HOUSE OF ASSEMBLY

Tuesday 1 December 1987

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:

In Vitro Fertilisation (Restriction) Act Amendment,
Legal Practitioners Act Amendment,
Motor Vehicles Act Amendment (No. 3),
Road Traffic Act Amendment (No. 2).

PETITION: CHILD-CARE CENTRES

A petition signed by 1 500 residents of South Australia praying that the House urge the Minister of Education to retain the current staffing qualifications for child-care centres was presented by Mr Allison.

Petition received.

PETITION: ELECTRONIC GAMING DEVICES

A petition signed by nine residents of South Australia praying that the House reject any measures to legalise the use of electronic gaming devices was presented by Mr D.S. Baker.

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 108, 166, 177, 260, 262, 285, 302, 354, 368, 396, 404, 405, 423, 441, 448, 451, 452, 456, 458, 461, 475, 477, 478, 480, and 481 to 484; and I direct that the following answers to a question without notice and a question asked in Estimates Committee A be distributed and printed in *Hansard*.

WORKCOVER

In reply to **Mr GUNN** (7 October).

The Hon. FRANK BLEVINS: By virtue of section 33 of the Workers Rehabilitation and Compensation Act 1984, an employer shall at the employer's own expense provide the worker with immediate transportation to a hospital or medical expert for the initial treatment. The corporation is aware that the cost of providing transportation could, in a relatively small number of cases, result in a significant cost to the employer concerned and the matter of resolving the question within the current legislation has received thorough consideration once the potential became apparent. A number of options have been examined. However, it does not appear possible within the current legislative framework to structure a scheme to assist the employer in these cases. The matter is, however, listed for review and change together with some other issues requiring legislative amendment.

CENTRE OF EXCELLENCE CAMPAIGN (Estimates Committee A)

In reply to the **Hon. E.R. GOLDSWORTHY** (24 September).

The Hon. LYNN ARNOLD: In April 1986 a research study was commissioned by the Department of State Development with Techsearch to identify Centres of Excellence in South Australia. The fundamentals of the study were to rate the centres on a national and international level and that the centres be well defined and defensible as Centres of Excellence. The study was commissioned as a fundamental step in defining representative groups in the public and private sectors which were providing outstanding products, service or research, developing capabilities in their respective fields and which could be used to provide more focus to the department's programs. Following advertisements calling for nominations, a matrix of 270 Centres of Excellence was presented by Techsearch in August 1986 together with case studies on 36 nominated centres being undertaken.

The study report has not been publicly released as it was only indicative of the defined centres of excellence and could be interpreted out of context. It should be noted that the Commonwealth Tertiary Education Commission (CTEC) established a Centre of Excellence campaign to support a limited number of special units within higher education institutions where research of outstanding quality likely to lead to a significant development of knowledge would be pursued within an international context. This campaign has had a change of name to Commonwealth Special Research Centres Program. The Centres of Excellence title was replaced as it was considered that the title could be construed to be regarded as elitist. The Commonwealth campaign should not be confused with the South Australian study.

The Commonwealth sponsored program has been the responsibility of the Department of Science and Technology but will be transferred to the yet to be formed Australian Research Council as part of the Department of Employment Education and Training. South Australia currently has one designated Centre of Excellence—the Centre for Gene Technology at the University of Adelaide which has had its status renewed to 1990. The Commonwealth is currently considering 19 applications for status as Centres of Excellence from South Australia. Of these, three are backed by the University of Adelaide, two by Flinders University, and two by the South Australian Institute of Technology. The other 12 are not backed by institutions. Status as a Centre of Excellence gains access to significant Commonwealth funding.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Water Resources (Hon. D.J. Hopgood):

Waterworks Act 1932—Regulations—Meter Fees.

By the Minister of State Development and Technology (Hon. Lynn Arnold):

Review of the Role, Effectiveness and Efficiency of the Government Computing Centre, South Australia—November 1986.

By the Minister of Employment and Further Education (Hon. Lynn Arnold):

Flinders University of South Australia—Report, 1986 Statutes.

By the Minister of Transport (Hon. G.F. Keneally):

South Australian Waste Management Commission Act 1979—Regulations—Prescribed Wastes.
State Transport Authority Superannuation Scheme and Pension Scheme—Report, 1986-87.

By the Minister of Education (Hon. G.J. Crafter):

Builders Licensing Board—
Auditor-General's Report on, 1984-86.
Commissioner for Consumer Affairs—Report, 1986-87.
Ethnic Schools Advisory Committee—Report, 1987.
Supreme Court Act 1935—Rules of Court—Supreme Court—Time Limits and Granting of Lease.

By the Minister of Aboriginal Affairs (Hon. G.J. Crafter):

Aboriginal Lands Trust—Report, 1986-87.
Report, 1987—Minutes of Proceedings and Evidence.

By the Minister of Labour (Hon. Frank Blevins):

Industrial Relations Advisory Council—Report, 1986.

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

Australian Agricultural Council—Resolutions of the 126 and 127 Meetings.
Australian Barley Board Staff Superannuation Fund—Report, 1985-86.
South Australian Egg Board—Report, 1986-87.
South Australian Meat Corporation Contributory Superannuation Plan—Financial Statements, 1986-87.

QUESTION TIME

ISLAND SEAWAY

The Hon. P.B. ARNOLD: Can the Minister of Marine say when the *Island Seaway* is likely to berth at Port Adelaide? Why was it unable to get into the Port River all morning? Is it true that the vessel cannot put into its normal berth because of concern about steering through the Birkenhead Bridge? What report can he give on the health and well-being of the 59 passengers, including 40 school students from Mildura, whose ordeal has so far lasted more than 27 hours?

The Hon. G.F. KENEALLY: The *Island Seaway* should be berthing now or within a few minutes. It entered the Port River half an hour or so ago. Its trip back from Kangaroo Island in extremely rough weather has been uneventful, and indicates, as the Government has said all along, that the *Island Seaway* performs magnificently in all types of weather.

Members interjecting:

The SPEAKER: Order!

The Hon. G.F. KENEALLY: That is not what members opposite want to hear. The seas are not flat, and Port Adelaide is still experiencing heavy winds.

An honourable member: Rubbish!

The Hon. G.F. KENEALLY: The honourable member says that that is rubbish. There seem to be many experts on the other side of the Chamber. Members opposite, supported by one or two other people I will mention in a moment, have put about negative comments trying to denigrate the *Island Seaway*, the people who built it and the naval architects who designed it. In this latest bout, they have criticised the captain of the ship, who has the responsibility to make decisions such as the one made in Kingscote as to whether to attempt to berth. Let us talk about Kingscote. The *Island Seaway* sailed to Kingscote in very heavy seas. Is there any member opposite who would argue that last night was not an unusually rough one?

Members interjecting:

The Hon. G.F. KENEALLY: I will get to that. The *Island Seaway* was required to traverse heavy seas and attempt to berth in heavy seas. What happened in Kingscote? An agent from R.W. Miller was on the jetty. The skipper brought the *Island Seaway* in and the wind was blowing in excess of 30 knots. The skipper radioed to the agent on the jetty advising that if the wind got down to 20 knots or thereabouts he would attempt to berth. The agent told the skipper that the wind was at 30 to 35 knots and gusting more heavily. That was the advice of the agent. No attempt was made to land because the wind did not get down to 20 knots, so the skipper made the decision to berth in Nepean Bay. Subsequently he returned to Adelaide because the seas remained high.

Members interjecting:

The Hon. G.F. KENEALLY: Yes, and it indicates the strength of the wind and the nature of the seas that an anchor was lost. They know where it is and they will pick it up. That is not an uncommon thing. It is in 20 feet of water.

Members interjecting:

The SPEAKER: Order!

The Hon. G.F. KENEALLY: I come to the furphy that, had it been the *Troubridge*, it would have berthed. I checked out that point with R.W. Miller. The skipper makes the decision, as he is in charge of the boat and has the responsibility for making such decisions. That responsibility is not with the honourable member who asked the question nor with one or two people who were very vocal on the radio this morning. It is also not with the Minister of Transport, nor should it be. It should be with the skipper—the person in charge of the vessel. That is where it rightly lies, as he is the person with the experience to make such decisions. As to the furphy as to whether the *Troubridge* would have berthed if it were still running, I say that it would not have berthed.

Members interjecting:

The Hon. G.F. KENEALLY: We will get to Nigel Buick in a moment. Normally in rough weather the *Troubridge* or the *Island Seaway* would lie at anchor in Nepean Bay until the rough weather had blown over. It has taken some time to blow over. That happened frequently before. On two occasions the *Troubridge* came back to Port Adelaide, and did not land any of the passengers or any of the cargo because the winds were gusting towards 40 knots.

Members interjecting:

The SPEAKER: Order!

The Hon. G.F. KENEALLY: When it is required to berth in weather like we had last night, it makes no difference how many years experience is involved. What is pertinent and relevant here is the condition of the sea and the wind. On one occasion the *Troubridge* tried to berth at Kingscote in weather like we had last evening. It knocked out the jetty and came back without landing any of the passengers or cargo.

The Hon. Jennifer Cashmore interjecting:

The Hon. G.F. KENEALLY: The wind was gusting to 40 knots, as I have already told the member for Coles. She also knows more about berthing the vessel than the skipper! I am pleased that we have all this intelligence amongst members opposite, who want to take the responsibility away from the skipper. Next to the skipper we have the shipping agents, R.W. Miller, who are much more experienced in these things than anybody opposite and more experienced than I am. They totally agree with the decision the skipper made. They say that it was the most responsible decision and the only one he could have made at the time.

So, the *Island Seaway* is back at Port Adelaide and will be berthing very shortly. I refer also to some of the things brought to my attention that were mentioned on a radio station this morning. I have since looked at the transcript and listened to the tape. It was difficult to obtain because

not many people listen at that time of the morning. About 83 to 84 per cent of the listening audience do not listen to it at all, but they may be interested in what I have to say. An interview took place between Mr Leigh Hatcher and Mr Nigel Buick.

Members interjecting:

The Hon. G.F. KENEALLY: Those names are well known in this place. Mr Hatcher stated, 'We're going to have on the program this morning a Mr Nigel Buick, who seems to know a lot about these things.' Mr Buick is a fisherman. I understand that he is qualified to skipper a fishing vessel of up to 20 metres but I do not think that his qualifications as a fisherman or his knowledge of the sea go any further than that. As to his qualifications for the Liberal Party, they go much further. It has been stated to me that Mr Buick is not a friend of the Government but, rather, he is a friend of the Opposition.

I can recall events of 1979 and 1982. I am quite prepared to believe that Mr Buick is a friend of the Opposition and is not a friend of the Government. Further, I am prepared to believe that he is not likely to say anything good about the Government and that he is not an expert on shipping, particularly in relation to this type of vessel. Mr Buick was interviewed by Mr Leigh Hatcher, who I have been told is a closet supporter of this Government, but that is something that I am not prepared to believe, even though I am prepared to believe what they say about Mr Nigel Buick. To give some status and veracity—

Members interjecting:

The SPEAKER: Order! I ask the Minister to resume his seat for just one moment. The Minister is fortunate that he has a clear and penetrating speaking style. Nevertheless, I am sure that he would appreciate not receiving some of the 'assistance' that is coming from members on both sides. The honourable Minister.

The Hon. G.F. KENEALLY: There is a certain degree of embarrassment on the other side of the House. In this interview Mr Hatcher said to Mr Buick:

What's the problem in the engine room?

Mr Buick replied:

... Well there's problems engine room, I think that that's... will be brought forward. There's a lot of points I'd like to make investigations, further investigations I would like to make because I'm not going to commit myself unless I have the facts and figures. But I believe that there does occur, and there's very serious ones. But this... must be investigated before we make an accusation. And I'm not going to make an accusation until I've got my facts and figures.

This fellow could be the Premier of Queensland. That was the answer given to the question asked by Mr Hatcher, who responded by saying:

Suffice to say there are major problems in the engine room.

He has been persuaded by this articulate and penetrating assessment by Mr Buick that there are problems in the engine room. This is the sort of publicity that we are getting about the *Island Seaway* and that is the sort of publicity that members opposite are putting out.

Let me put one bald factual piece of information before this House. People have alleged that this vessel is a dangerous vessel and we have all these allegations about its steering, etc. I have spoken with the skipper and crew of the vessel who have told me that the vessel is excellent, that it steers very well indeed and that it is a most comfortable and safe vessel. This is the point: if anyone in this House is so foolish as to believe that the Seamen's Union or any other seagoing unions would allow their members to man an unsafe vessel, then he has rocks in his head.

I will conclude by making a point that I have made on many previous occasions. This will be a storm in a teacup. We will get over this and the *Island Seaway* will do what people on the island said it would do—and should be given the opportunity to do—namely, to give years of good service to the island. This vessel has met all the requirements of the Marine and Harbors standards together with the Australian standards. Further, it has met standards set by Lloyds of London and that is what all vessels are required to do. It is a safe vessel and it will serve this State and the island well. Of course, much larger and more expensive vessels than the *Island Seaway* could have been procured. There will be one or two problems before this vessel is fully settled and operational, but the *Island Seaway* is no different to any other vessel in that respect.

I believe that this attack by the Opposition denigrates the naval architects and the builders, Eglo, who subsequently have secured a contract to build five coastal survey vessels. The shipbuilding industry is being brought into South Australia again, after having been taken away from us. Members opposite are trying to denigrate not only those people but also the people who are currently in charge of the *Island Seaway*. The decisions that they have to make are difficult enough without having a bunch of inappropriate—

An honourable member: Yobbos.

The Hon. G.F. KENEALLY: 'Yobbos', as my colleague says. I will not describe the Opposition as yobbos, although I am tempted to. The decisions that they have to make are difficult enough without having a bunch of incompetent people trying to make these decisions for them. I regret that people on the *Island Seaway* were given a rough trip to Kangaroo Island and back, but they have been brought back safely—and the Opposition threatened the whole State of South Australia that that would not happen if we had weather like we had last night. They have been brought back safely and they will be landed safely. There might be a bit of seasickness there—and, of course, the cameras will be down there to pick that up. I get seasick if I travel to Kangaroo Island when the waters are calm; it does not have to be in rough weather.

An honourable member interjecting:

The Hon. G.F. KENEALLY: I have been on it; I have not been on it out in the sea, like the honourable member. I would have no problem in doing that. What is happening here is an attack on a lot of very good South Australian institutions. That attack is in common with what the Opposition is doing in a whole range of areas, and it does members opposite discredit.

Members interjecting:

The Hon. G.F. KENEALLY: The *Island Seaway* will still be operating safely when members opposite are gone and forgotten. Not one of them will be in this House, but the *Island Seaway* will still be providing good service to South Australia.

Members interjecting:

The SPEAKER: Order! I call the House to order. The honourable member for Mawson.

DRUGS IN SPORT

Ms LENEHAN: Can the Minister of Recreation and Sport tell the House whether the matters presented by the *Four Corners* program screened last night on athletes taking drugs are relevant to South Australia? Last night the ABC screened a *Four Corners* program about the incidence of drug taking among Australian athletes. The program interviewed a number of Australian athletes, who stated that they had taken, or knew of other athletes who had done so, various drugs, illegally, to improve their performance.

The Hon. M.K. MAYES: I thank the honourable member for her question. I am sure that members who had the

opportunity to see the *Four Corners* program last night would have been staggered by the nature of the program and by the statements made in the course of it by some of Australia's best young athletes. It is quite tragic, really, to reflect on what some of our brilliant young athletes are actually having to go through, both physically and mentally, in order to achieve the goals that they set in their own minds as being those that they want to reach. I think it is important that the State Government indicates its position in regard to the use of these steroids, particularly the synthetic steroids, the many other stimulant drugs that are used, and some of the slow drugs used also for various athletic pursuits. Obviously the program conveyed to the Australian community the extent to which drugs have penetrated the international sporting arena.

Mr S.G. Evans: And the national arena.

The Hon. M.K. MAYES: I am coming to that point. I thank the member for Davenport for his assistance. As the South Australian Sports Institute operates under the South Australian Government banner, we have a very clear policy on this matter, and I think this was enunciated to be so federally in the program last night. Our State policy also confirms that view in regard to the use of drugs for athletics and any other form of sporting pursuit at a high level.

The intense pressure on our national and international athletes to reach these high standards by these means can only be assessed—and I am sure that the honourable member would agree—as a process of cheating. I know that once athletes get onto the treadmill they cannot get off. They see what is occurring at an international level and they think that, to reach that No. 1 position, they have to consume these horrific drugs. The impact on them physically (and I think this was highlighted by one of the weight-lifters) is absolutely staggering. The fact that their use leads to sterility and other major long-term side effects that impact on their health is quite tragic, and has to be addressed.

The South Australian Sports Institute is well aware of the problem that exists at both international and national level. We have not had any athletes in this State detected, so our policy has been achieved. Detection programs are run at a national level. I have asked the department to undertake a review of the program, and also of the availability of tests and their current costs, bearing in mind that many of the tests applied for involving synthetic drugs are very expensive. Of course, their availability and the current frequency of testing could be arranged through the Sports Institute under the South Australian Government's organisation.

I think that we will also need to speak to the major sporting associations about their policies and what level of testing we institute, whether at State level or junior level, or from the point of view of those athletes going on to international competition. We must certainly address this matter—we cannot escape it—and I think that the program highlighted to everyone that we, as members of the community, as Governments and as sporting organisations, need to address this serious problem urgently. The program has conveyed that point, and I am sure that any member of the sporting community would be very concerned about that. I look forward to bringing back to the House further reports on the Government's action in addressing this serious problem.

ISLAND SEAWAY

Mr OLSEN: My question is addressed to the Minister of Marine, as the Minister responsible for the design and construction of the *Island Seaway*. Will the Minister admit that the design of the vessel makes it vulnerable to an outbreak of fire which would be difficult to control?

Members interjecting:

The SPEAKER: Order!

Mr OLSEN: I am sure that the Minister of Transport will be interested in the question and explanation, given his answer to the House a few minutes ago. The Opposition has been provided with a memorandum dated 9 October which was submitted by an engineer to the Department of Marine and Harbors. It states that there are several features of the vessel's design which are 'contrary to good shipbuilding practice'. Explaining one of them, the engineer advises that 'the main engines do not appear to have any fuel leakage collector system to collect leakages from the high pressure fuel pumps'.

The result of this is—and I quote again, for the benefit of the member for Henley Beach—that 'the engineroom will then have a permanent floating layer of fuel which could be ignited by sparks', and in this event—again, quoting the engineer's advice—'a fire floating on water under a jungle of pipes would be most difficult to extinguish with fire extinguishers'. Compounding this situation—

Members interjecting:

Mr OLSEN: I can understand that the Government does not like this memorandum coming out, because it exposes the Minister of Transport's answer to this House as being totally inaccurate.

The SPEAKER: Order! The Leader of the Opposition should be aware that he is out of order in clearly introducing comment, and I ask him to return to his explanation, notwithstanding the out of order interjections.

Members interjecting:

The SPEAKER: Order!

Mr OLSEN: Compounding this situation is the revelation in this memorandum that 'the passage widths between engineroom machinery do not meet the uniform shipping laws code minimum requirement of 600 millimetres'. On this point, the engineer said, 'Obviously I could not instruct the shipyard to move machinery after it was installed.'

Members interjecting:

The SPEAKER: Order!

The Hon. R.K. ABBOTT: I want to reiterate to the House that there is nothing wrong with the design of the *Island Seaway*.

Mr Olsen interjecting:

The SPEAKER: Order! The Leader of the Opposition has asked his question. He is now out of order.

The Hon. R.K. ABBOTT: The Leader of the Opposition might care to inform the House who that engineer is. I understand that there are a few disgruntled engineers advising the Opposition and trying to stir up as much trouble regarding the *Island Seaway* as they possibly can.

Mr S.J. Baker interjecting:

The SPEAKER: Order! The member for Mitcham is out of order: I call him to order. The honourable Minister.

The Hon. R.K. ABBOTT: There was a long list of small matters, and that is not unusual for a project of this size. That is quite normal. One has only to ask anybody associated with the shipbuilding industry. When they go out on their trials and tests they come back with a list as long as your arm of problems to be rectified. The surveyors would not have issued a certificate for the *Island Seaway* had there been any of the faults referred to by the Leader of the Opposition, and neither would Lloyds of London have issued a certificate. I think the very incident that occurred last night proved that this vessel—

Members interjecting:

The SPEAKER: Order!

The Hon. R.K. ABBOTT: —is seaworthy. I think the decisions taken last night and again this morning by the master, who is responsible when the vessel is out on the water, showed his great seamanship.

Members interjecting:

The SPEAKER: Order!

The Hon. R.K. Abbott: Go and talk to the crew.

The SPEAKER: Order! I call the House to order.

ETSA EMERGENCY REPAIRS

Ms GAYLER: Can the Minister of Mines and Energy provide the House with information on how ETSA coped with damage to its distribution system and the resultant blackouts following the overnight storm?

The Hon. R.G. PAYNE: I thank the honourable member for her question, and I am pleased to say that ETSA has done its usual superb job in the circumstances that prevailed last night in the wild weather that the State had to endure. I will give the House some figures that are really staggering. My last report from the trust indicated that more than 5 000 calls were received from consumers who were without power as a result of storm damage. In the vast majority of cases the interruptions were caused by falling trees or tree limbs, and the hardest hit areas included Hawthorn, Belair, Valley View and Windsor Gardens. Forty repair crews were still on the road this morning, many of them having been on duty throughout the night. By 10.30 this morning the number of calls outstanding had been reduced to 90 and a short time ago the situation was virtually under control. I think that perhaps my words regarding the superb efforts by ETSA were perhaps a bit of an understatement.

There is, however, a certain irony in the present situation. As most members would know it is only a few days since I gave notice of my intention to introduce legislation to amend the ETSA Act. I will not canvass the content of that legislation, but I remind members that many of the incidents which occurred last night involved the interconnection between power lines, trees and branches of trees. I would stress to members that, if last night had been a wind storm only, in the dry conditions that prevail we might well have been contemplating today a number of serious bushfires in areas which would only be too familiar to members.

Those people who go around saying undergrounding is the answer in this scene are not necessarily right. The cost factor alone is of the order of $500 million, just to take account of the more dangerous areas in the Hills. If people believe that the aerial bundle conductor, which is a new development in this area, will be the total solution, then they are not correct, either. Use of those two methods will certainly be of great help in this area, but finally there has to be responsibility for keeping vegetation reasonably clear of power lines, whether on private or public property.

Members interjecting:

The SPEAKER: Order!

ISLAND SEAWAY

Mr INGERSON: Will the Minister of Marine confirm that the engines of the *Island Seaway* can be stalled fairly easily, and is he satisfied with safety procedures that will apply if this occurs? The memorandum from which the Leader quoted in his first question also makes an alarming comment about the engines of this vessel. The engineer's advice contains the following statement:

> The main engines can be stalled fairly easily by rapid rotation of the z-peller units. Thus the engines could be stalled if an error was made during a collision avoidance manoeuvre.

Anyone with an ounce of nautical experience knows the grave problems which would arise in this situation as this vessel without power cannot be steered, as has already been shown when she hit the Birkenhead bridge—

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition and the Minister of Transport to order. The honourable member for Bragg.

Mr INGERSON: The engineer's advice lists a series of procedures which would have to be set in train to correct the situation. They would require the ship's engineer officer to run to the forward tunnel to open its door, then run down the centre of the engineroom to start the starboard engine, reset lubricating oil shutdown trip, run across to the outboard aft corner of the port main engine to start that engine, and then reset its lubricating oil shutdown trip. Obviously, the engineer responsible for this advice is most concerned should the crew ever be required to undertake these procedures. He finished his memorandum to the department with the following observation:

> I have serious concern about the manning levels of engineer officers on this vessel. At the time of the manning committee meeting I was advised by the representative from R.W. Miller Limited that the machinery would be fully automated.

The Hon. R.K. ABBOTT: The *Island Seaway* has just passed the most rigid and the toughest test one could possibly achieve under the uniform shipping codes and practices laid down, and those uniform shipping laws are international.

Members interjecting:

The Hon. R.K. ABBOTT: Who is this unnamed engineer and why is the Opposition so hell bent on—

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order for the second time, and, for his discourtesy, I also call the member for Victoria to order. The honourable Minister.

The Hon. R.K. ABBOTT: I do not profess to be an engineer. I will take up the matter and bring back a report for the honourable member.

AQUA BOATS

Mr FERGUSON: Can the Minister of Marine say whether the Boating Act contains sufficiently wide powers to control the handling of, and the behaviour of people operating, marine vehicles known as aqua boats? I have been approached by residents in my electorate who have expressed deep concern about the way aqua boats are being used on the nearby Henley and Grange beachfronts. People using these marine vehicles are reported to have been moving too close to swimmers, and the likelihood of accidents is increasing because of the lack of care being taken by some of the vehicle users. If the powers of the Boating Act are not sufficient to exercise control on people using these machines, it has been suggested to me that amendments should be made immediately to the Act to cover this problem.

The Hon. R.K. ABBOTT: I thank the honourable member for his question. Yes, the Boating Act contains sufficiently ranging powers to control the indiscriminate use of aqua boats no matter where they are used. Section 30 (1) of the Boating Act provides:

> A person who in waters under the control of the Minister operates a boat at a speed exceeding eight kilometres per hour

within 30 metres of any person swimming or bathing shall be guilty of an offence.

Section 35 provides:

Where a person is guilty of an offence . . . that person shall be liable to a penalty not exceeding $200.

Although less specific than section 30 (1), section 26 of the Act also provides that where a person operates a boat recklessly or without due care and consideration for the safety of other persons, he shall be guilty of an offence. The definition of a boat in this Act is very wide ranging and covers a vessel of any description. As has been reported in today's *News*, the Department of Marine and Harbors instigated 263 actions against offenders under the Act. I assure the honourable member that boating inspectors will pay particular attention to the Adelaide foreshore this year to ensure the safety of swimmers.

ISLAND SEAWAY

The Hon. E.R. GOLDSWORTHY: Why did the Minister of Marine mislead the House last week in answer to a question about the inadequacies of the ventilation system on the *Island Seaway*? In answer to a question by the member for Alexandra in which he pointed out that the Minister had been warned during the design stages of inadequacies in the ventilation system, the Minister said:

The Opposition has claimed that the department was warned about the air ventilation system. I deny that we were warned about that.

However, the engineer's memorandum to which the member referred indicates quite clearly that the Minister—

Members interjecting:

The Hon. E.R. GOLDSWORTHY: He is not anonymous.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: He is not an anonymous engineer. His reports are available to the Minister.

Members interjecting:

The SPEAKER: Order! The interjection was out of order, as was the Deputy Leader's response. This is not a debate about the anonymity or otherwise of a particular person. The Deputy Leader is giving an explanation of his question.

The Hon. E.R. GOLDSWORTHY: Yes, Mr Speaker, and when the Minister looks up the memo, which he will find in departmental files, he will read the following:

The lower vehicle deck ventilation system relies on two fans extracting air from that space.

I am reading from the engineer's report. He is not anonymous; he is on the Minister's files.

The Hon. J.C. Bannon: What engineer?

The Hon. E.R. GOLDSWORTHY: Look him up.

Members interjecting:

The SPEAKER: Order! I call the House to order.

Mr Ingerson interjecting:

The SPEAKER: Order! I warn the member for Bragg.

The Hon. E.R. GOLDSWORTHY: I will start the quote again, to get the sense of it. It reads:

The lower vehicle deck ventilation system relies on two fans extracting air from that space. Most vessels with vehicle decks have fans forcing air into the vehicle deck space. In the event of one extraction fan failing, the air pressure inside the lower vehicle deck will still be slightly lower than upper vehicle deck air pressure so that any petrol vapour from a leaky tanker on the upper vehicle deck could flow into the lower vehicle deck.

That is from the engineer's report, which is on the Minister's file.

The Hon. R.K. ABBOTT: Mr Speaker—

The Hon. Jennifer Cashmore interjecting:

The SPEAKER: Order! If the member for Coles persists in her habit of giving a running commentary over the top of every ministerial reply, she will come under notice from the Chair and that will almost inevitably lead to her being named. The honourable the Minister.

The Hon. R.K. ABBOTT: I certainly did not mislead the House with regard to this air ventilation matter. I had that thoroughly checked with the Director of my department. I made him check and recheck to see whether we had received any warning about the air ventilation. In answer to the question from the member for Alexandra last week, I indicated that, on the surveyor's list of matters that had to be rectified or modified, the air vent flaps had to be checked. That is the only issue in relation to air ventilation that had been brought to my attention, and I was determined to check that out very thoroughly.

The only mistake I made in answer to that question was that I said that the modified work on the air ventilation system was occurring to the upper deck. I meant to say the lower deck, because the upper deck is already open. That matter was checked out and I have been given an assurance from the people who advise me in the department that the department was not warned about air ventilation. The member for Alexandra spoke to me privately about it after he asked his question and he said that it was raised at a meeting of the Kangaroo Island transport committee. That was never raised with me as Minister. I wish he had done that because I certainly would have had it checked.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! I point out to the Deputy Leader of the Opposition that he has been called to order twice. I warn him that he will not be called to order again. If he persists with his discourtesy to the House he will be named. The honourable Minister.

The Hon. R.K. ABBOTT: The member for Alexandra said to me that he did not want to enter into this nonsense debate and the two bob stuff about the vessel floating like a wobbly duck and steering like a shopping trolley. He said that he would not be in that nonsense.

TECHNOLOGICAL AND SOCIAL CHANGE

Mr ROBERTSON: My question is directed to the Minister of Employment and Further Education. In view of the practice common in European countries such as Norway and Sweden of endowing professorial chairs in areas such as 'technological and social change', will he consider investigating the feasibility of establishing such a chair at the South Australian Institute of Technology if plans to re-establish it as a technological university ever come to fruition? In a paper in the journal *Australian Society* of January this year, Ian Lowe, the Director of the Science Policy Research Unit of the Griffith University put forward some figures on the relative position of the Australian and Swedish business sector.

In that paper he stated that 25 years ago Sweden spent 1.7 per cent of its GDP on research and development compared with the Australian figure of 1.1 per cent. The Australian figure has slowly declined to below 1 per cent while the Swedish figure has risen to 2.6 per cent. In 1983 Australian dollars, Sweden's expenditure on research and development was $3.50 per person and the Australian figure was less than one-third of that. In light of this fact and in order to address this situation, will the Minister consider the various options by which research and development can be promoted within the business sector, including the establishment of a chair in technological and social change at a suitable university?

The Hon. LYNN ARNOLD: I thank the honourable member for his question and certainly will seek further

comments from the Office of Tertiary Education and from the Special Ministerial Assistant on Technological Matters, Dr Peter Ellyard. Key issues are proposed by the honourable member in relating to the Nordic example, namely, the idea that technology and social change need promoting and some monitoring as to what is exactly taking place. Whether that is best done by the establishment of a chair at an institution of higher education is another matter. We have already done a number of things relevant to these areas.

First, we had the establishment some years ago of the Technology Advisory Unit that went on to become the Ministry of Technology and is now the Office of Technology within my portfolio of State Development and Technology. That is an example of a unit to monitor technology and social change and to foment technological change. We also have the South Australian Council on Technical Change established seven years ago. It has been taking a pro-active role in stimulating community debate both in terms of encouraging technology and, secondly, in coming to terms with its sociological implications. In addition, we have had such things as the State task force into education and technology that had a clear thrust in laying down the challenge not only for higher education but also for all education institutions in this State, be they primary or secondary schools or tertiary education, so that they all recognise their roles in this important area.

More recently we have seen the establishment in South Australia of a subgroup of the Commission for the Future designed to help that organisation in what it is doing to address these issues because no doubt exists, as the honourable member attests by his question, that the issue of technology and social change is critically important. Another issue that I have also asked tertiary institutions in this State to examine concerns what happens in Singapore where it has techniculture institutes designed to examine the effects of other technicultures and how they can be applied in Singapore's economy. We should be looking at something similar in this State with respect to Japanese, Nordic and German techniculture or whatever.

I expect a report on that matter from the tertiary education institutions. As to that point about whether a Chair could be endowed, that would depend upon the availability of funds and competing priorities, which at this stage include what the Government believes is the very important priority for the establishment of a Chair of Manufacturing Engineering which would involve many of the areas of technological change. At the moment we have before us a joint submission which we will support, to the Commonwealth Government. I hope that in the next couple of years we will see that Chair established.

ISLAND SEAWAY

Mr S.J. BAKER: Will the Minister of Marine confirm that at Kingscote on Sunday evening, when conditions were not too difficult, it took 90 minutes to close the main door of the *Island Seaway* and, if so, will he explain the reasons for this major delay?

The Hon. G.F. KENEALLY: Members opposite know that, when the vessel was commissioned and put into service, the responsibility for that rested with the Highways Department and hence, as Minister of Transport, that question should be directed to me. They know also that the *Island Seaway* is operated for the Government by agents—Millers—who are very experienced.

Mr S.J. Baker interjecting:

The Hon. G.F. KENEALLY: No, I mentioned this in my first answer so that members opposite would understand the structure and how the system works. They do not want to acknowledge that very experienced people operate and are in charge of the vessel. I have heard also of two occasions (one at Kingscote) where difficulties were experienced with the doors not opening, and that is right: there was a problem, and that has been rectified. That problem occurred frequently on the *Troubridge* and it was frequently rectified. I am sure that the problem will occur again and that we will rectify it, but there was a delay. Before any member of the Opposition jumps up and says something, I am aware also that the *Island Seaway* was not able to unload its cargo at Port Adelaide because there was an exceptionally high tide and because the ramps would not fit. That is true, but when ballast was placed on the *Island Seaway* they were able to unload. That remedy could not be applied to the *Troubridge.*

An honourable member interjecting:

The Hon. G.F. KENEALLY: The honourable member has only been on the Murray River and has never been outside it in his life. That remedy could not be applied with the *Troubridge*, so that, when the tide was unusually low or unusually high, there was trouble, but with the *Island Seaway*, the ballast is just shifted or unloaded, so loading and unloading can take place. It is very flexible, and much better at accommodating these minor problems that arise from time to time and that we address. There is no point in trying to make a capital offence out of this. It was a problem which was rectified. If it happens again (as we expect it might), we will again rectify it. There might be a minor delay, but that is all.

ROBE TERRACE

Mr DUIGAN: Can the Minister of Transport advise when the Highways Department evaluation of Robe Terrace will be completed? For some time some Adelaide residents have been concerned about the deteriorating pavement surface of Robe Terrace. More particularly, usage has increased as a result of the completion of the eastern and north-western sections of the Adelaide ring route. This increased usage and deteriorating pavement condition have resulted in a number of deputations being made to me by residents and by the Walkerville council about safety and the need for appraisal of all available options for ensuring that Robe Terrace is brought up to a standard equal or similar to that of other parts of the widely acclaimed Adelaide ring route.

The Hon. G.F. KENEALLY: I thank the honourable member for a question which is not designed to denigrate South Australian industry, which is something members opposite are determined to do today—and that is all we have heard. I am pleased that we have a question that is designed to assist and not to denigrate conditions in South Australia. I acknowledge that the honourable member has brought deputations to me from the Walkerville council and from citizens in Robe Terrace. They seek either a major restructure or a major upgrade of Robe Terrace, because it will be required to carry increased loadings as a result of the completion of the Adelaide ring route.

As I told the honourable member and his constituents when they saw me, a major restructuring or a major upgrading is not on the capital works program for the Highways Department in the foreseeable future, and I am unable to give him any undertakings in that regard. However, as a result of these deputations I have had the Highways Department look at Robe Terrace. I have been advised that some minor improvements, resurfacing and pavement rehabilitation will ensure that we can provide for the honourable

member's constituents an adequate road surface that will accommodate that increased traffic. It will not provide a service road to his constitutents; it will not provide the kerbings, but it will provide safer shoulders.

So, in answer to the honourable member I can say that, yes, I have to concede that the representations that he has made on behalf of his constituents have resulted in some minor work, minor upgrading and resurfacing options being planned for Robe Terrace. I think that that is justifiable in all the circumstances. But a complete restructure of the road or a major upgrade of it has not been placed on the Highways Departments forward program. Inevitably it will be, but while resources remain as they are, I, as Minister of Transport, have to make a number of difficult decisions in this regard, and available resources will be spread all around the State so far as roadworks are concerned. I will forward to the honourable member shortly details of those options so that he can advise his constituents.

ISLAND SEAWAY

The Hon. B.C. EASTICK: Will the Minister of Transport say on how many occasions there have been major delays in the berthing of the *Island Seaway*? I understand that today's ongoing fiasco, with the vessel being unable to put in to Kingscote or to Port Adelaide, is not the first occasion on which such difficulties have occurred. On 20 November the vessel took 1½ hours to berth at Kingscote. On another occasion last week there was a major delay in putting in to Port Adelaide. I am also advised that the shipping agent for the two vessels, that is the *Troubridge* and the *Island Seaway*, has indicated today that the *Troubridge* would have had no difficulty in berthing on each of these occasions.

