HOUSE OF ASSEMBLY

Tuesday 25 November 1986

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:
Irrigation Act Amendment,
Statutes Amendment (Parole).

STAMP DUTIES ACT AMENDMENT BILL (No. 2)

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

TOBACCO PRODUCTS (LICENSING) BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

PETITION: SCHUBERT'S FARM

A petition signed by four residents of South Australia praying that the House urge the Government to reopen Schubert's Farm was presented by Mr Lewis.

Petition received.

PETITION: ELECTRONIC GAMING DEVICES

A petition signed by 161 residents of South Australia praying that the House legislate to permit the use of electronic gaming devices was presented by Mr Oswald.

Petition received.

PETITION: PROSTITUTION

A petition signed by 21 residents of South Australia praying that the House oppose any measures to decriminalise prostitution was presented by Hon. D.C. Wotton.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos. 176, 182, 193, 202, 126, 228, and 230; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

COURT SENTENCE

In reply to **Ms LENEHAN** (29 October).

The Hon. G.J. CRAFTER: The Attorney-General (Hon. C.J. Sumner) has sought leave to appeal against a three-year gaol sentence imposed on a man who pleaded guilty to five counts of unlawful sexual intercourse with a nine-year-old boy. Mr Sumner made the decision after receiving a report from the Crown Prosecutor. The man was sentenced in the Supreme Court on 28 October to three years imprisonment on each count, all sentences to be served concurrently. The Crown appeal will be made on the grounds that the sentences are inadequate; some of the sentences should have been served cumulatively to reflect the seriousness of the offences; and insufficient weight was given to the factors of deterrence and the protection of the public.

BUILDERS LICENCES

In reply to **Mr GREGORY** (22 October).

The Hon. G.J. CRAFTER: The Minister of Consumer Affairs has advised me that it is the Builders Licensing Board's usual practice to record applications for licences granted. In respect of the member's constituent, his application for a restricted builders licence had been recorded as an application received. However, the entry recording the result of his application had been overlooked. I am satisfied that this error is not a common occurrence. The board's records have been corrected.

The advice from the board's staff that the constituent was not licensed to perform building work involving under-pinning foundations and salt damp treatment was correct. The person concerned was granted a restricted builders licence in the classified trade of bricklayer and mason on 30 July 1986. This classified trade does not permit him to perform building work of a major nature in connection with salt damp treatment and under-pinning foundations. As a result of the inquiry, the constituent has been assisted in making application for a licence in the classified trades which will enable him legally to undertake salt damp eradication and the under-pinning of foundations.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. J.C. Bannon):
- Australian Formula One Grand Prix Board—Report, for period ending 3 November 1985.

By the Minister of Transport (Hon. G.F. Keneally):
- Highways Act 1926—Regulation—Highways Fund.
- Road Traffic Act 1961—Regulation—
  - Seat Belt Exemptions.
  - Rear Marker Reflector Plates.
- South Australian Health Commission—Report, 1985-86.
- Corporation of Burnside—By-law No. 32—Library Service.

By the Minister of Mines and Energy (Hon. R.G. Payne):
- Australian Mineral Development Laboratories—Report, 1985-86.

By the Minister of Education (Hon. G.J. Crafter):
- Legal Practitioners Act 1981—Regulations—Printing Certificate Fee.
- Liquor Licensing Act 1985—Regulation—Liquor Consumption Port Augusta.
- Local and District Criminal Courts Act 1926—Regulations—Local Court Fee.
- Supreme Court Act 1935—Regulations—
  - Sheriff's and Marshal's Office Fees.
  - Probate Fees.
- Justices Act 1921—Rules—Court Fees.
- Classification of Publications Board—Report, 1985-86.
- South Australian Teacher Housing Authority—Report, 1985-86.

By the Minister of Labour (Hon. Frank Blevins):
- Department of Labour—Report, 1985-86.

By the Minister of Agriculture (Hon. M.K. Mayes):

Samcor Voluntary Contribution Plan—Auditors' Report and Accounts, 1985-86.

MINISTERIAL STATEMENT: RECREATION AND SPORT DIRECTOR

The Hon. M.K. MAYES (Minister of Recreation and Sport): I seek leave to make a statement.

Leave granted.

The Hon. M.K. MAYES: Last Thursday, 20 November, I undertook to inform the House on developments relating to the position of Director of the Department of Recreation and Sport. Earlier today, Mr Graham Thompson resigned as Director of the department. The resignation was a mutual agreement between Mr Thompson and the Government in the best interests of both parties. Mr Thompson has accepted a resignation package of $100 000. The department's Recreation, Sport and Fitness Manager, Mr Rhys Jones, will act as Director until the position is filled. A new Director will be appointed early next year. Mr Thompson has also resigned as Chairman of the Racecourses Development Board. Mr Dennis Harvey, the Manager of the department's Racing and Gaming Division, will be recommended to His Excellency the Governor this Thursday for appointment to this position.

BOTANIC GARDENS

The SPEAKER laid on the table the final report by the Parliamentary Standing Committee on Public Works on the Botanic Gardens Bicentennial Conservatory, together with minutes of evidence.

Ordered that report be printed.

PUBLIC ACCOUNTS COMMITTEE REPORT

Mr KLUNDER brought up the 47th report of the Public Accounts Committee, which related to asset replacement in hospitals, together with minutes of evidence.

Ordered that report be printed.

QUESTION TIME

RECREATION AND SPORT DIRECTOR

Mr OLSEN: Did the Minister of Recreation and Sport ask the head of the department, Mr Graham Thompson, to resign and, in addition, has he received any approach from senior staff in the Department of Recreation and Sport about the circumstances surrounding the resignation of the departmental head and, if so, will he reveal the concern that staff have expressed to him?

Speculation about Mr Thompson's resignation has been heightened with a notice circulated today to all staff of the Department of Recreation and Sport and following the Minister's ministerial statement to this House. It has been signed by seven divisional heads and announces a meeting of all staff to be held tomorrow afternoon. The notice states, in part:

> A number of staff members have raised questions concerning the events which we believe recently led to the resignation of Mr Graham Thompson as Director of the Department of Recreation and Sport. These events have implications for the future careers and security of all staff of the department and the meeting has been called by the Public Service Association to enable the issues to be discussed.

Mr Thompson's position has been the subject of speculation since the Minister's public admission that he was unhappy with certain aspects of the department's performance, something for which the Minister, under the Westminster system, ought to accept responsibility.

The SPEAKER: Order! I warn the Leader of the Opposition against introducing comment into his explanation.

Mr OLSEN: The Opposition has previously referred to considerable dissatisfaction in recreation and sport circles with the Minister's performance, particularly in relation to projects reportedly announced but not completed, such as the hockey stadium, the resurfacing of the Olympic Sports Field track, the sport and recreation centre and the cycling velodrome, to mention but a few. To allay any suggestion that Mr Thompson has become a scapegoat for the Minister's failure to honour those specific promises—

The SPEAKER: Order! The Leader of the Opposition has been in this House long enough to be able to frame a question without introducing comment. Leave will be withdrawn if he introduces comment, whether it is direct comment or comment under another guise, as was the case with the last few remarks that he made.

Mr OLSEN: I clearly indicated in extracts from the statement circulating within the department concern amongst departmental officers at the way in which Mr Thompson's resignation has obviously been sought and now accepted. Genuine concern exists within the department about the Minister's handling of that department. I therefore invite him to make a full statement to the House.

The Hon. M.K. MAYES: The only thing I note about the Opposition's criticism in the past relates to my handling of Grand Prix tickets. I am still waiting for an apology from the member for Bragg in that regard. I noticed the other day that the member for Light was quick off the mark to demand an apology from me in relation to a matter about which, in error, I had misled the Estimates Committee. I wonder whether he has acted in the same way in relation to getting an apology before the House in regard to the matter that the member for Bragg raised. I think that this is a genuine issue that deserves a serious answer, irrespective of the way that it has been asked by the Leader of the Opposition.

I have met with the managers of the department on two occasions to inform them—and to keep them informed—in relation to the discussions which were occurring between the Commissioner of Public Employment, the Premier, me and Mr Thompson. I did not at any stage directly ask for the resignation of Mr Thompson. In fact, I raised the matter in consequence of discussions with the Chairman and with Mr Thompson about the situation in regard to the operation of the department.

As a consequence of the discussions that took place between the Commissioner, the Premier and me, the situation is as we see it today. At 10 o'clock this morning I met with the managers of the department to advise them of the situation and to brief them in relation to their performance within the department. I notified them that I have total confidence in their performance and that of the staff and I asked them to assure the staff of the department that I have confidence in them. I understand their concerns in relation to their employment. However, I assured the managers (and I asked them to assure the staff at their meeting tomorrow afternoon) that there is no lack of confidence in their performance and, as Minister, I have total confidence in what they are doing. I look forward to working with them in the future in order to continue the development of recreation and sporting facilities in this State.

The SPEAKER: Order! Questions that otherwise would have been directed to the Deputy Premier will be taken by the Minister of Transport.

AUSTUDY SCHEME

Mr FERGUSON: Will the Minister of Education inform the House whether he is prepared to continue to make representations to Senator Susan Ryan regarding the need for change to the Austudy scheme to suit South Australian conditions? I have received correspondence from the South Australian Commission for Catholic Schools in relation to the introduction of the new Austudy scheme. The implementation of the new scheme as proposed by the Australian Government will severely disadvantage many South Australian students because of the South Australian schools system. It has been suggested to me by the South Australian Commission for Catholic Schools that students should be eligible for a grant either when they enter year 11 or attain the age of 16 years.

It has also been put to me that payment should be to families rather than to students, as is the case at present. I have received representation on this issue not only from the South Australian Commission for Catholic Schools but also from Government schools. The situation in South Australia means that many thousands of students will be disadvantaged by the conditions of the proposed scheme. I am aware that strong representations have been made to Senator Ryan by the Minister and his department, but I am anxious that these representations continue.

The Hon. G.J. CRAFTER: I thank the honourable member for his question and I can assure him and, indeed, all members that the State Government will continue to make vigorous representations to the Federal Minister for Education and the Commonwealth Government on behalf of young people in South Australia who are disadvantaged by the Austudy regulations which are proposed to come into force at the beginning of the 1987 school year. Indeed, I should point out to the House that a number of young people aged 16 years or over will for the first time be eligible for benefits, and that will assist them to remain in the education system in this State. We welcome that. Further, we as a Government welcome the parity that will be brought about between a range of benefits that are available to young people in the community so that there are not incentives for young people to leave senior secondary years of schooling and receive unemployment benefits in the hope of seeking work.

Similar concerns are being expressed on behalf of the Western Australian Government and, to a lesser extent, the Queensland Government, because in those States, also because of the age profile of the students in senior secondary years, there is a situation similar to that in South Australia. I hope that our continued representations will see an understanding and acceptance of this situation by the Commonwealth authorities and some relief forthcoming.

RECREATION AND SPORT DIRECTOR

The Hon. E.R. GOLDSWORTHY: Will the Minister of Recreation and Sport reveal what specific aspects of the departmental activities in relation to Mr Thompson he was unhappy with?

Ms Lenehan: Come on, Roger!

The Hon. E.R. GOLDSWORTHY: Well, the man has just left. The head of a department has just disappeared. Surely that is a legitimate question.

The SPEAKER: Order! The interjection by the member for Mawson was out of order, and the Deputy Leader should not have responded to it.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: My word! What specific aspects of Mr Thompson's activities was the Minister unhappy with which led to Mr Thompson's resignation, and will the Minister reveal the provisions of Mr Thompson's contract that allowed for a payment of $100 000 on his resignation?

The Hon. M.K. MAYES: At this stage the Opposition is digging over issues which, I think, can only reflect on the person in question, and I really feel that, in view of the circumstances and the fact that a decision has been made both by the individual concerned (the former Director) and the Government, it does not behove me to delve into what has now become history. What the department has to look forward to is the development of recreation and sport facilities in this State, and within the next few months I hope to be able to announce not only to this House but also to the public significant steps in that direction.

In relation to the contract, discussions were held between the Commissioner of Public Employment, the Premier, Mr Thompson and me. The discussions were handled by the Department of Personnel and Industrial Relations, and I think it is important to note that I have indicated publicly the sum involved. Those discussions took place on an industrial and legal basis with the former Director.

HOUSING AND CONSTRUCTION PROJECTS

Mr HAMILTON: Will the Minister of Housing and Construction inform the House how many projects under his portfolio received praise from the Civic Trust of South Australia this year? I have noted over recent years a tendency to politically point score at the expense of what I believe to be well designed or constructed public buildings and Housing Trust homes. I do not believe that the public often shares the shallow criticisms put forward by some politicians and other politically motivated people.

The SPEAKER: Order! I ask the honourable member to refrain from introducing comment into his explanation.

Mr HAMILTON: However, it is worth highlighting some of this year's Civic Trust Awards as they appear to contradict public statements criticising some of our public buildings.

The Hon. T.H. HEMMINGS: I am delighted to respond to this question because, indeed, once again several projects under my portfolio of Housing and Construction have received commendation or awards in the 1986 Civic Trust list. Yet again, the South Australian Housing Trust scored well, receiving one award and eight commendations for various housing projects around Adelaide. The Department of Housing and Construction also received four commendations. The member for Albert Park made the point that sometimes there is unfair politically motivated criticism about public sector buildings, be they for residential purposes or those forming part of this State's program of building schools or refurbishing old buildings. Unfortunately, a lot of criticism comes from the other side of this Chamber, especially in regard to the South Australian Housing Trust. Whilst not wishing to embarrass those members, I often see in country newspapers statements by members of Parliament backing up ill conceived criticism by members of the public about the standard of accommodation built by the Housing Trust for public sector tenants. There is also a lot of unfounded criticism in relation to public

sector tenants themselves, but that is not part of this question.

An honourable member interjecting:

The Hon. T.H. HEMMINGS: The member for Heysen is interjecting, and he will get his answer from me in due course. I understand that a few letters are going to the Mount Barker *Courier* about his latest bout of criticism of trust accommodation. When the member receives that criticism he may put in a letter to the Mount Barker *Courier* and say, 'Yet again, I got it all wrong.'

I now refer to the Department of Housing and Construction, which received recommendations in the trust's restored and recycled buildings section for the Mortlock Library. Those who attended the opening of the Mortlock Library will have seen the craftsmanship that people in my department and in the private sector working together have achieved. The old Treasury Building received a commendation for buildings in their settings. I am proud of the old Treasury Building. Every time I come into my office I pass that little part of Adelaide's colonial history that warms the hearts of the people of Adelaide. I received only three complaints about the old Treasury Building, one being from a dear old lady of 78, who wrote to me and said that she did not like the colour. I was moved by the letter and rang her to explain what we had done with the old Treasury Building. She then said that she was pleased with it. The second complaint was from the member for Hanson, who said that he was going to say it looked 'yukky'. We replied and said that he had no taste in colonial heritage, and we have not heard another peep from him.

The third complaint was from a member of the other place, the Hon. Legh Davis, who wandered around the old Treasury Building licking his finger and putting it on the white marks. He could not work out what was salt damp and what was caustic soda. I understand that the honourable member had a few blisters on his tongue, so he picked the caustic soda. However, he insisted that it was salt damp. To those who criticise the public sector building program, I suggest that they write to the Civic Trust asking for a copy of its report and read about the fine work that my department and the South Australian Housing Trust are doing for the people of Adelaide. I suggest to the member for Heysen that, before he goes into print and objects to Housing Trust building in Mount Barker, he writes to me and I will put him right.

MOTOR VEHICLES

The Hon. B.C. EASTICK: In view of the latest disastrous car registration figures, is the Premier prepared to ask the Federal Government to exempt motor vehicles from the fringe benefits tax in the interest of maintaining jobs in a vital South Australian industry? Figures released yesterday show that car sales last month were at their lowest October level since 1971 and were lower even than in January this year—which traditionally is the poorest month for sales.

In response, the Australian Automobile Dealers Association has said that figures over recent months have shown that the fringe benefits tax has had a major adverse effect on all sections of the industry, forcing 4 000 people around Australia out of a job already. It is conservatively estimated that at least 400 of these jobs have gone in South Australia, making a major contribution to our unemployment rate, which is climbing to the highest in the nation. In view of these alarming trends, the Premier must be prepared to raise this matter again with Canberra, hopefully with more success than he has had previously.

The Hon. J.C. BANNON: I thank the honourable member for his question. When he talks about success with Canberra, I have to remind him that in fact representations made by me, partly at the request of the national local organisation which invited me to Canberra to speak at its national meeting, at which a number of Federal Ministers, including Senator Button and others were present, were responsible for some modifications to the motor vehicle tax. I said at the time that they did not go far enough, and I have maintained my position on the FBT as it applies to the motor vehicle industry consistently throughout the whole debate that has gone on. It is still very hard to ascertain the exact impact of the tax itself as opposed from, first, general market conditions and, secondly, perception of the tax. These elements are very important to try to dissect.

In 1985 the motor vehicle industry had a record year; it sold more vehicles that year than ever before. In 1986 we saw unleaded petrol come in as an obligatory requirement, and it was clear that there would be a brought-forward demand in 1985 which would take a while to work its way into the system. It is also true that the uncertainty pertaining to the actual application of the fringe benefits tax from late 1985 when it was announced right through until it was finally modified caused a number of fleet buyers and others to hold back their purchases. This also resulted in a reduction of purchaser vehicles. One must unravel and dissect those elements and other market conditions before one can actually pin down the actual effect of the FBT. I am on record as saying that it could not have been a worse time to bring it in and, indeed, to destabilise the operation of a national car plan in this way was most unfortunate. Those representations have been made, and I am surprised that the honourable member asked this question, because, if he was aware of them, he would not have phrased the question in the way that he did. I suggest that this is something that concerns all of us, and that it is not just a matter of political point scoring.

Members interjecting:

The SPEAKER: Order! The member for Mawson.

TAFE LECTURERS

Ms LENEHAN: Will the Minister of Employment and Further Education give the House an undertaking that decisions regarding the continuity of employment of temporary lecturers in the TAFE sector will be made as soon as possible after the State budget is introduced? I ask this question, first, as a result of representations made to me by individual contract lecturers in my electorate and also because as a member of the Noarlunga TAFE College Council I am aware of the serious effects on the planning of courses for the following year which result from delays in making decisions regarding the reappointment of contract teachers. The Noarlunga TAFE College Council is also concerned about the adverse effect of lecturer morale which the delay in these decisions can have.

The Hon. LYNN ARNOLD: I am happy to receive the question from the member for Mawson. Indeed, I concur with her in the effect on the morale of those involved because of this uncertainty about their continuing positions. The record of this Government in this area, both since the most recent election and between 1982 and 1985, has been good indeed. In fact, if one goes back over the whole issue of contract positions not only in the TAFE sector but also in the primary and secondary sector, one sees that there has been a progressive improvement in that area ever since 1982.

An honourable member: Answer the question.

The Hon. LYNN ARNOLD: I will answer the question, and that answer will show clearly that the record between 1979 and 1982 was not good. In 1982, 12 per cent of all positions of lecturer in a State funded capacity in the Department of Technical and Further Education were contract positions. The letters of agreement that had been exchanged in the 1970s and not formally abrogated by the former Liberal Government indicated that the figure should be 7½ per cent. We got it back to 7½ per cent in our term, whereas the Liberals allowed it to grow out from that figure. Year after year the decision on what was happening to contracts was being made later and later. Indeed, in the final years of the Liberal Government the decision was coming as late as Christmas Eve, and TAFE lecturers did not know until then whether or not their contracts would be renewed in the following calendar year.

I indicated then, and I sustain my position now, that that is unreasonable and not a good use of these people's lives, and that such decisions should be made earlier than that. Indeed, in the calendar year 1982 the position was the same. We came in during the last few weeks of that year, and it was impossible to avoid the Christmas Eve decision making process. We have tried to do what we can to bring forward an earlier decision making process.

The Noarlunga TAFE Council has indicated that decisions should be made by the end of October, but I cannot guarantee that for reasons that vary from position to position. However, we should be doing much better than Christmas Eve decision making, and I guarantee that we will do whatever we can in future years to continue the good record that we have established of giving the earliest possible determination on whether or not a contract position will continue. We will also maintain our commitment to the principle that, wherever ongoing areas of demand have been identified and contract lecturers have been on contract for a significant period and have proved themselves to be capable lecturers, those people should be given the opportunity to convert to permanency. We will continue our proven record in the future.

During this financial year one thing has varied that situation: the matter of flexibility in staffing for next year has resulted in my saying that the agreement reached with the Institute of Teachers for the 1987 calendar year staffing period will not be followed to the absolute letter of the agreement that we may have entered into. However, we will try to do contract conversions wherever possible: we maintain that commitment, but we do not guarantee that everyone meeting those guidelines will be automatically converted. The honourable member's point is valid. We have proved that we are concerned and sympathetic in this matter and we will maintain that attitude and continue to improve the situation, as we have consistently done since 1982.

POLICEMAN'S POINT CARAVAN PARK

Mr LEWIS: Will the Premier ensure that the State Government's share of the $193 000 in CEP funding provided for the Storemen and Packers Union to purchase the Coorong caravan park at Policeman's Point will be repaid in view of the union's intention now to sell that property? The Opposition has been informed that this caravan park is now to be sold by the Storemen and Packers Union. It was purchased by the union early in 1984, to the best of my knowledge, for just over $70 000. Following discussions with the State Government, the union Secretary (Mr George Apap) was granted something in excess of $100 000—to the best of my knowledge, it was $192 927—through the Commonwealth Employment Program. The then Minister of Tourism (Hon. Mr Keneally) said at the time that he supported the granting of taxpayers' funds to the Storemen and Packers Union because it would provide low cost holiday accommodation to members of that union and other unions at discounted rates. In view of the union's intention to now sell the caravan park—

Members interjecting:

The SPEAKER: Order! The amount of interjection from both sides of the Chamber is making it difficult for the Chair to hear the explanation of the member for Murray-Mallee.

Mr LEWIS: In view of the union's intention to now sell the caravan park, some two years later, I ask the Premier whether he will ensure that the taxpayers' money is refunded as a result of the sale, as it appears that the Storemen and Packers Union may otherwise make a handsome killing in the process?

The Hon. J.C. BANNON: I will obtain a report on the matter, because I am not sure *(a)* whether the facts are correct as stated by the honourable member; *(b)* what the conditions of the CEP grant were; and *(c)* whether there are other circumstances that warrant the sale of this asset. I guess one of the circumstances might be the unremitting campaign waged against it by the member for Coles, who felt that it was most disgraceful, improper and outrageous that any kind of grant of that nature should be given. I do not know what has ensued since then. I thank the honourable member for drawing the matter to my attention. I will obtain a report.

KINDERGARTEN STAFFING

Ms GAYLER: Can the Minister of Children's Services advise the House whether the 1987 kindergarten staffing allocations, which are based on the number of four-year-old children enrolled as at September last, will be reassessed in the new year and increased in cases where actual 1987 kindergarten enrolments have increased warranting additional staff? Kindergartens were advised last week of the number of staff that they will have in 1987. One kindergarten, the Banksia Park Family Centre in the growing north-eastern suburbs, has been advised that it will have 2.5 staff instead of its present three, because of the number enrolled in September. The kindergarten does, however, expect more four-year-olds to commence preschool next year, which would entitle it to continue with three staff members. My constituents are concerned at the effects on preschool services if staffing is not adjusted in line with growing enrolments.

The Hon. G.J. CRAFTER: I thank the honourable member for her question, and I am pleased to give her the assurance that she seeks. I must say that the procedures being followed are those that have occurred in previous years with respect to the staffing of kindergartens by assessing the number of students that will be present in kindergartens in the following year. The practice of the Children's Services Office (as has been the practice in previous years) to make staffing allocations for subsequent years is based upon enrolments in September of the current year. In other words, allocations from 1987 have been based on enrolment numbers in September this year.

I appreciate the honourable member's concern that this may not take into account projected enrolments in each kindergarten. Whilst I have sympathy with this point of view, it must be recognised that there are many difficulties

of a practical nature associated with staffing on the basis of projected enrolments. In particular, there is no guarantee that the children who are expected to enrol will in fact do so. It seems fairer therefore for all kindergartens to be staffed on the basis as described and as has occurred in the past.

However, I give this assurance: it should be noted that, if severe problems occur upon the commencement of the new year, then the Children's Services Office may finetune staffing allocations at the end of the first and the second terms. The finetuning allows the Children's Services Office to deal with glaring differences between staffing allocations based on the September 1986 enrolments in comparison with the actual 1987 enrolments

MARIJUANA

The Hon. JENNIFER CASHMORE: Why is the Minister of Education spreading false information about the Government's marijuana laws?

Members interjecting:

The SPEAKER: Order!

The Hon. JENNIFER CASHMORE: I refer to a meeting that the Minister had last Monday, 17 November, with members of the Berri Primary School Council. I am advised that during that meeting the Minister told the council that any person receiving an on-the-spot fine for marijuana possession would still have a record so that the offender would be jeopardised beyond the simple payment of the fine. I am also told that an example the Minister gave was that such offenders would have difficulty in gaining entry to countries like the United States. This is not true. The imposition of an on-the-spot fine will not carry any conviction, meaning that offenders will not get a record in the sense conveyed by the Minister to this school council. The Minister's behaviour has serious implications.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition will cease interjecting.

The Hon. JENNIFER CASHMORE: It means either that the Minister does not understand a major change in the law, or that he is deliberately misrepresenting this matter in schools in an attempt to deflect strong and widespread criticism of parents.

The Hon. G.J. CRAFTER: I am delighted to clarify the misunderstanding of the honourable member. I told those representatives at Berri last Monday the complete opposite of that which the honourable member has reported.

Members interjecting:

The SPEAKER: Order!

The Hon. G.J. CRAFTER: In fact, I have told many people who have made representations to me that the changes in the law bring about a change in the administration of justice in this area and that the on-the-spot fines do in fact eliminate the recording of a criminal conviction. I quoted one of the reasons for this was that a person may be refused an entry visa into the United States because that conviction is recorded against their name. I gave that as an example.

I gave the parents at that meeting examples of a number of professions where the recording of that criminal conviction against a person's name has jeopardised his or her whole future career. I asked them to consider what is an appropriate penalty in those circumstances and I suggested that the proposed penalties may well be substantially greater than many of the penalties that are imposed by the courts. The Opposition has been spreading the story throughout the community that it is no longer an offence to possess marijuana: it is still an offence and it carries a fine which, in the majority of cases, will be greater than the average fine that is imposed by the courts within this State. I have told people in this State the truth about this matter, but the Opposition has not.

It is interesting to see the advertisements that are appearing in the press where the Liberal Party does not have the guts to put their name on them. The Leader of the Opposition gets the Director of the Liberal Party to put his name on the advertisements; he will not be associated with it or have his photograph appear in those advertisements. He and his Party do not have the guts to stand by those statements.

Members interjecting:

The Hon. G.J. CRAFTER: In recent weeks I have quoted that example to literally dozens of individuals and groups in order to clarify the situation and to explain why the Government believes that it is not appropriate to record a criminal conviction in these circumstances. If there is some misunderstanding about what I said, I suggest that members opposite contact the dozen or 15 people who were at that meeting in order to have the situation clarified.

Members interjecting:

The SPEAKER: Order!

ROAD SAFETY

Mr RANN: Will the Minister of Transport inform the House whether or not his department was successful in securing the services of Grand Prix drivers for the Government's road safety campaign in the critical pre-Christmas period?

The Hon. G.F. KENEALLY: I thank the honourable member for his question. As all members would know, the Grand Prix office and I announced prior to the Grand Prix that a promotional campaign was planned around the possibility of securing a number of notable people involved in the Grand Prix to make road safety statements on our electronic media. In the event, that was successful and I have to thank very much Channel 9 for the assistance provided to the Government in filming these messages.

We had the support of Gerhardt Berger of the Benetton team, Philippe Streiff of the Renault team, Martin Brundle of the Renault team, Ayrton Senna of the Lotus team, Stirling Moss (an ex but notable road racer and driver, never a world champion, but he should have been), and Murray Walker, the race caller. Six individual 15 second television spots featuring those personalities were recorded. The topics used were general themes of care, safety and speed restraint. The set of films was produced without the normal fees associated with Grand Prix drivers' endorsements and only minor costs of editing were incurred.

I want to thank all the people involved in securing that excellent form of advertising at very minimal cost indeed. That says a lot for the concern that organisations have for road safety. Dubs of the edited material were made within 12 hours and tapes made available for broadcast. Eighty spots were provided during the remainder of the Grand Prix at no cost to the division. Subsequently, the dubs were used on radio and remain current in the electronic media with community announcements on the ABC and other commercial channels.

It is planned that a re-edit will form the basis of a campaign prior to and during the 1987 Grand Prix. The department will be using original material generated during the 1986 race productions. As all the broadcasts have been

by free community announcements, no accurate schedule is available yet for the period of the broadcasts. Once again, I would like to indicate the Government's appreciation for the support of those arms of the media that have been prominent in this road safety campaign, which I believe has been and continues to be successful in terms of using Grand Prix personalities.

CONSTRUCTION TENDERS

Mr INGERSON: Will the Minister of Transport clarify the procedures under which the Highways Department tenders in competition with the private sector for major roadworks and, in particular, will he provide details of the tender the department has awarded itself for the Bordertown bypass project? The construction industry is seriously concerned about the department's tendering procedures. This has been heightened by the department's decision to award itself the Bordertown bypass project after inviting tenders from the private sector.

The construction industry would be interested to establish, in relation to this project: the margin by which the department's tender was cheaper than the second lowest tender lodged; whether the department will undertake this work using its own day labour work force; how any cost overruns will be met; how the construction industry can be sure that the assessment of tenders is fair and equitable when the department assesses its own bids; how the construction industry can be sure that the department is not at any advantage by excluding from its own tender all taxes and overheads applicable to the private sector; and what the department's policy is generally in relation to tendering for future works in competition with the private sector.

The Hon. G.F. KENEALLY: I am happy to respond to the honourable member's question. I announced earlier at the earthmovers' annual dinner that the department would be looking at tendering for national highways work, and subsequently the department has tendered for the work involved in the Bordertown bypass, which is part of the national highways scheme. It should be pointed out at the outset that the South Australian Government—the South Australian road authority—is the only one in Australia that does not tender for national highways work. The two States in Australia that achieve the highest degree of contract work by public tender for the Government authority are Tasmania and Queensland. The same conditions that are used by the conservative authorities in Australia to achieve work for their authorities are the conditions that will be applied here.

We have made very clear indeed that it is not the intention of the Government or the Highways Department to gear up now so that they can compete out in the private sector for public contract. We will be leasing the material and employing people on term contract if we secure that contract. There has been no notification to me by the Highways Department that it has as yet recommended the successful contractor. The honourable member may be referring to the requirement of the Highways Department to list the various tenders on the notice board of the highways office. I understand that the Highways Department is the lowest tenderer. That does not mean that it has been recommended to the Government, or that the Government has accepted that tender.

I have met with all the people in the industry, who have discussed this with me in my office. I have a responsibility as Minister of Transport, to whom the Highways Department is responsible, to effectively utilise our resources. It seems to be a strange set of circumstances if we have employed within Government departments people who are not having work given to them, yet at the same time we are paying for that work to be done by people in the private sector. In a sense, we are therefore paying twice.

