undertaking the building of a number of new high schools. Although it was indicated that certain tiles would be used, it was brought to his attention that, although the tiles were available in South Australia, they were not South Australian, or even Australian: they were being imported from South Africa. I do not want it suggested that there is any connotation on the fact that they were South African. It was believed that, for aesthetic purposes, there might be a little more colour in the South African material. At a greater cost to the taxpayer, material was therefore to be introduced from South Africa to enhance the appearance of these high schools.

In relation to the correspondence that the Minister will give to the department and as to whether it goes out to subdepartments or other departments generally in an administrative letter, I can only say that unfortunately, after a period of time, administrative letters have a habit of getting lost, as is the case when a new member of staff comes into a particular decisive role. If it is written into the regulations or the Act, they cannot escape from it; it is there before their eyes and they have to know it backwards. However, I accept that it is not prudent to place this direction in the measure that is currently before the Committee and, if the Minister would undertake to indicate that, quite apart from a Government view, it was a parliamentary view that this course of action should be taken, I believe that we will have achieved the best that we can in these circumstances.

Mr GUNN: The Minister has indicated in the course of his contribution that there is a preference for Australian products. The member for Light previously discussed at some length the situation relating to the new State Bank building. I wish to raise this briefly, because I have been approached by a person who is involved in the quarrying of granite in the Calca area, which is south of Streaky Bay on the edge of my electorate—an area which I have had the pleasure of representing for 16 years and which is personally known to me. I understand that this material is of the highest quality and that the people involved are equal to if not better than anyone in the nation in quarrying this material. I understand that the State Bank will import a form of granite from New South Wales to use in that building when there is available in South Australia this high quality material, either from Calca or from other parts of the State.

Mr Lewis: Black Hill.

Mr GUNN: Yes, at Black Hill or at Angaston. Could the Minister indicate whether the appropriate officers (and I sincerely hope that it is not too late) could acquaint the State Bank Board—and I suppose that is as strong as I want to put it—with the fact that we do have this material available. I point out that I have been advised that a few years ago, when New South Wales was constructing a new State Bank building, it was going to import granite from South Australia and the then Premier (Mr Wran) insisted that the local New South Wales product be used.

Members interjecting:

Mr GUNN: He insisted: I do not know what the implications were. As I understand it, he was not particularly concerned about any agreements. Rather, he was concerned to ensure that New South Wales would get the contract. When I was told that this was taking place, I was quite disappointed, and this is the first occasion that I have been able to raise the matter. I hope that I have perhaps acquainted one member of the board regarding my concern. Officers of the State Bank have made a fairly limited attempt to contact me in order to talk about the topic, because I want to explain it. However, I will leave that. Perhaps the Minister could advise that there is some concern in the Parliament that, when we are undergoing a time of fairly high unemployment in this State and when we have a top quality product, our own State Bank, which has done so much to develop South Australia, does not intend to use our own products and that, if possible, we ought to do so on the facade of what will be a most important and imposing building which will really be the showcase of the State Bank institution, which has a long history in this State.

We all support the institution and hope that it is successful. However, I am disappointed that we are not supporting our own industries. True, we have to be cost conscious but other considerations have to be considered as well.

The Hon. G.F. KENEALLY: First, in responding to the member for Light, I give the undertaking that in the correspondence I have with the State Supply Board I will advise it that it is the view of Parliament as well as the Government that preference should be given to Australian manufactured goods.

In response to the member for Eyre, I need to point out one or two things. He is aware, as all members of Parliament are, that the State Supply Act does not cover the State Bank. To that degree there is no constraint that can be imposed on the bank in its purchasing policies, but I will undertake to write to the bank to point out that concern has been expressed in Parliament that South Australian granite is not being used. Of course, there could be good economic reasons for that of which the bank is aware but we are not.