The Hon. G.F. KENEALLY: I suppose that the information that the honourable member has given is not from this rather doubtful engineer, referred to earlier, as an authority. I am beginning to suspect that this engineer is Nigel Buick—and, if it is, this certainly follows on what he said this morning, when he said to Leigh Hatcher that he had spent three months overseas studying 'ferries'. Leigh Hatcher made the mistake of not asking how to spell it. That is the sort of fairytale that we are getting here today! I believe that a lot of what we are hearing today is just recycling comments made by Nigel Buick. If he is the Opposition's authority, then it is relying on very little indeed.

An honourable member interjecting:

The Hon. G.F. KENEALLY: I will get to the honourable member's question. We know all about Nigel Buick's activities over the years, and so does the member for Light and, in the main, he would not agree with them.

Members interjecting:

The Hon. G.F. KENEALLY: But the member for Light has been given his question to ask. Even though I had responded to this matter at least 10 minutes ago, nevertheless, the member for Light had been given his question and he was going to ask it no matter how many times it had been answered prior to his asking it. In relation to the two occasions to which he has referred, as I have already explained to the House, one of those was the occasion to which the member for Mitcham drew attention and, in relation to the other, I said that just in case someone else was going to ask me a question about Port Adelaide I would give the answer before the question was asked. Lo and behold, I got the question anyway. The *Island Seaway* is a much, much better vessel than the *Troubridge*. It was purchased not at $23 million, which the Opposition tends to run and which, unfortunately, the *Advertiser* and 5DN have picked up, but at the price that the honourable member has quoted to the House, and that is the price that we—

Mr Ingerson interjecting:

The Hon. G.F. KENEALLY: It has come in under budget—under $17 million.

Members interjecting:

The Hon. G.F. KENEALLY: Under $17 million. That will be the cost to the Government.

Mr Ingerson interjecting:

The SPEAKER: Order! The member for Bragg should be aware that he has been warned. In this particular case I will show exceptional tolerance and not name him forthwith, but I remind him that he has been warned, and the next stage is naming. The honourable Minister.

The Hon. G.F. KENEALLY: That will be the cost to the Government. We purchased the vessel and had it constructed in South Australia for the purpose of ensuring that we had the capacity to tender for the submarines. We have achieved the submarines; we have a vessel that services Kangaroo Island, in the electorate of an honourable member opposite comprising a group of people who are isolated from the mainland by a pretty treacherous stretch of water. The vessel goes to Kangaroo Island and comes back in the roughest weather it can be expected to meet, and it performs magnificently on the water; it does exactly the same as the *Troubridge* would have done. The skipper made the decision that it would not tie up at Kingscote—a proper decision for the skipper to make.

The skipper would have made that decision, regardless of the type of vessel, because of the wind speeds at Kingscote. Another point that this notorious Nigel Buick made this morning in his discussion with Leigh Hatcher was that Backstairs Passage is the roughest stretch of water around and that you cannot get a vessel across at all (that is when he talks about the *Philanderer*), yet he insists that the *Island Seaway* should traverse it. That discussion this morning, if that is what members opposite are relying on, was very thin indeed.

This is nothing more, I repeat—and it needs to be repeated as often as anyone can—than an attack by the Opposition on South Australian industry. It is an attack upon South Australia's capacity to attract ship building into South Australia. Members opposite do not care whom they denigrate in trying to score a political point. They do not care if they reflect upon Eglo, the people who built the ship; they do not care if they reflect upon the skipper in the difficult decisions he has to make; they do not care whether they reflect upon the crew who serve the passengers and handle the cargo on the ship; and they do not give a damn as to what they do to the island, so long as they can score their political point.

It is a known fact that in weather conditions similar to those of last night the *Troubridge* either anchored out in Nepean Bay or came back to Port Adelaide, like the *Island Seaway* has done. There is no difference between the decision the skipper has made on this occasion and that which he will make on other occasions when weather conditions are similar. If there is just one member opposite who professes to have the expertise to instruct the captain of the *Island Seaway* as to how he should do his job, let that member stand up. Let him identify himself.

It is not the member representing the River Murray area, who runs around on the river and thinks that that gives him some expertise or authority. I would like to know who it is. It is not someone who water skis. It is not the member for Coles, who has been interjecting all day, and seems to have a liking for the sailors on the ships, or whatever it is that is encouraging her or giving her such a big interest in

what is going on down there. So I want to know what it is that motivates these people opposite, apart from pure political muckraking. There is no authority on the other side, never has been and never will be.

MOTOR CYCLING WORLD CHAMPIONSHIP

Mr RANN: My question is directed to the Minister of Recreation and Sport. Does South Australia intend to bid for the rights to stage a 500cc motor cycle world championship event in 1989 or 1990?

Members interjecting:

Mr RANN: I thought Bruce McDonald told you to lift your game. Last week's issue of the *Bulletin* detailed keen interstate rivalry for the rights to stage the 500cc motor cycle world championship, an event which, like our Grand Prix, attracts a massive international audience.

The Hon. M.K. MAYES: At my request, the Director of the department had discussions with the Auto Cycle Council of Australia, particularly Mr Alan Wallace, the National Secretary of the ACCA, with regard to the possibility of staging a 500cc Grand Prix championship in Adelaide. There are significant problems with the concept of staging a motor cycle event, particularly on the Grand Prix circuit. Basically, my advice is that the circuit would not comply with the standard requirements as set down by the international body. However, he does advise that other circuits that do not meet the requirements have been accepted by the international body for an international event. They require, of course, considerable modification in order to reach standards to provide for safe management of the race.

In relation to 1988, I believe that there is already one bid before the international body for the holding of a 500cc event. I understand that the bid is to hold the race at Calder Raceway, in Victoria. It would seem that for South Australia to make a bid at this stage our time scale is rather tight because the applications close at the end of January 1988. The other aspect to be considered is the high risk factor involved in staging an event of this kind in a city, and that is the situation the honourable member is proposing we should consider.

We have also had discussions with the Grand Prix office as to the feasibility of staging an event in South Australia, particularly in 1988, 1989 or 1990. It is quite apparent from the reaction of the Grand Prix office that it is a possibility. However, they have also placed this in the high risk category with regard to organisation and arrangement. Traditionally, the Australian event would be looked at at the beginning of the year, and we would therefore be looking at February or March to stage the event. We would then be in a situation where, if we used the Grand Prix circuit, we would be required to reconstruct the circuit, at considerable cost and, of course, considerable inconvenience to the community of Adelaide. That in itself adds a very negative aspect to the whole proposal.

It would seem that there is a possibility of looking at a bicentenary event, if that is feasible. I have had discussions with the Premier, and at this stage we would have to say that the possibility of staging a 500cc event in Adelaide is probably in the 'long shot' basket. I believe it would be possible if we took it into account for perhaps 1988, 1989 or 1990 but it would seem to me that, in looking at that possibility, we may in fact have to look at circuits other than the Grand Prix circuit in order to reach the standards that have been set by the Grand Prix circuit and also by the international body and the requirements of the Australian Auto Cycle Council. At this stage it is highly unlikely that we would make a bid for 1988, but in fact we would look at perhaps making a bid in 1990 as an opportunity—

Members interjecting:

The SPEAKER: Order! I call the member for Hanson to order.

The Hon. M.K. MAYES: Thank you, Mr Speaker. It is probably likely for a 1990 bid if we saw it as a feasible option. However, at this stage I would have to put a fairly heavy qualification on our making a bid.

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That the time allotted for—

(a) all stages of the following Bills:
City of Adelaide Development Control Act Amendment,
Workers Rehabilitation and Compensation Act Amendment,
Tertiary Education Authority Act Amendment,
Legal Practitioners Act Amendment, (No. 2)
Landlord and Tenant Act Amendment,
Waste Management,
Planning Act Amendment (No. 3),
Residential Tenancies Act Amendment,
Land Agents, Brokers and Valuers Act Amendment, and
Crown Proceedings Act Amendment;

(b) consideration of the amendments of the Legislative Council in the:
Barley Marketing Act Amendment Bill
Apiaries Act Amendment Bill; and
Agricultural Chemicals Act Amendment Bill;

(c) consideration of the second reading and referral to a select committee of the Electricity Trust of South Australia Act Amendment Bill—

be until 6 p.m. on Thursday 3 December.

Motion carried.

PUBLIC ACCOUNTS COMMITTEE

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That, pursuant to section 15 of the Public Accounts Committee Act 1972, the members of this House appointed to that committee have leave to sit on that committee during the sitting of the House today.

Motion carried.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

The Hon. R.G. PAYNE (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Electricity Trust of South Australia Act 1946. Read a first time.

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

That this Bill be now read a second time.

Members would be aware that some of the fires which occurred on or about Ash Wednesday 1983 have been attributed to the Electricity Trust. A variety of possible causes have been identified, including clashing wires, limbs touching wires and wires being brought down by falling trees or flying debris. Although the trust has adopted a policy since 1983 of cutting off electricity in extreme bushfire conditions, such as those that occurred on Ash Wednesday, it is proposed to formalise this policy in the legislation. The disconnection of power is the only reasonable response to the danger inherent in the provision of electricity in extreme bushfire conditions. Further, the trust cannot seek to safe-

guard its lines from dangers presented by trees on private property or by the acts of landholders who nurture trees which may ultimately threaten the distribution system.

The Bill aims to remedy these situations to ensure that not only is ETSA able to protect itself from liability but that the State is protected from the danger inherent in operating electricity supply in bushfire prone areas at reasonable costs to electricity consumers. Further, the trust will face, if negligence is proven with regard to the 1983 fires, a considerable damages bill. This must ultimately be borne by electricity users throughout the State and will impact on the economic development of the State.

Whilst it must be absolutely clear that no aspect of this Bill is retrospective (and I stress that), it is intended in future circumstances to limit the liability of the trust in cases where it is proved negligent, to property damage on the property on which or over which the trust has equipment or runs distribution lines. To achieve this, all existing lines will be formally established; some are not at present. They were built mainly in rural areas during the 1950s and 1960s by agreement with the then existing landowners who were eager for supply. Some lines built during this period have no formal licences or easements granted. However, due to the effluxion of time, these lines are accepted as a part of the electricity distribution system.

The legislation will also allow the trust to begin to reduce its expenses on tree cutting by transferring some of the onus for line clearance on private property to the landowner. ETSA will, if requested by the landowner, or where a landowner fails to keep his line clear, carry out this work and will be able to recoup the costs. Another effect of this legislation will be to significantly reduce the trust's bushfire insurance premiums. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 inserts a number of definitions for the purposes of these amendments. Clause 4 repeals sections 36 to 42 inclusive of the principal Act and inserts new provisions.

The new section 36 (1) empowers the trust to generate, transmit and supply electricity within and beyond the State. The trust is further empowered to do a range of other activities incidental or ancillary to this purpose. The new section 36 also permits the trust to disconnect the supply of electricity to any region or premises in specified circumstances concerning the safety of persons, the protection of property or the maintenance or repair of the distribution system of electricity.

Clause 5 inserts a number of new provisions into the principal Act. New section 38 imposes a duty on the trust to take reasonable steps necessary to keep public lines clear of vegetation. The new section further imposes a duty on the occupier of private land to take reasonable steps necessary to keep private lines on their land clear of vegetation. These duties are to be carried out in accordance with principles of vegetation clearance which will be promulgated by regulation.

Provision is also made to enable a person duly authorised by the trust to enter land to inspect private and public lines. An authorised person may carry out any work that the trust is required to do, in order to discharge its duty under this section, any work that the occupier of the land should have done, but has failed to do, in the discharge of a duty under this section, or any work that the occupier has requested the trust to carry out on his or her behalf.

A further provision is made prohibiting a person from planting or nurturing vegetation in proximity to a public or private line contrary to the principles of vegetation clearance. This new section will operate to the exclusion of any other common law or statutory duties affecting the clearance of vegetation from public or private lines.

New section 39 creates a statutory easement in relation to those parts of the distribution system that exist on land that does not belong to the trust. This easement is displaced, to the extent of any inconsistency, by any actual easement or other relevant instrument.

New section 40 provides immunity for the trust from civil liability arising from either property damage, or loss consequential on property damage, which is caused by a fire of electrical origin, by operations taken to extinguish such a fire, or in some other way related to the occurrence of such a fire. The section will not exclude a liability that arises from the explicit terms of a written contract nor will it exclude liability for damage to property on the land on which the fire originated.

New section 41 provides immunity for the trust from civil liability in consequence of the trust disconnecting electricity to any region or premises, or from a failure in the supply of electricity.

Clause 6 provides that section 43 of the principal Act is repealed. The contents of this section are now to be incorporated in section 36. Clause 7 inserts a new section 44 dealing with the making of regulations. Power is given to the Governor to make regulations with respect to the positioning of public or private lines and associated electrical equipment; restricting or prohibiting the erection of buildings or structures in proximity to public or private lines; the clearance of vegetation from public or private lines (which can only be made with the concurrence of the Minister for the Environment) and penalties for breach of or non-compliance with a regulation. The schedule contains a number of statute law revision amendments.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.

REPRODUCTIVE TECHNOLOGY BILL

Second reading.

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 of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Spectacular advances in science and medicine have introduced an era in health care which a short time ago would have been characterised as science fiction. People who once would not have survived now lead fulfilling lives as a result of developments in life-saving technology. Death has been redefined and codified in the law. At the other end of the spectrum, the last decade, and particularly the past few years have witnessed an explosion of new techniques in the field of reproductive technology.

The inability to conceive and give birth to a child has been the subject of clinical investigation for many years. With improved knowledge of human reproductive physiology, the development of the science of endocrinology, increasingly sophisticated radiographic techniques and pro-

cedures, and advances in the study of male infertility, of methods of assisting childless couples have become important priorities of gynaecological practice. Indeed, the investigation and treatment of primary and secondary infertility has become a sub-speciality in its own right, involving gynaecologists, surgeons, reproductive endocrinologists and physiologists. Major scientific advances of the past two decades have been applied to human fertility management and a variety of treatment modalities now exist for a number of previously untreatable forms of infertility in both men and women. However, while medicine and other branches of science have taken us to the point we have reached today, reproductive technology is not just a medical or scientific matter.

No doubt the advances which have been made are in large part attributable to the pursuit of knowledge, or the pursuit of excellence, in the particular fields of the clinician, the scientist and the technologist, but we cannot ignore the part that societal pressure has played in encouraging practitioners to improve facilities and techniques in order to deal with infertility not readily amenable to standard procedural methods.

The desirability of producing a child remains an issue of major significance in Australia today. whether one believes it is attributable to a view of women which regards motherhood as an essential rather than an optional part of self-esteem and social acceptance, or whether one sees it as being more broadly based and reinforced by social, cultural and religious attitudes, the fact remains that the desire of most couples to have children remains an extremely important priority for them and for contemporary society in the 1980s.

The Family Law Council has observed that infertility is a problem for at least 10 per cent of married couples. In the past, infertile couples looked to adoption to satisfy their needs. However, the past 10-15 years have seen dramatic changes in the placing of children for adoption and in the nature of the adoption process. The decreasing availability of babies for adoption has meant that infertile couples who seek to parent a child have had to look for other avenues. Consequently, they have focused their attention on reproductive technology as a means of giving them children.

Beginning with increased sophistication in artificial insemination procedures, and taking into account the more recent rush of developments in IVF and related procedures, a whole new range of possibilities has opened up to meet the parenting wishes of infertile couples. Initially, the community responded uncritically, against a background of social mores regarding mothering and parenthood, the nature of the family and the wishes of infertile couples. However, the pace of the developments has in many ways caught society unprepared and uninformed to deal with the complex legal, social and ethical issues accompanying the developments.

The world's first baby born as a result of IVF arrived in England in 1978. In 1980, Australia's first and the world's fourth IVF child was born. By September 1985 the number of live births in Australia from IVF was approaching 500. Freezing of embryos has become an important component of a successful IVF program. Research using human embryos has become an area of very real public interest and concern.

Developments have occurred rapidly, bringing with them a host of legal, social and ethical issues. As Professor Ian Kennedy, Professor of Medical Law and Ethics at Kings College, London, said, 'The genie is out of the bottle. You cannot put genies back into bottles. You can, however, try to make sure that the genie does not go around granting any old wish. You can give the genie some rules.'

Governments around Australia (and indeed overseas, for example, the United Kingdom) have responded by establishing inquiries of one type or another into some or all of the issues. In South Australia, officers of the Health Commission and Attorney-General's Department prepared a report in January 1984 on IVF and AID which grappled with some of the vexing issues. Later that year the South Australian Health Commission and the South Australian Post Graduate Medical Education Association jointly hosted a public lecture and seminar as a forum for public information and discussion. In October of that year a select committee of the Legislative Council was appointed in order that a variety of questions surrounding reproductive technology could be examined in the wide-ranging and non-partisan manner made possible by the select committee process.

The select committee deliberated at length and handed down its report in April 1987. I place on record my appreciation of the work of the committee and the officers who assisted it. Obviously, issues which have to do with the creation of life challenge and make us examine our fundamental concepts of procreation and all that goes with it. These are issues on which we expect a wide divergence of views. The select committee to its credit was able to reach agreement on the majority of issues with which it dealt. On some, however, one has to say it is unlikely that community consensus will ever be reached.

The select committee's recommendations foreshadow administrative and legislative action, some by the Attorney-General and some by the Minister of Health. The Bill before members today is the legislative response to the select committee's report as it relates to the health portfolio. Although amendments were passed in the Legislative Council banning surrogacy contracts involving an artificial fertilisation procedure, legislation dealing with the recommendations of the select committee opposing surrogacy will be handled by the Attorney-General in the near future, as will recommendations relating to the Family Relationships Act.

Turning to the Bill, one of the main features is the establishment of the South Australian Council on Reproductive Technology. As I indicated before, reproductive technology is not just a medical or scientific matter. Obviously, medical ethics are involved, but one cannot and one must not ignore the broader issues—the moral issues and questions of moral values, the legal issues, the questions of public policy, and most importantly, the welfare of the child. As the Family Law Council in its report 'Creating Children' stated:

> Given that the major purpose of reproductive technology is to create a child who would not otherwise have been conceived, and that a substantial allocation of public resources is required to enable this, it seems clear that the community has a particular responsibility to promote and protect the interests, needs and welfare of that child when born.

The scope and complexity of the issues are such that they must be addressed by the community and by governments in the broadest sense. They cannot be left solely to the medical and scientific professions, whether they be practitioners in the infertility programs or in the professions at large—it is undesirable and unreasonable to expect one part of society to shoulder such a burden. They cannot be left solely to institutionally based ethics committees—the issues go beyond hospital and university walls.

The select committee recommended, and the Bill provides for, the establishment of an eleven-member South Australian Council on Reproductive Technology. Six of those members will be nominated by the universities, various learned medical colleges, the heads of churches, and the Law Society. Five are to be nominated by the Minister of Health, and selected so as to ensure a balance of expertise

and backgrounds and representation from the general South Australian community. Taking into account the all-Party support for the select committee recommendations, action is already been taken to establish the council on an interim basis, pending the passage of the legislation. I assure members that careful attention was being given to appropriate membership, including male/female representation. If the primary interests of women in the issue of reproductive technology have not been given adequate emphasis in the past, we have the opportunity and the obligation to redress that now. The technology involves invasive procedures performed on women's bodies; it involves issues of women's health, and women's role in society; it should and it will involve women at the level of policy making and standard setting. Amendments passed in the Legislative Council will ensure that as far as practicable the council will be constituted of an equal number of men and women.

The role of the council will be one of the most important created under health legislation in recent years. In a sense it will be both pathfinder and trailblazer. One of its first and most vital tasks will be to develop a code of practice on reproductive technology. It will be required to consider ethical, social and legal issues and to formulate a code which will define the boundaries as to what is acceptable and what is not in research and practice of reproductive technology. Amendments moved by the honourable the Minister of Health and passed by the Legislative Council require four provisions be included in the code. They are that—

- the practice of embryo flushing be prohibited;
- the couple must have the right to decide how surplus embryos are to be dealt with and must be able to review that decision each 12 months;
- embryos must not be maintained outside the human body beyond 10 years; and
- an embryo must not be permitted to grow outside the womb beyond the stage at which implantation would occur naturally in the body.

Further amendments moved by the Opposition and passed in the Legislative Council require that IVF procedures may not be carried out except for the benefit of married couples where one or other of the couple appears to be infertile or where there is a risk of transmission of a genetic defect. The definition of married couples includes people who have been living in a *de facto* relationship as husband and wife for five years. Within these legislative restraints the council will be required to consider a whole range of issues, such as:

- practices and conditions to be observed in premises licensed to conduct reproductive technology programs and by persons registered to carry out artificial insemination procedures;
- consent forms and information to be recorded on them, including the couple's wishes as to the use of surplus embryos;
- record-keeping; and
- research involving human reproductive material.

On some of these issues, the select committee made specific recommendations and it is expected that the council will take these into account in drawing up the code. Most importantly, in formulating the code, the council will have a statutory obligation to treat the welfare of the child as being of paramount importance. It behoves us all to ensure that the welfare of the child does not have to battle for a place against the competing demands of adults for reproductive technology services.

Various reports around Australia have emphasised the need for issues arising from reproductive technology to be dealt with on a national basis, and have suggested that uniform guidelines should be developed in an appropriate national forum. The select committee acknowledged the importance of the national perspective, and the Bill accordingly provides for the council to collaborate with other bodies in formulating the code and to adopt other codes or standards, with or without modification, where appropriate.

The council will not be the final arbiter on what is contained in the code. In line with the select committee's recommendations, the code is to be promulgated in the form of regulations. To ensure that provisions do not commence operation prior to Parliament's scrutiny, the Government supported amendments in the Legislative Council which provide that all regulations will not operate until they have lain before both Houses for 14 sitting days without being disallowed. The regulations will thus be open to parliamentary and community scrutiny before finally being enshrined in the law. The code and regulations will of course, be able to be amended, taking into account the rate at which developments in this area occur, and any amendments will follow the same process.

Apart from formulating the code of practice, the council will have a number of other important functions. Research into the social consequences of reproductive technology will be within its charter; promotion of informed public debate on ethical and social issues arising from reproductive technology and dissemination of information will be a vital task, as will advice to the Minister on various issues. The council will report annually to the Minister thence Parliament.

Possibly one of the most vexed areas at the moment, the frontier of reproductive technology, is research involving experimentation with human reproductive material. We must strike a balance between pursuit of knowledge, pursuit of excellence and perfecting of technique on the one hand, and community acceptance on the other. Scientific advancement, no matter how well-intentioned, must not be allowed to move at a pace which outstrips the clearly expressed opinion of the community. The Bill therefore provides that research involving experimentation with human reproductive material can only be carried out if a licence has been granted by the council. Following amendments in the Legislative Council the licence must provide that no research may be carried out where it may be detrimental to an embryo. In addition, the licence will be subject to a condition defining the kinds of research authorised by the licence and a condition requiring observance of specific ethical standards. The penalty for non-compliance is $10 000. There is also provision for suspension or cancellation of licence.

The issues of costs of reproductive technology, supply and demand and quality assurance, have been addressed by various committees including the select committee. The question, indeed the dilemma, which arises, is whether in times of finite resources we can afford the resources for extensions and innovations in fertilisation techniques when those resources are demanded elsewhere in the health system by professionals who argue that their patients are just as much or more in need. Although fertilisation techniques have increased the chances that hitherto infertile couples can have children, the extent of that increase is by no means as successful as most medical and surgical techniques. Less than a third of all couples entering an IVF program can expect a baby or babies, despite prodedures ranging over a number of successive cycles.

In order to ensure optimum standards against this background the select committee recommended that all premises used for IVF and related services should be licensed by the Health Commission, that they should be required to comply

with the code of practice of the council and that any further expansion of IVF services beyond those currently approved, whether public or private, should be justified on the basis of need. The Bill makes provision accordingly. Licensing provides the mechanism whereby the spread and nature of reproductive technology programs can be regulated, quality assurance can be required and enforced and appropriate record-keeping can be assured.

Non-compliance can bring a penalty of $10 000, as well as suspension or cancellation of licence. There is a right of appeal to the Supreme Court against refusal to grant a licence, imposition of a particular condition and suspension or cancellation. The *In Vitro* Fertilisation Procedures (Restriction) Act 1987 makes it an offence for anyone other than the three programs specified in the legislation to carry out any *in vitro* fertilisation procedure. Following the passage of amendments last week, legislation now has a sunset clause nominating 31 March 1988 as the expiry date.

The Bill provides for the three currently approved programs (the University of Adelaide/the Queen Elizabeth Hospital; the Flinders University of South Australia/Flinders Medical Centre; Repromed Pty Ltd, at Wakefield Memorial Hospital) to be 'grandfathered' in under the legislation. In relation to artificial insemination, the Bill follows the select committee recommendation that persons providing AID as a service, for fee or reward, should register with the Health Commission. They will need to comply with the council's code of practice.

The Bill provides for the appointment of authorised officers, that is, persons authorised by the Health Commission, who may enter and inspect premises and generally ensure that the provisions of the legislation are being complied with. As a consequence of amendments in the Legislative Council the Bill now provides that no information about a donor of human reproductive material may be disclosed without the donor's consent and imposes a penalty of $5 000 or up to six months imprisonment for non-compliance.

Those are the main provisions of the legislation. There are, of course, a number of other important issues identified by the select committee that will need to be addressed, some by the Health Commission, some by the council, some by other bodies, namely, educational programs for health professionals and the wider community which clearly outline the physical, financial and emotional costs of infertility and reproductive technology, and which should canvass, for instance, the positive aspects of marriage without children; adequate counselling both for people first discovering infertility problems and contemplating treatment and, importantly, for those who do not achieve a pregnancy on the program. An article in the *Age* in 1985 (by Anna Murdoch) sums its up as follows:

> For the past four years, the press has shown photographs of radiant women holding babies conceived by *in vitro* fertilisation. What has not been shown are the faces of the 85 per cent of women for whom the treatment does not work.

The legislation is, I believe, something of a milestone. Some would say it is just the beginning. The Council on Reproductive Technology has a vitally important, if not somewhat daunting, task before it. We as legislators and as a community must do all that we can to address the issues which are, after all, about the well-being and interests of Australian families and children. I commend the Bill to the House.

Clauses 1 and 2 are formal. Clause 3 is the interpretation provision. It defines 'artificial fertilisation procedure', 'artificial insemination', 'human reproductive material', '*in vitro* fertilisation procedure' and 'reproductive technology' for the purposes of the Act. Clause 4 provides that the Act binds the Crown. Clause 5 establishes the South Australian Council on Reproductive Technology. Clause 6 deals with the terms of appointment of members of the council. Clause 7 entitles a member of the council to such fees, allowances and expenses as the Governor may determine. Clause 8 sets out the procedure to be followed at meetings of the council.

Clause 9 requires a member of the council who has a direct or indirect personal or pecuniary interest in any matter before the council to disclose the nature of that interest to the council. The maximum penalty fixed is $2 000. A member of the council must also abstain from voting on a matter before the council which affects a member's personal or pecuniary interests directly or indirectly. The maximum penalty fixed is $2 000. Clause 10 sets out the council's functions. These include the formulation of a code of ethical practice to govern the use of artificial fertilisation procedures and research involving experimentation with human reproductive material. The code will be promulgated in the form of regulations and must contain certain provisions which are set out in this clause. Clause 11 empowers the council to employ staff and to make use of the services of staff of the South Australian Health Commission.

Clause 12 requires the council to report to the Minister of Health annually and requires the Minister to table the report in Parliament. Clause 13 prohibits the carrying out of an artificial fertilisation procedure except in pursuance of a licence granted by the Health Commission. The maximum penalty fixed is $10 000. Subclause (2) provides that the commission must not grant a licence unless it is satisfied of certain things, namely, that the licence is necessary to fulfil a genuine and substantial social need that cannot be adequately met by existing licensees and that the applicant is a fit and proper person to hold the licence and has appropriate staff and facilities for carrying out the procedures for which the licence is sought. Subclause (3) sets out the conditions which a licence will be subject to. Subclause (4) is an interpretation provision. Subclause (5) gives the commission power to attach conditions both at the time of grant of a licence and subsequently. It is also empowered to vary or revoke conditions by notice in writing given to the licensee.

Subclause (6) provides that a licensee who contravenes or does not comply with a condition of a licence is guilty of an offence. The maximum penalty fixed is $10 000. Subclause (7) provides that a licence is not required in respect of artificial insemination if it is carried out by a registered medical practitioner who registers with the commission and makes an undertaking to the commission to observe the code of ethical practice, or where artificial insemination is carried out gratuitously. Subclause (8) provides that an exemption under subclause (7) from the requirement to be licensed may be withdrawn by the commission if it suspects on reasonable grounds a breach of the code of ethical practice by the holder of the exemption.

Clause 14 prohibits the carrying out of research involving experimentation with human reproductive material except in pursuance of a licence granted by the council. The maximum penalty fixed is $10 000. Subclause (2) sets out the conditions a licence will be subject to. Subclause (3) gives the council power to attach conditions both at the time of grant of a licence and subsequently. It is also empowered to vary or revoke conditions by notice in writing given to the licensee. Subclause (4) provides that a licensee who contravenes or does not comply with a condition of the licence is guilty of an offence. The maximum penalty fixed is $10 000. Clause 15 empowers the council or the commission to suspend or cancel licences where satisfied that a condition of a licence granted by it has been contravened or has not been complied with. Before acting under this

provision the council or the commission must allow the licensee a reasonable opportunity to make submissions.

Clause 16 gives a right of appeal to the Supreme Court against certain decisions of the commission: to refuse to grant a licence authorising artificial fertilisation procedures, to impose a particular licence condition, to withdraw an exemption permitting artificial insemination or to suspend or cancel a licence. Subclause (4) specifically provides that no appeal lies against a decision by the council to refuse to grant a licence authorising research nor against any decision of the council related to such a licence. Clause 17 sets out the powers of an authorised person. Subclause (2) makes it an offence to obstruct an authorised person acting in the exercise of a power conferred by the provision, to fail to answer an authorised person's questions or to fail to produce records when required by an authorised person. The maximum penalty fixed is $2 000. Subclause (3) provides that confidential information may be disclosed to an authorised person under this provision without breach of any principle of professional ethics.

Clause 18 provides that a person must not enter into a surrogacy contract. The maximum penalty fixed is $5 000. A surrogacy contract is a contract under which a woman agrees to bear a child conceived by an artificial fertilisation procedure and to surrender custody of the child at or after the birth of the child. Clause 19 deals with confidentiality. Subclause (1) prohibits the disclosure of the identity of a donor of human reproductive material except *(a)* in the administration of the Act, *(b)* in order to carry out an artificial fertilisation procedure or *(c)* with the consent of the donor of the material. The maximum penalty is $5 000 or imprisonment for six months.

Subclause (2) provides that a person must not divulge any other confidential information obtained in the administration of the Act or for the purpose, or in the course, of carrying out an artificial fertilisation procedure or research except *(a)* in the administration of the Act in order to carry out that procedure or research or *(b)* as may be permitted by the code of ethical practice. The maximum penalty is $5 000 or imprisonment for six months. Clause 20 provides that an offence against this Act is a summary offence. Clause 21 is the regulation-making power. Regulations under the Act will take effect as follows: *(a)* if the regulation has lain before both Houses of Parliament for 14 sitting days and a notice of disallowance has not been given in either House during that period the regulation will take effect at the end of that period, *(b)* if notice has been given but the regulation has not been disallowed the regulation will take effect when the motion has been defeated or lapses. If a notice is given in both Houses, the regulation will take effect when both motions have been defeated or lapsed, or one has been defeated and the other has lapsed.

The schedule to the Act contains a transitional provision requiring the commission to grant to specified bodies licences for the carrying out of *in vitro* fertilisation procedures.

Mr BECKER secured the adjournment of the debate.

CITY OF ADELAIDE DEVELOPMENT CONTROL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 1986.)

The Hon. JENNIFER CASHMORE (Coles): This Bill is a one-clause Bill which basically brings the City of Adelaide Development Control Act into line with the Planning Act as it defines those situations where the concurrence of the City of Adelaide Planning Commission will be required before development is approved. The Opposition supports the Bill for reasons on which I will elaborate, but I make the point strongly that this Bill is one year too late in being introduced.

The City of Adelaide Plan, which will be gazetted as a result of the enactment of this legislation, covers the period 1986-91, whereas we are now almost at the end of 1987. It is thoroughly bad law that a plan designed to cover a five-year period should be enacted and its principles adopted one year into that five-year period.

The Hon. J.C. Bannon interjecting:

The Hon. JENNIFER CASHMORE: The Premier murmurs (I could hardly call it an interjection) that the Adelaide City Council has certainly taken its time. However, the State Government has also taken considerable time in forming its opinion of this plan and introducing the necessary legislation. It is worth noting that the plan left the City Council at the end of April and, as this is the first day of December, many months have passed since the council did all that was in its power to do regarding the plan. It is not easy to absolve anyone from responsibility for the delays that have occurred with the plan, but the point needs to be made strongly that the lessons of the 1986-91 plan must be learned and the errors must not be repeated.

It is a thoroughly bad situation when applications that will affect the future of the City of Adelaide into the twenty-first century are being judged on a plan that is outdated, namely, the previous plan. I doubt whether the Premier or any other member opposite would contest that statement. It is a bad situation which has led to much difficulty over the East End Market and the Myer redevelopments.

In terms of sound principle and sound management it is simply not acceptable practice to bring a five-year plan into effect one year into the purported operation of the plan. This is incontestable and there is nothing that the Minister or his Premier can say that would alter that reality. Ask any developer; ask the council; or ask any citizens whether that situation is satisfactory, and the answer must be that it is not.

The period from April to November, which has been used by the City of Adelaide Planning Commission and the Minister to assess the plan as approved by the Adelaide City Council, has indeed been a long period during which applications of a highly contentious nature have come before the council, have been the subject of public debate, and have had to be judged in the light of the old plan because, in law, that is all that could occur. One factor that has caused at least part of the delay has been the Government's consideration of submissions from the Outdoor Advertising Association. That association claims not to have been aware of the impact of the plan on its members and on their activities when the plan was open for public comment and circulation in 1985-86.

Whatever the merits of the association's arguments on that matter, one of its points is certainly indisputable. In a submission to the Minister dated 24 November and circulated to members of the Opposition, the association states:

> We feel that the State Government has a responsibility through having the final control of local councils' regulations to ensure that new regulations are not detrimental to the general public and commerce and industry.

That can hardly be argued, and I believe that the Government has taken on board some, although not all, of the submissions of the Outdoor Advertising Association.

Because of the representation that has been received by all members, it is important to make the point that there is nothing whatever in law that the Parliament can do in

respect of submissions on any particular aspect of the plan, because it is outside the control of this place. The plan is approved by the council and by the City of Adelaide Planning Commission. It goes to the Minister from the commission with recommendations. It then passes from the Minister to Cabinet and from Cabinet to Executive Council. Parliament is not part of that procedure and, even if it were, the likelihood of Parliament intervening in respect of one or more aspects of the plan would be remote.

In effect, it would mean that the State could override the responsibilities of local government, and that is not something that we would support. So much for the actual timing and introduction of the plan and this legislation, which alters what was previously a two tier system, in which the planning principles were laid down and regulations embodying those quantitative controls were introduced and gazetted. The Opposition accepts that the one tier system, which has been proposed and sought by the council, is in all the circumstances a more satisfactory way for everyone concerned.

The new plan has been written in a much more prescriptive and detailed fashion than previous plans and embodies the quantitative controls that were previously contained in regulations. Henceforth, the regulations will largely contain and deal with procedural matters such as fees, the register of development interests and the heritage register. These new arrangements will clarify and simplify the whole scene for development applications and, in that respect, the proposal is to be warmly endorsed.

In the *Adelaide Review* of March 1986, in an introduction to an article by Professor Stephen Hamnett entitled 'A blueprint for Adelaide', the belief of two developers, who are named, and others in general is set out, as follows:

> Intelligent developers are the first to insist that tough rules and strong-minded administration need do no harm and can do much good—as long as the rules are clear and permanent and the decisions are fair and quick.

As laid down in the new City of Adelaide plan, these rules are obviously not permanent because it is a five year plan. However, I believe that they are clear and detailed. They have been the subject of a great deal of public debate and consideration by all bodies which have a statutory role of studying them.

When I read as much of the plan as could be digested at two or three gulps—it is a very substantial document; the copy I have is three inches thick—I reflected upon my own experience of the city of Adelaide and the perspective with which I view it as a result of that experience. I doubt that there would be a citizen of this State who does not have a great deal of affection for the city of Adelaide. We are all ready to praise it to others, to criticise aspects of it that we believe can be improved and to express our gratitude for the foresight of our founding planner, Colonel Light.