This was the problem that the previous Government faced with public buildings, as was known at that time. No recommendation has been made to me as Minister. As a consequence I have taken no recommendation to Cabinet. It is not the Highways Department that determines who is a successful tenderer for large road construction projects—it is Cabinet. The Highways Department recommends to me. If I believe that it is essential to do so, I will recommend to Cabinet—

An honourable member: Will you consider all those points?

The Hon. G.F. KENEALLY: Absolutely. They will be taken into consideration and adjudged in exactly the same way that the authorities in Queensland, Tasmania and other authorities in Australia judge them. I make my final remark in the same way that I started: we are the only State in Australia that has given all the national highway contract work to private industry. I make this point for the shadow Minister: we have always supported the industry and will continue to do so. When I talk to the Federal Minister for Roads about the work that is given to the State Government in its arterial road programs, and so on, he tells me that I should do what other Ministers of Transport and other road authorities throughout Australia do, namely, go out into the public area and tender for the work as does everyone else. That requirement was laid down by the Fraser Federal Government.

An honourable member interjecting:

The SPEAKER: Order! The member for Bragg asked about half a dozen questions in the guise of his explanation. He should not try to ask another half a dozen questions by way of interjection.

The Hon. G.F. KENEALLY: Conservative Governments in Australia lay down the guidelines and if Labor Governments follow those guidelines they are criticised. Everything is fair and above board. The industry has been told of everything that we are doing, and I have answered all the questions asked by the honourable member.

CONTACT REGISTER

Mr ROBERTSON: Will the Minister of Education, representing the Minister of Community Welfare, say what steps have so far been taken to exchange information on relinquishing parents and adopted children presently held by the Family Information Service, with other States presently maintaining a similar register of information? Further, in particular, now that 'contact registers' have been established in Victoria and Western Australia, will any attempt be made to establish a national contact register?

I am advised fairly regularly that the lack of a national contact register is a cause of great concern to both relinquishing parents themselves and adoptees. In fact, several relinquishing mothers contact my office fairly regularly to inquire into the state of legislation in other States and to ask about the progress being made towards a national register and to complain about lack of coordination. Also, I have spoken to a number of adoptees themselves who have had difficulty in locating their natural parents. I am aware of the Minister's concern for both the adoptees and the relinquishing parents. I am aware that the Minister has been quick and sympathetic to answer all the inquiries that I have made to his office. He has also been helpful to the

constituents concerned, and I must say that he has made the point of attending several meetings of the relinquishing parents themselves. But, in directing my question to the Minister, I would like an update on the progress towards a national register, and I therefore ask for a report on that issue.

The Hon. G.F. KENEALLY: I thank the honourable member for his question, and I commend him on his continued attention to and interest in what is a very sensitive but nevertheless very critical aspect of our society's needs. I will certainly take up with my colleague the Minister of Community Welfare the matter of a national contact register so that the rights of both adoptees and relinquishing parents are more fully protected and understood. As the honourable member has pointed out, I am sure that my colleague's concern and interest in this matter will enable him to bring down an appropriate reply at the earliest opportunity.

WORKERS COMPENSATION LEGISLATION

Mr S.J. BAKER: My question is to the Premier. Is it the Government's intention to proceed with the workers compensation legislation before Parliament adjourns for the Christmas/New Year break and, if not, why not?

The Hon. FRANK BLEVINS: Yes, Mr Speaker, as I stated—

Members interjecting:

The SPEAKER: Order! The Chair cannot condone a conversation across the Chamber between the member for Mitcham and the Premier. The honourable Minister of Labour has the call.

The Hon. FRANK BLEVINS: I thank you for your protection, Mr Speaker. The short answer of course is, yes, the legislation will be reintroduced. I would just point out that the benefits in that legislation to industry and unions in this State have been delayed by the bloodymindedness of the Liberal Party, aided and abetted by the Democrats. I point out that in the interim the position in Victoria under a similar but more generous scheme has resulted in industry in Victoria paying $500 million less in workers compensation premiums during the period since the WorkCare scheme came into operation—$500 million less than had been paid previously. Again in Victoria, 3 000 injured workers have been referred for rehabilitation, and I am happy to say that the unspent funds that were invested by the managers of the WorkCare scheme have resulted in a rate of return of the order of 27 per cent.

While there has been—as was predicted very early on—a small shortfall in premiums, the reason for that is very interesting, and I urge honourable members to listen. The reason is that the average premium level in Victoria was set at 2.4 per cent of payroll. The actual premiums that have been returned have been 2.2 per cent because, over the period during which the scheme has operated, the profile of the work force in Victoria has changed considerably with unexpected increases in those categories that pay the lowest premiums: for instance, the service industry and the hospitality industry. There would be a correction to that, and I am delighted that the Victorian scheme has performed as it has. Indeed, Victorian employers are also absolutely delighted.

When one mentions to South Australian employers the scale of the Victorian premiums, our employers want the scheme and they want it today. The Liberals and the Democrats will soon have the opportunity to provide a similar scheme with a similar level of benefits to employers and employees in this State. I urge all Opposition members, when they have the opportunity to vote on this legislation, to put South Australia first and to vote for the workers compensation legislation when it again comes before the Parliament.

UNDERGROUND ELECTRICITY MAINS

Mr DUIGAN: Can the Minister of Mines and Energy say whether all avenues for the undergrounding of electricity mains are being pursued by the Electricity Trust of South Australia? Further, when other infrastructure redevelopment (for example, the construction of new roads) is being carried out, will the Minister ensure that every available opportunity is taken to encourage all users to seriously consider undergrounding electricity services that pass their property? There are a number of examples in the Adelaide electorate where major road redevelopment and redesign are taking place, and the opportunity has been taken by subscribers to underground their electricity services to enhance the character of their area.

However, in some cases this opportunity has not been taken, or one or two subscribers appear not to have wanted to contribute to the enhancement of their area. In one instance in my electorate, a lone stobie pole stands naked and exposed in an otherwise delightful new streetscape. I am aware that there are similar examples in other electorates but, as much redevelopment is taking place in the Adelaide electorate, I would hope that all available opportunities are taken by ETSA to enhance the urban streetscape.

The Hon. R.G. PAYNE: I thank the honourable member for his question and I am sure that you, Mr Speaker, would have noted the skilful way in which he phrased it when he asked whether all avenues were being pursued in this matter. The question of undergrounding existing overhead electricity mains can be approached in various ways. The most common example is when a community benefit is involved and the matter is raised initially by local government. I am sure that most members have had experience of these types of scheme. In those circumstances the case is referred to the Electricity Reticulation Advisory Committee (ERAC) for recommendation. If that committee decides that the community benefit is sufficient, the trust and local government share the cost of undergrounding the street mains. The cost of undergrounding the service from the property boundary of a ratepayer's premises is the responsibility of the ratepayer, and in such cases the arrangements to underground ratepayers' services are negotiated by local government with the help of the trust.

An example of that type of approach would probably be the heritage area of Port Adelaide where that arrangement applies. In the case which the honourable member has raised and which he originally discussed with me in private, local government arranged with all but two of the ratepayers to use a common electrical contractor for their service alterations with the other two electing to handle the matter independently. In this case, one of those two had the work done quickly whereas, because of illness, the other took some time to make arrangements. I am happy to say that this delay has now been resolved and that the final undergrounding connections are expected to be completed in a few weeks.

Another common motivation for undergrounding is in cases where the Highways Department is reconstructing or widening a major thoroughfare and changes to power supply arrangements are necessary. Such cases are also referred to ERAC, which makes a recommendation on whether undergrounding is justified. Once again, the cost of underground-

ing the street mains is shared by the trust and local government, the ratepayer being responsible for the cost of undergrounding from the boundary of the premises. Every encouragement is given to place the services underground, but occasionally this is unacceptable to a ratepayer. This may have been the situation envisaged by the honourable member in the case of his constituents, but my information suggests that the circumstances were somewhat different.

When the kind of thing to which I have referred takes place, an overhead service run is provided from a short environmental post on the customer's boundary. The honourable member may have referred to such a post as a lone stobie pole. I imagine that the member for Eyre has another description for any kind of pole with 'environmental' as the prefix to its name, from remarks that I have heard him make in this House from time to time regarding the environment.

Finally, undergrounding may occur when a group of residents in, say, the same street request that their mains be placed underground. This is normally done in the form of a memorial to local government. In such cases, there is rarely a community benefit, and the whole cost of undergrounding is then the responsibility of the residents. So, there is a difference in that instance. For such a project to proceed the agreement of all participants is necessary.

SCHOOL ENTRY AGE

Mr OSWALD: Will the Minister of Education say whether the Government is prepared to reverse its new enrolment policy for preschools for 1987, particularly as it affects the entry of 3½ to 4-year-olds? That policy states:

> From the beginning of 1987, the Children's Services Office will have, as a general policy, four preschool intakes each school year and these shall occur at the beginning of each school term. A child will enter preschool at the beginning of the term following the child's fourth birthday (exception, guideline 4).

It has been put to me that this policy will exclude several thousand pre-entry children in the 3½ to 4-year-old age bracket. It has also been put to me that, depending on when the birthday falls, some children will not have access to four full terms of preschool. The question was raised last week in the *SA Teachers Journal*, which referred to the policy as an administrative nightmare for the provision of quality educational programs. The following question was asked: 'How was this policy formulated and who was consulted?' The journal states:

> C.S.O. staff were not consulted and, more importantly, nor were the parents. The consultative committee structure, a forum for parents to 'have their say' within the C.S.O., was ignored. Policy decisions affecting the provision of quality educational services need to be reached after appropriate consultation with both parents and field staff. The C.S.O. has these forms for consultation, but is not using them to reflect the real needs of the preschool community.

The Hon. G.J. CRAFTER: I gave a detailed reply to an identical question from the member for Fisher last week and there is little that I can add, except that we have undoubtedly (and I believe that no-one questions this) the best children's services of any State in Australia. I have recently visited Western Australia at the request of the Western Australian Minister to discuss children's services in that State. If one examines the figures, one sees how well off we are in this State compared to Western Australia. However, there is a limit to how far resources can be stretched. Our priority and commitment is to provide four sessions for four-year-olds, as I indicated in reply to last week's question. There are still a substantial number of centres where that could not be provided in the past year, and that must be our first priority.

MINISTERIAL STATEMENT: EMERGENCY HOSPITAL TREATMENT

The Hon. G.F. KENEALLY (Minister of Transport): I seek leave to make a statement, and I advise the House that a statement on this matter has already been made in the Upper House. I merely wish to incorporate the statement in *Hansard* without my reading it. It deals with allegations about the treatment of emergency patients requiring an operation at a hospital. I seek leave to have it inserted in *Hansard* without my reading it.

The SPEAKER: Standing Orders unfortunately do not provide for that. The Minister will have to seek leave to read it.

The Hon. G.F. KENEALLY: I cannot table it?

The SPEAKER: If the Minister tables it, it will not be incorporated in the official *Hansard* report.

The Hon. G.F. KENEALLY: In that case, I will forgo the opportunity. It is already incorporated in *Hansard* in the Upper House, and that should suffice.

SITTINGS AND BUSINESS

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

That the time allotted for—

(a) all stages of the following Bills—

National Companies and Securities Commission (State Provisions) Act Amendment Bill,
Securities Industry (Application of Laws) Act Amendment Bill,
Stamp Duties Act Amendment Bill (No. 2),
Travel Agents Act Amendment Bill,
Parole Orders (Transfer) Act Amendment Bill,
Tertiary Education Bill,
Commonwealth Powers (Family Law) Bill;
Motor Vehicles Act Amendment Bill (No. 3),
Correctional Services Act Amendment Bill,
Tobacco Products (Licensing) Bill,
Country Fires Act Amendment Bill (No. 3),
Volunteer Fire Fighters Fund Act Amendment Bill,
Commercial and Private Agents Bill; and

(b) consideration of the amendments of the Legislative Council in the following Bills—

Dairy Industry Act Amendment Bill,
Metropolitan Milk Supply Act Amendment Bill,

be until 6 p.m. on Thursday.

Motion carried.

RADIATION PROTECTION AND CONTROL ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It seeks to amend the Radiation Protection and Control Act in several important areas. As Members would be aware,

the Radiation Protection and Control Act was passed by Parliament in 1982. It was intended to be the vehicle by which comprehensive controls over exposure to ionizing radiation would be introduced. The general objective of the Act, and of the Minister and the Health Commission in administering it, was to ensure that exposure of persons to ionizing radiation was kept as low as reasonably achievable, social and economic factors being taken into account.

The Act purports to provide radiation protection controls over the mining of radioactive ores. However, the interaction of the Roxby Downs (Indenture Ratification) Act 1982 and the Radiation Protection and Control Act is such that the Radiation Act's effectiveness is severely limited in relation to that Project. The two Acts were developed concurrently but unfortunately, not in close collaboration, the end result being that they do not sit well together.

The Radiation Act provides for the Minister of Health, in consultation with the Minister of Mines, to attach conditions (and thereby a means of enforcement) to a 'prescribed mining tenement' (i.e. various forms of licence or lease under the Mining Act pursuant to which operations are carried on or proposed to be carried on, in relation to radioactive ores). However, upon the granting of a Special Mining Lease to the Joint Venturers under the Indenture and ratifying Act, this avenue of enforcement is not available since the lease is not a 'prescribed mining tenement'.

As Members will be aware, the Indenture Ratification Act, and the Indenture contain certain provisions related to radiation protection. Clause 10 of the Indenture requires the Joint Venturers to observe and comply with specified international and Australian codes, standards and recommendations. The State, for its part, must not seek to impose any standards which are more stringent than the most stringent standards contained in any of the specified codes, standards or recommendations.

The appearance is therefore that controls are in place or can be imposed. However, the simple fact is that there is not an avenue of enforcement available for breaches of the codes or standards other than the drastic step of termination of the Indenture. Clearly, this is not acceptable. The Government has honoured the Roxby Downs legislation as passed by the Parliament and the project is under way. The Government is also firmly committed to ensuring that the health of the workers at Roxby Downs is protected.

Extensive consideration and consultation has taken place to determine the most appropriate manner in which this matter might be addressed, recognising at the same time the rights and obligations conferred by the Indenture.

A Committee of Mines, Health and Environment and Planning officers, chaired by the former, distinguished Deputy Crown Solicitor considered that the situation may be best met by introducing a licence to mine and mill radioactive ores and requiring the Joint Venturers to hold such a licence. There would be the ability to put conditions on the licence.

This course of action is entirely consistent with the Indenture and the Ratifying Act. I draw Members' attention to Section 8 of the Indenture Act, and I quote—

> 'If at any time legislation of the Parliament of the State requires any person dealing with radioactive substances to hold a licence, authorization or permit to do so, the Minister, person or body responsible for the issue of the licence, authorisation or permit shall, upon application by the Joint Venturers, grant to them any such licence, authorisation or permit required for the purpose of enabling them to undertake the Initial Project or any Subsequent Project.'

Obviously, Parliament at the time of enacting the Indenture contemplated that there may be a licensing requirement as a radiation protection measure, and the Bill seeks to invoke that requirement.

The Bill introduces a licence to mine and mill radioactive ores. This will replace the 'prescribed mining tenement' concept and the licence to mill provided in existing Sections 24 and 25 of the Radiation Act. The Health Commission may grant a licence and impose conditions on licences. The general requirements relating to variation and revocation of conditions will apply. Contravention of the Section constitutes a minor indictable offence, for which the penalty is up to $50 000 or imprisonment for up to 5 years, or both.

The new requirements will apply to the Roxby Downs Joint Venture in the manner set out in the Schedule to the Bill. Necessarily, regard must be had to the provisions of the Indenture and ratifying Act, to ensure that they and this Bill are not inconsistent, and that the rights conferred by the Indenture are not materially modified. (If they were materially modified, the Joint Venturers could seek to terminate the Indenture.) Advice from the former Solicitor General, the former Deputy Crown Solicitor and the Crown Solicitor all indicates that the proposals in this Bill do not adversely affect the rights of the Joint Venturers given by the Roxby Downs (Indenture Ratification) Act 1982.

The main features of the Bill as it applies to the Roxby Downs project are as follows—

- The licence will be granted by the Minister of Health, to whom an application must be made.
- The Minister is obliged to grant a licence within 2 months and can impose conditions, so long as those conditions are no more stringent than the most stringent requirements or standards in any of the codes, standards etc. referred to in Clause 10 of the Indenture. (Again, I draw Members' attention to the interaction with Section 8 of the Indenture Act which guarantees the grant of a licence and limits the stringency of any conditions of licence to the most stringent requirements contemplated under Clause 10 of the Indenture. The requirements of Section 8 of the Indenture Act are thus reflected in this Bill.)
- In considering any application the Minister of Health shall —

— consult with the Minister of Mines and Energy.

— consult with the Joint Venturers.

— consult with the South Australian Health Commission.

— The South Australian Health Commission, in preparing its response, will refer the application to the Radiation Protection Committee for advice and will give due consideration to its advice. (This is the present procedure contained in Section 35 of the Radiation Act and applies to all licences.)

- If the Joint Venturers object to the conditions proposed at the time of grant, or to any new condition or change of condition, they can take the matter to arbitration as provided for under Clause 49 of the Indenture. If arbitration takes place, the operation of the condition/s will be suspended until the arbitrator makes a decision. In any event, further or varied conditions do not take effect until one month after the Minister gives notice of them, or such greater period as the Minister may determine.
- A licence issued to the Joint Venturers must not be suspended or cancelled while the Indenture remains in force.
- Any breach of conditions will be a minor indictable offence and *not* subject to arbitration. (Penalty: maximum $50 000 or imprisonment for 5 years, or both.)

Members will no doubt be aware of the Codes of Practice formulated under the Commonwealth's Environment Protection (Nuclear Codes) Act 1978, to which reference is made in Clause 10 of the Indenture and in this Bill and the principal Act. The Code of Practice on Radiation Protection in the Mining and Milling of Radioactive Ores, for instance, specifies standards, practices and procedures, and measures to prevent or limit radiation risk to employees and the public in uranium mining and milling operations. The Waste Management Code provides for prior development and approval (and subsequent updating) of a waste management program for mining and milling operations. The Codes set up a system of 'appropriate authorities' for approval of proposals or requirements under the Codes. The Health Commission and the Department of Mines and Energy have an agreement on the interpretation of 'appropriate authority' for each clause of the codes. In a number of Clauses the Department of Mines and Energy is the appropriate authority, but approvals cannot be issued without consulting with and, in most cases, the agreement of the South Australian Health Commission. In some Clauses, the Department of Mines and Energy or the South Australian Health Commission is the sole appropriate authority. For example, on radiation protection matters, such as approval of monitoring programmes and instruction of employees, the South Australia Health Commission is the appropriate authority, but will consult with the Department of Mines and Energy before granting approval. The South Australian Health Commission is the sole authority in relation to various health requirements e.g. for ensuring that appropriate dose records are kept, and requiring medical examination of employees. The Department of Mines and Energy is the sole authority for mining engineering matters. Where the matter is directly one of operations, but may result in exposure to radiation, the Department of Mines and Energy grants approval, but only with the agreement of the South Australian Health Commission.

This system of assignment of authority has worked well and will continue to operate. A joint consultative committee between the South Australian Health Commission and the Department of Mines and Energy which meets weekly will continue to operate, to ensure that there is an exchange of information.

In summary, the important radiation protection measure which this Bill seeks to enshrine is the provision of an avenue of enforcement, apart from the contractual right to terminate the indenture, whereby direct action can be taken should the Joint Venturers fail to meet their various obligations, thus placing the health of workers at risk.

The Bill also contains procedural changes aimed at rectifying anomalies which have become apparent in the operation of several provisions of the Act.

Clause 13 inserts a new section 36 which provides a comprehensive statement on conditions of licences or registration under the principal Act. The new section provides for the attachment of conditions after grant of the licence or registration and for the variation or revocation of conditions (whether imposed at the time of grant or attached subsequently). A decision to attach a condition or to vary or revoke a condition will take effect after one month's notice but if an application for review is made the operation of decision may be suspended by the Supreme Court. Contravention of, or failure to comply with, a condition of a licence under the new section 24 will be a minor indictable offence (as is presently the case under the existing sections 24 and 25).

A further amendment regarding licensing and registrations is the proposal to amend section 40 of the Act which relates to the Health Commission's powers to suspend or cancel a licence or registration. In such cases, the holder of the licence or registration will be in possession of equipment for which a licence holder or registration is required and would be technically in breach of the Act. The proposed amendment will overcome this problem by allowing orders made under section 40 to take effect after a specific period of time and also by empowering the Health Commission to make any directions it considers necessary regarding the disposal by the person of radiation apparatus, radioactive sources etc. This provision will also be used in respect of apparatus that is unsafe or dangerous and for which the simple cancellation of a registration is not considered sufficient for the Commission's discharge of its responsibilities in this area.

The Bill also proposes several amendments to the penalty sections of the Act. In particular, there is at present only one penalty for breach of regulations. This is a maximum fine of $10 000. In response to concerns expressed by users of radiation apparatus, the Health Commission has examined the various circumstances that can amount to a breach of regulations. These range from very trivial offences, such as failure to notify a change of address, to quite serious offences. Accordingly, this amendment allows the Regulations to impose categories of penalties lower than $10 000 if it considered that particular offences are not so serious as to warrant the existing penalty.

In respect of prosecutions, the Bill also contains a proposal to increase the limitations period from 6 to 12 months. As a general principle, the prosecution has 6 months from the date of the commission of an offence to commence proceedings for any summary matter unless otherwise provided for. Whilst this requirement may be adequate for a range of minor breaches of the law where offences are detected at the time of their commission and proceeded with routinely, it is not appropriate for prosecutions under this Act. Some offences, for example, may not become known to the South Australian Health Commission until some time after their commission, leading to difficulties in initiating proceedings within the present 6 month period. The extension of the limitations period to 12 months is both reasonable and necessary if the Act is to be policed effectively. I commend the Bill to the House.

Clause 1 is formal.

Clause 2 provides for commencement.

Clause 3 amends section 5 of the principal Act which is the interpretation section. The amendments made are consequential to the insertion of the new section 24 and the new schedule.

Clause 4 amends section 12 of the principal Act in relation to the functions of the Radiation Protection Committee. This amendment is consequential to the insertion of the new section 24 and the repeal of the definition of 'prescribed mining tenement'.

Clause 5 amends section 17 of the principal Act; first, with respect to the powers of authorised officers (this amendment is consequential to the repeal of the definition of 'prescribed mining tenement' but the opportunity has been taken to redraft subsections (2) and (3)); and, secondly, to correct a reference to the period within which proceedings for an offence are instituted (this amendment is consequential to the amendment of section 46).

Clause 6 inserts a new section 24. This section provides for the issue of a licence to explore for, mine and mill radioactive ores and replaces the existing sections 24 and 25 which provided, respectively, for the determination of conditions to attach to licences and leases under the Mining Act 1971, and for a licence to mill radioactive ores. The

Health Commission may grant a licence if it is satisfied that the proposed operations will comply with the regulations and may impose conditions on licences.

Clause 7 amends section 28 of the principal Act. The amendments are consequential to the insertion of the new sections 24 and and 36 and the repeal of the definition of 'prescribed mining tenement'.

Clause 8 amends section 29 of the principal Act. The amendments are consequential to the insertion of the new sections 24 and 36 and the repeal of the definition of 'prescribed mining tenement'.

Clause 9 amends section 30 of the principal Act. This amendment is consequential to the insertion of the new section 36.

Clause 10 amends section 31 of the principal Act. This amendment is consequential to the insertion of the new section 36.

Clause 11 amends section 32 of the principal Act. This amendment is consequential to the insertion of the new section 36.

Clause 12 amends section 35 of the principal Act with respect to the referral of matters to the Radiation Protection Committee by the Health Commission. The amendment is consequential to the insertion of the new section 24.

Clause 13 inserts a new section 36 which provides a comprehensive statement on conditions of licences or registration under the principal Act. The new section provides for the attachment of conditions after grant of the licence or registration and for the variation or revocation of conditions (whether imposed at the time of grant or attached subsequently). A decision to attach a condition or to vary or revoke a condition will take effect after one month's notice but if an application for review is made the operation of decision may be suspended by the Supreme Court. Contravention of, or failure to comply with, a condition of a licence under the new section 24 will be a minor indictable offence (as is presently the case under the existing sections 24 and 25).

Clause 14 repeals section 39 of the principal Act which related to the suspension or cancellation of leases or licences under the Mining Act 1971. This repeal is consequential to the insertion of the new section 24.

Clause 15 amends section 40 of the principal Act in relation to the surrender, suspension and cancellation of licences and registration. First, the Health Commission is required to set the time at which suspension or cancellation will take effect. Secondly, the Commission is empowered to give directions upon suspension or cancellation of registration. The amendments are intended to overcome difficulties under the existing provisions where a registered person was guilty of an offence as soon as the registration was suspended or cancelled even though the registered person had not had an opportunity to dispose of the registered premises or thing.

Clause 16 amends section 41 of the principal Act in relation to review of decisions made by the Commission. The amendment is consequential to the insertion of the new sections 24 and 36, but the new subsection (1) also spells out the types of decisions which may be reviewed.

Clause 17 amends section 43 of the principal Act. The first amendment is consequential to the insertion of the new definition of 'mining' and the second amendment relates to offences against the regulations and the fixing of penalties for such offences.

Clause 18 amends section 46 of the principal Act to provide, first, that proceedings in respect of offences may be instituted within 12 months as opposed to the usual period of six months under section 52 of the Justices Act 1921, and, secondly, to provide that the general penalties for minor indictable offences or summary offences apply subject to express provisions in the Act or regulations.

Clause 19 inserts a new schedule into the principal Act. The schedule relates to the Roxby Downs Joint Venture and provides for the application of the principal Act to that project. The principal Act will apply in a modified way. In particular, the licence to be granted to the joint venturers under the new section 24 will be granted by the Minister rather than the Health Commission. At the same time, the Minister must consult with the Health Commission, the Minister of Mines and Energy and the joint venturers themselves, not only in respect of the grant of the licence but also in relation to the conditions of the licence. Those conditions must not be more stringent than those referred to in the indenture attached to the Roxby Downs (Indenture Ratification) Act 1982. The schedule also provides for arbitration under the indenture of disputes concerning the conditions of the licence. The licence cannot be revoked or cancelled while that indenture remains in force. Clauses 11, 12 and 13 of the schedule go on to provide for consequential modifications to the application of the principal Act.

The Hon. B.C. EASTICK secured the adjournment of the debate.

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Education): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to rationalise and reform various statutory provisions relating to trespass on land and, in consequence, seeks to repeal the Trespassing on Land Act 1951.

On 2 May 1985 the Trespassing on Land Act Amendment Act 1985 was assented to and came into operation. On 28 March 1985, during debate on the Bill for that amendment Act, I advised Parliament that I would cause to be prepared and published a discussion paper on the Trespassing on Land Act and the general question of trespass and its relationship to the criminal law.

The foreshadowed discussion paper was in fact published in June 1985 and sought public comments and submissions. Over 70 copies were distributed including to members of Parliament, the Judiciary, the Commissioner of Police, the Law Society, the Legal Services Commission, the Criminal Law Association, Government departments, the United Farmers and Stockowners, the South Australian Dairyfarmers' Association Incorporated, the Adelaide Hills Trespass Committee and others. The discussion paper (in its Part IX dealing with General Considerations) observed as follows:

> One important consideration in the whole debate on trespass to land is that of the competing interests of those whose conduct, whilst technically civil trespass, is nevertheless innocent of aggravation, threat or annoyance towards the person or property of others.
>
> For example, to make trespass a crime would render criminal the lost wayfarer; the person who comes on to the land of an

occupier to request permission to stay; the collector for charity or the person who simply seeks assistance.

The argument to criminalise simple trespass tends to overlook the fact that the role of the criminal law is to punish wrongdoers, not the foolish or mistaken. To visit the trauma and stigma of prosecution and possible conviction on a simple trespasser would, it is submitted, be conducive to causing new forms of mischief, not the least being that the administration of justice could itself be brought into disrepute.

In this respect, one has only to envisage the situation where an owner or occupier has called a person on to his land to discuss business. If, during talks, he decides he has had enough and revokes his permission, the invitee would immediately thereupon be committing the crime of trespass. The criminal law normally requires that the guilty mind accompany the guilty act. But in the example quoted, no such contemporaneity is evident, unless there is some sort of 'relation-back' doctrine which achieves this end. But that sort of fiction is surely to be avoided if people are properly to order and manage their affairs in full confidence that they are not acting in breach of the criminal law. The danger arises, too, that in the event of uncertainty of application of the criminal law people may resort to 'self-help' remedies which are generally anathema to the law of this State. However, consideration could be given to some rationalisation and improvement.

In its conclusions the discussion paper noted the following:

The law, be it criminal or civil, seeks to strike a balance between the competing interests of the people that comprise the society it regulates. It attempts (or should attempt) to accommodate simultaneously interests which are very often simply contradictory or adversary. One thing it should not do is suppress the practice, or deny the social utility, of behaviour which does not harm the person or property of others. The following considerations may weigh against any extreme change to the law of trespass to private land in this State:

(i) that the basic rules, however conceptually untidy they may appear, have served society for a long time;
(ii) that to make simple trespass a criminal offence would create many more problems than it would solve and would significantly upset the existing balance (however delicate that may be perceived) of competing interests to the detriment of the administration of justice itself;
(iii) that the general law (both criminal and civil) already contains sufficient substantive and procedural rules and rights of redress to cater for the situations which are considered worthy of closer attention and that the experience of other jurisdictions (e.g. New Zealand) fortifies this belief;
(iv) that certain provisions of the law (e.g. sections 17a and 17b of the Police Offences Act 1953) remain relatively untried and untested in the courts;
(v) that certain provisions of the criminal law remain relatively under-utilised in dealing with the situations considered worthy of closer attention;
(vi) that, as society becomes more and more mobile and pluralistic, the law will be required to meet further changes in competing attitudes to the ownership of property and the enjoyment of the environment; therefore, any attempt to codify the law could ossify its ability to respond sensitively and adequately to meet such new demands.

The discussion paper then advanced, for consideration and discussion, five major propositions:

(i) that in general, ordinary trespass to private land (i.e. trespass unaggravated by circumstances of harm or injury or threat of harm or injury to person or property) not be made a criminal offence and not be made the subject of any criminal proceedings;
(ii) that the Trespassing on Land Act 1951 be repealed;
(iii) that the present sections 7 and 8 of the Trespassing on Land Act 1951:
  (a) be incorporated into the Police Offences Act 1953; and
  (b) be extended beyond enclosed fields to 'premises' as defined in sections 17a and 17b of the Police Offences Act 1953;
  (c) be extended to enable an 'authorised person' (within the meaning of section 17a (3)) to have the power to make relevant requests;
(iv) that a provision like section 8 of the New Zealand Trespass Act 1980 (dealing with gates) be incorporated into the Police Offences Act 1953. It should be noted that provisions dealing with gates are not foreign to the Statute law of this State (e.g. section 45 Dog Fence Act 1946; section 44 Impounding Act 1920; section 35 Vertebrate Pests Act 1975);
(v) that a provision like section 6 of the New Zealand Trespass Act 1980 (dealing with disturbance of domestic animals by trespassers) be incorporated into the Police Offences Act 1953.