The Hon. Frank Blevins interjecting:

The Hon. G.F. KENEALLY: Yes. There could be cost benefit to the State Bank. In a sense the member for Eyre answered his own query when he talked about preference and mentioned that a New South Wales Government agency was going to buy South Australian granite and the then Premier of the day (Neville Wran) stepped in and stopped that purchase. Under the National Preference Agreement he will no longer be able to do that. Because preferences no longer apply between States, it means that South Australia now has the advantage of an extra market of 15 million people throughout Australia.

South Australia stands to gain by the abolition of preferences because it opens up a large market for us. No longer can New South Wales and Victoria close their borders to South Australian manufactured goods. If those States want to sell goods to South Australia, they have a market of 1.3 million people. However, if our producers want to sell to the Eastern States there is a market of over 12 million people. That is the reason for the preference clause. I believe it will work to the advantage of the South Australian industry. I am sure that the House is aware of that. All members would like to see South Australian industry and South Australian goods being purchased by the Government.

There is always a cost constraint involved here and I am sure the Auditor-General would be anxious to ensure that the taxpayers' dollar in South Australia is spent in the most economic way. However, this does not mean that we cannot in many ways encourage South Australian industry to be more competitive so that it is able to achieve more contracts (as I said last night) with the biggest buyer of them all—Government. That actually answers the questions of the member for Light and the member for Eyre. I will correspond with the State Supply Board and the State Bank of South Australia advising them of the views that have been expressed in the Committee.

Mr M.J. EVANS: I would like to thank the Minister for the work that he and his officers have done in checking out the proposed amendment. As he said, and as the member for Light has said, it is an important question and it is unfortunate that we were not able at this stage to find an appropriate legislative formula whereby we could have enshrined the clear intention of both sides of Parliament in ensuring that Australian preference takes place. I certainly accept his assurance that he will issue a formal direction pursuant to the State Supply Act which, although it will not have binding directive force on the board, I am certain it will be one that the board will treat most seriously and give full attention to. I believe we can achieve the wishes of both sides of the Committee in this matter without necessarily placing our supply processes at risk of extended litigation, which would certainly have unfortunate economic effects for the Government in its supply process and might well disadvantage Australian goods rather than having the effect of advantaging them.

I can certainly see the argument which he puts forward in favour of not proceeding at this stage with the amendment and, accordingly, I seek leave to withdraw the amendment.

Leave granted; amendment withdrawn.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That the House do now adjourn.

Mr LEWIS (Murray-Mallee): I must first address the House on the opinion I expressed earlier this evening about the Constitution Act Amendment Bill. I misled the House unintentionally in that section 65 (1) of the principal Act precludes the possibility of there ever being more than 13 Ministers at the present time and an amendment to that would have to be made if there was to be any greater number. However, with any such amendment to that section it would be possible for the circumstances to which I alluded to pertain.

I want to leave that matter altogether now and talk about another very important matter, the like of which I had hoped I would never have to address in this Chamber. It is not about the problems of the Davalack Pastoral Company and other people dealing with the Native Vegetation Clearance Authority and the enormous loss which that hard working family will now sustain as a consequence of the effect of the authority's decisions—or more particularly the lack of decisions. Further, it is not about a good many other things of a financial nature that affect my constituents. It is about a far more serious matter than all that—the safety of life and limb of people who live in Murray Bridge, the biggest town I now have the responsibility to represent.

Since the beginning of this year there has been an increasing amount of crime committed in the Murray Bridge community, much of which goes unreported or, if it has been reported, unprosecuted, or, if it has been prosecuted, then prosecutions have been unsuccessful, or, if they have been successful, the sentences meted out have not been adequate to deter the people who committed the crimes from recidivist behaviour. In fact, it has created a perception in the minds of those who perpetrate the crime in the community that they can indulge in that criminal behaviour with impunity, and to my mind that is a disastrous situation for any community in this State or anywhere else.

What has happened is that the level of fear which the crime wave has generated in the community has reached such a point now that people are afraid to speak out about what is happening to them, their families and their property. Fear is being experienced by a large number of people who have spoken out in the last few months and who have found that retribution has been taken against them by the perpetrators of the criminal acts or their thug mates. The distressing thing about it is that, even though the police have apprehended some of the people committing some of the offences, as I said at the outset, the villains of the piece have been released into the community again.

