HOUSE OF ASSEMBLY

Wednesday 6 May 1992

The SPEAKER (Hon. N.T. Peterson) took the Chair at 4.30 p.m. and read prayers.

WORKERS REHABILITATION AND COMPENSATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. R.J. GREGORY (Minister of Labour): I have to report that the managers of the two Houses conferred together but that no agreement was reached.

STATUTES AMENDMENT (ILLEGAL USE OF MOTOR VEHICLES) BILL

At 4.32 p.m. the following recommendations of the conference were reported to the House:

As to Amendment No. 3:

That the Legislative Council do not further insist on its amendment and the House of Assembly do not further insist on its alternative amendment but the Legislative Council make the following alternative amendments:

Long title, page 1—Leave out 'and the Road Traffic Act 1961' and insert ', the Road Traffic Act 1961 and the Summary Offences Act 1953'.

New clause—

Page 1, after line 14—Insert new clause as follows:

Commencement

1a. This Act will come into operation on a day to be fixed by proclamation.

New Part—Page 3, after line 2—Insert new Part as follows:.

PART 4

AMENDMENT OF THE SUMMARY OFFENCES ACT 1953

Amendment of s. 17—Being on premises for an unlawful purpose:

7. Section 17 of the principal Act is amended by striking out the penalty at the foot of subsection (1) and substituting the following penalty:

Penalty: Where the unlawful purpose is the commission of an offence punishable by a maximum term of imprisonment of two years or more—Division 5 imprisonment.

In any other case—Division 7 fine or division 7 imprisonment.

And that the House of Assembly agree thereto.

PETITION: RURAL CARE WORKER

A petition signed by 336 residents of South Australia requesting that the House urge the Government to reinstate the position of rural care worker on Eyre Peninsula was presented by Mr Blacker.

Petition received.

PETITION: SPECIAL EDUCATION ASSISTANCE

A petition signed by 2 667 residents of South Australia requesting that the House urge the Government to increase special education assistance to schools was presented by Mr Matthew.

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 380, 422 to 427, 430, 442, 452 to 454, 488, 493, 496, 499, 501, 506, 507, 510, 513, 518, 520 and 521; and I direct that the following answer to a question without notice be distributed and printed in *Hansard*.

AUSTRALIAN SECURITIES COMMISSION

In reply to **Mr M.J. EVANS (Elizabeth)** 19 February.

The Hon. G.J. CRAFTER: Following the honourable member's question, the Attorney-General wrote to the Australian Securities Commission (ASC) seeking information regarding the delays referred to by Mr Evans. The ASC has now responded and advises that the Adelaide office is not experiencing substantial delays in the processing of company documents. Form 304 'Change to officeholders', to which the honourable member referred is treated as a priority document, with a maximum three-day turnaround time. This target is monitored and met in most circumstances. However, delays occur if there are errors in documents lodged requiring correspondence to rectify deficiencies.

Apparently, it is a regular occurrence for forms 304 to be lodged outside the statutory time-frame for disclosure of changes to officeholders. As a result, when lodgment occurs there is often a degree of commercial urgency with the lodging party seeking urgent processing. These requests are usually satisfied. For a period of three months, from mid-December to mid-March, the turnaround time of five days for processing company annual returns is extended due to the peak lodgment period. This, unfortunately, is a function of the corporations law, in that most exempt proprietary companies end their financial year on 30 June and are then required to lodge their annual return by no later than 31 January in the following year.

During the peak processing period (in which there is an extended turnaround target), annual returns, after revenue processing, are systematically filed awaiting database processing and scanning. Retrieval of temporarily filed annual returns to satisfy urgent enquiries only presents a minor problem during the period between receipt at the Information Processing Centre and revenue processing. These are infrequent and are usually satisfied without undue delay. The annual return peak does not affect the turnaround time for processing of priority documents such as Form 304.

The ASC further advises that the processing of all documents will have returned to the normal turnaround time by 27 March 1992. Apparently, this will be the earliest time for more than 15 years that normal processing of company documentation on a national basis has been achieved. The ASC is currently developing proposals to alter the lodgment arrangements for company annual returns to eliminate the peak period and provide for an even lodgment pattern throughout the year.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Health (Hon. D.J. Hopgood)—

Port Pirie Regional Health Service Inc.—General By-laws.

By the Minister of Transport (Hon. Frank Blevins)—

Metropolitan Taxi-Cab Act 1956—Applications to Lease—22 April 1992.

By the Minister of Labour, for the Minister of Forests (Hon. J.H.C. Klunder)—

Forestry Act 1950—proclamations—
Hundred of Gambier.
Hundred of Caroline.

By the Minister of Marine (Hon. R.J. Gregory)—

Boating Act 1974—Regulations—Hire and Drive Commencement.

By the Minister of Employment and Further Education (Hon. M.D. Rann)—

Industrial and Commercial Training Act 1981—Regulations—Clerical Processing (Legal).

QUESTION TIME

The SPEAKER: Before calling for questions, I wish to advise that questions otherwise directed to the Minister of Industry, Trade and Technology and Ethnic Affairs will be handled by the Minister of Employment and Further Education; to the Minister of Emergency Services and Mines and Energy, by the Deputy Premier; to the Minister of Recreation and Sport, by the Deputy Premier; and to the Minister of Housing and Construction, by the Minister for Environment and Planning.

WORKCOVER

Mr D.S. BAKER (Leader of the Opposition): That does not leave many to choose from, but my question is directed to the Premier.

Members interjecting:

The SPEAKER: Order! The honourable Leader of the Opposition.

Mr D.S. BAKER: Why did the Premier give an undertaking last week to three employer groups to correct the WorkCover second-year review and avoid a serious financial blow-out in the WorkCover scheme and then fail to honour the undertaking; and what undertaking will he now give that he will resist union pressure to reform WorkCover and prevent further increases in levies, which are already the highest in Australia?

This undertaking was given on 28 April and confirmed in a press release by the Chamber of Commerce and Industry, the Employers Federation, and the Engineer Employers Federation. It followed estimates from WorkCover that the effect of a recent Supreme Court ruling on second-year reviews would be a $120 million blow-out in unfunded liabilities and an annual growth of $50 million in unfunded liabilities. The Minister of Labour is quoted in the *Advertiser* as saying that the two-year review amendments would have contravened a long-stated policy of the State Labor Party, which begs the question of why the Government supported the amendments in the original select committee.

The Hon. J.C. BANNON: I was not responsible for the press release quoted by the honourable member. At that meeting—and, incidentally, I had a meeting with representatives of the United Trades and Labor Council as well on the progress of the Bill—I said that the procedures of the Parliament were being followed and that the matter would be dealt with one way or another. Their primary concern at that stage was that what has in fact happened would happen: namely, that we would emerge from this session without any changes to the workers compensation legislation. It was totally unnecessary that we emerged with no changes having been made to workers compensation as every member opposite knows.

The fact is that the Government introduced a Bill, and that Bill made its normal progress through this place and was considered in another place where amendments were moved. This Chamber disagreed with those amendments, and they were eventually referred to a conference. The normal process in a conference is that there is some negotiation, give and take in this area, but the fact is that that did not take place. The Minister has just reported to the House, and the Bill is laid aside in consequence. A range of quite valuable amendments, some moved by the Government and some moved in another place, could have been accepted, but they were not. We have to ensure that we have a competitive and effective workers compensation system in this State if we are to encourage and generate employment.

The concern of everyone in industry that we would emerge with nothing having been done has, unfortunately, proved to be well founded. I did not anticipate that that would be the case when I spoke to them at that time. I understood that the processes would ensure that, through the normal kind of compromise, we would get somewhere. We did not: we were not able to, and it is greatly to be regretted that members in another place, of both the Liberal and Democrat Parties, coming at this thing from different directions, ganged up together to ensure that nothing happened. That is the truth of it.

As for what we do in future, I suggest that the best thing that could happen, since positions have become extremely polarised, is to have a cooling down period and to take a step back. Certainly, the Government will be talking to employers and to the trade unions about what needs to be done in these next stages.

MULTI-TRIP TICKETS

Mr HOLLOWAY (Mitchell): Will the Minister of Transport ensure that the State Transport Authority provides adequate arrangements for the replacement of faulty multi-trip tickets? Several constituents have approached me with problems they have experienced with faulty multi-trip tickets. On discovering that these tickets were faulty they were forced to purchase a replacement single ticket and travel to the city to obtain a replacement for the faulty tickets.

The Hon. FRANK BLEVINS: We issue many millions of Crouzet-type tickets each year. They come from an Australian company, and we are very pleased to have assisted in the establishment of that business, but, as with any technology, from time to time we appear to get batches of tickets that are not up to the standard we would expect. As I say, many millions of tickets are printed, and very few are not up to standard. However, we have just gone through a period of a few weeks in which there is no doubt that we have had more than the usual number of failed tickets.

We are working with the company—a very good Australian company—to ensure that the standard of tickets coming from the company's manufacturing operation is up to the STA standard. However, from time to time, it can cause some inconvenience for our passengers. I will point out some of the remedies that are available to people. A failed ticket can be exchanged in person at any of the following STA offices during business hours: the customer service centre at the corner of King William and Currie Streets; the concessions pass office at STA House, bus depots and staff at suburban railway stations. In addition, a failed ticket may be exchanged by the use of a post-paid refund envelope, which can be obtained from metropolitan post offices, metropolitan post office agencies and licensed ticket vendors, of which there are over 800 in the metropolitan area.

The STA undertakes that any replacement ticket will be posted to the customer's nominated address within two working days of receipt of the failed ticket. So, whilst we apologise for the inconvenience that a failed ticket can cause, we are working with the manufacturer to ensure that the standard of the product that comes from that operation is as high as I believe we are entitled to expect. The manufacturer appreciates the problems we have on occasions with those tickets and is doing everything it can to see that the standard is adhered to. We concede that it is a problem: we are doing everything possible working with the manufacturer to see that the problem is overcome.

ADELAIDE CASINO

Mr S.J. BAKER (Deputy Leader of the Opposition): Is the Minister of Finance, as Minister responsible for the Casino, concerned that Genting, as the consultant to the Adelaide Casino, has a conflict of interest and is he prepared to invite the Casino Supervisory Authority to investigate this matter? Genting (South Australia) Pty Ltd is consultant to the Adelaide Casino to advise on management and technical matters. Mr Bob Bakewell is a Director of this company and I understand he has had a permanent office in the Casino since last year to represent Genting's interests. He is paid a fee of $200 000 a year and Genting receives over $3 million a year. Genting had had this agreement with the Casino since it opened in 1985 and it does not expire until 2002.

I have been informed that the duration and generosity of this contract is unprecedented, given the level of service provided which, I am advised, is more illusory than real. I have been further informed that, recently, Genting has been acting counter to the interests of the Adelaide Casino and South Australian taxpayers by attempting to discourage professional gamblers from overseas from visiting our Casino. Because Genting companies also own the very large Southern Highlands Casino in Malaysia and have an interest in Perth's Burswood Casino, Genting has become concerned about the extent to which the Adelaide Casino is taking away lucrative junket business from these other establishments, from which it can earn a much greater share of profit. Diverting this business elsewhere will have an impact on South Australian taxpayers, both through reduced returns to general revenue from the Casino operations, worth $17.5 million in 1990-91, and in reducing the value of SASFIT's one third ownership of the Casino.

The Hon. FRANK BLEVINS: I am delighted to see some interest in the Adelaide Casino by the Deputy Leader. My experience is that he has always been somewhat opposed to the Casino. He believed that any funds that came from the Casino to the taxpayer were tainted funds and certainly funds that this State did not want. I would have thought that, if there was anything in this story that was true and meant that taxpayers' funds from the Casino were being diminished, it would be applauded by the Deputy Leader. I know nothing about any conflict of interest with Genting or anybody else. I wonder what prompted the question.

Mr Ferguson: His last question.

The Hon. FRANK BLEVINS: Yes. I saw a news item this morning in the *Advertiser* about a staff member of the Adelaide Casino who had resigned from the Casino. I wonder whether there is any connection. As regards the salary package of $200 000 available to Mr Bakewell (I have no knowledge of what Mr Bakewell is or is not paid), I assume that in the private sector salaries are paid that make those of us who work in the public sector and represent working class electorates absolutely aghast with amazement. It is just unbelievable. Nevertheless, if a company wishes to employ somebody, I cannot see why the Opposition should complain about the salary. Surely it is a contract between free agents and they can pay what they wish.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: The question of conflict of interest is a serious one. I have no idea whether there is a conflict of interest, but as it has been raised I will certainly ask the Casino Supervisory Authority to give me a report on this matter to ascertain whether there is anything it thinks it should investigate relative to Mr Bakewell, his salary, high rollers, low rollers, Malaysian casinos, or whatever. I will refer the matter to the Casino Supervisory Authority and bring back a reply.

ALCOHOLIC BEVERAGE SALES

Mr QUIRKE (Playford): Will the Minister representing the Minister of Consumer Affairs in another place take up with his colleague the question of alcoholic beverage sales on Good Fridays? A publican, who is also a constituent, has sought my help on this matter because under South Australian law he and other publicans are not allowed to trade on Good Friday, yet the bottle shop at Parafield Airport, which is on Commonwealth land, traded all day. My constituent would like to see fair play, with either all licensed bottle outlets being able to open or close on Good Friday.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. I can understand the concern of the licensees in districts surrounding that airport. The orderly pattern of marketing of alcohol that is established pursuant to South Australian licensing laws is somewhat frustrated by this practice where there are licensed premises on Commonwealth property. I will undertake to have this matter investigated by my colleague in another place and ask her to have discussions with her Commonwealth colleagues.

ETSA BUILDING

Mr INGERSON (Bragg): Does the Treasurer support the decision to sell the ETSA building—

Members interjecting:

The SPEAKER: Order!

Mr INGERSON: —on Greenhill Road for $5 million when the building was valued on the trust's books in 1990 at $19.6 million and was recently revalued at $11 million? Secondly, does the failure to call tenders for sale represent Government policy?

The Hon. J.C. BANNON: I am interested to see the honourable member join in this issue, and he joins in, of course, because it has been given prominent press publicity and he now wants to surf in on that.

Members interjecting:

The SPEAKER: Order! The member for Bragg is out of order.

The Hon. J.C. BANNON: I understand that the Hon. Mr Stefani has had the running on this. I also understand that the member for Bragg has had a full briefing with ETSA on the issue and that his reaction to that was to be satisfied about the nature of it.

Mr Ingerson interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Well, if that is wrong, perhaps the honourable member can correct it. All I can say is that this issue has not involved me, nor should it involve me.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: The responsibility in relation to this transaction rests with ETSA and its board—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —in whom it is vested. It is not simply a matter of looking at the valuation and disposal of the ETSA building: it is a matter of looking at the other side of the transaction, that is, the move that ETSA will be making and the value that is involved in that.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I am advised that the quotation of the Department of Lands, Director of Valuations, was incomplete in the report in this morning's paper; it quoted him as saying, 'The figure looks low.' It is true that that is what he said, but he went on to say that he did not have the detailed information that ETSA had on the cost of the refurbishment. In particular, as the honourable member knows—

Mr Ingerson interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Well, is the honourable member saying that he knows nothing about the asbestos problems in the building? Is the honourable member saying that he has not been informed of this and therefore this is a big surprise to him?

Members interjecting:

The SPEAKER: Order! The member for Bragg is out of order.

The Hon. J.C. BANNON: The fact is that the honourable member had a full briefing, with which he said he was satisfied.

Members interjecting:

The SPEAKER: Order! The Leader is out of order.

The Hon. J.C. BANNON: Now he is surfing in: he is pleased to get on the band wagon. That obviously has a very fundamental effect on the valuation and has not been taken into account. All those details—the full details—were looked at, I am advised, by ETSA's consultant valuer. I have a report from the General Manager of ETSA in which he says that its valuer was provided with detailed estimates, the cost of refurbishment and all the other aspects on which the honourable member has been briefed and on which the valuer of the Department of Lands was not briefed. ETSA has offered the Department of Lands that information if it wants to have another look at it: well and good. But, it is part of the total transaction.

I have no further comment to make on the matter except to say that Mr Robin Marrett, the General Manager of ETSA, is an extremely experienced businessman. He comes from the private sector and is hugely qualified and recognised for his management work Australia-wide. I would tend to have a little more faith in his approach to this and his board's consideration than in the honourable member, influenced as he is not by the briefing and information he has had but by the need to get himself a Deputy Leader's, or is it a Leader's, headline. That is what it is about, and the honourable member ought to be more responsible. There are other ways and means of getting in on issues than attempting to join in this one, where he knows that there is no basis.

GOODS AND SERVICES TAX

The Hon. T.H. HEMMINGS (Napier): Will the Acting Minister of Tourism explain what impact the goods and services tax will have on the South Australian tourism industry? It has been put to me that the goods and services tax may have its greatest impact on domestic holidays such as the SA Shorts, hence my question to the Minister.

The Hon. M.D. RANN: Thank you—

Members interjecting:

The SPEAKER: Order! There is a point of order. The Minister will resume his seat.

Mr S.J. BAKER: Mr Speaker, the way in which the question was asked was not only speculative but hypothetical.

The SPEAKER: The Chair does not uphold the point of order. The honourable Minister.

The Hon. M.D. RANN: It seems that the honourable member opposite does not have great faith in the Federal Leader of the Opposition. That does not surprise me, because the 500-page Fightback package would be the longest suicide note in Australian political history. On Saturday the voters of Alexandra will have the opportunity to send a message to the Liberals that a GST would severely damage the tourism industry in this State. We already know that the Liberal's zero tariff policy would devastate manufacturing in this State. Tourism is one industry that we need to encourage as one of the growth industries for the 1990s. It is quite clear from all the evidence that the GST would strangle tourism. It is one industry that is very price sensitive.

I understand that Liberal leadership hopeful Dean Brown has yet to say where he stands on the 15 per cent GST. We all know that the GST is the central cog of John Hewson's Fightback package. I admire the fact that John Olsen has told electors that he supports both the GST and zero tariffs. I think it is time now for Dean Brown and the member for Coles to tell us what their position is, because they cannot simply get away with saying it is a Federal issue. If we are to have honour in this House and in the electorate, we must recognise that it is an issue that could have a devastating impact on South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I am excited by the interjection from the Deputy Leader of the Opposition. I want to assure him that he has about 21 votes: one from members on the other side and the rest from members on this side. We would love to see him back. The current wholesale tax adds very little to the cost of holidaying in Australia. It adds slightly more than 2 per cent to the costs of the personal services industry—hotels, restaurants and entertainment—1.1 per cent to the costs of the air transport industry, and 1 per cent to the cost of services in the transport industry, which includes such things as car hire. That is the existing tax structure.

There is currently no direct tax on many of the goods that tourists purchase, such as restaurant meals and attractions. The exemption from GST, under the Hewson package, of international air fares for outbound tourists means that overseas holidays become relatively more attractive than domestic holidays, which would be subject to GST. That is what the Liberal Party thinks about Australia; that is where its patriotism ends. It wipes out the tax for those going overseas on their trips to Wimbledon—as the honourable member opposite remembers very fondly—but of course people who are travelling in South Australia will be taxed.

The majority of tourism businesses in South Australia are small operators who will not be compensated by savings from the abolition of payroll tax. National figures reveal that only 13 per cent of tourism and hospitality enterprises employ more than 20 people and are therefore likely to have payrolls over the payroll tax threshold. Claims that the personal income tax cuts will give people more money to spend on holidays and leisure amount to double counting. These cuts will be absorbed in compensating for the price increases associated with the GST on the everyday necessities of life.