Generally speaking, these propositions proved acceptable to a considerable majority of respondents who prepared written submissions. Subsequently (in January 1986) the Government approved the preparation of draft legislation along the lines of that which had been proposed and had received intimations of acceptance. The draft legislation was circulated for comment, in May 1986, to members of the Judiciary, the Law Society, the Commissioner of Police, the United Farmers and Stockowners, the South Australian Dairy Farmers Association, the Adelaide Hills Trespass Committee, Legal Services Commission and the Criminal Law Association.

A number of very useful and helpful comments were received and taken into account when this Bill was prepared in final form. It therefore represents the culmination of a protracted and exhaustive process of dialogue between Government and expert and lay opinion. In this exercise, the community's input has been invaluable and, as with any move to clarify and reform the criminal law, the Government has attempted to strike an acceptable balance between competing claims and interests.

The net effect of this Bill is:

(a) to extend the range of persons enabled to exercise certain powers with respect to trespassers;
(b) to widen the scope of premises in relation to which those powers are exercisable;
(c) to retain reasonably high levels of penalties for the mischiefs covered;
(d) to introduce two new provisions dealing, respectively, with interference with gates and disturbance of farm animals—mischiefs that have been clearly identified as being of particular concern to the rural community;

and

(e) to place all relevant provisions within the Summary Offences Act 1953 so that, as nearly as practicable, that Act will in future be a self-contained code to deal with these and related matters.

By contrast the scope of the Trespassing on Land Act 1951 is, in the view of the Government, unacceptably narrow:

(a) in consequence of the fact that it applies only to an 'enclosed field' which is nowhere near as extensive as 'premises' as defined in section 17a of the Summary Offences Act;
(b) because the persons who are able to invoke the law's protection are limited to owners and occupiers or their employees—a situation to be contrasted with the definition of 'authorised person' in section 17 (3) of the Summary Offences Act; and
(c) because the Act only applies to such parts of the State as are specified by proclamation, in contrast to the Summary Offences Act which applies throughout the whole of the State.

Like any measure in the criminal law, the success of these amendments can only be assured by timely and scrupulous enforcement. They do, however, equip the ordinary citizen with greater protections and powers than presently exist. In this regard I should, again, point out that the discussion paper of June 1985 made the following pertinent comments:

The Attorney-General's Department is committed to an ongoing program for the monitoring and evaluation of legislation to which detailed reference has been made in this discussion paper. This continuing process is undertaken at *both* the theoretical and practical levels. The substantive law is examined for defects or deficiencies which may be exposed from time to time (especially by the various decisions and pronouncements of the Superior Courts). Moreover, in November 1984, the Attorney-General wrote to the Commissioner of Police to request that he be kept continually informed regarding the use, by the Police, of particular relevant provisions of the criminal law . . . This ongoing dialogue

will ensure that any problems that may surface will be quickly brought to the notice of the responsible Minister and his advisers. This Bill is the product of such dialogue. The Government wants it to continue if the success of these particular measures is to be assured. I commend this Bill to members.

Clause 1 is formal.

Clause 2 makes amendments to section 17a of the principal Act. The effect of the amendments are as follows:

New subsection (2a) provides that a trespasser on premises must give his or her name and address on request to an authorised person. Penalty: $1 000.

New subsection (2b) requires that an authorised person, when exercising powers under section 17a must, if requested, inform the trespasser of the authorised person's name and address, and the capacity in which the authorised person is authorised.

New subsection (2c) provides that a person who falsely pretends to be an authorised person is guilty of an offence. Penalty: $500.

Clause 3 provides for the enactment of new sections 17b and 17c. Under section 17b (1), a person who, without the authority of the occupier of land on which animals are farmed—

(a) opens and leaves open a gate on or leading to the land;

(b) unfastens and leaves unfastened such a gate;

or

(c) closes and leaves closed such a gate, is guility of an offence. Penalty: $500.

Under subsection (2) it is a defence to a charge under subsection (1) that the defendant did not intend to cause loss, annoyance or inconvenience and was not done with reckless indifference to the interests of the owner of the animals.

New section 17c deals with disturbance of farm animals. Under subsection (1), a person who, while trespassing on land used for farming animals, disturbs an animal thus harming it or causing loss or inconvenience to the owner of the animals is guilty of an offence. Penalty: $500.

Under subsection (2) it is a defence to a charge under subsection (1) to prove that the disturbance was not intentional nor attributable to recklessness.

Clause 4 provides for the repeal of the Trespassing on Land Act 1951.

Mr S.J. BAKER secured the adjournment of the debate.

CORRECTIONAL SERVICES ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Correctional Services) obtained leave and introduced a Bill for an Act to amend the Correctional Services Act 1982. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

Its object is to permit the release of selected prisoners at the discretion of the Permanent Head of the Department of Correctional Services, into a community correctional program which will require such persons to be detained in their homes.

Detainees will be visited several times each week by surveillance officers who are selected for their supervisory skills, and, in addition, random telephone contacts will be made. Detainees will be able to engage in appropriate employment and participation in appropriate programs for the benefit of the detainee will be permitted. Such programs may include drug rehabilitation, education, and family counselling services. Each application for home detention will be reviewed by the Prisoner Assessment Committee which will recommend a decision to a senior departmental officer. Prisoners must nominate a residential address within the metropolitan area, and be accessible by telephone at all times. Other persons at the nominated address must agree that the offender be detained in those premises under the conditions of home detention, and must permit entry to the surveillance officer and respond to questions relating to the whereabouts of the prisoner. Any hindrance to the surveillance officer by those persons will be punishable by fine.

Home detention will be managed according to tight criteria and firm administrative procedures. The program is to be viewed as a conservative program which is designed to maintain the security of the community, and, as a secondary consideration, will assist with prisoner rehabilitation. Accordingly, prisoners whose current offence includes a crime of violence will be automatically excluded from the program. Those released into home detention will, at least initially, be those who have received a sentence of at least one month and less than 12 months, and must have served at least two-ninths of their sentence.

Home detainees must maintain all the conditions of the program. If a condition is breached, a detainee is liable to return to prison to serve the balance of sentence. Further, if a detainee is not present at the approved location at any time that person will be deemed to be unlawfully at large and be liable to be punished accordingly by the courts.

Home detention in this State is being introduced as a response to the severe problems of overcrowding which are currently being experienced throughout prisons in this State. At present the overflow is being accommodated by the police in police gaols and watch houses, places which are not designed for long-term holding of prisoners. Initially, those approved for the program will assist in alleviating these pressures.

Home detention has been used widely overseas and is being used successfully in Queensland and the Northern Territory. Experience has demonstrated that the program has resulted in the reduction of the numbers imprisoned for short terms whilst maintaining appropriate standards of safety for the community.

As a tightly controlled correctional program, home detention will provide a cost effective alternative to imprisonment for selected prisoners. It is calculated that the costs of the home detention scheme will be one-fifth of that of imprisonment.

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

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 enacts a new division providing for home detention of prisoners. New section 37a empowers the Director of Correctional Services to release certain prisoners from prison to serve a period of home detention. In order to qualify for such release a prisoner must be serving an actual sentence (i.e., the prisoner is not on remand or in prison for contempt or non-payment of a pecuniary sum). The prisoner must also have served a minimum period of his or her term of imprisonment. Where a prisoner is not entitled to earn remission (i.e., the term is three months or less), the minimum period is one-third of the term. Where the prisoner is entitled to earn remission, the minimum period is two-ninths of the total term as it would be reduced if the prisoner earned full remission (i.e., one-third of two-

thirds of the term). This minimum period will be extended by the number of 'lost' days of remission (i.e., any days of remission that the prisoner has already failed to earn). The prisoner must also satisfy certain other criteria to be determined by the Minister.

Home detention means that the prisoner must remain at his or her residence and may not leave the premises except to undertake paid employment or to undergo urgent medical or dental treatment. The officer who will supervise the prisoner during home detention may approve leaving the residence for any other purpose (e.g., seeking a job or attending a course of instruction). The prisoner must be of good behaviour and must obey the lawful directions of the authorised officer during the whole of the period of home detention. The period of home detention is the balance of the term of imprisonment reduced, where applicable, by the maximum period of remission. Conditions of home detention may be varied or revoked by the Permanent Head.

New section 37b provides for the appointment of authorised officers and gives them the power to give certain reasonable directions as to the employment that a prisoner on home detention should or should not undertake, and also as to courses of instruction or counselling that a prisoner must undertake. Other directions may be given provided that they have general or special ministerial approval. An authorised officer is given the necessary power of entry (exercisable at any time) into a prisoner's home, and may also telephone at any time the prisoner's residence, place of employment or any other place that he or she is permitted to be at. Questions as to the whereabouts of the prisoner may be asked of persons at those places. An offence of hindering an authorised officer or failing to truthfully answer a question carries a maximum fine of $2 000. It should be noted that these powers may be exercised in relation to a prisoner by any authorised officer, not only by the officer to whom the prisoner has been assigned.

New section 37c provides that the Director must revoke a prisoner's release if a condition is breached and may revoke the release for any other reason. A prisoner is not in breach if, for example, he or she must flee from a burning house or cope with some other such disaster or emergency. A power of arrest is given to police officers and authorised officers. If a prisoner is returned to prison for breach of condition, he or she is liable to serve the balance of the term of imprisonment unexpired as at the date of the breach. Similarly, if the prisoner is sentenced to further imprisonment while serving the period of home detention, the unexpired balance of the existing term must be served, being the balance as at the date of the offence (if the offence was committed during the period of home detention) or, in any other case, the balance as at the date on which the further sentence is imposed. The fact that a prisoner cannot be found until after the period of home detention has expired does not affect the operation of this provision. If a prisoner breaches the condition requiring detention at home, the prisoner is then unlawfully at large and therefore guilty of an offence under section 50 of the Act. This offence of 'escape' carries a maximum penalty of five years imprisonment.

New section 37d provides that a sentence of imprisonment is extinguished upon the successful completion of a period of home detention. Clause 4 repeals the provision that makes offences against Part V of the Act summary (unless indictable). This provision must now be made of general application and clause 5 accordingly replaces it in the miscellaneous provisions at the end of the Act.

Mr BECKER secured the adjournment of the debate.

NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 29 October. Page 1620.)

Mr OSWALD (Morphett): This Bill is consequential on two other Bills, one of which was before the House last week: they are the Futures Industry (Application of Laws) Bill and the Securities Industry (Application of Laws) Bill. I have spoken at length on the Futures Industry (Application of Laws) Act Amendment Bill and refer members to my speech of last week on that measure. I do not intend canvassing the points made there other than to say that the Bills are a composite package. This Bill is designed to accommodate the enactment of the futures industry package and to make a number of miscellaneous amendments in connection with the National Companies and Securities Code in order to ensure that our State's legislation remains consistent with that of the Commonwealth and the other States. It is uniform legislation in consequence of the decision to regulate the futures industry across Australia in the same manner as companies and securities are regulated.

As a result, there need to be amendments to the National Companies and Securities Commission (State Provisions) Act to accommodate the broader jurisdiction of the commission and to apply that to South Australia. The State Liberal Party strongly supports the continuation of the companies and securities scheme in operation. This scheme allows the State and the Commonwealth to participate together in the regulation of companies and securities. Despite being in a state of development, the scheme has worked well and, as a result of practical experience, amendments will be required to be introduced in the House from time to time.

This Bill deals with administrative and machinery matters in addition to changes that are required as a result of the futures industry legislation considered in this House last week. Those matters essentially dealt with the powers of the National Commission, powers to summons witnesses, proceedings and hearings, and delegation by the commission. The matters are not of a controversial nature and the Opposition therefore supports the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its support of this Bill.

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

SECURITIES INDUSTRY (APPLICATION OF LAWS) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 29 October. Page 1620.)

Mr OSWALD (Morphett): This Bill has been introduced following general agreement to a package of three Bills by the Ministerial Council of Federal and State Attorneys-General as well as representatives of the Northern Territory and the Australian Capital Territory. The package of Bills comprises the National Companies and Securities Commission (State Provisions) Act Amendment Bill, the Futures Industry (Application of Laws) Bill and the Securities Industry (Application of Laws) Act Amendment Bill. We have spoken at length in debate about the futures industry. As

has been suggested, it is a composite package of three Bills surrounding the futures industry. This Bill is cognate with the Futures Industry (Application of Laws) Bill. It exempts certain rights or interests from the definition of 'prescribed interest' in the Security Industries Code and the Opposition is happy to support it.

The Hon. G.J. CRAFTER (Minister of Education): Once again I thank the Opposition for its support of this Bill, which forms part of the package of Bills that are moving through the House to form part of the national code to which the honourable member has referred and to which all States are aspiring.

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

STAMP DUTIES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 19 November. Page 2104.)

Mr OLSEN (Leader of the Opposition): The Bill seeks to amend the Stamp Duties Act in a number of separate areas. Also it seeks to attempt to establish clearer liability for the payment of duty in certain existing cases and to provide concessions from stamp duty in particular cases. Two amendments affecting the insurance industry seek to make the industry in South Australia more competitive and to cut down on unnecessary clerical work. At present insurers must include in their annual declaration of premiums all premiums received or charged during the previous 12 months. This obviously includes extra premiums for adjustments during the currency of policies. However, refunds are not deductible and the amount of clerical work required to identify the year in which premiums were paid is excessive when compared with the relatively small amount of revenue to the Government. The reduction of cost to the insurance industry is therefore welcomed. Certainly, it is supported by the Opposition.

Another amendment removes stamp duty from marine insurance. This move is in line with the current practice in other States—something upon which the Opposition has called the Government to act—and simply brings South Australia into line in allowing greater competitiveness in the international marketplace for local insurers. To that extent, we also support the Government initiative. In the securities industry, it is currently the case that, if securities are held by stockbrokers trading on their own account, those securities are exempt from duty for two days. The proposal to extend this period to 10 days is consistent with action being taken elsewhere in Australia and is supported because it allows basic commonsense to prevail.

In addition, exemptions were given early in 1986 to allow the transfer of Australian securities on the London Stock Exchange and for that to be extended to South Australia. To avoid double dipping, transfers into and out of the trustee company, Sepon (Australia) Pty Ltd, are to be given exemption from stamp duty. Duty will become payable on the transfer of the ultimate interest between the seller and the purchaser of the relevent securities. That measure, of course, has the support of the Adelaide Stock Exchange and of the Opposition.

In relation to the motor vehicle industry, the period where purchasers can return a vehicle and receive a refund of stamp duty is to be extended from the present seven days to 30 days. This is a move that results from a demand by both car buyers and dealers alike. The Bill also provides for a definition of the value of a new or second-hand motor vehicle to be declared at the time of either applying for transfer of registration or first time registration. Stamp duty has been avoided in the past by some people (and I do not know whether this has been very prevalent) by an under declaration of sale price in the past. The intention of the amendment is to remove uncertainty by introducing a definition of market value which is the amount for which the vehicle might reasonably be sold on the open market.

The use of market valuation needs to be clarified, because in some cases the view of the Registrar on the value of a particular vehicle may be quite different from the price that the vehicle might fetch on the market. I would therefore seek clarification on this point, as prevailing economic circumstances may have quite an effect on the market price of a particular vehicle, not to mention the conditions and many other factors which affect market values; in other words, how is market value to be determined and what methods will be used in determining these values?

In relation to the measure to allow recovery of rental duty in commercial transactions, it is stated that such a provision was inadvertently removed in a Statute Law Revision Act in 1984. The provisions are reinserted and made retrospective. I indicate that the Opposition opposes retrospectivity of any nature and during the Committee stage I will seek some clarification on that point, reserving the right, possibly in another place, to move amendments to this Bill.

On the question of increased powers being given to the Commissionsr of Stamps and his officers, I put forward the view that the Opposition is becoming concerned at the extent to which power is now being given without question to various officers to undertake investigations and the like. It seems that such power ought to have some checks and balances in the system and we are concerned that there seems to be a move to give increased powers to officers above and beyond what we believe to be reasonable.

Whilst I accept the need to ensure that duty liable is paid, the apparent ability to indiscriminately appoint officers must be clarified. The monetary penalties appear to be high, but the Opposition is prepared to support the majority of measures in this Bill. We will seek clarification in Committee before determining our final attitude to one or two clauses in another place.

The Hon. J.C. BANNON (Premier and Treasurer): I thank the Opposition for its indication of support in this matter, bearing in mind the qualifications to which the Leader of the Opposition has referred. These matters can be best dealt with in Committee, and I will leave them until that stage. I commend the Bill to the House.

Bill read a second time.

In Committee.

Clause 1 passed.

New clause 1a—'Commencement.'

The Hon. J.C. BANNON: I move:

Page 1, after line 12—Insert new clause as follows:

1a. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

This amendment allows for the Act to come into operation on a day to be fixed by proclamation and for the suspension of certain provisions of the Act. It was thought that the whole of the Bill as originally presented could be brought into effect on the same date but, in fact, I understand that it may be desirable to hold the implementation of one or

two provisions until the appropriate regulations have been drawn. In that instance, the flexibility that this new clause provides is requested.

New clause inserted.

Clauses 2 to 7 passed.

Clause 8—'Passing on of rental duty.'

Mr OLSEN: Regarding the retrospectivity of this provision, will the Premier indicate whether those people and various business interests who were liable to pay duty on commercial rental properties over the past 18 months or thereabouts (since 1984, the date to which the retrospectivity is to apply) have been paying that duty and is this clause merely a measure to, in effect, authorise that payment made in the past?

The Hon. J.C. BANNON: As I am advised at present (but I do not have immediate opportunity to verify it), there was an inadvertent deletion from the Act. The position has been understood and payments have been made as though such a provision was in force. I understand that, in fact, all that the retrospectivity will do is give legal sanction for what has been collected.

Mr OLSEN: Will there be any exceptions to that rule and, if so, does the Government or the Commissioner intend to collect duty from those who might not have paid it since 1984?

The Hon. J.C. BANNON: I am afraid that I cannot advise the Leader on that point. I will have to have the matter checked. I think that everyone has assumed that this provision was in operation and has proceeded accordingly, but there may be some cases where that was not so or perhaps there was a suggestion of collection because the issue was raised by someone refusing to make such payment. I will have to check out the matter and provide a report to the Leader. If, as he has foreshadowed, further action is contemplated in another place, and if the Leader is satisfied with that, the report can be forwarded also to his colleagues in another place for their consideration.

Mr OLSEN: I seek the concurrence of the Premier and Treasurer to making available that information as soon as possible and prior to the introduction of this Bill in another place. If all those involved have paid, I do not believe that there is a difficulty with the provisions currently before us but, if there are some exceptions to the rule, does the Treasurer intend to attempt to collect the duty from those who have not paid it because this provision did not apply during that period, or is this Bill merely attempting to sanction the payments made during that period so that the matter will be left at that?

The Hon. J.C. BANNON: Because there was an error of legislation on which many people would have proceeded and because it is unfair to those who complied to write off any obligation that had not been fulfilled by others (and we certainly do not propose to refund or anything of that nature, because there was a genuine mistake in the drafting and that is commercially understood), in general I would suggest that the purpose of this clause and the way in which it is applied is to ensure a continuity of operation, as was generally understood. It is not unreasonable to suggest that people should pay in compliance with the provision as it was generally understood to operate.

Clause passed.

Clauses 9 to 11 passed.

Clause 12—'Stamp duty on application for registration or transfer of registration of a motor vehicle.'

Mr OLSEN: I am concerned that under new section 42b (4) we are attempting to write into legislation parameters for establishing market value of motor vehicles, and I suggest to the Committee that that is an extremely difficult thing to attempt.

Mr Lewis: It is impossible.

Mr OLSEN: I believe it is impossible. In addition, we are compounding the problem by giving the Commissioner power to establish what he believes is the duty payable by an individual. I believe that an arbitrary capacity for the Commissioner to establish the valuation of a motor vehicle when there can be such disparity in the condition of a second-hand motor vehicle in particular means that it will be impossible to fairly and accurately implement this provision. I am concerned that the Commissioner will have that sort of power.

The Hon. J.C. BANNON: The previous provision referred to 'value', which was a much more vague phrase than 'market value', to which the provision now relates. The term 'market value' has an accepted meaning, and market values are established in current practice. A problem arises in assessing market value not so much in determining the market value of a motor vehicle but in relation to the value that one then places on the various options and optional fittings on vehicles.

As I understand it, this is where the problem lies: that the current practice of adopting a list price for new vehicles takes into account whether optional fittings are factory fitted or fitted by the dealer. They are not declared into the value of the vehicle, and presumably the same thing applies with a second-hand vehicle transaction. I understand that the Commissioner is seeking to get into the Act what is effectively the practice now. By tying it to market value he is tying it to an accepted meaning that is generally understood in the marketplace and therefore is less likely to be subject to challenge.

Subclause (4) to which the Leader of the Opposition referred simply allows the Commissioner to look at what is stated as the value and, if there does seem to be a discrepancy and the generally accepted market value of the vehicle seems to diverge from that, he can then look at that situation and apply his own valuation. That is quite reasonable. It is a safeguard against people fixing their own price and saying that that is the market value as that is how they judged the condition or state of the vehicle. In fact, there are some objective criteria that can be applied. That is the way in which it works in practice. These things are often negotiated. This simply formalises it in the Act itself.

Mr OLSEN: Will the Premier indicate to the Committee the number of cases of abuse that it is anticipated have occurred over the past 12 months to necessitate the insertion of this clause?

The Hon. J.C. BANNON: I cannot give any definitive figure. I do not think there are many situations in which this does arise, but I would have to get a report from the Commissioner on the precise number of occasions, which I will do.

Mr OLSEN: I would appreciate the Premier's making that information available as soon as possible. In relation to the number of cases of abuse, if they are small it seems that it is not warranted for us to be inserting this clause in the legislation. Regarding the list price of new motor vehicles, under a list price system the market value of that vehicle and whether the optional extras were factory fitted or dealer fitted could be reasonably identified. One could establish fairly clearly what the market value would be on a new motor vehicle. That area does not concern me. New motor vehicles are relatively easy to identify, even if the dealer puts on the optional extras. The question is with second-hand motor vehicles, as there can be a degree of variation with the same models and options but varying

conditions, depending on the previous owner. There can be a variation of price of not hundreds of dollars but of thousands of dollars with second-hand motor vehicles of the same make. In that instance it concerns me that the Commissioner will have the capacity to set his view of the market value. I put on record my concern that it has been left as an arbitrary decision of the Commissioner in that respect.

The Hon. J.C. BANNON: I refer to the question asked previously by the Leader on which I have been able to obtain information. There have been a number more cases than I thought in responding previously. The Commissioner advises me that something of the order of 300 to 400 such cases arise during the year where valuation is questioned. The general rule is that if it can be established or if it is believed that consideration at whatever level is genuine (that is, that a real amount has been attached to the motor vehicle—and that it does bear some relationship to its true value of passing), there is no problem. However, in a case where the consideration has been pitched at a level that is quite clearly at odds with the market value and which suggests there must have been some other consideration making up the balance of a normal commercial sale price on the open market, this clause would then apply.

I am told that in those 300 to 400 cases a high proportion are found to have been undervalued in terms of the Act. It is a situation where one is trying to seek a consideration or the market value, whichever is higher, and in many cases the consideration has been deliberately pitched at a level that seeks to minimise the tax. That is what the Commissioner is looking at. He is not looking at genuine transactions of exchange within a market perameter: he is looking at those cases where it seems to be in the interests of those involved in the transaction to lower by artificial means their liability for stamp duty. That is what is caught up in this clause.

Mr LEWIS: My concern follows on from what the Leader has been able to establish so far. It worries me how the Commissioner will determine the value of those vehicles where he or she suspects in the future that the vehicles have indeed been undervalued and whether or not in the circumstances the individual paying the duty who finds that the Commissioner has decided that the value declared is inadequate and puts it up has any right of appeal against the Commissioner's determination, based on some knowledge which the prospective payer of the tax would need to have as evidence of the fact that they were right and the Commissioner was wrong. Will the Premier advise how the Commissioner will determine a value if he or she believes it has been wrongly determined and indicate whether or not the citizen so affected will have any right of appeal in which they can produce evidence that the Commissioner or his representative was mistaken.

The Hon. J.C. BANNON: It is not a hit and miss effort or an arbitrary decision by the Commissioner. The starting point is the body of knowledge that the Commissioner would assemble in having to deal with a series of these cases. There is the general trade guide on the value of second-hand vehicles, but that is just a general guide and is only a starting point. There can be quite considerable discrepancies, depending on the state and condition of the vehicle, and that is taken into account. The Government Motor Garage is asked to advise on the appropriate pricing level in instances where there may be some doubt, but the individual concerned is entitled—it is welcomed if they so wish—to bring in the vehicle for an assessment or provide some other authorised valuation.

I am not referring to someone going down to the local garage man and asking, 'How much do you think my vehicle is worth?' and sending it in to the Commissioner. I am referring to somebody with expertise or knowledge in the field making an assessment which will be accepted by the Commissioner. Another way of verifying value would be to cite the receipt for the exchange of such a vehicle. Considerable care is taken to ensure that the individual being assessed has all rights to put before the Commissioner an appropriate and realistic valuation. I am not aware of any major complaints in that area, despite the number of cases that are dealt with.

Mr LEWIS: I do not doubt the sincerity of the Premier in making those remarks or the advice that he has obtained upon which he has based that view. Where in the legislation does it give the citizen that right? I do not see it anywhere at all, and I believe that, in any case, it could end up costing us (the taxpayers) a great deal more to try to assess variations in value. Where the Commissioner is suspicious that the value is understated, then we are likely to gain from the additional revenue in the event that an increased value is agreed upon. A vast range of prices applies. We all know that the red book exists around the trade to indicate the range of prices for various models and the kinds of options that may be included as extras on those models. That is one of the factors influencing the position in that value range.

However, other circumstances apply. For example, a certain model vehicle with a certain range of options may be put up for auction. Surely, if that is a fair public auction, then the price paid is the value of the vehicle. Why should a person who procures a vehicle at public auction, whether from the Department of Services and Supply, when it is getting rid of excess cars that it does not want anymore, or at another public auction, a clearing sale, have to pay more tax on a vehicle after having obtained it for a certain price? If a car of a certain model with certain options as extras on it (the optional equipment is referred to in paragraph *(c)* of clause 11 *(b)*) is then sold privately for the same figure as at auction, how can the Premier say that the person is required to pay even higher stamp duty, simply because that figure happens to be below the figure in the red book or a figure said to be the value of the car by an inspector from the Commissioner's office?

The Hon. J.C. BANNON: I agree with the honourable member, and the person would not be required to pay higher stamp duty in that instance. If it is a *bona fide* purchase at an auction for instance, that will satisfy the Commissioner, and that is the whole approach that is taken. If there is evidence of *bona fide* sales, in whatever circumstances, then that will be taken into account. The Commissioner acts only in those instances where there is reason to believe that the price has been artificially deflated in some way in order to avoid stamp duty, and I have explained the procedure that is carried out in those cases, which does provide safeguards. To reassure the honourable member, I point out that, under section 24 of the Stamp Duties Act, any person dissatisfied with the assessment of the Commissioner in any area, including the one referred to, may appeal against such assessment, and the procedure of that appeal, which can end up in the Supreme Court if necessary, is available to that person. So, that is the ultimate safeguard; it is in the Act and it will apply to this amendment.

The Hon. B.C. EASTICK: The information given to the Leader was quite enlightening, but it leads to a couple of further questions that I want the Premier to answer. Does

the department make an assessment of every transaction that is reported to it, or are the transactions assessed on a random basis? Further, leading from that, the Premier indicated that about 400 abuses had occurred. Is the Premier able to indicate—

The Hon. J.C. Bannon: Three hundred to 400 hundred cases are looked at.

The Hon. B.C. EASTICK: Yes, 300 to 400 where a problem must be addressed. Is the Premier able to indicate to the Committee whether those abuses relate basically to abuses by dealers or by individuals? Having worked alongside this industry over a period of years, I have in mind that a great many of the difficulties which arise are due to the actions of individuals who are not professionals (if I can use that term in its broader sense) in dealing with the department and who, perhaps by mischance rather than by endeavour, are unable to correctly identify for the department the full facts. In the main, dealers are quite expert in the activities that are required of them and collectively cause very little trouble.

The Hon. J.C. BANNON: I have just taken advice on that: not every transaction is looked at. It is done on a random basis, in association with the Motor Registration Branch, just to ensure that an overall monitoring of the situation occurs. Apparently, experience on this question of default or avoidance of tax occurring indicates that it is divided about 50/50 between dealers and individuals. In fact, in about half the cases involved inspection of selected dealers finds cases where the dealer has deliberately deflated the stated price in order to minimise the tax. However, in about 50 per cent of the cases it involves an individual's assessment of the value.

The Hon. B.C. EASTICK: I believe that the dealers would have responsibility for probably about 85 per cent of the total transactions, with individuals being responsible for about 15 per cent. Therefore, if the proportion involved is about 50/50 of individuals and dealers, it picks up my point, namely, that a lot of the difficulties are associated with the not so professional individual who falls into a trap.

The Hon. J.C. BANNON: Again, I am advised that that proportion would probably be right in the case of new cars, but that in the case of second-hand vehicles that is not so. It is not an easy thing to get precise figures on, but it is about 50/50, as between dealer sales and individual sales.

Clause passed.

Clause 13—'Power to refund duty overpaid.'

Mr OLSEN: I want to establish that overpaid duty refers also to the return of a vehicle where for some reason or another a deal is not proceeded with: for example, somebody purchases a new vehicle but within the course of 30 days returns the motor vehicle to the dealer (it could be for a variety of reasons). In that instance, I assume that the duty paid would be viewed as duty overpaid and that a refund would be paid to the individual concerned.

The Hon. J.C. BANNON: The answer is 'Yes', provided that it was returned to the dealer from which it was purchased.

Clause passed.

Remaining clauses (14 to 17) and title passed.

Bill read a third time and passed.

TRAVEL AGENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 2014.)

Mr S.J. BAKER (Mitcham): This Bill represents the latest set of amendments to the travel agents licensing plan that was introduced earlier this year. The earlier Bill was designed to effect greater control over the accountability of travel agents in this State, and it sought to introduce a set of conditions that would be recognised across Australia. Unfortunately, however, certain provisions of the original Bill were not satisfactory to other States that were to be part of the scheme. The provisions to which the other States objected concerned the disqualification of a travel agent under reciprocal laws, the supervision of premises, and disciplinary action. Further, in our original Bill there was no provision concerning the forfeiture of profits.

When the Minister took the original Bill to his counterparts in other States, he was told that our legislation was not fully complementary to their legislation. So, we now have before us an amendment to the original legislation, and I presume that the provisions of this Bill will remove any impediment that stands in the way of setting up a scheme which, if not a national scheme, will at least involve New South Wales and Victoria.

The setting up of such a scheme will make it possible to provide a form of indemnity for people placing business with a travel agent who subsequently fails. Recently, we have seen notable examples of the travel industry failing to live up to its obligations, although this State has been relatively free from such cases. Nevertheless, however, it has been decided that protection shall be afforded and that a part of that protection will be a scheme set up between the three States, which will pool the funds required to provide the indemnity to which I have referred.

I do not wish to say much more on the Bill, although there are one or two questions to be asked in Committee, especially regarding the movement of the fund from South Australia and its location in Sydney. Over the years, we have seen a flight of capital and a flight of head offices to other States, and this is but another example of where business will be done in New South Wales at the expense of South Australia. The upshot of that movement could well be that South Australian travel agents will be disadvantaged because they will not have access to the tribunal and the fund the same as people operating on the eastern seaboard. The Opposition supports the Bill and trusts that this time the Government will have removed any impediment in the original legislation, which has not yet been proclaimed, in order to make the proposed scheme workable.