Where does all that leave us? It leaves us in the situation where, for instance, I have had no fewer than 40 phone calls in seven days—from midnight Sunday 10 days ago to midnight Sunday three days ago—dealing with this particular problem. They were not from the same person: I am talking about different callers. Some have called more than once, but the phone callers to which I refer are separate people. Those people have called not only my office in Murray Bridge and my office here in Parliament House but also my home at Tailem Bend.

When I am not in my home nor my office in Murray Bridge I have a message recorder taking the name, address and phone number of the caller and any additional information he or she wishes to give me. On a number of occasions members of the general public talking into this recorder have felt so upset by their experience in the first instance that it became necessary for them—as people who have never talked to a member of Parliament previously about a problem—to have to talk to a member of Parliament in the belief that that was the last thing they could do in desperation to get things done.

Those people have broken down and cried on the telephone, and that has a profound effect on me listening to their messages. They have been desperate in their fear. One man who is over 70 and who has never possessed a firearm in his life and has no licence to possess one, in the last few days was so compelled by fear for his property and that of his wife that he drove over 50 kilometres one morning to collect a shotgun from a close relative and bring it back to his home in Murray Bridge.

He then rang me and said, 'I have lived my three score years and 10 and enjoyed some extra. It matters not one hoot to me any more: my life is hell. I can take no more, and if I do nothing else for this community in which I live I will take some of those bastards with me.' He was talking about people who were perpetrating those crimes I have referred to, and they are the sort of crimes that neither you, Mr Deputy Speaker, nor I nor any member of this place would happily accept as crimes we could tolerate, because they are crimes of violence.

Imagine sitting in your lounge room or being asleep in your bed and someone coming through the window, with two other people following him. This has happened to a couple in bed and to another couple sitting in their lounge room. Three people came through the window. One of those people came into the room where the people were in bed, and another came into the room where the people were sitting in the lounge room, and they were simply told, to paraphrase it, 'Stay where you are and nothing will happen to you.'

They went through the house, took what they wanted and left. Last Thursday night there were reports—and the police have not told me this—of 14 such incidents. One of them involved a doctor who had his car stolen from outside his surgery when he was on night duty, waiting for emergency calls. Three hours later that car turned up with a group of people at a house in Murray Bridge where a party was being held. Those people who arrived at the house then engaged in behaviour—nobody could describe it as anything other than a melee. It was not a riot—it was worse than that. Two men went through a six foot high galvanised iron fence on four by four jarrah posts, and three by two cross members, and ended up in the neighbour's backyard.

Those neighbours were old people living in a block of units, not the couple of whom I was speaking earlier. In this instance when the police had been called, these two men, hearing the police arrive, secreted themselves in the bushes next to the windows. When they were finally arrested, taken to the police station and charged with their respective offences, would you believe that they have been charged by the Aboriginal Legal Aid Service with assault and battery—for physical abuse of the prisoners.

These prisoners were abused by their fellow activists, if one likes—the blokes that were involved in the fight. Little wonder that the police feel under seige and the community feels such fear that they have happily responded to my call to get together to talk it out and find out what we can do about it if the Government will not provide the money that is necessary to give us a few more police and welfare officers, and a more adequate courts system to deal with these problems.

Mr GROOM (Hartley): Recently I received a letter, addressed to me personally, from Mr John Howard, and he purports to be Australia's next Prime Minister. This letter, dated 12 August, requests me to send him $250 towards his campaign. The pamphlet accompanying the letter was not

printed in South Australia. Rather the photographs were taken by people in Sydney, and the actual pamphlet was printed by New Lithographics (Vic.) Pty Ltd, of Surrey Hills, Victoria.

The Hon. J.W. Slater interjecting:

Mr GROOM: I will come to that. This letter states:

Dear Mr Groom,
Now you are hit by yet another Labor tax!