South Australia is making great strides in boosting tourism and encouraging local people and those from interstate to take South Australian short holidays. My worry is that under the Liberals there would not be short holidays; it

would be South Australia short lived, as many small businesses struggle under the GST.

Mr D.S. Baker interjecting:

The Hon. M.D. RANN: I am delighted that the Leader of the Opposition is at last putting his head up, because I understand he is making a bit of a comeback for the deputy leadership.

Members interjecting:

The SPEAKER: Order!

Mr GUNN: Mr Speaker—

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat.

Mr GUNN: Mr Speaker, you have previously ruled that Ministers should be brief in answering questions. I put to you that the Minister is giving a lengthy prepared speech.

The SPEAKER: I uphold the point of order. I ask the Minister to draw his response to a close; I think he has covered the matter pretty well.

The Hon. M.D. RANN: I certainly believe it is important for the Leader of the Opposition to now detail whether he supports the zero tariff option and whether he still supports the GST, because I know he is busy lobbying for votes.

Members interjecting:

The SPEAKER: Order! The honourable member for Coles.

Members interjecting:

The SPEAKER: Order! The Minister for Environment and Planning has had a fair go today, too. This is probably the last Question Time for this session, and it would be a great pity if anybody should miss the end of it. I ask all members to pay attention to Standing Orders and give due respect to those asking and answering questions. The honourable member for Coles.

INFORMATION UTILITY

The Hon. JENNIFER CASHMORE (Coles): My question is directed to the Premier. Will he confirm a very significant reduction in the estimated cost savings to taxpayers from the Government's proposed establishment of an information utility? In view of the concerns of Treasury, the Auditor-General, the Public Service Association and the United Trades and Labor Council, is the Government reviewing this project and, if not, why not? I have been provided with a number of documents which raise serious questions about the cost of this project. I have papers drafted for Cabinet last month which describe the proposed information utility as 'essential for the success of the MFP'. However, these papers also record the view of the Public Service Association that the information utility 'would be a high risk enterprise' which should have been put to open tender.

Treasury has indicated it wishes to make submissions to the Treasurer 'with regard to uncertainties in the data and other risk factors'. Less than a year ago, in a Cabinet submission dated 13 May 1991, it was estimated that savings would be $75 million over five years, and I have a copy of that submission. However, latest estimates are for no more than a $5 million saving over the next five years, and there is even a high degree of uncertainty about this figure.

The SPEAKER: Before calling the Premier, I point out to the House that it is no good complaining about long answers when we have long questions. The honourable Premier.

The Hon. J.C. BANNON: I am delighted to have a question—

Members interjecting:

The Hon. J.C. BANNON: Mr Speaker, I appreciate your problems with all the aspirants on the bench. I appreciate the question from the member for Coles and her turn. Of course, I notice that the member for Heysen, forgotten Wotton, sits mute as each of the deputy aspirants gets a question. I sincerely hope the next one will be the member for Adelaide; I understand he was very miffed this morning when a survey of Deputy Leader aspirants was done and he was left out. He complained that he was not mentioned.

But to get to the substance of the honourable member's very long question and detailed explanation, as all members would be aware, because there has been a lot of discussion about this in the context of the MFP and certainly within the public sector, the information utility proposal involves a lot of very complex and long-term decisions in relation to data processing and a series of other applications. It is the first time that such a comprehensive approach to information has been assessed and attempted. Of course, in doing that, a pretty high level consortium of people was gathered to participate. That has been worked through step by step over quite a considerable period. I am aware of the PSA's objections or doubts about the information utility which it has expressed from time to time. It has prepared papers, I think it has also had some consultancy commissioned on aspects of it, and there have been some detailed discussions about it with its representatives which, in part, has modified its position. Certainly, it has not overcome the PSA's doubts and concerns about the project.

At the Government level, the matter has been given very close attention indeed. At this stage, we are awaiting the business case to be fully developed, and I hope that will be completed quickly. Just how the information utility can be developed, whether and in what way it can be staged, is obviously a matter under consideration by the steering committee and all those involved with the project.

In terms of its savings to Government, our starting point has obviously been the very large amount of money that is committed annually by Government in all its aspects to those processes with which the information utility seeks to deal. In other words, it is a very large amount of money. This was recognised by the Government of New South Wales, which has embarked on a similar but not as comprehensive an exercise on the same basis.

Could we get a better return and value for our money than we are? Most importantly, could we see that base of expenditure used to create a much larger entity into which our private sector business could plug to ensure that we have a much greater capacity in South Australia? They are the very exciting opportunities offered by the information utility, and that is the basis on which one begins to assemble a business or financial case. What sort of savings can be accomplished and how one measures them are the next questions to be asked in relation to both direct and indirect savings, which are hard to equate but which could in fact be very considerable indeed.

Certainly, this is what the New South Wales exercise and study have revealed, and we are going down the same track only in a much more comprehensive way, because there are enormous manpower and other savings if it is done better in a private-public consortium to the services of which the private sector would have access as well (and those services could be sold to the private sector) than under the current arrangements. So, it is a very exciting and visionary project, and it is being approached very carefully and systematically, step by step. I believe that by approaching it with that sort of care we will get it right. We are taking into account the objections and concerns of bodies such as the PSA, and it is appropriate that we should do so.

SEAT BELTS

Mr HAMILTON (Albert Park): My question is directed to the erstwhile Minister of Transport. Will the Minister advise when seat belts will become compulsory in all buses in South Australia?

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON: My question is prompted by a letter from a resident of Hawkesbury Way, West Lakes, in which it is stated:

> I look forward to the approval of the proposal for all passenger seats on coaches to be fitted with seat belts, as this would then deal with the safety of everyone travelling on a coach. I feel that people sitting on a seat with another seat in front of them are risking serious injury or death, equally, with those on 'exposed' seats.

My question is also prompted by an interstate article, which states:

> Seat belts will be made compulsory in all long distance buses in Australia from 1994. However, it is understood it will be up to each State to decide whether to make use of them compulsory.

Members interjecting:

The Hon. FRANK BLEVINS: Well, as far as I know, but as members opposite will know it is a very fast moving game and it has a day-to-day operation. I was not aware of the position in Western Australia, and it may well be, as the member for Albert Park has stated, that they will have to modify their legislation to get the benefit of the new Australian design rules which will provide for seat belts and seat belt strengths to be fitted in long distance coaches and light buses.

For the information of the House, the Australian design rule will become operative in July 1994 for long distance coaches and July 1995 for light buses. As soon as that rule becomes operative South Australia will implement it automatically, because the Road Traffic Act stipulates that the wearing of seat belts is compulsory if a seat belt is fitted. That will apply automatically to where seat belts must be fitted in long distance coaches and light buses as stipulated in the Australian design rule.

We believe that the present legislation is adequate. It will come into effect automatically, but I can assure the member for Albert Park that, if any deficiencies are found in the legislation, the legislation will be put before the Parliament for amendment to ensure that people travelling within and through this State have the benefit of this new Australian design rule. The member for Albert Park's constituent can be assured that the South Australian Government will take whatever steps are required to see that the benefit of this protection applies to all people travelling within South Australia.

INFORMATION UTILITY

Mr MATTHEW (Bright): Will the Treasurer explain why two major international corporations have withdrawn from the proposed Information Utility and the significant delay in finalising proposals for the utility? Papers in the Opposition's possession show that Fujitsu of Japan withdrew from this project last year and now IBM has withdrawn. A report released in May last year by the MFP-Adelaide Management Board advised that the Information Utility was in the last phase of the evaluation and approval process and that the South Australian Government was expected to announce the successful consortium for its development 'shortly'.

This report coincided with a Cabinet decision on 13 May 1991 approving 'final negotiations with selected consortia to establish the Information Utility as a joint venture of the State Government and external parties'. The report also proposed a capital investment of between $60 million and $170 million to produce total revenue of $300 million over a five year period. In statements reported in the *Advertiser* of 7 June last year, the Premier described this utility as 'world class' and gave a $90 million estimate of savings for the Government over five years.

However, papers prepared for Cabinet last month show not only a significant reduction in estimated savings and increasing concerns about its viability but also that development of the proposal has made little, if any, progress over the past year. The papers also report:

> The process of development of the feasibility study has been time consuming and expensive for all parties, and the commercial parties, having incurred some $3 million expenditure, are unlikely to be able to continue work on the project in the absence of a formal commitment on the part of the Government. A decision to proceed (or not) is therefore desirable as soon as possible.

The Hon. J.C. BANNON: It may be desirable as soon as possible but only when we are satisfied that such decisions can be made—and there is a series of decisions. They are sequential, and we will take as long as we need to ensure that those decisions are soundly based. I should have thought that the Opposition would not have wanted otherwise. From memory, I do not think that Fujitsu was in the consortium that was put together for the two aspects of the Information Utility when it was launched. IBM did withdraw. Members will be aware that IBM has undertaken a drastic reassessment of its operations world-wide, in particular in Australia.

It has shed thousands of jobs, consolidated in a number of areas, and did not feel comfortable in the sort of Information Utility environment, sharing information and activities with some of its keenest rivals, as I understand it. Its decision not to continue to be involved in that aspect—and it was involved in only one aspect of the utility—was something we respected and thought reasonable in terms of its business plan.

In so doing, it did not wash its hands of the operation or the exercise. On the contrary, it indicated that it would maintain a watching brief or interest and, indeed, if there was an opportunity for it to have some role as the utility developed, obviously it would look at it. Meanwhile, the other consortia members—all of whom in one way or another have been under a great deal of pressure in the current marketplace (bodies such as Digital, like IBM, have had major world-wide restructuring, management changes and things of that nature)—are still working on the proposition. There is no way that we will go into it without all of the parties feeling satisfied that we have a commercial and viable operation. A business case is being developed at the moment. We are not working off a particular time level. Of course, it would have been great if we had met those earlier optimistic predictions—it would have been marvellous. We will certainly not rush into the project.

While I am taking questions on this issue, I advise that the hands-on ministerial responsibility is carried by the Minister of Industry, Trade and Technology. In fact, he has responsibility in Government for the information technology area, as he has for the broad technology issues. It is most appropriate that he has that role. It is unfortunate that he is not here as he could have taken some of the questions asked. My answer, in any case, has adequately dealt with the issue. I suggest again that the project has enormous potential and is well worth pursuing. It certainly has been noticed and is part of the thrust for the MFP. I hope that we will see the Opposition supporting it.

Mr Matthew interjecting:

The SPEAKER: Order! The member for Bright had adequate time to ask his question. The member for Henley Beach.

STORMWATER

Mr FERGUSON (Henley Beach): Will the Minister of Water Resources inform the House of the outcomes of a stormwater seminar held on Tuesday to examine ways in which the community might use stormwater resources? My constituents are looking forward with excitement and anticipation to what the E&WS proposes for stormwater. The majority of my electorate's stormwater is disposed of by entering what is known as the Grange lakes, the upper reaches of the Port River. Eventually it finds its way into West Lakes. Unfortunately the waterway is terribly polluted.

The SPEAKER: Order! The honourable member is starting to debate the question. I ask him to resume his seat. The honourable Minister.

The Hon. S.M. LENEHAN: I am delighted with the support for this whole concept of addressing what is a very serious issue. In explaining what came out of the seminar on this important issue, I acknowledge the Secretary-General of the Local Government Association, Jim Hullick, who opened the seminar and set the scene. I also acknowledge David Plumridge, the President of the Local Government Association, who did an excellent job in summarising the day's proceedings. The seminar was ably chaired by Geoff Tate, the Deputy Secretary-General of the LGA. It was very well attended. Registrations amounted to well in excess of 100 people—probably up to 120 people attended. It is important to share the outcome with members of this place. There was overwhelming support for the strategic plan for managing stormwater in Adelaide—in other words, there was widespread agreement that we need to have some form of strategic plan to look at the better management of stormwater across regions and also across resource areas.

As a result of the discussion paper I released jointly with David Plumridge, there seemed to be overwhelming support for Option 5, that is, the establishment of a coordinating body, perhaps something that resembled a stormwater management authority. This authority should be fairly lean and mean and have a small administrative unit; it certainly would not be responsible for carrying out the required works, either the establishment of wetlands or other engineering works. Underneath that authority there would be at least five catchment boards made up of local governments in the area, and they would have a direct relationship in terms of responsibility and feed-in to the authority.

The most contentious issue that faces the Government of South Australia and this Parliament is how we might fund such an exciting and innovative proposal. A number of options were looked at, including such things as levies or whether it could be funded through local government, the Engineering and Water Supply Department or some other manner. I congratulate all participants on the mature way in which these matters were dealt with. It is a vitally important issue. If we are to progress in what I believe is one of the most serious environmental issues facing metropolitan Adelaide, we need to work in a bipartisan way. I understand that the member for Heysen—

The Hon. D.C. Wotton interjecting:

The SPEAKER: Order! The member for Heysen is out of order.

The Hon. S.M. LENEHAN: The member for Heysen is feeling very unloved about this matter, but I am prepared to provide him with a transcript of what resulted from the conference.

Members interjecting:

The SPEAKER: Order! There is far too much background noise. I would ask the Minister to conclude her response.

The Hon. S.M. LENEHAN: I will provide the honourable member with a transcript of what took place, because he has made a number of public statements over the past six months which have indicated quite clearly his support for moving ahead to solve this whole issue of stormwater management. The honourable member will certainly be included in any future seminars.

COUNTRY STUDENTS

Mr BRINDAL (Hayward): Will the Minister of Education confirm that a $1 million program, which was announced by the Minister in November 1990 to provide boarding accommodation for country school students, has been a failure and that the program is being reviewed? When the Minister announced this program, he said that houses would be provided in Port Lincoln, Whyalla, Cleve and Port Augusta. However, only one of the two houses in Cleve is currently occupied; the four houses in Port Lincoln and Whyalla are unoccupied; and there are similar problems with the scheme at Port Augusta.

This has occurred because the program was announced before any proper consultation with the school councils and school principals involved, and there are continuing difficulties in establishing clear operating guidelines. The Minister was warned before this program was introduced that such problems would occur. He ignored the advice that it should be—

The SPEAKER: Order! The member for Hayward is now commencing to debate the question.

Mr BRINDAL: Sorry, Sir. I am informed that the Minister was advised that a number of houses should be provided in the metropolitan area first, before any houses in isolated areas were provided. I am also informed that he rejected this advice, and this leaves the Education Department with vacant houses worth hundreds of thousands of dollars at a time of increasing budgetary pressure within the department and when other country students cannot find suitable accommodation so that they can continue their studies in Adelaide.

The SPEAKER: Obviously, members have saved all their long questions for today. The honourable Minister of Education.

The Hon. G.J. CRAFTER: The honourable member need not have taken so long, because his facts are very much astray. For a former employee of the Education Department, he seems to carry a penchant for attacking our State school system, and without checking his facts, using this House to denigrate without checking the work our schools are doing, particularly those that are trying to provide additional opportunities for students in the more remote areas of our State to continue their secondary education to enable them to enhance their career opportunities into tertiary sector and training.

The honourable member's facts are well astray. For example, the very first of these cottages was established in the metropolitan area, and the honourable member chose to ignore that fact. He said that this program should have been trialled in the city prior to its commencement in the country. Well, it was trialled in the city and it was found to be successful prior to its commencing in the country. The funding for this program has come from the Common-

wealth Government: indeed, the Commonwealth Government announced the program.

Secondly, this matter was not foisted upon schools: schools were asked to indicate their interest in this program, and a number of schools in fact chose not to participate, while others did. There were some time factors involved: a time limit applied to the Commonwealth funding. So, discussions occurred with the Housing Trust to enable houses to be made available prior to the organisation for those cottages being completed.

It is true that there have been difficulties in finding house parents in some rural communities, and some school communities have been reluctant to take on this additional responsibility for a variety of reasons. That is disappointing to me and to the Commonwealth Government. I think it is particularly disappointing for those families that are denied the opportunity to boost the education of their children in this way. It is interesting that, in contrast, the non-government school sector is increasing its boarding school opportunities in the rural areas of South Australia. As I understand it, this is the first opportunity that has ever been taken by our State school system to provide boarding or cottage home accommodation opportunities for students. It is novel, but I intend to pursue this matter and try to resolve the difficulties we are experiencing. I believe it is a very important initiative for education in South Australia.

TOURISM SOUTH AUSTRALIA

Mr HERON (Peake): I direct my question to the Acting Minister of Tourism. Is there any indication yet as to the success of the new Tourism South Australia interstate advertising campaign, which was featured in the local media on Monday?

An honourable member interjecting:

The Hon. M.D. RANN: That is interesting. We have yet another negative interjection from the Liberals about South Australia's tourism efforts.

Members interjecting:

The Hon. M.D. RANN: This will not take long. After just two days, the success of Tourism South Australia's interstate advertising campaign is already beyond expectations, there being over 6 000 responses in the first two days.

Members interjecting:

The Hon. M.D. RANN: They are all trailing in. They are consulting the Arthur Daley political consultancy. Do we have an Opposition for you: back to the future or is it forward to the past? I am not quite sure. The campaign commenced in Melbourne on the weekend with both print media and television advertisements featuring comedian Max Gillies, and there were inserts in automobile association magazines.

The television campaign alone has attracted 3 500 callers—that is within two days—from the advertisement being featured in prime time television on all commercial channels on Sunday and Monday evenings. The balance of response has come from the print media and inserts in the Automobile Association magazine. The television commercials will continue throughout this week. Of course, Adelaide is a great tourism destination, and the Out of the Ordinary approach to the advertising has been rewarded with keen interest in the Tourism South Australia promotion.

I am sure that all members will be delighted with the success, and it reinforces the value of tourism in the economic future of the State. I am sure that operators who have contributed to the *South Australia Out of the Ordinary Holidays* book will be more than delighted as the bookings roll in in the months ahead. Again, it is interesting to see members opposite sitting there showing zero interest. I know the knives are drawn. It has been spread around unfairly, I am told, that the member for Coles has only two votes. That is quite untrue; she has more votes than that—about three, from what I can gather. I know she will vote for herself, but her hands will shake.

The SPEAKER: Order! The Minister is out of order.

The Hon. M.D. RANN: I hope that all members will support this very innovative campaign.

STATE FINANCES

Mr D.S. BAKER (Leader of the Opposition): My question is most important for South Australia's future, and it is directed to the Treasurer. Will the Treasurer assure the House that he will retain and compile for prosperity all his addresses on financial administration so that they can be referred to by future State Treasurers as a foolproof guide on what not to do in managing the State's finances?

The SPEAKER: Order! The question is obviously facetious, and the Premier has no responsibility to this House for his memoirs or any book he may write.

PRIVATE HEALTH INSURANCE

Mrs HUTCHISON (Stuart): Will the Minister of Health indicate whether he has seen a proposal by the Australian Hospitals Association to reintroduce private insurance for medical services as applied in Australia in the 1970s? Will the Minister also indicate to the House what impact such a move would have on South Australians?

The Hon. D.J. HOPGOOD: I have seen such a proposal, in fact, I have been directly lobbied on the proposal. Of course, it is not all that different from what the Liberal Party in Canberra has been advocating now for some time. Without unduly prolonging my response, I indicate that it would involve the abolition of bulk billing for all but pensioners. I understand that bulk billing around this country still applies to about 50 per cent of all general practices. It tends to be a practice that very much obtains in blue collar areas, and it is, therefore, very much to the benefit of the health of people in those areas. Therefore, the abolition of bulk billing would create considerable distress for such people.