Mr HAMILTON (Albert Park): Without wishing to delay the House, let me say that I believe that every member would support this Bill. I have been approached by people who, having bought tickets and paid the money to travel agents, found out subsequently that the tickets were invalid and that, because of a misappropriation of funds, they could not travel overseas. Therefore, this legislation is long overdue. I have had representations from at least four constituents, including one named John, who lives near my electorate office and who lost a considerable sum when he paid a travel agent about $2 000 for an overseas trip, only to find out later that he had missed out completely. I support the Bill and welcome the support of the Opposition.

The Hon. G.J. CRAFTER (Minister of Education): I thank both members who have spoken and indicated their support for the Bill. The Bill amends a measure that was passed earlier this year to provide for a uniform scheme which would regulate travel agents and which has now been adopted by New South Wales, Victoria and Western Australia. In that way we hope that the core provisions of the original legislation and the amending provisions of this Bill will give consumers the protection that they require.

Bill read a second time.

In Committee.

Clause 1 passed.

Clausc 2—'Commencement.'

Mr S.J. BAKER: When will this legislation be proclaimed? In my six-monthly letter to my constituents I said that we would soon have a new form of protection, but that was a little premature because I did not realise that it would take this long to put the new arrangements in place.

The Hon. G.J. CRAFTER: Before the honourable member put that detail in his newsletter, he might have referred to the second reading explanation of the original Bill in which the Minister in another place said:

I also indicate to the Council the passage of the Bill will not mean that the scheme will be established within a week or two after that. There is still a lot of work to be done, and I anticipate that negotiations will continue for another six months or so, given that we must rely on three other States to get the scheme up and running. The sooner the Bill is passed, so that everyone knows that the Parliament approves the principles of the Bill, the sooner the scheme can come into operation.

He then went on to provide further detail about that consultation. Now that that consultation has been concluded, the core provisions have been enacted by the other States and I assume that this legislation can be proclaimed quickly. However, I suggest that the honourable member seek that advice before advising his constituents further.

Mr S.J. BAKER: I was looking for something a little more definite than that. I presumed that the Attorney would say, 'The decks have now been cleared and I give an undertaking that within one or two months we will proclaim this Act.' It has been a long awaited reform. I think people are entitled to know when they will receive the protection that has received bipartisan support in this Parliament, and I would have thought that the Minister would be able to give us some more adequate indication than he can at the moment.

The Hon. G.J. CRAFTER: I understand that the department is working to a target of 1 February 1987, but obviously, as I said, the honourable member should check prior to making that statement.

Clause passed.

Clause 3—'Travel agent to be licensed.'

Mr M.J. EVANS: This clause, and others of its ilk considered in this Parliament, in recent days have given me some concern. Obviously, the weight one gives to certain words in a clause determines its subsequent effect. That is always the case with these legal interpretative matters. I am sure that the Minister would be the first to agree that different people put different interpretations on different wording in the circumstances. In this case, I am now given to understand from the advice kindly made available by the Government that the clause only permits and in fact requires the court to order the forfeiture of profits made by the convicted person and the profits that may have been made by any of his associates, but that it is the convicted person, and not the associates, who makes that payment. In other words, the profits of the associates may well be taken into account but they are not the people who make the payment: it is the convicted person who pays, in effect, on their behalf as part of his penalty for having been convicted of the offence. If that understanding could be confirmed by the Minister on the record, I think it would considerably assist in interpreting this clause and putting a favourable interpretation on it.

The Hon. G.J. CRAFTER: I understand from my conversation with the honourable member in his desire to clarify this matter in recent moments that that is the situation. I cannot say that I have sought advice from Parliamentary Counsel or others on that interpretation but, as I understand it, that is the intent of this legislation.

Mr M.J. EVANS: If it came to the Minister's attention that that was not the case, would he give an undertaking that he would at least look into that aspect so that we could confirm that matter? If it is not as the Minister and I understand, then perhaps some action could be taken to review that aspect of the clause.

The Hon. G.J. CRAFTER: I give that undertaking to the Committee.

Clause passed.

Clause 4—'Application for a licence.'

Mr S.J. BAKER: Will the Minister explain exactly how this area will be administered? I would hate to think that South Australian travel agents would be put to an enormous cost and inconvenience in having to appear interstate. Already some questions have been asked about the management of funds, and there is some concern in that area as well, in that people may not receive justice in seeking to reclaim moneys if the funds are centred and managed in Sydney.

The Hon. G.J. CRAFTER: The proposal is that there will be a tribunal in this State: indeed, in each of the States that form part of the scheme. Discussions are proceeding with the trustees to reach an administrative arrangement whereby appeals can be heard in each of the States, which will overcome the difficulties to which the honourable member refers.

Clause passed.

Clause 5—'Supervision of business of travel agent.'

Mr S.J. BAKER: The shadow Attorney-General in another place highlighted the problem with the original drafting proposition whereby premises from which a licensed business is carried on must be personally supervised. Can the Minister indicate whether the other States have a similar provision requiring personal supervision? This matter was the subject of considerable debate during the passage of the Bill considered earlier this year, and I am pleased to see that the requirement that agents personally supervise their business continually has been taken out of clause 5. Under the circumstances in which most agents work, it would be totally unreasonable and quite impractical for a travel agent, during the hours of business, to personally supervise the whole of the premises. Given that the original proposition was canvassed earlier this year, why did the Attorney seek to reintroduce it in this form in this Bill? I would have thought that under the circumstances there was a clear indication that the original proposition was unacceptable.

The Hon. G.J. CRAFTER: As I understand it, this provision is substantially diminished in its impact or the protection that it provides to consumers from that which applies in the legislation that exists in other States and which is part of this cooperative arrangement. There the thrust of similar provisions is to provide not only for supervision but for the superviser to be actually present within the office, and it is our view that that would not be an entirely practical way of providing the protection sought in this Bill. So, I think the honourable member can rest assured that this matter has been given very full and thorough consideration. One only hopes that it is of the type and form that will provide the protection that Parliament seeks.

Clause passed.

Clause 6 and title passed.

Bill read a third time and passed.

DAIRY INDUSTRY ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

Schedule of the amendments made by the Legislative Council.

No. 1. Page 1, line 18 (clause 4)—Leave out 'section is' and insert 'sections are'.

No. 2 Page 1, line 19 (clause 4)—After 'Where the Minister' insert ', after consulting with the Dairy Industry Advisory Committee,'.

No. 3. Page 2, line 7 (clause 4)—After 'The Minister may' insert ', after consulting with the Dairy Industry Advisory Committee,'.

No. 4. Page 2 (clause 4)—After line 7 insert new subsection and section as follows:

(4) No direction shall be made under subsection (1) on or after 30 June 1988, and all directions made under that subsection shall expire on that date.

8b. (1) There shall be a committee entitled the 'Dairy Industry Advisory Committee'.

(2) The committee shall consist of four members appointed by the Minister of whom—

(a) at least one must be a member of the South Australian Dairy Farmers Association Incorporated;

(b) at least one must be a member of the South Eastern Dairymen's Association of South Australia Incorporated;

(c) at least one must be a member of the United Farmers and Stockowners of South Australia Incorporated.

(3) A member of the committee shall be appointed for a term of office, not exceeding 2 years, specified in the instrument of appointment.

(4) The terms and conditions of appointment of the members will be as determined by the Minister.

(5) The Minister shall appoint one of the members to preside at meetings of the committee.

(6) The committee shall advise the Minister in relation to any direction proposed to be made by the Minister under section 8a of this Act or section 32 of the Metropolitan Milk Supply Act 1946.

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendments be agreed to.

In so moving, I indicate that the Government is prepared to look at any sensible suggestions put forward that might assist the industry. I know that an honourable member opposite suggested that I was not to be trusted with a commitment. I accepted the point that, if we had some time to look at it and if we allowed the original Bill to pass the other place, I would be prepared to look constructively at the suggested amendments. I think that I have stood by my word and the proposal has now been made that will allow the establishment of an advisory committee comprising three members of the industry (that is, the South Australian Dairy Farmers Association, the South Eastern Dairymen's Association of South Australia and the United Farmers and Stockowners); a person to be appointed by me; as well as the Chairman to be appointed by me. That committee is to advise me in relation to section 8 of the Dairy Industry Act and section 32 of the Metropolitan Milk Supply Act. I see that proposal as being quite useful.

In relation to decisions affecting the application of the Act, it is a very important section and can directly affect the producers' livelihood as well as the standard of the product that they present to the market. I think it is important that it be noted that I have accepted those amendments and that I am not at all uncomfortable about accepting them. I hope that we can now see the provisions of the Bill put in place.

The Hon. B.C. EASTICK: I am pleased to hear the comments made by the Minister in acknowledging that he has accepted the importance of the consultation process, which is to be maintained. That matter has arisen in a number of areas of Government activity (or inactivity). I notice that the Local Government Association, in its latest minute, indicated that it is suffering very badly from the lack of consultation which was promised but which has not occurred. There was always the chance that, in relation to this Bill, consultation would not take place but, because the Minister will need to consider the advice of the Dairy Industry Advisory Committee, we are grateful it will occur. I support the amendments.

Mr GUNN: I am pleased that the Minister has seen the wisdom in the views put forward by the Opposition on an earlier occasion and I am very happy that these minor amendments will be accepted, because I believe that they will greatly improve the operation of this Bill. That being the case, I do not think that there is any point in delaying the proceedings of the House.

Motion carried.

METROPOLITAN MILK SUPPLY ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1—After line 14 insert new clause as follows:

2a. Section 3 of the principal Act is amended by inserting in subsection (1) after the definition of 'dairy farm' the following definition:

'Dairy Industry Advisory Committee' means the Dairy Industry Advisory Committee established under the Dairy Industry Act 1928;

No. 2. Page 1, line 23 (clause 4)—After 'Where the Minister' insert ', after consulting with the Dairy Industry Advisory Committee,'.

No. 3. Page 1, line 29 (clause 4)—After 'The Minister may' insert ', after consulting with the Dairy Industry Advisory Committee'.

No. 4. Page 1 (clause 4)—After line 31 insert new subsection as follows:

(3e) No direction shall be made under subsection (3a) on or after 30 June 1988, and all directions made under that subsection shall expire on that date.

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendments be agreed to.

I reiterate what a reasonable person I am and how I can see the benefit of agreeing to—

The Hon. E.R. Goldsworthy interjecting:

The Hon. M.K. MAYES: I am sure that the Deputy Leader of the Opposition will enjoy these comments—these amendments which were first foreshadowed by the Opposition. I have no discomfort in accepting them and, given the decisions that are made in relation to this measure, particularly in regard to the sections of the existing Acts that deal with the administration of the legislation, I concede that it is important that there be some advisory and conciliatory function involved. I would have adopted that course in any event but, as the other place has seen fit to write it into the legislation and the Opposition is keen to have it, I have no problems in accepting it. Again, when the amendments are sensible and reasonable, I am more than happy to cooperate.

Mr GUNN: I am pleased that the Minister has again supported these amendments, because I think that the provisions contained in the Bill gave the Minister wide powers to restrict entry into the industry. When powers of this nature are contained in legislation in my view it is necessary that there be some restraint in relation to having them go on for ever and a day.

As the industry will be involved in considerable restructuring, it is important that the Parliament again consider these measures to ensure that the course of action that is taken on this occasion is correct. The Opposition is pleased to support the amendments. I sincerely hope that the Minister is just as reasonable when other amendments come

from the other place a little later. We want only one word changed in that matter and I understand that that is being attended to upstairs—

The CHAIRMAN: Order! The honourable member must not refer to a debate in another place.

Mr GUNN: Goodness me, I am sorry that I was transgressing the Standing Orders. I am happy to say that the Minister has taken a reasonable approach.

Motion carried.

PAROLE ORDERS (TRANSFER) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 2193.)

Mr BECKER (Hanson): The Opposition supports this Bill, which is merely machinery legislation that corrects an anomaly that occurred in 1983 when the Act was amended in relation to interstate transfers. At that time section 5 of the Act was quoted as the authority under which parole transfers were handled when in fact sections 6 and 8 were the appropriate sections. The remaining amendment removes the system of conditional release for prisoners, which was never brought into operation and is obsolete. For those reasons, we support the action being taken to amend the Act.

The Hon. FRANK BLEVINS (Minister of Correctional Services): I would like to thank the honourable member for his cooperation in getting this small Bill through the House as quickly and as efficiently as we have done.

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

TERTIARY EDUCATION BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 2193.)

Mr S.J. BAKER (Mitcham): I point out that I will not be the lead Opposition speaker on this Bill, although I will open the debate. The change proposed in this Bill is quite fundamental. The Minister proposes to abolish—

Mr Gunn: He's missing.

Mr S.J. BAKER: Yes, indeed, the Minister is missing. He proposes to abolish the Tertiary Education Authority, and the responsibility for accreditation of courses at the colleges of TAFE will now rest with the Minister. Under this Bill, the South Australian Council on Technical and Further Education is to be abolished and there will be an Advisory Council on Tertiary Education. Any new private university in South Australia would be able to confer a degree only if the standard of the course and its method of instruction were considered appropriate by the academic board.

This Bill seeks a change in administrative arrangements in relation to the oversight of tertiary education in this State. It is a very important Bill, because it takes away those bodies that have been responsible for their own areas of education. Certainly, one of the most important changes is the abolition of the Tertiary Education Authority (and it is important to reflect on what that change will mean) in conjunction with the abolition of the South Australian Council on TAFE. One of the very important ingredients in the education system is to have a means of access to the decision makers, who in this State happen to be, at the top, a Minister and, further down, those people who advise on policy.

One of the means by which in recent years we have somehow managed to overcome the complexities associated with expanding educational service has been to set up a network of boards and committees that can act as a filter to allow the various education areas not only to express themselves in a committee situation but to form a collective view which can be taken to the Minister. Importantly, these councils have provided an earpiece to the Minister in that the Minister can sit in on these council meetings and gain a greater appreciation of the problems facing those sectors than would otherwise have been the case. It has also provided the opportunity for first-hand contact with the Minister so that, if there are impediments in the policy formulation area within the centralised bureaucracies, they can be overcome through direct contact.

This Bill will be analysed in far greater detail than I will attempt in this short contribution. Its effect will be a diminution in the ability of the various education sectors to have access to the Minister. Considerable concern has been expressed about that proposition in an area where funding is becoming more and more critical and where priorities have to be set and losses have to be incurred. Many of the people with whom I have had contact have expressed reservation about the changes taking place. Certainly, there have been some regrettable aspects in relation to the authorities and the councils that are in place: they have not worked as effectively and as efficiently as they might otherwise have done. Perhaps that is why the change is taking place.

More importantly, I do not believe that the Minister has endeavoured or made the effort to sit down with the Tertiary Education Authority and the South Australian Council on TAFE and work through the deficiencies in those bodies. With the combining of tertiary education in this form, there is no doubt that the voice of each body will be diminished. One would hope that by getting together at that level they will form a better overview of the needs in the system.

Certainly, when we are competing for educational resources it is important that people within TAFE, the colleges of advanced education, the institutes and the universities understand that they should be providing courses which are not duplicated and which are best fitted to the experience and the talents that exist in those institutions. Too often the borders have become blurred because, as student numbers decline, each authority has fought for more funding and more students. The blurring of the courses is evident in the technical and further education area and in the colleges of advanced education.

There will be some very positive aspects of an authority which will presumably have the ear of the Minister. In addition, some of those differences and dividing lines can be sorted out far more effectively than has occurred in the past. I can imagine that, if it works effectively, we will see a reduction in the need for resources in certain areas that are duplicated at present. A long list of question marks hangs over the proposal. It has the potential to be a very positive move. However, until the Minister can sit down with each of these organisations individually and understand the pressures facing them and the pressures in getting decisions from their head offices, he may well have to set up a network other than the council he is proposing under this measure.

I have spoken in general terms. I do not believe it is proper that I delay the debate any further, as I would only be duplicating much of the material that will be put forward by the member for Coles. This has the potential of being a

very positive move in South Australia, yet time and again we have seen that, although councils have been set up for the very best reasons, they have failed. Often the failure can be sheeted home to the people who set them up and, indeed, to Ministers who do not have the energy to ensure that they work. The Bill offers some improvement to existing arrangements, and I generally support its provisions.

The Hon. JENNIFER CASHMORE (Coles): I thank my colleague the member for Mitcham for taking the floor at the commencement of this debate. As the member for Mitcham indicated, the Opposition supports the Bill. However, we do have a very great number of important questions to ask about the Bill. We regret that a Bill of this importance should be introduced on a Thursday and then placed on the Notice Paper for debate the following Tuesday. With the weekend intervening, there have been barely two full working days for the Opposition to consult with the considerable number of interested parties who have a very keen concern for the content and outcome of this legislation. It has simply not been possible in the time available to obtain a response from all the people to whom the Opposition has circulated copies of the Bill. I therefore advise the House and the Minister that, although the Opposition will not be moving any amendments in the House of Assembly, it will question the Minister on aspects of the Bill, and we expect to put into effect the wishes of the education constituency as they are at this stage being put to us for further amendment in another place.

The Bill seeks to implement the proposals announced by the Minister on 27 August 1986 and, in particular, it repeals the Tertiary Education Authority Act. The major provisions of the Bill are to abolish the Tertiary Education Authority; to provide, through allocated responsibility, for the accreditation of courses at colleges, and technical and further education colleges to the Minister; to abolish the South Australian Council of Technical and Further Education and replace it with an advisory council on tertiary education; and to ensure that any new private university in South Australia will be able to confer a degree only if the standard of the course and method of instruction are appropriate to the academic award. They are all very important matters.

As the Minister in his second reading explanation states, tertiary education is critical to achieving the Government's (that is, any Government, not only this Government) social and economic objectives by providing an educated and skilled work force. The South Australian Government, as the Minister said, must be informed of the extent and nature of the State's needs for tertiary education. Also, it must be knowledgeable about the direction that any development should take in relation to its social and economic objectives in order to enable it to determine and justify the allocation of public resources.

Similarly, since the Commonwealth funds so much tertiary education, the State must be able to be an advocate with the Commonwealth in respect of South Australia's needs, particularly as we are in intense competition with other States in our representations to the Federal Government. All those things are well accepted. They have always been critical in South Australia—a State that relies so much on skills because it has so relatively little by comparison with other States in the way of resources. People have always been our greatest resource. The better the quality of education that we can provide for our citizens, the greater and better the outcome will be for the State.

As the Minister also says in his second reading speech, development in tertiary education in South Australia has been considerable. I must take issue with the author of the speech in saying that since 1979 we now have two universities, an Institute of Technology, the South Australian College of Advanced Education, the Roseworthy Agricultural College and the Department of Technical and Further Education. We had all those well before 1979. It is true that in the seven years since we have witnessed a consolidation of the colleges of advanced education and the development of a regionalised college structure within the Department of Technical and Further Education.

From my observtions (and they have been observations rather more of a casual observer than one who is intensely involved in the education scene), the developments over the last seven years have been most dramatic and have had the most impact in the TAFE sector. I do not know whether the Minister would agree with that, but my observation as I move around the community in both the city and the country is that the courses being provided by TAFE are in the main impressive, relevant and having a very powerful and positively beneficial effect on the students, particularly the mature age students, whom I see and speak to. I am sure that that is giving the State a second wave of educational benefit—a reinforcement of that first wave of education that these people would have experienced in primary and secondary school, many only to a very limited extent. In that regard the work being done in the colleges of technical and further education is critical not only to the State's industrial and social development but also to its cultural development. I use that word in the broad sense of individual fulfilment as well as in pursuit of the arts.

The Minister's speech refers to developments in the process of accreditation of courses to the stage where the institutions themselves are responsible to a large extent for this process, working within approved and accepted guidelines. The universities have always been responsible and, prior to the establishment of TEASA, the colleges themselves were responsible. Rather than reaching some new stage, we are simply reverting, with the abolition of TEASA, to an accreditation system that prevailed prior to the establishment of TEASA.

The Hon. Lynn Arnold interjecting:

The Hon. JENNIFER CASHMORE: The universities have always had and should always continue to have the capacity to accredit their own courses without any outside involvement or interference. I certainly recall, in either 1977 or 1978, being invited as the member for Coles to participate on an accreditation committee that was examining, at the then Hartley College, a liberal studies course. I was impressed with the committee's work and the development of the course which eventually, I understand, obtained accreditation. That was under a system developed before TEASA came into being.

As the Minister stated, TEASA developed in response to the financial imperatives of Commonwealth resources, which had been distributed quite freely in the early and mid 1970s—in fact, in a period when people were spending money as if it was going out of fashion—to a point where it was drying up and there was a recognition that, unless there was some kind of coordination and rationalisation (two words that we have heard *ad nauseam*, but I cannot think of better ones to describe the necessary analysis of expenditure), there would be waste on the one hand and deprivation on the other.

So, TEASA was established to try to achieve that coordination. There is some doubt, I suppose, in the minds of some people as to whether it did achieve that goal. Those who have gone without probably think that they might have been better without it, while those who have benefited probably think that TEASA deserves credit for that benefit.

But, at any rate, having administered a portfolio where vast and diverse demands from all kinds of sectors are made, I agree that, unless a Minister has some kind of source of reliable and objective information and policy options and advice, the Government is in a very invidious, and indeed vulnerable, position in making judgments in relation to the competing demands of various institutions.

Therefore, the notion of the advisory council on tertiary education is one that I would support. A great deal will depend on the quality of the people who are appointed to that council. I note the categories that the Minister has in mind, which he identified and, although I do not quarrel with those categories, again I point out that a great deal depends on the personal qualities, the intellect and the grasps that those individuals have, whatever their background might be, and whatever useful perspective they can bring to the decision making process.

I want to refer particularly to the universities, to their place in this system, and to their attitude towards the legislation as we have been able to ascertain it so far. The universities have always jealously, and rightly so, guarded their independence, and they did not welcome the intervention into their affairs of the Tertiary Education Authority of South Australia. They particularly did not welcome the unceasing requests of a bureaucratic nature for information, the provision of which took up a great deal of staff time within the universities and appeared not to bring commensurate benefits to the universities.

I note the view of the Acting Vice-Chancellor of the university (and indeed that of the previous Vice-Chancellor of the university, the late Professor Stranks), namely that the abolition of TEASA would be welcomed if it meant that the new arrangement would bring about a reduction in the external regulation of the university's affairs. Having expressed that hope, the University of Adelaide and Flinders University are now very concerned indeed to find that the provisions of the Bill, in particular clauses 6 and 7, make the universities for the first time in their history directly accountable to the Minister, and they significantly expand the requirements for the provision of information by the universities.

An honourable member interjecting:

The Hon. JENNIFER CASHMORE: I understand that the Minister has foreshadowed that he will be correcting that. But that only reinforces the point that I made at the beginning of my speech, namely, that this legislation was introduced on Thursday afternoon, it is being debated on Tuesday afternoon and already in that short space of time the Minister himself has signalled that he intends to introduce amendments. To me that signals that there was not sufficient thought or consultation in the development of the Bill. Had there been, presumably these amendments would not be necessary.

The universities also make the point that the Minister's requests for information (in clause 6) should be modified to the point that those requests are restricted to information that the Minister might reasonably require for the purpose of carrying out his functions under this legislation. This applies perhaps not so much to Ministers, but I think that certainly some public servants can become so carried away with the desire for information, believing that more and more information will somehow enable them to make better and better decisions, that the very quest for information overcomes the end in view, namely, that at some point or other one has to make a judgment as to what will be best, and the perpetual seeking of information to the point of trivia is not really in the interests of either the Government or the institution that is being placed under the microscope.

The Minister is going to redress that clause, so I will not pursue the matter any further. But, I do wish to pursue the question of what will happen to the staff of TEASA. The new office will commence on 1 January, and it will apparently result in a 50 per cent reduction of staff and an added expenditure saving of $500 000. I happen to remember when the Tertiary Education Authority of South Australia Bill was enacted. I recall the then Opposition's strong reservations about the bureaucratic nature of the organisation and the cost of its staff. I remember also seeing in the *Advertiser* shortly after that a full double column (it might have been a triple column) of advertisement for staff at very high salaries. I am curious to know (and I shall seek information about this in Committee) whether that $500 000 that will be saved by TEASA will still be spent by some other arm of Government. Are those staff permanent, or are they to be transferred to some other area of Government—perhaps to the Education Department, which is likely, if that is the case to become even more top heavy? Are we going to save $500 000, or are we simply going to reallocate the expenditure of $500 000. That is a great deal of money and senior executive staff time and talent which, if those people are permanent, will keep costing the taxpayer of South Australia for some considerable time.

I shall now go through the Opposition's principal concerns with the Bill. The first is that the Minister, apparently without restriction (because that is what the Bill says), may under clause 4 of the Bill prevent any tertiary institution from conferring any academic award. The Minister does not even have to seek advice before prescribing a course. I refer to clause 4(1)(b), which, in the view of the Opposition, confers on a politician a quite unwarranted power. It has been traditional in this State, and I believe in all other States—the only possible exception being the ACT—that only the Director-General has the power over the curriculum in the primary and secondary education area, and Parliaments in South Australia have been scrupulous in ensuring that that power does not reside with a politician. However, here in the critically important area of tertiary education, the Bill proposes to give the Minister total power to prescribe a course.

A further concern is that no institution in South Australia could become a university (unless this legislation was amended), as in its present form this legislation prohibits that from occurring. Under paragraphs *(a)* and *(b)* of clause 6 (1), the Minister is given virtually total control over tertiary institutions. He may direct an institution not to implement a proposal to introduce a new course or other proposals prescribed by regulation. This is really a massive power to give one person, and I should not have thought that the Minister would want such power. It puts the Minister of Employment and Further Education into a highly political environment that should be divorced from politics because these are questions of an academic nature. Indeed, the Minister has a potential under this provision to be in a hot spot that I should have thought he would prefer to avoid. However, that question can be answered in Committee. The Minister may consider advice but he need not take it.

Clause 7 (1) is too wide: it could cover faculty and staff structures which seem to the Opposition not to be appropriate matters to be within the ambit of the legislation because they are essentially matters of administration. Likewise, clause 7 (2) is too wide. What funding is referred to? Does the provision deal with overseas countries? Are there to be agreements with other universities? Again, so many questions need to be answered that one can only consider

the wording of the Bill and apply it as if it were law to realise the enormous powers that it confers.

Regarding the ministerial appointment of council members, a case may be made for an objective body to have an input into such appointments. The South Australian group of chief executive officers of tertiary institutions (known as SAGE), for example, may have their own biases but, at the same time, they are well versed as regards the kind of people with a capacity for such input: they tend to know who has a thorough understanding of the needs of the tertiary sector. The Minister might well consider that aspect.

A further concern is that under clause 8 (7) *(a)* it appears that the Minister may decide any conditions of appointment to the council. For example, there is a provision for alternative councillors in the absence of council members who cannot attend. Again, the Opposition has grave reservations about that provision because it certainly could lead to haphazard arrangements and lack of continuity. If a person is appointed to such an important body as the council, that person has an obligation to attend meetings and, if unable to attend, to seek briefing on matters that are dealt with by the council at its meeting, then to take up such matters at a subsequent meeting. The provision for alternative members seems unsatisfactory because it would make the administration of the council unwieldy.

There appears to be no provision to ensure that council members attend regularly, whereas similar Bills that set up statutory authorities usually contain some kind of sanction to ensure that, if a member fails to attend meetings, that member is automatically removed from the council after a specified period of absence. Again, the Governor may make such regulations as are expedient to the Act and that, too, reaffirms the extremely wide powers of the Minister, who will make recommendations to Executive Council.

Clause 13 (2) allows the charging of fees for accreditation or approval, and colleges must get such approval from the Minister. The Minister fixes those fees and I am not sure that that is a just arrangement. The Minister is not required to give reasons for his decisions and there is no appeal against his decisions, so there is no escaping the fact that this Bill virtually gives the Minister total control over tertiary education. Further, because it is total political control unfettered by any appeal power or any other organisation between the Minister and the colleges, I am not surprised that, admitting that the Minister will alter the arrangement involving the universities, the colleges are feeling tense and apprehensive that this unprecedented power is to be vested in a political figure with the demise of the Tertiary Education Authority of South Australia (TEASA). The Opposition supports the concept of abolishing TEASA, but the nature of what is replacing it in terms of ministerial powers is questionable, and in Committee the Opposition intends to question this provision.

I am certain that, when the input of all the people whose comments we have sought is obtained by the Opposition, this Bill will undergo intense scrutiny in another place and amendments will be moved. I hope that the Government will be sympathetic to the arguments that are being put because what we are doing now is likely to set the scene for another decade, which will be critical if the things that we hope for in South Australia come to fruition. For instance, if the submarine project comes to South Australia, if Technology Park develops as it has developed and as we hope it will continue to develop, if the tourism industry progresses as we hope it will, all these developments will set in train a strong demand for highly skilled and well educated professionals and tradespersons whose quality will depend largely on the quality of the teaching that they receive at a tertiary institution.

The very nature of society itself and the fact that South Australia is like it is are largely due to the quality of the education that this State has enjoyed since its foundation: for example, the fact that South Australia enjoys an exceptionally high standard among professional people, a high standard not only of professional capability but also of professional ethics, is in large part due to the quality of teaching at the University of Adelaide, the foundation university which influenced all our professionals from the turn of the century until the establishment of the Flinders University in the late 1960s.

These things are very precious indeed. I could go back and refer to the Mechanics Institutes, which I suppose are the forerunners of TAFE colleges if we want to look at their real origin. The dedication of South Australians to that kind of occupational and trade education has been quite remarkable from the very outset. It is interesting to look at the recently published *Atlas of South Australia* and note the kind of detail which has been researched to produce that atlas. One map in particular is relevant to this subject because it identifies the number of borrowers from public libraries throughout the towns in South Australia in the nineteenth century. That is the kind of information which reinforces the point that South Australians have always sought to advance their education.

If one looks at those towns, one will find that in the South-East, presumably as a resut of the Scottish immigration and the traditional Scottish love of learning, the circles around those centres were very large indeed—much larger than one would have expected for the population. Those circles indicate the quantity of books borrowed within those little settlements. Also, similarly large circles are on the Yorke Peninsula, where the Cornish miners no doubt sought to improve their education and that of their children.

So, this Bill is one of profound importance to the State. It does need to be the subject of consultation with all the people who will be affected by it, and the Opposition does not believe that that consultation has been as thorough as it might have been. We would like to hear more from the tertiary institutions and we would like to take up their cause in some detail and with great vigour in another place. For the moment, though, Mr Speaker, we support the Bill, and I will be putting questions to the Minister during the Committee stage which we hope will enlarge our understanding of his intentions.

Mr S.G. EVANS (Davenport): I support the Bill, although the people to whom I have sent the Bill asking for a point of view have not yet had time to report back. I think this again highlights the stupidity of the way this place is managed today, although I suppose it has been managed in a similar way for many years. A lot of Bills come in just before Christmas or in the last fortnight before we finish sitting. However, I speak on the Bill knowing that I have not had reports back from those people who have a greater knowledge of this matter than I and whom it may affect. That includes tutors and others who work within the institutions and who would like to have the opportunity to at least report back to other than Government agencies or Government members. The Minister said that one of the Government's main objectives in this Bill is to do away with the Tertiary Education Authority of South Australia. He said:

> To this end the legislation before the House seeks to abolish the Tertiary Education Authority of South Australia and vest its power and responsibilities in the Minister. In so doing Cabinet has established an Office of Tertiary Education as an administra-

tive unit under the Government Management and Employment Act 1985 with a Chief Executive Officer and staff of nine persons to perform the administrative functions associated with the Minister's responsibilities.