Mr Duigan: Is he a friend of yours?

Mr GROOM: No, he is not a friend of mine. I am very upset about receiving unsolicited mail seeking a large personal donation, which he has asked me to send to him personally. The letter continues:

You're not alone. All Australians are now being hit by the new Labor generated fringe benefits tax. Whether you are an employer or an employee makes no difference.

Mr Duigan interjecting:

Mr GROOM: No. I have never met this person. As I say, he purports to be Australia's next Prime Minister, but I know that history is littered with people claiming to be what they are not. Naturally, I investigated his background, which I will come to later. The letter continues:

All Australians, doctors, lawyers, accountants, and other professionals, small business owners, farmers, factory workers, shop assistants—everyone—is being hit by this new tax.

I know, from the summit in 1985, that this fringe benefits tax affects only 5.1 per cent of the population, or a total of 272 000 people who were receiving fringe benefits. So it is a gross misrepresentation of fact to claim that all Australians are now being hit by this tax when only 5.1 per cent, mainly higher income earners, are affected by it.

An honourable member: Who else did he send the letter to?

Mr GROOM: I do not know who else received the letter. However, it continues:

Is there anything you can do about it? Yes, there certainly is! Invest in better government by giving to the 'Win Back Government' Campaign Fund for the Liberal Party.

I would like to see that audited campaign fund statement. Perhaps he will send me a balance sheet if I write to him. The letter continues:

When the Liberal Party returns to Government, we will throw out this iniquitous tax. And together with it will go Labor's capital gains tax.

Australia doesn't need more taxes. What Australia does need is the Liberal Party's Five Point Plan: industrial relations reform; more incentive for effort and risk taking—less taxes; reduced Government interference; greater recognition of the crucial role of our export industries; and reduced union power.

Mr Tyler interjecting:

Mr GROOM: It is a gross misrepresentation of the Labor Party's record. If any business sent this through the post, they would be investigated. The letter continues:

You, Mr Groom, can play an important part in restoring prosperity to Australia. Your support will help end Labor's big government, high taxation rule, which has brought Australia to the verge of being, in the words of the Treasurer, a banana republic.

Your investment of $25, $50, $100 or more in the Liberal Party's 'win back government' campaign fund will put Australia back on the road to prosperity. Your dividend on this investment will be a return to Liberal government, with lower taxes and greater rewards for initiative.

Please use the coupon below to send the Liberal Party your investment.

Yours sincerely (signed) John Howard, Liberal Party Leader.

P.S. Your investment of $25 or more will put you on the mailing list to receive 'The Southern Liberal' to keep you up to date with Liberal plans for less tax and smaller and more efficient government.

Well, I can tell members that I do not need to get 'The Southern Liberal'. The letter then has a tear off portion at the bottom with provision for payment, with the words: 'Dear Mr Howard, Here's my special contribution towards the campaign fund.' Boxes with designated amounts are shown and one can tick the amount that they wish to contribute. One naturally wants to undertake some investigation into the background of a person who writes to one claiming that he will be Australia's next Prime Minister, in order to ascertain how genuine he is. I did some research into his background and found that he is the discredited Treasurer of the former Fraser Government. Nowhere in this letter is there any mention of his record or his economic performance. I went back to the history books and found out that, in 1975, a message was broadcast by his Leader in the election campaign that year saying that he and Mr Howard would produce one of the most far reaching, exciting and progressive programs ever attempted in Australia if a Liberal Government was elected.

The 1975 budget deficit was $3.5 billion. The Liberal Party Leader at that time accused the Whitlam Government of bad housekeeping in producing a budget deficit of $3.5 billion. However, when Mr Howard went out of office as Treasurer in March 1983, it was discovered that the 1982-83 deficit was $9 billion. The letter that I have referred to is silent on facts such as that. It is silent on the fact that it was written by the former discredited Treasurer who ran up an extra $6 billion budget deficit while he had control of the Treasury. Nowhere are these facts mentioned. This Mr John Howard is asking for support once again to send Australia down the gurgler.