Secondly, we understand that there is a proposal to reduce the Medicare rebate from 85 to 75 per cent of the scheduled fee, and there would be a compulsory co-payment. I do not have to remind the House about the opposition that was expressed to the co-payment during the brief flirtation of the present Commonwealth Government in relation to that interesting experiment. It was condemned on all sides by people, including some sections of the AMA—

Members interjecting

The SPEAKER: Order! The member for Adelaide is out of order.

The Hon. D.J. HOPGOOD: —which, however, occupied about three different positions on the matter during the time it was around the place. But certainly all of these proposals would represent pretty bad news. Generally speaking, their effect would be to transfer effort and resources in health from the public to the private sector. It is important that we have a healthy private sector in health; in fact, we have that right now. But the concept that we transfer resources from that sector of health which provides services

for the less well-to-do into the area which provides for the more well-to-do seems to me to be quite outrageous.

If I can briefly refer also to the other aspect of beefing up the private aspect of the health system, we have to remind members that, basically, when we are talking about some of the highly specialised surgical procedures, we are talking—

Dr Armitage interjecting:

The Hon. D.J. HOPGOOD: I am glad the honourable member reminded me about ENT, because we are looking very closely at that matter. I do not know whether the honourable member knows that 30 per cent of all patients on the ENT booking list are adults who want tonsillectomy. One really wonders why in this day and age that number of people need tonsillectomy. I had it when I was five, but it was very fashionable in those days. Most of us probably had it. We looked forward to the jelly and icecream that was prescribed afterwards to help heal the results of the surgeon's knife. To get back to what I was saying, they are the same doctors—

Members interjecting:

The SPEAKER: Order! There is too much background noise.

The Hon. D.J. HOPGOOD: —and, if you beef up the private sector, all you are really doing is giving greater incentives for surgeons who currently work in the public system to transfer to work in the private system. We have seen it. After all, why were we rather reluctant to accept the proposal in relation to cardiac surgery at Ashford Hospital? It was for the very reason that we understood that we would be in a position where we would lose expertise from our public system where we needed it. On that ground alone, people will regard the proposal with a great deal of suspicion.

SITTINGS AND BUSINESS

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

That Standing Orders be so far suspended as to enable the consideration of messages from the Legislative Council forthwith.

Motion carried.

LOCAL GOVERNMENT (REFORM) AMENDMENT BILL

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

SUMMARY OFFENCES (PREVENTION OF GRAFFITI VANDALISM) AMENDMENT BILL

Returned from the Legislative Council with amendments.

ASSOCIATIONS INCORPORATION (MISCELLANEOUS) AMENDMENT BILL

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

FINANCIAL INSTITUTIONS (APPLICATION OF LAWS) BILL

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

CRIMINAL LAW CONSOLIDATION (DETENTION OF INSANE OFFENDERS) AMENDMENT BILL

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

SUMMARY OFFENCES (CHILD PORNOGRAPHY) AMENDMENT BILL

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

STATUTES AMENDMENT AND REPEAL (PUBLIC OFFENCES) BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment No. 1 and that it had disagreed to amendments Nos 2 and 3.

STATUTES AMENDMENT (SENTENCING) BILL

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

STATE GOVERNMENT INSURANCE COMMISSION BILL

Returned from the Legislative Council with amendments.

STATUTES AMENDMENT (ILLEGAL USE OF MOTOR VEHICLES) BILL

The Legislative Council intimated that it agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

The Hon. G.J. CRAFTER: I move:

That the recommendations of the conference be agreed to.

The conference met on several occasions, and I believe that the end result is satisfactory. It provides for increased penalties in this area and meets the concern expressed in the community about the appropriateness and deterrent value of sentences with respect to those who enter private property with the intention of engaging in theft or illegal use of a motor vehicle. We now have penalties that provide that deterrent value and fit into a category of penalty that is more appropriate in the circumstances.

Mr BRINDAL: I support the Minister in his remarks and commend this to the Committee as it comes from the conference. I particularly acknowledge the help and support of you, Mr Deputy Speaker, and the member for Hartley in this matter and, indeed, other members on the Government benches who, I know, have been as concerned about the illegal use of motor vehicles as have all my colleagues on this side. I thank my colleagues not first but last and with the most sincerity. They have been unique and valu-

able support. They, more than any others, can take the credit for a measure that will now become law in South Australia and will assist those people who have their motor vehicles illegally used. I commend this matter to the Committee.

Motion carried.

AMBULANCE SERVICES BILL

The Hon. D.J. HOPGOOD (Minister of Health) obtained leave and introduced a Bill for an Act to provide for the licensing of persons who provide ambulance services; to repeal the Ambulance Services Act 1985; and for other purposes. Read a first time.

The Hon. D.J. HOPGOOD: 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 seeks to repeal the Ambulance Services Act 1985 and to provide the legislative base for a new entity (the SA St John Ambulance Service Inc.) to operate ambulance services previously controlled by St John, and the licensing of other persons who carry on the business of providing ambulance services in this State. The measure is similar in most respects to a Bill which was introduced last year, which, in the event, did not proceed.

The existing Ambulance Services Act 1985 was enacted as a result of the work of a parliamentary select committee in 1984 which, among other things, recommended that ambulance services be licensed, and that the St Ambulance Service be controlled by an ambulance board with responsibility for maintaining an appropriate balance between St John Ambulance Brigade volunteer ambulance officers and paid employees, training and development and general administration of the ambulance service. The permanent licence issued to St John is currently in the name of the St John Council. Volunteer and paid officers have worked together for many years providing a highly professional ambulance service to the South Australian community.

However, late in 1989, as a result of differences between volunteer and paid staff, the Priory in Australia of the Grand Priory of the Most Venerable Order of the Hospital of St John of Jerusalem (the Priory) decided to withdraw St John Brigade volunteers from the ambulance service and to separate the ambulance service from all other St John activities. This decision followed many months of discussion about the working arrangements between volunteer and paid ambulance officers. It was then resolved to move towards an ambulance service fully staffed by paid employees in the metropolitan area by 1993. In addition it was agreed that ambulance services with paid staff and volunteer involvement in some of the larger country centres would become fully paid and 64 country centres would continue to be operated wholly by volunteers.

Transition to these new staffing arrangements involves significant additional funds for the required increase in recruitment and training of additional paid officers. As a result of Priory's decision and the consequential funding implications, a comprehensive assessment of the St John Ambulance Service was undertaken by a steering committee with the assistance of a private consultant.

This comprehensive assessment involved a review of the implementation process for the transition to a fully paid ambulance service in the metropolitan area, organisation and management structures, ownership and rights of use of assets used for providing an ambulance service, service standards, fee policies, performance guidelines and the handling of industrial issues. The steering committee also assessed the relevance of existing legislation covering the provision of ambulance services in South Australia. As part of the comprehensive assessment, extensive consultation was undertaken with interested parties.

The consultant recommended and the Government accepted that ambulance services throughout the State should be provided by a new entity, which will be a joint venture between the Government and the Priory, as equal partners, to be known as the SA, St John Ambulance Service Inc. The agreement between the Government and the Priory will be formalised in a 'Heads of Agreement' document. General agreement on principles such as continuity of employment of existing employees and access to existing property and equipment has been reached and the document has been drafted.

The new body will be incorporated under the Associations Incorporation Act 1985 and controlled by a nine person board of directors. The board will comprise a chairperson nominated by the Minister; a person nominated by the Priory to represent country volunteer ambulance officers; two additional persons nominated by the Priory; a person nominated by the Ambulance Employees Association who is a member of that association; two additional persons nominated by the Minister; a person nominated by the United Trades and Labor Council and a person who in the view of both the Priory and the Minister has experience in community voluntary work or activities. The proposed Rules of Association require that all directors have proven management skills and that at least one be a legal practitioner and one a person with proven financial skills.

In order to achieve the necessary degree of public accountability, the accounts of the new ambulance service will be audited by the Auditor-General and audited accounts along with a report of the ambulance service's activities will be tabled in Parliament each year. Considerable thought has been given to the operation of the new service and a document setting out the principles governing the conduct of the new ambulance service has been prepared.

The existing Ambulance Services Act 1985 does not provide an appropriate legislative framework for the proposed new entity and it is therefore necessary to repeal the existing Act and introduce new legislation to reflect the new entity's arrangements, licensing requirements and other related matters. Following the introduction of a similar measure last year, some concern and confusion arose as the apparent breadth of the definition of 'ambulance service'. The opportunity has been taken to clarify the definitions—it was never intended that volunteer drivers, community buses etc., would be caught by the legislation and legal advise was that they would not be. However, in view of community concern, the new definitions make the intentions of the legislation more explicit.

Concern was also expressed at the apparent 'open-endedness' of the licensing provisions. The concerns related to the ability to ensure the maintenance of high standards of service and the possible effects on existing ambulance serices of any future potential licence holders. The licensing provisions have therefore been redrafted and expanded to enable the Minister to take certain factors into account in deciding whether or not to grant a licence—

(a) that the person has the capacity to provide ambulance services of a high standard and is a suitable person to hold a licence in all other respects;

(b) the granting of the licence is not likely to have a detrimental effect on the ability (including the financial ability) of an existing licence holder to provide ambulance services of a high standard. Conditions may be attached to the licence.

Under the existing legislation, a number of country independent srvices are licensed and will continue to be under the Bill. Indeed, the Bill now contains a transitional provision 'grand-fathering in' existing licence holders for 12 months. If some of them decide to amalgamate with St John during that time, there is provision to surrender their licence, but the transitional provision has been included to guarantee the stated intention that the Bill would not be used as a device to abolish them. A new provision has also been included to clarify the situation whereby an unconscious patient is transported to hospital and subsequently disputes the need to pay the Bill, on the basis that they had neither called the ambulance nor consented to the transport. The Bill makes it clear that the patient is liable for the fee, whether or not he or she consented to the provision of the service. The Priory has endorsed the Bill and I commend the Bill to Members.

Clauses 1 and 2 are formal.

Clause 3 repeals the Ambulance Services Act 1985.

Clause 4 provides interpretation of terms used in the Bill.

Clause 5 makes it an offence to carry on the business of providing ambulance services without a licence. Paragraph *(b)* enables a person who is unintentionally caught by the provision to be excluded by regulation.

Clause 6 provides for the granting of licences by the Minister. The Minister must not grant more licences than the need for ambulance services can support (Clause 6 (1) *(b)*). The term of a licence may be limited or unlimited (Clause 6 (4)).

Clause 7 provides for conditions to be attached to licences.

Clause 8 provides for revocation of licences.

Clause 9 is a delegation provision.

Clause 10 provides for the formation of SA St John Ambulance Service Inc.

Clause 11 requires the Auditor-General to audit the accounts of the association. Subclause (4) removes the accounting and auditing requirement of the Associations Incorporation Act 1985. These are not required in view of the other provisions of this clause.

Clause 12 obliges the association to provide the Minister and the Priory with a report in respect of each financial year.

Clause 13 restricts the borrowing and investment powers of the association.

Clause 14 provides for the fixing of fees and makes it an offence to overcharge. Subclause (4) provides that the patient is liable for the fee even though he or she has not consented to the provision of the service. This provision is needed where an ambulance service is provided in an emergency. Subclause (5) provides for the disclosure of the identity and address of a patient to enable recovery of the fee.

Clause 15 is a holding out provision.

Clause 16 provides a general defence.

Clause 17 provides for the making of regulations.

Dr ARMITAGE secured the adjournment of the debate.

MENTAL HEALTH BILL

The Hon. D.J. HOPGOOD (Minister of Health) obtained leave and introduced a Bill for an Act to make provision for the treatment and protection of persons suffering from a mental illness; to repeal the Mental Health Act 1977; to amend the Administration and Probate Act 1919, the Aged and Infirm Persons' Property Act 1940 and the Consent to Medical and Dental Procedures Act 1985; and for other purposes. Read a first time.

The Hon. D.J. HOPGOOD: 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 makes provision for the treatment and protection of persons suffering from a mental illness. It reflects the transfer of the Guardianship and administration provisions to the Guardianship and Administration (Mental Capacity) Bill 1992 and the licensing of psychiatric rehabilitation centres provisions to the Supported Residential Facilities Bill 1992. It is essentially a redrafting of the current remaining provisions, with some restructuring of the administration of the Act, general updating and clarification of powers and inclusion of several amendments designed to assist the persons coming within its ambit.

In relation to detention orders, a new provision is included to enable a person to be detained for a second 21-day period if two psychiatrists have separately examined the patient and believe such an order to be justified. Under the current arrangements, only one 21-day detention may be ordered (unless the person is considered to be a danger to others in the community). The amendment recognises that some people require a longer period of assessment.

The Guardianship Board will continue to have a significant role in relation to persons coming within the ambit of the Mental Health Act. The concept of continuing detention orders is introduced (in lieu of the current custody orders). If the board on application is satisfied that a person detained in an approved treatment centre is still suffering from a mental illness that requires treatment, and should be further detained in the interests of their own health and safety or for the protection of other persons, it may order detention for a further period not exceeding 12 months. An important feature of the new provision is its time-limited nature, as opposed to the current open-ended orders. Applications for such orders are to be made by persons in a position to provide the necessary service.

In relation to treatment orders, the board continues to have an important role. Compulsory treatment orders for patients subject to long term detention will continue to be made by the board. For people who still require treatment but not hospitalisation, the board may make treatment orders requiring attendance at a medical clinic. This could only be done under the current Act by the making of a guardianship order. The authority of the board to consent to psychosurgery has been removed. In line with the United Nations Convention, it is no longer acceptable for psychosurgery to be performed without the consent of the individual who is to undergo the surgery.

In relation to review and appeals, under the current Act provision is made for the Mental Health Review Tribunal to review detention orders made by psychiatrists and custody orders made by the board. The Bill provides for these reviews to be conducted by the board, although the latter order is to be known as a continuing detention order. As provided in the Guardianship and Administration (Mental Capacity) Bill 1992 appeals in relation to certain board decisions are to the Administrative Appeals Court. A right of appeal against detention decisions by a psychiatrist will be continued, but with appeals going to a specific division of the board, in lieu of the Mental Health Review Tribunal. The members who constitute the board for the purpose of considering such appeals will sit exclusively in that jurisdiction. Legal representation will continue to be available for the person with the mental illness at no charge to the person for appeals to the board and court.

A number of other provisions are drawn to honourable members' attention. Consumers have argued strongly for mentally ill persons who are being transferred to hospital to be given the option to travel by ambulance in lieu of police vehicles. The Bill provides for this option. Mental Health authorities in each State and Territory have agreed on the need for each State's legislation to assist the transfer of patients across State borders. The Bill makes provision for this to occur. The Bill also establishes the position of Chief Adviser in Psychiatry. This position will provide independent oversight of clinical practice in the administration of this Act.

Provisions have been included to ensure the smooth transition from the current arrangements to the new Mental Health Act and Guardianship and Administration (Mental Capacity) Act. On enactment, all existing guardianship orders made under the previous legislation, which encompass all of the mental health treatment orders, will continue to have effect as per the terms of the previous legislation. These orders will be reviewed within twelve months to arrange appropriate transition. All administration orders will, on commencement of the new Act, be considered to be administration orders under the new Act. I commend the Bill to the House.

Clause 1 is formal.

Clause 2 provides for commencement of the Act by proclamation.

Clause 3 provides necessary definitions.

Clause 4 charges the Health Commission with the administration of this Act. The Commission is subject to the control and direction of the Minister in discharging its functions under this Act.

Clause 5 sets out in subclause (1) the principles that are to guide all action taken under this Act in relation to a person who is mentally ill. Subclause (2) sets out various objectives that the commission and the Minister are to endeavour to achieve. These principles and objective are virtually identical to those set out in the current Mental Health Act.

Clause 6 creates the office of Chief Advisor in Psychiatry, to which the Governor may make appointments, on terms and conditions fixed by the Governor.

Clause 7 sets out the functions of this office.

Clause 8 allows for the Minister to declare any premises, or a particular part of any premises, to be an approved treatment centre where persons can be detained and treated pursuant to the Act. Such a declaration can only be made if the Health Commission so recommends.

Clause 9 obliges the director of an approved treatment centre to keep a register of patients within the centre.

Clause 10 obliges the Chief Executive Officer of the Health Commission to inform an inquirer who has a proper interest in the matter as to whether or not a person has been admitted to or is being detained in a treatment centre. On a patient being discharged from a centre he or she may obtain a copy of all orders, etc., by virtue of which he or she was detained or treated.

Clause 11 makes it clear that a person admitted to an approved treatment centre of his or her own volition is free to leave to the centre at any time. Detention orders can be made in respect of such a person.

Clause 12 provides for the detention of mentally ill persons in approved treatment centres for the purposes of being treated for their illness. The first order is effective for three days, the second for up to twenty-one days and the third for up to twenty-one days. Thus the patient can only be detained under this section (i.e., under orders of medical practitioners or psychiatrists) for a continuous period of no more than forty-five days. Orders may be revoked at any time by the director of the centre. Psychiatric

reports on which twenty-one days orders are founded must be forwarded to the board, as such orders are appealable.

Clause 13 provides for the continuing detention of a mentally ill person beyond the initial forty-five day period, by order of the board. Such an order cannot exceed 12 months. The Public Advocate and the directors of treatment centres (or their delegates) are the only persons who can apply to the board for such an order. A wider range of persons can apply at any time for the revocation of the order, including, of course, the patient himself or herself.

Clause 14 requires directors of approved treatment centres to comply with detention orders except that they may, before admission, arrange the transfer of patients to other approved treatment centres where desirable in the interests of the patient.

Clause 15 requires the director of the approved treatment centre to give a patient who is admitted and detained in the centre a written statement of his or her legal rights. A relative of the patient must also be sent the same statement.

Clause 16 deals with the transfer of patients to other approved treatment centres.

Clause 17 empowers the director of an approved treatment centre to grant a patient leave of absence from the centre, which may be cancelled at any time by the director.

Clause 18 deals with the giving of treatment to a patient during the initial 45-day period of detention. This treatment (if it is not prescribed psychiatric treatment) may be given to the patient notwithstanding the absence or refusal of consent to the treatment.

Clause 19 deals with the giving of treatment to a patient who is being detained pursuant to a continuing detention order of the board. In this situation, treatment can only be given if it has been authorised by order of the board. Again, this does not include prescribed psychiatric treatment. Applications for treatment orders can only be made by a medical practitioner or the director of the approved treatment centre in which the person is being detained. Again, consent to the treatment is not essential.

Clause 20 deals with the compulsory treatment of mentally ill persons who are not being detained in approved treatment centres. The board can authorise the giving of treatment to such a person (not being prescribed psychiatric treatment). Applications for this kind of order can only be made by the Public Advocate or a medical practitioner.

Clause 21 provides that a wide range of persons can apply for revocation of any treatment order under this Part, including, of course, the patient himself or herself.

Clause 22 deals with the giving of prescribed psychiatric treatment. Category A treatment (essentially only psychosurgery falls into this category at the moment) requires the authorisation of the person who will administer it and of two psychiatrists (one being a senior psychiatrist) and also the consent of the patient, who must have the mental capacity to give effective consent. Category B treatment (i.e. shock therapy) requires the authorisation of one psychiatrist and the consent of the patient or, if the patient is incapable of giving effective consent, the consent of a guardian or parent in the case of a child under 16 or the board in the case of someone over 16. Consent can be dispensed with for any particular episode of treatment that is so urgently needed that it is not practicable to wait for the normally necessary consent. An offence of giving prescribed treatment in contravention of this section is an indictable offence carrying division 4 penalties.