As a small child I became familiar with the two areas of the city in which my mother had been born and brought up: the Morphett Street area behind the old Lion factory where she was born, and the Whitmore Square area where she lived during her girlhood in a cottage next to St Lukes. My girlhood experience of travelling through the city from Lockleys on the way to school in Unley brought me in close touch with West Terrace, Light Square (which in the 1940s was not a pleasant place and the sight from a tram first thing in the morning would invariably reveal derelicts sleeping on park benches), Currie Street, King William Street, Wakefield Street and Pulteney Street. I travelled that route every school day for 12 years and became very familiar with it indeed. I have noticed with pleasure the changes and improvements that have been made upon exactly that route in the intervening 30-plus years.

When I left school I worked for the *Advertiser* and, as a copy girl, became thoroughly familiar with Waymouth Street, Pirie Street, King William Street and all the areas where people go on foot to do odd jobs for their employer. I subsequently worked at an advertising agency in Hutt Street and did much walking around Hutt Street, Halifax Street, South Terrace and Hurtle Square. Later I worked in David Jones in Rundle Street, before it was made a mall, and did much walking up and down Rundle Street and North Terrace, which was a beautiful breath of fresh air after the commercial bustle of Adelaide's retail centre.

Working now at Parliament House and living at Hackney, I am very familiar with the route across Botanic Park or through the Botanic Garden, along by the river and the university, and across the parade ground and the Festival Centre to Parliament House. This is perhaps one of the most beautiful parts of Adelaide because it embodies the edge of the city and parklands and is in that northern juxtaposition of the city and the parklands in which Adelaide's charm, style and dignity are perhaps best exemplified.

Before dealing specifically with aspects of the plan that I believe are relevant to this debate, notwithstanding the fact that the debate on the Bill could be confined simply to one narrow clause, I will give the House some background to the manner in which the plan has been developed and introduced. The first plan was formally adopted by the Adelaide City Council in October 1976 and was the culmination of detailed planning by the council's consultants at that time, Urban Systems Incorporated, and an intensive process of involvement by members of the public. That has been characteristic of City of Adelaide plans from the outset. The plan has been amended once, in 1981, but its primary structure and content remain the same despite the quite substantial changes in this new plan that will be implemented with the enactment of this legislation.

The 1986-91 plan is in two parts. The first part expresses the council's aims for future development of the city in the form of a policy statement while the second contains the development control aspects of the plan, which are given statutory effect by the City of Adelaide Development Control Act, which we are now amending.

The plan to be introduced is the first after 10 years, during which time a great deal has happened in the city and the State, which has necessitated a far more comprehensive approach by the City Council than any which has previously been adopted. We had a very good framework but, because of the complexity of development and the impact of that development on the city and the State, and because of the strongly expressed wish of South Australians to preserve the essential character of Adelaide and retain those parts of our heritage which make this city distinctive and give it its unique style, the wish of developers and, no doubt, the Government is to ensure that the city, as the machine which keeps the economic engine of the State operating effectively, should not be inhibited by undue controls.

All of these things had to be taken into account by the council. Conflicting issues relating to both central issues had to be resolved in the plan. I believe and certainly hope that the council and the Government in the review of the council's plan have been successful in achieving that balance. The 1986-91 plan reflects some aspects of the 1976 plan insofar as it continues to emphasise a strengthening of the city's economic base, improvements to the residential environment by increasing the residential components of the city and maintaining the character of North Adelaide, a planned approach to developing and coordinating commu-

nity services and continued efforts to improve public transport in the city.

I stress, by way of aside, that those continuing efforts to improve public transport in the city will need to be considerably intensified in light of the Government's proposed urban consolidation policies. If additional significant population is to be accommodated in the old metropolitan area—that area formerly served by the tramways system—transport will then become even more of an issue over the next 20 years than it is today. If we do not want a city that is destroyed by cars and choked by traffic, we will have to be ingenious, imaginative and cooperative in devising transport schemes to achieve that end.

I view with some dread the prospect of what is happening already to North Terrace, even before the full scale operation of the Adelaide Convention Centre, even before the opening of the Hyatt International Hotel and even before the new Myer development and East End Market development are complete. North Terrace, on which I travel every day by car to Parliament House, has become a choked artery. It boggles the imagination to think what will happen to our most beautiful boulevard when the additional traffic generated by the developments I have mentioned is syphoned in and around the city with North Terrace as its principal entry and exit point.

I regard the matter of traffic on North Terrace to be a key matter to be addressed and hope it can be addressed satisfactorily. However, with the additional parking being provided and additional traffic generated, it is hard to see how North Terrace can retain its charm and graciousness, peacefulness and naturalness with so much motor traffic.

The new aspect of the proposed plan is the introduction of urban design principles to retain the building and township character established as a consequence of the original Light plan for Adelaide, the introduction of detailed development controls to protect the character of significant streets, the introduction of a defined pedestrian network which promotes the provisions of shelter, lighting and so on for users and the introduction of specific and detailed statements of character, activity and built form controls for the parklands to conserve and maintain these for public recreation. I welcome the provisions for dealing with the detailed development controls to protect the character of significant streets because it is one of the most significant aspects of the plan in terms of enhancing the character of the city of Adelaide.

I refer particularly to what has been done by relatively small and probably not very costly developments in places such as Twin Street which has been converted from a rather bleak alleyway to a very pleasant, almost intimate pedestrian walkway through paving and a construction of a pergola over the street. The vines in Chesser Street are so welcoming and inviting that it is a pleasure to walk down it. Other streets have been improved and other initiatives taken, including the Renaissance arcade and Gallery arcade, which are classic examples as their pleasant character invites the pedestrian. That has to be an asset for a whole range of reasons: it is a social asset for the people who use the city, and a tourist asset for the remembrances and promotion by visitors that spring from the pleasure of enjoying the city under those pleasant and sheltered circumstances.

Of course, it has to be a commercial asset because it makes shopping a treat—sometimes an unexpected treat—to be present in those intimate, pleasant parts of the city where one feels that it is a human scale city built for humans and not for the motor car, big business, heavy traffic or high society. It is built for us, the citizens, our friends and visitors and we get that feeling when we go into those pleasant places.

The aspect of the plan dealing with the introduction of a pedestrian network promoting the provision of shelter seats and lighting is another important aspect with benefits very similar to those that I have just outlined. When one mentions the words 'shelter, seats and lighting', the name of a former councillor, Esther Lipman, now Lady Jacobs, springs to mind. As a councillor and alderman she was untiring in her efforts to make the city habitable for ordinary people, particularly for women with children. Her efforts to enlarge the number of public toilets and increase the number of seats were, in my teenage years, sometimes matters for jest, but they had a tremendous practical application and Lady Jacobs is one of many individual members of the Adelaide City Council who have left their stamp on the city through their advocacy for making it a comfortable and pleasant place to visit and in which to work.

The next point I raise deals with the question of the economic role that Adelaide plays in the development of the State. In the article to which I referred from the *Adelaide Review* of March 1986, by Professor Stephen Hamnett, Head of Planning at the South Australian Institute of Technology and, at that time (although not now) President of the Royal Australian Planning Institute (S.A. Division), it is stated:

> In a difficult competitive market the best asset that Adelaide has is its physical form and character and the quality of life which this permits, and the council is right to recognise this. It should attempt to avoid devaluing this asset at all costs and it should use all possible means at its disposal in seeking to ensure that new development reinforces and enhances the city's established character.
>
> It should be bolder and more explicit in defining this character in terms of overall city form. And it should put a significant part of its sales effort into persuading major companies looking for new headquarters that there is more status to be had from a location in a city centre of unique and coherent built form than from occupying a building which conflicts with this form in imitation of the undistinguished towers of Pitt Street or Collins Street. Otherwise it may be harder to disagree in future with Peter Corrigan's characterisation of Adelaide as 'a city of good ideas—sometimes brilliant ideas—that never really get off the ground.'

The importance of persuading major companies to locate their headquarters in South Australia simply cannot be overestimated. The economic impact on this State of having companies drift away as a result of takeovers by international or interstate companies that have their corporate headquarters in the Eastern States has had a profound and debilitating effect on the economy of this State. It has lessened our State's chances of influencing national corporate decisions which can benefit South Australia, and the adverse effects have flowed through in a thousand different ways.

Our record over the past 150 years of being ingenious and luring people to this State by offering them benefits that are unique to South Australia has been very good. If we can do that, as Professor Hamnett suggests; if we can use the city of Adelaide as the magnet to draw companies for prestige purposes; and if this new 1986-91 City of Adelaide plan really can achieve that, then I think all those who had a part in its composition should be most warmly congratulated. What Professor Hamnett says about the soulless character and the undistinguished towers of Pitt Street or Collins Street is true.

It is true that city residents the world over are starting to reassess the manner in which indiscriminate development—development at all costs—has been allowed to ruin the once lovely character of cities. It is interesting to see that, even in a place like Los Angeles, where for decades development of practically any kind as long as it was big (but not nec-

essarily beautiful) was welcomed, that type of development is now being resisted by residents and local government has responded to those residents. There are now strong efforts to humanise Los Angeles. People are sick of a city which is for buildings and companies but not for people.

As any of us who visit Melbourne and Sydney reasonably regularly can testify, I think that the lovely Victorian character of Melbourne has been very badly affected. I would not go so far and say that it has been destroyed, but certainly it has been diminished as a result of development which is not entirely sympathetic. I believe that Sydney, with its largeness and brashness, has gone too far. It is no longer a pleasant city and it has lost much of its character. The interesting thing is that, with Australia's booming tourism industry, the character of Adelaide is very often the first thing that visitors comment upon pleasantly. It will be the thing that they remember when they leave, and it will be the thing that draws them back and perhaps brings their friends back. As the National Trust has so cogently argued in its comments on the proposed East End Market redevelopment, all these aesthetic considerations have a very important economic relationship and we would be most unwise to overlook the importance of that economic relationship.

I stress that the preservation of heritage must be balanced at all times with the need for appropriate and sympathetic development. We cannot have (and we do not want) a city which is stultified and more or less set in aspic simply because we are resistant to change. Change can be most healthy and beneficial as long as it is change that is in the interests of the people of this city.

On that note I will quote briefly from a speech by Alderman Bill Manos which launched the May 1986 issue of the *Adelaide Review*. On 7 May last year he commended the *Review* for promoting intelligent discussion on city planning issues. He raised this question of new development and its design which inevitably leads to discussion about the merits of architecture. He stated:

> The work of architects is coming under far greater public scrutiny. They should be careful that their protestation about community intrusion into their domain is not interpreted as the architects failing to meet the challenge of greater public accountability and squirming a little under the heat of the spotlight.

Mr Manos further stated:

> A hundred years ago and more, architects were subject to (by today's standards) quite extreme constraints in height of buildings, construction methods, no mechanical air conditioning, and restriction on building materials they could use—constraints which today are talked of as unreasonable, stifling, even horrific.

Mr Manos went on to state (and here he echoes the sentiments of the developers and I reinforce these points):

> I believe that what we need (and I believe architects secretly wish) is an urban design framework that has strength of definition, is clearly spelt out and has general community acceptance.

With minor (I hope) and debatable variations, I believe that this new City of Adelaide plan meets those criteria. I further believe that the good faith of the council was based on those criteria: strength of definition, clarity and community acceptance.

From the point of view of developers, I suppose, the submission to the city council in late 1986 by the Joint Industry Committee on Planning is the best overview one could get of the viewpoint of developers. The Joint Industry Committee on Planning comprises the Master Builders Association, the Building Owners and Managers Association, the Real Estate Institute, the Housing Industry Association, the Society of Land Economists, the United Farmers and Stockowners of S.A. Inc., the South Australian Practising Architects Association, the Royal Australian Institute of Architects (South Australian Chapter), the Australian Institute of Quantity Surveyors, the Australian Federation of Construction Contractors, and the Australian Institute of Valuers (South Australian Division). In short, it is a very broadly based group, which unanimously resolved that it should convey to the council five substantial views.

The first was that the proper development of South Australia would be better served if firm regulations replaced certain areas of discretionary judgments within the existing system—and that is what is proposed and that is what this Bill will enable. The point was made that the absence of predictable rules is unduly hampering South Australian development. Secondly, in relation to heritage matters, the joint committee supported the identification and classification of items of heritage in South Australia, but recommended that there should be only one list and only one responsible authority. I believe that that is a matter that should be debated and I would be most happy to debate that with the Minister. The committee made that recommendation on the basis that fair compensation and incentives will be made available to owners and other persons who may be adversely affected by heritage action.

On that point, and interpolating on the JICOP submission, I think it is pertinent to ask the Minister what exactly is the status of the State Heritage Register, if a listed building can be all but demolished without any redress, so to speak, by the law or the people, as will be the case with the Remm-Myer redevelopment. The Shell, Goldsbrough and Verco buildings have been identified as heritage buildings. They have been studied by the Minister's own Heritage Branch, and it is not just the facades of those buildings, or even several feet back from the facades that are on the heritage list, but quite substantial portions of the interiors of those buildings are part and parcel of that heritage listing.

I note from this morning's *Advertiser* that whilst some modifications have been made by the Remm Group to reduce the impact on North Terrace's heritage listed buildings, it nevertheless is the case that the facades of the four heritage listed buildings on North Terrace will be retained, with parts of the interior of Shell and Goldsbrough Houses. *The Advertiser* reported that:

> Remm had agreed to retain 'much more' of the interior of Shell and Goldsbrough Houses than was originally planned. The branch had been less concerned about the Verco and former Liberal Club Buildings which no longer have their original interiors.

Certainly, a few steps have been taken to accommodate the interior of those buildings, but their total heritage value quite clearly is not going to be preserved, and, in the light of that, it is pertinent to ask the Minister exactly what is the status of the State Heritage Register if this can be allowed to occur.

I now refer to the plan itself, for the benefit of the House and because without reference to it in this debate there will be nothing whatever on the *Hansard* record of the content of the plan. The plan lays down objectives for the economic base of the city, for tourism and leisure, for the residential areas, for community development, pedestrian areas, public transport, parking, for the built form, for heritage, for streetscape environment and for the parklands environment. Because of time constraints I have not to this stage referred to the parklands, but clearly a speech on the city of Adelaide could not overlook the importance of the parklands. The environmental objective of the 1986-91 plan is to:

> . . . conserve and enhance the parklands as a publicly accessible landscaped space with a genuinely open character available for a diversity of leisure and recreation activities to serve the city's residents, workers and visitors.

Further objectives deal with environmental protection in relation to waste management and measures to control air,

liquid, solid, visual and noise pollution and the conservation of desirable flora and fauna. In all, I believe that those who have worked on the plan—and I refer to both the staff and elected members in the City Council and the staff in the Minister's own department, in the City of Adelaide Planning Commission—deserve our gratitude and commendation. It has been a herculean effort, and one has only to lift this document to realise how herculean—

The Hon. D.J. Hopgood: If you lift it a few times you will become herculean yourself!

The Hon. JENNIFER CASHMORE: Very likely! The great test now will be what happens in the city of Adelaide over the next five years. We just simply cannot afford to let the unique character of Adelaide be adversely affected, although to some extent it has already occurred. We could all name buildings in the city that we regard as aberrations—for example, the Kintore Avenue South Australian College—

Mr Lewis: Used to be the Teachers' College.

The Hon. JENNIFER CASHMORE: Yes, that unspeakable aqua tower—

Mr Duigan: The Schultz Building.

The Hon. JENNIFER CASHMORE: —and the police headquarters building—

The Hon. D.J. Hopgood: And the Library amongst the Supreme Court buildings.

The Hon. JENNIFER CASHMORE: —and the Napier Building at the University. We all wish that they had not been put up. On the other hand, I would nominate the Metropolitan Fire Service headquarters as an outstanding example of a building which has tremendous authority and style and which I think will be regarded as a heritage building in, say, 100 years time. However, this relates not only to buildings but, say, to streetscapes, as I have already mentioned, and some charming things have been done to the city—for example, the restoration of the Ruthven Mansions. One could list a catalogue of assets that this city has acquired in the past five years in terms of restoration and imaginative use and enhancement of what is there. The Opposition supports the Bill, and we certainly wish well those who administer this legislation, and particularly the Adelaide City Council, in the extremely challenging and demanding decisions that it has to make when it considers applications that are based on the new City of Adelaide plan 1986-91.

Mr DUIGAN (Adelaide): The relationship between the State Government and the Adelaide City Council is the envy of nearly all other metropolitan city councils throughout Australia—

Mr Lewis: And their respective State Governments, I suppose.

Mr DUIGAN: —and their respective State Governments. I think the relationship has grown as a result of a genuine concern that both Government and council share over the future development of South Australia and the flagship of South Australia, the city of Adelaide. That relationship was embodied in the original City of Adelaide Development Control Act by the establishment of the City of Adelaide Planning Commission. It was preceded by a working relationship in the whole review process which was begun in 1974 in the planning work of George Clarke and the Department of Environment and Planning. That relationship has continued, and I wish to pay a tribute on this occasion to the work done by Jim Jarvis when he was Lord Mayor in ensuring a very close working relationship between the Adelaide City Council and the State Government in the review process that has just taken place.

This major review took place after 10 years of operation of the first City of Adelaide plan. The work that Jim Jarvis did in ensuring that there was close and continuing cooperation, discussion and formal meetings between the council and the Government has led (I believe) to a confirmation of the role of the city and to the fact that there is no major disagreement between the State Government and the council on the plan which is to be gazetted this week. The work that was done by Jim Jarvis obviously has been continued by Steve Condous and all those members of the city council who have been on what was called the steering committee for the City of Adelaide plan. The people who were on the steering committee (which was the name given to the relatively informal group of people from the State Government and the Adelaide City Council) included the senior aldermen from the council as well as the Ministers of the Crown whose areas of responsibility affected the city, namely, the Premier, the Deputy Premier, the Minister of Transport and the Minister of Local Government and, on other occasions when it was necessary, the Minister of Housing and Construction.

The active involvement of those Ministers in discussions on the City of Adelaide Plan, as the review progressed over the past two or three years, has I believe resulted in a document which now has the support of both the Government and the council, as well as the active support of planners in both those areas.

The Bill attempts to amend the Act as a result of some relatively small but nonetheless significant alterations to the way in which the plan itself is presented. The former plan made a distinction between the principles of development which would guide the City Council in assessing development applications before it and specific regulations which gave effect to the principles. This at times created a conflict or at least a difference of opinion as to which of those two instruments should hold primacy or should be taken as preeminent, the principles of development control that would affect the whole of the city, and/or a particular zone, or the regulations which were the prescriptive devices by which all development was to be controlled in a particular zone. The difference of opinion between these two instruments was commented on in a number of judgments in the City of Adelaide Planning Appeal Tribunal.

One of them was referred to in the second reading explanation of the Minister, that is, a judgment of His Honour Judge Ward of June 1984, in which judgment he refers to two others where the same difficulty had arisen. So there were at least three occasions on which appellants to the Planning Appeal Tribunal raised the issue of the primacy of the principles over the regulations, or *vice versa*. The response to these difficulties and to the judgments made in the Planning Appeal Tribunal was to give both the regulations and the principles the same status, so that now there is what the member for Coles called a one tier system; that is, there is one source of controls and there is now no distinction in the importance of either the principles, on the one hand, or the regulations, on the other. They have all been incorporated into the one planning document, and whatever policy component was in the regulations has now been totally stripped out of them and incorporated into the plan, so that the regulations remain quite limited in simply being definitions of a number of matters, including the list of heritage items.

It was necessary, therefore—to ensure that the City of Adelaide Planning Commission was still able to be involved in the decision making process and for the principles of the original Act to be acknowledged—for this current amendment to be put before us. Had it not been put before us

there would have been no mechanism by which the City of Adelaide Planning Commission could become involved in a decision that the council had made to allow a development which was otherwise prohibited to go ahead. The Bill, therefore, identifies and clarifies exactly how the City of Adelaide Planning Commission can become involved in a decision. The City of Adelaide Planning Commission had always previously been able to use the trigger that was in the regulations, that is, a development being prohibited, to act as a second source of opinion for a council decision.

Once the regulations had been stripped of their policy content—and 'prohibited development' and everything relating to developments no longer appears in the regulation but appears in the plan itself—the device by which the CAPC became involved in council decisions had been removed. Therefore, it is necessary for this Bill to come before the House to ensure that that previous role of the CAPC can be maintained now that the Act incorporates both the prescriptive elements of the regulations and the general principles guiding all development, hence we have a clause which specifically identifies the ways in which the CAPC can become involved.

The council is able to allow, under certain conditions, applications for development which would otherwise be prohibited but, in order for it to do so, it must have the concurrence of the CAPC. The Bill provides that, where a development application is prohibited by virtue of the general principles in section 3 (namely, the general principles that guide development in the core, the frame, the institution and the residential districts) as well as the specific principles to apply under section 4 of the Act (those principles involving the parklands) and in two other areas (the use charts set out in the principles, which are the way in which land can be used), and the statements of desired future character (which are the specific statements of objectives for each of the nominated precincts of the City of Adelaide) then, when an application to the council which would otherwise be prohibited is agreed upon by the council the CAPC can become involved.

The final area in which a device is provided for the CAPC to become involved under the same general arrangements is in the use of the diagrams set out as part of the principles. Those diagrams concern matters such as building height, pedestrian conflict frontages, plot ratios and the car parking arrangements in zone X. The Bill continues to allow the cooperative arrangements between the Adelaide City Council and the State Government to proceed through the mechanism of the Planning Commission, and I believe that that is an essential step.

The opportunity the Bill presents, as the member for Coles has indicated, is the only opportunity that Parliament has to comment on the broader reasons behind this amendment. I wish to quickly do that in the few moments available to me. First, I wish to comment very favourably on the consultative process that is followed by the council in all its planning procedures and, in particular, in respect of the review that has taken place on this occasion.

There has been widespread and extensive consultation with Government (as I have already indicated, through the committee that was established between the Government and the council) with the community generally (by the provision of a variety of public exhibitions in places around the city, including references in publications such as the *City News*, the *Adelaide Review*, and in special editions of the *City News*) to ensure that everyone throughout Adelaide and anyone who was in any way at all involved with and concerned about the future of the city was aware of the provisions of the plan. There has also been extensive consultation with individual groups who have a professional interest in the city. I would like to commend the City Council on the way in which they have proceeded.

During that process—and it was a long and extensive process—there was a council election which resulted in the elevation to the lord mayoralty of the present incumbent, Mr Steve Condous. During his election campaign, Mr Condous expressed a number of very strong views about his residential objectives for Adelaide. Because he was successful it was essential to ensure that he was perfectly happy with the residential aspects of the plan and the opportunity was given to him and to the new council to comment on the plan that had been submitted, and to see whether they wanted to make any alterations, given the new complexion of the council. This did not result in any extensive delay, but simply was an indication of the way in which the Government wanted to ensure that the council was happy at all stages of the plan and the way in which it was proceeding.

I have commented on the way in which the principles and regulations have now been dealt with in the one document. Two areas which are picked up have not previously been dealt with quite as strongly in the plan. The first is the parklands, which have not been dealt with at all by the previous plan. This plan now provides a legislative framework for all development applications that will take place in the parklands. The development in the parklands will be treated no differently from development anywhere else in the city. There are general principles affecting parkland development; there are specific desired future characteristic statements about each of the precincts within the parklands; and there are also use diagrams about what is applicable in each of those parkland precincts. I believe that this is something that is wanted by the community to ensure that there is no further alienation of public parklands and that what alienation there has been will be reversed. Indeed, there is a joint commitment by the Government and the City Council to reversing as much of that alienation as is possible.

With regard to the future, it is important that there be no further alienation. Each of those precincts within the parklands specifies the sorts of activities that can take place, and I believe it is a very sensible and valuable step forward to provide that legislative umbrella.

Another area where new ground is trodden is the heritage area. There is overall an emphasis on heritage in this plan that was not quite so evident in the past, and in particular the new plan adopts a concept of transferable floor areas (TFA). This is a device which enables the council to ensure that the preservation of heritage buildings will not be at cost to the owners of heritage properties but that the opportunities that might be forgone as a result of purchase and development of a heritage building can be transferred to other areas in the city, thus ensuring that the development potential and return from that development is kept within the city and that the return by sale of the TFA from the heritage building to somewhere else in the city can then be used to refurbish and preserve the listed heritage building. I believe that is a very sensible and very valuable planning tool in general planning terms as well as in heritage terms. I hope it will be a device that will prevent any further destruction of the fine buildings that we have in our city.

The final matter on which I wish to comment, because it has been the subject of public controversy, concerns outdoor advertising. Generally and overall, the plan tends to be more prescriptive than in the past, and the member for Coles read to the House a statement indicating that some developers believe that it is necessary to have strong and clear guidelines so that they might know exactly where they

stand. In this respect the council established clear and positive guidelines as to where it stood on outdoor advertising.

The outdoor advertising industry generally was unaware of some of the changes in policy and changes in community attitudes involved, despite the fairly extensive consultative arrangements entered into by the council yet, notwithstanding that, there has since been a number of fairly high level discussions involving the industry, the Government, and the council, including the Minister and others, and I have received representations from the industry as well. These have resulted, first, in some modifications to the original plan submitted to the Government, and subsequently will result in a meeting next Monday to ensure that the guidelines established by the council can be reviewed and that there can be agreement among the industry, the council and the Government as to how the general principles of development control of advertising will be effected in the city.

That leads me to my final point—the recent decision by the City of Adelaide Planning Commission to establish a subcommittee to review the plan on a continuing basis.

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

Mr BLACKER (Flinders): I wish to pick up where the member for Adelaide left off and to deal with the concern expressed by the Outdoor Advertising Association, and some of its comments. On 11 September, I received a communication from the association expressing concern at the lack of consultation between the association and the city council about the City of Adelaide Development Plan. I share the concern expressed by the association because, as it has been put to me, it appears that insufficient consideration had been given to the needs of the advertising industry at that time. Now, a real concern appears to be that the people who drafted the Bill are no longer available or are not within the employ of the council or its associates, so the council cannot liaise and consult with those people. There seems to be a breakdown in communication in that regard.

The original major concern was in regard to animated signs. One only has to note the number of animated signs around the city to realise what is involved. For instance, many cinemas have revolving lights around their main billboards, and under the guidelines they would be outlawed. However, I believe that there has been some consultation and that some compromise has been reached on that issue. Nevertheless, there is still concern about the control of fascia advertising and general static advertising. I am given to understand that the sign now on the Commonwealth Bank would not comply with the requirements of the Bill and with the present development plan.

I cannot argue that one way or the other but, if that is the concern, this House needs to recognise that we are looking to restrict advertising further and almost, if you like, to put the can on the advertising industry. That industry will not be able to expand into the more flamboyant, novel, and innovative methods of advertising that are to be seen overseas, and that worries me. Adelaide, although a pleasant place (and we would like it to remain that way), is the commerce and business centre for South Australia, and surely it is unreasonable to believe that such a centre should not be allowed to advertise its wares in the public forum at the public face for the benefit of the general community.

One can relate this to electorate offices. Most members seem to want good and well-exposed advertising of their membership of this House and of their electorate office. Although I do not suggest that this Bill takes that into account, nevertheless it is a desire of every person dealing with the public, be it in a commercial sense or a service sense, that advertising be presented in the most efficient and effective way. I raise that point because it has been drawn to my attention as I believe it has been drawn to the attention of every other member.

I do not go along with the opinion that advertising should be restricted further in the way suggested. I trust that the Minister can respond on this matter, because every person in business wishes to remain in business, and to that end due recognition should be given to the commercial sector. Indeed, that means the advertising industry, which is a large industry and a large employer of people in this State.

Mr S.J. BAKER (Mitcham): I support the Bill. Indeed, I had something to do with what is now called the Department of Environment and Planning. The complaint that most people have about dealing with local government concerns uncertainty, and one uncertainty previously involved the City of Adelaide having a set of principles and a set of regulations. Both of these are now being brought together under this Bill so that people can read them and take them into account when considering developments in the City of Adelaide.

I continue to have concerns about the way in which local government often applies the rules, and in this respect outdoor advertising is a good example. Certain councillors within the City of Mitcham decided to control a rampant outbreak of horrific advertisements by prescribing regulations as to form, colour and size. In the process, however, we finished up with a mixed bag and the idea was scrapped because it was totally impracticable to prescribe in the regulations a given set of rules that would apply, namely, how far certain items could protrude and where they should be placed.

It was found to be impossible to prescribe those matters. In the first place, most of the shops in Mitcham did not comply with the proposed regulations and, secondly, those shops that did were not of sufficient quality or calibre to suggest that they were any better than the ones that did not comply. The Outdoor Advertising Association has expressed concerns that reflect the problem that people have in dealing with councils. The member for Coles and the member for Flinders have both brought this matter to the attention of the House.

However, it does not stop at outdoor advertising: it goes much further. We live in a complex world in which there is no such thing as certainty. We have a proposal to contain the growth of Adelaide and in that proposal there is an understanding that medium density housing must become more prolific in the city if we wish to cater not so much for the expansion of the population but rather for the expansion of households. Household size is declining quite markedly with lower levels of fertility and a higher incidence of different forms of household formations such as single parent families, singles living alone and couples without children.

I do not want to take up the time of the House in debating this measure in great detail. I simply say that we should be aiming for a quality that is in keeping with the local environment. That sounds easy but, when we get down to it, it is far harder to define quality than quantity. I have had contact from several residents who said that, if the Government goes ahead with this plan, units will be built in the R1 zone. I said that that is quite correct and they were a little horrified at the prospect. They asked whether I would allow multiple dwellings to be built next to my property but I said that I would as long as the dwellings were in keeping with the flavour of the area in which I live. I would be quite happy to have the property next door, which is slowly

falling apart, removed and three or four units put on the land, provided they were in keeping with the quality of the area in which I live at Hawthorn, which I happen to think is a really nice and rather marvellous suburb.

It is not the proposition itself of multiple unit dwellings that worries me: it is their quality that is very important. Unfortunately, over time in the City of Adelaide and other local government areas in R2A and other zonings there is a proliferation of very substandard accommodation, that is, in terms of it being in keeping with the local area. If we were planning today for several parts of my area, we would not allow the type of buildings that were constructed. Multiple dwellings would be permitted but not the outrageous and atrocious designs of the 1960s and early 1970s because they are not in keeping with the area. They are quite horrible and do not add to the quality of the suburb concerned.

When debating this Bill, it is important to understand that council has an enormous responsibility to be more flexible in its approach. Planners must sit down with developers (we need people who want to develop this city and its surrounds) and explain that council expects certain standards to be adhered to. Developers put up possibilities, the council says that it is a prohibited or consent use, the developers spend a lot of money developing their proposal and then council says that it is not on. That has happened to some people in my area.

In many cases, councils will have to upgrade the quality of their staff, so that they can grapple with these matters. It is so important that we get them right. The worst thing that we can do is blight an area by putting up whatever is cheapest and nastiest. There are other problems, as well. If we restrict development too severely, people will not be willing to develop the city, and it is in need of redevelopment in a multi unit fashion. The Opposition has already indicated that it strongly supports restricting the boundaries of Adelaide and make better use of our infrastructure because it is far too costly to expand. I have been a strong proponent of that proposition for 20 years.

I ask that the City of Adelaide planners sit down, perhaps a little more often than they do at the moment, and make explicit what are their wishes for the City of Adelaide so that developers have no doubts as to what is and is not allowed, what will be supported and what will be struck out. That should not restrict innovation or stop people coming forward with new propositions. People in local government must be far more intelligent and flexible but firm in the way in which they deal with people so that we can accommodate what I think is a dream of every member of this House: to restrict the development of rural land on the fringe of the city. We must stop the development of vineyards and other agricultural areas.

The Hon. Jennifer Cashmore: Market gardens.

Mr S.J. BAKER: Market gardens and other areas that are agriculturally strong have been and continue to be swept aside by development. It means that the City of Adelaide must achieve the Condous dream of accommodating another 40 000 people within its boundaries. The inner and middle suburbs must accommodate more and more people than they have in the past. The way in which we have viewed the quarter acre block must change, and it can only change by good example. I refer to Margaret Thatcher and privatisation.

Mr Duigan: Some example!

Mr S.J. BAKER: Well, she was successful by picking the winners. For the population of this State, the City of Adelaide must pick the winners so that it can show to all the terrified councils and their terrified residents that we will not have an urban blight with the introduction of different forms of housing to accommodate more people. The City of Adelaide has a very serious responsibility in this regard. We cannot afford the debacle that has occurred with advertising signs in which the rules have been applied insensitively and without reason. They are applied far too rigidly. I have looked at the photographs of those signs that do not comply and I know that the old building next door does not comply with the new regulation, which is absolutely crazy. The City of Adelaide must face a number of challenges, and I expect it to be the flagship of a whole new way of thinking for urban development in this State. I support the Bill.

Mr LEWIS (Murray-Mallee): I wish to make a few comments because of my longstanding and continuing involvement in publicly formed organisations which address planning matters. The organisation to which I refer in particular and with which I have had the greatest involvement over the years is the Civic Trust. It was formed as a result of a meeting of people who got together under the aegis of the then Adult Education Department of the University of Adelaide following a seminar to address the problems that had been ignored by Governments in post-war development, in particular, in urban South Australia. We were concerned to ensure that good civic manners were part and parcel of the way in which we proceeded from that point forward in our development, at least of the metropolitan area if nowhere else.

The Civic Trust has had a very profound effect upon public awareness of the need for the basic principle of good civic manners and not to do things or to allow others to do things that are offensive and at the same time to avoid stultifying the capacity of people and business to invest in and develop the facilities from which goods and services are provided to the population at large. No society, whether it is governed by a centralist thinking Government of the left or a free enterprise thinking outfit of the right, can ignore the fact that it must provide the facilities from which people and their various structures service the needs of other people and other organisations in the commercial framework within which they live and function.

That being the case, we address the kinds of problems that have been highlighted, for example, in contemporary literature of that time by Robin Boyd in *Australian Ugliness*. I am only speaking from memory, but in any case this Bill attempts to address that kind of solution for the future options before us. I commend the Government for pursuing that principle. However, whether the Bill ultimately achieves that is a matter of conjecture. Most of us think that it will, if its implementation is pursued in the way in which the Minister described it would be in the second reading. My reading of the Bill, however, leads me to the conclusion that there is some likelihood of variation in the interpretation of the meaning of the proposals the Bill contains to that which the Minister explained.

In any case, so long as there are men and women of good will occupying positions of power and responsibility in the decisions that are taken relative to the future development of the city of Adelaide proper and the metropolitan precincts of it, then all things will go well. However, if some fanatical special interest groups get hold of the positions of power or advice to either the State Government or the City of Adelaide itself, we are in for trouble. This Bill will not change any of that. It has always been so and, indeed, this Bill probably makes it easier for that to be so in the future.

Other members have said in commenting on the current appearance of the streetscape in general and buildings in particular that there are examples of very bad structure in

terms of their visual impact. There are equally in Adelaide, as the honourable members for Coles and Adelaide have pointed out to the House, examples of where very good consequences have been derived from careful consideration of what ought to be and implementing it accordingly, rather than what might have been if nobody cared. So, it is true: if we do not care, who will?

Matters I also wish to put on the record were alluded to, indeed stated by, the member for Adelaide and other speakers. The greatest risks are the continuing encroachment on the parklands. Our parklands set Adelaide aside from other cities of the world—certainly other cities of this size. Since my time in this Parliament we have not been particularly diligent, indeed, we have behaved in a contrary fashion and allowed further alienation of public land which could have been returned to natural open space or at least open space made appropriate for formal and informal outdoor activity. We have allowed building development to alienate that space from the kind of pursuits to which I have just referred and I regret that.

I place on record that I am never happy to see that occur because I was brought up to believe (through primary school by a particular teacher and other people who had an influence on my values in this respect) to regard that unique aspect of Adelaide as almost sacrosanct. I have therefore felt a sense of outrage at the almost sacrilegious behaviour of certain public utilities and this and other South Australian Governments whenever parts of the parklands as Light surveyed them have been alienated for purposes other than parklands. Regardless of this legislation or anything else, it is likely that further alienation will occur. It seems that this Government is hell bent on building out the open space between the general boundaries described by North Terrace and the River Torrens. It is almost built out now.

I see no inclination whatever to slow down that rate of development. We have, in the last two or three decades, seen extensions to the buildings on the Adelaide University campus, the Royal Adelaide Hospital, the State Transport Authority controlled area in Hackney and in the precincts of the State Transport Authority area on North Terrace by the building of the Hyatt Hotel. I would not be at all surprised to find the railway yards further west also alienated permanently by further extensions. This whole process had its genesis when Adelaide Gaol was first built on parklands. It is regrettable that that decision was ever taken.