He then went on to say:

Tertiary education—

and I want to emphasise this—

is important to achieving Government's social and economic objectives, by providing an educated and skilled work force. The South Australian Government must be informed of the extent and nature of the State's needs for tertiary education. As well it must be knowledgeable of the directions which any development should take in relation to its social and economic objectives in order to enable it to determine and justify the allocation of public resources.

He then stated that it was necessary to ensure:

That public money is used to maximum effect in achieving the planned aims of Government. As well there must be accountability to both State and Commonwealth Governments. The Office of Tertiary Education would be responsible for advising the Minister on these matters and in doing so would perform the following functions:

I will not quote all of them, but a couple that I wish to refer to include:

Collection and analysis of data on demand (that is, how many people are seeking to enter what kinds of tertiary study), participation (what people from what demographic, social, geographic and economic backgrounds are undertaking what kinds of study), work force and community requirements (that is, how many people having particular education and training are needed in South Australian society).

Promotion of social and equity initiatives by various means (for example, access for women and girls, rural people, Aborigines, transfer with credit). This relates, of course, to the State's ability to win a share of special initiative funds from the Commonwealth, and to pursue collaboration and cooperation between institutions in this area;

He further stated that in connection with the committee that is being set up:

Investigative work, forward planning and initiatives to remedy particular difficulties will now depend largely on collaborative efforts with the institutions.

In other words, the committee will be working with those institutions. I am concerned about the Minister's next statement—that he would set up special groups under clause 10, including:

The Tertiary Multicultural Education Committee;
Advisory Committee on Post Secondary Education for Women and Girls;
Advisory Committee on Non-Award Adult Education; and a
Working Party on Tertiary Education Programs for Aborigines.

As a State—and most probably as a country—we are increasingly ignoring a certain section of people in society today; there are men now who have been in the work force and have been made redundant at the age of 40 or more, who badly need retraining if they are to get an opportunity to contribute to the economy of the country and be independent and not depend on taxpayers' funds for the rest of their lives. Some of these people have in front of them 30 years—perhaps even more, but conservatively at least 20 years—of work effort. Every committee and every authority we set up ignores that there is a group needing that sort of support system. None of the committees that we are proposing under this Bill include that as one of their special aims, so there is a group of men out there being ignored: people who do not have the courage or the attitude of mind to seek help, and they are forgotten.

The Minister made a very good emotional speech about the need for further education and the committees that we are setting up to help disadvantaged groups including women and girls; and while we are doing that, the Minister has issued an instruction to further education—in particular the Brookway course for horticulture—that no longer will the 300-odd mature age students doing that course be able to go on with it after this year. Some of the people in question have completed two years of the courses. The horticultural industry is an expanding industry. For example, Roxby Downs will require a huge reafforestation program, and that would provide an opportunity for many people to be either employed or self-employed. Then there is an opportunity for many people to make a contribution to the community in the field of reafforestation or general home gardening, supplying plants and giving advice to home gardeners. People spend huge amounts on their home gardens, buying plants but quite often not understanding how to properly care for them, and they need personal advice at the door.

The Minister suddenly says—it is an instruction, I am told; I believe that it came from him and he can deny it if he wishes—that those who cannot get an indenture for the horticultural course can no longer continue with the course. They have to be indentured. At the moment there is a percentage that are indentured, but it is impossible for 300 people to be indentured in one course between now and the beginning of TAFE courses next year. It is hopeless and the Minister knows it. If we say to those 300 people, 'You can no longer continue with the course. We are short of funds and we have to cut it out', we will have wasted the taxpayers' money.

I would accept it if the Minister said, 'Let those who are undertaking the course complete it now, but from that point on there will be no new entries to the course, only those who are indentured.' That is a fair proposition. Nobody would object to that. In many cases women have seen an opportunity to obtain qualifications for a job where no great physical attributes are required and they can compete with men on equal terms, but they are denied the opportunity to complete a course which they have started. There are men who have been made redundant and who cannot get a job in the field for which they are qualified because, due to changing methods of commercial operations, there are no more opportunities in that field.

I cite the example of the car industry, where a number of people have been made redundant, and members know that, as a result of current tax laws in this land, it will be impossible for them to return to that industry so they have to be retrained. Some have commenced this course, but they will now be told, 'You cannot complete it.' Are we telling them that we want them on the scrapheap? We have built up their hopes where they learn another trade so that they may contribute to society in a field that is expanding and we stand here and talk about some highly emotional sort of area where we will give the Minister control to do the right thing in the future, but at the moment the Minister is doing the wrong thing in the eyes of 300 people who saw some hope and a chance for the future.

Those 300 people were told by Federal and State Governments that they may need to be retrained three or four times in the future and that they may need to change jobs that often because of changing technology. In this case, some people have tried to retrain for the first time and they commenced this course. They were virtually told that they would obtain higher certificates and acquire some accreditation which would enable them to obtain work. In this field women see it as a chance to go out, to compete and to earn a living. Some women would be single parents while, admittedly, some would have partners who would receive an income, but some would not. Some men would not have an income-earning partner. This is the only chance for some people who are in an age group where it is impossible to start again. I know of one person in that category. A married lady also expressed her concern. She may be lucky and may be able to be indentured, but the vast majority will not.

The Minister, the Federal Minister and other members have said, as a result of changing technology, how important it is to provide an opportunity to be retrained. In this case we have set up a course with taxpayers' funds and people are half way through that course where there are opportunities in an expanding industry but we suddenly say, 'No, it will stop unless you can become indentured. You take some lesser certificate and finish earlier.' That is grossly unfair and I think we should all admit it.

If the Minister cannot say that he will reconsider it, I ask him to leave any comment until he can come back and say, 'Yes, we will let those people undertaking the courses complete them but, from that point on, there will be no more new entries. In the future, all people will have to be indentured and, if not, there will be no entries.' I would not object to that course of action, because I think it is fair, but the proposed course of action is grossly unfair and a waste of resources.

The Minister will be able to say under the regulations what the fees might be for any course within the area of further education. The Federal Government has applied an administration fee of, I think, $256 to be charged from next year to students through our tertiary institutions. Our Minister cannot change that, but he can make a recommendation to Canberra. If Canberra is so short of money, one or two years does not mean a lot to a Federal Government and we have seen instances of that. I propose something that is not totally acceptable to students or to universities, but the money could be lent to the students until they complete their course and then they could repay it within, say, a four year period. The money could be lent without interest and, when they complete their course, they can repay it when they have an income so that those in the lower socioeconomic group who do not receive a substantial income are not disadvantaged. Those who have the academic ability but not the financial resources could then be given an opportunity to complete their education and to then go out and compete in the marketplace with their intellect on the same basis as those who may have the money.

I suggest that that proposition be put to our Federal colleagues and that we ask them to wait for a couple of years when the money can be repaid. In that way, the students will have the pressure removed of having to find the money while they are completing their studies. I know that those with money will be able to afford to pay it straightaway but at least we could give those who cannot afford it the opportunity of providing a loan on an interest free basis. I realise that that is rather cheap sort of money, but I think a principle is involved. We are penalising those who can least afford it in an area where we endeavour to encourage them. Because I am still awaiting information, I cannot comment in any detail on this Bill. I will not be able to use that information in debate in this House but I can talk to people in another place and they may listen to what I have to say. At this stage I support the Bill.

Mr LEWIS (Murray-Mallee): In relation to this matter, I declare a couple of interests. I am President of the Old Collegians Association of Roseworthy and a member of the University of Adelaide Council. It is more in relation to the latter appointment, as a representative of this House, that the majority of my remarks will be addressed. However, it would be remiss of me if I did not mention the regard that I have for Roseworthy, which has now been servicing the community for over a century. It has an outstanding record throughout the State, Australia and the world in providing a training ground and more than adequate research facilities for investigation of rain fed dry land farming agricultural practices as well as a number of other things for which its excellence is now internationally recognised.

There is no question that the wine industry in this country would not now be equal to, if not better than, any in the world if it were not for the influence that Roseworthy has exercised on the development of the science and the technology associated with the production of wine. Therefore, it must be seen to have contributed substantially to this State's existing natural attractions and man-made attractions as a destination for tourists. I do not think the Minister would deny that. I mention these points because they are relevant in the context of the decisions we are making in this measure about the nature of post secondary education in general and tertiary education in particular. I do not believe that it is wise or appropriate for a Minister or a Government to take unto themselves the power and assume that through that power they also have the wisdom to make decisions about what ought or ought not to happen in tertiary education institutions in this State.

I express that concern on behalf of the Roseworthy institution, which served me well, having made the point that through its independence it has developed the unique understanding of the applied sciences to the technology of agriculture which was not developed elsewhere or indeed followed elsewhere. I have cited instances of that. I believe that, if the Government was to interfere with that process of independence, political goals rather than the pursuit of excellence and the development of appropriate technologies may take over. I have seen that happen in other countries. In spite of the high motives of the initial instigating Government Minister, secretary or instrumentality in the establishment of such units of higher education, invariably where they have come under the control of Ministers their ultimate programs have ended up being political and often religious in their orientation rather than scientific and technologically precise. We have only to look at the record in some Muslim states around the world and some Eastern Bloc countries to see that. So much for the general concern about Roseworthy.

I turn now to the University of Adelaide and the way in which the same remarks that I have made in the general case relevant to Roseworthy are relevant to the university. I know that my colleague the member for Coles has drawn attention to the substance of a letter from the Acting Vice-Chancellor of the university, Professor Kevin Marjoribanks, to the Minister as recently as yesterday about the contents of this Bill. It is clear from the fact that the letter went to the Minister only yesterday that there has been inadequate consultation between the Government and the institutions which are to be affected by the legislation. It is regrettable that such a charge can be made.

This measure should have bipartisan support, and I hope that by the time it passes it will have bipartisan support. However, that cannot be unless the Government changes certain parts of the Bill as it stands at present to at least ensure the independence of the councils of the universities—Flinders and Adelaide—in the way in which they pursue their goals of training, research and the fostering of excellence in both those arenas using scientific methods in the process. I refer in particular to the letter, which expresses the council's concern about this Bill, and I will quote parts of it and paraphrase other parts so that in the time available to me I can cover the total material.

Professor Marjoribanks points out that, when the Minister (and I am sure that it would not be this Minister's proposition to suggest the form proposed) advised the late Vice-Chancellor, Professor Don Stranks, of his decision that the Tertiary Education Authority of South Australia would

be disbanded at the end of this year and a small group of its existing staff would be relocated within the Minister's office to develop broad, long-term coordinated State views on tertiary education, that decision was welcomed by the council. It was particularly welcomed in view of concerns such as those expressed by the then Vice-Chancellor in a letter of 29 April 1982. At that time the Vice-Chancellor was commenting on the report of the steering committee on the review of TEASA in view of the concerns which he and the council's colleagues in SAGE still held about certain of the recommendations in the final report to the Minister and regarding a letter of 20 June 1986 from the Chairman of SAGE.

On the very day before his death, the late Professor Stranks reported very positively to the council on the substance of the Minister's decision. He made the point that he expected the result for the University of Adelaide would certainly be a reduction in the administrative burden of numerous requests from TEASA for information from the university. The Vice-Chancellor also reported that he understood that colleges of advanced education were pleased with the new arrangements as they meant a reduction in the external regulation of their affairs. Further, he expressed the view that discussions taking place between SAGE, the present TEASA Chairman and the Minister's office as to future developments, which included the likelihood of a more formal role for SAGE and the establishment of a broadly based advisory committee, were a clear case of reducing public expenditure on administration and unnecessary bureaucratic activity and thereby achieving an actual improvement in the effectiveness and efficiency of higher education.

The letter was received by the council on 29 August last and reinforced the university council's understanding that there would be a major reduction in the collection of information and that the Minister's proposals were consonant with the university's view that devolution of responsibility and increased academic self-government for the college sector was the proper direction for the future rather than increased imposition on the universities. Therefore, it is a matter of most serious concern to the council to find that provisions of the Bill, in particular those provisions to which I referred—clauses 6 and 7—make the university, for the first time in its history, directly accountable to the Minister in a way which I have already said I consider to be undesirable, because it will significantly expand the requirements for the provision of information by the university, the very thing that the Minister and the late Vice-Chancellor, acting on behalf of the university as spokesman, had agreed was unnecessary and undesirable.

Far from reflecting a reduction in administration and unnecessary bureaucratic activity, the proposal seemed further to bureaucratise tertiary education with no apparent real benefit. Perhaps the Minister can elaborate and explain where that real benefit might come from. It is appreciated that the distinctive nature of the universities has been taken into account in the exclusion of the universities from the provisions of clause 4, but what about the provisions in clauses 6 and 7? They would reduce the traditional autonomy of universities in the way in which they could set about the government of their own affairs internally as specified in their special Acts of Parliament today. Why make the conflict? Why introduce the ambiguity?

We on the university council, and indeed on behalf of Professor Marjoribanks, have pointed out that the exclusion of the universities, specifically in clause 4, ought to extend to clause 5. Indeed, it can be read to do so. However, a possible suggested amendment is to remove any ambiguity by the addition of the words, 'in an institution of tertiary education (other than a university)' such that clause 5 (1) would read:

The Minister may accredit a course or a proposed course in an institution of tertiary education (other than a university), if after . . .

So, it would then exclude the universities. To quote directly from Professor Marjoribanks letter, in regard to clause 6, it states:

In the spirit of the decision to abolish TEASA, thereby releasing resources to higher priority activities, it would no doubt be agreed that your office would not wish to be inundated with a mass of relatively trivial information about proposals under discussion in the university and, indeed, the staffing resources transferred from TEASA would not be sufficient to cope with all this information (information additional to that which is currently provided to TEASA). A possible amendment for your consideration would be to replace the proposed section 6 (1) with section 16 *(a)* of the existing TEASA Act (amended so that the word 'Minister' replaces 'Authority', and with the word 'significant' inserted before 'representation').

If amended, clause 6 (i) would then read:

An institution of tertiary education shall
(a) inform the Minister of any significant representation that it proposes to make to the Tertiary Education Commission relating to—
(i) the financing of the institution;
(ii) the introduction of new courses by the institutions, the continuance or discontinuance of existing courses, or any significant change in the nature, duration or content of any existing course; or
(iii) any other significant matter relating to the administration of the institution.

Professor Marjoribanks' letter continues:

The provision in the TEASA Act was determined after considerable negotiation—

this is the old TEASA Act that we are talking about—

with the institutions, but even it has permitted unnecessary activities by TEASA as has been recognised by the decision to abolish TEASA and halve its staff.

Section 6 (2), I suggest, as does the University Council, should follow the wording of section 16 *(b)* of the old TEASA Act, so that it would read:

The institution must furnish the Minister with such information as the Minister may reasonably require for the purpose of carrying out the Minister's functions under this Act.

The relevant provision in the TEASA Act also, like section 16 *(a)* of that Act, was determined after considerable negotiations with the institutions. Even so, TEASA has burdened the university with increasing numbers of unnecessary requests for information. I share that view. The professor further states:

I understand that the university will be excluded from section 6 (3) and this is essential. The institutions covered by the provision will, no doubt, speak for themselves, but I would comment that it would be desirable for the legislation to require the Minister to consult with the institution concerned before issuing such a direction, and to report any such direction to the Parliament with the reasons for the decision.

Section 7: The comment made above in relation to section 6 (2) applies also to section 7 (1). If section 6 (2) were amended as proposed above then section 7 (1) would be redundant and could be omitted. As section 7 (1) reads at present, requiring the provision of information 'in relation to the planning, coordination or standard of education in that institution', it reaches down into the internal workings of the university in an unprecedented manner and contrary to the university's Act.

That applies also to the spirit in which it was established and is established elsewhere in the Western world. Such an intervention is vigorously opposed by the university. The Professor further states that the comments made in relation to section 6 (1) apply equally to sections 7 (2) and 7 (3). If section 6 (1) were, as proposed, replaced by a provision similar to section 16 *(a)* of the old TEASA Act, then let us get rid of sections 7 (2) and 7 (3).

As they stand, they require institutions to inform the Minister one month in advance of the nature and content of any application or representation to any person or body relating to the funding of the institution. That is an unnecessarily detailed imposition—an inquisition into the university's activities. It is not only unnecessary but also undesirable. The proposal would in the opinion of the council be a recipe for administrative disaster for both institutions and the Minister's office. I support that view. In regard to clause 8 the professor states:

> The proposed advisory council seems large and it is a matter of some concern that the university sector has only two nominees in a total membership of 15. However, the council should be an independent body—

and it is our major concern that that be the case—

> whose members are not inclined favourably or unfavourably, towards or against, any particular sector, and that the members of the council should normally be required to have substantial experience and expertise in tertiary education. It would be desirable for these requirements to be incorporated in the legislation.

Surely, Sir, that is so. I trust that the legislation will be amended in the light of the concern that I have expressed on behalf of the council, particularly as they relate to sections 6 and 7. The need for coordination of activities is fully acknowledged and the University of Adelaide will continue to coordinate its activities through the existing (active and effective) inter-institutional machinery and, where appropriate, through the Minister's office.

The Minister can be assured, and is assured, by the Acting Vice-Chancellor that the University stands ready at all times to cooperate with his office in the interests of broad, long-term planning and coordination. But, as a responsible institution accountable for the expenditure of moneys from the public purse, it must, and does, argue in the strongest terms against the dissipation of public moneys on additional bureaucratic practices of doubtful or no benefit to tertiary education in South Australia.

The SPEAKER: Order! The honourable member's time has expired.

The Hon. B.C. EASTICK (Light): I declare an interest in this matter through my involvement with the Roseworthy Agricultural College. On behalf of the college and the action that has been taken over a period of time through the senior executives of teritary institutions I can say that a great deal of work has gone into preparing for the changes that are envisaged within the proposition that is currently before the Chair. In the current funding climate, it is quite obvious that the best benefit for the money that is being made available by the Commonwealth must be met at the coalface—in the working place—so far as the colleges and universities are concerned. There has for some time been a question as to whether too much money was being siphoned off in the system between Commonwealth funds and the distribution to tertiary institutions. I am not suggesting for one moment that there have been any wrongful acts by virtue of the system as it has prevailed. However, as soon as you have a hierarchical organisation it will take funds and, in making use of those funds, it involves action that cannot be taken within the coalface structure.

I am aware of the great deal of activity that has taken place in recent years by tertiary institutions in South Australia in gearing up to undertake their own assessment of their courses, rather than having to offer themselves to a structure that has been organised from outside. I believe that in the early stages the system that applied was necessary. General guidelines and safeguards had to be built into the system and actions had to be taken to ensure that the right combination of inquiry relative to courses was taking place. However, with the passage of time, I think that, with those criteria having been set, and provided that the tertiary institutions structure the groups that are to look at their courses along basically the same lines as was structured by TEASA, there can be nothing but a continuation of the right assessment of the courses. I believe that the role of the reduced department will be to oversee and monitor that the right decisions are taken. It should not be to involve itself in any great length or depth with the processes that are taking place; it should purely and simply ensure that none of the institutions are taking shortcuts or restructuring the assessment bodies in a manner which may be beneficial to themselves but not beneficial to the State's tertiary education structures.

I noted the comments that were made by my colleague the member for Coles in questioning precisely what was to happen with staff and whether *de facto* we would still have a lot of money siphoned off into the system. Inevitably, when changes are made it sometimes takes a period of time before the organisation assumes its most cost effective mode of operation. In this place we bilaterally recognise the importance of maintaining employment for those who are correctly employed in the system, and therefore we understand that a problem may exist for a period of time. I trust that its eventual efficient operation will not be held up by any untoward delay in the redeployment because, as I have previously indicated, the present financial climate is such that every penny that can be spent within the delivery of education services to those people who are clamouring for them must be spent in the most effective manner.

I make the point that the arrangement which exists and which is starting to move in a very positive sense between the recognised tertiary institutions and the new profile that has been given to TAFE is I believe worthy of an organisation which seeks to get the best benefit for money outlaid. There has been much capital investment in TAFE and the tertiary organisations. It may be that there is an element of oversupply in some areas and that rationalisation is necessary. How that is achieved is sometimes a matter of some agonising. However, in relation to an area that I know best, I refer to the Light College of TAFE, with campuses based at Clare, Nuriootpa and Gawler. The colleges are in relatively close proximity to Roseworthy Agricultural College, and the interchange of facilities between the various organisation is quite beneficial to the two parent bodies, that is, Roseworthy Agricultural College and TAFE. Quite positive actions are being undertaken to increase the cost benefits that will apply.

For very many years the staff at Roseworthy Agricultural College have provided a number of out of hours benefits to the TAFE organisation based both in the Barossa Valley and at Gawler. That is particularly so in respect of staff involved in the oenology course. The Barossa Valley, as the centre of the wine industry, is important in more respects than one. The ability to make use of expert staff on the payroll at Roseworthy has been of benefit not only to the industry generally but also to the staff, as they have been able to put in extra-curricular type activity and actually experience the problems that people in the field have. So, there is a cross-fertilisation taking place. In a number of areas this has been viewed as being something that we should practise more than has occurred in the past. In that regard I refer to the position that currently exists in relation to public servants being seconded to the private sector to gain experience, and the reverse action of some people from the private sector being brought in, on a short-term basis, for work in the Government sector, thereby ensuring a better appreciation of one another's problems.

That is happening with TAFE; it is happening with the opportunity of direct contact which applies to members of TAFE colleges—not only in relation to the wine industry, as I mentioned, but also in respect to a number of areas that are associated with catering. Further, it is very much apparent in a number of areas associated with motor engineering and general engineering. I for one give my full support to the continuance of that general policy.

The rationalisation of facilities, to which I have referred, is a matter that I believe goes far beyond the direct association to which I have been referring in relation to TAFE and Roseworthy. In an agricultural sense, I refer to the use of agricultural facilities at Turretfield and the use of viticultural and experimental facilities at Nuriootpa in the wine and general research area which have been beneficial to students. It also gives the opportunity for the staff at those Department of Agriculture facilities to be challenged by the inquiring minds of students.

One recognises that sometimes those challenges are a bit galling at the end of a long day but, as the Minister would be aware from his recent visit with his staff to the plant breeding sector of the Roseworthy Agricultural College, the questions that quite often the staff get from visiting farmers and researchers keep them on their mettle. And, while the staff perhaps do not necessarily appreciate those on-the-spot challenges right there and then in relation to mulling over activities of the day or the week, they perhaps lead to the staff going out and researching a little more a suggestion that has been put and applying it to programs in the longer term.

It would be wrong of me to refer at any length to the importance that I (and I believe also the Minister) see in guaranteeing the continuance of a research program at Roseworthy associated with plant breeding, for instance. However, such programs are important, whether it be in relation to plant breeding at Roseworthy, the direct access of the Marleston college to wool technology, or an interaction between persons directly associated with the spinning and dyeing industries or the marketing industry directly associated with those textiles. It is immaterial which programs are involved; the same consequences are there. For example, the Gilles Plains college in its interaction with the professions, more particularly my own profession (the veterinary profession), again has been challenging and beneficial, while at the same providing worthwhile nursing experience for people who want to apply themselves to, for example, attendance on the member for Mawson's cats!

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

The Hon. LYNN ARNOLD (Minister of Employment and Further Education): First, I thank members for their contributions to this debate. I indicate my apologies that I was not here at the time the member for Mitcham made his comments and during the first part of the comments of the member for Coles. I was involved in a meeting which I could not easily quit at the time. I will read those comments in the *Hansard* at a later time, and I assure members that the points raised will be considered. As to the general propositions raised by members during that portion of the debate that I did hear, I can say as has been acknowledged by quite a few members, that the points they have raised will be addressed in amendments I have tabled which will be moved during the Committee stage.

It is not unreasonable for me to comment on the matter of consultation. Comment has been made that there has been inadequate consultation and, indeed, one member made the point that clearly the fact that there are amendments indicated that there had not been adequate consultation in this matter. I can say that from the point of view of my role in this matter and that of the officers who have been working on it for me, there has been extensive consultation ever since the decision to disestablish the Tertiary Education Authority was made. That consultation involved discussion with members of staff of the Tertiary Education Authority, with the tertiary institutions involved, with the unions involved and with all parties.

Indeed, some considerable time ago I met with SAGE (the South Australian Governing Executives) to advise them of this decision to disestablish TEASA, and I indicated then that we would discuss with them the matter of the legislation that would be coming before the House. Indeed, the actual draft Bill was circulated some weeks ago. Even before the circulation of the draft Bill, I had advised the members of SAGE and other people involved in this situation of the broad principles in the disestablishment of TEASA and the establishment of the Office of Tertiary Education. I had advised them at that stage, some months ago, that it was intended that the Minister would become the accrediting body of courses in tertiary education. So, that is not just something that was advised recently: it goes back quite some months.

As to the actual draft Bill itself, that was circulated to all the tertiary institutions on 3 November and, of course, it is now some three weeks later. It was because of comments made by the member for Adelaide and the Hon. Anne Levy in another place, who came to me with some concerns about certain aspects of the legislation, that we made further contact with the universities to assess whether or not they were concerned about some aspects of the legislation. Indeed, as it has turned out, they were concerned. They have had the draft Bill since 3 November.

The Hon. Jennifer Cashmore: We've only had it since Thursday and we have to do our consultation.

The Hon. LYNN ARNOLD: I understand that. In any event, the matter was with them for some time but we have now attempted to pick up the points of concern that they had. The member for Coles raises the point about the Opposition having only had the measure since Thursday. My original proposition to the leader on our side responsible for matters of management of the House was that this Bill should be dealt with on Wednesday. Quite understandably, it was the decision of the leaders who manage the business of the House on both sides that this Bill should be dealt with on Tuesday because other matters were desired by the Opposition on Wednesday. I accept that: that is fine. My initial view had been that Wednesday would be a better day to discuss it, to allow extra time for some of these points to be followed through.

It is not unusual for amendments to be made to a Bill after some points have been clarified. The advice I have received is that the Vice-Chancellors of both universities have noted the amendments we are advancing and say that they are very pleased with the Bill as it is proposed to be amended. That is the information I can convey to members of this place. I will come to the matter of the staff of the Tertiary Education Authority in a few moments.

The point has been made that clause 4 gives total, unfettered power to the Minister, and that that in itself is not a good thing. Members would do well to read clause 5, which contains the protections against unfettered use of ministerial authority. While it is true that clause 4 does indicate that a degree or an academic award may not be conferred by any institution or tertiary education other than a university unless the course is accredited by the Minister, it is important to note that clause 5 requires that the Minister may accredit a course or a proposed course if, after receiving

and considering advice from the Chief Executive Officer of the Office of Tertiary Education, the Minister is satisfied that the standard of the course and method of instruction are appropriate to the academic award to be conferred in relation to the course.

There are two protections that need to be considered. The first is that the Minister must receive and consider the advice from the Chief Executive Officer of the Office of Tertiary Education: protection No. 1. Protection No. 2 is that the rights of the Minister not to accredit a course are in fact limited to deeming that it is inappropriate to the academic award to be conferred in relation to the course, and that in itself is an important protection that needs to be considered.

Some members raised the point concerning clause 6 that forced information is being expected of tertiary institutions and that that is perhaps an unreasonable expectation. A number of institutions have endorsed the comments made by members opposite that there have been too many calls for statistics and information over the years. Whether or not that has been valid, it has been mentioned as one point. One thing I have said is that on a number of occasions it may well have been that more appropriate gathering of data may have been achieved if the tertiary institutions themselves had collected data in a form that was consistent with the way other tertiary institutions collect the same data, so that it is not necessary for another body to re-ask for the same information and have to have that information recollected according to a different survey model.

It is important that, if the new body is to fulfil its obligations under this legislation, the tertiary institutions are prepared to provide information to it. Inasmuch as they are expending public moneys from either the State or Federal budgets for community purposes, it is not unreasonable to expect that that information be provided so that appropriate planning can take place. I do not believe that it is an unfair obligation upon the tertiary institutions for them to provide information and in particular information with relation to new courses that they are proposing to introduce. In any event, the information they are requested to provide in clause 6 (3), about new courses is also protected. It provides:

> The Minister may direct the institution not to implement the proposal if, after receiving and considering advice from the Advisory Council, the Minister is satisfied that—

and then there are four additional requirements that need to be attended to. None of those requirements easily entertain the proposition of political interference. Each one of them requires academic rigour or community expectation to be met and does not allow the opportunity for capricious political interference to take place. Again, the advisory council is there as a body that must advise the Minister on this matter; the Minister must seek the advice of that council. I remind members that the Bill provides that the advisory council is indeed representative in its structure of the tertiary education sector and that would ensure that each of the institutions is able to have a say on that body as to the kind of advice that the Minister is receiving.

In relation to clause 7 (1) and the information that is required by the Minister, I repeat the point that I made a moment ago, that it is not unreasonable to expect tertiary institutions to provide information. May I say that, from the conversations that I have had with members of SAGE, they have not differed from that point of view: they quite accept the fact that it is not unreasonable for information to be expected of tertiary institutions. They believe that they might be better placed in providing that information from their own gathering of it rather than having the tertiary coordinating body re-inventing a lot of the wheels, so to speak.

I will come in a few moments to the letter from Professor Marjoribanks, the Acting Vice-Chancellor of the University of Adelaide, but some other points need to be made here. In relation to clause 13 (2), the point was made that the Minister can set fees and there is no provision for consultation to take place. It is clearly the practices of the matter that decisions in that area would be made by the Minister upon advice from the Chief Executive Officer and that would be considered by the Advisory Council on Tertiary Education. In any event, it talks about regulations being made and regulations are subject to disallowance in Parliament, so that is provided for there.

Another point that was made related to the advisory committees that can be created under clause 10, and the member for Fisher, for example, talked about that issue. The committees that are mentioned in the second reading explanation are referred to as examples of committees that could be established. I have indicated there that I would propose to establish 'in the first instance' (that is the phrase that appears) and that does not preclude other committees being established as standing committees or as short-term committees, depending upon the issues involved, but I felt that it was important to advise this House of where the Government stood in relation to some existing committees in the tertiary education arena. The Tertiary Multicultural Coordinating Committee, the Advisory Committee on the Post-Secondary Education of Women and Girls and the other committees that are mentioned there are pre-existing committees of which we want to guarantee the continued existence.

These committees have, by legislative right, access to the Minister and, in return, the Minister has access to them, but it is proposed that for most issues they would operate through the advisory committee and through the Chief Executive Officer of the Office of Tertiary Education, but they would not lose the right of direct contact with the Minister, or *vice versa*, on issues upon which they felt that was the most appropriate course of action. I also draw to the attention of members (and I am a little amazed that it has not been mentioned in the second reading debate) the issue of State development and national development.

The Hon. Jennifer Cashmore interjecting:

The Hon. LYNN ARNOLD: Did I miss that part of the member for Coles' speech? I was talking to a number of other people about some issues at that time. This is a very important matter, as it relates to matters pertaining to national and State development. That is something that we think is quite an important amendment to the purposes of the organisation and I apologise to the member for Coles about that matter.