Clause 23 deals with the power of the police to apprehend a person who is believed to be mentally ill and to be a danger to himself or herself or others. If this occurs, the person must be taken to a medical practitioner for examination. Subclause (2) deals with the power to apprehend persons who have 'escaped' from approved treatment centres in which they are being detained. This power can be exercised by the police and by directors of approved treatment centres and authorised staff of those centres. Subclause (4) empowers the police to apprehend persons for the purposes of enforcing compliance with a treatment order made by the board. Ambulance officers are given the power to convey persons who have been apprehended and the duty of assisting medical practitioners in carrying out examinations or treatment, as the case may be. An ambulance officer may also assist a police officer in the exercise of powers under this section. Police officers also have the duty to assist medical practitioners on request, and may assist ambulance officers in transporting persons.

Clause 24 requires the board to review detention orders made by medical practitioners or psychiatrists if such an order is made within seven days of the patient being discharged from hospital after being detained under a similar order. The board has a discretion in so far as the review of other detention orders under section 12 of the Act goes.

Clause 25 requires the board to revoke a detention order on completing a review unless the board is satisfied that there are proper grounds for the order to continue in force.

Clause 26 gives a right of appeal to the patient, the Public Advocate, and any other person who the board is satisfied has a proper interest in the matter, against a detention order made under section 12 by a medical practitioner or psychiatrist. The board is the forum for determining such appeals.

Clause 27 provides for a scheme of legal aid (paid for by the Health Commission) for patients who appeal to the board against detention orders made under section 12.

Clause 28 informs that the Guardianship and Administration (Mental Capacity) Act gives certain rights of appeal against orders made by the board under this Act.

Clause 29 requires the board to give the person to whom an order relates a statement of his or her appeal rights.

Clause 30 creates an offence (identical to that in the current Act) of a carer neglecting or illtreating a person who has a mental illness.

Clause 31 creates offences (again identical to those in the current Act) relating to the giving of authorisations or making of orders by medical practitioners, or by persons who falsely pretend to be medical practitioners, etc. These offences are punishable by imprisonment or fine.

Clause 32 provides that a medical practitioner cannot sign any order, etc., under this Act in respect of a person who is a relative or putative spouse.

Clause 33 makes it an offence to remove a patient from an approved treatment centre in which he or she is being detained, or to assist the patient to leave.

Clause 34 provides the usual duty to maintain confidentiality relating to persons with respect to whom proceedings under this Act have been brought.

Clause 35 prohibits the publication of reports on proceedings under this Act unless the board authorises publication. If a report is published, it must not identify the person concerned.

Clause 36 gives the usual immunity from liability for persons engaged in the administration of this Act.

Clause 37 provides that offences against this Act (other than those that are indictable) are summary offences.

Clause 38 provides for the making of regulations.

Schedule 1 contains various repealing and amending provisions. Division 1 appeals the current Mental Health Act. Division 2 firstly amends the Aged and Infirm Persons Property Act 1940 by replacing the section that deals with the problem of 'competing' orders under that Act and the Guardianship and Administration (Mental Capacity) Act. Basically, orders under the latter Act prevail. Secondly the Administration and Probate Act is amended by striking out the Part that dealt with the powers of administrators appointed under the Mental Health Act—these provisions are now incorporated in the Guardianship and Administration (Mental Capacity) Act 1992. Thirdly, the Consent to Medical and Dental Procedures Act is amended consequentially. None of these amendments is substantive, they merely pick up the different terminology used in that part of the new Guardianship and Administration (Mental Capacity) Act that deals with consent to treatment. It is obviously desirable for the two Acts to be the same.

The charges are mainly the result of the definition of 'treatment', which replaces the narrower expression 'procedure', thought by some not to include such things as the prescription of medicines, etc. Division 3 contains necessary transitional provisions. The current Guardianship Board will of course continue to complete part-heard proceedings but any orders to be made must be made in accordance with the new Act. Existing guardianship orders must all be reviewed by the board within the first year of the operation of the new Act and, if any such order is to remain in force, the board must vary its terms so that a guardian is appointed in accordance with the new Act. Similarly, all delegations of the board's power to consent to medical and dental treatment under the current Act must be reviewed within three years of the commencement of the new Act and must be revoked. Where necessary, a delegation will be replaced with a limited guardianship order empowering the guardian to give such consent.

The Hon. D.J. HOPGOOD: I also table the report of the committee established to review Part IVA of the Mental Health Act 1977 concerning consent laws for medical and dental procedures for persons suffering from mental illness or mental handicap.

Dr ARMITAGE secured the adjournment of the debate.

GUARDIANSHIP AND ADMINISTRATION (MENTAL CAPACITY) BILL

The Hon. D.J. HOPGOOD (Minister of Health) obtained leave and introduced a Bill for an Act to provide for the guardianship of persons with a mental incapacity and for the management of the estates of such persons; and for other purposes. Read a first time.

The Hon. D.J. HOPGOOD: 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 has several important purposes—

- it introduces new, more flexible provisions to facilitate the operations of the Guardianship Board and to assist the people it serves;
- it creates the key position of Public Advocate, with an important watchdog role on behalf of mentally incapicitated persons; a role which will advocate for the rights and interests of mentally incapacitated persons; a role which will seek to negotiate and resolve problems on behalf of mentally incapacitated people, people who are among the most vulnerable groups in our society.
- it removes the guradianship and administration from the legislative base of the Mental Health Act and establishes it under its own legislation, which more accurately reflects the broad range of the people the board can assist.

The Bill is the first major revision of guardianship and mental health legislation since the 1977 Mental Health Act. South Australia was a national leader with the development of the system of guardianship and review which was embodied in the Mental Health Act 1977. At that time, the role of multidisciplinary tribunals and the notion of the guardianship were new to the mental health arena. The legislaiton was pioneering and far sighted.

The need was recognised at a time for an independent guardian who could protect the rights of persons with a mental illness of handicap. Guardianship was seen as providing an alternative decision maker, in areas such as financial management and accommodation, for people incapable of making those decisions themselves. Concurrently, it was recognised that some mental health treatment decisions which involve coercion, such as detention in hospital and compulsory treatment, should be determined or reviewed by an independent body. The mechanism for making these mental health treatment decisions, as well as the guardianship decisions, was placed within a new legislative framework of the Guardianship Board and the Mental Health Review Tribunal. The board and the tribunal were established as multidisciplinary quasi-judicial bodies to conduct hearings into the circumstances of individuals.

The legislation provided for the board to receive a person into its guardianship. As guardian it could then exercise a series of powers and make decisions in regard to that individual. Receipt into guardianship was also a prerequisite for the board to make compulsory treatment decisions for people with long-term mental illness. An appeal system was established by which the Mental Health Review Tribunal would hear appeals against orders of the board and against orders of detention to hospital made by psychiatrists. The tribunal was also required to review certain orders made by the board or by psychiatrists. In 1985, amendments to the Mental Health Act invested in the board authority for it to consent to medical and dental procedures on behalf of a person with a mental illness or mental handicap. It also provided for the appointment of other persons in the community, such as a family member or professional care giver, to act as delegates in the exercise of those powers.

Having regard to the passage of time since the commencement of the arrangements, a Review of the Guardianship Board and Mental Health Review Tribunal was established in 1988 and reported in 1989. The review identified a number of issues of concern in the current arrangements these included:

- the potential for the role of families and carers to be inappropriately restricted and undervalued;
- the resolution of problems on a case by case basis with no apparent forum or mechanism for resolving underlying common proplems;
- a conflict that existed for the board in its roles of investigator, formal decision maker and guardian;
- the confusion that arose from mental health treatment decisions being made within the guardianship framework;
- the limited availability of information about the operation of the board and its decisions, and alternative courses of action;
- the potential for duplication and confusion in the appeal and review systems.

The review recommended a significant restructuring of the system. In 1990 a review was undertaken of the 1985 Consent to Medical and Dental Procedures provisions inserted as Part IVA of the Mental Health Act. That review reflected some of the concerns of the earlier review and supported its philosophical directions. In particular, it acknowledged the legitimacy of the family as a decision maker in the area and sought to simplify arrangements for most routine treatments, whilst focussing the board's involvement on matters which are complex and/or contentious. I table the report for the information of members. Following release of each of the reports, extensive consultation has occurred with a wide group of consumers, carers, Government departments, non-government organisations and professional groups.

The Bill before members today seeks to give effect to the major recommendations of the reviews, as refined by the consultation process. The thrust of the Bill is consistent with the emerging national model of guardianship. Since South Australia's lead in this area, guardianship legislation has been enacted or passed in most States and Territories in Australia. Learning from South Australia and overseas experience, a model has been developed which is now common to New South Wales, Victoria, Australian Capital Territory, Western Australia and the Northern Territory and is under consideration in Tasmania.

The Bill proposes that the guardianship and administration system be removed from the legislative base of the Mental Health Act and established under its own, specific legislation, in recognition of the range of circumstances of the people it can assist. This Bill focusses on maintaining family and local support for individuals with a mental incapacity. It seeks to reduce and minimise the level of bureaucratic intrusion into the lives of such people, yet ensures that checks and balances exist for protecting these vulnerable members of our community. It will provide a sound balance between an individual's rights to autonomy and freedom and the need for care and protection from neglect, harm and abuse.

The Bill establishes a clear philosophy for the way in which all matters will be dealt with, by establishing a set of principles to guide decision makers. These principles emphasise the privacy of the decision which the person would have made (to the extent that this can be determined) had they not been mentally incapacitated. To take a simple example, it may have been a person's practice to make a regular donation to their local church. The system should enable that to continue, despite another person taking over the management of their financial affairs. The principles also require due consideration to be given to maintaining existing informal arrangements which are working well, for the care of persons or the management of their finances.

Changes in the board's operation are proposed to ensure the board's efforts are most effectively employed. For example, currently most matters regardless of complexity, are dealt with by a five person division of the board. The new arrangements propose that the board's expertise is redirected so that routine matters can be handled by one member and more complex situations are dealt with by three members. Some less complex matters are already dealt with by the chairman alone but these changes will allow greater flexibility through the use of any single member of the board.

Clear direction is provided on a number of procedural matters. In addition a position of registrar of the board is proposed. As in other jurisdictions, such a position, with the approval of the presiding officer of the board, will exercise certain routine functions of the board, thereby assisting the board in the efficient execution of its duties. The Bill establishes, as a major initiative, a statutory position of public advocate. The public advocate will seek to resolve problems so that, unless appropriate, the legal processes of the board need not be invoked. When they are invoked, the public advocate will provide significant assistance. A range of supports to clients and carers will be available through the office of the public advocate. These may include assisting clients to obtain services, raising concerns regarding service provision, giving information about the operation of the board and promoting alternatives such as powers of attorney.

The public advocate will play a major watchdog role investigating issues and concerns raised by any member of the community about the well being and treatment of a person with a mental incapacity. Investigations may also be made in regard to a person with mental incapacity who is the subject of a board order or application. In situations of grave concern, provision is

made for the public advocate, but only by warrant of the board, to enter premises forcibly for the purposes of investigation, to remove a person whose helath and safety is at risk or to arrange a compulsory clinical examination. Such powers would be used rarely, but have been a significant shortcoming in the current arrangements.

Where the board is unable to locate a suitable guardian in the community, the Public Advocate will also have the key role of the public guardian or guardian of last resort. The Public Advocate will operate on the fundamental principle of promoting agency and community responsibility rather than seeking to develop an extensive service provision role for its staff. Thus it will remain a small, but vital, advocacy agency. The Public Advocate will be required to report annually to the Minister and the report will be required to be tabled in Parliament. It is proposed that the board maintain its role in making guardianship orders. The board can appoint persons to be guardians, and subject to any terms of the board's order, a person so appointed will be able to exercise all the powers a guardian has at law instead of the board taking over such decisions.

This moves the decision-making from a panel to a person who is closer and better placed to make those decisions. Guardianship orders in these new arrangements only relate to traditional guardianship responsibilities. (Coercive mental health treatment decisions, for example, will be made as orders in their own right not as decisions by a guardian.) Criteria are included in the Bill to assist the board in establishing the need for guardianship and the person best able to provide that role. Guardianship orders may be limited to only those areas of a person's life where intervention is essential, rather than the current single option of all-encompassing orders. Special power is included to enable the board, on application of a guardian, to direct that a person reside in a particular place, in the interests of the person's health or safety, or where the safety of others would be at risk were such an order not to be made.

In the area of administration orders, a major change is the removal of the Public Trustee's 'preferred provider' status. This allows the board to appoint administrators according to the needs of each particular person. The Public Advocate will also be able to assist families to undertake this role. The Bill transfers the powers of administrators from the Administration and Probate Act 1919 to this Act and establishes the board as the single authority for the execution of powers under this Act. The Bill also provides for the remuneration, where appropriate, of private professional administrators.

The Bill provides updated powers in relation to consent to medical and dental treatment. It enables certain defined family members to give their consent to most routine treatments for a person with a mental incapacity without any formal process of appointment by the board. The board only becomes involved where there is no suitable family member, or in contentious or complex matters (for example, termination of pregnancy and sterilisation). It may also become involved where there is some concern about the manner in which a family member may exercise this power, or where the clinician considers independent scrutiny of the decision is appropriate. As with the current arrangements, in most cases of emergency; a clinician may proceed without the need to consult others for their consent.

The Bill also reflects an overhaul of the current review and appeal processes, streamlining what has been criticised as a complex and repetitive system. It is expected that with the greater attention and assistance to be provided to persons under the mechanisms and directions established by the legislation, there will be a reduction in the current numbers of reviews and appeals. That has been the experience elsewhere. Nonetheless, it is important to ensure that the legislation enshrines clear mechanisms for review and appeal. The Bill obliges the board to review the circumstances of a protected person at regular intervals, to determine the continuing appropriateness of the order to which the person is subject. Decisions or orders of the registrar are subject to review by the board, on application to the board by a party to the proceedings. The board may confirm, vary or set aside the decision or order.

Appeals against board decisions will be available through the Administrative Appeals Court. The court will sit with assessors, who will be persons appointed to panels by the Governor. The panels consist of persons whose expertise is appropriate to the Act and persons concerned with promoting the rights of mentally incapacitated persons or who have expertise in other appropriate fields of advocacy. If the appeal relates to an order or decision of the board under the Mental Health Act 1992, a psychiatrist must be an assessor. These arrangements provide an efficient and effective administrative and legal framework for the hearing of appeals. Appeals will be conducted as a review of the decision, with the option of further evidence being heard, rather than as complete re-hearings of matters. An automatic right to appeal will only be available in matters of detention, sterilisation or termination of pregnancy. In all other situations, an aggrieved person requires the leave of the board or the court for the appeal to proceed. Legal representation for the person with a mental incapacity will continue to be available, without charge to the person. In certain circumstances, a party dissatisfied with a decision or order of the Administrative Appeals Court may, with the leave of that court or the Supreme Court, appeal to the Supreme Court.

With the proposed restructuring of the review and appeal processes, the Mental Health Review Tribunal, which is established under the current legislation, will no longer exist. Its functions are transferred to the board or the Administrative Appeals Court. I commend the Bill to the House. It proposes a sound balance between an individual's rights to autonomy and freedom and the need for care and protection from neglect, harm and abuse. While the review and consultation process leading to the development of the legislation has been extensive, I propose that this Bill and the accompanying Mental Health Bill be available for further consultation and comment during the next few months. It is intended that the legislation proceed during the next session.

Clause 1 is formal.

Clause 2 provides for commencement of the Act by proclamation.

Clause 3 sets out the definitions of expressions used in the Act. The definition of "mental incapacity" includes a person who cannot look after his or her own health, safety or welfare or manage his or her own affairs as a result of a physical illness or condition that renders the person totally unable to communicate.

Clause 4 makes it clear that this Act does not, in the absence of clear expression to the contrary, detract from the operation of other Acts.

Clause 5 sets out the basic principles that govern the administration of this Act by all persons involved, including persons appointed as guardians or administrators. The principle widely known as "substituted judgment" is embodied in paragraph (a). This principle requires the relevant decision maker to give preeminent consideration to what, in his or her opinion, the person with the mental incapacity would have wished in the circumstances had he or she not been incapacitated.

The current wishes of the incapacitated person must also be ascertained where possible and given consideration. Consideration must be given to the existing arrangements for the care of the incapacitated person and to the desirability of not disturbing them. Finally, all decisions must be the least restrictive of the person's rights and autonomy as is possible in the circumstances, given that he or she does need care and protection.

Clause 6 establishes the Guardianship Board. For any particular proceedings before the board, it will be comprised of the President of the board or one of the Deputy Presidents, plus two panel members, one being from the panel of professionals (doctors, psychologists, etc.) and one from the panel of "consumer advocates". The members who constitute the board for the purposes of hearing appeals against decisions or orders under the Mental Health Act will not deal with any other class of matters. A psychiatrist must be on the board for all matters under the Mental Health Act. The regulations may provide for the board to be constituted of one member sitting alone to deal with such matters as the regulations may prescribe. Board members who have a personal or financial interest in a matter before the board are disqualified from hearing the matter.

Clause 7 provides for the appointment by the Governor of the President and such number of Deputy Presidents as may be appropriate. For a person to be appointed to such an office, he or she must be a magistrate, a retired magistrate or judge or a legal practitioner of at least five years' standing. Interstate experience is counted.

Clause 8 requires the Governor to set up the two panels from which board members will be drawn. One panel will be appropriate professionals, the other will be persons interested in promoting the rights of mentally incapacitated persons.

Clause 9 deals with vacancies in and removal from office of board members.

Clause 10 provides for board members' allowances and expenses.

Clause 11 provides that vacancies on the board or panels do not affect the validity of board decisions.

Clause 12 provides that the President or a Deputy President will preside at board meetings and will determine all questions of law. Other matters will be determined on a majority basis. The board is not bound by the rules of evidence.

Clause 13 empowers the board to appoint assistants for the purposes of conducting proceedings.

Clause 14 provides the board with the usual powers to summon witnesses, etc. Subclause (4) requires the board to give notice of any particular proceedings to the applicant, the person to whom the proceedings relate, the Public Advocate and such other per-

sons as the board believes have a proper interest in the matter. The applicant and the person to whom the proceedings relate may call and cross-examine witnesses and make submissions. The board has a wide power to hold closed hearings or to exclude specific persons from a hearing. Costs can only be awarded if the party's conduct was frivolous, vexatious or calculated to delay the proceedings.

Clause 15 requires the board to furnish the Minister with an annual report. The report must include details of warrants issued by the board during the year.

Clause 16 provides for the position of registrar of the board. The registrar may be given certain board matters to deal with if the President so directs.

Clause 17 provides for the position of Public Advocate.

Clause 18 provides for the appointment of the Public Advocate by the Governor on terms and conditions fixed by the Governor.

Clause 19 provides that the Public Advocate's term of office will be five years, and makes the usual provision for vacancies in and removal from office.

Clause 20 sets out the general functions of the Public Advocate, which include speaking for mentally incapacitated persons generally or for a particular person. The Public Advocate will also have a general duty to monitor the operation of the Act aud to keep under review all Government and private sector programmes for mentally incapacitated persons.

Clause 21 empowers the Public Advocate to delegate powers to any Public Service employee on the staff of the Public Advocate's office.

Clause 22 requires the Public Advocate to furnish the Minister with an annual report. Again, this report must contain particulars of applications made by the Public Advocate for the issue of warrants.

Clause 23 empowers the Public Advocate to carry out investigations into the affairs of any persons alleged to be in need of the protection of an order under this Act, and may do so either on his or her own initiative or the direction of the board.