The greatest problem that the Adelaide City Council has—if it has a problem at all in terms of revenue—is the fact that neither State nor Federal Governments have any commitment; indeed, they have the legal authority simply to ignore what I regard as their legitimate obligations to pay for occupation of space and property within the precincts of Adelaide in the form of rates as does everybody else. It would be a good thing if State and Federal Governments did not own buildings but leased them on a very long term basis, if needs be, for periods of two or three decades in a slab from people who develop those buildings privately; thereby, through the mechanism of the agreement for the price they paid for the floor space they occupy, a percentage would notionally be built into such price, that is the rent, to accommodate the cost of rates that had to be paid by the owner of the building to the local government body—in this case the Adelaide City Council.

Those things impinge on the capacity of local government in general and the Adelaide City Council in particular to exercise their responsibility to the community at large in not only scrutinising the plans that developers have to ensure that they fit in with the overall environment into which they are to be placed but also provide other essential services, at least as designated by law that local government has to provide. The burden of the cost falls more heavily on other ratepayers as a consequence of the occupation of the space within any given local government area by State and Commonwealth Government owned property and development. That is not fair.

If we can achieve, as I have heard the Minister say this measure seeks to achieve, the kind of things he has stated we wish to achieve through this legislation and which my colleague, the spokesperson for my side of politics on these matters (the member for Coles) has referred to, we are again on the right track. I therefore conclude my remarks without addressing any particular aspect of the Bill in detail, knowing that my colleague the member for Coles has a number of questions she wishes to ask the Minister during the Committee stage.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I thank honourable members for the consideration they have given to this measure. Because so much has been said, it seems unnecessary for me to do more than pick up three or four points that have been made in the debate without in any way suggesting that this Bill is other than a very important measure, or at least that which it seeks to incorporate is a very important measure. I join with other members in saying that Adelaide is a picturesque and exciting place and that we want to keep it that way.

The member for Coles, for example, referred to passing through the city of Adelaide on her way to school. I used to do the same thing. A passion for both chivalry and accuracy induces me to say that my experience predates hers by one or two years. The advice given to me as a schoolboy who had to walk from the Adelaide railway station to the Adelaide Boys High School on West Terrace was to keep out of Hindley Street. She who gave me that advice and who no doubt will read this record at some stage will probably read without any surprise that that was a recipe for having a look at Hindley Street. In those days I found that a very disappointing and rather dull place. As a whole Adelaide is not a disappointing and dull place and, in more recent times, my reasonably intimate knowledge of many of the backstreets of Adelaide has been as a result of jogging around the city, usually during the tea break when the House sits. I have come to appreciate those areas where special lighting and special treatment of the street surfaces, and so on, have been provided—

The Hon. Jennifer Cashmore interjecting:

The Hon. D.J. HOPGOOD: And Light Square is very different. As I was going to add, those things have been provided by the City of Adelaide. The member for Flinders raised the matter of advertising. Perhaps I can summarise the result of those negotiations by saying that what finally emerged was that we have before us in the plan substantially that which was in the old plan, with the exception of Victoria Square itself, where that which was in the earlier draft of the new City of Adelaide Plan has been retained.

In what I thought was an otherwise eminently sensible contribution, the member for Murray-Mallee referred to the Government's being hellbent on developing the area between North Terrace and the river. In supporting that statement he pointed to things that had happened a long time ago. He also pointed to the ASER project, for which I assume he voted when that matter was before the Parliament. I doubt very much whether anybody would want to argue that the railyards of the Adelaide station were in any sensible sense open space, and there is a sense in which I believe the ASER project opens up an area to pedestrians in the city of Adelaide which was otherwise denied to them.

In any event, that is a rather ancient debate and one that is well behind us. I simply refer the honourable member, if he is interested in the Government's blueprint for the parklands or that which we believe is reasonable to be returned to parkland use, to those recommendations which were made to the Government by Commissioner Tomkinson of the Planning Appeals Tribunal a year or so ago. That is the blueprint and that remains in front of the Government. Some of that which was recommended by the commissioner has already passed into parkland use and, although several of the larger projects have fallen on reasonably hard fiscal times, nonetheless that remains the Government's intention, and nothing will be done by the Government to make it more difficult eventually to achieve that objective, whenever that would be and whenever the resources are available for it to be achieved.

The member for Coles raised several matters. She raised the matter of the timing of this whole business. It has taken a long time but, when one is dealing with what essentially is a supplementary development plan, that is not unusual. I have known supplementary development plans to be around the place for five years, sometimes with the willing connivance of the local government authority which first put them together, because of certain matters that have arisen. I regard five years as being a little beyond the pale, but in these matters the important thing is, first, that you do not lose control in the process (and I would have thought that the Act makes that perfectly clear); and, secondly, irrespective of the time taken, that you get it right. I should just share this with members. The former Planner of the City of Adelaide, Mr Harry Bechervaise, started working with the council in 1984 and immediately moved into the preliminary work for the review of the plan. As a result of his work and the work of others the plan went on display in March 1986, so there was a period of 13 months from the time that it went on display before the council actually adopted it.

As the member for Coles said, there has been a period since late April or early May of this year when the plan has been before the City of Adelaide Planning Commission. It has taken a long time, but again I make the point that the old plan is not out of date. There are many situations where a developer comes forward with an application for the development of a piece of land which is located somewhere in the City of Adelaide, but the new plan requires nothing different of him or her than that contained in the old plan. In that respect it cannot possibly be out of date.

The planning prescriptions change in other respects such as in relation to precincts or blocks of land which are part of those precincts, but the law which is relevant is the law which applied at the time of the lodgment of the application. Consequently, it cannot be said that the city has in any way stood naked and vulnerable against the onslaughts of developers, because the planning system goes on and controls continue to be in place. I make no apology for the time that it has taken for us to get to this point.

The honourable member referred to the nature of the draft document and I understand that it will take the Government Printer three weeks or more to take account of a document of that magnitude. What is important is that we are nearly at the end of the process. Given that I expect next time around that the process is unlikely to be significantly attenuated, then we have before us a plan that will last for at least five years and, in any event, I detect from the discussions that are taking place between my officers and the City Council that an attempt is being made to move away from a situation where everybody, as it were, goes to sleep for 3½ to 4 years and then there is a flurry of activity, a new plan is prepared and then everybody goes back to sleep again. I think that we can probably anticipate that there will be more continued ongoing review of the plan, more like the sort of thing that tends to happen under the Planning Act outside of the city of Adelaide in certain local government authorities and in contradistinction to what has occurred up until now.

The member for Coles also raised the matter of heritage listing. I think the only thing I can say in respect of that is that the honourable member would be aware, as all members would be aware, that when a building or an area is heritage listed, that does not preserve it in aspic. In a sense it moves that area or building, or whatever it should be, effectively into the category of prohibited development, or perhaps it is better to say that a second planning system meshes over the conventional planning system, be it in the Planning Act or in the City of Adelaide Planning Act and, as a result, a further procedure has to be followed through. If it can be shown that willy nilly the listing is given little weight at all in the deliberations of the particular decision-making authorities that apply (in this case the City of Adelaide Planning Commission), then that tends to bring the whole system into disrepute, but I submit that that is not what has happened.

For the most part, we are aware that listed items are unlikely to be significantly altered, despite what planning applications may come forward, but there is always a procedure whereby it is possible, through negotiations, for certain modifications to be made to areas and to buildings, provided that this is done with some degree of sensitivity.

The matter of sensitivity brings in that which bedevils the whole of the heritage debate and that is the fact that there is always an element of subjectivity in these matters. That is something with which I am uncomfortable, and I make no bones about that. In any area that falls within my province, I much prefer objectivity rather than subjectivity, but perhaps somebody was not altogether wrong when they said, 'Life was not meant to be easy.' The subjective element that is present in all of these heritage listings means that there will always be a very fruitful ground for debate which sometimes will be positive and at other times will perhaps be at a lower level than we would prefer. Those who read our newspapers see both occurring almost daily, and I cannot pretend that any scheme of legislation is ever likely to be able to eliminate that altogether, let alone this piece of legislation that we have before us, excellent though it may be, and for that reason I commend it to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Exceptions.'

The Hon. JENNIFER CASHMORE: In his second reading reply the Minister acknowledged the delays that have occurred and referred to the fact that henceforth it is likely that there will be a process of continuous review of the City of Adelaide Plan. Given that it is a five year plan, can the Minister advise the Committee whether he sees any alteration in the procedure by which in future five year plans will be dealt with? I ask this question because, given the merits of continuous review, and that is obviously a very sensible proposal, it may well be that a desirable change is identified, let us say, in the next nine months, so do we then have to wait three years and two months before that change can be implemented, or is there any mechanism whatsoever whereby the process of continuous review can be translated into a process of continuous adjustment so that we do not have to live with what is demonstrably an unsatisfactory situation requiring remedy until the end of

the planning period and, if the past situation should recur, 12 months beyond the end of the planning period?

The Hon. D.J. HOPGOOD: The Act does not require a five year period. In other words, it would not be necessary for me to have to race in here and get an amendment through the Parliament for that to occur. The procedure would simply be that, either the City of Adelaide or my officers, having identified or having had identified to them what seemed to be a reasonable amendment to the plan, would then have that processed through the normal procedure of getting agreement between the two parties, at least sufficient for it to go on public exhibition, with it then being referred to the City of Adelaide Planning Commission, which, through me, could recommend to the Govenor that an appropriate amendment take place. I understand that the commission will be having further discussions about this.

What I cannot answer for the honourable member is whether at this stage we should be considering a formal mechanism for thorough-going review all the time or whether more it is a matter of what happens in local government outside the City of Adelaide at present in relation to supplementary development plans, namely, that they identify a need for amendment and in the light of that proceed with a supplementary development plan: in other words, whether it is to be done on a formal basis or on an opportunistic basis. That is something that is still under consideration, but I can indicate that in any event it is not necessary for the Parliament to speak for that to happen. The Act is clear, and we could proceed along the lines that I have indicated.

The Hon. JENNIFER CASHMORE: In the second reading debate I identified the response of the Joint Industry Committee on Planning to the original draft plan. I must say that I think that the fact that the Joint Industry Committee on Planning has indicated to me—and I presume also to the Minister—that it is now happy with the plan is a tremendous tribute to those who have been in charge of adjustments. I refer particularly to the Director of Planning in the Minister's own department who has been appointed as the new City of Adelaide Planner.

To think back to the furore that occurred in early 1986, I think it was, with the architects expressing their acute concern with the plan, as well as other groups, such as the Building Owners and Managers Association, expressing concern, the fact that those groups have now expressed themselves as being satisfied with the plan is to my mind an extremely healthy sign and a great tribute to the process of consultation. However, the Outdoor Advertising Group, which has been referred to by each speaker in this debate, is still not entirely happy, I understand. Can the Minister indicate whether the consideration given to the Outdoor Advertising Association by the Government after the plan had left the City of Adelaide, and indeed after it had left the City of Adelaide Planning Commission, had any precedent in terms of the Government itself making changes in response to submissions which were received after the plan had gone through all those stages? I believe that it would be unprecedented for such consideration to be given—and it was not given to anyone else. I would just like the Minister to clarify this.

The Hon. D.J. HOPGOOD: Without wanting to scratch their backs unduly, I doubt whether any of my advisers would be old enough to remember. I do not recall that, on the other occasions previously when a plan or a revision of a plan has gone through, it was necessary for the Government to make adjustments at that late stage in the process. I will try to get advice for the honourable member, but I think it is most unlikely. On previous occasions, I think that which was put before Government by the commission was processed through to the *Gazette*.

I just make one other point in relation to what the honourable member said about some of the industry groups, the architects and the like. I certainly underlie what she has said about the officers, and I refer particularly to Mr Hodgson, and the work that was done with those groups. Some of that involved some accommodation to the point of view that they were putting up. Some of it involved a degree of learning on the part of those groups as to what we were really on about, and I guess that is another argument in favour of a more continuous review because, if, as it were, the planners go off and do other things for three or four years and then return to the matter, so it is true, of course, that people in industry do the same sort of thing, and when they come back to a project sometimes a degree of re-education must take place as to what the whole philosophy behind the plan is and why one is moving in a particular direction. Once that is explained, then people tend to say, 'Oh well, we can understand what it is all about now, we are rather more reassured.' A more continuous review, as it were, would keep people exterior to the planning system, if I can use that term, on their toes, as much as it kept the planners on their toes and perhaps save some of them the time that is required in 're-education'.

The Hon. JENNIFER CASHMORE: In his speech the member for Adelaide referred to the transferable plot ratios used as a technique to provide incentive for the restoration of heritage buildings. I have heard many conflicting reports about the efficacy of this technique. I suppose it depends on whether one is sympathetic to the very notion of retaining heritage buildings, whether one is inclined to look for the bright side of transferable plot ratios, or look for examples of where they have not worked. I would be grateful if the Minister could give the Committee examples from other cities, other States, or other countries, if possible, which demonstrate that transferable plot ratios as a technique to encourage restoration of heritage buildings is indeed an effective method. Does the Minister foresee that this present plan will embody those ratios as an experimental technique, or does he see it as being something that is likely to be in place for a long time to come?

The Hon. D.J. HOPGOOD: I think there is probably an element of experimentation here. We would expect that this system would give us more tunes with which to play and, therefore, increase the options available for protecting the essentials of heritage items. In all these things, I guess we have to review the situation after a period and see how well it is working. I think it gets down to something that the member for Murray-Mallee was saying in his second reading contribution: it is very much up to the people who are operating the system to ensure that it is operated properly.

I cannot off the top of my head provide specific examples, although I could get that information for the honourable member. I am aware that this is not a system that originated in our city: it has been used in other places and seems to have been used with a degree of success. I can get a good deal of information and give that to the honourable member in writing, if necessary.

Clause passed.

Title passed.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That this Bill be now read a third time.

In commending the Bill to the House a third time I take the opportunity of commending to all members all of those

people who have contributed to our getting to this point. I refer to the Lord Mayor, his predecessor and their staff, the former City Planner, Mr Harry Bechervaise; to my Director-General and his staff of the Department of Environment and Planning, in particular Mr Hodgson, who, of course, will shortly be leaving us to become the City Planner; to the elected members of the Adelaide City Council; and to the City of Adelaide Planning Commission.

We have had a very large number of people involved and a great deal of goodwill exhibited to try to ensure that the plan that emerges is one which provides a flexible and imaginative blueprint for the City of Adelaide for the next five years, irrespective of what changes might take place in the meantime. I would like to commend all of those people to honourable members and to express my gratitude for the way in which they have assisted all of us in bringing this task to its successful conclusion.

The Hon. JENNIFER CASHMORE (Coles): At the third reading stage I would simply like to reinforce the Minister's complimentary statements about the former Lord Mayor, Jim Jarvis and the present Lord Mayor, Steve Condous, the council and its staff, the Minister's department and its staff, and other groups, the most notable of which would be the staff of the *Adelaide Review* for their contribution to the planning debate, which I think has been quite outstanding. They have led in a field which is often vacant and they have made sure that, because of the nature of their readership, they are speaking to opinion makers in matters of planning. I can only echo the Minister's sentiments and wish this plan well for the sake of the city and for the sake of the State.

Bill read a third time and passed.

Mrs APPLEBY: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

WORKERS REHABILITATION AND COMPENSATION ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Labour), having obtained the suspension of Standing Orders, moved:

That the order of the House made on Thursday 26 November in relation to the adjourned debate on the Bill be rescinded.

The SPEAKER: I have counted the House and, there being present an absolute majority of the whole number of members of the House, I accept the motion. Is it seconded?

Honourable members: Yes, Sir.

Motion carried.

The Hon. FRANK BLEVINS: I move:

That Standing Orders be so far suspended as to enable the adjourned debate on the second reading of the Bill to be taken into consideration forthwith.

The SPEAKER: I have counted the House and, there being present an absolute majority of the whole number of members of the House, I accept the motion. Is it seconded?

Honourable members: Yes, Sir.

Motion carried.

Mr S.J. BAKER (Mitcham): The Opposition supports this Bill. It is a very simple measure which is meant to tidy up an anomaly which occurred with the original drafting of the Bill. Members may cast their minds back to when the Bill passed this House. At that time there was an interpretation that the term 'share of profits' as contained in subclause (3) of the definitions clause would cover the situation where fishermen employed or jointly contracted with other people to work a fishing vessel.

It was the intention of this House that those people who shared in the profits or in the gross receipts should be exempted from the purview of the Act. That intention, of course, has since been discounted. We have found that there is a great deal of confusion about whether fishermen who share in the gross receipts of a fishing vessel are included under or excluded from the provisions of the Act. This amendment—and I congratulate the member for Flinders for bringing it to the House—is designed to correct any misinterpretation or misunderstanding about the legislation. It now provides that those fishermen who share in the running of a boat and are strictly not employees of the owner or the manager of the boat shall be excluded from the workers compensation provisions.

I shall be brief because there will be another time and another place in which to go into an extended debate on the problems of WorkCover. However, the House should realise the difficulties concerning definition under this legislation. In a regulation dated 12 November 1987, the Government has excluded qualified plumbers from the ambit of the Act. I am rather interested that the Government has determined that, because of difficulties faced by the South Australian Gas Company, plumbers should be excluded as an interim measure with the long-term intention of bringing them under the Act. In that regard, the Government moved rapidly to look after its own, yet we still have real problems regarding casuals and contractors that are not being addressed, with the result that people are not sure whether they are included under or excluded from the Act.

In this Bill action is being taken on the initiative of the member for Flinders, but the Government has not taken the initiative on many other fronts. I have received considerable correspondence from people who, on inquiring of WorkCover or the board whether they came under legislation, were told, 'Pay your levy to ensure that you comply, and we will tell you later whether you are in or out.' That is fine in terms of complying with WorkCover but, if the board suddenly decides that such people are not covered by the Act, they are left in a dilemma because they have no insurance cover.

Taxi owners, for example, are in that situation as regards their relief drivers. If a relief driver is engaged so that the taxi can be kept on the road for 24 hours of the day, the board, when asked whether such a driver was covered by the Act, has said, 'Pay your levy and we will decide later.' In the case of many transport contractors, casual domestics, and casual farm workers, the rules are not clear enough as to whether or not such people are covered by the Act. I am concerned about this matter because, although these people may pay their levy, they suddenly find out that they are not covered in the event of accident and they are left with nothing. There may be more than one example of this.

So, we have tidied up one small anomaly in this legislation, but difficulties in other areas must be addressed. I understood that there were more than 20 pages of amendments to come before members, so I assumed that we would debate the merits or otherwise of WorkCover some time this year. If that is not the case and if the debate is to take place next year, I will canvass these difficulties vigorously on that occasion.

I will refer to certain anomalies including the trend, already apparent in Victoria, of the present system leading either to a doubling of premiums or to a reduction to a 60 per cent payment to workers (they cannot have it both ways). We must do something about the charitable and sporting organisations that are disadvantaged under the current

WorkCover scheme, where anomalies concerning chiropractors and many other people who have been misclassified must be sorted out; where non-payment of workers must be addressed urgently; where lack of contact with staff on difficult problems is causing difficulties; where indifferent advice has been given to people who have tried to get information from WorkCover or the board; and where there have been expressions of concern about surveillance.

All these matters are extremely important, but they will have to wait until next year and I will not bring them to the attention of members today. The Opposition supports the measure before the House. It clarifies a sticky situation but there are many other sticky situations that should have been addressed as a matter of priority before this time.

The Hon. FRANK BLEVINS (Minister of Labour): The Government supports the second reading of this Bill. It is a very small Bill with a very narrow compass. There is no mention in the Bill about plumbers, taxi drivers or anybody else. It relates quite specifically to workers engaged in the fishing industry.

The problem experienced when drawing up the legislation was quite succinctly outlined in the second reading explanation of the member for Flinders. He stated that we have two legal opinions; one which says that it is all right and another which says that it is not all right. As a layperson, I am not competent to pass an opinion on that and, given the lack of lawyers on the other side of the Chamber during the passage of the original legislation, it is understandable that the Opposition could not pick between the varying legal opinions, either.

The question of further amendments to the Workers Rehabilitation and Compensation Act will be considered by the Government in the new year. As I have stated on previous occasions when speaking to this legislation and during Question Time, there will be a number of amendments and I guess that Parliament will amend this particular Act every session as long as it remains an Act of Parliament, the same as Parliament amends the Planning Act, the Local Government Act and a whole range of other Acts every session. That is the nature of this type of legislation.

I appreciate that there could be some problems in the fishing industry if this amendment does not go through at this time, so I commend the member for Flinders for taking the initiative, although it was at the eleventh hour. Part of the fishing industry is about to commence its season and it is desirable that this particular amending Bill pass. In summary, the Bill is necessary. It could prevent some difficulties within the Act for people engaged in the fishing industry. For that reason the Government is happy to make Government time available to the member for Flinders, for which he is duly grateful. The Government supports the speedy passage of this legislation.

Mr BLACKER (Flinders): I thank the Minister for facilitating the passage of this Bill. I also thank the Opposition for its support of it. I recognise that the Government has given priority and used Government time to allow the passage of this Bill, and I am sure that it will be appreciated by the industry. It is a grey area that needed clarification and I trust that, when this Bill passes both Houses, it will rectify that matter. I ask the House to support the Bill.

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

TERTIARY EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 1986.)

The Hon. JENNIFER CASHMORE (Coles): This short Bill seeks to establish the South Australian Institute of Languages as a statutory body. As an interim ministerial committee, the South Australian Institute of Languages was established about three months ago and funding has already been provided by the State Government. I understand that the institute is currently advertising for a part-time Director and an assistant, hence the one might say pre-emptory introduction and debate on this Bill.

The establishment of this institute has been mooted for some years. In fact, during the period of the Tonkin Government it was discussed. However, it was first raised in 1984 in the report of the task force to investigate multiculturalism in education (the Smolicz report). It recommended that the institute be established at the South Australian College of Advanced Education. The Opposition wholeheartedly supports the concept and principle of an institute of languages. It is more than worthwhile. I see it as being essential that, in a multicultural society, we do more than pay lip service. We should embody in the appropriate form the mechanisms needed to fulfil a multicultural society, and language is clearly one of the most important instruments of so doing.

I have the privilege of representing an electorate that emcompasses a significant variety of ethnic groups, and I imagine that, these days, most metropolitan members have that privilege. In my own electorate, the Italian constituency is significant and there are many Italian speaking people, as there are in the neighbouring electorates of Hartley and Todd. It is because of that that the member for Hartley and I have found it desirable and rewarding to attempt to learn the Italian language. I use the word 'attempt' in my own case but I believe that the member for Hartley has mastered his attempt.

I found my efforts immensely rewarding in the personal sense and I also found a reaffirmation of what I had intellectually known but had to experience again, namely, that language as a means of communication of ideas and thought has to be experienced in reality before one can fully comprehend the culture of a nation or a people. Language is the instrument of culture. It is obviously the primary instrument and, unless we can give Australians access to that primary instrument, our attempts to establish a multicultural society will founder. I have been impressed and quite touched at what has happened in my own electorate in the 10 years since I have been in Parliament.

In 1977 no thought would have been given to designating areas in high schools with signs in the home or national language of origin of many of the students. Now I can walk around Morialta High School or Campbelltown High School (which is no longer in my electorate) and see signs designated *uffizio, giardino* or whatever is appropriate. Immediately the message with the single word is abundantly clear. The message is, 'We care about our students, respect their culture and wish them and their parents to feel at home and welcome.' A single word is the means of doing that.

It is tiny examples like that, and they can multiply a thousand times, that bring home very forcefully to us the critical importance of language and the absolute necessity of establishing a means in our community to give primacy to language as a key factor in achieving the ideal multicultural community. The purposes of the institute are as follows:

(a) to facilitate the introduction and maintenance within the tertiary institutions of as wide a range as practicable of courses in languages;

(b) to coordinate in consultation with the tertiary institutions, courses in languages offered at the tertiary institutions;

(c) to promote cooperation between the tertiary institutions in areas such as cross-accreditation and recognition of courses in languages;
(d) to establish courses for the continuing professional development of language teachers and other professionals in the languages field;
(e) to promote access for South Australians to courses in languages offered outside of South Australia;
(f) to promote the development and implementation of languages policy in the South Australian community;
(g) to provide clearing house and information services about language learning and language teaching at all levels;
(h) to maximise available human resources to the purposes of the institute;
(i) to conduct available research as required in order to carry out the above purposes; and
(j) to consult with the tertiary institutions and the South Australian and Commonwealth Governments in relation to the purposes of the institute.

If those goals are achievable, the institute will be making a massive contribution to multi-culturism in South Australia.

Beyond multi-culturism it will be making a massive contribution to the economic wellbeing of this State, to our capacity to deal with our trading partners effectively, to our capacity to attract, re-attract and retain visitors as part of the great tourism industry, and one could go further into areas for which South Australia is well known, namely, by the power of example to demonstrate in other States and other nations that initiatives of this kind are eminently worthwhile, not only in the cultural sense but also in the broad economic sense.

The goals are large goals and it would be foolish of us to believe that they could all be achieved. If the institute manages to achieve a proportion of them, I believe it will be doing very well indeed. I would regard the key goals as being paragraphs *(a), (b),* and *(d).*

In relation to paragraph *(a),* it is desirable that such courses be relevant to the cultural and economic needs of the State and the nation. However, there will always be people who, for purely scholastic reasons and reasons of intellectual fulfilment, will wish to learn languages that could be described as esoteric. Those languages should not be overlooked. There will always be arguments about what is esoteric.

Unfortunately, for the last couple of decades classical Latin has been regarded as being of an esoteric nature. At my son's school only two students wished to study it in matriculation three years ago. However, those two students were allotted a classics master and given every opportunity to study that subject. I considered that to be a privilege and a luxury, but my own view of Latin is that, if it is not a necessity, it is a highly desirable language for anyone who wishes to understand and use English effectively. That is one simple example along with Sanskrit, classical Greek and other languages that may not have an immediate practical application in South Australia today but, nevertheless, have great value and should never be lost from academic institutions without very good reason.

As wide a range as practical of courses in languages is a very important primary goal, and that is where the second goal of coordination in consultation with the tertiary institutions of courses in languages offered at the tertiary institutions needs to be addressed. I suggest that the consultation needs to go way beyond the tertiary institutions. It needs to take place with industry, both secondary industry and the tourism industry as well as with primary industry. I cite as an example the desirability of the wine industry in South Australia being able to send students of viticulture to France who can understand French texts. I was unaware of the desirability of this because French tends to be downgraded these days as no longer the language of diplomacy (as English has replaced it) and as being of lesser importance, although it is traditionally taught in Australian schools. In developing the Liberal Party's wine industry development and promotion policy, I learnt that this access to French texts by those who understand the wine industry is a very important move.

There are multitudes of examples to demonstrate the importance of the Institute of Languages. Objective *(d)* was to establish courses for the continuing professional development of language teachers and other professionals in the languages field, which is obviously critical. Unless teachers and other professionals can undertake continuing professional development, the remaining goals of the institute will certainly be much more difficult to achieve. This professional development is something upon which the Liberal Party places great value, and I hope that the institute will give that goal strong emphasis.

Having indicated that we firmly support the concept and goals of the institute, I am bound to state that the Liberal Party has considerable concern about what we regard as being a totally inadequate statutory framework for the institute. I know of no precedent for an institute being established under statute and being quite silent in the Act on the powers, functions and composition of the institute. The Minister made it clear that that will be left to regulation, that the Government wants some flexibility in establishing this institute on what I presume initially will be an experimental basis and, therefore, it is not desirable to be prescriptive at this stage. We do not believe that that is a satisfactory introduction for an institute, and it is certainly not a satisfactory way of framing a Bill.

My colleagues and I are aware of the sense of urgency which accompanies this legislation. However, the Government has had five years to introduce this Bill. It is deplorable that a Bill of such importance should be introduced on the eve of the closing week of Parliament for this year and that we should be expected to pass it through both Houses of Parliament in a matter of three days.

Mr S.J. Baker: It's disgraceful.

The Hon. JENNIFER CASHMORE: It is disgraceful. It has taken five years to introduce it, with fewer than five days to consider it and to consult on it. Probably—

Mrs Appleby interjecting:

The Hon. JENNIFER CASHMORE: The Government Whip suggests that we use the time to talk about it instead of criticising it. The Opposition would be negligent in its duty if it did not draw the attention of Parliament to the inadequacy of the framework of the Bill. There is no disputing the fact that this is an inadequate structure which is silent on matters upon which all other Acts are quite specific. In our opinion, that is unacceptable. However, in view of the importance of the goal of the legislation, we are willing to support it, but we most certainly seek assurances from the Minister that in 1988 there will be amendments to this legislation which will include the incorporation in the Bill of the powers, function and composition of the institute. Without such assurances, in our opinion it would not be responsible to proceed.

I also give notice to the House that my colleagues in another place intend to move (I understand with the support of the Minister) for an amendment which will provide that after three years there should be an independent review of the operation of the institute. This is important, because we are embarking upon untrodden ground. In a bipartisan approach, we all want that ground to be successfully covered, and I think that it is good for those who are involved in the institute to know that their work will be under scrutiny, that it is supportively regarded, and that, if the proposed structure proves to be lacking in any regard, then

it will be the subject of an independent review and action will be taken as a result of that. The Minister (and I gather his principal advisers on this matter) are in accord with this proposal. Therefore, we can say with confidence that there is a bipartisan approach to the Bill.

I understand that none of the major tertiary institutions opposes the Bill and that they also support the principle, as do the majority of ethnic community leaders. However, I stress that this institute is not solely for the benefit of ethnic communities but, rather, it is for the benefit of the whole community. Whilst it may be thought that the ethnic communities will be the principal beneficiaries, I believe that the whole of South Australia (and beyond it, Australia) will be the beneficiaries. Those of us who are monolingual should have the opportunity to learn another language. The car sticker and slogan which states, 'Bilingual is beautiful' perhaps is only half the story—multilingual would be even more beautiful. The more young people especially who can learn a second language and put that to good use, the better we will be.

I have often wondered whether any university graduate has contemplated as a thesis subject the economic and cultural impact of student exchange programs on the country of origin (in our case, Australia) and the beneficial economic and cultural impact of those programs. I know of many young people who have had the opportunity to learn a language in an overseas country and who have come back to put that language to very good use for Australia's sake. I refer particularly to the Rotary and AFS exchange students, and specifically to those who go to South-East Asia and who have contributed an enormous amount in business, commerce and Academe by virtue of the fluency that they have gained in their respective languages.

One could speak for a long time on this subject. I have sketched it in but lightly. Referring to my own electorate, I know that the human benefits that flow from a recognition of the primacy of language in the lives of individuals are incalculable. I have seen kindergarten children of various ethnic origins and their parents embarking on education in a circumstance that is strange. They were shy people and lacking in confidence, but they have been transformed into happy and confident individuals as a result of the recognition at kindergarten stage, beyond that at primary school and at high school, of the integrity of their language, of its relationship to their lives and of its relevance to Australian culture. I conclude by reaffirming the Opposition's support for the Bill. I re-emphasise our concerns, which I believe the Minister recognises and intends to address, and I wish the institute and all who work with it and for it very well indeed.

Mr S.G. EVANS (Davenport): I support the principle that is encompassed in setting up an Institute of Languages. In saying that, I do not say that it is the be all and end all in overcoming language difficulties, or that we have a lot of language difficulties. One thing that amazes me in this day and age is that most other countries that we deal with are striving to teach their people English. In fact, even a country such as France, which really hated the English as a race and tends to feel the same way towards you if you go there and speak English (you have to tell them very quickly that you are an Australian and you get better service) is changing its attitude. English has been encouraged as a language in its schools; in fact, it is nigh on compulsory, as is the case in Italy and in other European countries.

The same applies in relation to Asia. I well remember the occasion when a young lass, a student from Japan, came to stay with us. Primarily she was here to learn English, and perhaps our customs. When I visited her home, with my wife, in 1976, now more than a decade ago, I was interested to find one of her two brothers was at the Harvard University in America and the other was hoping to go to Cambridge in England. When I spoke to her father, who employed some 350 employees dealing with international contracts, I was told that the reason for the drift away from writing or signing contracts in Japanese or Asian languages, was that such languages are not as precise for this purpose as is perhaps German or English. There was no mention of French, and I have no knowledge of that at all. It was pointed out to me that that was part of how the honour system developed in Asian countries, and that one needs witnesses to give an indication of what is included in a contract because it is written not in letters as we know them, but rather a design or a drawing of figures.

The Hon. Jennifer Cashmore: Characters.

Mr S.G. EVANS: Yes, characters—I thank the honourable member for that. For that reason Asian languages are not good languages in which to write contracts, and so they are striving to teach their young people—and I emphasise that it is the young ones—our language. Perhaps many of them know our language better than we do—or better than I know it, anyway, as mine has in it some Aussie slang. At the same time, we are striving towards teaching our people their language.

I see an advantage of that for our tourism industry, because the older tourists will not be able to learn our language quickly enough to have the benefit of communicating in English when they come here. So, it will be advantageous for young people who go to Japan, China, Germany, France or elsewhere to know the language. However, the vast majority of Europeans coming here have a knowledge of our language, even those in the older age group, and we can communicate with them to a degree. That is not always the case with, say, Greeks or Italians, but it is the case in respect of people from more northerly parts of Europe.

I am a little disturbed at the change that is occurring at the moment with schools pushing very strongly towards teaching Asian languages while neglecting to some degree (or ignoring, or putting a lower profile on) the teaching of French and German in schools. I am referring to schools rather than tertiary institutions. I have written to the Minister of Education in relation to the fact that the teaching of French in primary schools has gradually been pushed into the background a bit, with Asian languages being pushed to the fore. I would love to have some knowledge of German or French, because I believe that it helps with our language.

Mr S.J. Baker interjecting:

Mr S.G. EVANS: The member for Mitcham said he could help me out. That is well and good.I was saying that it helps with understanding our language. I believe that it is a distinct advantage—I have learnt that since being here—and I would be very disapponted if that trend in schools continues. I raise this matter in debate because I have written to the Minister of Education expressing that concern.

Another concern I have is that we must also make sure that our own language is taught to the highest possible standard. It is no good learning—and I have learnt this since being here—a language to a moderate standard, when one can learn it to a higher standard. I know what my reaction was to learning English at school; I detested the language and had great difficulty with it.

Mr Robertson: Nothing has changed.

Mr S.G. EVANS: I do not deny that—had the member for Bright had the same background he might have found the same difficulty. He may not have had that problem, but

if he is so knowledgeable and is the great one, knows it perfectly and has no difficulty with it, then I am quite happy with that sort of interjection from him. However, there are other qualities on which to judge a person, and sometimes they are more important than being able to speak perfectly. I know the benefits or otherwise of being in the category to which I referred. This is no reflection on my teachers, even though I used to get the cane every Friday for bad spelling. In fact, I still think that one of my teachers was one of the best that I ever had. He is a lovely guy and is alive today, and he would remember as well as I do the incidents that I have mentioned. The point I am making is that in recent years there has been a tendency to let our language slide. I know that, because people who come to work in my office cannot spell even as well as I can, and considering my background they should be able to spell better, having come through the system today.

I come back to the matter of the institute that is to be set up. I think it is a great idea, and that that having a review at the end of three years is a sensible approach. I do not think it puts at risk the whole winding down of an institution; it is just saying that part of it may need to look at a different set of guidelines. It should not always be a government that decides what the guidelines should be. Parliament has a role to play on behalf of the taxpayers. The role of Government is to manage taxpayers' money for a term and then another Government, of either the same or different philosophy, with different personnel, takes control at the end of that term. There is nothing wrong with having a review. If a Government with a differing philosophy comes to power it would be quite keen to have a review, as that then gives the new Government a chance to have an input into what is occurring. I agree that that is a satisfactory way to operate.

I want to finish on a different note. Another group of people in our community speak another language, and in the tertiary field we are not creating enough tutors to go out and help those in this category who are young, let alone more mature or ageing—and I refer to those with the disability of being deaf. We are still limiting the funds that we are making available for ensuring that sufficient people are available to teach the deaf. I am not sure whether the Institute of Languages will be involved with this or whether it will train people in the teaching of braille. But the matter of teaching the deaf is of major concern. Some of these people, of high intelligence, are denied the opportunity to communicate because they cannot hear us.

So, in backing the formation of an Institute of Languages I ask people in the education field and the tertiary institutions not to forget this group of people. I support all the objectives of the institute which this Bill will set up, but words are easy to write and, as is the case at the moment, they are fairly easy to speak, but we must ensure that the end result is what we want. I hope that in future we do not tend to simply chase the Asian languages and forget about the others on which, essentially, our own language has been built. At the same time, we must not forget about teaching our own language to young people. I support the Bill.