As an indication of what a good housekeeper he was, as Treasurer during 1982-83 he announced to the House of Representatives that the budget deficit would be $1.6 billion, but then during the election campaign he had to admit that it was up to $4 billion to $5 billion, when actually the deficit at that time was $9 billion. One would think that a person writing and asking for $250 would disclose these very pertinent facts, but no, the letter is silent. I am pleased that I did this research to reveal this person's true identity and record. In December 1975, Mr Howard was part of a Government that said it would cut unemployment by 200 000 people. At that time 300 000 were unemployed. In February 1983, when the Liberal Party lost office, unemployment was 746 000.

The Hon. D.C. Wotton interjecting:

Mr GROOM: I know that it is painful to the honourable member opposite to hear the record of these discredited Leaders of the Liberal Party, these discredited champions of private enterprise who sent private enterprise down the gurgler in the worst recession ever. I know it is painful to the honourable member opposite, but these facts are important. In February 1983, 746 000 people were unemployed. Rather than unemployment having been reduced by 200 000, the number had increased by nearly half a million people or 10.7 per cent of the work force. As Treasurer in 1975, Mr Howard said that the Liberal Government would reduce inflation by 11 per cent. At that time inflation was at about 12 per cent. However, at the end of Mr Howard's regime as Treasurer, inflation was at 11.5 per cent. What a record! It reduced by .5 per cent. We know that during—

Mr Duigan interjecting:

Mr GROOM: Honestly, if any business sent an unsolicited letter similar to this containing the gross misrepresentation of facts that this contains, it would be investigated by the Department of Consumer Affairs. Yet, here is a man who wants $250 from me personally. Not only that, I received another letter from the Leader of the National Party, Mr Ian Sinclair. The letter is addressed to me personally at my home address this time, whereas the Liberal letter was sent to my office address. The Leader of the National Party

wants me to give him $500, and his letter contains the same misrepresentation of facts. Nowhere—

Members interjecting:

Mr GROOM: One must hand it to the National Party—it doubled the odds. The poor old Liberals wanted only $250, but the National Party upped the ante and asked for $500, and I do not even get a copy of the National Party magazine. At least the Liberal Party will send me a copy of the *Southern Liberal* to keep me up to date. Honestly, if the *Southern Liberal* contains the same sort of material that comes from members opposite in this place, Lord help us.

The Hon. D.C. WOTTON (Heysen): I would like to have the time to reply to some of the points made by the honourable member opposite, but I would need a lot more time than I have at the moment. I will deal with two or three matters of particular concern in my own district. First, I refer to probably the most disgraceful situation of which I have become aware in the 11 or 12 years that I have been a member of this House. In my district, at Crafers, there is a facility for intellectually disabled known as the Crafers Community Unit, at which people live in absolutely appalling conditions. This unit is an absolute disgrace, providing what can be described only as appalling conditions for residents and staff. Over some time I have been able to watch the situation in regard to that facility. In fact, some time ago I asked questions in the House about this matter.

I have made repeated calls to the Minister of Health to have this facility upgraded, but all those attempts have failed—apart from some minor works which have done very little to improve the overall conditions experienced. In reply to the series of questions about the Crafers unit that I directed to the Minister of Health some 12 months ago, it was suggested that a solution to the problems then being experienced was very close. I can now report to the House that those problems, along with many more, are proving to be of far greater concern now than they ever have been.

In my opinion it was a mistake for the Health Commission to purchase the property as a residential facility for disabled people, and I have said that all along. In fact, I said that when the property was purchased. At that time the large 15 room house needed major repairs to such things as unsafe electrical wiring, inadequate plumbing and septic systems, a hot water system which just did not function if the central heating system was turned on to warm the unit, and carpets that were threadbare. I could go on. In relation to the hot water system, for many months the 12 permanent residents and those who use the facility for respite purposes have been able to have only a cold shower or, in some conditions, lukewarm showers. For those people, some of whom are very elderly, that is an absolute disgrace.