Clause 24 sets out the powers of entry that the Public Advocate or an authorized officer has for the purposes of carrying out an investigation. The power to enter and to carry out the investigation can only be exercised on the authority of a warrant issued by the President or a Deputy President of the board.

Clause 25 gives the person carrying out an investigation the power to remove a person whom he or she believes to be mentally incapacitated, if there are grounds for believing that the person is being held against his or her will, or lives alone and will not allow anyone into the premises. It should be noted that this is not a power to detain the person, but merely to remove them from the premises and take them to some place from where they will be free to leave if they so choose. Again, these powers can only be exercised on a warrant from the board.

Clause 26 empowers the board to require certain medical and psychiatric reports. If the person fails to produce such reports the board can issue a warrant authorizing the Public Advocate or a member of the police force to apprehend the person and take him or her to a medical practitioner, etc., nominated by the board for examination. The board will bear the costs of such an examination.

Clause 27 provides for the making of guardianship orders. The board may make a limited order (i.e., specifying particular areas of the protected person's welfare that will be handled by the guardian). If a limited order is not appropriate, the board may make a full guardianship order. Orders may be subject to limitations and may be made for a specified period of time. A guardian must be a natural person, and joint guardians may be appointed where appropriate.

Clause 28 provides for revocation or variation of a guardianship order.

Clause 29 provides that a guardian has the powers that a guardian has under common law. These of course can be modified by the terms of the board's order.

Clause 30 empowers a guardian to give certain directions under the Adoption Act in relation to the tracing of natural relationships, where the protected person is adopted or is the natural parent of an adopted child. A guardian can only exercise this power if the board so approves.

Clause 31 gives a guardian the power to direct that the protected person reside in a particular place and that he or she be detained there. This power can only be exercised if the board so authorizes on the ground that, if it were not to do so, the health or safety of the person, or the safety of others, would be seriously at risk. This section does not authorize detention in a public mental institution. An order under this section protects a person who seeks to enforce the order in the event that the protected person leaves, or attempts to leave the premises without lawful authority or excuse.

Clause 32 sets out the persons who can make any application under this division. The mentally incapacitated person (or a person alleged to have such an incapacity) may make any application, as may the Public Advocate, a relative of the person, a guardian (if one has already been appointed) or any other person with a proper interest in the matter.

Clause 33 provides for reciprocal administration of guardianship orders between States that have similar laws.

Clause 34 provides for the making of administration orders in relation to a mentally incapacitated person's estate. As with guardianship orders, a limited order may be made in respect of only portion of the estate, but if this is not appropriate, a full administration order may be made. Trustee companies, the Public Trustee or a natural person may be appointed. An administration order may confer extra powers on the administrator beyond those spelled out in clause 38.

Clause 35 provides for variation or revocation of administration orders.

Clause 36 sets out who may apply for orders under this division. The list is the same as for guardianship orders.

Clause 37 requires the board, on making, varying or revoking an administration order, to forward a copy of the board's order to the Public Trustee.

Clause 38 sets out the powers that an administrator may exercise, subject, of course, to the terms of the administration order itself. The administrator is in the position of a trustee. Subclause (3) provides that monetary limits on the powers of administrators may be prescribed by the regulation. Sale or long-term lease of the protected person's real property, or purchase, etc., of new real property can only be affected with the board's prior approval.

Clause 39 entitles an administrator to get access to wills and records relating to the protected person's property. Failure to give such access is an offence.

Clause 40 empowers an administrator to continue to act after the death of the protected person or the revocation of his or her appointment, but only up until he or she becomes aware of the fact of the death or revocation. Subclause (2) empowers the board to extend the period during which the administrator may act, but not so as to exceed two months after the date of death.

Clause 41 gives an administrator the power to avoid a disposition of property or a contract entered into by a protected person, except where the other party did not know and could not reasonably be expected to have known that the person had a mental incapacity at the time.

Clause 42 empowers the Supreme Court to adjust entitlements between beneficiaries of a protected person's estate, if it appears that the actions of an administrator have led to some disproportionate advantage or disadvantage in those entitlements. An application for adjustment must be made within six months of the grant of probate, unless the Court allows otherwise.

As this clause is a direct repetition of section 118s of the Administration and Probate Act, which provided that the section did not apply in relation to the will of a person who died before the commencement of that section (31 July 1980), subclause (8) of this new provision preserves that cut-off point.

Clause 43 requires an administrator (other than the Public Trustee) to give a statement of the accounts of the estate at regular intervals to both the board and Public Trustee. The statement is to be examined by the Public Trustee who may recommend disallowance of items of expenditure in certain circumstances. The administrator is personally liable to reimburse the protected person's estate for a disallowed item of expenditure, and must pay the Public Trustee's costs in the matter. (A right of appeal exists should an administrator wish to object to an order of the board disallowing an item of expenditure). Subclause (6) requires the board to allow the protected person (or some other appropriate person) access to the statement of accounts prepared under this section.

Clause 44 gives the board power to determine whether or not an administrator who carries on the business of administering estates is to be remunerated for acting as an administrator under this Act. A rate will be prescribed by the regulations, but the board may fix a higher or lower rate in any particular circumstances. This section does not affect the Public Trustee's or a trustee companys right to recover charges and expenses.

Clause 45 enables an administration order to be registered under the Registration of Deeds Act or the Real Property Act in relation to any interest in land that forms part of the protected person's estate.

Clause 46 deals with administering property held in different States or countries by a mentally incapacitated person. The Public Trustee may administer property within this State belonging to a mentally incapacitated person subject to an admmistration order in some place outside this State.

Clause 47 makes it clear that a person may withdraw auy application under this Part at any time.

Clause 48 sets out the criteria for determining whether a person is eligible for appointment as a guardian or administrator. In looking at the question of conflict of interest, the board cannot give any weight to the fact that the proposed guardian or administrator is related to the protected person by blood or marriage.

Clause 49 provides that a person cannot be appointed as a guardian or an administrator unless he or she consents to the appointment.

Clause 50 provides that if two or more persons are appointed as joint guardians or joint administrators, all must concur in any decision made or action taken, unless the order appointing them provides otherwise.

Clause 51 provides that an order of the board commences on the day on which it is made, or some future date specified in the order.

Clause 52 provides for termination of appointment of a guardian or an administrator on death, on revocation of the order or on revocation of the appointment. The board may revoke an appointment on various grounds set out in subclause (2)*(b)*.

Clause 53 empowers the board to give advice or directions to a guardian or an administrator on the exercise or scope of his or her powers. Directions are binding on all joint guardians or administrators.

Clause 54 requires a guardian and an administrator of the one protected person to keep each other informed of any substantial decision or action taken in the exercise of the powers under this Act.

Clause 55 empowers the board to direct that a protected person can only make a will in accordance with precautionary procedures set out by the board. A will made in contravention of such a direction is invalid.

Clause 56 obliges the board to review the circumstances of a protected person at least every three years. If the person is being detained in any place pursuant to an order of the board, the first review must be within six months and then at least every year. The board must, on completing a review, revoke the orders to which the person is subject unless satisfied that it should remain in force.

Clause 57 provides that the provisions of the Act that deal with consent to medical or dental treatment apply to any mentally incapacitated person, whether he or she is subject to a guardianship or administration order or not.

Clause 58 sets out the persons who may give consent to the medical or dental treatment of a mentally incapacitated person. If a person has been appointed as a guardian under any Act or law, the guardian is the person who may give consent. In cases where there is no such appointed guardian, a relative may give the consent or the board if application for it to do so has been made by a relative, a doctor (or dentist, where relevant) or any other person with a proper interest in the matter. Effective consent will be deemed to have been given if the mentally incapacitated person consents to the treatment and the doctor or dentist did not know, and could be expected to have known, of the mental incapacity. If a person falsely represents to the practitioner that he or she is able to give effective consent (e.g. that he or she is an appointed guardian) the practitioner may go ahead with the treatment with impunity.

Clause 59 makes it an offence to give consent without being authorized by or under this Act to do so, or for a person to falsely represent that he or she is so authorized.

Clause 60 makes special provision for consent to prescribed treatment (i.e., sterilization, abortion and any other treatment prescribed by the regulations). This kind of treatment cannot be given unless the board has given its consent. A medical practitioner who does so will be guilty of an offence punishable by imprisonment. The same criteria on which the board must make its decision as are set out in the current Mental Health Act are set out in subclauses (2) and (3).

Clause 61 provides for the emergency treatment of mentally incapacitated persons without having to first obtain consent in accordance with this Act. The treatment must be necessary to meet imminent risk to the person's life or health.

Clause 62 provides that any consent given by the board must be in writing.

Clause 63 provides that if the Registrar makes a decision or order while exercising the jurisdiction of the board pursuant to this Act, the decision or order is subject to review by the board.

Clause 64 empowers the board or the Administrative Appeals Court to state a case to the Supreme Court on any question of law.

Clause 65 provides for the appointment of assessors to sit with a District Court judge for the purposes of hearing appeals to the Administrative Appeals Court. Assessors will be drawn from two panels established by the Governor for the purpose. One panel will be of persons with appropriate expertise, the other will be of persons who have expertise in promoting the rights of mentally incapacitated people or expertise in other forms of advocacy. Subclause (8) provides that a psychiatrist must be one of the assessors for any appeal against orders of the board made under the Mental Health Act.

Clause 66 gives a right of appeal against decisions or orders of the board (whether made under this Act or any other Act) to the Administrative Appeals Court. The applicant in the board proceedings, the mentally incapacitated person, the Public Advocate, any person who made submissions to the board in the original proceedings and any other person who has a proper interest in the matter may exercise the right of appeal. The appeal is as of right in the case of an order for detention or a decision relating to sterilization or termination of pregnancy. In all other cases, the appellant must seek leave to appeal either from the board or the Administrative Appeals Court. Appeals relating to termination of pregnancy must be instituted within two days of the decision or order being made. The court has an absolute discretion to close the court during a hearing or to exclude specific persons from the courtroom.

Clause 67 sets out the powers of the Court to set aside, confirm or make substitute orders on an appeal. Costs can only be awarded against a party who has deliberately delayed the proceedings or whose conduct in relation to the appeal proceedings has been frivolous or vexatious.

Clause 68 provides that the court is to conduct an appeal as a review of the original decision or order on the evidence that was presented to the board. The court can accept fresh evidence if it sees fit to do so.

Clause 69 provides for appeals to the Supreme Court of the decisions or orders of the Administrative Appeals Court. Certain matters are not so appealable, e.g., orders relating to terminations of pregnancy and orders made in relation to orders of the board in exercising its appellate jurisdiction under the Mental Health Act. An appellant must seek leave to appeal under this section from the Administrative Appeals Court or the Supreme Court. Costs cannot be awarded against the mentally incapacitated person.

Clause 70 provides that the Supreme Court must conduct an appeal as a review of the Administrative Appeals Court's order on the evidence that was before that court. The Supreme Court may admit fresh evidence.

Clause 71 allows for orders that are appealable to be suspended pending the outcome of an appeal.

Clause 72 entitles an appellant who is the mentally incapacitated person to be represented free of charge by a legal practitioner provided by a scheme to be established by the Minister. The Health Commission will pay these legal fees which will be in accordance with a prescribed scale.

Clause 73 makes it an offence for a person who has the oversight or care of a mentally incapacitated person to illtreat or wilfully neglect the person.

Clause 74 provides a number of offences relating to falsely certifying that a person has a mental incapacity, making such a certification without examining the person, or otherwise fraudulently attempting to have a guardianship or administration order made.

Clause 75 makes it an offence for a medical practitioner or psychologist to sign any certificate or report in respect of a person to whom he or she is related by blood or marriage (including a putative spouse relationship).

Clause 76 provides that persons engaged in the administration of the Act must not divulge personal information regarding persons subject to proceedings under this Act, unless required or authorised to do so by law or his or her employer.

Clause 77 prohibits the publication of reports of proceedings before the board or any court under this Act, unless the board or court authorises otherwise. If it does so, the report must not disclose the identity of the person to whom the proceedings relate.

Clause 78 provides for service of notices personally or by post or fax.

Clause 79 provides the usual immunity from liability for persons engaged in the administration of the Act.

Clause 80 provides for certain evidentiary matters relating to orders of the board and authorised persons under clause 24.

Clause 81 provides that offences against the Act are summary offences.

Clause 82 provides for the making of regulations.

Dr ARMITAGE secured the adjournment of the debate.

SUPPORTED RESIDENTIAL FACILITIES BILL

The Hon. D.J. HOPGOOD (Minister of Health) obtained leave and introduced a Bill for an Act to make provision in relation to the care of persons in certain residential facilities; to make related amendments to the Mental Health Act, 1977 and the South Australian Health Commission Act, 1976; and for other purposes. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to ensure that any premises providing, or offering to provide, personal care services to residents in addition to accommodation and board, are licensed and meet minimum standards of care and accommodation. Personal care services include toileting, dressing, management of medication and the handling of personal finances.

Since the mid-1980s there has been a growing emphasis on catering for the needs of frail elderly people and people with disabilities in a community setting, rather than in institutional care. For many people this entails care being provided in their own homes with the coordination of home based services. Until recent years, when most people thought of care, and aged care in particular, nursing homes came readily to mind. Increasingly though a range of community based sevices and supported residential options are becoming available.

The Government is aware of the growing number of types of supported residential facilities which offer accommodation with some form of supportive care for which no regulatory mechanisms are currently in place. The aim of this Bill is to provide safeguards for residents where personal care is offered in the different types of residential settings. Supported residential facilities providing care at different levels to residents include premises such as nursing homes, hostels, rest homes, mental health hostels, boarding houses and guest houses. The residents of such facilities are, increasingly, elderly people who are frail or persons with an intellectual, physical or psychiatric disability. Their quality of life is clearly a matter of interest to the Government, and to the community as a whole.

The Health Act, 1935 has provided some protection for the well-being of residents in nursing homes and rest homes. However, over the years the Act has been seen to be limited by its focus on physical standards of accommodation, and by not adequately addressing standards related to the provision of care or quality of life of residents.

A 1988 South Australian Health Commission Review of the Needs of Disabled Persons in Boarding Houses found that the role of boarding houses has changed significantly from one which provided accommodation for an able, independent population to one which provides supported accommodation to people with varying levels of dependency. In this transition no mechanism has existed to provide and ensure a minimum standard of care for residents. The Review indicated a need for closer regulation of boarding houses to ensure a minimum standard of care for residents.

At present there are different arrangements for the licensing and regulation of facilities by Commonwealth, State and Local Governments. Since 1988 there has been a significant change in the level of Commonwealth involvement in nursing homes and hostels. The Commonwealth regulates through its standards monitoring activities, the standard of facilities and quality of care in Nursing Homes and Hostels. The State regulates Nursing Homes and Rest Homes through licensing by Local Government under the provisions of the Health Act.

The Health Act has been replaced by the Public and Environmental Health Act which addresses broad public health concerns. However, the Public and Environmental Health Act has no provision for the licensing of supported residential facilities such as rest homes. Mental Health Hostels are licensed by the Health Commission under the Mental Health Act. Some Local Councils licence boarding houses through by-laws made under the Local Government Act. The development of the Supported Residential Facilities licensing legislation has proceeded on the basis of thorough and extensive consultation with the wide range of interests which may be affected by it.

A discussion paper on the Licensing of Supported Residential Facilities was widely distributed in the community from September-December 1989. The paper outlined current licensing arrangements across all forms of supported accommodation, and discussed options for the future. These options were:

(1) the removal of all licensing;
(2) maintenance of the status quo, or
(3) the introduction of a single piece of legislation covering all supported residential facilities.

There was overwhelming support to pursue the third option. Current controls available under the Health Act were seen to need updating to resolve duplication between State and Commonwealth monitoring requirements, and to broaden the focus to include standards of personal care as well as standards of accommodation.

A working party comprising representatives from the S.A. Health Commission, the Local Government Association of S.A. and chaired by the Commissioner for the Ageing was established to develop the details of the legislation. A Reference Group of consumer- and key agency representatives was established to advise and assist the Working Party on the development of the legislation.

A draft Bill was widely distributed for community comment during the period March to end of May 1991.

As a result, 65 written submissions on the draft legislation were received from a broad range of industry, consumer advocacy and Local Government interests, from both metropolitan and country areas. There was widespread support for the Bill, and many of the comments received were incorporated in the legislation.

Local Government was identified by most commentators as the preferred licensing vehicle for supported residential facilities. Local Government has an existing infrastructure in place for the regulation of several types of facilities. Authorized officers with appropriate expertise are already engaged in the inspection and assessment of physical standards of these facilities. Enhancing their role to take on care standard monitoring procedures offers a practical and locally-responsive method of administration, and streamlines regulatory powers by enabling inspection of public health and personal care standards to be undertaken by a single responsible agency.

There is a need to ensure consistency in the assessment of standards and this will be achieved through:

- the capacity for individual licensing authorities to adopt a regional approach to inspection and licensing across council boundaries;
- training in assessment procedures for authorized officers;
- preparation of Guidelines in order to assist with the interpretation of legislation;
- the establishment of a Supported Residential Facilities Advisory Committee to provide advice and guidance to the licensing authorities on the administration of the legislation, and a vehicle for the preparation of guidelines.

Local Government has had a significant role throughout the development of the legislation. As a member of the Working Party, Local Government has had direct involvement in developing the details of the legislation. Throughout 1991 regular consultation with Local Government representatives occurred on particular aspects of the draft Bill.

The Bill aims to safeguard the interests of residents in supported residential facilities by defining standards for personal care services, and by improving the access of residents or their representatives to information about these services, and about the terms and conditions under which they are to be provided.

The accommodation market for older people and persons with disabilities is of course growing in complexity, with new options and products offering accommodation with care constantly emerging. It is important to emphasise therefore, that the legislation provides one consolidated piece of legislation for all supported residential facilities where personal care services are offered or provided, irrespective of the chosen title of the facility or the clientele accommodated.

A licence will be required by any supported residential facility that offers or provides accommodation and personal care services to persons (other than members of the immediate family of the proprietor of the facility), for fee or reward.

Exemptions to licensing arrangements may be declared in relation to a specified agency or person, or class of person or agency, as long as this exemption does not affect the interests of residents. It is not intended to duplicate adequate inspection and monitoring procedures for facilities where these already exist.

The working party has recommended exemption from the legislation for Commonwealth subsidised aged care facilities on the basis that the Commonwealth extensively monitors nursing homes and hostels in terms of outcome standards for residents and a monitoring system by State and Commonwealth requirements would be duplicatory. Exemptions will also be considered for

facilities accommodating people with disabilities where alternative monitoring mechanisms exist through conditions of funding or where the existence of operational procedures and principles reflect the Objects and Principles of the Bill.

As the licensing authority, Local Government will be responsible for inspecting, assessing and licensing standards related to the provision of personal care services and physical accommodation as they effect the quality of life and safety of residents in a particular facility. Where it is assessed that a prescribed offence has been committed against the Regulations, the licensing authority may place conditions on, or cancel the licence.

The licensing authority will be able to issue default notices to the proprietor where a proprietor has failed to comply with a provision of the Bill.

The licence will be issued to the proprietor of a supported residential facility whether the proprietor in the sole proprietor or a body corporate.

Disputes between a proprietor and resident will be conciliated by the responsible licensing authority. Where attempts at dispute resolution fail, both the proprietor and resident will have access to an external appeals mechanism.

The Government is keenly aware of community concern for residents who may require personal care, but who live in facilities such as boarding houses which are willing or able to provide nothing more than board and lodging. These facilities will not be required to be licensed. However, provision has been made for proprietors of both regulated and unregulated premises to notify a representative or relative of a resident, or an appropriate government agency, when the resident's care needs cannot be adequately met in the facility.