The Hon. LYNN ARNOLD (Minister of Employment and Further Education): I thank members for their contributions. I can see that I am not likely to get more than 10 seconds to speak on this occasion and, obviously, I will have to make the bulk of my comments after the dinner adjournment. However, I wish to thank members for the comments that they have made. While there are a number of detailed comments I wish to make in response to the contributions from the member for Coles and the member for Davenport, I can certainly indicate at this juncture that there have been some discussions between the Opposition and the Government in respect of certain concerns that were raised prior to and during this debate. I will detail my response to these matters after the dinner adjournment.

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

The Hon. LYNN ARNOLD: It is with very great pleasure that the Government puts forward this legislation for the South Australian Institute of Languages to be incorporated under the Tertiary Education Act. I noted the comments of the members for Coles and Davenport and will make one or two comments about those in a few minutes. It is true to say that there are some essential features the institute will address in South Australia that perhaps could have been addressed many years ago, but the fact that it is now happening is something which I would have thought is a subject for congratulation and not rejection, and I note that both sides of the House intend to support this legislation.

The first proposition for an Institute of Languages took place in the early 1970s under the then Dunstan Government. It is true that there was another proposition at the time of the Tonkin Government, but the present proposition takes its genesis from the recommendation of the Smolicz report, which was released in 1984. The Government has resolved to establish the Institute of Languages and has, by Cabinet decision, committed funds on a three-year basis, those funds having already been paid into an account which has been held for the purpose of establishing the Institute of Languages.

What we believe should happen now is the establishment of an organisation to allow that body to operate with independence and meet the objectives as indicated in the second reading explanation. It is quite clear that there are a number of objectives, as I have said before, that could have been met many years ago. Indeed, I was interested to note from a perusal of parliamentary debates back in 1891 that there are some messages we could well consider today. At that time there was considerable concern about the need for an expert viticulturist in South Australia. The person who ended up being appointed was Dr Perkins, who became the first Director of Roseworthy Agricultural College.

It is interesting to note that in the process of his appointment and the argument surrounding it many of the arguments were of a multicultural nature. Because in South Australia at that time we had a German speaking community which had largely established the wine industry in this State, there was a belief that that needed some expert viticultural input, and then came the question as to who should be appointed. I do not wish in any way to challenge the excellent work that Dr Perkins did in subsequent years, but it is true to say that many questions were asked at the time about the appointment of a 19-year-old from England to the expert area of viticulture, when there were many other potential candidates who could have come from within South Australia or within continental Europe.

The arguments had much to do with issues of today, similar to those which the Institute of Languages in its own right proposes to address. When asking about the possibility of candidates from Europe filling the position of viticulturist, views were expressed about their capacity to fill the job. I quote from the speech made by a Mr Horn on 4 November 1891 stating:

> There were many good men at the colleges—

these are colleges in Europe—Montpellier, and so forth—

> but the great stumbling block was the English language, which they had no knowledge of. When they saw the difficulty in which the Treasurer was placed, that of pronouncing the name of the Italian gentleman Luigi Zilliotto, they could not wonder at it

being difficult to find a viticulturist who was an English scholar. It would be exceedingly difficult to find a man who could speak the English language sufficiently well to be able to lecture.

They talked about the need for forming a candidate to suit the local conditions. Mr Horn was reported to have—

understood that 'forming' meant that the college [Montpellier, in France] would teach a man the English language in six months.

In other words, there was a very heavy agenda in the discussion at the time; that is, that the obligation was for anyone who wished to help the Australian wine industry become an international industry to learn the language of this community, rather than an obligation upon this community to consider the language of other communities. It is also interesting to note that in the discussion of this same matter on 2 December 1891 we see the issue brought home in quite a pertinent way.

We know that in 1987 the Australian wine industry has in a sense come of age internationally. Export sales are up 103 per cent by volume on the previous year. We have had a record year: in no other year have we exported so many million litres of wine as in the past 12 months, and we are exporting to markets which are quite diverse—Northern Europe, Hong Kong, America, New Zealand and many other parts, many of which do not speak English. It is interesting to note that on 2 December 1891 Mr Hague, when he was addressing the matter of the viticultural expert, had some comments to make as to how we were perceived as a potential international exporter of wine, and he commented on what was being said about us in Europe at the time. The report states:

The same witness also said that in Italy it was recognised that Australia was likely speedily to become a competitor in the wine markets of the world, and told the commission that an Italian professor had said to his students, 'I am sure that Australia will be a great rival to us in wine, and I suggest that a dozen of you should learn English and put your minds to going to Australia.'

My point in raising that now is that that did not happen. We did not become the great competitor to Italy in 1891, Italy at that time being the world's largest exporter of wine, and perhaps one of the reasons we did not become so is that we did not sufficiently address the fact that monolingualism is not sufficient for this country to really grow in terms of international trade.

In that context, members' comments about bilingualism or multilingualism not only being a benefit for the social fabric of the nation but also having an economic impact were very pertinent indeed. The Manufacturing Advisory Council, which is chaired by the Premier and of which I am Deputy Chairperson, has already addressed that matter and indicated that the promotion of languages is a matter of great importance, because it has an economic function and, although important, not just a social function. That matter has been supported by the Preliminary Committee for the Institute of Languages which has been set up in anticipation of this legislation going through.

This Government has recognised the need to promote further language teaching in this community. We have had the Smolicz report which has made a number of recommendations about language promotion and multiculturalism, and I believe that the record of this Government has been excellent in terms of acting on those recommendations. One of those recommendations is the LOTE (Languages Other Than English) program, established in our primary schools and designed to see that by 1995 every primary school student in South Australia will be learning a language other than English.

At this point it is worth noting the comments made by the member for Davenport, who believed that there was evidenced in the LOTE program a push towards Asian languages at the expense of French and German. The emphasis of the LOTE program, when it was first introduced when I was Minister of Education responsible for primary and secondary education, was to see the enhancement of three different types of languages in the language study arena in our primary schools: first, those languages that have traditionally been taught in our primary schools (and that includes French and German); secondly, those languages that are the *lingua franca* of communities within South Australia (for example, Italian or Dutch); and, thirdly, those languages which are the main languages of countries with which we have existing significant trade ties or hope to have better trade ties. In many instances, that refers to Asian languages.

The anticipation of the LOTE program is that each of those categories will be promoted, not one at the expense of another. There is a fourth category I am now pleased to see introduced in not only Aboriginal schools but some other schools as well, namely, some of the Aboriginal languages that historically have been used in South Australia. I am pleased to see, in the reports I have had from the LOTE committee, that this breadth of languages is still being promoted. I do not have the figures immediately available to me, but I will arrange for them to be tabled in *Hansard*, indicating which schools are teaching which languages under the LOTE program this year, which of those were doing the same last year, and what is proposed for 1988.

The second point concerns languages, and we have undertaken other activities to promote language teaching in this State, the Institute of Languages being part of that process. The member for Coles identified in my second reading explanation what she thought were the three most important aims under paragraphs *(a)*, *(b)*, and *(d)*. In fact, however, I believe that paragraph *(c)* is also significant: that is, to promote cooperation between the tertiary institutions and areas such as cross-accreditation and recognition of courses in languages. I believe that this is important because it is not feasible in today's economic times to say to every institution, 'You will provide singly as wide a range of languages as possible within your institution.'

That is just not possible: we do not have that kind of money. Therefore, we need to say to institutions, 'If a student determines that he wishes to study, for example, Spanish at Flinders University or Greek at the South Australian College of Advanced Education, he should be able to take some credit for that as part of the course work at, say, the Adelaide University or the Institute of Technology,' so that we can have, through the fullness of higher education in South Australia, a range of languages being offered. Indeed, I hope that the Institute of Languages might also address the possibility of giving cross-accreditation for language studies done by distance education at higher education institutions in other States.

Other points worth mentioning include the reason for this legislation allowing so much to be done by regulation. I have noted the concerns of members in this regard, and previous conversations with the Opposition and the shadow Minister have resulted in my undertaking that we will introduce legislation within 12 months to place in the Act the functions and membership of the committee of the South Australian Institute of Languages. I wish to defend the position that we are not doing so at this stage. First, it is unusual for such an institute to be put in the legislation in the first place. If one examines the Institute of Learning Difficulties that this Government promoted and established with funding to the South Australian College of Advanced Education in 1982-83 (and it has existed since then), one sees that that institute, which is a significant pedagogic institute in the area of learning difficulties, does not appear

anywhere in the legislation. However, I have introduced the practice of tabling its annual reports in this House for the benefit of members.

Secondly, I am almost certain that the Centre for Economic Studies, jointly supported by the South Australian Government and the Flinders University, is not embodied in statute anywhere. So, there is no possibility in either of those institutions for the legislature to have a direct input by means of a legislative umbrella into those organisations. However, now we propose that there be such a thing, and the present Bill requires that the functions and the membership of the South Australian Institute of Languages Council be by regulation. Of course, it is well known that regulations must be tabled in both Houses and that one House disallowing such regulations automatically makes them invalid.

It was also stated that this is a first, that it has not happened before. In one sense I accept that statement but, in another sense, I point out that the Tertiary Education Act of 1986 provided for the Office of Tertiary Education to have a series of committees to advise the Minister. Indeed, section 10 of the Act provides that 'the Minister may establish committees to advise the Minister in relation to particular areas of tertiary education or particular matters relating to tertiary education'. Those committees have been established. Their functions and committee membership are not even provided for by regulation but are embodied in broad terms within the legislation.

Those committees include the Tertiary Multicultural Education Coordinating Committee; the Committee on the Education of Women and Girls; the South Australian Aboriginal Education Consultative Committee, which also advises on tertiary education matters; and the Advisory Committee on the Introduction of Nurse Education to the College Based System. That is another area where there is not within the body of the Act itself a definition of the functions and committee membership. However, I note the concern of the Opposition and have given the undertakings which I now willingly repeat this evening.

I also indicate why 12 months is considered necessary to allow for the development of functions and committee membership that can be embodied in the Act. The period of 12 months is based on the fact that higher education not only in South Australia but throughout Australia is a subject of significant debate and there may be significant changes in the structure of higher education in this country. It might be peremptory to anticipate what those changes to structures may involve. I note that the Federal Government, through John Dawkins, will release a Green Paper on this matter in early December, and that will give us the terms of debate on what happens in higher education in this country.

My second point is that at this time there is much discussion at Federal level on how languages can be promoted in the national arena. There is the Lo Bianco report examining the issues of language policy at the national level, and there are also some other indicators of national interest: for example, statements by Qantas and its willingness to put resources behind national language policy development. It certainly behoves us to wait and see what happens in these areas and, therefore, to allow this committee to redefine the functions that it wishes to have embodied later.

Further, this committee is newly established. While recommended in the Smolicz report and receiving funding over the past three budgetary periods, the committee has been established only recently in terms of membership, and the members should have the opportunity to take on the terms of reference indicated in the second reading explanation and perhaps report with advice on how they believe that priorities should be changed or new priorities introduced. Again, we require 12 months for that to happen.

The member for Coles indicated that the purpose of (and I quote her words) 'the peremptory introduction' of this Bill was to enable the appointment of a director and an assistant. I believe that other mechanisms would have been possible and it was not for that purpose that the Bill has automatically come in. However, we believe that it is essential to establish as early as possible the independence of this institute. It is to be a pedagogic institute; it is to be an institute of national and, may I anticipate, of even international credibility, and the earlier it is given that statutory independence the better. At present, it technically exists as a ministerial advisory committee and we are anxious to move it out of that phase as early as possible.

Another point that will be introduced by the Opposition in Committee is the indication that it wishes the committee to be reviewed after three years operation. At this stage I indicate that we have no objection to a review process being put in place. It is proper that, if we are establishing broad terms for the committee to achieve its function, we evaluate what has happened. The process proposed by an amendment that is to be discussed later will be accepted by the Government then. There are a number of other points that could be taken up by the Institute of Languages. It has the capacity to monitor what is taking place in our tertiary institutions, to give advice, and to enable a broader provision of language availability. It should also take a pro-active role in stimulating an awareness of the need for languages, not just as an important social issue but also as an economic issue. I also believe that it has a role to play in general research areas.

There is one aspect that I hope it picks up—the collecting together of the multi-lingual oral history that already exists in this country by virtue of our multicultural settlement. A number of languages or dialects are in danger of dying out internationally, and some of the people speaking those languages or dialects live in Australia today. It is important that the institute has a role to play in trying to gather together that multilingual oral history that is available among South Australians today. I refer to such languages as Ladino, Romansch and Valencian. In those areas we can play a part in international language study.

The Government is very excited by the opportunities that the South Australian Institute of Languages offers. It has the capacity to become internationally credible, and the State Government is putting resources behind that. It would not be improper for the Government to be congratulated on that because it is the first time that it has happened.

The Hon. E.R. Goldsworthy interjecting:

The Hon. LYNN ARNOLD: I note the generous mirth of the Deputy Leader of the Opposition as a sign of that congratulation. I thank the Chairperson of the interim committee (Romano Rubichi) whom I look forward to leading the Institute of Languages and its membership to exciting things in language promotion in South Australia.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'The South Australian Institute of Languages.'

The Hon. JENNIFER CASHMORE: I move:

Page 2, after line 8—Insert subsections as follows—

(7) The Minister must, at the expiration of three years after the establishment of the Institute, arrange for a suitable person, or group of persons, who is, or are, independent of the Institute to prepare a report on the Institute's performance of its functions under this section.

(8) The Minister must, within six sitting days after receiving the report, cause copies of it to be laid before both Houses of Parliament.

The amendment speaks for itself in the sense that it is perfectly clear and straightforward. It reiterates the points that I made in my second reading speech. We are embarking on what is in national terms an experimental project and it is therefore appropriate, particularly given the nature of the Bill that is before the Committee, which is much less than specific in terms of spelling out the role of the institute and its functions, powers and composition, that we should build into the legislation the requirement for a review after a reasonable period of operation.

In his second reading reply, the Minister made reference to what he hoped would be the national and international eminence of the institute. That eminence, which I hope will be achieved, will depend not on the statutory independence of the institute, as suggested by the Minister, but on the quality of its work and the achievement of its goals. Like the Minister, I hope that those goals can be achieved and that the quality is such that the achievement is recognised nationally and internationally. In all reality, that will no doubt take much longer than three years but if the institute fulfils the traditions of other great South Australian trailblazing projects, it is likely that, if it can be achieved anywhere, it can be achieved here.

The Minister has indicated that he will support the amendment and regardless of whether the Bill did contain some of the specifics which we believe are appropriate, this particular discipline is very useful and could well be embodied in many other Acts. I hope that the inclusion of these two subsections will ensure that the institute is aware that it is being monitored on all sides and will, in fact, be subject to a formal review at the end of three years. The bipartisan nature of the support should reassure those working with and for the institute that it is sympathetic support and that the amendment is moved in the spirit of helpfulness and constructiveness. I am sure that it will be taken in that light.

The Hon. LYNN ARNOLD: I thank the honourable member for the amendment that she has moved. I concur with many of the comments that she made. First, the eminence will be a function not just of the institute's statutory independence but of the work that it actually does. In that context, the proposal that there be a review by a person or persons independent of the institute is something that should be supported. Whether it should be supported in the wider canvas of Government needs to be taken on its merits in each individual case. It is not appropriate for me to indicate the answer to that particular question but it is certainly appropriate within this case because it will be a national first. We want to make sure that we get it right and that after three years, although the full achievement of the objectives will not have been attained, we will know the directions in which the institute is going and the capacity that it will have to achieve further development. If it does not have them, we will need to address those issues at that time. The Government is happy to support the amendment of the member for Coles.

The Hon. JENNIFER CASHMORE: I will now ask the Minister some questions about this clause, which empowers the Governor to prescribe by regulation the powers and functions of the institute. When I was in Italy earlier this year learning Italian in company with a number of students from European countries I learned of the quality of teaching English as a second language in England, notably at Oxford and Cambridge, not as part of the university structure but in those cities. I am aware of the potential value to Australia, particularly South Australia, as a location in South-East Asia for the learning of English as a foreign language by South-East Asians.

South Australia has the capacity, with the establishment of the institute, to attract a large number of visitors. In effect, they would be tourists, but it would be a regular and guaranteed supply of long staying tourists who would visit Adelaide for the purpose of learning English as a foreign language, if that is to be a function of the institute. I know that private language schools in Sydney and Melbourne teach English as a foreign language. They attract significant numbers of people from South-East Asia and have found considerable difficulty with the visa system, which makes it difficult for their students to enter and stay for the required period, which is often three months. I envisage that South Australia could help Australia's balance of payments difficulties in a small but significant way if the institute were to address itself to this particular aspect of language. I would be interested if the Minister could tell the Committee if it is proposed that the institute will deal with teaching English as a foreign language. What is his view of the economic benefits to the State if that were to occur?

The Hon. LYNN ARNOLD: I note the comment by way of interjection from the member for Bright that the Perugia of the south is being proposed. I can also say that on hearing the honourable member speak just now I was immediately reminded of the telephone conversation that took place between Andrew Peacock and Kennett over a car phone and it was overheard by somebody else. I have this awful feeling that the member for Coles has been practising in an exercise of telepathy in the last hour and a half because, over the dinner adjournment, a few of us—the Director of the Office of Tertiary Education—

The Hon. Jennifer Cashmore: I was not in the House.

The Hon. LYNN ARNOLD: We were not in the House either. The Director of the Office of Tertiary Education (Romano Rubichi) the Chairperson of TMECC and my press secretary and I were talking. One of the things that we spoke about was the great potential offered for the institute to either directly sponsor or be associated with the provision of ELICOS courses, namely, English language intensive courses, for overseas students as enormous potential exists for institutes in this country in that regard if some of the problems mentioned by the honourable member are overcome.

I recently led a trade mission to China and when in Beijing had drawn to my attention the great demand for fee paying students to go to other countries to learn the English language on an intensive course basis. I accept what the honourable member is saying. I anticipate that the Institute of Languages will come up with some mechanisms by which it can be developed and we would like to see them embodied within the capacity or functions of the South Australian Institute of Languages.

The Hon. JENNIFER CASHMORE: Continuing briefly on that note, I suggest to the Minister that, when students come from overseas to learn English in Australia or South Australia, the location in which that learning takes place is extremely important and, whilst I do not quarrel with any of the North Terrace institutions as a location, the residential location in a uniquely South Australian place. For example, Cummins, at Morphettville, would be a classic example of a building suited to discussion and something that is evocative of Australia in the very building in which the learning takes place. That is why some of the European language schools are so successful: the students love the historical nature of the environment in which they are learning.

My next question is linked with the Minister's reference to China as a trading partner. Correspondence to my col-

league, the Hon. Rob Lucas, shadow Minister in this area of technical and further education, from Mr Rubichi, the Director of the South Australian Institute of Languages, states:

> The percentage of graduates who have learned at least a second language in the course of their education ranges betweeen 30 per cent and 100 per cent for most industrialised or even developing countries. At present only 9 per cent of Australian graduates have learnt a language at some stage during their education.

I would be grateful to know what links there will be between the institute and the State Government in terms of our present and potential trading partners and what provision is being made at all levels—primary, secondary and tertiary—for the teaching of Chinese which, in our lifetime, will undoubtedly be the dominant language in this region and the most important language for Australians as we deal with our potentially greatest trading partner.

The Hon. LYNN ARNOLD: I will have to obtain a detailed report on the provision of Chinese and the exact plans in place on this matter. Under the LOTE program it could well be considered that Chinese will be getting canvassing at primary school level. With respect to other levels, either as sub-award courses (by intensive courses) or award courses, I will have to come back to the House with further information. It is certainly true, however, that great trade potential exists and we should consider offering such languages within this State.

The South Australian institute is designed to be there as an organisation to help enhance the range of languages being provided. One of the points I wish to make in this respect and in respect to higher education in particular is that it needs to recognise that language teaching is an integral part of its study program. It is not simply something that should be treated as a nice add-on if extra funds happen to be available. We are saying tonight, by even debating this issue, that we recognise that language and multilinguism in this country is important for social and economic benefits to pertain in this country. We need to regard it as a legitimate part of the ongoing study program of higher education institutions.

I am concerned to note from time to time that we have language courses on offer in our higher education institutions and see them under threat because, if there are hard financial times, there are too many occasions on which senior advisers in higher education institutions say that language study will be the first to go and will be the first off the offerings for the following year. I do not believe that that is a legitimate response, nor is it a legitimate response for those institutions to come to the State Government and say, 'If we value it so highly, we should put money into the area'. It should be an integral part of the program and the institutions should be putting more into it.

The State Government has put money into language programs for higher education institutions. The Flinders University, for example, has had a donation made available. The grants made available to the Tertiary Multi-cultural Education Coordinating Committee have, by disbursements of that committee, gone on to support the continued existence of Vietnamese studies at the South Australian college. We have put State money into that. SAIL (South Australian Institute of Languages) should not be seen as an avenue by which the State Government is called upon to meet the obligations of higher education institutions. It will help higher education institutions offer as wide a range of languages as possible to their students, as rationally as possible, and draw on resources available in other States. In regard to the Chinese situation, I will obtain the information on what is currently available and what plans exist for future years. I further mention the proposition of the location of ELICOS courses being in a residential campus.

The Hon. Jennifer Cashmore: I was not suggesting residential. It is a vast industry associated with English as a second language and that would be a plus for the whole city.

The Hon. LYNN ARNOLD: Whether it be located in North Terrace or elsewhere would have to be considered along the parameters identified by the honourable member, namely, what is considered to be an image building situation. Basic facilities such as language laboratories and libraries become important and we do not have a lot of resources available to replicate them on other sites.

The Hon. Jennifer Cashmore: And bookshops.

The Hon. LYNN ARNOLD: Yes, I certainly concur with that comment. I take this opportunity to respond to a comment made by the member for Davenport with respect to signing and whether or not the Institute of Languages will be concerned with communication with the deaf. I have already had the matter raised with me by correspondence and have referred it to the South Australian Institute of Languages for its attention. It certainly requires some comment. I advise that those involved in the institute have already been made aware of that prior to their appointment to this committee. Indeed, Romano Rubichi pushed for the acceptance of translation for the deaf as being something about which NAATI should be concerned. That is evidence of at least an awareness of the importance of that issue. I give that to the Committee in answer to the member for Davenport's query raised in the second reading debate.

The ACTING CHAIRMAN (Mr Duigan): I remind the member for Coles before she asks this question that I took her first question as being directed to her amendments and the other two as being directed to the remainder of clause 3. I therefore suggest to her that the question she is about to ask is her third and final question.

The Hon. JENNIFER CASHMORE: That is exactly what I thought. I would like the Minister to explain to the Committee the range of organisations with whom he and the institute intend to consult in drawing up the regulations. I assume that it includes the Ethnic Affairs Commission of South Australia, all tertiary institutions and the Education Department. I assume also that the Ethnic Schools Association is on that list, as would be the Departments of State Development and Tourism. That is just a quick off-the-top survey of those who might be included, but I am sure that there are others and I would be grateful if the Minister could indicate who those others are.

The Hon. LYNN ARNOLD: I should have mentioned before that it is certainly our intention that there be consultation with industry. That question was raised in the second reading debate and I should have answered it earlier. With respect to the breadth of consultation, it is partly already reflected in the membership of the interim committee, which, in addition to the chairperson whom I have already mentioned, consists of one member appointed by each of the following Ministers: me, as Minister of Employment and Further Education; the Minister of Education, who has appointed the Superintendent to Schools (English as a Second Language) Mr Majewski; and the Minister of Ethnic Affairs, who has appointed his secretary, Mr Flavio Verlato. One member is to be appointed by each of the following: the University of Adelaide, Flinders University, Roseworthy Agricultural College, the South Australian College of Advanced Education, the Institute of Technology and the Director-General of Technical and Further Education.

In addition, the Commonwealth has been invited to submit a nominee, so all of those will automatically be part of SALE's own considerations of the functions in its advice to me. That picks up a lot of the representations sought by the honourable member. In addition, we will consult with other agencies or groups, which would include the Department of State Development and Technology and the Department of Tourism, South Australia. Since this matter has already been before the Manufacturing Advisory Council and it has expressed interest, we intend to take it back to that council. That is a tripartite body which represents employers, unions and the Government.

The Hon. Jennifer Cashmore interjecting:

The Hon. LYNN ARNOLD: Not on the Manufacturing Advisory Council, no.

The Hon. Jennifer Cashmore: No, but does the group?

The Hon. LYNN ARNOLD: That is interesting. The Department of Agriculture could well be consulted. Indeed, I suppose that we could automatically send it to every department and those who believe that they want to make a response can make it. That raises a consequential point. Sagric, while it may not primarily be an agricultural body, has as 40 per cent of its consultancy work overseas agricultural consultancy and I believe that we could usefully send the proposals there before they are put into regulation and ultimately embodied in the legislation.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

WASTE MANAGEMENT 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

This Bill replaces the South Australian Waste Management Commission Act 1979. The Bill provides for continuation of the existence of the South Australian Waste Management Commission and for control of the operation of waste depots, waste transporters, and producers of certain hazardous wastes through a licensing system. The Bill includes enforcement provisions, and the right of appeal against decisions or directions of the commission. These principal features of the Bill reflect those of the current Act.

However, the Bill differs from the Act in a number of important ways which will allow the commission to achieve its objectives more efficiently and effectively. Since proclamation of the current Act in July 1980, a number of shortcomings have become apparent. Decisions of the commission have been subjected to legal challenge and weaknesses in the Act have been exposed. For example, the commission finds itself unable to take immediate and decisive action to control or stop undesirable or hazardous waste handling or disposal practices. Significant difficulties have arisen in proving illegal dumping of both hazardous and non-hazardous waste. The criteria for granting licences are not sufficiently clear to enable the commission to exercise its judgment properly.

The commission has been unable to ensure that general improvement in waste management practices and orderly development of the industry is achieved through agreed long-term plans.

In October 1984, the Minister of Local Government appointed a committee to review the Act. The committee reported in December 1985. The recommendations have been reviewed and comments have been sought from relevant employer organisations, trade unions, conservation groups, local government and individuals. The comments received have been considered in the drafting of this Bill.

The definition of 'waste' has been extended to include material discarded or left over in the course of industrial, commercial, domestic or other activities, regardless of its commercial value or reusebility. This will overcome the claim that some materials which require control are not 'waste', since they have some value.

The Bill reduces the size of the commission from 10 to five members, while retaining appropriate representation from relevant organisations. The Bill proposes that the Minister nominate one member from panels submitted by the United Trades and Labor Council, one from a panel submitted by the Local Government Association, and one from a panel submitted by the Chamber of Commerce and Industry. Two other members are nominated by the Minister of Local Government, and the Minister for Environment and Planning respectively.

The Bill clearly sets out the fundamental objective of the commission: to ensure appropriate management of waste throughout the State which includes minimising damage to the environment, conserving resources through recycling and reducing waste generation.

The Bill provides for the development, in consultation with local government and other relevant parties, of waste management plans for areas of the State. It is proposed that these plans, which are approved by the Minister following appropriate public display and comment, may also be included in the State Development Plan, and a consequential amendment to the Planning Act will be introduced in order to achieve that objective. This will require planning authorities to have regard to waste management plans when considering waste depot applications. When considering the licensing of depot operators, the commission will also have to be satisfied that the proposed depot is in accord with the relevant waste management plan.

The Bill substantially upgrades the criteria for establishing waste depots. Whereas the current Act licenses depots, the Bill proposes to license operators of depots. In granting such licences, the commission must be satisfied, among other things, that the applicant is a fit and proper person with sufficient financial resources to operate the proposed depot. It has been the experience of the commission that there is a small, but intransigent, number within the waste industry who operate at standards unacceptable to the community, but who can continue to gain licences through changes in their corporate structure. The commission has found that past bad practice is not admissible in appeals under the existing Act. The commission has also observed that lack of sufficient financial resources is the prime reason for failure to comply with acceptable standards. The same lack of resources will make monitoring and final rehabilitation of completed sites difficult to achieve. Similar provisions are contained in the Builders Licensing Act, the Land and Business Agents Act, and the Second-hand Motor Vehicles Act.

The Bill broadens the scope of activities which produce certain hazardous wastes, and hence require licensing to include teaching and research activities. This will remove

the doubt whether such activities constitute industrial or commercial processes. The Bill creates an offence of depositing waste without lawful authority that is likely to result in risk to health or safety, damage to the environment, or nuisance or offensive condition.

The Bill substantially increases maximum penalties for offences against the Act. The maximum penalty for failure to disclose a pecuniary or personal interest in a matter being considered in a commission meeting is increased from $500 to $5 000. Maximum penalties for operating depots, collecting and transporting waste and for producing certain wastes without the appropriate licence, or in contravention of a condition of licence, are increased from $2 000 to $20 000. The maximum penalty for hindering or obstructing authorised officers acting in pursuance of their duties is increased from $500 to $5 000, and for failing to comply with a formal direction from the commission, from $2 000 to $10 000, with a continuing offence penalty after conviction of $2 000 per day. The maximum penalty for unlawful disclosure of information obtained by a person engaged in administration or enforcement of the proposed Act is increased from $1 000 to $5 000.

The Bill provides for the expiation of prescribed offences. It is intended that these will in the main be offences against the regulations, for example, failure to have loads properly secured, failure of vehicles transporting waste to meet certain standards, and excess litter in or around depots.

The Bill increases the scope of authorised officers to act in ensuring compliance with licence conditions and in obtaining and recording information that may subsequently be used as evidence. In addition to entering and inspecting any land, premises, vehicle or place in pursuance of their duties, authorised officers may break into the land, premises, vehicle or place on the authority of a warrant issued by a justice. Authorised officers may require any person to produce documents, and may examine and copy such documents, take photographs or video recordings. They may seize and retain anything that may constitute evidence of the commission of an offence. They may require any person to answer questions pursuant to their investigations.

The Bill allows the commission to exempt persons or activities from its provisions. This will permit unlicensed operators to engage in activities of a specific duration that would otherwise be unlawful. An exemption may be appropriate, for example, where building and construction wastes may be used over a short period to fill a small depression. It may also be appropriate where all the waste produced in a particular activity can be transported in one load.

The Bill substantially changes the appeal provisions in the existing Act, which allows any person aggrieved by a decision of the commission to appeal to the Minister, who must appoint an arbitrator to determine the appeal. In the Bill, appeal to the District Court is available to certain persons to whom a decision or direction of the commission relates.

The Government believes that the Bill will overcome the major problems that have been experienced by the commission in ensuring that waste handling and disposal are conducted according to standards that would be expected by all South Australians. In addition, local government and the waste industry in general will be able to plan and organise their affairs, both current and future, in accordance with plans and guidelines to which they have had the opportunity to contribute.

Clauses 1 and 2 are formal.

Clause 3 repeals the South Australian Waste Management Commission Act 1979.

Clause 4 is an interpretation provision. 'Waste' is defined (subject to certain inclusions and exclusions) as any matter, whether of value or not, discarded or left over in the course of industrial, commercial, domestic or other activities. A 'waste depot' is defined as a place for the reception, storage, treatment or disposal of waste excluding residential premises and any place at which waste produced at that place is temporarily stored. Further inclusions or exclusions may be made in the regulations.

Clause 5 provides that the measure binds the Crown but that no criminal liability attaches to the Crown under the measure.

Clauses 6 to 14 concern the South Australian Waste Management Commission.

Clause 6 provides that the commission continues in existence as a body corporate.

Clause 7 sets out the objectives of the commission. These include: to promote effective, efficient, safe and appropriate waste management policies and practices; to promote the reduction of waste generation; to promote the conservation of resources by the recycling and reuse of waste and resource recovery; to prevent or minimise impairment to the environment through inappropriate methods of waste management; to encourage the participation of local authorities and private enterprise in overcoming problems of waste management; to provide an equitable basis for defraying the costs of waste management; and to conduct or assist research relevant to any of the above. The clause provides that the commission is subject to the control and direction of the Minister.

Clause 8 deals with membership of the commission. It provides that the commission consists of seven members appointed by the Governor. Five members are appointed on the nomination of the Minister. Of these, the presiding member must be a person with knowledge of the waste management industry; two must be selected from separate panels of three submitted by the United Trades and Labor Council of South Australia; one must be selected from a panel of three submitted by the Local Government Association of South Australia; and one must be selected from a panel of three persons actively engaged in some aspect of the waste management industry submitted by the Chamber of Commerce and Industry South Australia Incorporated. The sixth member is appointed on the nomination of the Minister of Local Government and the seventh on the nomination of the Minister for Environment and Planning. The clause provides that the term of membership is a period not exceeding three years, though members may be reappointed; that members may have deputies; and that members and deputies are entitled to allowances and expenses as determined by the Governor. The clause also sets out the circumstances in which the office of a member becomes vacant.

Clause 9 deals with meetings and procedure of the commission. Four members constitute a quorum. Decisions are by the majority of members present at a meeting.

Clause 10 requires members to disclose the nature of any direct or indirect pecuniary or other interest they have in a matter under consideration by the commission. The clause also requires a member with such an interest not to take part in any deliberation or decision on the matter and to leave any meeting when the matter is being considered. The maximum penalty provided is a fine of $5 000.

Clause 11 provides for the commission to appoint employees. Such employees are not Public Service employees.

Clause 12 enables the commission to delegate any of its powers or functions to a person or a committee. A delegate

who has a direct or indirect pecuniary or other interest in a matter is disqualified from acting in relation to that matter.

Clause 13 contains financial provisions. It requires the commission to pay all money received into a bank account and enables the commission to invest money not immediately required for the purposes of the Act.

Clause 14 provides for an annual report.

Clauses 15 to 33 are substantive provisions on waste management.

Clause 15 provides that the commission may prepare a waste management plan for a specified area of the State. The plan must set out the measures that the commission considers necessary or desirable for proper waste management in the area. The commission must consult with councils in the area and with any person who has, in the opinion of the commission, a particular interest in the matter. Once an initial plan is drawn up it must be sent to councils, put on public display and representations invited through newspaper advertisements. The final plan must be given to the Minister and if the Minister approves the plan, it must be published in the *Gazette*.

A consequential amendment to the Planning Act 1982 provides that an approved waste management plan or part of such a plan may be included in the development plan.

Clauses 16 to 20 deal with waste depots.

Clause 16 requires a person who operates a waste depot to be licensed.

Clause 17 sets out the criteria of which the commission must be satisfied before granting a licence to operate a waste depot. These include—that the applicant is a fit and proper person to hold a licence; that the applicant has made suitable arrangements to fulfil the obligations that may arise under the measure; that the applicant has sufficient financial resources to operate the proposed waste depot in a proper manner; that the proposed waste depot is suitable for the purpose; that, having regard to the number and adequacy of existing facilities in the vicinity of the proposed waste depot, the granting of the licence would not prejudice the orderly development of waste management facilities in the area; that the granting of the licence would not contravene the principles of any approved waste management plan for the area; and that any consents or approvals required for use of the proposed waste depot for that purpose have been obtained.

The commission may grant a licence subject to such conditions as it considers appropriate, including conditions that the licensee accept certain types of waste or that prohibit the licensee from accepting certain types of waste or that regulate the manner in which waste is to be dealt with at the depot. A licence may be granted for a limited period.

Clause 18 requires a licensee of a waste depot to display at each entrance to the depot a notice stating the name of the licensee and that he or she is licensed to operate the depot. The notice must be in a form approved by the commission. The maximum penalty provided for not doing so is $1 000.

Clause 19 requires a licensee of a waste depot to pay the prescribed fee to the commission in respect of waste received at the depot. Fees not paid may be recovered as a debt and action to suspend or cancel the licence may be taken.

Clause 20 empowers the commission to establish or operate a waste depot with the approval of the Minister. Existing facilities in the locality must be inadequate or the depot must otherwise be required in the public interest.

Clause 21 provides for licensing of persons who collect or transport waste for fee or reward. The commission may grant such a licence if satisfied that the applicant is a fit and proper person to hold the licence and has made suitable arrangements to fulfil the obligations that may arise under the measure or other laws of the State. The commission may impose such conditions as it considers appropriate including conditions regulating the kinds of waste that may be collected and transported or regulating the kinds of vehicles that may be used.

Clause 22 provides for licensing of persons who carry on an industrial or commercial process or a teaching or research activity in the course of which prescribed waste is produced. Conditions may be imposed including conditions requiring the licensee to store, treat or dispose of the waste in a particular manner.

Clauses 23 to 30 are general licensing provisions.

Clause 23 requires the commission, before granting any licence, to have regard to whether the grant of the licence would prejudice proper waste management in the State and whether the exercise of rights conferred by the licence would be likely to result in a nuisance or offensive condition, a risk to health or safety or damage to the environment.

Clause 24 enables the commission to add to, vary or revoke conditions of a licence.

Clause 25 requires licensees to pay annual licence fees to the commission and to lodge annual returns. A licence will be suspended for non-compliance with the clause and will be cancelled if non-compliance continues for six months.