An honourable member raised the matter of the administration fee, which really is extraneous to the legislation. It is not something that is pertinent here, because the administration fee has been imposed by the Federal Government. I can give the undertaking, albeit that it was an extraneous matter to the text of the Bill, that it is not proposed by the South Australian Government to institute such an administration fee for technical and further education. We appreciate that that does result in an anomaly to an extent existing in the TAFE sector in Australia with the rest of the tertiary education sector in relation to the associate diploma arena. It means that in some institutions students studying an associate diploma will be required to pay that fee, but in other institutions (namely, TAFE institutions) they are not required to pay it. It is not the Government's intention to remove that anomaly, because we do not support the administration fee and we do not therefore wish to indicate any support for it by instituting the same fee at the State level.

The honourable member who raised the topic suggested that funds be made available on a loan basis to students who cannot afford to pay the administration fee. We will take that suggestion on board and determine whether, in our ongoing discussions with the Federal Government, we should pursue that matter. We have already pursued with the Federal Government two problems associated with the administration fee. One problem relates to the fact that no consideration is given for part-time students; they pay the full amount. Nor, as we understand it, are there provisions for students studying at more than one tertiary institution to be levied with only the one payment rather than having to pay twice, although there may be changes in this area. The point raised by the honourable member will be taken into account in our ongoing discussions with the Federal Government on that matter.

Another honourable member raised the point about the horticultural course at Brookway Park. Again, this was essentially extraneous to the provisions of the Bill, but inasmuch as the new Office of Tertiary Education will have a role to play with respect to courses that are offered, I have sought some advice on that matter and I advise that the closing of access to that course to non-indentured students is a requirement of the Industrial and Commercial Training Commission. I am seeking further information on that matter to determine whether or not there is any room to move, because I agree that there would seem to be some inequity for students who have already started that course, or who are halfway through it, and suddenly find that they have to drop the course unless they can obtain indentures. That matter will be further pursued.

I think the member for Coles raised the point about the status of the staff from the Tertiary Education Authority of South Australia. When I first spoke with members of staff of the Tertiary Education Authority I indicated to them that it was the Government's desire that they be well placed within the Government. We certainly had no intention of retrenching any member of staff in that area, and we believed that they brought with them considerable skills which can be well used by the community in Government service in other areas. I made the point on that occasion that the disestablishment of TEASA and the effect of halving its staff should not be interpreted as a vote of no confidence in the Tertiary Education Authority but, rather, in the mid 1980s, with the financial constraints and other demands upon Government for providing resources in other areas, it was no longer possible for us to do some of the things as well as we have done them in the past.

I further made the point to the staff that they had considerable skills that we would seek to use in other areas of Government. The staffing redeployment situation with respect to those members of TEASA surplus to the requirements from 1 January is now almost totally settled: they are going to substantive positions elsewhere in the Government service and rather than all those people just filling artificially created positions, as I understand it, for the most part they are going to substantive positions, and at a later time I may be able to give full advice on the staffing profile of all members who have been redeployed.

The Hon. Jennifer Cashmore interjecting:

The Hon. LYNN ARNOLD: With respect to TEASA going from 19 to 10, in relation to two of those members I understand that discussions are taking place, but those discussions will not finish this evening. It means that effectively we have about $500 000 of staffing resources available for meeting Government needs elsewhere in the Government service, and that prevents the Government from having to find an extra $500 000 to meet those needs. Indeed, because some of those existing positions are being filled by Tertiary Education Authority redeployees, it means that, in the course of events, there will be a net saving to Government, because those positions do not have to be filled by somebody new from outside. The sum of $500 000 that is being saved in this area will, first, enable us to reallocate skills to other areas of need in government and, secondly, result in less pressure on Government revenue to provide for other expenses.

Another point that must be made relates to the ICTC and TAFE. Again, this point might have been raised, but I did not hear it. There has been a debate about what should happen with respect to courses accredited by the Industrial and Commercial Training Commission. Members will note that the relevant parts of clause 4 (5) do not apply to courses approved by the ICTC under the ICT Act. In fact, those courses that are approved by the ICTC go to the Director-General of TAFE for approval, and until now that is where the matter has finished. Other courses in tertiary institutions have gone to the Tertiary Education Authority.

In order to achieve a coordinated system of course accreditation, with the acceptance of the Director-General of TAFE, the ICTC and the Tertiary Education Authority, it has been recent practice for ICTC courses approved by the Director-General of TAFE to be referred to the Tertiary Education Authority so that, in fact, that body has had a *de facto* role in the approval of those courses.

Mr S.J. Baker: They haven't needed *de jure* approval.

The Hon. LYNN ARNOLD: That is true. There was a debate about whether or not that *de facto* situation should be built into the legislation, that is, to give *de jure* approval, but I have not advised that that be done. However, I advise members of that debate and also that it is my intention, after the passage of the legislation through both Houses and on its proclamation, to write to the ICTC, the Director-General of Technical and Further Education and the new Office of Tertiary Education to advise them it is my wish that the *de facto* situation that has applied for the past couple of years continue, because I believe it has been a useful role in terms of the communication of information.

Mr S.J. Baker: It is an information transfer system.

The Hon. LYNN ARNOLD: It is an information transfer system, as the honourable member indicates. I was not able to get the gist of one point raised by the member for Davenport. He indicated that there might be insufficient resources in the new Office of Tertiary Education so that it can fulfil all its brief. We acknowledge that there is a severe resource cutting exercise taking place, and we are not ashamed to admit that. I make the point that we have to acknowledge that, in the financial constraints of the mid-1980s, there are some things we cannot afford to do as well as we have done in the past. That means that we will coordinate to a greater extent what is happening in the various institutions around the place, and we know that the tertiary institutions are not unhappy about that—in fact, they are quite happy about it.

A number of members referred to the letter from Professor Marjoribanks to me dated yesterday. As I indicated previously, we have considered those points seriously. I have already indicated that the member for Adelaide and the Hon. Anne Levy in another place had previously drawn those matters to our attention. I will quickly summarise some of the points made in the letter. At page 2, Professor Marjoribanks says that there could be an amendment to remove any ambiguity about the exclusion of universities, and he suggests that words could be added to clause 5 (1), which would then read:

The Minister may accredit a course, or a proposed course, in an institution of tertiary education other than a university if after . . .

He acknowledges in the first part of that that clause 4 already provides that exemption. Clause 4 provides that, subject to subsection (5), an institution of tertiary education (other than a university) must not confer a degree or confer any academic award unless the course is accredited by the Minister. It is that clause that gives the universities exemption, and the exemption under that clause is certainly sustained under clause 5, so a further amendment is unnecessary as it would be repetitious.

However, clause 6, which is referred to in Professor Marjoribanks's letter, as we acknowledge, should be amended, and thus there is an amendment on file which we believe picks up the points made by the University of Adelaide. Likewise, there is a belief that the requirement for the provision of information under clause 7 is not sufficiently directed and that without that direction it is intrusive in the legitimate rights of the authority of universities. We have on file another amendment that we believe picks up the concerns of the universities in that area, and all I can do in that context is to repeat yet again that our advice is that the Vice-Chancellors of both universities believe that these amendments incorporated in the Bill would provide for a measure that they will have no trouble supporting.

Professor Marjoribanks raises a concern about the structure of the advisory council under clause 8. He makes two points essentially, first, that universities have only two formal nominees and, secondly, by implication, that all members of the Advisory Council on Tertiary Education (ACOTE) should be generally selected rather than being particularly representative of institutions. I guess this is always a difficult situation to come to terms with. There is the question whether an advisory council should be one or the other. We have chosen the middle line—that there be some direct representation of tertiary institutions so that they can have a guaranteed voice. The selection of their appointments is within the entire control of the tertiary institutions, while on the other hand there is provision for general appointments, which will be selected by the Minister.

The question was asked whether SAGE could be advised about this matter. It has been my practice to consult with SAGE as often as possible, and I can certainly guarantee that; as I am drawing up names for appointment, I will be happy to have that matter discussed with SAGE and listen to the points it makes in that regard. I believe that the track record in that area is such as to indicate that that will occur. It is worth noting that there are two caveats about how that group of people shall be selected. One is to pick up the cultural diversity of South Australia and the second is to pick up the matter of gender balance.

Another matter that is worth mentioning quickly is that a lot of comment was made about the political powers of the Minister. I said a moment ago that I believe they are protected, that there are insurance policies in the Bill to ensure that a Minister does not make capricious decisions. It would be worth while noting that, wherever a course is not accredited by a Minister whether or not upon the advice of the Chief Executive Officer of the Office of Tertiary Education, and wherever a Minister directs an institution not to implement a proposal whether or not on the recommendation of the Advisory Council on Tertiary Education, in both instances the Minister should be required to table that information in the House so that members on all sides know that such an act has taken place.

The Hon. Jennifer Cashmore: It is not in the Bill.

The Hon. LYNN ARNOLD: One of the matters on which I sought advice was whether or not that could be included in the regulations if such a provision were included in that area. I believe that will give the extra assurance that any decision made cannot be made covertly and must be made in the public arena. I believe that is quite reasonable. We are having that matter considered and in my reply to the second reading debate I have given that undertaking. That in itself is an indication as to an action that shall be followed.

I know there is to be discussion in the Committee stages on this matter, so further questions raised by members can be recanvassed then. I have indicated that we have amendments on file. I have also indicated that they have received the concurrence of the universities. I also advise that discussions have taken place for some time now with all tertiary institutions, Roseworthy College, the South Australian College and the Department of TAFE on the disestablishment proposal of TEASA and the Bill leadup to the legislative framework. I thank all members of all tertiary institutions in South Australia who that have taken part in those discussions, and thank members for comments made this evening and this afternoon, having had a particular role to play in tertiary institutions in South Australia, particularly the member for Light and the member for Murray-Mallee, both of whom have played active roles in this area. The member for Mitcham is a council member of a TAFE college in South Australia and he too may have been involved in discussions at that level.

Mr S.J. Baker: And Flinders University.

The Hon. LYNN ARNOLD: Yes. I hope that this matter goes through the House expeditiously, and I look forward to the Committee debate.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Academic awards conferred by institutions of tertiary education.'

The Hon. JENNIFER CASHMORE: I listened with interest to the Minister's defence of the linkages between clauses 4, 5 and 6 and the restraints that he believes are built into those three clauses which, when taken together, he suggests do not comprise total unfettered power for the Minister which appears to be conferred by clause 4. However, the fact remains that this clause states that, subject to the other clauses, no course can be accredited unless it is accredited by the Minister. Will he explain to the Committee what precise procedures, notwithstanding the advice that he is going to receive (and we hope) consider from the Chief Executive Officer of the Office of Tertiary Education, will be in operation from the time of course development within a tertiary institution to the Minister's consideration of it? In what fashion will he take into account and how will he receive advice from the Office of Tertiary Education?

The Hon. LYNN ARNOLD: As the member for Coles identified in her speech previously, essentially this is going back to many elements of the pre-1979 situation. Much of the work that will now take place will be intra-institutional rather than having to go through a number of formal approval processes and the valuation processes extra-institutional. The comment to that extent is essentially correct. Upon it working its way through the normal intra-institutional framework—and that varies to an extent between different institutions—it would then be referred in the first instance to the Office of Tertiary Education for referral to the Minister for accreditation but, in that process before the Minister will be in a position to so accredit or not accredit he must, as clause 5 (1) indicates, receive and consider the advice of the Chief Executive Officer. To that extent, in considering it, any variation from the recommen-

dation of the Chief Executive Officer would need to contain reasons why advice proffered was not accepted.

The second part goes on to indicate the grounds for making a variation to a recommended course: where is it that a course may not be accredited? The grounds are that if a course were not accredited it would mean that the Minister upon receiving and considering advice from the Chief Executive Officer, believes that the standard of the course and the method of instruction of the course, are inappropriate to the academic award to be conferred in relation to the course. So, there is a clear direction of purpose that takes place as to the procedure the Minister must go through.

It must address the standard of course and method of instruction and the extent to which it addresses those questions is not to determine extraneous matters but to determine directly the extent to which those issues—the standard and the method—address the appropriateness of the academic award chosen to be gained by study of that course. So, that is the procedure we have gone through. In a sense the course development work evaluation proposals would be done intra-institutionally and worked up through there. This has been progressively happening over recent times with the Tertiary Education Authority where much of the work was delegated progressively to tertiary institutions in Australia, admittedly taking us back to some aspects of the situation that applied pre-1979.

The Hon. JENNIFER CASHMORE: The Minister's response sets me off on a slightly different tack, namely, if the Minister is going to take advice from the Chief Executive Officer of the Office of Tertiary Education in matters of academic standards (although there are quite definite yardsticks by which standards can be measured), when something comes before a Minister's desk there inevitably would be some degree of subjectivity. The opinion of the Chief Executive Officer is going to carry an enormous amount of weight. He or she will be an extremely powerful person, capable of overruling the opinions and views of the college itself in its accreditation. I simply make that observation.

The question I have to ask is in relation to the penalty. It is hard to envisage a tertiary institution proceeding with an award that has not been approved by the Minister. I would describe that more as reckless indifference. If it did happen, can the Minister advise of the practicalities? Let us say that the course is either put up or rejected or not put up at all. Would it be possible for a tertiary institution to proceed to teach a course without having it accredited and, if so, what are the mechanisms for detecting that? Secondly, if this should occur and the tertiary institution proceeds with the course either in the face of the Minister's rejection or withholding of approval, or without seeking approval, how is the penalty inflicted? Is it to be for every week that the course is taught or is it to be a oncer—$1 000, and you must not do it again? How will the $1 000 fine be administered?

I am not for a minute seeking to increase the penalty, but I suppose that in the whole scheme of things $1 000 is not a very large sum for an institution to forgo, however precious money might be these days. I doubt if this sanction would ever have to be applied, but it is there and therefore it can be. I would therefore like to know how it will work.

The Hon. LYNN ARNOLD: The points raised by the honourable member are very valid. First, with respect to accreditation matters, the Tertiary Education Authority has had an advisory subcommittee on accreditation, advising the board of TEASA. That situation would continue under the Office of Tertiary Education, that is, there would be an advisory committee on accreditation to advise the Chief Executive Officer in his or her provision of advice to the Minister.

The matter of penalties is particularly interesting. The advice that I have just received is that, if an institution was providing a course that was not accredited and maintained its provision of that course, it would then be subject to a maximum penalty of $1 000, if charged. If the institution continued to provide the course, a new charge would be required, so that it would require a new set of legal procedures. I understand that that is not dissimilar from the situation that has taken place with respect to the non-registered non-government schools, namely, that each offence with which they are charged is discrete in itself and ongoing offences require new charges. So, it is not $1 000 a day, or whatever. I note the point made by the honourable member that this may not be a disincentive sufficient to prevent situations like the University of Boston which we had in South Australia some years ago. However, we do not believe that this will be a problem. If it did happen to be a problem and the penalty was seen as being simply a kind of fee to be paid, then clearly the matter would be re-looked at. In the absence of a belief that there were real problems in this area, it was thought appropriate to leave the penalty at $1 000 rather than go for some more draconian fee that might be seen as being almost an overkill.

The Hon. JENNIFER CASHMORE: I accept that explanation. I suppose that the fine is, one might say, a nominal one.

The Hon. Lynn Arnold: It is light.

The Hon. JENNIFER CASHMORE: Yes, and it is difficult to imagine an institution proceeding, because it would be so counter-productive and its students would suffer, and no institution wants that to occur. But, as the Minister has raised the issue of a charge being heard, can he tell the Committee who he is to charge? Who is the body, court or authority that will determine this issue of whether or not there has been a contravention of the Act?

The Hon. LYNN ARNOLD: The Magistrates Court would hear these charges. Another point which has just occurred to me and which I think is worthwhile mentioning is that, apart from the $1 000, there is another area of effective penalty; that is, if it has not been accredited by the State accrediting body (which is now proposed to be the Minister), that means that it does not have credence—

The Hon. Jennifer Cashmore: It can't be examined.

The Hon. LYNN ARNOLD: Yes, it cannot be examined. It would have no credit anywhere else in Australia, and it has no portability. The Australian Council on Tertiary Awards would refuse to accept it. Therefore, there would be a severe penalty to students doing it, and the moment that students were aware of that they would not enrol in such a course. That is another area that I think is worth mentioning in this regard.

Mr M.J. EVANS: I must admit that it is a little hard to give credence to a sort of criminal offence and penalty in this context in relation to one of our established institutions. One considers the spectacle of the Principal of Roseworthy Agricultural College or the Director of the Institute of Technology in the Magistrate's Court, and obviously the charge would have to be against the council as a whole. The whole thing is just a little bit absurd. But, I assume, like every other member of the Parliament, that in relation to the established institutions (and this does not apply to the universities, of course, but it does to the Institute of Technology, Roseworthy, and so on) the circumstances in which that situation would arise would never occur, so they are obviously not a problem. But, it seems to me that, given

the broad definition of 'tertiary education' provided in clause 3, this would obviously also apply to all these things like the School of Naturopathy, the chiropractic groups, all the other health related areas, and so on. I take it that all those people will have to come for accreditation. Am I correct in that assumption? I would like that confirmed.

The Hon. LYNN ARNOLD: The honourable member is correct in that. In fact, clause 4 (3) refers to an institution of tertiary education other than a principal institution of tertiary education that contravenes subsection (1) being guilty of an offence. That then leaves the other sorts of institutions to which the honourable member referred. I have to say that I am not actually sure that there is a School of Naturopathy, and if there is I do not wish to cast aspersions on it, because I do not know anything about its work. However, it would be institutions other than those referred to in the definitions.

Mr M.J. EVANS: That certainly clears up that matter, and I thank the Minister for that explanation. I refer to clause 4 (1) and to non-university institutions. I take it that the object of clause 4, as distinct from clause 6, is to bring forward accreditation of existing courses. For example, next year, or after this Bill became law, the Institute of Technology would not be able to confer any of its degrees or awards unless all the courses then being taught were approved by the Minister. It says that a non-university tertiary institution may not confer a degree in relation to any course or confer any academic award in relation to a prescribed course, unless the course is accredited by the Minister. So, this clause has a retrospective effect.

Unless I am misinformed in my interpretation of the clause, it seems to me that the Minister will have fairly quickly to accredit all the existing courses. I wonder how that will occur, given the vast number of existing courses, and students who will be embarking on courses fairly soon in the next academic year would want some assurances that all the courses that they intend to embark on, or are halfway through, will receive accreditation.

The Hon. LYNN ARNOLD: I understand that all existing course approvals made under the existing mechanism, namely, the Tertiary Education Authority of South Australia, will carry through. It will be done by administrative fiat: that existing courses as approved by the Tertiary Education Authority will be thereby approved by the Minister pursuant to the relevant section of the Act. So, all existing approvals will not have to be gone through again. I accept the point made by the honourable member that it would be quite untenable to have to send back to the drawing board all such courses for approval or accreditation for their awards.

Mr M.J. EVANS: My final question to the Minister in this regard is two-fold. I use the example of the chiropractic and naturopathy schools, as it is one that immediately springs to mind as being a non-traditional tertiary course and, so far as I know, one which has not yet been approved by the Tertiary Education Authority but which will be caught by this clause. Many students are part way through those courses and, therefore, will have to require fresh accreditation, since the Tertiary Education Authority has not yet accredited them, as far as I understand the matter. It seems to me that this clause is wider than the previous legislation. What concerns me is that it seems that clause 4 has no provision for a course to be unaccredited.

Mr S.J. Baker interjecting:

Mr M.J. EVANS: The honourable member opposite says that to unaccredit a course is to 'discredit' it. I suppose that that is true in an academic sense, and certainly in a community sense. In the whole process of having accreditation one assumes that some courses will not be of a standard that is worthy of accreditation; otherwise, there would be no point of having such a system in the first place, unless presumably some courses were to be rejected.

Having accredited all these courses by administrative fiat and having virtually to accept all the other ones as they stand, how will the Minister review this process and, when some are unworthy, discredit or undercredit those courses, when to my reading, there is no provision for the Minister to revoke an accreditation? If he was to do that on his advice, would he do it and how would it take place? I cannot see under subclause (4) how he can revoke an existing accreditation. That concerns me, because some courses may be worthy of being struck off.

The Hon. LYNN ARNOLD: Clause 5 (2) provides that the Minister shall, when accrediting a course, fix the period of accreditation. So, that sets the limit; it would not necessarily be infinite. I was looking a moment ago at subclause (4), but I was about to advise the member wrongly on that, because that is with respect to the delegation powers that are set out. Clause 5 (2) applies to all existing courses that are carrying on. Clause 5 (1) provides that the Minister may accredit a course or a proposed course.

Mr S.J. BAKER: In the second reading explanation, the Minister mentioned the procedures that he is putting in train to prevent unacceptable developments occurring. He stated:

> It is important that the State has a capacity to prevent an institution proceeding with academic developments which are grossly inconsistent with general planning.

What examples have we seen of this in the past, because there is a fear out there that there will be a certain heavy-handedness in the way that this could operate? I am not saying that the Minister would exercise any adverse jurisdiction but, as he would recognise, there is room for horse trading in this area if for some reason the Minister desired a course to have a particular content and refusing accreditation until that segment of the course was brought up to the mark. First, I ask what examples there have been in the past about difficulties with what the institutions want. Secondly, I raise the matter of the enormous power that the Minister ultimately has to change courses for a variety of reasons.

The Hon. LYNN ARNOLD: The honourable member mentioned grossly bad planning: I do not know of any examples of that in courses in years gone by. It is certainly true to say that there have been a number of occasions when some issues needed to be resolved by talking between institutions. As members know, there have been discussions between the technical and further education sector and the South Australian college about where child-care training is more efficiently provided. Discussions are presently taking place between the Department of Technical and Further Education and the Institute of Technology with regard to a building, planning, and surveying course, although I forget the exact name of it. There are two different proposals from each institution. It might be inefficient and bad planning for both of them to offer the same course.

There have been matters of business administration—MBAs—which required early in my time as Minister of Education some considerable discussion between the Institute of Technology, the Elton Mayo School of Management and the University of Adelaide to determine whether we went in that area, particularly in the light of the recommendations of the Ralph Report. They are just some examples. I think that we have been fortunate that we have—

Mr S.J. Baker interjecting:

The Hon. LYNN ARNOLD: Sure, we do not want unnecessary duplication, which merely fritters away scarce resources.

Clause passed.

Clause 5—'Accreditation of courses, etc., by Minister.'

Mr M.J. EVANS: I thank the Minister for pointing out that the period of accreditation will be the determining factor, so I assume that he will only accredit what he might consider to be marginal courses for a short period of time and let the accreditation lapse if that is considered to be appropriate. I am interested to note from subclause (1) that the Minister may accredit a course after receiving and considering advice from the Chief Executive Officer of the Office of Tertiary Education. That is the only source of advice that the Minister is required to consider when making this decision.

However, later on in the Bill we establish a council of a substantial number of people—perhaps too many people, but a substantial number nonetheless—from all the relevant institutions and many others, yet their advice is not mandatory in relation to the accreditation proposals. One of the council's functions is to advise the Minister on the exercise of his functions under the Act. I am a little surprised that it is not necessary to receive the advice of the council that we have gone to some trouble to establish, and that it is necessary to receive the advice only of the Minister's own staff in relation to it. I am surprised that that has not been included.

I would also appreciate the Minister's advice on the point whether 'may' in that clause is entirely discretionary. In other words, if the Office of Tertiary Education recommends against it, the Minister could still endorse it. Alternatively (because I see nothing to require him to act in accordance with their advice), if they recommended in favour of it, he might disallow it. Is there any indication of his thinking on those lines, and why is the council's advice, as well as that of the Office of Tertiary Education, not to be mandatory?

The Hon. LYNN ARNOLD: There are two purposes. One is that effectively the council will be giving advice both to the Chief Executive Officer and to the Minister. For example, clause 9 identifies the function, as it provides:

The function of the council is to advise the Minister in relation to—

(a) the planning and co-ordination of tertiary education; and

(b) the Minister's functions under this Act.

The Minister's functions include the accrediting function. One of the works they do is support that ministerial accrediting function. The other point relates to why it was chosen to use the words 'considering and receiving advice from the Chief Executive Officer'. That was seen to be a dispassionate public servant giving advice to the Minister after having received advice from such bodies as ACOTE, other institutions and other players in the field, given that ACOTE is made up of representatives of each of the tertiary institutions. There might be a situation where an institution might be expected to withdraw its chair on ACOTE if it was giving advice to the Minister on accrediting its own course. For that reason, it was felt better to include the Chief Executive Officer. It is clear that the council has the right and the expectation, in assisting the Minister's functions, that it will be advising on accrediting matters.

Mr M.J. EVANS: It may have the expectation but it does not have the right. The Bill simply says that it is a function of the council to advise the Minister, but it does not require the Minister to actually receive their advice before he proceeds with the accreditation as it does with the actual Office of Tertiary Education. That is a clear distinction between the two. I certainly take the Minister's point, and I assume that that amounts to an undertaking that he would take their advice before acting. I am a little concerned about the breadth of the delegation power. Any person may receive the Minister's delegation in relation to accreditation. I would be concerned if that were to be delegated to the Chief Executive Officer of the Office of Tertiary Education, since he or she is the person who will be advising in relation to it.

Could the Minister indicate whether the Office of Tertiary Education is to be the recipient of such a delegation? It would worry me if that were so. If it is any other person, as it could well be, will that other person have to receive the advice of the Office of Tertiary Education before proceeding to accredit?

The Hon. LYNN ARNOLD: I am trying to determine whether or not the person referred to involves a body corporate as well. That body corporate or person certainly would be required to receive the advice of the Chief Executive Officer, because that is built into subclause (1). The situation here is that this may in fact have picked up certain areas of courses under the ICTC Act which, in time to come, are not under the ICTC training area: that it might be appropriate to delegate that to the ICTC. It may be that, for certain categories of courses, given that many courses are on offer by tertiary institutions, including the non-principal tertiary institutions, it is appropriate for some categories of them to be delegated to somebody else acting on behalf of the Minister to save an inordinate amount of paperwork passing across the Minister's desk. I know that there are some areas where this happens, not in relation to accreditation, but in relation to registration of non-government tertiary institutions under the TAFE Act. A vast number of those come through. Quite frankly, some of those matters could be delegated out with certain caveats.

Mr M.J. Evans interjecting:

The Hon. LYNN ARNOLD: No, that is right because, if that were to actually happen, clause 5 (1) is not possible.

The Hon. JENNIFER CASHMORE: I refer to the words 'method of instruction are appropriate to the academic award to be conferred in relation to the course' as they apply to trade courses in TAFE. Despite my earlier tribute to TAFE courses, I have received criticisms from some students about the method of instruction. Several students have asked me about who teaches the TAFE teachers how to teach. The people teaching a trade may be well acquainted with the trade but not in the least acquainted either with teaching methods or with the general academic ethic and the general approach to young people. I refer particularly to young women undertaking trade courses. I have had some very interesting conversations with young women about the method of instruction. Who teaches the TAFE teachers how to teach, and how does the Minister propose to make himself aware of the method of instruction and to ensure that it is appropriate to the academic award and, indeed, appropriate to tertiary teaching in the 1980s?

The Hon. LYNN ARNOLD: Most of the trade courses are not subject to clause 5, anyway, because under clause 4 (5) ICTC courses are exempt. That does not take away from the principle, which is very important, and that is why the *de facto* situation has arisen, that courses approved by ICTC have, by courtesy and for information transfer, gone to the Tertiary Education Authority and will continue to go to the new body for information, so that those points can be monitored. The point made is a valid one. Of course, it raises the other question of not only who teaches TAFE lecturers to lecture, but also who teaches university lecturers to lecture or college lecturers to lecture.

The Hon. Jennifer Cashmore interjecting:

The Hon. LYNN ARNOLD: Very often, but not absolutely always. While the vast majority range from being competent to superb, I suppose that we have all heard of some examples in tertiary institutions where some lecturers have been less than competent. With respect to TAFE, there is a Diploma (Teaching) TAFE offered through the South Australian college and that is available to TAFE lecturers. That is supported by an in-service program.

The next question that I know is on the lips of the member for Coles is whether 'offered' means 'compulsory': at this stage, it is not a compulsory situation, but there have been considerations by the department and by the Institute of Teachers as to whether or not further upgrading could be required of the professional achievements of TAFE lecturers. I suppose that it has been an ongoing debate without resolution at this stage, but we know that in recent years much more attention has been given to in-servicing for teaching methodologies and to offering the Diploma (Teaching) TAFE so that more lecturers now have that qualification than previously was the case. It is something on which we will have to monitor the developments in the future.

The method of instruction in itself does not really refer to the capacities of the individual lecturers and I think that the member for Coles would accept that: it really refers to the methodology, whether it will be by the distance mode, the work site mode, in the lecture room mode, or whether it will be basically a practical course or a theory course. That in itself does not pick up that point. The point is certainly a valid one which will be considered.

Clause passed.

Clause 6—'Proposal for the introduction of new courses, etc.'

The Hon. LYNN ARNOLD: I move:

Page 3, line 12—After 'education' insert '(other than a university)'.

Mr M.J. EVANS: I take it that this exempts a university from the whole of the operation of clause 6: is that the intention?

The Hon. LYNN ARNOLD: Yes.

Amendment carried.

Mr M.J. EVANS: Would the Minister indicate whether this applies only to principal institutions of tertiary education other than universities? What happens in relation to those other non-principal tertiary institutions; the more obscure group that are already in existence and are bound to increase with time? They are required ultimately to have accreditation before they can award a degree or any other qualification, but that could be three years down the track. How will the Minister ensure that he has the power to block the course before students commence it, perhaps spending money to attend as well as energy and effort in earning the education involved, when the Minister may refuse to accredit it for the purposes of the award itself, although he is not required to have had indications of the existence of the course unless it is from a principal education institution?

The Hon. LYNN ARNOLD: The caveat there is clause 4, subject again to the ICTC exemption:

> . . . an institution of tertiary education (other than a university) must not confer an academic award in relation to any course unless the course is accredited by the Minister.

There would not actually be an award end to any such course.

Mr M.J. EVANS: My concern is that students will embark on such a course. Because the Minister's prior consent is not required, but only his ultimate consent to grant the award, people may embark on a three year course that is not refused accreditation until the end of that period. If we are talking about groups that are not principal education institutions, that is, fringe groups, it is quite feasible that, since they are not required to give prior notification of the establishment of the course, they could start, say, a three year degree course in chiropractic, they could encourage people to pay fees of $1 000 a term, people could commence the course, and then two years down the track the school of chiropractic could apply to the Minister for accreditation to award the degree or the academic award at the end of the course, only to be refused, with people having paid a total of $10 000 and having wasted two years of their life.

I can well see that it is logical for a formal institution to present prior notice. I would think it was even more important for a fringe institution to give prior notice because, after all, that is the sort of institution that is more likely to be irresponsible. That is not to say that those institutions are irresponsible or that an institution that offered a course in chiropractic (the example to which I referred) is irresponsible—that was simply the example that came to mind. That is my concern. People who are most likely to introduce unfortunate courses are those under the least control, because control is not exercised until they are ready to award a degree or academic award at the end of the process.