A transitional provision permits existing facilities to apply within three months of enactment of this section to be granted a licence for a period of one year. Where such a facility had been granted an exemption under another Act that exemption will continue to apply for the duration of that year.

Serviced apartments in some retirement villages offer residents a limited range of services to assist with daily living, such as the provision of meals, personal laundry, and cleaning services. Few villages in South Australia are currently offering more intensive personal care to residents at a level which would bring them within the ambit of the legislation. However, the Government recognises that with an ageing population and a growing preference amongst older people to remain living independently in the community, it is likely that market demand over the next few years will encourage administering authorities in retirement villages to extend the range of services to include personal care for their residents. As and when this occurs, villages will need to be licensed according to requirements of the Supported Residential Facilities Act.

The Bill moves the focus away from physical inspection of facilities and creates a more balanced approach to address standards related to the provision of care of residents.

The Bill updates the present system, protects the rights of residents, and resolves much of the duplication and inconsistencies between State and Commonwealth monitoring requirements.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 sets out the various definitions required for the purposes of the legislation. Particular note is made of the definition of 'personal care services', being the provision of nursing care, assistance or supervision in undertaking certain activities, the provision of direct physical assistance, the management of medication, substantial rehabilitative or developmental assistance, or assistance with personal finances. However, this definition will not encompass such things as the provision of routine advice or information, certain short-term help, or any other matter of a prescribed kind. The definition is particularly important for the purposes of the definition of 'supported residential facility', being premises as which, for monetary or other consideration, residential accommodation is provided or offered together with 'personal care services'.

Clause 4 relates to the application of the legislation. The Act will apply to facilities established before or after its commencement. However, it will not apply to educational institutions or colleges, to premises that form part of a recognised hospital or private nursing home under the South Australian Health Commission Act 1976, to facilities established under the Community Welfare Act 1972, or to premises where not more than two persons are cared for. The Minister will also be empowered to grant exemptions under the Act.

Clause 5 provides that the Act will bind the Crown.

Clause 6 sets out the objects of the legislation. These are as follows:

(a) to establish standards for the provision of personal care services in supported residential facilities in this State;

(b) to protect the rights of persons who reside in supported residential facilities;

(c) to ensure that a resident or prospective resident of a supported residential facility has ready access to information about the scope, quality and cost of care within the facility;

(d) to regulate the responsibilities of service providers in supported residential facilities;

and

(e) to ensure accountability in relation to supported residential facilities.

Clause 7 sets out various principles that are to be applied under the Act. These principles provide an important 'key-stone' to the purpose and application of the legislation and are to be applied to the adminstration of supported residential facilities. The principles are as follows:

(a) residents are to be entitled to high quality care, to their choice of health services, and to an informed choice in the provision of appropriate care;

(b) residents are, having regard to their needs and the type of service offered at the particular facility, entitled to receive reasonable levels of nutrition, comfort and shelter;

(c) services should be provided in a safe physical environment;

(d) residents are entitled to be treated with dignity and respect and afforded reasonable degrees of privacy;

(e) residents are entitled to independence and freedom of choice (so long as they do not infringe the rights of others);

(f) residents are entitled to manage their own affairs and to be free of exploitation;

(g) residents should be allowed freedom of speech.

Clause 8 describes the role of the Minister under the Act.

Clause 9 describes the role of councils under the Act. In particular, councils will be responsible for the administration and enforcement of the legislation in their respective areas. The Minister will be empowered to take action in relation to a council that does not fulfil its legislative responsibilities.

Clause 10 provides for licensing authorities under the Act. In most cases, the licensing authority will be the council for the area in which a particular facility is situated.

Clause 11 establishes the Supported Residential Facilities Advisory Committee.

Clause 12 provides for the appointment of a presiding member of the committee.

Clause 13 relates to the conditions of office for members of the committee.

Clause 14 provides that a member of the committee is entitled to such allowances and expenses as the Minister may determine.

Clause 15 sets out the procedures to be observed at meetings of the committee.

Clause 16 provides that a member of the committee who has an interest in a matter before the committee is disqualified from participating in the committee's consideration of the matter.

Clause 17 sets out the functions of the committee. These functions include the provision of advice on the administration of the legislation and on supported residential facilities generally, the formulation of policies, the preparation of codes and guidelines for the purposes of the Act, and the provision of information to members of the public.

Clause 18 requires the committee to prepare an annual report that is to be laid before the Parliament.

Clause 19 relates to the constitution of the Administrative Appeals Court for the purposes of this legislation. It is proposed that the court sit with assessors, who will be selected from a panel established by the Advisory Committee. A person will be eligible to be a member of the panel if he or she has extensive experience in:

(a) the provision or supervision of personal care services;

(b) acting as an advocate for people who are elderly or disabled;

(c) developing or implementing policies that relate to the control or development of supported residential facilities within the State;

or

(d) monitoring or inspecting supported residential facilities.

Clause 20 sets out various provisions that are relevant to the exercise of the jurisdiction of the court under this Act. The court will be empowered to convene a conference of the parties to proceedings under the Act if it appears that the matter can be resolved by concilitation. The court will be required to act expeditiously.

Clause 21 provides for the appointment of authorised officers by the Minister or by a council.

Clause 22 sets out the various inspectorial powers of an authorised officer under the Act.

Clause 23 will require that premises must not be used as a supported residential facility unless licensed under the Act. The proprietor of the facility will be guilty of an offence if the provision is not observed.

Clause 24 relates to the making of an application for a licence.

Clause 25 sets out the matters that a licensing authority must take into account when considering an application for a licence. These matters will include:

(a) the suitability of the applicant to be granted a licence;

(b) the suitability of the premises;

(c) the scope and quality of personal care services to be provided in pursuant of the licence;

(d) any relevant guideline published by the Advisory Committee;

and

(e) any matter prescribed by the regulations for the purposes of this provision.

The licensing authority should not grant a licence if it appears that the facility will not be administered in accordance with the principles set out in clause 7.

Clause 26 provides that a term of a licence will be for a term of up to two years.

Clause 27 relates to the renewal of a licence.

Clause 28 provides that a licensing authority may refuse to renew a licence or on any ground upon which a licence may be cancelled (see clause 31).

Clause 29 relates to the imposition of licensing conditions.

Clause 30 will allow a person to apply for the transfer or surrender of a licence.

Clause 31 will empower a licensing authority to act to cancel a licence in specified circumstances. These circumstances will include a breach of the Act or of a condition of a licence, a failure to administer the particular facility in accordance with the principles set out in clause 7, a failure to provide appropriate care to a resident, the fact that the holder of the licence is no longer a fit and proper person, or the fact that the premises are no longer suitable to be used as a supported residential facility. If necessary and appropriate, a licensing authority will be able to appoint a person to administer the relevant facility. Such an appointment will be for a period not exceeding six months.

Clause 32 creates a right of appeal against any decision or order of a licensing authority to the Administrative Appeals Court.

Clause 33 is a transitional provision that will allow facilities that are operating at the commencement of the new legislation to obtain a licence for one year. Any exemption that was granted under other legislation will continue during that period

Clause 34 requires that a person must be specifically appointed as the manager of a facility if the proprietor of the facility is not directly involved in the management of the facility.

Clause 35 provides for the continuation of a licence in the event of the death of the licensee.

Clause 36 will require a prescribed notice to be displayed at each licensed facility.

Clause 37 requires that a prospectus be prepared for each facility, and made available on request.

Clause 38 provides for, and regulates, the creation of a resident contract between each resident and the proprietor of a facility. A resident will be entitled to received a statement containing prescribed information before he or she enters into the contract.

Clause 39 regulates the ability of a proprietor to terminate a resident contract. In particular, the proprietor will be required to give 28 days notice before exercising any right ot termination, unless the proprietor is acting with the agreement of the resident, or under another Act or the regulations.

Clause 40 will require that a service plan be prepared for each resident. The plan will set out the services to be provided to the resident on a day to day basis and will be required to be reviewed on a regular basis.

Clause 41 will require the person in charge of a facility to take certain action if it appears that a resident is in need of care that is not provided at the facility.

Clause 42 is a similar provision to clause 41, but will apply to residential-only premises (defined to mean boarding-houses or lodging houses that are not required to be licensed under the Act, or premises otherwise prescribed by the regulations).

Clause 43 will empower a licensing authority to act to resolve certain disputes within a supported residential facility. The authority will, in certain circumstances, be able to make orders to resolve a dispute.

Clause 44 sets out a right of appeal to the Administrative Appeals Court against a decision or order of a licensing authority under clause 43. The court will be able to affirm, vary or quash the relevant decision or order, make its own decision or order, or remit the matter back to the licensing authority.

Clause 45 ensures that the preceding provisions do not derogate from other civil remedies.

Clause 46 will allow a person to act as the representative of a resident for the purposes of this Act.

Clause 47 empowers a health service provider, social worker, or other approved person to enter any facility, or residential-only premises, to visit or attend on any person residing there.

Clause 48 requires the person in charge of a facility or residential-only premises to take steps to prevent a resident from causing unreasonable disturbance to other residents or to persons who live in the locality of the relevant facility or premises.

Clause 49 allows a person to complain to a licensing authority about the management of a facility or residential-only premises or about the conduct of a resident of such a facility or premises.

Clause 50 prevents a person arranging for the Act not to apply to particular circumstances.

Clause 51 provides for the protection of confidential information acquired in the preformance of official functions under the Act.

Clause 52 relates to prosecutions under the Act. A penalty for an offence against the Act initiated by a council or council officer will be payable to the council.

Clause 53 relates to continuing offences.

Clause 54 will empower an authorised officer to issue a default notice where the officer considers—

(a) that the holder of a licence, or any other person involved in the management of a supported residential facitlity, has contravened, or failed to comply with, a provision of this Act;

(b) that there has been a failure to administer a supported residential facility in accordance with the principles prescribed by Clause 7;

(c) that the holder of a licence has contravened, or failed to comply with, a condition of the licence;

or

(d) that irregularities or difficulties have otherwise occurred in the management of a supported residential facilty, or in relation to the care of any resident.

Clause 55 will allow offences prescribed by regulation, or under the regulations, to be expiated if an authorised officer considers that the issue of an expiation notice is appropriate.

Clause 56 provides for the creation of a special fund under the Act. The fund will consist of money provided by the Treasurer, and a prescribed percentage of fees and fines paid or recovered under the Act. The fund wil be available for use if a proprietor defaults in making payments to an administrator appointed under the Act.

Clause 57 is the regulation-making provision. A licensing authority will be able to exempt a facility from a requirement of the regulations in appropriate cases.

Clause 58 and Clause 59 set out consequential amendments to the Mental Health Act 1977 and the South Australian Health Commission Act 1976 respectively.

Dr ARMITAGE secured the adjournment of the debate.

STANDING ORDERS COMMITTEE

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

That Mr Brindal be appointed to the committee in place of Mr Oswald.

Motion carried.

[*Sitting suspended from 5.50 to 7.30 p.m.*]

MATTER OF PRIVILEGE: ECONOMIC AND FINANCE COMMITTEE

Mr HAMILTON (Albert Park): I rise on a matter of privilege. On the Channel 9 news tonight, it was stated by a Channel 9 reporter that the committee on which I serve, the Economic and Finance Committee, 'bowed to pressure', as I recall the words used. Sir, I believe that a breach of privilege has occurred, and I would ask that the House investigate this matter.

The SPEAKER: The Chair has no knowledge of the incident that has been raised by the honourable member. If the honourable member will provide the Chair with a transcript, evidence or the substance of this matter, I will be pleased to follow it up.

Mr HAMILTON: On a point of clarification, Sir, I can only quote from what I saw, but I will endeavour to obtain it. Do I have to provide it from my own resources?

The SPEAKER: Unless the member does that, the Chair has nothing to work upon. It is not for the Chair to prove the point of privilege until the evidence is provided. I am sure that Channel 9 will provide the honourable member with a transcript, or even a copy of it, if the honourable member were to request it.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances.

Mr INGERSON (Bragg): I wish to address two issues. First, I refer to what the Premier said today: he said that on Friday I had had a meeting with Mr Marrett, the General Manager of ETSA, that I was satisfied with the advice that had been given and that he found it strange that today I should ask a question about the Electricity Trust and its role in the sale of the property at 220 Greenhill Road, Eastwood. I correct that comment because, in the briefing that I had with Mr Marrett, I made very clear that it was my belief that the property at 220 Greenhill Road was worth more than $5 million, even though he gave me an assurance that in fact that was its market value.

The reason for this argument is that, although the land is valued at $5 million, an 11 storey building is erected on that site and, under current planning conditions, if that building were knocked over, only a three storey building could be erected on the site. What ETSA is saying to the community is that there is a valuation of $5 million on the land, and an empty, gutted 11 storey building which cannot be replaced is worth nothing. I find that hard to accept.

The second issue I would like to discuss briefly is what I thought was a most dishonest and reprehensible decision made by the Government yesterday in relation to WorkCover. The WorkCover select committee recommended to this House a month ago two principal amendments to the Workers Compensation and Rehabilitation Act in relation to stress claims and to the second year review process. Those two principal recommendations were made with the support of all members of the committee. The Minister of Labour, the Chairman of that committee, supported those recommendations.

Given the evidence that was put before the committee, some people argued against the change but, more importantly, the people who know the difficulties involved—the employers and the General Manager of the WorkCover Corporation—said that, unless there was a change to the second year review process, the scheme would go broke.

The Government knows that that is true, yet the Opposition and the Democrat representative, Mr Gilfillan, have been accused of throwing out that Bill. That is arrant nonsense. The Government knows full well that that was its decision. At the conference yesterday the Minister was intransigent on this issue. Not once did he offer to change or to amend that clause. We know that there was a deliberate attempt by the Government to make sure that that legislation did not pass, because the union movement did not want it to pass.

If the Government had come clean and said that the reason it was not prepared to support the legislation was that its mates in the union movement did not want it, at least that would have been honest and would have been a decision one could respect. Evidence was heard over 18 months: it was said that this matter needed to be reviewed to save the scheme $100 million—some $4 million every month from now on in increasing benefits. The Government and the Minister knew that, yet yesterday the Minister dishonestly went out into the public arena and said that this occurred because of ALP policy. That is arrant nonsense. The Government did not want to do it because its union mates would not let it do it: that is what it was all about. It is a pity that the Government, and the Premier in particular, did not come forward and say that. Last week the Premier told the Chamber of Commerce and Industry, the Employers Federation and the Engineering Employers Federation that he would fix it up.

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

Mr HAMILTON (Albert Park): Today during Question Time I asked a question about seat belts on buses. Every one of us in this Parliament would recall the tragic circumstances in which people have lost their lives in bus smashes in the various States of Australia. The graphic demonstration of the loss of innocent lives, be it between two buses in New South Wales or between a semi-trailer and bus, as depicted on television, I think is etched on most people's minds and would be distressing to those who saw it and care about the carnage on the roads. I believe that every one of the families who were put through the grief as a result of those disastrous smashes would agree with the meeting of Ministers in relation to the compulsory wearing of seat belts on all long distance buses in Australia by 1994.

It is obvious why this issue has been raised. The letter from my constituent, part of which I read into *Hansard* today, I believe demonstrates the concern not only of this lady but, indeed, of tens of thousands, if not millions, of people throughout Australia in relation to the need to have seat belts in all coaches throughout Australia. In a letter dated 27 April this year, my constituent stated:

> Thank you very much for raising my concerns regarding seat belts in buses, in the House of Assembly. I was pleased to read of the change in the Australian design rules as of July 1992 to have all 'exposed' seats in coaches fitted with seat belts.
>
> I look forward to the approval of the proposal for all passenger seats on coaches to be fitted with seat belts, as this would then deal with the safety of everyone travelling on a coach. I feel that people sitting on a seat with another seat in front of them are risking serious injury or death, equally, with those on 'exposed' seats. (Perhaps more so with respect to head injury.)
>
> I saw an interview (on the news), with a coach company manager who was commenting on the recent legislation change. He said it was inevitable that all seats would eventually require a seat belt, and the coach companies expected compulsory alterations in the near future. I feel the changes to all seats should come into effect at once. Also, passengers may complain about being disadvantaged, depending on what seat they had available in the coach.
>
> Thank you for all your prompt correspondence in keeping me up to date with proceedings. I would appreciate your continued interest until everyone can travel with more confidence on a coach.

It is quite clear that my constituent desires that intrastate buses should be fitted out as quickly as possible so that everyone—adults, children or senior citizens—is equally protected. We all know of and have seen evidence of the tragedies to which I have referred tonight, and we have seen on television the carnage that results in the event of an

accident if buses are not fitted out with seatbelts. Passengers need to be adequately protected. I hope that this issue is dealt with quickly. I know that the Minister is concerned about this matter, and I thank him for his prompt response here today in the Parliament. However, I look forward to the day when all buses are fitted with seatbelts.

Mr SUCH (Fisher): I would like to make some comments about a beautiful piece of land to the south of Adelaide, and I refer to Minda Farm or Craigburn Farm at Blackwood. Both my colleague the member for Davenport and I are most concerned about the Government's recent announcement which suggests that that beautiful property is likely to be subdivided—or a large proportion of it. Indeed, in a press release the Minister for Environment and Planning highlights the open space aspect. However, what she does not highlight is the fact that over time—until 1999—we are likely to see about 150 hectares of housing development on that land. I believe that would be a tragedy.

Along with the member for Davenport, I believe that that land should be purchased by the Government for the benefit of not only the current population but future generations. We know that there are secret reports in relation to Minda Farm, and the Government has chosen not to release those reports. I believe that they should be released immediately to enable the public fully to appraise the situation. I cannot see any justification for the Government's refusing to release those reports, which we know exist. I would like to pay tribute to Minda Incorporated for its generous community approach. For example, for many years it has permitted a cycle way to traverse its land, provided horse riding areas for the disabled and allowed people to walk around the property.

Mr S.G. Evans interjecting:

Mr SUCH: Yes, the training of dogs and a whole host of other things. It is to be commended for that. The member for Davenport and I are not asking Minda Incorporated to forgo income; we believe that would be unfair. It has an important job to do in looking after the intellectually disabled, and it does it well. However, we believe that that piece of land is too valuable—as one of the last remaining large pieces of open space in Adelaide—to allow it to go under bricks and mortar.

Over a long period I have suggested that the Government purchase the land on a time payment arrangement and lease it back to Minda Incorporated to allow it to operate the farm until such time as the need for recreation land becomes critical. In so doing, I acknowledge that in the future, given that it is an open space area, a recreation area—part conservation but catering for various sporting activities, largely passive—the intellectually disabled people currently working on the farm can be engaged to carry out some of the maintenance tasks. They are more than capable of doing that. It would be an innovative approach to have the trainees from Minda looking after what would be, could be and should be an adjunct, and supplement to Belair National Park. In years to come, that park will become even more taxed in terms of usage than it is today. Once this land is built on, the opportunity for developing it as a recreational area will be gone. I believe that is something we cannot afford to allow.

I earnestly request the Minister to allow full public discussion and involvement in her proposal so that the public—and not just the local people but the whole of South Australia—can have a meaningful input into what is being proposed. On my calculations, we are looking at 1 400 homes and, as a consequence, about 3 000 vehicles. There will be a significant impact on local arterial roads. We are talking about a population equivalent to the existing population of Bellevue Heights plus half Eden Hills.