Clause 26 allows an unlicensed person, with the consent of the commission, to carry on the business of a deceased licensee until the business is sold or six months expires.

Clause 27 makes it an offence to fail to comply with any condition of a licence. The maximum penalty provided is a fine of $20 000.

Clause 28 requires a licensee to produce his or her licence on demand to a member of the commission, an authorised officer, a police officer or any other person with whom the licensee has dealings in respect of waste management.

Clause 29 gives the commission power to suspend or cancel the licence of a person if the licence was obtained improperly, the licensee contravened or failed to comply with the measure or any other law regulating waste, if the licensee is guilty of negligence or improper conduct or in the case of a licence to operate a waste depot, if any consent or approval required for use of the waste depot for that purpose has expired. The maximum term of suspension is three years.

Clause 30 requires a person who holds a suspended or cancelled licence to return it to the commission.

Clause 31 makes it a general offence to deposit waste, without lawful authority, so that it results or is likely to result in a nuisance or offensive condition, a risk to health or safety or damage to the environment. The maximum penalty provided is a fine of $20 000.

Clauses 32 to 34 deal with enforcement of the measure.

Clause 32 enables the commission to appoint authorised officers for the purposes of the measure.

Clause 33 sets out the powers of authorised officers, namely, to enter and inspect any land, premises, vehicle or place for the purpose of determining whether a provision of the measure is being or has been complied with; where reasonably necessary for that purpose, break into or open any part of, or anything in or on, the land, premises, vehicle or place (this power may only be exercised on the authority of a warrant issued by a justice); give directions with respect to the stopping or moving of a vehicle; direct the driver of a vehicle to dispose of waste in or on the vehicle at a specified place or to store or treat the waste in a specified manner; take samples of waste or any other material from any land, premises, vehicle or place for analysis; require

any person to produce any plans, specifications, books, papers or documents; examine, copy and take extracts from any plans, specifications, books, papers or documents; take photographs, films or video recordings; seize and retain anything that may constitute evidence of the commission of an offence against the measure; require any person to answer questions put by the authorised officer for the purposes of the measure.

It is an offence to hinder or obstruct an authorised officer, to refuse or fail to comply with a requirement or direction of an authorised officer or to falsely represent oneself to be an authorised officer. The maximum penalty provided is a fine of $8 000.

Clause 34 gives the commission certain powers aimed at ensuring compliance by others with the measure. If the commission is satisfied that a person has breached the measure it may direct the person to refrain from the acts constituting the breach or to take specified action to ameliorate conditions resulting from the breach. If a person fails to comply with the latter type of direction or the commission considers urgent action is required to ameliorate conditions resulting from the breach it may take that action itself. Failure to comply with such a direction incurs a maximum penalty of a fine of $10 000.

In addition, if a person continues to breach the measure after being directed to refrain from doing so, the person is, on conviction for the offence, liable to a penalty of $2 000 for each day the offence continued after the direction was given. The costs or expenses incurred by the commission in taking action under the clause may be recovered as a debt from the offender. An offence of hindering or obstructing a person exercising a power or complying with a direction under the clause is provided and the maximum penalty provided is a fine of $5 000.

Clauses 35 to 48 are miscellaneous provisions.

Clause 35 gives the commission power to exempt a person or class of persons or an activity or class of activities from compliance with the measure. The exemption may be subject to conditions or limitations. A fee must be paid for application for an exemption.

Clause 36 makes it an offence to make a statement that is false or misleading in a material particular when furnishing any information under the measure.

Clause 37 gives an applicant for a licence, a licensee, a person to whom an exemption has been granted and a person to whom the commission has given a direction a right to appeal against a relevant decision or direction of the commission to the District Court. The appeal period is one month (subject to extension by the court). Where the commission has allowed the appellant a reasonable opportunity to adduce evidence or to make representations, the appeal will be limited to issues raised before the commission. The clause also provides that the commission must state its reasons for a decision or direction in writing if so requested.

Clause 38 allows the commission or the District Court to suspend the operation of a decision or direction of the commission pending the determination of an appeal.

Clause 39 provides immunity for persons acting in the course of the administration or enforcement of the measure.

Clause 40 makes it an offence to disclose confidential information gained in the course of official duties under the measure. The maximum penalty provided is a fine of $5 000.

Clause 41 provides that notices or documents may be served under the measure, personally or by post or by leaving them with a person apparently over the age of 16 years at the address for service of the person.

Clause 42 provides that offences against the measure are summary offences and prosecutions may be commenced within one year after the date on which the offence is alleged to have been committed or, with the approval of the Minister, at a later time.

Clause 43 enables expiation of offences prescribed for the purpose by regulation. Expiation notices must be served for such offences and prosecution may only be commenced by a police officer or person authorised by the commission on non-payment of the expiation fee.

Clause 44 provides that an employer or principal is responsible under the measure for the acts or omissions of his or her employee or agent. It also provides that, where a body corporate is guilty of an offence, each member of the governing body of the body corporate is guilty of an offence unless it is proved that the member could not by the exercise of reasonable diligence have prevented the commission of that offence.

Clause 45 is an evidentiary provision.

Clause 46 provides that the measure does not derogate from the Water Resources Act 1976.

Clause 47 requires the commission to keep a register of licences and exemptions granted under the measure.

Clause 48 gives the Governor regulation making power, including power to make regulations that regulate the operation of waste depots; regulate the collection or transportation of waste; regulate the construction or maintenance of containers, vehicles and vessels used for the transportation of waste; provide for the measurement, determination, estimation or assessment of the volume or mass of waste; exempt a specified person or class of persons from compliance with the measure or a specified provision of the measure either absolutely or subject to conditions or limitations. The clause also enables regulations to confer powers and discretions or impose duties in connection with the regulations on the Minister, the commission or an authorised officer.

The Hon. JENNIFER CASHMORE secured the adjournment of the debate.

PLANNING ACT AMENDMENT BILL (No. 3)

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

This Bill proposes a consequential amendment to the Planning Act 1982, following the introduction of the Waste Management Bill 1987. The latter Bill proposes that the Waste Management Commission develop, in consultation with local government and other relevant parties, waste management plans for areas of the State.

Waste management plans will provide for the orderly development and management of waste facilities throughout the State and will enable local government and the waste industry in general to plan and organise their affairs in accordance with these plans.

In order to ensure that planning authorities have due regard to waste management plans, the Bill provides that such plans, or parts thereof, may be added to the State's Development Plan.

Clauses 1 and 2 are formal.

Clause 3 amends section 42 of the Act and is consequential on the enactment of the Waste Management Act 1987.

Section 42 allows the Minister to include in the Development Plan a coastal management plan under the Coast Protection Act 1972, and the scheme for the development of West Lakes under the West Lakes Development Act 1969.

The amendment allows the Minister to further include waste management plans approved under the Waste Management Act 1987 in the Development Plan.

The Hon. JENNIFER CASHMORE secured the adjournment of the debate.

METROPOLITAN MILK SUPPLY ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

WHEAT MARKETING ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

BARLEY MARKETING ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL

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 Bill amends the Land Agents, Brokers and Valuers Act to maximise the interest derived from licensees' trust moneys and to make other provisions of the Act more flexible.

On 3 December 1986, an amendment Act was passed by Parliament. It was assented to on 24 December 1986 but has not yet been proclaimed.

That Act replaced the former trust accounting and Consolidated Interest Fund provisions in the principal Act, with a revised system of trust accounting and created an Agents Indemnity Fund.

During the preparation of the regulations to bring that Act into operation, it became apparent that the wording of section 63 (1) may not allow the Commissioner to set the optimum rate of interest which moneys held in trust accounts should attract and that if the Commissioner could not do this the indemnity fund would not be as viable as it could be.

The 1986 amendment Act provides that the Commissioner for Consumer Affairs is charged with certain administrative responsibilities under that Act.

Section 63 (1) of the 1986 amendment Act requires an agent to deposit all money received in his capacity as an agent into a trust account with a bank or a 'prescribed financial institution' in respect of which interest at or above the 'prescribed rate' is paid by the bank or other financial institution.

Section 65 of the 1986 amendment Act also requires banks or other financial institutions to pay interest that they are liable to pay in respect of trust moneys to the Commissioner on the 'prescribed days'. That interest is then paid into the Agents Indemnity Fund.

Because section 63 (1) requires trust account moneys to attract interest at a 'prescribed rate' only one rate of interest can be prescribed. It is not possible to prescribe the best possible rate each financial institution is prepared to offer nor is it possible to prescribe different rates for different banks or financial institutions. One of the primary purposes of the amendment Act is to ensure that trust account moneys are invested at the best rate of interest in order to maximise the amount of money in the fund. In order to do this the Commissioner needs to be able to negotiate the best possible rate and different rates, if necessary, with individual banks or financial institutions. This is the case in other States in respect of trust accounts maintained by agents (in Western Australia) and solicitors (in Victoria).

If the Commissioner is compelled to set one rate of interest then it is likely to be the lowest rate and certainly a lower rate than many financial institutions may be prepared to offer.

Appropriate guidelines will be set for the Commissioner for Consumer Affairs on the manner in which the negotiations are completed including an obligation to advise the Minister on the result of such negotiations.

It is also proposed to amend the Act to enable the Commercial Tribunal to monitor and set the standard of qualifications required in order to obtain the different classes of licence or registration under the Act. At present the educational qualifications for land agents, land valuers, land brokers, land salesmen and managers are prescribed by regulation under the Act. The regulations are in need of constant updating and revision because of:

(1) changes to educational institutions, e.g. amalgamations, change of name etc.;
(2) changes to names of degrees and other qualifications;
(3) changes in subjects constituting degrees and other qualifications and changes in core subjects;
(4) changes in the content of subjects.

The Commercial Tribunal is the body charged with ensuring that those wishing to enter the industry meet appropriate standards of education and fitness. The proposed amendments will allow standards to respond to changes in the educational sphere more readily. I propose therefore that the Act be amended to enable the Tribunal to approve educational qualifications for those applying for licences or registration under the Act in the same way that it has power to do so under the Travel Agents Act.

The Bill enables the Commercial Tribunal to publish a common rule concerning educational qualifications that it may accept from applicants for a licence or registration.

The Bill also amends section 16 of the Act.

Section 16 is primarily intended to deal with an application by a company for a licence. Section 16 (4) (ca) enables

a husband and wife to be directors of a licensed company when one spouse is licensed as an agent or registered as a manager and the other spouse is registered as a salesperson. Where a company does not already hold a licence both the husband and the wife may be directors of the company at the time the application is made and, if an exemption is granted to the spouse who requires it, the Tribunal may then proceed to deal with the application for a licence.

The section however does not cater very well for cases in which an application for an exemption is made in respect of a company that already holds a licence. For example, in a typical case under section 16 (4) (ca), at the time the application for exemption is made, the directors of the company are both either licensed as an agent or registered as a manager. The proposal is that one of these directors will resign and be replaced by the spouse of the other director who is registered as a salesman. It is therefore logically impossible for the Tribunal to be satisfied of the matters which must be established under section 16 (4) (ca) at the time the application is dealt with. The unqualified spouse cannot be a director until the exemption is granted. However the Tribunal cannot grant the exemption until it is satisfied that the unqualified spouse is a director.

It is proposed to amend section 16 (2) *(b)* to make it clear that it is the corporation not the individual that must obtain the exemption and to amend section 16 (5) to allow the Tribunal to grant an exemption to a corporation in anticipation of changes to its management structure.

Clauses 1 and 2 are formal.

Clauses 3, 5, 6, 7 and 9 amend respectively sections 15, 26, 32, 57 and 79 of the Act which are the main licensing and registration provisions. The amendments require a person seeking a licence or registration under the Act to have educational qualifications accepted by the Tribunal as adequate.

The current provisions necessitate regulations setting out the prescribed examinations and prescribed educational qualifications that a person must have passed or obtained to be entitled to be licensed or registered under the Act.

Clause 4 amends section 16 of the Act which provides for the entitlement of a corporation to be licensed as an agent. Section 16 (2) *(b)* requires each prescribed officer of the corporation to be a licensed agent or registered manager unless an exemption has been granted by the Tribunal under subsection (4). The amendment makes it clear that the exemption is granted to the corporation and not to the prescribed officer concerned.

The amendment to subsection (5) makes it clear that the Tribunal may grant an exemption under subsection (4) in anticipation of a corporation altering its structure.

Clause 8 amends section 63 of the Act which requires land agents to deposit trust money in a trust account. The current provision requires the trust account to be an account with a bank or other prescribed financial institution that pays interest at or above a single prescribed rate. The amendment gives the Commissioner discretion to approve trust accounts in relation to individual banks or other financial institutions. The accounts must pay interest at a rate the Commissioner considers satisfactory. The rate may vary between financial institutions.

Clause 10 substitutes section 97 of the Act. This amendment is consequential to those in clauses 3, 5, 6, 7 and 9.

The new section 97 provides that the tribunal may make a general ruling (in accordance with any procedures prescribed by regulation) as to the educational qualifications it will consider adequate for licensing or registration purposes and that the Tribunal may make exceptions to that ruling where justified.

Clause 11 amends section 107 of the Act which gives the Governor regulation making power. The regulation making power relating to educational qualifications required for licensing and registration is deleted in line with the amendments in clauses 3, 5, 6, 7 and 9.

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

CROWN PROCEEDINGS 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

Section 6 (3) of the Crown Proceedings Act presently provides:

> Subject to this Act, any process or document relating to proceedings by or against the Crown that is required to be served upon the Crown shall be served upon the Crown Solicitor.

In recent times, the Crown has increasingly briefed out certain civil matters to private legal practitioners to act for and on behalf of the Crown.

Section 6 (3) is to be modified to enable private parties involved in Crown proceedings to serve relevant process on the briefed legal practitioners. This would be a more direct and convenient mode of handling business rather than the presently circuitous mode of service on the Crown Solicitor. Conversely, service on the briefed practitioners should be deemed sufficient service on the Crown.

Therefore, it is considered desirable to amend the Act to enable service of process by a party on a solicitor nominated by the Crown Solicitor. Where, therefore, the Crown Solicitor gives proper notification, to the other party (or parties) or his, her or their solicitor (or solicitors), service should thenceforth be effected on the solicitor nominated by the Crown Solicitor in the notice.

Clause 1 is formal.

Clause 2 amends section 6 of the principal Act which is the provision dealing with the service of process and documents in Crown proceedings. The amendment substitutes a new subsection (3) to provide for service according to any special provision of the Act that is relevant to service of the process or document and to allow for service on a solicitor other than the Crown Solicitor where the former is acting for the Crown.

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

RIVER MURRAY WATERS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LEGAL PRACTITIONERS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 25 November. Page 2076.)

Mr S.J. BAKER (Mitcham): The Opposition is not favourably disposed towards this measure. The Bill seeks to allow the Government to impose a levy on practising certificates issued to lawyers as a prerequisite to being allowed to practise. Practising certificates are issued on an annual basis. I am informed that last year the fee was $105, and this year it will be $115. The levy proposed by the Government is to help meet the consequences of the devaluation of the Australian dollar during 1986-87, which resulted in a significant drop in the spending power of the Supreme Court Library for overseas subscriptions and textbooks. The Government says that the net drop in value in respect of the amount which can be spent by a library, under the budget, is about $85 000.

The Government actually proposes a levy of $35 a year, to be set by regulation. This will raise some $56 000 to offset the devaluation. The Supreme Court Library is the fountain of all wisdom for the legal profession, and is recognised as such. It is a library which, fundamentally, was set up to serve the Supreme Court and the judiciary of this State, and it is used quite widely by legal practitioners who do not have sufficient resources to keep such a complete and compelling library as is the case in respect of the Supreme Court Library.

I must admit that from my involvement in the budget Estimates Committees I was quite amazed to find that during 1986-87 some $365 000 of taxpayers' money was spent on the Supreme Court Library, with proposed expenditure for 1987-88 being some $394 000. We are paying close to $400 000 for the benefit of the judiciary of this State and indeed, as a consequence, the legal profession of this State. Having seen the number of decisions that have come from the Supreme Court and the district and lower courts, I cannot believe that this money is being well spent—but that is the subject of another debate.

This is an argument not about capacity to pay $35 a year, or some escalation thereof, but about the principle, and the Opposition is opposed to it. Certainly, the Law Society has stated that it is opposed to the proposition, as it believes that the legal profession is being singled out for particular attention. Most members in this House would understand that the maintenance of medical libraries is equally as expensive as that of legal libraries, and yet medical practitioners have access to the hospital libraries and the State Library, and they keep their own libraries as a means of keeping up to date.

In considering the professions, I doubt whether one could find any examples of a profession being levied for the maintenance of a library service. So, it is the principle to be argued rather than the cost. The $35 becomes simply another fee that will be passed on to those poor clients who get charged extraordinary sums as it is. So, the argument is not really about the $35 that will be spread throughout the year but about the principle of levying a certain profession to maintain a library which should be maintained for the benefit of dispensing justice in this State.

I am absolutely astounded that we are spending $400 000 a year on a Supreme Court Library. I suggest to the Attorney-General and the administrators of that library that it is perhaps time that they got updated. I cannot fathom why a library should be spending $400 000 a year when indeed access to many publications can be obtained simply by means of a computer. We are spending in excess of $20 million putting in a Justice Information System. Dial-up facilities for use within Australia and overseas are already in existence.

I want to mention a number of these dial-up facilities, for the edification of members. One of the most powerful dial-up systems that we have access to here is the Dialog system, which I think is on IBM Computer in California. That is a reference system which covers almost all human activity, including matters of law. We have the Polis system, which links into the House of Commons. As members here would appreciate, much of our precedent has been set within the British sphere, and that will continue to be so. Therefore, we have a fairly powerful background in terms of being able to access British law and British precedent through the Polis system.

We have a reference system set up for the judiciary called the Scale system, and that is dedicated to the legal profession and indeed covers case law. We have the CLIRS system, which deals with legislation and regulations in this country. Within five years it will be a very powerful tool for members of the legal profession and members of Parliament to gain access to laws throughout this country, and I would assume that it would extend further. Then, of course, we have Ausinet, which offers access to interstate libraries, including legal libraries, as well as a whole range of reference material within Australia. Whilst it has not built up the same dial-up or intervention capacity that one or two of the other systems have, it is certainly a growing means of being able to ask questions and gain answers.

I have raised these matters because we are spending $400 000 a year on library systems for the judiciary and the legal practitioners in this State. Perhaps in Committee the Minister can tell me exactly what the Government is spending this money on. How many golden bound books are we getting out of this system, and what happens to the copies that become outdated? Are we selling them off and getting some money from the system, or are they going down to the archives or being pulped? I presume that it would be quite indefensible to keep on expanding the capacity of the library and to take in more books and journals than meet the current needs. So, I presume that they are stacked away somewhere, but perhaps we should be selling them off to pay for next year's editions of books. But having pointed out a way to save a bit of money in the library system, I think it really gets back to the basic question of whether indeed the legal fraternity should have to pay a subscription to be able to use the Supreme Court Library. The basic reason for setting up that library was to provide a primary reference system for our legal justice system.

In particular, it is a system that serves the judiciary of this State and, as a by-product, assists the legal profession. It would be an interesting experiment to either charge a fee for access to that library—which would mean the user pays principle—or bar the legal practitioners from using the library. It might be a very interesting experiment to see exactly what happens to patronage. As far as I am aware, the library is reasonably well utilised. I have some figures here which I seek leave to incorporate into *Hansard*. It is a purely statistical table.

Leave granted.

Utilisation of Library Services

Library	Judiciary	Profession
July	231	296
August	292	413
Sept.	221	444
October	216	308

Mr S.J. BAKER: During the month of July judicial personnel used the library on 231 occasions and legal practitioners on 296 occasions. September was a month of high usage: there must have been many difficult cases. The judiciary used it on 221 occasions and the profession on 444. As I said previously, the library is there to serve the needs of the State. As a by-product it assists the members of the profession. Some members of the profession have very

extensive libraries and have no need to refer to the Supreme Court. Others use the State Library services and are, therefore, not using the Supreme Court. I wonder about the whole value of the $400 000 that is being spent in any event, and the Opposition opposes the measure.

The Hon. G.J. CRAFTER (Minister of Education): I note the Opposition's comments on this matter. I understand the dilemma in which the Opposition finds itself with respect to matters like this; its ability to rationalise its policies on such matters as user pays never fails to astound me, but so be it. The fact is that there is a substantial burden upon the State to maintain the Supreme Court library. It needs to be updated annually and needs to be of assistance to members of the judiciary and also members of the legal profession in order that members of the community who require the legal services of this State through our courts and through legal practitioners may benefit.

The alternative the Government faces is that we levy all taxpayers to maintain this library, or we can levy those several thousand legal practitioners in this State who practise. It has been decided by the Government that it is more appropriately those legal practitioners who directly benefit from it, who develop their own professional skills by their access to the library, and whose ability to serve their clients and the courts is very much dependent upon their access to the most important legal library in the State. It is for those reasons that the Government has decided that it is appropriate to bring in this levy for legal practitioners.

Naturally, there will be some objection to it, although it is a very small amount of money that is being asked of legal practitioners, given that the cost of one volume of a legal subject is often many hundreds of dollars in itself. I do not know what happens to the legal texts that are outdated: I guess they become of historic value and would probably be retained within the Supreme Court library, or within the storage space of that library, maybe in another place. If the honourable member wishes to pursue that matter, perhaps he could take it up with the Attorney-General. It is not directly relevant to the issue before us.

We are faced with the dilemma of maintaining this library, with the cost of it and the matter of currency fluctuations involved, and this is a very practical way in which we can overcome this problem, enabling us to maintain the library to serve the judiciary, the profession and, indeed, the people of South Australia.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Issue of practising certificate.'

Mr S.J. BAKER: With an amount of $35 *per capita* being imposed, as indicated, and given that there is a very large discrepancy between the amount legal practitioners will be putting in the fund and the total cost of the Supreme Court library update on an annual basis, can the Minister indicate the Attorney-General's intention as regards the equitable share that should be borne by legal practitioners, so that we can see by how much that $35 may increase?

The Hon. G.J. CRAFTER: It is not within our competence to say what will happen with currency fluctuations and other external factors, but there obviously will be discussions between the Attorney-General and the legal profession (that is, the Law Society) and, indeed, between the Attorney-General and the judiciary with respect to the appropriate degree of maintenance of the Supreme Court library. There has traditionally been a commitment by the State to maintain that library and to offer its services free of charge to those who use it. Of course, that will continue. This is a supplement to that, and one could not see that there will be dramatic departures from the levy applied in this year but, obviously, that will be the subject of discussion between interested parties from time to time.

Mr S.J. BAKER: The question that obviously will be on everyone's lips with this Bill is why lawyers are not charged an access fee at the time they use the library. Some members of the legal profession would say that they have spent an enormous amount of money keeping an up-to-date library and have had no need to go to the Supreme Court. They may feel a little upset that they are also paying the price. The most equitable means would seem that, as everyone enters the door, there be an access fee charged. As some 4 000 visits to the Supreme Court library occur in a year a simple piece of mathematics would suggest that if everyone was charged some $15 we would have the sum needed and it would be on a user pays basis. Why was this option not considered?

The Hon. G.J. CRAFTER: I am somewhat confused. The honourable member, on behalf of his Party, opposes this measure because it is a user pays principle, and now he is advancing a user pays principle. Next he will be saying that we should be paying for the use of public libraries on a user pays principle.

An honourable member interjecting:

The Hon. G.J. CRAFTER: That is right; the Parliamentary Library, and the like. No, I would argue that this is a different principle. It is based not on those who actually use it but on the legal profession as a whole, the collective opportunity that the Supreme Court library gives and, indeed, the responsibilities that each legal practitioner has to the maintenance of his skills and his responsibilities to the courts as a whole so, in that sense, I think it is a little different from the ideological principles the honourable member advances.

Mr S.J. BAKER: I was canvassing the obvious alternative to the levy on members. It is not a user pays system that is being implemented: it is a levy on the whole profession. Why was not this alternative canvassed as a more effective means of making the users of the library pay for it? That seems to be a sensible suggestion. Obviously, records are kept concerning the people who have access to or borrow books. It seems that the system is set up to charge the people using it and the user pays principle is in line with Opposition policy. So, that principle could be used to charge those practitioners who use the library.

The Hon. G.J. CRAFTER: It is difficult to budget for the purchase of books on the basis of who may use the library. To place an impost on those who use the library by charging some barristers or solicitors who frequently use it rather than charging those who rarely use it but who may benefit from it would lead to a most untenable situation. So, the Government has seen that the fairest approach is to levy the profession as a whole.

Clause passed.

Clause 3—'Application of certain revenues.'

Mr S.J. BAKER: By the time this Bill is debated in the Upper House, could the Minister ask his colleague to present to members there a list of books and other publications used in the Supreme Court for which taxpayers are paying, so that those taxpayers will know that the $400 000 is being used wisely?

The Hon. G.J. CRAFTER: I do not know that it will advance the well-being of this matter to know how many books are bought and the titles of those books. However, I could obtain some information if that will assist the honourable member's colleagues in another place.

Mr S.J. BAKER: If the shortfall is about $56 000, and if that is all that we are talking about, there may be $56 000 worth of savings in all the references. I have suggested some means of using the dial-up computer facilities as a cheaper alternative to getting a book from another country. By that means people could go through the reference system and determine whether or not they needed a certain book. The only accountability in respect of the Supreme Court library is the sum devoted to that line. I am not sure whether anyone has said that we are spending our money wisely. It would help if this item of $400 000 were an accountable item. There may be $100 000 in savings that would make the levy unnecessary and we could charge them as they came in through the door.

The Hon. G.J. CRAFTER: Savings in libraries have been under close scrutiny, and this area has not been in any way exempt from that scrutiny in recent times. Indeed, money is not misspent or wasted in this area. This matter could also be the subject of scrutiny in another place.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

LANDLORD AND TENANT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 1846.)

Mr S.J. BAKER (Mitcham): The Opposition supports the Bill, which seeks to do three basic things. First, it amends that part of the principal legislation that requires a landlord to insert in the lease a statement advising the tenant of all payments other than rent which are outgoings, the nature of such payments and the amount or the method of calculation of the payments. Apparently, there has been difficulty in providing all that information at the commencement of a commercial tenancy period, particularly because of the difficulty in predicting what those amounts will be over the long period of a commercial tenancy. The Bill provides a procedure whereby landlords can give estimates of operating expenses for accounting periods which may be as long as 18 months, followed by, within three months of the end of the relevant accounting period, an accurate statement of the expenses actually incurred.

The second amendment provides that the period within which security bonds can be lodged by landbrokers and solicitors is to be extended from seven days to 28 days, and this is a great improvement. The third amendment requires the commercial tribunal to report to Parliament annually.

It is interesting to note that this Bill is before the House because its major thrust is to tidy up an anomaly created during the passage of the most recent legislation. Then, the House generally agreed that tenants of shopping centres had to be protected and have a greater surety in their dealings with landlords. At the time we were told of landlords exploiting their position and charging unduly high rents. We were also told that a percentage of turnover was being taken and improper cost burdens were being placed on tenants.

An interesting aspect of the original legislation (and no-one should discount the difficulty of moving into this area) was an attempt to make a landlord inform a tenant of his monetary obligations. Our first attempt in that regard obviously failed because it has led to anomalies, and it has been suggested that the length of the tenancies has been reduced because landlords are not willing to commit themselves to long-run tenancies, although I am not sure how widespread that practice has been.

It has also been suggested that, because they are required to estimate those amounts and make them available to the tenants, landlords may have been responsible for an over-estimating or a loading in the system, which would adversely affect the tenant. The Government's response to that proposition has been to particularise all the costs likely to be borne by tenants and to require that the landlord not only make estimates prior to the commencement of tenancy but also provide a statement of expenditures to be incurred by each tenant in the group tenancy situation.

The items are broken down into a number of categories: administrative management costs, Government charges, maintenance costs and operating expenses, which groups together these other expenses and which is referred to in the Bill as a separate item from rental. There will no longer be the gross rental situation. Rent will be specified as that part which is due to the tenancy only and the operating expenses cover all those other items that have to be paid by tenants of a particular centre.

A number of submissions were sent to the Opposition and to the Government about the legislation. I note that some changes were made to the draft legislation that was sent out but some concerns remain about how it will actually operate. Many of these concerns were aired thoroughly in another place and it is not my intention to go through the suggestions put forward by the Law Society, the Retail Traders Association, particular agents and the Building Owners and Managers Association. Each association has a different position on this Bill and would like their concerns met within it. Having read those submissions and looked at what is before the House tonight, I presume that, within another 12 months, a further amendment will be introduced in an attempt to address this question.

Quite frankly, it has been an honest attempt by the Government to address the problem before it, but I perceive that we will be in much the same position as we were before because the greatest unknowns and expense areas will be those dealing with maintenance. That can involve a wide variety of expenditures including wholesale renovations, which should be capitalised rather than charged to tenants on an annual basis. The Opposition believes that the Government has made a pretty fair fist of making the position a little more tenable. For that reason the Opposition commends it for its endeavours to balance the scales in terms of the negotiating power between landlords and tenants.

Mr BECKER (Hanson): I support the remarks of the member for Mitcham. A couple of points still concern me and there seem to be some problems with regard to the intent of the legislation. The West Beach Trust, which is a statutory authority, has many tenants. In the caravan park is a supermarket cum delicatessen which is leased at a very high rental. It has become a controversial property over the years. It was originally leased from the trust, exceptionally well run and became a very profitable business. When the lease expired, the trust decided to take over the business and operate it itself. It found that it was unable to do so profitably, so the business was put out to tender. Since that time various tenants have operated the business, but not without problems. It is a very seasonal business but one which has served the trust and the caravan park very well.

Regrettably, the current tenant wishes to sell the lease. On securing someone to buy the business and sign a contract, and on asking the West Beach Trust to transfer the lease to the new tenant, he found that the trust wants a 1 per cent fee on the turnover of the business, which would

almost make it not viable. I have looked through the Bill and the principal Act and I find that it is the intent of the legislation that the tenant be liable for rent and any other administrative charges. I fail to see how a landlord can charge a percentage of turnover. I ask the Minister to explain this or confirm the Government's intention in this respect. Clause 3 clearly binds the Crown or a statutory authority, and I fail to see how the West Beach Trust can charge a 1 per cent turnover fee. As a matter of course, the current tenant has lost the contract because the trust has insisted on the fee.

The provision relating to charges always worries tenants. When one accepts a tenancy, in many commercial ventures one is liable for rates and taxes. I know of a great tragedy involving the tenants of a very small shopping centre not far from here. The tenants are liable for all the outgoings of that particular property. About 18 months ago when they received the final account from the Engineering and Water Supply Department, they were given an excess water bill of approximately $9 800. Upon examination, it was found that there was a small leak in the pipe from the water meter to the property. It was near a section controlled by Telecom close to a pit containing various Telecom wires and access to Telecom telephone cables. The leak was not visible.

This water related problem did not come to the notice of the tenants until the meter was read. By a strange quirk of fate, the E&WS was called by the tenants to inspect the property. For some reason there was a delay in E&WS doing so. There was a further week's delay in having the problem rectified. Because it took seven weeks to correct the leak from the time the tenants were notified, they are now liable for the full excess water bill—almost $10 000. The tenants are absolutely furious and the owner will have nothing to do with it.

Had the leak been attended to within six weeks, the E&WS may have refunded half the excess water bill. I do not know where that is written. It certainly was not on any notices given to the tenants. I ask members to imagine the plight of tenants in a small shopping centre who suddenly find that they are up for $10 000. It is unreasonable for the Government to refuse to give a rebate to the tenants. It is pretty tough for the landlord to charge his tenants this $10 000 because they never used the water. Obviously, something was wrong with his plumbing—it was not the tenants' fault.

Under this legislation, the landlord will be able to pass on all costs. In this dispute, the tenants have very little recourse at all because they are up for all costs and charges. This sort of situation faces small business today. It is difficult not being able to plan for hidden costs such as arose in the case to which I have referred. I hope that the Government will always be mindful in reviewing it that there will be a continuing and ongoing review of the legislation and that these anomalies are removed as quickly as possible.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for these relatively minor amendments to the Landlord and Tenant Act, in particular those sections of the Act relating to commercial tenancy agreements. It is interesting and encouraging to see the statements from the Opposition relating to not only the value of this legislation to the commercial community but particularly to small business proprietors. I also noted the comments with respect to some of the deficiencies in the legislation. As the member for Mitcham has said, this is substantially an area of compromise as there are vastly differing viewpoints and substantial differences of opinion on how far the legislation should travel down the path of regulation of small business.

It is interesting to look around the Australian States and see that probably the strongest legislation in this area in regulating the activities of commercial tenancies is in Queensland where that Government has entered quite a way into commercial practices to regulate the marketplace on behalf of small business people and to provide fair play and a degree of certainty with respect to commercial tenancies on the part of those business proprietors who provide such accommodation and facilities for small business proprietors.

The member for Hanson raised a legal issue with respect to an individual tenancy situation and I do not hazard to give a legal opinion on the legality of the agreement that has been entered into by the West Beach Trust and the potential proprietors of that business operation. It certainly borders on the matters that the legislation seeks to regulate. The constituents of the honourable member would be well advised to gain legal advice with regard to their rights with respect to the provisions that apply in this legislation. I welcome the Opposition's support of the matter and its indication of the need constantly to review the legislation to ensure that it meets the needs of those we are trying to assist.

There has been a regime of harsh and unconscionable practices in this area. It has hurt those people in our community who have worked extremely hard in order to become profitable in their enterprises and gain rewards for their efforts. Sometimes that has worked contrary to those principles. We all agree that those who work extremely hard should not be punished or penalised economically because they do so. Some tenancies require a percentage levy of rental based on turnover. We know of situations where some tills in shops were linked to computers which calculated rent as a percentage of turnover. We have tried to expunge those sorts of practices or the disclosure of income tax returns and the basing of rent on the basis of those annual returns to the Taxation Commissioner for leased properties. All of those practices we have tried to eliminate or minimise where possible. We need to be vigilant on that.

This matter was debated during the period when the Opposition was in Government and it chose to accept the advice of the working party that was formed at that time not to legislate in this area and not to intervene in the marketplace or try to provide some of the protections provided in this legislation for the small business sector and, indeed, to provide some degree of security and certainty for those business proprietors, developers and owners of retail outlets. We all agree that this legislation is important. It is being emulated in other parts of Australia in various forms. Nevertheless, we need to ensure that we are not interfering in the marketplace to the extent that it inhibits fair practices and returns on investment. We need to maintain that balance and in that sense I appreciate the support of the Opposition for these measures.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr S.J. BAKER: Upon reading a Bill I am always a little concerned when we try to define things to relieve a problem, because we sometimes set up another problem. I refer the Minister to paragraph *(c)* under which the definition of 'maintenance costs' is contained. I note that maintenance costs include renovation of premises, and it concerns me that we are writing these words into the Act. Last Sunday I had the good fortune of going to the unofficial opening of the Abbey restaurant and the premises were absolutely magnificent. The question I asked myself was whether,

under those circumstances, renovation is indeed improving the capital asset which should be defrayed over a period of time, as people would appreciate. It is a capital cost in these circumstances.

By writing in the legislation that renovation shall be part of the maintenance costs, I am concerned that that leaves open the door for major renovations which should have a long term capital asset value to the proprietor and be charged out as a short term maintenance under the heading of operating costs. To define each of these items means that it gives the landlord the *imprimatur* to include very substantial costs which may not normally have been included under operating costs as we perceive them. Does the Minister believe that this now opens up a new area of problem? Many centres are in the process of being renovated, upgraded or improved to entice more customers through the door, but no-one here would suggest that the costs should be borne directly by the tenants in the year that those renovations take place but that some proportion should be added into the rental value of the property or into operating costs as a percentage of what is a longer term investment. Will the Minister respond on whether we are setting up a new area of difficulty?

The Hon. G.J. CRAFTER: Obviously the honourable member's point is worthy of consideration. This clause goes further down the track in separating operating expenses from rent and in that sense defines it. There is much value in that. In terms of *caveat emptor*, the person entering into a tenancy arrangement with the landlord can make certain assessments with respect to the viability of the tenancy agreement based on the information now statutorily required. Whether one should go that step further and eke out further definitions of operating expenses and capital expenses required to be passed on and how that should be done is a moot point. One can say, in considering the merits of the argument that the honourable member raises, that landlords have to operate in the marketplace.

If they attempt to be greedy, go for an overkill or attempt to use this proposed legislation in a way that is unfair, then I presume that the marketplace will deal with that situation and the landlord will find that he will not have tenants or that he will not have a viable business if he pushes his tenants too far. It remains to be seen whether or not future reviews show this to be a problem.