The large house, along with its five acres of botanic-style gardens, has been impossible to maintain; consequently, the whole facility has been left to virtually fall down. Originally, it was a magnificent mansion, but it was in an appalling condition when purchased by the Health Commission. No money has been spent on it and it is now in a situation that has to be seen to be believed. It is unbelievable that the 12 permanent residents, and the four or five people who use the facility for respite care, should live under the conditions that I have described. They share bedrooms which are very dark and cold, with no comforts at all. Residents lack privacy: some are sharing rooms with two or three people.

Carpets are threadbare. Curtains are old and in some cases are the original curtains that were there prior to the residence being turned into this facility. Light bulbs are bare and, despite what the staff have attempted to do to brighten the place up, the building is stark, desperately cold, being in one of the coldest, if not the coldest part of the State, but without any proper warming facilities. It is extremely uncomfortable.

The Hon. Frank Blevins: It sounds like Parliament House.

The Hon. D.C. WOTTON: The Minister is not far off: it does sound like something out of a thriller.

The Hon. Frank Blevins: I said that it sounds like Parliament House.

The Hon. D.C. WOTTON: It is a damn sight worse than Parliament House. If the Minister would take the time to go up and look for himself, he would understand what I am talking about. After years of totally unsatisfactory conditions, a move is now being made, I understand, to improve the almost defunct hot water system and to replace part of the roof. I should indicate to the House that the roof has leaked like a sieve for many months and it has proven necessary for a large percentage of it to be replaced.

My concern is that any form of expenditure carried out now on this property will be just putting good money after bad. A decision was made by the Government 3½ years ago to sell the facility, but that sale has never eventuated. Before that can occur, more suitable accommodation has to be found for residents. There has been much discussion within the department and within the IDSC suggesting that more appropriate facilities such as smaller housing, a more intimate type of accommodation, should be found for these people.

This has been discussed for some time and I understand that alternative plans have been drawn up for the future of the Crafers Community Unit residents. There has been a lot of consultation with community groups and people have had their hopes raised that things would improve, but nothing has happened. Outside expertise has been sought, a consultant hired and a total review carried out by a member of the staff who was given leave to carry out that review.

I am also led to believe that the IDSC board of management has received the project's findings positively and wants to dispose of the property. They recognise the problems being experienced and the most unfortunate circumstances in which these people, who in the majority of cases cannot help themselves, are living. Many of them have no families or have been there for a long time and their families have drifted away. They have been left to be cared for under these appalling conditions.

I know that it has been the practice for some time that funds that are made available as a result of the sale of such facilities go to Treasury. I strongly support a move being made by IDSC seeking an exemption from that policy and to have the money go towards the purchase of more suitable accommodation for the Crafers Community Unit residents. It is a matter of urgency, not something the Government can defer until next year or the year after.

These people must be catered for appropriately, and changes must be made immediately. There is a need, obviously, for some extra funding on top of the funds that will be made available as a result of the building. Knowing the area reasonably well, I would imagine that, if the property was put on the market, it could attract a considerable amount of money. It could once again make quite a substantial residence for any family or for any other purpose. It is quite obvious that the Government does not have the money and will not spend the money that is required to bring it up to a standard that is anywhere near satisfactory in regard to the future wellbeing of these people.

There is no doubt in my mind that this facility, which helps to serve the Hills families of the intellectually dis-

abled, needs far greater support than it is receiving at the present time. I have had the opportunity to speak to the staff, who are quite happy to go public on this subject. I have talked in some cases to members of the families of those who are there and, as I said earlier, there are only a few members of the families who are now associated with it, but those who are there are certainly prepared to have their say. The IDSC has already made a number of statements requesting that some action be taken. It is vitally important, and I bring it to the attention of this House and particularly to the Minister of Health, so that some action is taken immediately to improve the incredible situation under which these people are currently living.

Motion carried.

At 10.7 p.m. the House adjourned until Thursday 28 August at 11 a.m.