I believe that that area is too important to be built on. The land should be purchased now, not just for the local people but for the people of South Australia. I believe the State Government should seek financial support from the Commonwealth Government to do that. The southern area has missed out on much in terms of sporting facilities, and this would be a reasonable proposition as open space.

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

Mrs HUTCHISON (Stuart): This evening I would like to pay tribute to a team that has reached the very pinnacle of its chosen sport in Australia. I refer to the Adelaide City soccer team—the black and white team of South Australia. However, I do not believe that the team has received just recognition—either here in South Australia or nationally. One of the things that needs to be recognised is that soccer is an Olympic sport, and Australia is in the top 16 teams in the world in that sport. Naturally, because the team is now the best in Australia, some of these players will represent Australia at the Olympics.

Mr Hamilton interjecting:

Mrs HUTCHISON: Yes, and, as my colleague the member for Albert Park points out, it has the best coach in Australia. However, the recognition the team has received has been minimal. As a sporting person from way back, I am constantly amazed that there have been probably two sports that have received all the national recognition, that is, football and cricket. Whilst I am a great admirer of both those sports, I think that has been to the detriment of a lot of other sports in which there have been high achievers, not the least being this soccer team, which has just won the national championship and the cup. It is the first time that that has been done, but did we get a run-down of the players, their individual expertise, the way they played during the year, and so on? Did we get all that before they actually went away to play for this championship? We had none of that. None of the people recognised just what this soccer team has achieved.

Not only has soccer but also some of the sports I have played—for example, netball, basketball, volley ball and hockey—have gone unrecognised over the years. We are talking here tonight about a team whose members have really achieved excellence in their chosen sport. What political recognition have they been given? Will the City of Adelaide host a reception for them? Will we see all those players in a procession through the streets of Adelaide? They deserve it; they are the black and white team in soccer. If it were the black and white team in football, it might be a lot different: we would have much more recognition for them.

Because it is soccer and because it is not classed as an Australian sport—Australian football—there has not been that recognition. The composition of our population makes soccer one of our top sports. I can speak specifically for my own electorate of Stuart, where soccer is one of the major sports played. I know that many of my constituents were most concerned that they could not get the information they wanted with regard to this soccer match.

I believe that we should be acknowledging this team, which really has made South Australia great. It has gone interstate, carrying the South Australian flag, and has achieved excellence in its chosen sport. I am also proud to say that one of those players who was in the Adelaide City soccer team was a Whyalla player. I know that the Minister at the bench, the Hon. Frank Blevins, would be only too

happy to agree with me that Carl Veart, who played in the Adelaide City team, comes from a talented soccer family. His father, Tom Veart, was also a top-class soccer player. I know from conversations with the Hon. Frank Blevins that he was also most upset to find that the Adelaide City soccer team did not get the recognition that we believe it deserves for this feat.

Mr Hamilton: And the coach.

Mrs HUTCHISON: And also the coach: the member for Albert Park is very loyal in this matter, and that leads me into my next comment. I would like to have recorded in *Hansard* my sincere congratulations to Zoran Matic and to the black and whites, the Adelaide City soccer team, for what I feel has probably been an achievement that may not happen again. It is a first; it is something that no other soccer team has done; and I do not know whether another soccer team will do it. However, we as a State should recognise those players and ensure that they receive sufficient recognition for what they have done.

Mr Hamilton: The Minister ought to give them a medal.

Mrs HUTCHISON: As the member for Albert Park says, the Minister should perhaps give them a medal, but that would have to be the Minister of Recreation and Sport, I point out to my colleague. I also throw down the challenge: what are we going to do to give recognition to this major achievement by a group of dedicated South Australian sports people?

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

Mr BRINDAL (Hayward): I rise on a matter which I preliminarily canvassed in Question Time today, that is, the matter of student accommodation in country areas, and I record my abhorrence at some of the answers given by the Minister in this House today. A press release of 13 October 1988, under the name of the Minister of Education, the Hon. Greg Crafter, stated, in part:

> . . . a new education support unit has been set up which will:

The document then lists the details of what the new units will do and further states:

> The number of young people boarding in country areas is currently being researched by the unit.

It then details the members of the unit. I will read the last paragraph of the document for the benefit of members, lest they doubt my veracity in this matter. It states:

> The Country Education Support Unit can be contacted at the Country Areas Program, P.O. Box 38, Oaklands Park, 5046, telephone 296 9100 (Mark Brindal, Executive Officer).

So, I do have reason to know what I am talking about. One of the jobs of that unit was to provide advice to the Government on the location of boarding facilities in the country. The Minister was right: a boarding house, a house that accommodated country students, was successfully established at Rose Park under the auspices of the unit and has been successful ever since. However, in its wisdom, the Education Department decided to disband the board and to then set up boarding facilities in other areas. So, the board that had successfully piloted this was disbanded. The department knew better than the board, despite the fact that the board's advice was that a number of these accommodation units should be set up in the city before they were trialed in the country.

Another press release from the Hon. Greg Crafter, MP, Minister of Education, entitled, ' "Back to School" boost for South Australian country schools' appeared on 17 May 1989 and stated, in part:

> The boost to country schools is against a backdrop of other initiatives affecting rural and isolated school students and their families, including:
>
> establishment of the country education support unit to provide assistance and information about allowances, study choices and boarding options in Adelaide and large country towns and cities . . .
>
> plans to establish a network of 'cottage homes' in city and country areas to provide wider boarding choices and boost educational opportunities through a loan scheme involving school communities and the South Australian Financing Authority.

It was not solely the Commonwealth, as the Minister alleged in the House today. Finally, we come to another press release of the Minister, appearing on 23 November 1990, in which he announced with much fanfare 'The green light for two new "home away from home" boarding houses at Port Augusta', with similar student accommodation planned for Cleve and other plans involving Whyalla and Port Lincoln. The cost of renovating just two of those homes was $160 000. It was a 'million dollar scheme'—this was, indeed, the heading of the press release—against the advice of the unit being set up for the purpose, but this was being proposed in the Minister's wisdom.

The situation today is that $1 million has been spent. This matter goes back to 1990, so presumably the houses have been finished for at least a year. Five of those six houses are vacant, and they are vacant because the principals of the schools and the school councils were not consulted. Neither the school councils nor the principals in the town concerned believe that proper management structures are in place. So, in other words, we clearly have an indication of an area for which the Minister had responsibility and about which he trumpeted and brayed in a series of press releases over three years involving a project that has been an abject failure. There is $1 million worth of upgraded Housing Trust homes in this State, five-sixths of which relates to houses that lie vacant and under-utilised because the Education Department could not get it right and ignored the advice of good and competent parents and educators, and went its own way and did its own thing.

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

The Hon. J.P. TRAINER (Walsh): I would like to say a few words about the paintings that adorn this Chamber and, if given enough time, I will be able to draw a link between some of those paintings and the fact that the Centre Hall doors are closed. We are fortunate that there are a number of wonderful historical features of both Houses of this Parliament to which we can draw attention when we are entertaining guests or showing through school groups. For example, we are the only Parliament in Australia which has a sword line in the carpet in the Lower Chamber, and we have a slightly more egalitarian touch about our front bench in so much as the Party Leaders do not step up to a dispatch box to speak as they do in other Chambers, instead remaining in their place like other members.

I would like to draw members' attention to the 10 paintings that adorn this Chamber, half of which were apparently the work of a Mr A. MacCormac. Many visitors who see these paintings assume that they are the pantheon of heroes of our parliamentary history all eminently worthy of their place, whereas many of them seem to me to be there mainly because somebody was able to afford to commission the painting while there was still room to put one up there.

Some of them are eminently worthy, nevertheless, of their position, such as the portraits of the first five Speakers. The painting immediately behind me is of George Strickland Kingston, the first and third Speaker of this House, who was also the father of the famous Charles Cameron Kingston, the most outstanding Premier of the nineteenth century. Immediately opposite me is George Charles Hawker, the

second Speaker, and behind me to my right is the portrait of Robert Dalrymple Ross, who died in office while on a trip to India during the parliamentary recess, presumably not on Commonwealth Parliamentary Association business.

Opposite we have Sir John Cox Bray, who was a leading Speaker in the early days of the Parliament and an ancestor of Justice Bray. We have behind me Sir Jenkin Coles, who was the Speaker for 21 years from 1890 to 1911 until he died in office and was replaced by the first Labor Speaker. Oddly enough, the line of Speakers' portraits stops when the first Labor member of Parliament was elected Speaker in 1911. That particular Labor Government (the first in the world that was a Government in its own right) had actually come to power in 1910 but had chosen to adhere to the Westminster tradition with regard to the Speaker's position and had left Sir Jenkin Coles in office. He died a year or so into that Parliament and Harry Jackson, an ordinary labourer, became the first Labor Speaker of this place. However, come the 1912 elections when the Liberal Party defeated the Labor Party, they tore up the rule book and Harry Jackson was given the flick and replaced by Larry O'Loughlin.

Another member, whose portrait is a little further along the wall, is Peake, who was a Premier earlier this century and who was noteworthy mainly for his capacity to stay on his feet with various coalitions shifting beneath him. Straight opposite him is one who I certainly believe should not be there and that is Sir Richard Butler the elder who became Speaker at the age of 71 in 1921 but who in 1919 had lost his position as a Minister following a royal commission into him for corruption. Alongside him is Robert Torrens whom I have previously mentioned in this Chamber, the consummate con man of the nineteenth century. He arrived with the first settlers on a salary of £500 per year as Collector of Customs. Within five years he had amassed a personal fortune of £22 000, which is not a bad effort: 44 years savings accumulated in five years. I believe he might have achieved some good things, but I think people like Torrens should be considered in context, just as I think it would be a shame if 100 years from now Alan Bond was remembered only as the man who won the America's Cup and not for his other more dubious achievements as well.

I believe that two or three of those portraits should come down for more worthy figures such as Kingston, Playford and Dunstan. However, I acknowledge that there is great merit for retaining the portrait behind me of Sir Robert Nicholls, who was Speaker for a record term of 23 years. My particular favourite is the one who in some ways looks out of place because his portrait is so large and because his role in South Australian politics was somewhat minimal. That was Frederick Holder, who was Premier for only a few months but who had the achievement of being the first Speaker of the House of Representatives, and he died in the Chair in 1909, on the job so to speak. During a heated no-confidence motion, he swooned to the floor in the early hours of the morning saying, 'Dreadful, dreadful', and never recovered consciousness.

Far be it from me to draw analogies, Sir, but the last member for Semaphore to be Speaker also died in office, in 1973. I believe it is because of that that we are unable to have our central doors open, because one of the last things he did was to appoint someone from another place to a very senior position in the administration of this Chamber. The Speaker in question, Reg Hurst, died on the following weekend; his successor, Paddy Ryan, immediately revoked the appointment, and as a result there has been a certain amount of hostility from the senior administration of another place towards this place. I believe we can therefore draw a link between these paintings in here, particularly of Holder, and the closure of the centre hall doors.

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

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

The SPEAKER: A quorum is present.

Mr FERGUSON: I beg your pardon, Sir; I miscounted.

Mr S.G. EVANS: I, too, draw your attention to the state of the House, Mr Speaker.

Members interjecting:

The SPEAKER: Order! Any member can draw the attention of the Chair to the state of the House. However, there appears to be some spurious approach to the quorum in this House at the moment. There was a quorum and, as a matter of fact, we have a quorum again.

Mr S.G. Evans: No, not quite.

The SPEAKER: It is up to me to count. The Chair would appreciate being notified if there is some problem with the suspension of Standing Orders. It would be interesting if someone were to let the Chair know what they are doing. However, I acknowledge the observation made by the member for Davenport, and I will count again. I draw to members' attention the fact that, in the House of Commons if a member calls for a quorum and a quorum is present, the member is named. It could be an interesting approach for this House to take.

A quorum having been formed:

SITTINGS AND BUSINESS

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

That Sessional Orders be so far suspended as to enable private members' business to take precedence until 9.20 p.m.

Motion carried.

STAMP DUTIES (CONCESSIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 April. Page 4564.)

The Hon. T.H. HEMMINGS (Napier): I listened with great interest to the second reading speech by the member for Murray-Mallee.

Mr Ferguson interjecting:

The Hon. T.H. HEMMINGS: My colleague the member for Henley Beach quite rudely interrupts and says that he made a lot of sense. Normally, I would ignore such interjections and normally the member for Murray-Mallee does not talk a lot of sense: I know that, Sir, and you know that, too. However, in this particular case the member for Murray-Mallee spoke a fair degree of truth in outlining to the House the problems that perhaps occur more so in the rural community than among the urban population, as many farmers have been caught by high interest rates being charged on their properties. There has been a reduction in interest rates and an endeavour to reduce the burden that has been imposed through those high interest rates that have been charged over the years, and it would be fair to say that some sections of the banking industry are quite prepared to renegotiate. Sir, as I am the lead speaker for the Government, do I get 10 minutes or 15 minutes?

The SPEAKER: Will the member for Napier resume his seat. The Chair will now ponder the honourable member's question. Under the new Sessional Orders agreed to by the

House, under 1c—and I take it the honourable member is opposing the question—the mover is allowed 15 minutes, and one member opposing the question, as deputed by the Speaker, is allowed 15 minutes. As I assume that is the category into which the honourable member would come, he has 15 minutes. As two minutes has now expired, he has 13 minutes remaining.

Mr Gunn: Unfortunately!

The Hon. T.H. HEMMINGS: The member for Eyre says 'Unfortunately.' I find that rather hard to accept, because, actually, I was going to speak in support of the Bill, to a certain extent.

The SPEAKER: Order! The member for Napier will resume his seat. If the member speaks in support of the Bill, he is not speaking against it—

The Hon. T.H. Hemmings: You did not let me finish, Sir.

The SPEAKER: I would assume that the honourable member is speaking in opposition to the Bill, therefore he has the 15 minutes. But if he speaks in support, of course, he does not.

The Hon. T.H. HEMMINGS: Perhaps to clarify the matter for those mystified readers of *Hansard*, this is not the right time and place to deal with the concept which the member for Murray-Mallee puts forward in this Bill, and which you have graciously granted me 15 minutes to oppose. I understand, Sir, that you have already made a ruling that this is a money Bill and, therefore, should be handled by the Government. I have since been advised that your ruling was that, because we are talking about a reduction of taxation, it is being allowed to proceed through the House. Let me just make that point: support for the concept of the member for Murray-Mallee—

The SPEAKER: Order! The member for Napier will resume his seat. The member for Napier has alleged that the Chair has made a ruling.

The Hon. T.H. Hemmings: That is what I understood.

The SPEAKER: The Chair does not recall making a ruling. However, now that the member has drawn the attention of the Chair to the need for a ruling, the Chair will make one. The Bill is a money Bill and, therefore, must be introduced in the House of Assembly. However, while dealing with stamp duty, it does not impose a duty and is, therefore, capable of being introduced by a private member. So, I would appreciate if the member for Napier would not put words in the mouth of the Chair and wait until the ruling is made.

The Hon. T.H. HEMMINGS: Thank you, Sir. In fact, the ruling you have just given is what I anticipated and, therefore, I rather pre-empted those words coming from your lips.

The SPEAKER: Order! The member will resume his seat. The member for Napier will not pre-empt the Chair in rulings. He will either request a ruling or wait until the decision is made. The member for Napier.

The Hon. T.H. HEMMINGS: Thank you, Sir. One can only have sympathy for those people who attempt to renegotiate mortgages to come up with some favourable figures. I am well aware that in the rural sector people are paying something like 25 per cent and 28 per cent interest that is being charged by the bank, and they now find that when they renegotiate their mortgage they must pay stamp duty to the Government. One could argue that anyone who went into a mortgage in the region of 28 per cent should have known better, but we are not here to judge each individual case. We are looking at the overall aspect of this Bill.

I am fully aware that the member for Murray-Mallee has tried to canvass in his clauses areas such as people trying to pass property from, say, a father to a son, thus in some way avoiding stamp duty. I do not think the member for Murray-Mallee has clarified that in his Bill, and we need to be able to investigate such cases. I do not know whether my memory is correct, but I think that a similar Bill was introduced in private members' time some time back (to which I did not make a contribution, you will be pleased to know) which related to the transfer of motor vehicles, where one could eliminate stamp duty being paid by the Government, which could be seen only as a rort to deny the State Government its rightful collection of some form of stamp duty.

It is for that reason that I am not prepared, whilst I have every sympathy with the thrust of the honourable member's Bill, to give it, in effect, *carte blanche* support and, of course, I cannot speak for any of my colleagues on this side of the House or for the Minister responsible. I understand that there is an ongoing look at stamp duty and that form of excise by the Minister of Finance, and it may well be that there is a valid case for the Minister's introducing amendments at some time to pick up individual cases of hardship when there has been a reduction of interest rates and that is the only reason why the transaction has taken place. A generous attitude could then perhaps be taken by the State Government. As well as that, the honourable member could have included the people who live in the urban community. I am not trying in any way to drive a wedge between those people who live in the rural community and those who live in urban areas such as that which I represent but—

Mr Lewis interjecting:

The Hon. T.H. HEMMINGS: Despite the barrage of interjections from the other side. I point out that there should be no difference whatsoever in the philosophy. In his second reading contribution the member for Murray-Mallee tended to talk about only the farming community. If you were to grant me a further 30 minutes, Sir, I could give you chapter and verse of those situations that happen in my electorate, and the same applies to the electorates of the member for Henley Beach and of the Minister. It is uniform.

The State's finances cannot be run according to one individual member who has not undertaken any form of consultation. I could understand if, in his second reading explanation, the member for Murray-Mallee had said that there had been ongoing discussion with the Government in regard to this matter and, as a result of that discussion, the honourable member was introducing this Bill. But there was none. One could imagine that this legislation was cobbled together by the member for Murray-Mallee on the drive to North Terrace from Murray Bridge. There was no consultation, no advice, no back-up information—nothing. All we had was generalities.

I am not saying that those generalities do not exist but, as an individual member of this Parliament, I should like a bit more evidence placed before me to show that what the member for Murray-Mallee is on about is something for which I can fearlessly put my hand up and vote. Sadly, I do not have that. What checks and balances is the member for Murray-Mallee proposing to ensure that no rorts exist?

Let us face it: if you have a property that is going at a rate of interest of, say, 15 per cent and you want to pass that property over to your son and are prepared to get a bank to give you an interest reduction of, say, half a percent (which is a reduction of interest rates in terms of what the member for Murray-Mallee is talking about) then the honourable member's Bill would pick up the State Treasury's not receiving any stamp duty. You Sir, would not want to do that, nor would I. But that is what we have before us.

Mr Lewis: Nonsense!

The Hon. T.H. HEMMINGS: The member for Murray-Mallee says 'Nonsense.' I look forward to the member for Murray-Mallee's either providing that information to other speakers on his side of the House to back up his claims or to refute what I am saying, and then, perhaps, I might be inclined to give it some grudging support when we vote on the second reading. However, at the moment there is nothing to convince me of that. The member for Murray-Mallee has gone strangely quiet, because nothing yet has been placed before the House to say that this could not be abused by certain sections of the community. I am not saying that people in the rural community are the kind of people who want to abuse the system.

I realise that the member for Murray-Mallee was under a time restraint, as I am due to a resolution of the House, but he could have at least tabled that information as part of his second reading explanation. However, we did not hear a word. I hope that I am not being too hard on the member for Murray-Mallee as it is not my way. I would like to think that, as this debate develops through the night (I understand that we will be here for some considerable time), we may be able to glean a little more information that will give both the Minister, who by some strange coincidence is on the front bench, and other members on this side something on which we could perhaps hang our hat. At the moment there is nothing, apart from a very large amount of sympathy from us on this side of the House (from me in particular) for the things that the member for Murray-Mallee outlined. There are no checks and balances. He is vague about that. This Government is on about checks and balances and about providing a good deal for those people.