Mr S.J. BAKER: We are in uncharted waters. Really, we go back to that proposition that we have now given a pre-eminent right in this legislation, and that concerns me. I appreciate what the Minister said about the market but, if we took that argument to its limit, we would not have this Bill before us. This matter has not been raised in another place. The Bill provides that the cost of extensive renovations could be added to the bill of the tenant, and that concerns me. I highlight this, because it may well be a matter that has to be addressed at some time in the future.

Clause passed.

Clause 4—'Application of Part.'

Mr S.J. BAKER: New section 55 (3) mentions regulations. What matters will be canvassed in the regulations and will the amounts that are covered under this Bill be changed?

The Hon. G.J. CRAFTER: I am sorry, but I am unable to give that information to the honourable member. To my knowledge I do not think that any radical departure from the information that is currently provided is proposed but, if that is so, I will undertake to provide that information to the honourable member.

Clause passed.

Clause 5 passed.

Clause 6—'Limitation on amounts payable with respect to entering into, extending or renewing a commercial tenancy agreement.'

Mr BECKER: This clause relates to section 57 of the principal Act and the limitation on amounts payable with respect to entering into, extending or renewing a commercial tenancy agreement. The Minister commented on the point I made about the West Beach Trust, but would this amendment mean that the West Beach Trust would not be permitted to charge a percentage of the turnover of any business?

The Hon. G.J. CRAFTER: I cannot give the honourable member a legal opinion on behalf of his client. All I can say is that I very strongly advise him to advise his clients to seek legal advice before entering into any such tenancy agreement.

Clause passed.

Clauses 7 to 9 passed.

Clause 10—'Landlord to provide a statement of operating expenses.'

Mr S.J. BAKER: New section 62a (4) provides:

> Notwithstanding the provisions of a commercial tenancy agreement, a landlord is not at any particular time entitled to payment from the tenant on account of operating expenses in a particular accounting period of an amount in excess of—

That new subsection then provides a particular formula. With due respect, that seems a strange formula, because in this circumstance there is a problem of follow-up. I know that later on the Bill mentions that he can ask for the account to be settled three months later or at some later stage. As the Minister would be well aware, some businesses close on very shaky grounds. If the landlord believes that he has proper records of the operating expenses, why are we inserting this particularly tight formula, which seems to say that the tenant cannot pay over a certain amount? It may leave the landlord in a very difficult recovery situation at some later stage. It is an extremely tight definition of what the landlord can charge a tenant in those circumstances. There may be some very good reasons for this, but other arguments say that we should not prescribe this matter in here. If anything, if it is harsh and unconscionable, if there is some dispute, it can then be referred to the Commercial Tenancies Tribunal for settlement. In this case, it would seem that we are putting one particular sector at a disadvantage.

The Hon. G.J. CRAFTER: I cannot advise the honourable member of all the details relating to the background of this clause, except to suggest that the tenant is in a vulnerable position in these circumstances and that is why the clause has been framed in this way.

Mr BECKER: In this new section a landlord is to provide a statement of operating expenses. In the second reading debate I cited a small shopping centre, with I think about six tenants, who were presented with a bill for $10 000 for excess water. The shopping centre never uses excess water and this was caused by a leak in the pipe near the meter. Is it a fair and reasonable charge to tenants? It is something that nobody could estimate. Under this new section, will the landlord be able to charge these people? There is no way that he can predict this charge.

The Hon. G.J. CRAFTER: I believe that the amendments try to obtain a much more accurate assessment of the outgoings with respect to tenancy agreements rather than having a gross figure and lumping all this in and saying that this is rent. Whether that is the reality of the outgoings as opposed to the actual rental is a matter that has been regarded as irrelevant too often in the past, and now one must determine on a much more accurate basis the true nature of the outgoings and the variances of those outgoings from time to time. Hopefully, the practice to which the

honourable member has referred can be minimised and, even more hopefully, it can be eliminated.

Clause passed.

Remaining clauses (11 and 12) and title passed.

Bill read a third time and passed.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2312.)

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): All members know that this Bill was introduced today, so obviously the Opposition has had no discussions, made no inquiries and has not settled its position in relation to this Bill. I indicated to the House that we agreed that the Minister should introduce this Bill today, because he had indicated to us privately that he intended that it should go to a select committee and our deliberations will take place during the course of that select committee. The Liberal Party would then have a chance to examine the situation in the intervening period and to form some attitude to the Bill and to the report of the select committee in due course.

I shall make a few preliminary remarks. From the cursory examination that I have made of the Bill during the course of the afternoon—and, as I say, I do not want to be held firmly to any position at this stage—I would say that it does look a bit like an ambit claim on the part of ETSA in that it seems to absolve it of darn near all responsibility for bushfires that might start as a result of some malfunction or some event which involves ETSA's equipment or transmission system. So, if that first impression is confirmed by further inquiries that the Opposition will make I would say that the Bill goes too far. As I say, the Liberal Party has not discussed this matter.

Personally, I am not totally opposed to the view that some limit should be put on ETSA's liability if, in fact, the liability that it incurs is exorbitant. For instance, it could run into a billion dollars which obviously would have an enormous impact on ETSA tariffs. Nonetheless, it is incumbent on ETSA to make sure that it does everything in its power to ensure that its equipment does not start a bushfire. I must say that I was a bit disturbed about the last sentence of the explanation of the Bill. It seemed to indicate that one of the primary purposes of the Bill was simply to limit ETSA's liability. That last sentence, before the explanation of the clauses, states:

> Another effect of the legislation will be to significantly reduce the trust's bushfire insurance premiums.

I do not think it unreasonable that ETSA should take out substantial bushfire premiums. As I understand the position, it is having great trouble in getting adequate bushfire cover, in relation to the law as it stands, because of its experience most recently in relation to Ash Wednesday. However, to me, that does not mean that it should therefore set about minimising its premiums and absolve itself of virtually all responsibility for its equipment if a fire starts.

To briefly sum up the Bill, as I read it; it certainly seeks to minimise ETSA's liability. The Electricity Trust of South Australia is in the throes of a lengthy settlement of claims arising from Ash Wednesday. I have raised this matter with the Minister and with ETSA. They do not seem to have been able to accomplish what was done in Victoria, where liability was admitted and the whole thing was settled within about six months. I am not quite sure why that position has not been achieved in South Australia. ETSA is fighting these claims vigorously. In a question that I asked in Parliament I sought information from the Minister in relation to the legal expenses associated with the claims. I think it is quite outrageous that ETSA has spent over $1 million. In the question that I asked of the Minister I think I suggested that the figure for legal fees for fighting claims was approaching some $1.25 million or $1.5 million, while ETSA had settled claims for a figure only a little in excess of $5 million.

I feel quite strongly that it is outrageous that ETSA should spend that sort of money in fighting claims. In other words, a fifth of all the money expended is being paid to lawyers to try to fight what appear to be legitimate claims. Certainly, they appear to be legitimate in the light of the outcome of the cases that have gone to court. So, I think ETSA has a bit to answer for in this situation. I think that this Bill that the Government has presented us with which seeks as its primary function simply to minimise ETSA's liability will need some pretty careful examination by the select committee and, at first glance, I think the Bill will need some fairly significant modification.

As I read it, the Bill places on landholders responsibility for clearing all growth which is adjacent to power lines. One can envisage situations where there is a lot of natural scrub and the like on private property and where power lines have been constructed in the vicinity. Landholders suddenly will be made responsible for clearing such areas adjacent to ETSA power lines. If that is part of the Bill, I think that that is a quite outrageous suggestion. This could involve very large sums of money when ETSA chose to put power lines through a part of the countryside where there was already natural scrub. Personally, I have some sympathy for the view expressed in the Bill that if landholders plant trees beneath power lines and the trees grow up into them then they should bear some responsibility in relation to that. However, as I have said, this matter will be examined by the select committee, no doubt, and evidence will be obtained in relation to that.

I am not quite sure what is meant by the part of the Bill which suggests that existing lines will be 'formally established'. Whether that means compulsorily acquiring easements and reaching agreements with landholders, I do not know. It is quite clear that over the years a number of transmission lines have been placed by ETSA on private land without any formal agreement with landholders for that to occur. However, the Bill and the explanation do indicate that existing lines will be 'formally established'. Does that mean that landholders will be compulsorily forced to give easements—the Bill refers to that sort of activity—and then be forced to accept responsibility for keeping the lines clear from there on in? We will certainly have a good hard look at this provision, too.

Again, I point out that I am simply speaking as an individual with a knee-jerk reaction to this Bill, having been in receipt of it for only the past three or four hours. However, I have a big question mark over the provision in the Bill in relation to allowing only the landholder over whose property the line passes to be compensated. Other property holders will have no claim whatsoever against ETSA if a fire spreads to their properties. I will take some convincing as to the equity of that proposal.

On a day like Ash Wednesday, with 100 degree Fahrenheit heat and 100 mile per hour winds, or something approaching that, if a fire starts near the boundary of a property or on an adjacent property, for that matter, by the time the alarm has been raised the fire would probably be miles away, and through no fault of their own adjoining landholders would, to my mind, logically and morally, in terms

of liability, be in no different position to the landholder on whose property the fire started. So, that provision in the Bill which isolates ETSA or gives ETSA an indemnity from liability to any other landholder other than the one on whose property the fire starts also seems to me at first glance to be a bit unrealistic.

So, as I have said, the Opposition has no settled position in relation to the Bill, and we have had no opportunity to discuss it. I point out—although I am not speaking for the Liberal Party—that I personally have some sympathy with the notion that there must be some sort of compromise possible to perhaps limit in some way ETSA's liability. I think of the provisions that we agreed to in relation to motor vehicle accidents, where the cost of compensation of awards by the courts was more than the ability of the community to pay. The fact is that the third party premiums were reaching a stage where the community and we, as members of Parliament, had to make a judgment as to the ability of the community to pay the mounting bill in relation to liability for road accidents.

We in the Liberal Party went along with the proposal to put a limit on it. It has been in existence for many years in the Northern Territory, but it is a question of judgment as to what is a fair thing. My first impression of this Bill is that it is an ambit claim by ETSA; that ETSA wants immunity. When I say 'ETSA', the Government is responsible, through the Minister, for this Bill to give ETSA this sort of immunity and to throw the onus back on landowners for keeping the lines on their properties clear when, as I say, ETSA may have chosen to put the lines there through scrub which had existed for many years. It appears to me at first glance that the Bill goes too far in striking what I think is a fair balance. I see no reference here to the former proposal floated that local government would be responsible for keeping lines clear in relation to street trees. It appears that the Government has backed away from that.

I see no difference in principle between requiring a landholder, as is suggested in the Bill, to keep the lines clear, or local government to keep clear the land from which it is responsible. I am not saying I agree with either proposition, but I see no difference in principle between the two, one of which was floated earlier publicly, namely, that local government would be responsible for keeping street trees clear of power lines, and so on. Perhaps the Government is not as prepared for a fight with local government as it is for a fight with landholders who may to them appear not to have the defences that local government may have in standing up for what it believes to be its rights: I do not know. That proposition has not found its way into the legislation.

I do not think that there is any need for me to speak at greater length, except to indicate that we in the Liberal Party are prepared to support the Bill to the second reading for one reason and one reason only—and I want to make this perfectly clear. It is not because we support the Bill in its present form. I will be very surprised if the Liberal Party is prepared to accept it in its present form—but life is full of surprises; perhaps it is, and I for one will be very surprised. I would be arguing for some changes, but we are prepared to support this Bill for the reason that it goes to a select committee for full public consideration without unduly curtailing the deliberations of the committee.

I cannot for a moment believe that this Bill will be in place this bushfire season. I do not think that is the Minister's intention: I do not believe that it can be. The House does not reconvene again until February. The committee will have to meet during this parliamentary recess, obviously, and I (and the Liberal Party) am prepared to support the Bill in order that the matter gets a public airing and that we have the opportunity of getting evidence from all interested parties who may well be affected by this Bill. For that reason we are prepared to have a look at it. The Minister, I might say, is being very sensible in putting this out for public discussion, because the transfer of responsibility which is sought by this Bill is quite dramatic.

At first glance, it appears to me to go too far. It seems to me to let ETSA off the hook. I do not for a minute believe that ETSA should not have adequate insurance premiums if its equipment starts fires, and if the exercise is simply to minimise those premiums I believe we need to think again. Having said that, I have an open mind approaching this matter; I am prepared to listen to evidence from all quarters. We will support it going to a select committee and reserve our judgment until after that committee has deliberated and allowed full public discussion of these fairly dramatic measures envisaged by the Bill.

Mr BECKER (Hanson): It always disappoints me that in the last week of the session we get a rash of legislation, particularly such a piece of legislation as we now have before us. As the Deputy Leader says, it is a very important piece of legislation which will have an impact on every electricity consumer in the State. Naturally, it is clearly a Committee Bill and quite right that it should be referred to a select committee: I support that proposal. I find it a significant measure because, first, it widens the duties and the general powers of the trust. If we look at section 36 of the original Act it simply says:

> The trust shall, until Parliament otherwise provides continue to manage, maintain and operate the undertaking of the Adelaide Electric Supply Company Ltd subject to and in accordance with the provisions of the previous Act, 1897 to 1931.

The proposal here is that the trust is empowered:

> *(a)* to generate, transmit and supply electricity within and beyond the State;

We are in no doubt that for the first time we are now having written into legislation the Government's proposal to buy into the grid system with Victoria. The trust is also empowered:

> *(b)* to do anything incidental or ancillary to that purpose including—
>
> (i) the purchase, leasing, or hire of power stations, sub-stations, transmission lines and distribution systems;

We know the controversy there has been over the leaseback arrangements of the Northern power station and the Torrens Island power station, with the failure to communicate not only to Parliament but to the people of South Australia the true financial arrangements. Some of them may have been beneficial to the Electricity Trust and the consumers, but it was never really spelled out in language that the people of South Australia could understand. Then, of course, there are other much wider powers to be given to the Electricity Trust, to which I have no objection, but new subsection (3) of the proposed general powers of the trust provides:

> The trust may cut off the supply of electricity to any region, area or premises if it is, in the trust's opinion, necessary to do so—
>
> *(a)* to avert danger to any person or property;
>
> *(b)* to prevent damage to any part of the distribution system through overloading;
>
> or
>
> *(c)* to allow for the maintenance or repair of any part of the distribution system.

Of course, when the latter happens, in relation to repairs, one is always given some days notice, but there can be an emergency when the power system breaks down. Generally, one is covered, but it would be interesting to know where consumers of Electricity Trust stand in relation to private insurance, because these days a large number of houses have not only refrigerators but also frozen food cabinets

containing considerable amount of stock. If the electricity is removed from that property for more than 24 hours, consumers can find themselves up for some $100 or $200 or more in spoiled goods. So it is important to know exactly where the consumer stands in relation to the loss of power by the Electricity Trust, and the impact that it will have on any goods stored in frozen cabinets.

The point that concerns me is that of vegetation clearance. Clause 5 inserts new headings and sections, under Division III—Vegetation clearance, and new section 38 (2) provides:

The occupier of private land has (subject to the principles of vegetation clearance) a duty to take reasonable steps to keep vegetation clear of any private line on the land in accordance with the principles of vegetation clearance.

The preceding new subsection provides:

(1) The trust has a duty to take reasonable steps to keep vegetation clear of public lines in accordance with the principles of vegetation clearance.

What that means to me is that the Electricity Trust can serve notice on the property owner and say, 'We want you to trim that tree or clear anything in the way of vegetation away from our lines.' If one does not do that, the trust is empowered to do so and charge the consumer. What really upsets me is that new section 38 (5) provides:

An authorised person may use reasonable force in the exercise of a power conferred by this section.

That is frightening. Indeed, I cannot remember in my 17 years in Parliament when any Government has given any organisation, statutory authority, Government agency, or person the power to use reasonable force in the exercise of a power conferred by the section. If a person has a dog guarding his property, as many members have, someone can come in and shoot the dog. If someone wishes to enter a person's property and smashes locks or gates or do anything else, I say that my property is mine and I want reasonable notice so that I may be present when anyone comes onto my property.

I will not have anyone using reasonable force to enter my property. These are standover tactics and as a metropolitan resident I will not tolerate this type of legislation from any Government. Therefore, the select committee must look at this clause closely and spell it out. This is a classic example of the Electricity Trust's not communicating with consumers and letting them know where they stand. New section 38 (8) provides:

A person must not plant or nurture vegetation, or permit vegetation to be planted or nurtured, in proximity to a public or private line contrary to the principles of vegetation clearance.

I bought a property about 20 years ago and on it there was a beautiful New Zealand Christmas tree, which at present is a blaze of red flowers. The Botanic Garden authorities have told me that it is one of the finest specimens that they have seen. Indeed, it could be valued at between $1 500 and $1 800. To the residents it has value as an asset but, because powerlines to my house and to my neighbour's house run through the tree, we may lose it.

The Hon. R.G. Payne: That's right.

Mr BECKER: It is not right for anyone to come onto my property and hack down a tree that is an asset. I did not plant the tree. If anyone comes onto my property without my authority and touches that tree, it means the Third World War. I will not tolerate it.

Members interjecting:

Mr BECKER: Hundreds of people in the metropolitan area would have beautiful specimens of various native trees that they have planted in their garden and they will suddenly find that, if one of those trees is within cooee of a powerline, it must be hacked down. The property owner cannot stop anyone coming onto his or her property to hack down such a tree, because the Bill provides that 'an authorised person may use reasonable force in the exercise of a power conferred by this section'.

What is going on? As the Deputy Leader of the Opposition asked, has this legislation come about as a result of negotiation? As I see the Bill, it affects everyone in the metropolitan area as well as in the country. Indeed, many of its provisions will concern the consumer and will require a great public relations effort by the Electricity Trust to explain to the consumer what is intended by the Bill and what is to happen. I hope that, when the next electricity account goes out to metropolitan consumers, a small letter will accompany it to explain the position. If the Minister does that and advises consumers that the legislation has been referred to a select committee of the Parliament, he will be doing a favour.

Mr GUNN (Eyre): I believe that the Electricity Trust, the same as any other organisation in this State, has a responsibility to meet damages if it is held responsible. I do not believe that the citizens of this State should be denied the right to take legitimate proceedings against the trust if the trust is in the wrong. As someone who has spent much time in negotiating with the Vegetation Clearance Authority, an organisation that has proved to be inflexible and to lack a reasonable understanding of what is necessary to treat people fairly, I ask the Minister and those who will be advising him exactly what will be the situation if the trust requires a landowner to clear native vegetation. Must the landowner trot along to this organisation based in the Department of Environment and Planning and seek its permission? This matter must be cleared up because, although I believe that the powerlines should be cleared and decent strips put through so that people can drive along them freely and perhaps in the middle of the night negotiate difficult patches of terrain, I wish to know whether the landowner will be required to spray the land with Round-up or some other chemical to have it completely denuded of all vegetation.

Obviously, a bulldozer will be required for this purpose. That is no problem as far as I am concerned, but landowners do not want to be fooled around with this nonsense from the vegetation clearance officers. Indeed, people have been inconvenienced enough by the sort of pedantic nonsense with which those people carry on. When one has to deal with a fellow like that Lange, one knows that he would want to pull down the powerlines.

Ms Gayler interjecting:

Mr GUNN: We want this matter cleared up. If the honourable member had to deal with the fools with whom I have had to deal, she would know the problems that people have had to suffer. That is why I want this matter cleared up once and for all. This is the place in which to ask these questions. That is what Parliament is for. Parliament is not assembled for the honourable member's convenience or for my convenience. When the Government is putting through legislation, Parliament is assembled so that members can ask proper and legitimate questions. That is what I am doing and, when I am no longer prepared to do that, I shall not be here.

There is no need for members opposite to get touchy with me. If they want to provoke me, they know what the result will be because I have many things that I can say on this matter. I merely want to see commonsense applied. There are some matters on which there must be no doubt whatsoever in the minds of landowners. I share with the member for Hanson his concern about new section 38 (5), which empowers an authorised person to use reasonable

force. Will the Minister give the House some examples of circumstances in which he expects that reasonable force would have to be used?

If we want to see controversy and conflict, just let people move around the country or the metropolitan area using force to enter properties, and we will see all hell break loose in relation to these provisions. I therefore seek from the Minister and from the management of ETSA clear examples of where they believe that force must be used. Commonsense is the greatest thing that one can have in running any organisation and I hope sincerely that commonsense applies in relation to this provision, otherwise I will oppose clause 5 when the Bill comes back from the select committee.

I will not say any more at this time, but I will consider this matter in detail during the parliamentary break. I always believe that legislation is improved by reference to a select committee. Indeed, select committee work is an area in which members of Parliament can spend their time productively, and I am sure that this measure will be improved as a result of its reference to a select committee.

Mr LEWIS (Murray-Mallee): I have three points to make on the Bill before it goes to a select committee. First, I was pleased to hear the Minister advocating a sensible, sensitive and realistic policy of bare earth beside and beneath powerlines. So long as we continue to put the conduits for the reticulation of electricity to consumers through the medium of the atmosphere, clearly it is incompatible to have the conduits (powerlines) anywhere near vegetation which, can fall on them and damage them, possibly during a storm. There may be vegetation beneath the powerline which, in the event that it comes down, arcs out and causes a fire to start.

The second point that I wish to make is that I have some sympathy with the sentiments expressed by the member for Hanson about his feelings, those of his neighbours and other people for particular trees. Their option is quite clear, as is their responsibility, if they are to be effective and responsible citizens. They must put the power line underground at their own personal expense. That is the cost they must meet personally for the retention of that tree or the right to grow that tree. I do not see why you, Mr Deputy Speaker, any other member in this place, or any other South Australian or I, should be required to pay the higher cost of premiums to insure our houses against fire just because some people have precious attitudes to the trees in their backyards and irresponsible attitudes to the power reticulation wires into their homes. The two are completely incompatible and nothing in the state of nature can alter that. It is a fact. It can be twisted whichever way one likes. It is not public responsibility to meet the cost of an individual's personal inclinations in that matter.

Thirdly, I have called for this very proposition in the Bill now before the House since the time of the disastrous fires at Coonalpyn, just after I was elected, which were almost fatal. Mr Ken Lutze, whom I have previously mentioned in this place with his blessing, was badly maimed and disfigured as a consequence of being burned in that fire while he was trying to save his and his neighbour's property and premises. Had it not been for the fact that a SWER line was inappropriately erected over too long a span across a patch of native scrub, none of which was adequately cleared, that fire would never have started. On that hot day the line on that span sagged so low, as it had for the duration of the time that it had been in place, and its insulation had worn thin, so that on brushing the vegetation it arced out and started the fire. Now we know.

I also underline and strongly support the protests made by the Deputy Leader about the way in which the Electricity Trust has treated the victims of bushfires which have been demonstrably a direct consequence of power lines in various places in the State striking arcs, causing vegetation to ignite and getting a fire under way in hot weather. Whether the arcs were caused by earthing out through vegetation or between wires whipped together in high winds is immaterial. The fact remains that a fire started. Vegetation, the fuel, should not have been there.

Mr BLACKER (Flinders): I support the comments already made. I express my concern at the wide ranging provisions. One matter not mentioned so far is the impact that the Bill could have on public liability premiums for landholders where the power lines are likely to go through. Responsibility will fall back on the landholder. That will affect those people and it should be considered. A select committee is the right and proper place for that to take place, and I fully support the referral of this Bill to a select committee.

The Hon. R.G. PAYNE (Minister of Mines and Energy): I thank members for their contributions. I wish they could have been made a little earlier in the evening and a little more speedily, but, as the member for Eyre pointed out, that is what we are all here for. If we have something to say, we should say it. Sometimes one tries to make smooth arrangements, and I commend the Deputy Leader for his part in the proposed arrangements. He adhered to them 100 per cent and I thank him also for the stance that he has adopted in accommodating the fact that the Bill has come before the Parliament in something of a hurry. However, I ask the member for Hanson how the select committee could sit over the break if the legislation had not been introduced beforehand. He seemed to have an unusual idea that we should not bring in any legislation at all. With those few remarks, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That the House do now adjourn.

Mr HAMILTON (Albert Park): At this time of the year, to get relief from the heat, people journey to the beach or make use of private swimming pools. In that regard, I will raise a matter which is of some concern to me and which should be addressed by the Department of Health in this State. An article has been brought to my attention indicating that the Western Australian Health Department may prosecute sellers of a banned swimming pool chemical kit. The article states that the Commissioner for Health in that State said that kits containing ortho-tolidine (OTO), used for testing chlorine levels in pools, were banned under the Poisons Act in September after a recommendation from the National Health and Medical Research Council.

The chemical was classified as a possible carcinogen and, although exposure was extremely low in this situation, it was felt that OTO should be avoided now that a satisfactory alternative is available. When this was brought to my attention, I wrote to the Minister of Health on 24 November, asking that he look at this question. I said:

As we are on the verge of summer, I would be interested to know whether or not this is a matter that the South Australian public should be made aware of.

As a consequence of talking last weekend with two families, both of whom have swimming pools in their backyard, I was interested to find out that both use a chemical kit called R70 4 Test Kit, which tests for chlorine, alkalinity and acid

demand. These people were completely unaware that this controversial chemical, as has been referred to me by some health authority, is a suspected carcinogen and that alternative tablets such as DPD are available for testing chlorine in swimming pools.

I am further informed that this chemical is imported into Australia at the end of the Northern Hemisphere summer and is unloaded on the Australian market. If that is so, it is disgusting. It is not the first time that chemicals have been unloaded on this country and Third World countries.

Mr Lewis: What chemical are you talking about?

Mr HAMILTON: The chemical is called ortho-tolidine. That is probably the trade name of that product. Through the Parliamentary Library, I have tried to find out what the chemical is and the only reference I can find is to tolidine $(C_6H_3 (CH_3) NH_2)_2$. The reference states:

> A colourless crystalline body of m.p. 128°, soluble in alcohol and ether; prepared by reduction from orthonitrotoluene, and used in making the red substantive dye, benzopurpurine 4B.

With regard to the importation of these chemicals into Australia, I believe that the Australian Standards Association is equally concerned about this particular product and is working on a standard for test kits for use in home swimming pools. I understand that people may use this chemical and the manner in which they use it is somewhat alarming, as I understand it. They are supposed to tip a few drops of the chemical into a cap, but it is not unusual for people to put their finger over the top of the bottle and allow a few drops to go into the cap itself.

Mr Lewis: They will get a headache if they do that.

Mr HAMILTON: The member for Murray-Mallee may well be right. I intended to raise the matter in Question Time today, but time ran out and I missed out, so this is my first opportunity. I have sufficient concern to raise the matter in the Parliament. If the chemical is as bad as has been stated, and as it has been banned in Western Australia, investigation is urgently needed and it should be withdrawn from the market. Too often in this country we see products introduced from overseas and suddenly we find that they are having an impact on the health of many of the people we represent in this Parliament. In many cases it is too late, particularly for the disadvantaged people in the community, as they are the ones who, in many cases, suffer most because they cannot afford all the health facilities and back-up assistance required to help them in times of distress. I know that the Minister of Health, being a compassionate man, will look at the matter. He has indicated through his office that I should raise the matter in the Parliament, and I have done exactly that.

Another matter I wish to raise is that of rear end collisions. The cost of rear end collisions in this country is quite enormous. I know that in a number of areas in my district, particularly down by the West Lakes Shopping Centre, there have been numerous rear end collisions when people come out of Sportsmans Drive onto West Lakes Boulevard, turning left. It is not uncommon for people to stop and look back to see what traffic is coming. The car in front takes off and the one behind does the same, only to find that the car in front stops dead and, to use an expression, they are right up their rear. Having fallen victim to that many years ago, I remember quite vividly that the bang was quite horrendous, even though I was only travelling at 2 km/h to 3 km/h. It was a rather frightening experience, and I have often wondered how we could address the problem.

I have had information provided to me, and I read many newspapers in the Parliamentary Library and find many good ideas there. It is important to raise these matters in the Parliament. In Western Australia something like half a million litres of paint is used for road marking. One area in which it is used is to give indications on the roadways. Where people are turning left or approaching hazards such as stop signs or junctions, this information is painted on the road. This could and should be investigated in South Australia and, if it is found equally successful here, we should at least test it, albeit on a trial basis, and I would welcome it in my district to see how the concept works out. I understand that there has been a dramatic reduction of up to 16 per cent in rear end collisions in Western Australia. It is quite considerable and we should investigate this concept.

The Hon. JENNIFER CASHMORE (Coles): Tonight I will refer to the importance of employment and accommodation for the intellectually disabled, and in particular pay a tribute to Barkuma, an organisation which works with the disabled in the northern suburbs of Adelaide. I had the pleasure some weeks ago of being invited by a board member and the Director of Barkuma to visit the organisation's head office and its factories to assess the progress that has been made since the day in late 1979 when, as Minister of Health, together with the Federal Minister for Health, I insisted that the constitution of Barkuma be restructured to establish a board comprising people from a variety of backgrounds. I felt, following that visit, that the progress had been nothing short of spectacular and that the board of Barkuma, the staff and employees deserved praise that should be put on the public record, as I intend to do this evening.

The background is that Barkuma commenced in 1964 as a branch of the Mentally Retarded Children's Society, now known as Orana. Its purpose was to draw attention to the numbers of inadequately serviced intellectually disabled children in Elizabeth and Salisbury. Although the establishment and development of Barkuma has gone a very long way to reducing that situation, it should be noted by all members of Parliament and the community generally that the incidence of intellectual disability in our community is increasing and that the need to find facilities to adequately deal with this increase will press upon us extremely hard over the next couple of decades.

The reasons are basically two-fold. Many intellectually disabled children who would not have survived long past birth in former times are now surviving and, through medical care, are living quite long lives. The longevity of the intellectually disabled and their survival causes an increase in numbers. In addition, the trends towards women giving birth to children later in life is in itself increasing the incidence of intellectual disability. It is when children, especially first children, are conceived later in life that disorders such as Downs syndrome have a greater likelihood of occurring and already evidence exists that this is the case.

The community is unaware of this double trend, although health and welfare authorities are aware of it. South Australians do not have the acute awareness needed if public policy is to keep pace with the trend and if we are to provide the facilities needed. However, in Barkuma we have a superb example (and I note that the member for Elizabeth nodded in agreement when I raised the topic) of an organisation that is not only coping well but which would stand national and indeed international scrutiny of its methods and operation and serve as an excellent example to any State or nation seeking to deal in a humane, enlightened and compassionate fashion with the needs of the intellectually disabled.

Barkuma established a special school at Elizabeth in 1966. In 1970 it established the sheltered workshop and day training centre for younger children at Smithfield. By the end of 1974 Barkuma was catering for 15 children in a kindergarten

and 25 adults in a sheltered workshop. In 1975 a residential care program was commenced, and over the next four years an additional five houses were rented which catered for 28 permanent residents, with some respite beds available. During the period Barkuma did not receive any subsidy from either State or Federal Governments. That situation eventually became intolerable, and in 1979 a new board was established. The South Australian Health Commission undertook a review of the activities of Barkuma and in 1979-80 it made recommendations for future operations. I believe that it was on the basis of that review that the present Barkuma's success is based.

When I viewed the facilities and the two factories, one called Northpack at Brown Terrace, Salisbury, and the other Silkwood at Para Hills West, I was immensely impressed with the *esprit de corps*, the vitality and the efficiency that was evident in those two factories. The annual report for 1986-87 states:

> It [Barkuma] has been scrupulously careful to ensure that it has orientated that development at all times towards meeting the paramount needs of its people so that they can enjoy independence, self-esteem, personal development and quality of life.

I believe that those four qualities that are mentioned are the key to Barkuma's success. They mean that the service that is delivered is of particular value and benefit to the people who are involved. It is delivered at economical cost and I stress that the factories that provide products to industry on a contract basis are run on a commercial basis in so far as that is possible when one is working with people whose ability is limited but whose willingness and enthusiasm appear, at least to the visitor—

Mr S.J. Baker interjecting:

The Hon. JENNIFER CASHMORE:—to be boundless, as the member for Mitcham so helpfully says. The Executive Director of Barkuma (Mr John Smith) has received Federal recognition for his excellent work in the field of service to the disabled and he is frequently called away by the Federal Government for interstate consultancy work. It is interesting to note that in South Australia we seem to have a superlative record when it comes to voluntary services that break new ground, particularly when it is new ground in areas that I would call human enlightenment. To compare what is happening at Barkuma with the situation of intellectually disabled in this State and in this nation 10 or 20 years ago is to relalise what enormous strides have been made. Some of those strides have been made as a result of legislative action, and many of them have been made as a result of education in community attitudes.

I think that Barkuma stands well to the forefront of the field. I warmly recommend to any members who are interested in this field a visit to the Barkuma facilities. As one who has been blessed with three children who are of normal intelligence and as one who knows the close shave many of us have when it comes to that luck of the draw, I can only give thanks for the parents of Barkuma children for the manner in which their sons and daughters are able to earn an income, earn respect, attain self-esteem, and maintain their energy and personal development in ways that would not have been dreamt of a decade or more ago. I wish Barkuma well in its continuing work, and I urge South Australians to take greater note of the need for enlarged services in this area of intellectual disability.

Mr M.J. EVANS (Elizabeth): This evening I will bring to the attention of the House some of the changes that are proposed to the Defence Research Centre at Salisbury (or DRCS as it is known) and the proposed restructuring of that organisation that is now under way, although the exact detail of that restructuring is still subject to further development and negotiation. The DRCS is a very important and substantial component of the overall Defence Science and Technology Organisation (DSTO), which provides scientific and technical advice on matters relating to defence policy. It supports the services and selection of defence material, develops selected prototype military equipment, assists in the transfer of technology to defence related industries and develops its technology base to meet future needs of the Commonwealth of Australia. That is a very important function for the DSTO and, by implication, for the DRCS, which is an important part of South Australia's defence industry.

To put the DSTO in the context of the overall defence budget, one needs to realise that the DSTO budget for 1987-88 is some $183 million, which needs to be set against a total defence budget of about $7.4 billion, which is a very substantial amount of money, of which the DSTO forms only a very small part and the DRCS forms an even smaller part. However, it plays a vital role in technology transfer and development in South Australia and it plays an even more vital role in the economy of the northern region and of South Australia. The proposed restructuring has as its main emphasis the concentration of activity on scientific and engineering research and development rather than on manufacturing in-house. It is proposed to transfer the manufacturing facility largely to the private sector, and that is where part of the controversy for this proposal exists, but some manuacturing capacity will be retained in-house.

Last week, in conjunction with the northern metropolitan region, I attended a briefing at the DRCS and that was a very useful occasion. I would like to share some of that with the House this evening. I went to that briefing in the company of the Mayors in the northern region—the Mayors of Salisbury, Elizabeth and Munno Para, and the Deputy Mayor of Gawler. It was a very useful and constructive afternoon but, while I was able to see the major thrust of the argument which was put forward in support of the proposal, I believe that a number of guarantees and safeguards should be sought from the Commonwealth Government if this proposal is not to adversely affect South Australia and the northern region.

They revolve around these issues. First, the Commonwealth Government continues to fund the DRCS and the DSTO in at least constant 1987-88 dollars and that this is not used as an opportunity by the Federal Treasury to cut back on the funding to the DRCS. Further, although the level of salary and wages commitment will fall as the number of employed persons decreases, the amount of money available for the awarding of contracts to the private industrial base should not decrease and it is essential that the Commonwealth Government maintains the current real level of funding. If that guarantee is available, then that will go a long way towards reducing concern about the potential of this proposal—to cut back on economic activity in the defence area.

Secondly, it is essential that those some 250 projected scientific and engineering research staff are actually employed at the DRCS. At the moment, that is simply part of the proposal. We do not have a guarantee that that many staff will be employed and it is essential that they are if the thrust of the proposal is to be maintained and it is not to become simply a cost cutting exercise.

It is also essential that, as part of that package, a significant commitment, at least to the same level as exists now but preferably greater, be given to maintain training, apprenticeships and cadetships. Although the number of apprentices may be cut from the present 50 to some 20 or so, it is essential that that is offset by the employment of addi-

tional scientific and engineering cadets, so that the research and development thrust of the institution can be maintained. In addition, I would like to see the number of apprentices kept at the maximum capacity level of some 50 apprentices, even if employment cannot be guaranteed for all of the excess over the 20.

I appreciate that future requirements of the DRCS may well mean that only some 20 or so apprentices can be guaranteed employment, but it is critical that they continue to maintain the apprenticeships school and in fact train to their maximum capacity so that the very high standard of training available at DRCS can then be passed on to the private industrial sector which will be taking up future contracts. The 30 or so apprentices a year who would not be guaranteed employment would still be given the very highest standard of training, which would enable them to take up appropriate positions in private defence industries, suitably trained to the high and exacting standards of the defence forces. So, it is essential that that training component is also continued.