The Hon. LYNN ARNOLD: I acknowledge the point made by the honourable member that there could be the chance that people undertake work, because there is nothing to stop an institution offering a course. The purpose of our not including all institutions under clause 6 at this stage is because of the large number of courses that may be offered, and a lot of work would be required in the course evaluation process when the substance of what is wanted is accreditation. It would be true to say that it could be technically possible for a course to be offered without there being any guarantee of accreditation at the end. A student could do that course and get to the end of the period and find that the course was not accredited because accreditation is a *post hoc* process. It is really for the sake of the efficiency of the whole process that this is being proposed in the legislation.

Again, I point out that to pick up what the honourable member is talking about, which would perhaps involve all institution courses being approved by the Minister beforehand, would be to clog up the system and require many more staff in the system than is the case in the existing Tertiary Education Authority, for little achievable benefit. The better course of action is to pick up those that will lead to award courses, and so on.

The other point that could be made is that the institutions that run non-award courses and some award courses are required to be registered under clause 5 of the TAFE Act. It is proposed in the administrative arrangements for that function which is presently within the Department of Technical and Further Education to come across to the new Office of Tertiary Education, so that there will be better coordination between that person in the Government who is registering bodies to provide education of that sort (presently under section 5 of the TAFE Act) and the same body that would lead to advice on accreditation. If there is a problem in that area, we will consider it, but my problem is that to pick up the point made by the honourable member at this stage could lead to a greater need for resources than is really justified.

Mr M.J. EVANS: I certainly sympathise with the Minister from that point of view. The whole purpose of this exercise is to cut back on the bureaucracy and the resources required in this area. However, I believe that that is the area where we are most likely to encounter courses that are unsuited to accreditation, and that is really the area into which we should put more resources, because that is where people are more likely to find that courses are not accredited.

After all, courses must be accredited at some point in the system, because otherwise people cannot be granted a degree after completing the course. Given that courses must ultimately be accredited, it would be a better safeguard for the student and the community if the course were accredited beforehand. That will have to be done at some time.

Completion of the course leads to an academic award, but an academic award cannot be granted until a course is accredited. Why allow the risk of people entering the system, perhaps paying fees at private institutions (unlike the public sector) and undertaking the work only to find that the course is not accredited? I acknowledge that we do not want to provide too many resources at this stage, but courses that lead to an academic award must be accredited in any case.

The Hon. LYNN ARNOLD: Once again, I note the honourable member's comments. The situation will certainly have to be monitored. I repeat that the registration procedures for those providers is also a protection at the outset in terms of the types of courses offered. It would be unlikely that approval for a licence would be recommended if people said, 'We don't know whether we want this to lead to an accredited course.' At the outset, that would sound alarm bells in the system.

Clause as amended passed.

Clause 7—'Duty of institutions to provide information.'

The Hon. LYNN ARNOLD: I move:

Page 3, lines 38 to 43—Leave out subclauses (1) and (2) and insert the following subclauses:

(1) A principal institution of tertiary education must provide the Minister with such information as the Minister may reasonably require to assist the Minister in carrying out his or her functions under this Act.

(2) In particular, such an institution must, when making an application or representation related to funding of the institution to the State or Commonwealth Government or to an instrumentality of the State or Commonwealth Government, inform the Minister of the nature and content of the application or representation.

Page 4, lines 1 to 3—Leave out subclause (3).

Amendments carried.

The Hon. JENNIFER CASHMORE: This clause, notwithstanding the amendments, is still very wide. For example, the kind of information that the Minister might consider he reasonably requires could cover such administrative details as faculty structure, staff structure and so on. Will the Minister outline to the Committee what general area of information he envisages would come under the heading of information that he might reasonably require to assist in carrying out the functions under the Act?

The Hon. LYNN ARNOLD: The first point that must be made is that the provisions of the amendment or the amended clause are no wider than the provisions of the existing tertiary education legislation.

The Hon. Jennifer Cashmore: About which the university has complained most strongly.

The Hon. LYNN ARNOLD: That is true. I suppose the honourable member makes a point about faculty structure. One would have to admit that there may be situations where not so much the certain aspects of faculty structure but the size of a faculty or the orientation of a faculty may be information relevant to the application for funding lodged with the State or Commonwealth Government. Therefore, it would not be unreasonable, if a proposal is being put forward for funding, for, say, the Chair of Greek at Flinders University (which was a matter of ongoing debate in recent years), to know what was actually proposed in providing that course. It would not be unreasonable to ascertain what the structure of the faculty would be. We would not have to determine the exact job specification and selection process for each person but, rather, how the funds would be spent and how the objectives of the course would be met.

The Hon. JENNIFER CASHMORE: The Minister's assurance that the wording now is consistent with the wording under the Act being repealed, far from reassuring me, makes me more anxious, especially in light of Professor Marjoribanks' letter, which stresses that the University of Adelaide would be hoping for a reduction in the administrative burden of numerous requests from TEASA for information. If the framework on which the information is to be based is to be the same in the future as in the past, I do not think the universities can take much comfort from the amendment. However, I will leave that for my colleagues in another place to discuss with the universities.

The now amended clause 7(2) refers to institutions informing the Minister of the nature and content of the application or representation if it relates to funding from the State or Commonwealth Government or to an instrumentality of the same. I take it that that is not going to constrain any institution if it is seeking overseas funding. There would not have to be any advice to the Minister. If that is the case, and the Minister is nodding agreement—

The Hon. Lynn Arnold: That is right, also in respect to research funding.

The Hon. JENNIFER CASHMORE: I note that the research funding is exempted from that requirement to provide the Minister with information. However, as it stands, if institutions are seeking funds from the private sector that are not for research (and there is plenty of precedent for seeking of funds not related to research), as I read it they would have to advise the Minister one month if possible prior to the application. This seems to be an impractical proposition and one that would unnecessarily constrain institutions. I am trying to think of an example.

The Hon. Lynn Arnold: Subclause (3) has been deleted now.

The Hon. JENNIFER CASHMORE: If that is the case then the constraints have been reduced solely to the State and Commonwealth Governments, and research is exempt.

The Hon. Lynn Arnold: Yes.

Mr M.J. EVANS: As the member for Coles says, the universities have complained bitterly about this type of provision in the previous Act and will continue to do so. I am interested in the interpretation of this clause and what interpretation the Minister puts on it. It says that the institution must provide the Minister with 'such information as the Minister may reasonably require to assist the Minister in carrying out his or her functions under this Act'. That is a very limiting phrase in many ways. So far as I can ascertain, the Minister has only one function under this Act, namely, to accredit certain courses. Unless I can be advised otherwise, that appears to be the only specific function of the Minister under the Act other than to appoint members of committees. Obviously, he would not be requiring information from the institutions about appointment of committees. The only thing left in the Act as a function of the Minister is the accreditation of courses. Does the Minister put the same interpretation as I do on those limiting words, 'require to assist the minister in carrying out his or her function under this Act', or does he put a much broader interpretation on the provision?

The Hon. LYNN ARNOLD: The Act provides for a broad interpretation. The Bill is for 'an Act to provide for the planning and co-ordination of tertiary education [the point picked up by the honourable member] and for the maintenance of high standards in tertiary education in South Australia'. That is the title of the Act and that is the function and purpose of the Act. The Minister is simply the instrument of enabling those functions to be put into place. They become the functions of the Minister referred to.

Mr M.J. EVANS: This is not a matter that will be tested in the courts, so I assume that that interpretation will probably never come to pass. While the Minister may claim that that is what is stated in the title, I do not think that the title constitutes a function of the Minister. I would have thought that the Minister's functions would have had to be spelt out in the Act itself and one does not in fact derive authority from the title of Acts but from the provisions within them that authorise or empower certain actions. That is certainly one way of looking at it. I am sure that the Minister then will be able to use it to whatever ends he sees fit in relation to obtaining information.

I am interested to know why the Minister has not included all other providers of tertiary education in the provision mandating information requirements. After all, the principal tertiary education institutions are fairly public instrumentalities and information is not hard to obtain about them, whereas there are a lot of education groups, to which I have previously referred, on which information is hard to come by. The Minister will not have any power under this clause to obtain information from them. I wonder why they were excluded since, after all, if one is to fulfil the very grand expectations contained in the title on which the Minister places great faith and store. I would have thought that one would have needed information from the non-principal public institutions.

The Hon. LYNN ARNOLD: On the first point about the functions, they are not just simply stated in the title but also picked up within clause 6, particularly with respect to the areas where a Minister may act upon, after receiving advice from the Advisory Council, proposals in the area of tertiary education. They include such things as what has been referred to by the honourable member as lofty proposals of standards of tertiary education, and other areas, too.

The point made by the honourable member is why only principal institutions are included in clause 7. It really refers to matters of the broad sweep of education and resource allocation in the tertiary education arena. It would have to be noted, notwithstanding that there are many other providers of tertiary education, that clearly the major ones are the principal institutions defined. In terms of the total volume of tertiary education, if one could quantify it, they are the bulk providers. The others in their many separate groups do not represent a very significant proportion of the total market. It may easily be deemed a case of overregulation to require each of those such requirements as appear here in clause 7 when there is no relevance to that with respect to Commonwealth funding, in any but the most marginal of cases.

There are some Commonwealth funding provisions for some of those courses provided by non-principal tertiary institutions. By and large the bulk of Commonwealth and State funding goes to principal institutions and not the others. The question is therefore whether it is the function of the Government, the Minister or the Parliament to unnecessarily regulate that area when we already have protection such as the licensing protection in Part V of the TAFE Act.

Mr S.J. BAKER: On a point of clarification on the funding clause and the concerns that some institutions feel they may be fettered by the Minister, is it true that the Minister has no power to prevent the universities seeking funding sources? As I read the Bill, it simply contains a requirement that the Minister be provided with information. It has some vague reference to an application or representation but does not say anything after that point as to what will happen to that application. Will the Minister clarify that?

The Hon. LYNN ARNOLD: With respect to State funding there is a follow-on, namely, that, in informing the Minister of any application for State funding, it is the State Government's decision whether or not it gives it. The Commonwealth Government, however, always refers back to the State Government for a view on whether or not the recommendation should be accepted. To that extent some further powers exist for the State Government, namely, the power to give a recommendation to the Commonwealth Government. To the finite extent of this wording the member is correct. It is an information clause and from that the other provisions applying in other areas of the Commonwealth arena give the right of access to the State Government. It is felt, on the basis of past experience, that this is quite adequate to protect the community interest.

Clause as amended passed.

Clause 8—'Advisory Council on Tertiary Education.'

The Hon. JENNIFER CASHMORE: In the second reading debate I questioned the appointment of alternate members of the council. I have very strong reservations about this. Was this the procedure in the Tertiary Education Authority of South Australia? Were there alternate members of TEASA? Can the Minister give the Committee examples of similar councils where there are alternate members? My recollection of principal Acts involving members on councils (I am thinking perhaps of things like the board of the Botanic Gardens, ETSA or any other statutory authority) is that alternates are not commonplace or, certainly not an automatic inclusion. It seems to me that if anything is needed in the academic world at the decision making level it is consistency and stability, and the provision of alternates simply makes the whole administration fluid and more difficult to control. It certainly makes consistency and stability less likely to be achieved. I am wondering why the provision is in this Bill.

The Hon. LYNN ARNOLD: It is not the most common of provisions, that is certainly true. An example in recent years has involved the Senior Secondary Assessment Board of South Australia. There is provision for deputies on the council of that board. One of the reasons given there for the provision of deputies was so as to protect the interests of the different parties involved, if for some legitimate reason the chosen representative of the institution could not make the meeting. Members may recall that there was considerable concern in the tertiary education sector, that given a certain set of events, it was probable that the tertiary education voice on that body (that is, the Senior Secondary Assessment Board) could have been so diminished at any one meeting that something could be resolved by that meeting which was not in the interests of the tertiary education sector, without that sector having had the chance to have its say, and yet quite legitimate reasons having been given for non-attendance by some of its members. So, that was rectified by building in deputies, which would enable the representational aspect to be sustained.

In this area, of course, Professor Marjoribanks has made the point that perhaps universities are under-represented. I am certain that they would be concerned, for example, if they were not given the opportunity to have deputies to keep the representation at least at two members for every meeting. I take the point that there is a continuity problem that could occur if there is a random turnover of members at different meetings. I am reminded that in the TEASA Act there are not TEASA deputies on the TEASA board. Coming back to the point that has been made, I accept the point about continuity; there could be a problem there, but the provision will ensure that there are always, for example, two university voices or all the tertiary education institu-

tions would be represented, regardless of the chance of illness and unavoidable business calling a member away, which would take away a critical opinion from the decision making process of the body—for example, from the Roseworthy Agricultural College or the South Australian college.

The Hon. JENNIFER CASHMORE: I accept that, and it appears that the tertiary institutions themselves have sought that provision and welcome it. That being the case, why is there no sanction against members who either fail to attend three successive meetings or send a deputy or an apology, which, from my recollection, used to be—if it is not still—a standard inclusion for statutory authorities?

The Hon. LYNN ARNOLD: The Government feels that that is picked up under the neglect of duty provisions, and rather than—

The Hon. Jennifer Cashmore: It is subjective.

The Hon. LYNN ARNOLD: It is subjective, that is true, but on the other hand it may be arbitrary to set a finite three meetings for which there may be good cause for non-attendance and insufficient chance to explain good cause. So, we feel that neglect of duty picks that up. However, coming back to the point about deputies, I make one other point, which I should have made before. Subclause (5) provides:

> The Minister may appoint a person to be a deputy of a member and the deputy may, in the absence of that member, act as a member of the Council.

It would not be proposed that deputies be appointed for the nine general ministerial nominees. There would be the offer of deputies only for the institutional representation on the board.

The Hon. JENNIFER CASHMORE: Could that be included, as it is certainly not clear?

The Hon. LYNN ARNOLD: It is not in here. If it is felt that that should happen I am happy for that to be considered in another place and entered as an amendment. But I can give that undertaking now that it is not proposed for that to happen.

Mr M.J. EVANS: I am a bit surprised at the total lack of any requirement for any particular qualification or interest group or representational selection whatsoever in relation to the nine members to be appointed by the Minister. It is not even required that they should be concerned or interested in tertiary education or anything. When appointing bodies in legislation like this it is usual to make some reference to a particular interest group, specialisation, or whatever, in relation to the members, and yet here there are nine people, by far the majority of the council, with absolutely no indication in the Bill at all from where they will be drawn. Will the Minister comment on that?

Also, I refer to the fact that the council is to be appointed directly by the Minister and not, say, by the Governor in Executive Council, which would be more normal for a body of this importance, given the fact that this group obviously will have a major impact on tertiary education and the advice given to the Minister in relation to tertiary education in South Australia. It appears, at least to me, that the formality required of an Executive Council decision, publication in the *Gazette*, and the like, would be more appropriate for a group of this significance than simply appointment by the Minister which, in fact, would be done fairly quietly, and the fact that the removal of people will also be done equally as quietly and not be required to be published in the *Gazette* for public information or anything along those lines at all. While I can well see that the advisory committees, and so on, which are referred to later in the Bill, would be appointed in that way, I am surprised that those more formal provisions are not put down for the advisory council itself, which is of substantial importance. Would the Minister like to address those points?

The Hon. LYNN ARNOLD: It is true that, unlike the other advisory committees referred to in the second reading explanation, which are quite specific as to their purposes, the advisory council is much more general, covering advice on the tertiary education arena generally. It also needs to be noted that in fact that advisory council—'advisory' being the operative word—is not a council with powers of governance. So, unlike the Tertiary Education Authority Board, which had powers of governance to it, this does not. It is advisory, and in that circumstance there are other examples in Government of advisory boards that have quite wide reaching powers, but because they do not have powers of governance it is not considered that they should be subject to the Govenor in Executive Council.

In relation to the other point made by the honourable member concerning expertise, it is not standard practice for other boards, appointed under other Acts, to have a requirement of expertise in the area relevant to the Act by statement in the Act. There are certainly cases where that happens, but there are also cases where it does not happen. I cannot quickly recall the wording, for example, in the South Australian College Act, but while that Act in other areas does refer to interest in tertiary education, the make-up of the nine ministerial nominees itself does not, as I recall, refer to that. Nor does the present TEASA Act refer to that regarding the TEASA Board.

The Hon. JENNIFER CASHMORE: This is just a brief word to the Minister that I hope he might take into account when selecting the council, namely, that when he is choosing someone to represent multiculturalism, industry and commerce, the trade unions, agricultural and rural communities, the professions, Aboriginal education, adult education and the education of women and girls, any one person in that category could have a background in the tourism industry, and be a great asset to the council.

The Hon. LYNN ARNOLD: I certainly thank the member for Coles for her suggestion. I may say that if this is what is required we can open bids now for representation on the council. Certainly, the point made is valid, and other people have suggested other points of interest that should be taken up.

Mr S.J. Baker interjecting:

The Hon. LYNN ARNOLD: The member for Mitcham suggests horse racing. We will inquire into the betting habits of each member, if that is required. However, I do not really think it is. I will add that to the list of representations that have been made. It is certainly true that in the nine ministerial nominees, people need not be single purpose people. They will naturally be expected to have expertise in a number of different areas.

Mr M.J. EVANS: Is that how the Minister defines the term 'major cultural groups' in the terms that we have just been canvassing? How can one define 'tourism' as a cultural group? I cannot see how 'industry' qualifies as a cultural group. I think 'culture' has an entirely different meaning to my way of thinking than classifications of occupational groups.

The Hon. LYNN ARNOLD: No, that is not what that section refers to. The interests of major cultural groups refers to the multicultural diversity of the Australian community. I have to say that when the matter was originally proposed by me I said that that should be in the Bill, and that is the considered advice from the Parliamentary Counsel as to the wording of it. I asked whether that has the most appropriate wording or whether it should read 'mul-

ticultural'. However, the considered advice is that it is best said by 'the major cultural groups'.

Mr M.J. EVANS: That almost implies individually. How could one person represent multiculturalism when the Bill requires the interests of the major cultural groups comprising South Australia? That almost implies their representation on a one by one basis rather than a person who represents multiculturalism.

The Hon. LYNN ARNOLD: It states:

The Minister shall ensure, as far as possible—

(a) That the interests of the major cultural groups comprising the South Australian community are represented.

Representation need not be direct: it can be by some other person from another community. I know this kind of issue has had to be faced in other committees that have been particularly established for the reflection of multicultural issues in South Australia. For example, the Ethnic Affairs Commission, the Multicultural Education Coordinating Committee in the Education Department and the Tertiary Multicultural Education Coordinating Committee have a brief to reflect and represent the major cultural groups in the community without at the same time having to have direct representation from each one of them. It is possible for their diversity to be reflected by other people on that committee on their behalf.

Clause passed.

Clauses 9 and 10 passed.

Clause 11—'Report.'

The Hon. JENNIFER CASHMORE: This clause refers to the requirement of the Minister to prepare a report on the operation of the Act before the 30th day of September. It also requires the Minister to cause a copy of the report to be laid before each House of Parliament. Might it not have been more of a discipline upon the Minister to cause the report to be laid before each House of Parliament before the 30th day of September or any other given date, because a year could elapse between 30 September and the tabling of the parliamentary report? History shows that this is not uncommon. The capacity of Parliament and its individual members to monitor the operation of this Act and to question the Minister and inform themselves about how it is all progressing depends largely on the content of the report. It is my feeling that the clause might be better presented if there were a date for tabling rather than a date for preparation.

The Hon. LYNN ARNOLD: It might be, I suppose, appropriate for an amendment in another place that provides:

The Minister must cause a copy of the report to be laid before each House of Parliament as soon as practicable.

I would not wish to say 'before the 30th day of September', as the sittings of the House may not make that a reasonable option. I believe that, if the report has to be done by the Minister by the 30th day of September, the Minister automatically brings upon himself or herself problems if he or she has been dilatory in bringing it to the House if other than reasons of the sittings of the House have caused that. In any event, I am certain from my experience as a member in this place that the assiduousness of the member for Hanson and an honourable member in another place in relation to matters such as reporting dates would always be there to ensure that dilatory habits were not reinforced. If in fact another place seeks to include an amendment providing for 'as far as practicable', I would see nothing wrong with it. However, I do not really see the necessity of it, either.

Clause passed.

Clauses 12 and 13 passed.

Schedule 1.

The Hon. JENNIFER CASHMORE: In the Minister's second reading reply, he went some way to answering the questions that I raised about the placement of Tertiary Education Authority staff. The Minister said that he could make the specific information available. I found it very interesting to hear the Minister say that the skills of the staff would be very valuable in certain departments of Government. I do not think there is any need to delay the House now, but I am sure that my colleagues in another place would appreciate the details of the nine or however many people have already been placed, and the location of their placement—I do not want the details of the individuals, but just the departments to which they are going, if for no other reason than it provides an insight as to where the Government believes these skills are needed. Also, it gives some indication of the priorities placed by the Government in locating these officers in various departments. If that information could be made available, it would be appreciated.

The Hon. LYNN ARNOLD: I will certainly provide what information I can. I said that a couple of officers' positions are still not quite sorted out. I will also provide that for the *Hansard* in a context that does not put the individual's position awkwardly. The member indicates that that would give an indication of where the Government sees its priorities. I caution that statement because it may be that an officer with certain skills being available can fill a certain position in another department which would liberate somebody else in that department who was needed somewhere else. So, the priority might be a referred priority. With that caveat, I will certainly provide that information for the member.

Schedule passed.

Schedule 2 and title passed.

The Hon. LYNN ARNOLD (Minister of Employment and Further Education): I move:

That this Bill be now read a third time.

In answer to something that arose earlier, and for the benefit of the member for Elizabeth, I indicate that I believe that schedule 2 substantively answers one of the questions raised by the honourable member.

Bill read a third time and passed.

JOINT HOUSE COMMITTEE

The Legislative Council informed the House of Assembly that it had appointed the Hon. C.M. Hill to be one of the representatives of the Council on the Joint House Committee in place of the Hon. R.J. Ritson, resigned.

COMMONWEALTH POWERS (FAMILY LAW) BILL

Adjourned debate on second reading.

(Continued from 30 October. Page 1719.)

Mr S.J. BAKER (Mitcham): The Opposition has some reservations to which I will refer briefly later, but it supports the Bill. The Bill seeks to transfer further powers to the Family Court to enable it to deal with orders in relation to maintenance, custody, guardianship of and access to children who are not children of the marriage that is being dissolved. This matter has been the subject of discussion over a period of about 10 years. It has taken a long time to

vest the Family Court with this wider power which it has not previously had.

It is important to understand that the so-called nuclear or standard family is no longer quite as prevalent as it was before. Statistics supplied in a debate in another place show that in 1985 there were 113 751 marriages and 39 830 divorces. Of those marriages 22 per cent of the men and 20.1 per cent of the women were remarrying, so it is a fluctuating situation. If one referred to the statistics of 1975 one would see that at that time it was possible to believe that over half the Australian married population would eventually be divorced, because that was when the Family Law Act first—

The Hon. E.R. Goldsworthy: What percentage?

Mr S.J. BAKER: It was 55 per cent.

The Hon. E.R. Goldsworthy: Divorces?

Mr S.J. BAKER: The number of divorces. That was because the new law was enacted during that year, and since that time the numbers have gradually diminished. It is expected that the numbers will continue to decrease. However, it is worth noting that, even after that first rush to get to the divorce court, a significant proportion of marriages still end in divorce. During 1985 there were 39 830 divorces, and the legal custody of 46 800 children had to be determined. With the very large number of people getting divorced and remarrying, inevitably there are conflicts as to what happens to the children when there is a further marital breakdown. Statistics from America suggest that the second marriage has the same probability of breaking down as the first marriage. I suppose that if a person is divorced five times, if one follows the mathematical logic, the probability of their being divorced a sixth time would be only about 5 per cent.

The Hon. E.R. Goldsworthy: Are you talking about Liz Taylor now?

Mr S.J. BAKER: Some film personalities are more prone than others. The number of remarriages is very high so the probability of a significant number of people who have children of more than one marriage coming through the system increases daily. Under the provisions of the Family Law Act it was possible for the court to make orders only in relation to what I might term the children of the standard family; namely, the children of that marriage. This has created a number of anomalies, particularly in relation to mixed families where there are children from one marriage and children from another marriage. In the event of separation or divorce, these people have to go to different jurisdictions to be able to settle their affairs. The impossible situation is created where a marriage or relationship is dissolved and two different courts are involved which operate quite separately. That situation is not desirable.

When there is a marital breakdown it is desirable that the matters be settled as quickly and as amicably as possible. There are other areas where the non traditional families interact in this situation. In recent years the number of ex nuptial births comprise about 15 per cent of all births. That figure is rising and it is a worrying statistic. Despite the availability of abortion and the fact that abortion numbers are increasing each year, more and more ex nuptial births are occurring. This then gives rise to another situation where the child of a relationship may not be of that marriage.

Whilst the Opposition supports the Bill, it would like to signal several aspects of the operation of the Family Court which may well have to be addressed in future, and I will refer briefly to one or two of those aspects. First, I refer to the fact that the Family Court is a Commonwealth instrumentality. There have been suggestions that its policies and the way that it operates are divorced from the State arena. It has been suggested to me that, rather than having a Federal Family Court, we should have a State Family Court which is vested with this jurisdiction.

An honourable member interjecting:

Mr S.J. BAKER: Yes, I know, but people suggest that we should return to a State situation with all the powers of the Family Court being vested in that court. Some areas of disputation have arisen in relation to the intervention by the Department of Community Welfare, and there is frequently a potential for conflict between Commonwealth and State instrumentalities in that regard. There is the question of the transfer of powers to the Commonwealth. There is also the issue of paternity proceedings still not settled, and the Commonwealth legislation is yet to be finalised in this area.

There is the problem of cross-vesting of powers. In what areas can we make improvements? Finally, there is the *ex parte* maintenance of children. By and large, the Family Court is meeting the need that exists. We need more judges and there should be greater expedition of matters, but certainly the court has met the need for which it was designed. The other areas of concern must be addressed: they are of importance to those whose relationships break down. It is important that some of the difficulties that exist today in the administration and functioning of the courts be addressed somehow. They may not be serious, but they certainly must be addressed. We support the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the honourable member for his indication of support for this measure. As he has said, this is a matter of some significance in that it transfers State powers to the Commonwealth Government in the area of family law. This area is very much in need of a degree of certainty and resolution to eliminate some of the confusion that people in need in our community face over a long period. It is disappointing that attempts to provide for changes through referenda have failed. Indeed, in this very Chamber at the Constitutional Convention some years ago there was initially an agreement between all parties that there would be a transfer of powers to the Commonwealth with respect to family law matters, but when the referendum came around, as all too frequently happens, the Liberal Party withdrew from that undertaking, and that ended the success of the referendum. That has now meant the introduction of this legislation. I am pleased that at least a majority of States are adopting this course of action so that there is clarification and a degree of certainty with respect to these aspects of the family law. With the passage of complementary Federal legislation, there will be an enhanced situation for the citizens of this State. I thank members for their support of this measure.

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

STATUTES AMENDMENT (EXECUTOR COMPANIES) BILL

Received from the Legislative Council and read a first time.

ANIMAL AND PLANT CONTROL (AGRICULTURAL PROTECTION AND OTHER PURPOSES) BILL

The Legislative Council intimated that it did not insist on its amendments Nos 4 and 5 to which the House of Assembly had disagreed; that it had agreed to the House of

Assembly's amendment to the Legislative Council's amendment No. 15 without amendment; and that it did not insist on its amendment No. 2 but had made in lieu thereof the following amendment to which the Legislative Council desired the concurrence of the House of Assembly:

Page 4 (clause 7)—After line 35 insert new subclause as follows:
(2a) The Minister should, in nominating members for appointment to the Commission, endeavour to ensure that the various regions of the State are adequately represented.

FRUIT AND PLANT PROTECTION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.
(Continued from 19 November. Page 2105.)

Mr INGERSON (Bragg): This Bill is divided into three sections, the administrative section, the section dealing with the introduction of graduated licences for heavy vehicles, and consequential amendments relating to the Commonwealth licensing system for hauliers who operate solely on interstate trade. We support the first section, as it will enable the Government to clearly and quickly stop any manipulation at the end of the licence period and will help the Government ensure that third party fund collection is protected adequately. I would like the Minister in due course to say how the computerisation program is progressing and how it will be assisted by this measure. We also support the section relating to the graduated licences for heavy vehicles, although I will ask certain questions about that matter later. This section is part of the fast track package which was introduced after the national road freight industry inquiry, and we support the majority of recommendations of that inquiry. One recommendation was taken up by the Government and passed by this House—to increase the speed of heavy vehicles and buses to 90 km/h.

Last week in this House the Minister made a very interesting comment: he said that he envisaged that he would recommend that this speed be increased to 100 km/h in the very near future. That was not the impression we gained from the second reading explanation and the debate in this place. The industry at large would be happy if the Minister could clarify the situation. This whole system of graduated licences came about earlier as a result of the national road freight inquiry. In looking at graduated licences there were several areas on which the inquiry spent some time, the first being something that may seem to be quite obvious. It came quickly to the conclusion that the skills related to driving heavy vehicles were directly related to experience. Whilst that is obvious to most of us of whatever profession or occupation, it is clear that in this industry the skill factor is something that takes considerable time to learn. That skill factor has been reflected in this legislation. The second point looked at by the inquiry was the need to introduce a system that clearly had different rules as it went from light vehicles through to heavy vehicles. Whilst most licensing systems have that, we now have a recommendation that goes from the motor vehicle and small van with a legal limit of less than 4.8 tonnes through to a classification covering vehicles over 23 tonnes.

The next area looked at was that of competence as it relates to a driver of a heavy vehicle. In the recommendation embodied in this legislation it seems that we have not looked at how we will cope with that level of competence and how we would set out ways and means of checking it. The next point that the inquiry frequently mentioned was the need to have two different licences for people involved in the heavy vehicle industry. It strongly recommended that drivers of heavy vehicles ought to have both a private car licence and a heavy vehicle licence. The argument put is that, because they spend so much time on the road, they would quickly develop a large number of accumulated points. Whilst they obviously have to stay within the law, there was a need to recognise that, and it was suggested that the two-licence system was the best way to do that. That has not been included, and I ask the Minister why it has not. Will it be looked at, as it was recommended strongly in the recommendations?

Another point was the need for a higher professional licence. The highest classification suggests a high professional licence. The recommendations suggested that we ought to be looking at a system of training highly skilled professionals and that they ought to get special recognition. Would the Minister comment on that in his reply? The whole reason for the inquiry was the need to develop a road safety program which clearly set out the need to have heavy vehicles and the driving of heavy vehicles far more involved in a road safety program. I strongly support that need and support the Government in going down that track.

The area that concerns me is the fact that we are going to make so much of this change by regulation. As I have said many times, the major problem with regulations is that there is no reporting to Parliament until after the event. I do not think that is good enough with complicated legislation as we have in this case. Whilst it obviously makes it easier for the Government to change regulations, and considerably easier for the Government to set up these rules, it is the reporting to Parliament and the fact that there are often errors in regulations and back flips in regulations that cause significant problems for the industry.

I can quote an example of regulations gone wrong. In December last year a regulation was introduced in the transport industry when the Government made a decision not to allow articulated vehicles to tow trailers. There was an obvious reason for that, although nobody knows what it was. However, there must have been one, as a regulation was introduced. One gentleman affected went out and purchased a new trailer to comply with the regulations, but he was not able to get that trailer until March or April this year. Lo and behold, one month ago there was a change of regulation where the Government made the decision to suddenly reverse it and, instead of having a regulation that one cannot have an articulated vehicle towing a trailer, it is now possible. In less than eight months it did a total back flip on the one regulation. Worse than that, nobody in the industry knew about the first regulation and, even worse, nobody in the industry knew about the second regulation. It seems that this problem of setting up rules by regulation is a major problem with this sort of method. I do not support this method at all, and the Government ought to at least ensure that it tells the industry what is happening. The example I gave was a costly example for that person in the industry.