Fourthly, it is quite critical that the local contracting office at the DRCS be able to let contracts up to a value of, say, $100 000—a substantial increase from the present limit of some $20 000. This proposal, of course, is linked in with the suggestion that the Defence Contracting Office in Adelaide, a separate unit employing some 26 people, should be abandoned. With the closure of that office, it is critical that the local authority limit be lifted substantially to, say, the order of some $100 000, because, if not, combined with the closure of the Adelaide Defence Contracting Office, that could have serious impacts on local industry.

That leads me to the fifth point: that an effective transfer mechanism be established to ensure that local industry in the North, and in South Australia in general is able to take up the advantage of the opportunities which this proposal will generate. It is essential that the DRCS give comprehensive briefings to interested parties from the private sector on a regular basis, that it ensures that an effective liaison is established with local industry, and that every possible step is taken to ensure that local industry is able to pick up the employment prospects lost through the restructure of the DRCS in the manufacturing sector. This should not be an excuse to transfer resources interstate but should be the model to transfer technology and industrial capacity in the defence sector to local industry.

The defence forces have very high standards, and military specifications are in excess of those for civilian manufacturing. That, of course, is as it should be, but as part of that it is also essential that local industry is able to pick up those very high standards and work to them. Although a number of industries are able to do that already, particularly those at Technology Park and those based on the area itself, if we are to make this proposal work it is essential that the ability be transferred to as many other industries as possible.

It is also appropriate, I believe, to review the level of overseas commitment that we now have. In the current budget year it is proposed to spend some $1.3 billion overseas on the purchase of capital equipment. That is $1.3 billion which will not be available to Australian industry in the local context and, although the level of overseas payments on equipment will decline now that the FA18 payments are also winding down, it is essential that we review this level of overseas commitment, because it represents money going out of Australia, which is taking Australian jobs, which is not being pushed into the development of an Australian manufacturing capacity to defence and military specifications and which is wasted so far as our balance of payments and balance of trade are concerned. Australia desperately needs that enhancement to its balance of trade prospects, and I believe that defence offers one of the most interesting and exciting prospects for reversing the unfortunate trend of recent times.

The defence expenditure on equipment is massive—some $2.7 billion this year, and it is most unfortunate that some 50 per cent of that will be spent overseas. That trend has been evident for many years. Fortunately, for the first time in at least five years the Australian content will exceed the overseas content, but $1.3 billion is still far too much, and it is essential that our defence planners address this matter; that could well be coordinated with the present restructuring of DRCS. I am not prepared to actually support that proposal, overall, without the guarantees.

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

Motion carried.

AGRICULTURAL CHEMICALS ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

APIARIES ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

At 10.25 p.m. the House adjourned until Wednesday 2 December at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 1 December 1987

QUESTIONS ON NOTICE

SAFETY HELMETS

108. **Mr S.J. BAKER** (on notice) asked the Minister of Education: Has the Education Department carried out a survey to ascertain the extent to which safety helmets are being used by students who ride to school and, if so, what are the results?

The Hon. G.J. CRAFTER: No.

SUBMARINE PROJECT

166. **Mr OLSEN** (on notice) asked the Premier: What was the total cost to the Government, including artwork, design, photography, recording, filming, air-time and newspaper space, of the advertising campaign launched by the Premier on 19 May based on the submarine construction project?

The Hon. J.C. BANNON: The total cost was $43 478.05.

177. **Mr BECKER** (on notice) asked the Premier:

1. Which forms of media were used in the campaign promoting the Government's involvement with the submarine project, and at what cost for each?
2. Which company was contracted to handle the promotional campaign and how much service fee was paid?
3. What was the frequency of advertisements in each media outlet?
4. Which press publications were booked for the promotion campaign, what circulation does each have, how much did each advertisement cost, and what was the respective size of each?
5. Were any advertisements placed in interstate or overseas media and, if so, where and at what cost?

The Hon. J.C. BANNON: The replies are as follows:

1. Television $12 495 (media cost only)
   Newspapers $8 438.99 (media cost only)
2. George Patterson Advertising/Adelaide for Television—service fee $4 163.69
   Direct communications for newspapers—service fee—nil.
3. Television: Frequency—South Australian metropolitan—nine times (three stations over two nights); South Australian country—15 times (three stations over four nights)
   Newspaper: the *Advertiser*—once; the *News*—once.
4. The *Advertiser*: circulation—211 345; cost—$6 297.06; size—full page.
   The *News*: circulation—158 000; cost—$2 141.93; size—full page.
5. Yes, interstate media.
   Pacific Defence Reporter magazine, in support of a South Australian industry supplement. Cost $2 400.

STOCK LOSSES

260. **Mr BECKER** (on notice) asked the Minister of Transport:

1. What was the total amount of all items of stock lost, stolen or missing from each department and authority under the Minister's control for the year's ended 30 June 1986 and 1987?
2. What value of goods, and which, were recovered during each period?
3. Have internal auditing and improved stock controls helped reduce stock deficiencies and theft and, if not, why not?
4. What amounts of cash and/or cheques have been lost or stolen in the same periods?

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

Department of Transpsort

1. The department's current asset register does not indicate any definitive loss for those years.
2. and 3. Not applicable.
4. Over the two year period, approximately $200 in salary overpayments were made which could not be recovered.

State Transport Authority

1.

	1985-86 $	1986-87 $
Surplus at stocktake	26 098	—
Shortage at stocktake	—	2 539
Other goods stolen/lost	9 200	3 100

2. Information not available
3. Controls in place are keeping discrepancies in the State Transport Authority to an acceptable minimum as illustrated in the figures in 1. above.
4. No cheques were lost or stolen in either financial year. Cash lost or stolen is negligible and is estimated to be less then $100 each year.

Highways Department

1. The total amount of stock lost, stolen or missing for the years ending 30 June 1986 and 1987 was $96 000 made up of:
   (a) Lost/missing (i.e. discrepancies at stockcheck): $4 000.
   (b) Stolen (i.e. items reported to police): $65 000.
2. The lost/missing items valued at $4 000 were revealed at stockcheck. The value is arrived at after compensating surpluses and deficiencies are taken into account. Total discrepancies are attributed to accounting errors in the course of normal stores operations and, in relation to total turnover of stores, they are minimal; there was no specific evidence of pilferage from stores. No specific records are kept on the value of stolen goods recovered which are minor in comparison to the amount stolen.
3. Improved stock controls using a computerised system have resulted in a higher discrepancy rate at stockcheck because of the more accurate accounting requirements, but most errors are trivial in value. The number of deficiencies reduced by about 23 per cent in the 1986-87 period.
4. No amounts of cash and/or cheques were lost or stolen during the same time periods.

Department of Services and Supply

1. As at 30 June 1986: State Information Centre—$2 169.25; State Supply Division—$6 739.30.
   As at 30 June 1987: State Information Centre—$1 536.02; State Supply Division—$8 220.15.
2. No. goods were recovered in either period by the State Information Centre. No record is kept by the State Supply Division of the value of goods recovered. The monetary figures given in 1. above are net results after goods incorrectly delivered are returned for credit.
3. Yes.
4. Nil.

262. **Mr BECKER** (on notice) asked the Minister of Education:

1. What was the total amount of all items of stock lost, stolen or missing from each department and authority under

the Minister's control for the years ended 30 June 1986 and 1987?

2. What value of goods, and which, were recovered during each period?

3. Have internal auditing and improved stock controls helped reduce stock deficiencies and theft and, if not, why not?

4. What amounts of cash and/or cheques have been lost or stolen in the same periods?

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

Education Department

1. Year ending 30 June 1986—$333 246.05
Year ending 30 June 1987—$560 323.45

No stock deficiencies were reported from the Education Department's Kent Town store in either period.

2. Goods recovered include video and audio equipment and sundry items. The values of recoveries were as follows:
Year ending 30 June 1986—$4 822.64
Year ending 30 June 1987—$2 873.10

3. Schools continually received advice from the Internal Audit Branch on measures to protect their assets. The effectiveness of any improvement is difficult to assess in the short term.

4. Cash stolen from schools amounted to:
Year ending 30 June 1986—$2 138.30
Year ending 30 June 1987—$1 581.05

Children's Services Office

1. Nil.
2. Not applicable.
3. Yes.
4. Nil.

Office of Aboriginal Affairs

1. Nil.
2. Not applicable.
3. Yes.
4. Nil.

CORRESPONDENCE

285. **Mr BECKER** (on notice) asked the Minister of Education representing the Minister of Community Welfare:

1. Does the Minister intend to acknowledge or answer letters of 4 and 26 August 1987 from the member for Hanson and, if not, why not and, if so, when?

2. What are the reasons for delay in granting the member and his constituent an interview as originally verbally requested on 29 June 1987 and confirmed by those letters, and when will the Minister meet with us?

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

1. A reply has been forwarded.

2. These matters are referred to in the reply mentioned in 1. above.

SCHOOL TRANSPORT SERVICES

302. **Mr OLSEN** (on notice) asked the Minister of Education: Has the Minister received a consultant's report on the cost of departmental and private sector bus services with the aim of developing future policy options for the provision and funding of school transport services and, if so—

(a) What are the conclusions and recommendations of the consultant; and

(b) is it the intention of the Government to implement the recommendations?

The Hon. G.J. CRAFTER: No.

OUT OF SCHOOL HOURS CARE

354. **The Hon. JENNIFER CASHMORE** (on notice) asked the Minister of Education:

1. On what criteria does the State Planning Committee on Children's Services determine priority for out of school hours care funding?

2. Which centres have received funding for out of school hours care?

3. How much funding is each centre receiving and from what dates has funding been made available?

4. What is the total sum available for 1987-88 from the Commonwealth for out of school hours care and has funding for 1987-88 been fully committed?

5. At what stage are the needs of the Magill area expected to be recognised for funding for out of school hours care of Magill House?

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

1. The allocation of places for out of school hours services is based upon criteria which determine the areas of highest need, that is, those local government areas which have the highest proportion of primary school aged children with parent(s) in the work force, taking into account other services in the area.

Recommendations on the locations of new services are made to the Commonwealth Minister of Community Services and Health by the Department of Community Services and Health on the advice of the South Australian Planning Committee for Children's Services. The Commonwealth also determines the funding formula for out of school hours care.

2. and 3.

Program	Grant p.a.	Year commenced
Aberfoyle Park Neighbourhood House	7 688	1986-87
Athelstone Primary School	6 525	1977
Bowden-Brompton Community Group	7 688	1977
Brahma Lodge Primary School	7 688	1986-87
Cambridge Terrace After School Care Program	7 688	1986-87
Christie Downs School	5 760	1977
East Adelaide Primary School	12 915	1983
Enfield Polish Child Care Centre	11 070	1986-87
Fraser Park Primary School	3 075	1977
Gilles Street Primary School	24 600	1983
Goodwood Primary School	8 460	1977
Hackham West Primary School	8 328	1985
Hallett Cove R-10	15 375	1987
Hendon Primary School	7 688	1986-87
Henley and Grange Council	7 688	1986-87
Hindmarsh Corporation	7 380	1977-78
Marion Primary School	7 688	1977-78
Mitcham Hills OSHC Service Inc.	7 688	1986-87
Mitcham Village Kindergarten	7 688	1986-87
Mount Gambier YMCA	17 835	1977-78
Munno Para Primary School	9 844	1979
North Unley Neighbourhood Centre	8 969	1977-78
Parafield Gardens Primary School	7 688	1987
Plympton Primary School	5 850	1977-78
Port Augusta High School	6 407	1987
Reynella East Primary School	7 688	1986-87
Rose Park Primary School	14 863	1977-78
Salisbury North Primary School	8 400	1977-78
Salisbury North-West Primary School	14 760	1985-86
The Heights School	7 688	1986-87

In addition, there are several programs funded directly by the Commonwealth:

Mitchell Park
North Adelaide Baptist Child Care Centre
Parkside Community Child Care Centre
Thebarton Parent-Child Centre
Kalaya Children's Centre
Koonibba

4. *(a)* $380 193.

(b) Yes.

5. Magill House will be considered for Government funding when a grant is allocated to the Burnside local government area.

COMMUNITY HEALTH CENTRES

368. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Transport representing the Minister of Health: Is the Government currently giving consideration to the abolition of the present incorporated status of community health centres under the control of the South Australian Health Commission in the proposed amalgamation of the commission and the Department for Community Welfare and, if so, will the Minister give an assurance that no decision regarding the change in status will be made without full consultation with the community health centres, management and local communities?

The Hon. G.F. KENEALLY: The Government is not currently giving consideration to the abolition of the present incorporated status of community health centres under the control of the South Australian Health Commission in the proposed amalgamation of the commission and the Department for Community Welfare.

On Sunday 29 November 1987 a green paper on SAHC/DCW amalgamation was released for public comment. None of the specific options in the green paper provides for the abolition of the present incorporated status of community health centres.

GOVERNMENT VEHICLE UFU 549

396. **Mr BECKER** (on notice) asked the Premier:

1. To which Government department or agency has a Mitsubishi L300 van, UFU 549, been assigned?

2. Who authorised the use of the vehicle for carrying goods to be sold at the Elizabeth 'Trash N Treasure' market on Sunday 11 October 1987 and is such authorisation an accepted and ongoing practice in the particular department/agency?

3. Were the two females who were in their early twenties both employees of the department/agency in question and, if so, what Government business were they conducting from 8.30 a.m. when they were seen unloading and selling household effects from the van?

The Hon. J.C. BANNON: The replies are as follows:

1. The Mitsubishi L300 Van, UFU-549, has been assigned to the Intellectually Disabled Services Council Inc., in particular, the Strathmont Centre's Kalaya and Wiltu Villas.

2. The vehicle was used on Sunday 11 October 1987 for carrying goods to be sold at the Elizabeth 'Trash N Treasure' market. This activity was authorised by the charge nurse of Wiltu Villa as part of the process of normalisation and as such is regarded as an 'accepted and ongoing practice' at Strathmont Centre.

3. The two young women with the vehicle on the day in question are both employees of Strathmont Centre and were part of a group of residents and staff from Wiltu Villa who were visiting the Elizabeth 'Trash N Treasure' for the purpose of:

(a) Selling donated household effects which were remaining from a fund raising event held at Wiltu Villa in the previous week. Such fund raising events are held on a regular basis to provide funds for additional amenities.

(b) Providing a social and recreational outing for the residents of the villa in line with the principles of normalisation.

REGULATION REVIEW

404. **Mr OLSEN** (on notice) asked the Minister of Education representing the Attorney-General: Since 1 July 1987, how many 'green papers' have been prepared in relation to the Government's regulation review procedures, what was the proposal contained in each paper, who was the Minister responsible for it and was it forwarded to the Government Adviser on Deregulation for comment?

The Hon. G.J. CRAFTER: On 2 March 1987 Cabinet approved proposals aimed at rationalising the regulatory process. These included a prior assessment process, regulatory impact statements, an automatic revocation program for subordinate legislation, and the use of sunset clauses in primary legislation where it is considered appropriate. Subsequently, on 5 June 1987, Cabinet approved the use of green and white papers as a consultative mechanism and to promulgate policy.

On 21 September 1987, Cabinet approved the regulation review procedures handbook to be adopted by all Ministers and Government agencies when considering regulatory or deregulatory proposals. While agencies were advised of the Cabinet decision of 2 March 1987, formal instructions on the use of the green and white paper system were delayed pending approval of the regulation review procedures handbook which provides details of the required contents of each paper. All agencies were issued with copies of the handbook on 9 October 1987.

Green papers prepared in terms of the regulatory procedures are:

1. Development of regulations under Bulk Handling of Grain Act—Minister of Agriculture.
2. Repeal of Second-hand Goods Act—Attorney-General.
3. Deregulation of real estate and conveyancing charges—Minister of Consumer Affairs.

The Government Adviser on Deregulation was involved and asked to comment on the green papers concerning the development of regulations under the Bulk Handling of Grain Act, and the repeal of the Second-hand Goods Act.

REGULATORY IMPACT STATEMENTS

405. **Mr OLSEN** (on notice) asked the Minister of Education representing the Attorney-General: How many regulatory impact statements under the Government's regulation review procedures have been prepared since 1 July 1987, which Minister initiated each statement and what was the proposed regulation?

The Hon. G.J. CRAFTER: Regulatory impact statements are to be prepared when the responsible Minister and the Attorney-General agree that the impact of a regulatory proposal is likely to impose an appreciable burden, cost or disadvantage on any sector of the public. It is expected that in most cases the green paper process will adequately fulfil the need for consultation and the RIS will be the exception rather than the rule. Instructions for the use of the RIS process were approved in Cabinet on 21 September 1987 and promulgated to all government agencies on 9 October 1987. To date there have been no RIS prepared.

ACCESS TAXI SUBSIDY SCHEME

423. **The Hon. JENNIFER CASHMORE** (on notice) asked the Minister of Transport:

1. By what amount has the State Government subsidised the Access Taxi Subsidy Scheme in its first year of operation?

2. How many members have joined the scheme since its inception?

3. How may people have applied for membership of the scheme?

4. How many cabs are there in the scheme?

5. What plans does the Government have for increasing the Access fleet?

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

1. Since the operation commenced on 11 May 1987, the subsidy paid till the end of October 1987 was $46 867.

2. 1 705 as at 31 October 1987.

3. 2 234 as at 31 October 1987.

4. 10.

5. It is proposed to increase the fleet to 20 and it is expected that the additional vehicles will be in service by June 1988.

PROPERTY PURCHASES

441. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: What properties, where and at what individual price were $2 million worth of additional properties purchased in the past financial year, as set out on page 86, table 4, Capital Payments, 1986-87, Variations from Budget, Financial Statement of the Premier and Treasurer, 27 August 1987?

The Hon. T.H. HEMMINGS: In 1986-87 the SA Housing Trust was granted approval to increase its expenditure on land in order to purchase a number of parcels of Government owned land located in the central metropolitan area, valued at approximately $10 million. It was originally anticipated that all of the required funds could be re-allocated from other programs, without prejudice to approved targets. However, this could not be achieved and the Housing Trust sought an additional appropriation of $2 million from the capital side of Consolidated Account to assist with the purchase. The additional $2 million was granted on the condition that the Housing Trust repay the amount, plus interest to the South Australian Financing Authority. This repayment was made on 2 September 1987. Attached is a list of the properties specified in the Housing Trust's proposal for additional expenditure. The additional $2 million was incorporated with existing funds to facilitate the purchase of these properties.

PROPOSED ADDITIONAL EXPENDITURE

(i) Surplus S.T.A. and Highways Department land in the Norwood and Magill districts	Estimated $4 m
(ii) Surplus Highways Department land in Bowden	$225 000
(iii) The Enfield Receiving Centre	$500 000
(iv) The Department of Housing and Construction sites at Butler Avenue, Pennington and Carrington Street, Adelaide	Estimated to be valued at a minimum of $1.9 m
(v) Surplus Education Department land on Russ Avenue, Seaton	$105 000
(vi) Barton Vale Hall, Enfield	$810 000 (gross)
(vii) The Commonwealth Department of Housing and Construction site in Russell Street, Adelaide	On offer to the Trust at $500 000
(viii) Sundry Council and privately owned sites	To an estimated value of $1.75 m

HOUSING FUNDS

448. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: What were the findings of the investigations into future housing funds mechanisms to assist people previously living in institutions as referred to on page 465 of the Program Estimates, 1987-88?

The Hon. T.H. HEMMINGS: The investigations referred to by the honourable member are part of the study into 'The Housing Impacts of Deinstitutionalisation Policies'. The study commenced in July 1987 and the findings are expected to be available by mid-1988. The study was initiated by the SA Department of Housing and Construction, and is being jointly funded by the Australian Housing Research Council ($40 000) and the Federal Department of Community Services and Health ($10 000). The study will provide a national examination of the housing impacts of deinstitutionalisation, as well as recommend on appropriate responses and funding mechanisms to assist with the housing needs of people previously living in institutions. The study will focus particularly on the situations in Adelaide, Sydney, Melbourne and Canberra.

SHARED OWNERSHIP SCHEME

451. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. Has Myles Pearce and Co. been given sole agency arrangements to promote the South Australian Housing Trust Shared Ownership Scheme and, if so, why?

2. How many trust properties have now been sold and for what total amount?

3. How many inquiries has the trust received under the scheme since announced by the Minister?

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

1. No, Myles Pearce and Co. have not been given sole agency arrangements to promote the South Australian Housing Trust Shared Ownership Scheme. Myles Pearce and Co. did, however, undertake a pilot marketing scheme for the South Australian Housing Trust approaching tenants who had previously indicated an interest in shared ownership. As a result of the success of this pilot scheme, the trust has called for submissions from members of the Real Estate Institute interested in acting as selling agents; and invited Myles Pearce and Co. to continue a sales program on a limited basis in the interim period, while selling agents are appointed.

2. Since the inception of the Shared Ownership Scheme, shares of 21 properties have been sold for a total amount of $331 871. Of these 21 sales, 16 purchasers have bought the minimum share of 25 per cent.

3. Since the scheme was first announced in October 1986, the trust has received a total of approximately 1 600 direct inquiries. Numerous other inquiries have resulted in normal sales as well as the trust shared ownership sales.

452. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: Were tenders called from real estate agents to promote and sell the South Australian Housing Trust Shared Ownership Scheme and, if not, why not?

The Hon. T.H. HEMMINGS: Following a call for submissions from interested consultants in 1986 the trust commissioned Touche Ross International to advise on its program of sales of rental dwellings to tenants. Touche Ross assembled a study team which included Myles Pearce and Co. Pty Ltd and Ian McGregor, Marketing. As part of the study, Myles Pearce and Co. carried out a pilot marketing scheme, approaching tenants who had previously indicated

an interest in shared ownership. As a result of the success of this pilot scheme and the subsequent recommendations of the consultants, the trust has called for submissions from members of the Real Estate Institute interested in acting as selling agents (the closing date for submissions is 20 November 1987), and invited Myles Pearce and Co. to continue a sales program on a limited basis in the interim period while selling agents are appointed.

HOME SCHEME

456. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: Why did the South Australian Housing Trust not charge the increased interest rate set by the State Bank to purchasers under the HOME rental purchase scheme in 1986, what was the amount of the rate increase and how much money has been lost by the trust as a result?

The Hon. T.H. HEMMINGS: The HOME rental purchase scheme has been a very active and rapidly growing scheme since its introduction in 1983. To cope with the demand and complex financial arrangements it was necessary to convert from a fully manual ledger keeping system to a computer based system. However, during the period of computer design, development and implementation, the interest rate increase in August 1986 was not addressed. The computerised system has now been fully implemented and the interest rates increased as from 1 July 1987, with a review due this month to address the interest rate catch up. The interest rate increase that was not implemented in 1986 was for a 1 per cent increase and the estimated forgone revenue is $250 000.

458. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. Under the HOME concessional loan scheme, how will the State Bank allocate 2 500 loans and will such loans be for new houses and, if not, why not?

2. How many such loans have been granted under the scheme to date?

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

1. *(a)* The estimated HOME concessional loan program for 1987-88 is 2 500. Based on an estimated average loan of $46 000, the program will require funds of $115 million and this money will be provided in the following manner.

State funds	$22.5 m
Roll-over funds	$92.5 m
	$115.0 m

All loan applications are considered in turn.

(b) HOME concessional loans are used to finance both newly constructed dwellings and established dwellings. Last financial year the ratio of loans was approximately 2:1 in favour of established dwellings. Government policy on this matter is based on the principle of consumer choice determining the distribution of loans for established and new dwellings.

2. Figures on HOME concessional loans over the life of the scheme (which commenced on 1 October 1983) indicate that 9 300 loans have been provided.

COOPERATIVES SCHEME

461. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. How many and which cooperatives are now participating in the Government's program and how many rental units of accommodation are under the control of each cooperative?

2. What financial contribution has the Government made to each cooperative since inception of the scheme?

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

1. Currently, there are 35 cooperatives participating in the Government's program, collectively managing a pool of 736 rental houses. It is anticipated that 976 units will be held by the existing cooperatives at the end of this financial year. A further 26 units of accommodation may be allocated to six new groups which are currently seeking inclusion in the program. Details of individual cooperatives, including the people or target group housed, the location of the housing and stock held, are outlined in the attached schedule 1.

2. Since the inception of the program, a total of $8.159 million has been paid out in mortgage subsidies. Only 29 of the 35 co-operatives have received subsidies to date. The remaining six groups have not yet had loans settled on recently acquired properties and therefore no subsidies have been provided. Details of subsidies provided to each co-operative are contained in schedule 2, attached.

RENTAL HOUSING ASSOCIATION PROGRAM

No.	Name of Association	Type of People Housed	Location of Stock	Housing Stock as at 31/10/87	Anticipated Stock as at 30/6/88
1	Adelaide Aboriginal Students	Aboriginal students	Metropolitan area	5	20
2	The S.A. Aboriginal Community	Aboriginal people	Metropolitan area	23	30
3	Access	Intellectually disabled	Elizabeth/Salisbury	2	7
4	Advance	Intellectually disabled	North East	10	15
5	J. H. Angas	Deaf people and their families	Metropolitan area	23	30
6	Bedford Industries	Intellectually disabled	Metropolitan area	1	7
7	Bert Adcock	Low income people	Rostrevor and surrounding area	5	10
8	C.A.S.A.	Spanish families	Metropolitan area	20	30
9	Copper Triangle	Low income people	Kadina, Moonta areas	5	17
10	Ecumenical	Indo Chinese refugees	North Eastern	34	34
11	Elizabeth and District Aged	Aged people	Salisbury and Elizabeth	—	7
12	Frederick Ozanam	Elderly and Invalid Pensioners	Metropolitan area	40	40
13	Gawler	Low income people	Gawler area	8	15
14	Hindmarsh	Low income people	Hindmarsh area	33	51
15	Inner Southern	Low income people	Inner metropolitan area	—	7
16	ISIS	Single parents and low income families	Inner metropolitan area	—	7
17	Kensington and Norwood	Low income families	Kensington/Norwood and metropolitan	20	30

No.	Name of Association	Type of People Housed	Location of Stock	Housing Stock as at 31/10/87	Anticipated Stock as at 30/6/88
18	Latamer	Latin American people	Metropolitan	6	7
19	Manchester Unity	Physically disabled	Metropolitan	34	34
20	Mile End	Low income people	Mile End area	13	21
21	Northern Suburbs	Aged people	Prospect, Enfield area	121	125
22	PARQUA	Physically disabled	Metropolitan	5	15
23	P.E.A.C.H.	Low income people	Prospect, Enfield area	24	30
24	Port	Low income people	Port Adelaide area	20	30
25	Portway	Low income people	Port Adelaide area	20	30
26	Red Shield	Low income people	Metropolitan area	24	30
27	Riverland	Low income people	Riverland	7	15
28	Someone Cares	Ex offenders and families	Metropolitan area	30	30
29	Southern Housing Support	Single parents	Southern metropolitan	23	30
30	Southern Vales	Low income people	Noarlunga area	20	30
31	S.P.A.R.K.	Single parents	Western suburbs	14	20
32	Tyndyndyer	Low income and intellectually disabled	Mount Barker	—	5
33	Urrbrae	Low income people	Urrbrae area	18	23
34	Westside	Low income people	Bowden, Brompton	13	21
35	Women's Shelter	Single parent families	Metropolitan	115	123
			Total	736	976

RENTAL HOUSING ASSOCIATION PROGRAM

Housing Association	Totals
Access Housing Association	7 181.00
Advance Housing Association	70 403.00
Adelaide Aboriginal Students	22 673.00
Bert Adcock	20 966.56
CASA Australiana	133 414.93
Copper Triangle	17 618.00
Ecumenical	585 225.57
Fred Ozanam	499 591.89
Gawler Housing Association	22 024.34
Hindmarsh Housing	281 580.26
J.H. Angas Housing	150 681.99
Kensington and Norwood	128 776.27
Manchester Unity	527 110.10
Mile End	76 790.64
Northern Suburbs	1 441 600.85
PARQUA	33 069.66
P.E.A.C.H.	117 411.63
Port Housing	149 264.52
Portway	221 030.72
Red Shield	109 616.48
Riverland	25 035.59
S.P.A.R.K.	89 873.96
S.A.A.C.H.A.	210 655.47
Someone Cares	467 565.88
Southern Housing Support	353 758.66
Southern Vales Community	230 353.27
Urrbrae	219 505.86
Westside	50 576.23
Women's Shelters	1 895 429.71
	$8 158 786.04

Total money borrowed from private lending institutions, approximately $41 million.

ACCESS CABS

475. **Mr BECKER** (on notice) asked the Minister of Transport: Has Access Cabs Pty Ltd been purchasing spare parts for its motor vehicles using sales tax free orders and, if so, for how long, why, what restitution has been made and how much money is involved?

The Hon. G.F. KENEALLY: When the vehicles were being developed for use as access cabs, alterations had to be made requiring purchase of parts at a total cost of $4 410. This was part of the capital expenditure and as such tax free orders were used. Spare parts for ordinary running maintenance are not purchased tax free.

ADELAIDE REMAIND CENTRE

477. **Mr BECKER** (on notice) asked the Minister of Correctional Services: Why is the chapel at the Adelaide Remand Centre not being used officially by remandees?

The Hon. FRANK BLEVINS: The reason why the chapel at the Adelaide Remand Centre is not being used is because of a lack of interest on behalf of remandees. However, a remandee has made a request for a religious service of his denomination and this is currently under consideration by the manager.

PRISONS

478. **Mr BECKER** (on notice) asked the Minister of Correctional Services:

1. What were the findings of the review team investigating education programs in prisons and when will they be implemented?

2. Who were the members of the review team and on how many occasions did they meet?

The Hon. FRANK BLEVINS: The replies are as follows:

1. The team which conducted a review of educational services for prisoners has made a number of recommendations in which it recognises the limited resources available for prisoner education in South Australia. The conclusions of the review team are under active consideration with the view to ensuring that resource requirements which have been identified as necessary are appropriately considered by the Government during the preparation of the budget for 1988-89. The mechanisms which have been proposed by the team are also under active review.

2. The members of the review team on prisoner education were:

Mr L. Farr, A/Assistant Director, Programs DCS (Chairperson);

Mr F. Verlato, South Australian Ethnic Affairs Commission;

Ms C. Watson, Office of the Commissioner for Equal Opportunity;

Mr D. Pallant, Assistant Director, Education Department;

Mr D. Rathman, Head, School of Prisoner Education, Department of TAFE;

Mr B. Morgan, Manager, Northfield Prison Complex; and

Mr H. Weir, Elton Mayo School of Management, SAIT, (withdrew December 1986).

Members of the review team met on 10 occasions commencing on 29 October 1986, and in addition spent most of the week of 23 February 1987 in working sessions finalising the report.

Additional time was also committed by review team members in ensuring that small subcommittees of the review team visited each institution to ensure that oral submissions could be taken from a range of groups including: prison managers; professional staff; correctional officers; correctional industry officers; and prisoners.

Whenever possible, these smaller review teams were confined to team members from outside DCS to encourage both prisoners and staff to participate and maintain some objectivity in issue identification.

PRISONER PROGRAMS

480. **Mr BECKER** (on notice) asked the Minister of Correctional Services:

1. What new improved prisoner programs were made available during the past financial year?

2. How many programs are currently available to develop prisoners' knowledge and skills and in what educational and social areas?

The Hon. FRANK BLEVINS: The replies are as follows:

1. In 1986-87 the provision of new prisoner programs was minimal as existing services were fully extended in providing basic welfare and educational services. In the general programs area, a departmental review team is currently conducting an extensive review of programs in prison and will examine options for improving the management of programs as well as recommending on any departmental initiatives that may need to be taken given the relative paucity of programs available in institutions.

2. There are a variety of educational, recreational and social programs available in institutions. The lists below are not inclusive of all programs available as many programs are tailored to individual needs.

Social Work Services:

There are five social work staff currently employed within institutions with services being provided to some institutions by Community Corrections staff. The current range of services offered by social work staff include:

- provision of detailed reports to the Parole Board on the prisoner's social background, behaviour and programs completed in prison, and recommendations re conditions for release.
- provision of pre-release courses for groups of prisoners at Northfield Prison Complex and individual attention for prisoners where a group program is not run.
- individual counselling for prisoners and families.

The increase in prison numbers in 1986-87 has placed the provision of social work services in institutions under considerable strain given the increasing volume of parole reports.

Activities/Programs:

Correctional staff in prisons provide a wide range of sporting/recreation services for prisoners. The emphasis in recreation is on its use as a developmental tool for prisoners, rather than as a means of 'keeping prisoners busy'. Staff providing these services are located at the Adelaide Remand Centre, Northfield Prison Complex, Port Augusta Gaol, Yatala Labour Prison and Adelaide Gaol. In the coming financial year it is planned to extend these programs to Port Lincoln Prison and Cadell Training Centre.

Education

Educational services for prisoners are provided by the School of Prisoners Education, TAFE, in institutions with some overlap with DCS funding in some instances. The broad categories of course offerings are: literacy, numeracy and basic education; and vocational skills training (e.g. welding, automotive, farm skills).

Academic and higher education (matriculation, Department of TAFE certificates, university degrees).

General interest/personal development courses (art, craft, music, etc.).

Specific courses offered under these broad headings in 1986-87 were: adult literacy; painting and sketching; basic guitar; public speaking; hairdressing; ceramics; gem cutting; and drama.

Port Augusta Gaol

Leatherwork; gem cutting; auto mechanics; ceramics; motor vehicle maintenance; blacksmithery and farriers courses; welding; computer awareness; literacy; English for Aboriginals.

Port Lincoln

Welding; leatherwork; hobby tex; computer awareness; creative writing; discussion group; basic education (English/Maths); farm work skills (full-time vocational preparation); calligraphy; first aid; plant propagation; ceramics; mural group.

Cadell Training Centre

Literacy/numeracy; guitar; drawing; ceramics; farm skills (full-time vocational preparation); poetry; swimming; driving school; first aid; life skills; leatherwork; computing; vocational welding.

Yatala Labour Prison

Yoga; literacy/numeracy; written communication; wood turning; migrant English; painting and sketching; basic guitar; ceramics; hairdressing; craft leadlighting; photography; weightlifting; silk screening; fork lift driver training; furniture finishing; first aid; personal development (IOPE); MIG welding.

Northfield Prison Complex

Literacy/numeracy; business studies; art; dressmaking; hairdressing; food preparation; nutrition.

Mount Gambier Gaol

Motor maintenance; wood carving; guitar; adult literacy; cooking; business studies; physical education; computer awareness; soft toy making.

HOME DETENTION SCHEME

481. **Mr BECKER** (on notice) asked the Minister of Correctional Services: How many offenders are currently placed under the Home Detention Scheme and how many have completed their sentence?

The Hon. FRANK BLEVINS: As at 16 November 1987, 13 prisoners were actively on home detention while 27 prisoners had completed the program.

MOBILONG PRISON

482. **Mr BECKER** (on notice) asked the Minister of Correctional Services:

1. How many prisoners are now located at Mobilong Prison?

2. When will the prison reach maximum capacity?

3. How many staff are now employed at the prison and have all staff positions been filled?

The Hon. FRANK BLEVINS: The replies are as follows:

1. 40 prisoners are now located at Mobilong Prison.

2. The prison will reach maximum capacity by the week ending 5 February 1988.

3. 79 staff are presently employed at the prison. The full staffing establishment of Mobilong Prison is 130; the balance of staff will not commence until 29 January 1988, four days prior to the final 80 prisoners being transferred to Mobilong Prison. With the exception of 11 positions, existing Department staff have been identified to complete Mobilong's staffing establishment. Arrangements are being made to fill the remaining vacant positions.

YATALA LABOUR PRISON

483. **Mr BECKER** (on notice) asked the Minister of Correctional Services: What were the results of the review of

industries conducted at Yatala Labour Prison and have these findings been implemented and, if not, why not?

The Hon. FRANK BLEVINS: The review of industries at Yatala Labour Prison identified 37 areas where change could assist in improving the effectiveness of operations. Of these 37 recommendations, 12 have been implemented, a further 13 are ongoing matters and a further one requires no action. Of the 37 recommendations only eight have not received attention to date. The reason for no action on these points is that they are subject to other areas of the review being implemented fully.

PRISONER PAY SYSTEM

484. **Mr BECKER** (on notice) asked the Minister of Correctional Services: What were the 'inequities within the prisoner pay system' referred to in the Department of Correctional Services Report 1986-87 (page 11) and how were they addressed?

The Hon. FRANK BLEVINS: The inequities which were referred to in the annual report of the department were the abuse of sick pay provisions and the increase of overtime, second jobs and seven day a week positions which were providing additional financial reward for some prisoners. To rectify this problem the Department of Correctional Services issued a departmental instruction which provides for those genuinely sick to be paid an allowance and places a strict ceiling on overtime, second job and seven day a week positions for prisoners.