As I pointed out from the second reading explanation, the new classifications will apply from 6 January with updating for the next six months. What is the Registrar's role in that, and how is the Parliament going to know what kind of things the Registrar is going to do? As to the new

classifications, I bring one problem area to the attention of the Minister. In his second reading explanation the Minister stated:

The essential element of the scheme is the requirement that, before a person can be tested to drive a truck exceeding 14.8 tonnes gross vehicle mass limit, the person must be at least 19 years of age and have at least three years driving experience driving a rigid vehicle with a GVML of greater than 4.5 tonnes but less than 14.8 tonnes.

That statement is quite contrary to the regulations that will come in. Whilst I understand they are draft regulations, they state:

This particular area must have held a drivers licence for at least three years and have held a class 2A, 2, 5B or 5 drivers licence for at least one of those years.

That is quite contrary to the comment made by the Minister where he says that it has to be held for three years. It is impossible for an individual to hold a licence under these regulations because those two classes require the individual to be 18 years of age. One cannot possibly hold a licence for three years in total to relate to that clause because one cannot get it until 18 years of age. So, it is an erroneous statement. Will the Minister look at that and, if it is incorrect, will he correct it?

I understand that the intention was not as has been stated in the second reading explanation. I understand clearly that the person has to be 19 years of age, and we do not object to that or to the fact that he has to hold a licence for three years. He needs to hold a specialised licence for at least one of those three years. As far as the classifications are concerned, we obviously support strongly the classification change because it is in line with the national inquiry and with the recommendations that I understand are going to be brought down in all States.

A couple of other questions need to be asked. What is the Registrar's discretion and how far can he go in issuing licences that relate to age? How far can he go in relating the licences to experience? What are the unique instructions he has in relation to the harvest of grapes and grain? What rules are going to be set in relation to articulated vehicles used on the farm during harvest time? What are the rules for headers on the road? We all know that young people drive those headers during harvest time, and they are large vehicles, unlike some of the headers of the past. They are significantly large vehicles. Under these rules such a driver is required to be 18 years of age. We know that that is not the case and that some are significantly less. What will be the Registrar's discretion as it relates to that?

The need to set up training programs to compensate for lack of experience was mentioned in the national inquiry. As everyone would know, the experience factor is obvious today, but what are we going to do in relation to training these people as they go through into these more difficult areas as time goes on? That matter has not been answered, and I believe it needs to be answered. Will there be set types of vehicles when going through the testing for licences? One criticism that has been put forward to me is that, when we go out to test people in these classifications as they apply now, we do not use test vehicles that apply to the various classifications. It has been put to me that, when testing individuals when they go for their licence, in many instances vehicles that are applicable to the designated classification are not used. When moving to new classifications we must ensure that the people who are obtaining classification in the various areas are in fact driving vehicles that are applicable to the testing. What is even more important—and this matter has been drawn to my attention—is that some of the testing people, that is, those who are conducting the test for a licence, do not hold qualifications in the area in which they are testing. If that is not the case, I would appreciate the Minister's comment on that matter.

As I mentioned earlier, there is a need to ensure that the regulations are properly published, as this involves a very significant change and thus I think that proper publishing must be undertaken. As far as the training facilities and programs are concerned, who is going to do it? Will TAFE do it? Will it be the Government or private sector? Those are the sorts of questions that are very vital in this whole change. Further, where and how is it going to be done? These are very important factors in this whole change in the licensing area. I believe it is an important change but, as in any important change, I believe that every member of this Parliament should be aware of that. An honourable member opposite is all in favour of graduated licences, and I know he will talk a lot about that when the matter of graduated licences comes in. I think in this instance we ought to have the opportunity to do the same.

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

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr INGERSON: In the national freight inquiry a significant section was devoted to the need to have photographs on licences for truck drivers who specialise in the higher classification. Why is that not suggested in this legislation? The national road freight inquiry report contained a very significant section and a lot of detail provided by individuals in relation to the need to have photographs. It seems to me that this is an opportunity to undertake that. Will the Government consider the need for a three year repeat test? Why do we not have written into the regulations in this area a need for a person who holds these very important licences to be retested every three years? Will that occur? That was a very strong recommendation put down in the national road freight inquiry.

Many comments made in the inquiry have not been taken up, but they have been published as being part of the fast track package. What is happening next? What will happen with the rest of the fast track package? To sum up: the major area on which we would like the Minister to comment concerns harvest requirements. What will happen in relation to the legislation as it relates to the headers and individuals who want to carry grapes, grain, and so forth? What is the situation with 17 year olds if they drive trucks with trailers? What advertising and promotion campaign will be undertaken, and what training programs, if any, have been implemented?

The final part of the Bill relates to Commonwealth provisions. I think one of the disappointing things in the second reading explanation was that this matter was very scantily reported. On first reading one would have to assume that there really was not anything important in this area, because a very simple one sentence comment was provided and that was it. However, on investigation, we find that this legislation is supplementary to the Commonwealth Act as it relates to the interstate road transport Act; it is not related directly to the Act but to some of the charges for the State department in relation to inspection, the provision of plates and perhaps some signs. I think it is important to the Parliament if the Minister would explain in more detail what really is going to happen with that supplementary legislation.

There is a lot of concern in the transport industry that it is complementary legislation that will involve the licensing

of operators as it relates to the interstate road transport legislation of 1985. However, I understand that this section has not been proclaimed federally and, as part of the regulations under that Act virtually says that in addition the Act makes provision for the federal system of licensing operators engaged in interstate trade and commerce and that it is not proposed to proclaim those provisions for some time and, accordingly, they are not covered by the regulations. I assume that that statement does apply to this Bill, and I would ask the Minister to clarify that.

Finally, the Opposition asks the Minister how he sees the inspections are going to take place as they relate to the heavy vehicles that are registered for interstate use and where they are going to take place. Will it be done at the Inspection Branch at Regency Park? Further, do we require any extra staff to carry out what appears to me to be a very massive new exercise? We support the Bill.

Mr GUNN (Eyre): I want to make one or two comments on this measure. At the outset I point out that it is essential, in the agricultural areas of the State, that young people be able to drive trucks to the silos. As one who drove a truck from the time I was 16, having driven them ever since—

Mr Lewis: You didn't drive them before that?

Mr GUNN: I did around the farm, as most young people do. I use that illustration to point out to the House that it is important that young people have the opportunity (and are legally allowed) to drive farm vehicles to the silos to deliver grain. As I understand the provision in the Bill, the Registrar of Motor Vehicles will be in a position to grant exemptions and permits for this to occur. I know that two of my colleagues have expressed their concern. I want an assurance on this matter; if that is not forthcoming I will have to oppose the Bill, although I do not particularly want to do that. Before I turn to one or two other matters, I want to say that I hope that, in administering these matters, commonsense will prevail. We do not want to be involved in more unnecessary red tape, form filling, issuing of permits and all that other nonsense which is so plaguing society today. If there is one thing that annoys the community, it is the imposition of unnecessary regulation and control.

The second matter relates to the inspectors who operate under these regulations. I sincerely hope that they use a bit of sense, because I have had cause from time to time to run foul of these people, and it gives me no pleasure to attack them. In relation to the provisions of this measure that deal with the registrations, I have had a couple of people complain to me recently that there appears to be some misunderstanding with the public about new regulations which permit the Registrar of Motor Vehicles to impose fees on people who either deliberately or inadvertently fail to register their motor vehicles on time. I wonder whether the Minister and his officers can look at that proposal, because I know of two cases where people have been most concerned and upset about having these extra charges put on them, and they have run the risk of losing the number plates which they have had for many years on their vehicles. Obviously there is good reason why these provisions are in the regulations, but it does appear that more flexibility needs to be applied. On the first occasion, I had no trouble in resolving the problem with the senior officers—and I appreciated the cooperation that I received. The second matter is still under negotiation, and I am quite confident that it will be resolved.

I return to the matter of graduated licences. My colleague indicated that we have already had one part of the package which increased the speed of trucks: I support that. I believe that we ought to be increasing the speed limit on the open road for all vehicles. The maximum 110 km/h is not realistic—it is ridiculous. I believe that it should be 120 km/h. I make no apology for saying that, because more accidents are caused by people dawdling along the road. The increase in the speed for trucks is good, but there should be a reasonable margin between trucks and motor cars. We have built better roads and better cars, and most of us have driven at more than 120 km/h on dirt roads for most of our lives, and it feels as though we are only walking at 110 km/h on a bitumen road. I put that suggestion to the Minister for his consideration.

The ACTING SPEAKER (Ms Lenehan): Order! The honourable member should return to the provisions of the Bill.

Mr GUNN: I will do that; I would not stray from the Bill. I hope that the regulations are implemented in a sensible fashion, because this year and in the next few years we would have massive amounts of grain to cart to our silo system, and we want to do it efficiently and as quickly as possible. The only other thing is I hope the price will be better. I support the Bill, as we have received certain assurances that will guarantee that the matters we have raised will be dealt with.

Mr MEIER (Goyder): In looking at the second reading explanation, one could be forgiven for misinterpreting its intention. It states that the purpose of this Bill is threefold, and the second point of that threefold option is the adoption of a graduated heavy vehicle driver licensing scheme. Certainly, I know that many constituents in my electorate would be worried that this therefore would affect them on their rural properties and in carting grain. I believe from the assurances that I have received when looking into this Bill further that that will not be the case. I am very pleased that this measure does not modify the circumstances that exist, namely, that exemptions can be granted for people who do not meet the age limitation. Only last week another person approached me wanting a special condition for his 17 year old son to drive a particularly heavy vehicle. That matter is still being negotiated by the Registrar of Motor Vehicles. So, on the condition that the aspects in relation to the graduated heavy vehicle licensing scheme do not affect rural property owners, I too would say that I believe the basis of this Bill meets with approval.

The Hon. G.F. KENEALLY (Minister of Transport): I thank members who have participated in this debate for their contribution and for their support in general terms for the legislation. At the outset, I should respond to what is a clear concern of members opposite about the right of farmers (or their sons, in many instances) who currently have a class 2 licence and are able to transport the wheat to the silo, to use an example. It is the intention of the Government that this legislation will not affect the existing right of farmers or their sons in that way. I think I should read for the benefit of the House the existing section 78, which provides:

> A licence endorsed with the classification class 2, class 3 or class 5—

class 3 is the articulated vehicle and class 5 is the omnibus—

> shall not be issued to a person who is under the age of 18 years.

That is the existing law. That is modified as follows:

> The Registrar may, in such circumstances as he thinks fit, issue a licence endorsed with a classification class 2 to a person aged 17 years, and may, pursuant to section 81, endorse any conditions upon the licence.

That is the law and will remain the law. In terms of the exemptions, so that members can be absolutely clear, I shall outline the policy on exemptions from driving experience requirements. In relation to class 2A, exemptions may be

granted to a person aged 17 years or more on the basis of demonstrated need. For example, a 17 year old son of a farmer who is required to assist the family with farm work. Classes 2A, 2, 3A, 3, 5A, 5B and 5, exemptions from the minimum driving experience requirement may be granted to a person aged 18 years or more where the person undertakes a course in motor omnibus operation with the STA, and is accepted for employment as a bus driver by the authority (class 5B or class 5 only); and where a person produces evidence that he or she has undertaken a course in heavy vehicle operation conducted by one of the following employer organisations and has been approved by that organisation as competent to drive heavy vehicles: Telecom, E&WS Department, ETSA, or an organisation or company which employs a driver training officer who holds a motor driving instructors licence. In terms of exemptions, they are wide and I think sensible, and have regard to the particular requirements of the industry, whether it be farming, a company that employs a driver training officer, or appropriate Government departments.

I will try to respond, because I believe that this is a Committee Bill and I expect that there will be a lot of questions in Committee about many of the points raised. The member for Bragg asked how the Motor Registration Division was going in terms of the implementation of the on-line computerisation program. The hardware is here and the software is being installed. We believe that it will be some seven months before the on-line computerisation is effected, but it will have considerable advantages for the Government in terms of efficiency and cost through computer time and computer file cost. So, we believe that there will be advantages not only for the Government but also for the motoring community which requires more effective, accurate and quick response to their registrations, etc.

The honourable member also asked me to clarify what I meant by the statement I made recently that I believed that, within 12 months or so (perhaps by 1 January 1988), the speed limit for heavy trucks and buses would move to 100 km/h. All the fast track package and all matters included under the National Road Freight Industry Inquiry are subject to comprehensive discussions at the Australian Transport Advisory Council, of which the Ministers are members, and which the senior officers advise. They are also subject to discussion by a number of committees that have been established by State and Federal authorities, so these matters can be discussed fully and recommendations presented to ATAC.

It was decided that, as a first move, we in South Australia should increase the speed limit of heavy trucks to 90 km/h to bring it into line with the omnibuses. That will take place as from 1 January 1987. That is the first step towards bringing it up to the speed limit of 100 km/h recommended by the National Road Freight Industry Inquiry. I am not sure whether all States have agreed to that, but certainly most States have.

An honourable member interjecting:

The Hon. G. F. KENEALLY: I have some doubts. An ATAC meeting will take place next week where that matter will be clarified, but there will be a move to a speed limit of 100 km/h for trucks and buses.

The idea is to have a more even flow of traffic on the road and to cut out, to a large extent, the requirement to pass vehicles that are complying with the speed limits and thus have a safer road system. In response to the member for Eyre, it is the South Australian Government's position that there will be a difference between the speed limit for motor vehicles (110 km/h) and that for buses and trucks (100 km/h). They will not be as fast as suggested by the honourable member, but there will be that differential.

The point was raised about having two licences so that people who have demerit points on their normal private licence should not have those demerit points counted against their commercial licence. That matter has been considered all over Australia, and it has been rejected by all State Governments. We believe that the Government has a responsibility to ensure that the road is a safe place for everyone who uses it. So, to be certain that that is the case, demerit points should apply on all licences. That has been the decision of all State authorities, and South Australia agrees with that.

The honourable member complained that this Bill is one of regulation and that the regulations should have been available. In the best of all worlds I would agree with the honourable member that regulations should be available for members to peruse while the debate is continuing. It is not always possible to do that. We do have some time constraints in order that this legislation may pass and be in place by 1 January. So, it is fairly difficult for the officers of Parliament not only to write legislation but also to have the regulations prepared, but the—

Mr Ingerson interjecting:

The Hon. G.F. KENEALLY: The honourable member says that we have known for 12 months but, if he is ever in Government, he will realise that that is a very simplistic position for the Opposition to adopt. However, realistically, in Government, there are many complications. I am quite happy to give the honourable member the opportunity to look at the regulations so that he is aware of what the Government is doing. These matters have been fully discussed with the South Australian road transport organisations and the bus proprietors, so they know what we are doing in terms of regulations. There will therefore be no surprises to the industry in that respect.

The honourable member was anxious to ensure that people who are being tested for the new classifications are tested by people who are qualified in those classifications. I give the assurance that that will occur. The honourable member also queried whether or not people would be tested for classifications that were different from the vehicle in which they were tested. If one seeks to obtain a licence for a particular type of vehicle, one must be tested in that vehicle, so a person cannot be tested in one vehicle for another classification of licence.

It is the Government's intention to talk to the industry, the South Australian road transport organisations, so that it will be involved in the training scheme. The Government did not propose to be in charge of the training scheme. We have had discussions with the industry and with the unions about training schemes, and we hope that the industry itself will be able to develop appropriate training schemes.

In South Australia we have not accepted the principle of putting photographs on licences, so that is our position and it may be one with which other people will disagree. We do not propose to test drivers in the appropriate classifications every three years. These people are professional drivers who will be on the road for their livelihoods, and one expects that their proficiency will be maintained and that, if they drive in a way that breaches the regulations, it will be brought to their attention rather soon by the police. If such persons lose their licence because of these breaches, then they may well be required to be retested, as is the case with other drivers of motor vehicles who are in breach of the regulations.

As I understand it, in relation to headers, they can now be driven by 17-year-olds with a class 2 licence, and we do

not intend to interfere with that. Our concern is that, if a 17-year-old is in charge of an articulated vehicle (that is, if they are driving a rigid vehicle with a capacity of 14.6 tonnes), and they want to attach a trailer to that, they will have to be qualified to do that. That is the position as it stands at the moment.

The inspections of interstate vehicles will take place at our motor vehicle inspection depot, and they will be performed within the existing resources that are available to us. It will not be easy, as they will not be there altogether. Also, there is now a fairly heavy workload at the inspection depot, and it will be increased. But it is our intention to cope with the demand within existing resources. There are about 1 300 vehicles, so it will be a crush, but it is one with which we intend to cope.

Many important matters were raised by the shadow Minister, but one matter related to operator licensing and the concern that exists within the heavy trucking industry about that. Of course, as the honourable member has pointed out, the Federal Government has passed legislation that would provide for operator licensing. The idea of that is to license an operator to ensure that, if they establish a timetable that requires the driver to be in breach of a law in order to meet it, action can then be taken against the operator.

At present all the responsibility rests on the driver, and there is no responsibility on the company or manager. The idea was to impose responsibility on the manager so that, if he was in breach of the provisions, action could be taken against him. That provision has not been proclaimed, because there are some problems with it, and we are currently discussing those problems with the Federal Minister. I am confident that he would not proclaim that provision until he had the agreement of all State Ministers and State authorities. That is where the matter lies at present.

Mr Gunn interjecting:

The Hon. G.F. KENEALLY: Yes. The member for Eyre points out that the States would have to introduce complementary legislation. Certainly, we have no intention of doing that at this stage. More discussion is required. I am not saying that I am opposed to the concept, but there are some difficulties in implementation. I can give the House a categorical assurance that this legislation does not include operator licensing. That may well be a matter for another Bill, another time and another discussion. It is not part of this legislation.

I hope that I have been able to deal with most of the queries raised by members opposite. To recap in terms of the activities of farms and the people who work on them, the situation will not change. This legislation is designed to involve the heavy trucking industry, with particular emphasis on interstate operations. The exemptions that are granted currently in relation to farm activity will continue, and I believe that the regulations will be responsible and will relate to the needs of the industry with great doses of commonsense. I thank the House for its support.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—'Regulations.'

Mr INGERSON: During the second reading debate I said that there seemed to be some discrepancy between the Minister's second reading explanation and the provisions of the regulations in relation to an extreme classification, class 3A. Can an individual obtain a licence to drive an articulated motor vehicle after just one year's experience in terms of one of the other categories? That makes far more sense than what the Minister said in the second reading explanation. I ask that question, because it would be impossible for a person to obtain three years experience and still be 19 years of age, because he must be 18 years of age to obtain a licence under any one of the classifications. Is that what the Minister's envisages, and is the second reading explanation correct?

The Hon. G.F. KENEALLY: I am not absolutely certain that I understand the honourable member's question. The applicant for a class 3A licence must have held a drivers licence for at least three years and a class 2A, a class 2, a class 5B or a class 5 drivers licence for at least one of those years. Thus, for two years he could have held an ordinary drivers licence and for one year he must have held a licence in one of the other classifications.

Mr INGERSON: The Minister is saying that the second reading explanation is not quite accurate and that the suggested regulation is more to the point. The second reading explanation states:

> The essential element of the scheme is the requirement that, before a person can be tested to drive a truck exceeding 14.8 tonnes gross vehicle mass limit, the person must be at least 19 years of age and have at least three years experience driving a rigid vehicle with a GVML of greater than 4.5 tonnes but less than 14.8 tonnes.

It is impossible for individuals to have three years driving experience and still be 19 years of age, because they must be 18 years of age before obtaining a licence under the first two classifications. If what the Minister is saying is correct, that does not matter. He has clarified the point that I raised, anyway.

The Hon. G.F. KENEALLY: My advice is that there is no conflict between the second reading explanation and what we are trying to do. There is no real problem in terms of this legislation. If I am not able to satisfy the honourable member with this response, perhaps we can talk with the officers involved and clarify the matter. Under the policy of exemptions from driving experience requirements, exemptions can be granted to a person who has two years driving experience and who at 18 years of age undertakes the approved course. If he drives for Telecom, ETSA, E&WS or an organisation or a company which employs a driver training officer who holds a motor driving instructors licence, an exemption can be granted.

The general policy is that there should be three years experience and the person should be 19 years of age, but an exemption is allowed if that person has two years driving experience and undertakes the approved course. If that response does not answer the honourable member's query satisfactorily, it would be wise for us not to pursue the debate here but to talk to the departmental officers, who may be able to give a clearer definition.

Mr INGERSON: I thank the Minister for that comment, and I will take up the matter with him, because we will have the opportunity to talk about those regulations later. I ask the Minister to reaffirm the situation relating to a young person in the country at harvest time. A young person may be required to drive a truck and tow a trailer during a grape or grain harvest. What restrictions or changes to restrictions will be involved?

The Hon. G.F. KENEALLY: The easiest response is to say that the situation will not change in relation to a young person who has a class 2 or a class 2A licence. Currently, those people are unable to drive an articulated vehicle, that is, a semi-trailer, but during a grape or a wheat harvest they can now drive a normal truck of up to 14.8 tonnes. At present, they cannot legally drive a truck of 14.8 tonnes with a trailer if they are 18 years of age, and that is not our intention. That is the current situation, and we are not changing the legislation in regard to the rural industry. I do not know that exemptions are granted. There has been no

request for an exemption. The situation that applies in the farming community will not change.

Mr GUNN: I do not want to delay the Committee, but I want to get this clear in my mind. It is normally accepted practice that if someone has a distance to travel they like to hook a two wheel trailer on behind, and I suggest the average single axle tipper truck and trailer would gross more than 14.8 tonnes; indeed, there is no doubt about that. The provision would appear to be rather ludicrous, and I suggest to a number of people who are not fully aware of the law that they ought to quietly sit down and examine this matter, as there are heaps of trailers around the country. People carting grain to the closest silo in their vincinity are not causing trouble. We are not talking about large road trains but about what is normally accepted practice. There are certain people in the inspection area whom I would not like to be looking at this matter, as they are unreasonable, do not understand and have read too many regulations. Perhaps their minds have been warped.

I am concerned about what the Minister said, and I request that he look closely at the provision, because 14.8 tonnes is not a very large load. There are hundreds of two wheel trailers that are self-emptying and made from the chassis of old trucks, and they work well.

The Hon. G.F. KENEALLY: We will look at that point. I take on board what the honourable member has said. We will look at the provision involving 14.8 tonnes with trailers. It will come back in regulations which will be available for members to examine. We will be implementing the regulations after discussion with the industry. If that is any consolation to the honourable member, I can assure him of that, but we will certainly consider his remarks.

Mr BLACKER: The Minister has basically covered what I wanted to say. He gave an undertaking to liaise with the member for Bragg about the regulations. Could he also provide me with a copy when those regulations are drafted? Many people in my electorate are not directly associated with the transport industry as such but they are primary producers, and these regulations should be given wide publicity so that people know where they stand.

The Hon. G.F. KENEALLY: I understand that. The farmers and graziers will be given a copy. The shadow Minister of Agriculture should look at it as should the Leader of the Country Party. We will certainly do the same with the shadow Minister and distribute copies. Farmers and graziers already have a copy of information on what we are doing as we are trying to liaise widely on this issue. We want to get it right and do not want to introduce regulations that give us a lot of trouble when there is no need for that if we get it right in the first place.

Clause passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 10.35 p.m. the House adjourned until Wednesday 26 November at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 25 November 1986

QUESTIONS ON NOTICE

SCHOOL MAINTENANCE

176. **Mr M.J. Evans** (on notice) asked the Minister of Education:

1. What is the total amount allocated in the Education Department budget for 1986-87 towards the cost of maintaining existing school grounds and ovals for primary and secondary schools respectively, and what is the average amount per school in each case?

2. Is the department aware of the total amount of the additional funds that are committed at the local school level towards this function?

The Hon. G.J. CRAFTER: The replies are as follows:

1. From 1983 the recurrent grants to schools, of which provision for grounds maintenance was a part, were combined into a single school support grant. The estimate below is based on the 1982 grounds maintenance component, adjusted for inflation. The cost profile is indicative of projected costs:

	Secondary Schools $m	Primary and Junior Primary Schools $m
Component of School Support Grant	0.09	0.20
Water usage	0.70	1.10
Ground staff	2.10	1.90
	2.89	3.20
Average per school	28 600	6 500

Note: These figures exclude the maintenance costs of swimming pools.

2. Reliable information concerning additional funds committed at the local school level is not available.

HOUSING TRUST TENANT

182. **Mr LEWIS** (on notice) asked the Minister of Housing and Construction:

1. Has the South Australian Housing Trust relocated a tenant from Coonalpyn elsewhere because he kept donkeys, geese and other livestock in such numbers in the yard of his dwelling that it caused distress and a health hazard to his neighbours and, if so, where, on what area of land is his current dwelling located, when was the property purchased by the Trust, what was its cost and what rent is the tenant now paying?

2. Has the Coonalpyn premises been repaired and restored and, if so, at what cost to the Trust?

3. Was it necessary to remove any soil from around the dwelling and, if so, for what reasons and at what cost?

4. Has the Trust assisted the tenant in meeting his removal expenses from Coonalpyn to his new home and, if so, at what cost?

The Hon. T. H. HEMMINGS: The replies are as follows:

1. As the member for Murray-Mallee is aware, the South Australian Housing Trust found it necessary to relocate a tenant from Coonalpyn when it was revealed that the tenant was keeping certain animals in a residential area in contravention of council by-laws. The tenant concerned has been transferred to Tantanoola. The property covers 4.85 hectares of grazing land and was purchased on 8 August 1986 at a cost of $55 000. The Housing Trust, following advice from their local land agents, consider that the purchase price of this property is cheaper than to buy a similar home on a residential size block within the town. Accordingly, a transfer to resolve this issue is an appropriate response. The tenant is presently paying a reduced rental of $23 per week.

2. Maintenance work on the Coonalpyn premises has been carried out at a total cost of $251.75.

3. Some soil was removed from the backyard of the premises (cost $45). This action was taken as a precaution against any possible future health problems arising from animals being kept in the yard.

4. The tenant was assisted to relocate from Coonalpyn. Removalist costs were borne joint by the Department for Community Welfare ($150) and the Trust's Emergency Housing Office ($450).

GOVERNMENT MOTOR VEHICLES

193. Mr BECKER (on notice) asked the Minister of State Development:

1. How many motor vehicles does the South Australian College of Advanced Education have under its control and to whom are they issued at each campus?

2. Do the vehicles carry South Australian Government number plates and, if not, why not?

3. Which campus in the past twelve months had a Mitsubishi Star Wagon allocated to it and was that vehicle involved in an accident and, if so—

(a) what was the extent of the damage to the vehicle and injuries sustained to the person driving and passengers involved;

(b) why did this person have a Star Wagon in preference to a Commodore motor vehicle; and

(c) was the Star Wagon replaced with a new Holden Commodore station wagon and, if so, why?

The Hon. LYNN ARNOLD: The replies are as follows: I should preface my reply by reminding honourable members that the South Australian College of Advanced Education, like all other institutions of higher education, enjoys a considerable degree of autonomy. This is consistent with its status as a major educational institution which requires that it have minimal Government interference in its operations. Furthermore its primary funding source, which would include the funds used for the purchase of motor vehicles, is the Commonwealth. Replies to the honourable member's specific questions are:

1. The college has a total vehicle fleet of 49 vehicles varying from sedans to buses. They are generally all regarded as pool vehicles available to all staff for college purposes. Certain senior staff, whose duties take them to all five sites, have first call on a particular vehicle. Fourteen vehicles are assigned on this basis: four to the principal and the three directors and the remaining 10 to faculty deans and heads of units.

2. The vehicles do not carry South Australian Government number plates having been exempted from doing so by the Minister of Transport. Such exemptions also apply to the two universities, the South Australian Institute of Technology and Roseworthy Agricultural College. They also apply to a number of other statutory authorities.

3. A Mitsubishi Star Wagon was based at the Underdale site with the college librarian having priority use. It was involved in an accident and:

(a) the driver was uninjured and there were no passengers; the insurers decided that it was uneconomic to repair the vehicle;

(b) the vehicle was originally selected due to the need to move staff between the various sites of the college and to transport substantial quantities of equipment and numbers of library books from the central services unit of Underdale to the site libraries, and;

(c) the Star Wagon was replaced by a Holden Commodore station wagon; fleet discount made this a more economic purchase and furthermore a re-organisation of library services has reduced the need to transport staff; books are now distributed by courier service.

COMPANY CLOSURES

202. **Hon. D.C. WOTTON** (on notice) asked the Premier: How many applications did the State Bank make to the Supreme Court of South Australia seeking the winding up of companies on its books and how many petitions for bankruptcy were issued by the bank during 1984-85 and 1985-86, respectively?

The Hon. J.C. BANNON: The number of applications made by the State Bank to the Supreme Court of South Australia seeking the winding up of companies on its books was:

1984-85 2
1985-86 6

The number of petitions issued for bankruptcy by the State Bank was:

1984-85 2
1985-86 4

RANDOM BREATH TESTING

216. **Mr INGERSON** (on notice) asked the Minister of Transport:

1. When will the Government implement the recommendation of the Select Committee on the Review of the Operation of Random Breath Testing in South Australia that the police be provided with adequate resources to ensure proper implementation of random breath testing in both city and country areas?

2. Does the Government intend to adopt the recommendation, that, to ensure it is an effective and recognisable deterrent against drink-driving, the number of drivers breath tested annually should be at least double the 1984 level, i.e. 264 000?

3. How many drivers have been breath tested to date in 1986?

4. What are the random breath testing resources currently provided to the police in country and city areas, respectively?

5. What are the estimated costs of providing sufficient resources to achieve the objective of at least doubling the number of drivers tested?

The Hon. G.F. KENEALLY: The replies are as follows:

1. Officers of the Police Department, Treasury and Road Safety Division are currently preparing a report to Government. An allowance has been made in this financial year's budget to increase police resources.

2. The Government intends to provide resources so that the number of drivers tested annually will be considerably greater than the numbers tested in 1984.

3.	No. of Tests
Metropolitan area to 31 October 1986	85 663
Country areas to 30 September 1986	11 503
	97 166

4. Metropolitan area: 11 personnel; 2 breath analysis vans and associated equipment; 2 sedan cars and associated equipment.

Country areas: There are currently 15 locations with access to breathalyser units and 35 digital alco-test devices are available.

5. Funds have been set aside in the 1986-87 budget to provide increased random breath testing. The Police Department and Department of Transport are currently assessing requirements to enable the specific allocation of resources.

TOURIST INFORMATION CENTRE

228. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Transport: What was the total cost of the tourist information centre recently constructed on the Mount Barker Road on the site of the Pastor Kavel lookout?

The Hon. G.F. KENEALLY: The Adelaide Information Bay at the Pastor Kavel lookout was constructed at a cost of $120 000.

DEVELOPMENT EDUCATION NEWS

230. **Mr S.J. BAKER** (on notice) asked the Minister of Education: Which department is paying for the printing and distribution of the *Development Education News* and what is the annual cost?

The Hon. G.J. CRAFTER: The Education Department has no knowledge of this publication.