I am transferring one mortgage to another and I will cheerfully pay up all the money that the legislation says I have to pay. Hopefully, the Minister will put it to good use. He may buy a Malvern Star for the Deputy Leader, as I understand that he is losing his white car next Monday. It may be that the Minister will look at this legislation in his ongoing discussions with State Treasury and in the area of responsibility that he holds. He is a fine Minister of the Crown. In the fullness of time there may be amendments to the Stamp Duties Act to enable some of the problems that the member for Murray-Mallee has outlined to be resolved.

I know that members opposite are upset and thought that this Bill could go through very cheekily, but it will not. I have outlined to the House the fact that the Bill is fraught with possible pitfalls and I sincerely hope that the member for Murray-Mallee will either arrange for his colleagues to give us further information or we will deal with it in the way that it should be dealt with.

Mr BLACKER (Flinders): I support the Bill. It is a Bill of commonsense and one that attempts to address an inequity within the system and should be considered seriously by this House. So far I do not believe that it has been. The Bill goes into some detail to put in the protection clauses about which the member for Napier was talking so that only persons genuinely aggrieved or affected will have a right to exemption. The Bill deals with three main issues, that is, where a property needs to be transferred as a result of a marriage break-up or the transfer from parents to their children where old age or invalidity prevents the continuation of the parents on the property, or circumstances such as that. It may also involve the transfer of a mortgage from one bank to another in the quest for cheaper finance. In many cases people are locked into these desperate situations and, if the Government continues on its present line, it is capitalising on a tax on misery. That is what it is. These people are locked into a situation where they have a position of misfortune and it is a tax on misery: there is no other way out.

The member for Napier said that he could not understand what the member for Murray-Mallee was talking about. However, the second reading explanation clearly outlines the purpose of the Bill. I suggest to the member for Napier, who often says that he has a farming constituency, that obviously he has not been listening to that constituency. Had he been listening to his farming and small business constituency in his electorate he would know what we are talking about in this instance.

The amending Bill is designed to affect the owner operators—the small business person or the farmer—where there is a transfer within the family because of a marriage break-up. These things do not happen in large companies or in Government instrumentalities. By the very nature of the business that we are talking about, these businesses would be excluded. Therefore, an average employee engaged by a Government agency or business is not included within the Bill because of the very nature of the work that they do.

Small business persons, farmers and people who work in those areas provide their own work tools. They provide their own place of employment. They are creating their own job location and that is what the Bill is aimed at. I give my full support to the member for Murray-Mallee and to what he is doing. He is trying to address an inequity in the present system. It is a tax on misery. We should be trying to address that. If the member for Napier or any other member got out into their electorate and talked to farmers and to families operating small businesses, they would know what this Bill is trying to address and surely should support it.

Mr GUNN (Eyre): I strongly support the measure. I have been involved in making representations to the Premier for a long time, calling on him to amend the legislation to remove an unjust anomaly that is having a serious effect on people who cannot afford to pay stamp duty. It is a social justice matter. Why should someone at the age of 65 years be locked into staying on a farm or in a small business when they want to transfer it to their family and live on social security, as is their right having paid their taxes? They are forbidden from so doing because they cannot afford to pay the stamp duty under the current legislation. People aged 66 to 70 years are trying to run farms while their son or daughter has had to go out and seek outside employment. I can cite many such cases. For the member for Napier to go on with the diatribe and nonsense he went on with is an insult to those people. He obviously did not read the second reading explanation. The Government is fully aware of this issue, as I have been making representations to the Premier for years. The New South Wales Government rectified this anomaly.

The member for Flinders said that it is a tax on misery and that it is locking people into a situation. It is preventing these businesses from being run at maximum profitability. Some of the hardships that have been inflicted on people are not only unfair but intolerable. I commend the member for Murray-Mallee. For the member for Napier to imply that we do not understand is a nonsense. The Government has had ample time. The honourable member talks about safeguards, but his Government should be the last to talk about safeguards. He was a Minister in a Government that tore up proper supervision of Government operations. The taxpayers—our children and grandchildren—will pay for the follies of this Government. The State Bank debacle costs

$600 000 a day. He is arguing over a paltry amount of money that will do so much good for a hard-pressed section of the community.

Mr Brindal interjecting:

Mr GUNN: That's right. For the honourable member to indicate that we have not been prudent is ridiculous. This matter has been given the greatest degree of consideration by the member for Murray-Mallee and other members on this side. We have not gone into it lightly. I am sure that the overwhelming majority of the community wholeheartedly endorses the measure. These stalling tactics are being put forward because the Government has so mismanaged the economy that it does not believe it has the money. It has the money for all sorts of hare-brained activities that are of no value to the community. This measure has great value, will alleviate hardship and injustice and put into effect some commonsense. I commend the Bill and believe it ought to pass without delay.

Mr FERGUSON (Henley Beach): In many ways, I agree with the arguments that have been put to the House by members opposite. Together with the member for Napier, I have had the opportunity to travel from country town to country town looking at rural finances, and I have been astounded at the way some people in our farming communities have been treated, especially by banking institutions. I have been been amazed at some of the interest rates that have been charged to these rural people and at some of the additional interest rates which have been hidden in contracts and which that are now being imposed on our farming community.

From the evidence that was put to the committee by a number of the banks, I understand that 18 per cent to 30 per cent of people in the rural industry are not viable. We have started this season extremely well; I hope that that good season continues and that it will be one of the best seasons South Australia has had, so that we can get some of these people out of the difficulties that they are in—we will not get all of them out. I am sympathetic to any proposition that is put to this House to relieve, so far as is possible, the plight of people in our rural communities but, at this stage, I cannot accept the Bill before us. I understand that the Minister of Finance is prepared to look at the matter, and I hope that, during the coming parliamentary recess, a proposal will be put to him so that he can decide whether or not he can provide some relief for those people who are in necessitous circumstances, such as those outlined by the member for Eyre.

One of the reasons I cannot accept the Bill before us is that one has to think of not only the people in small business in the rural community but the people in small business in the whole of our community. The arguments that have been put in relation to relief for people in rural industries could be put in relation to people involved in small business in my electorate. I know that some deli owners would like to transfer their business to their sons or daughters but cannot do so because they cannot afford the taxation imposts. If it is fair enough to argue that small business in rural areas should benefit, it is fair enough to argue as a general proposition that small business as a whole should benefit. However, I have not had the figures put before me and I do not understand the impact on the budget.

It is no good making comparisons in this instance between New South Wales and South Australia, because we know that New South Wales is a high tax State. All Government charges and imposts in New South Wales are far higher than they are in South Australia, so we have an overall budgetary situation to consider. New South Wales can afford to give concessions to the rural industry because it has set its taxation base in such a way. I cite the example of the registration of motor cars: in New South Wales, registration costs at least 50 per cent more than in South Australia. The taxation base in New South Wales is much higher than it is in South Australia. For a start, it has poker machines; it is voluntarily able to gather in more taxation than South Australia can bring in. So, one has to look at the whole budgetary situation before one starts giving away concessions.

As the member for Eyre suggested, it is true that there has been a certain amount of hardship and problems for rural people and no-one would be more sympathetic to their cause than some of the members on this side. In fact, if I represented a rural constituency, this House would be hearing a lot more about the problems in the rural sector than it is hearing now. Sometimes I have despaired at those members who represent rural constituencies and who have not been prepared to put the problems before this House, because I believe they would get a more sympathetic hearing if the House was able to understand what was actually going on in those rural constituencies. As a metropolitan member, it has been an eye opener for me to travel the length and breadth of the country and talk to those people; I have a better understanding of what is going on in rural areas. I have a great deal of sympathy for them.

At this time I and other members on this side of the House are duty bound to oppose this Bill, not because we are not sympathetic to everything referred to in the second reading explanation—which I thought, as I rudely interjected to the member for Napier, contained a great deal of sense. The honourable member's speech was laced with a good deal of commonsense, and members on this side of the House agree with much of what he said. I appeal to the member for Murray-Mallee to take the opportunity, during the parliamentary recess, to put to the Minister of Finance once more his proposition, properly costed in dollars and cents—what the concession will cost, where the money will come from and how we will meet that concession. With a little bit of commonsense—

The Hon. T.H. Hemmings: And goodwill.

Mr FERGUSON:—and goodwill on all sides, we will be able to come to an arrangement on this. However, I do not think that at this stage any member from this side can agree to the Bill because we do not know how much it will cost the State. How could anybody agree, once a budget has been set, to a concession the cost of which we do not know. I appeal to all members to look at the Bill in a bipartisan way and not to reject it out of hand. Unfortunately, at this time I am afraid that it cannot be supported.

Mr VENNING (Custance): I think that this is one of the most important private member's Bills I have seen since I have been in this House. Some of the rhetoric of members opposite is completely hollow, because they speak of lost revenue for the Government in relation to this matter. Farmers are not paying stamp duty, because they simply cannot afford it. Not only is stamp duty not being collected but the land is staying in the hands of older people. Land tenure in this State is an absolute disgrace. One only needs to go around the farms to see how old the average age of the farmer is.

What is happening is that the young people on the farms do not have land transferred into their name because it costs too much money, and eventually they lose interest and go somewhere else. The average age of farmers in this State is 57 years, and every year that average age is increased by nine months. Of all the issues that have come before this House, this issue strikes me as being the most ridicu-

lous. The member for Henley Beach referred to the deli owner who wants to transfer the deli to his son or daughter, but that is not quite the same. It costs $16 000 to transfer the average farm to the son or daughter. If the farmer dies, it costs $4. If that is not a ridiculous situation, what is? So, what happens? More often than not, the farmer dies, the son and the daughter have gone and the property is sold.

It is a most ridiculous tax. I congratulate the member for Murray-Mallee for having the foresight to introduce this legislation. I have written several press releases on the subject but I have not had the foresight to introduce a Bill. Land transfers from a husband to his wife or father to the son or daughter are commonsense. We cannot say that it will cost the Government anything; it is revenue neutral, because no-one is paying it. One simply has to look at an average farm of 1 500 hectares in the Mid North. Where would such landholders find $16 000 to transfer the land? Such a move does not increase the productivity of anything; the land still produces the same amount, but the money has to be found. I hope that the Government will see commonsense and change this iniquitous tax, if not tonight, early next session.

Stamp duty is also payable when one transfers funds from one bank to another. As members know, most farmers have their finances tied up in a bank and the deeds are held by the bank. If a farmer wishes to transfer his business to another bank, he has to pay stamp duty on the transfer of the paper ownership of the property. That farmer is effectively tied to the bank because stamp duty is payable. Again, that does not happen; the landholder is prevented from making a proper decision. I congratulate the member for Murray-Mallee, and I urge the Government to have some sympathy and to show commonsense and support this very important Bill.

Mr LEWIS (Murray-Mallee): It was not my intention to pursue this to its conclusion until I heard the contributions from the members for Napier and Henley Beach. I am so enraged by their misrepresentation of the facts of this legislation that I now put it to them to deny this legislation and be damned across the length and breadth of this State. This legislation does not relate just to rural communities: it relates to everyone. There are checks and balances. If one's income is less than $10 000 a year, one qualifies. If it is more than that amount, one does not. The important thing is that it will cost nothing because the transfers do not occur at the moment. People cannot afford to make the transfers.

The only circumstance in which there is any loss of revenue to the Government—and it is a mere few hundred thousand dollars—is where poor people have their marriage dissolved and cannot conclude the transfer of their personal property between themselves and the members of their family without paying the stamp duty—for example, a car being transferred between a father and a son or daughter, or between a husband and a wife. Stamp duty has to be paid. These people have already lost most of their dignity and probably all of their money in the course of the unfortunate consequence of dissolving their marriage.

In the name of compassion and social justice and equity, members opposite should be able to see that a great deal of thought has gone into this legislation. Sometimes, when I listen to the members for Napier and Henley Beach and have to respond to them, I wonder whether I am taking the part of Dr Dolittle.

Members interjecting:

Mr LEWIS: It is for natural persons. There are checks and balances. The Bill is not complex: it is only four clauses long. It is not just for rural people. Presently there is negligible cost in lost revenue to the Government—a few hundred thousand dollars, if that. What members have put to the Chamber tonight about the cost to the Government shows that they are prepared to perpetrate injustice on those aged people who will die in harness. Then their property will then be transferred to their heirs and successors for $4.

Members interjecting:

Mr LEWIS: I am, indeed. The integrity of your arguments is non-existent—

The SPEAKER: Order! The member for Murray-Mallee will direct his remarks through the Chair.

Mr LEWIS: I acknowledge that, Sir. I find it hard not to take the two individual members to task directly for their facetious approach to this topic.

Members interjecting:

Mr LEWIS: I believe they can wear it. We will put it to the House, and let them deny it and be damned.

Bill read a second time.

CONSTITUTION (PARLIAMENTARY TERMS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 April. Page 4565.)

Mr M.J. EVANS (Elizabeth): I move:

That this Bill be read and discharged.

Bill read and discharged.

LOCAL GOVERNMENT (CONTROL OF SLAUGHTERING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 November. Page 1878.)

The Hon. B.C. EASTICK (Light): I move:

That this Bill be read and discharged.

Bill read and discharged.

SELECT COMMITTEE ON THE LAW AND PRACTICE RELATING TO DEATH AND DYING

The Hon. D.J. HOPGOOD (Deputy Premier) brought up the second interim report of the select committee, together with minutes of proceedings and evidence.

Report received.

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

That the report be noted.

I draw to the attention of members that this is the second and substantial report of the select committee. It follows a report we presented to this Parliament and to the people of South Australia some time ago, and later I will be moving a motion that will have the effect of maintaining the life of the committee, so as to allow a third report to be brought down, which will be the occasion of the introduction of a Bill.

That Bill may be word for word the Bill which forms appendix G of the report. Alternatively, there may be some further amendment as a result of the public process which will follow upon the publication of this report. That remains to be seen, and it is one of the reasons why we seek the permission of our colleagues to be able to remain in session as a select committee.

I not only commend the 37 recommendations and the draft Bill to the Parliament and to the people of South Australia but also the process which is adopted by the select committee. It was a very open process; there was an early release of information to the public; public meetings were held, and the details of those meetings are included in the report; and there was a high degree of cooperation by people in the community. Further, and perhaps more importantly than anything else, all the members of the select committee worked together very much as a team, all had a very positive input into this report, and I, as the Chairperson of the committee, want to commend the Assembly for the work of all the members.

Of course, the member for Coles was the person who first put the motion before the Assembly which set us up 12 months ago. Her continuing energy and enthusiasm have been of great value to the committee; indeed, a good deal of the final form of the report is a result of a great deal of hard work she has put in in recent times. However, she would be first to say, with me, that this has been very much a team effort and, indeed, the report bears the marks of every one of its members.

I suppose that, when one tells people in the community that one is involved in a select committee into the law and practice related to death and dying, one of the reactions that one gets is that that must be a fairly sobering sort of experience and, indeed, perhaps even a daunting experience. In some respects, of course, it was, because while we all ponder our mortality from time to time we also hope that, when we face that inevitability, it will be one that we will face without a great deal of pain and suffering, and the select committee was given any number of examples of people who unfortunately did not have that form of release.

I recall as a small child being told the story of King George VI, who went to sleep one evening and simply did not wake up the next morning. That is not the death experience that many have and, indeed, the evidence we have had placed before us suggests that in many ways the modern technology which is available to us has been such as to often render less comfortable than more comfortable that process. Therefore, we commend to the Parliament and the people of South Australia the palliative care approach which has already had a very promising start in this State—perhaps more promising than in most jurisdictions in this country—but which we believe merits far more resources and a great deal more encouragement from our community.

In the work that we have done, we have been conscious of the fact that the Victorian Parliament did a very comprehensive report not so very long ago. There are some similarities and differences between the two approaches. Of course, one of the differences is that the Victorians were starting virtually from scratch, whereas you would know, Madam Acting Speaker, that there was the Natural Death Act which was passed in this Parliament in I think 1983 and which provided for the concept of the living will and an individual leaving instructions that he or she should not be resuscitated unnecessarily when in a terminal condition with all the problems and impacts on dignity that that could involve.

The Victorians had not even got that far. So, in a sense, they had to climb that mountain before going on, but they went on and some of what they have recommended we also recommend. For example, we recommend the concept of a medical power of attorney. I will not canvass that further because of time limitations, but I certainly commend the idea to members and, in particular, the mechanism which has been identified in the Bill. In that respect, I also point out that the member for Elizabeth did a lot of work for the committee in sorting out some of the legal aspects of the Bill, although, of course, we were advised all along by Parliamentary Counsel.

The major concern that people who are involved in the care of terminally ill have always had is whether some of their practices are, in fact, sanctioned by law. The Bill seeks to put those matters beyond doubt. It seeks to make perfectly clear that the ordinary palliative care approach, which now seems to be universally welcomed by people both in the profession and in the local community, should work in such a way that, given certain safeguards of the Bill, no medical practitioner or person involved in the nursing profession would in any way be running up against statute law where they were merely carrying out their palliative care responsibilities. Again, I commend that piece of machinery which is set out in the draft Bill before members.

Before I conclude—and I do not want to go on much longer—I should point out that we had quite energetic submissions from the South Australian Voluntary Euthanasia Society. Of course, without in any way wanting to sound patronising, the committee was extremely impressed by the quality of those submissions and the means whereby the evidence was put before us by those people. However, we do not seek to take up the voluntary euthanasia path.

We believe that the normal palliative care approach is the way to go, and I will not canvass the arguments which are in the report and which brought us to a conclusion that we could not endorse voluntary euthanasia, but they are there in the report and I commend them to members. I do not want to steal the thunder of other members of the committee who may want to speak in the limited time we have available, so I will simply content myself with concluding by placing on record our appreciation of all of those who have helped us in the committee to get us where we have.

Mr Gordon Thomson was initially our Secretary. Mr Anthony Murphy was our Secretary for most of the period of the select committee and remains in that position and has worked tirelessly in recent times when we were under a deadline to ensure that we should get to this point. To them, to the *Hansard* staff and to all the people who assisted the select committee, we owe a great deal of gratitude, indeed. I commend the motion to the House.

The Hon. JENNIFER CASHMORE (Coles): I am pleased to support the motion to note the tabling of the committee's second interim report. In doing so, I express a mixture of profound relief and gratitude: relief that the report is concluded; gratitude to the Chairman, to members of the committee and to the committee's Secretaries and to the witnesses, whose number I have not counted but who were significant in number and excellent in quality, who helped to make this report possible. I would like particularly to thank the Deputy Premier for his chairmanship of the committee. As he has expressed, when the committee's work began the members were filled with some feelings of apprehension, and I think it is fair to say that at an early stage that apprehension almost amounted to dread.

A feeling of extreme gravity hung over the committee during its early meetings, wondering how we could possibly come to grips with the great moral and ethical issues confronting us. But, as we worked constructively together and as the difficulties unfolded and were presented to us, with great clarity, I might say by many of the witnesses, we began to see a pathway in the direction of what I believe is real progress, constructive legislation and policy making which could give South Australia one of the best palliative care policies not only in this country but in the world.

That is a big statement to make, but we have been told by those who should know that this is pioneering legislation and policy, and we believe it could well be a blueprint for other States and other countries. I have mentioned the Chairman, but I would particularly like to mention his extremely skilful chairmanship of the public meetings, because they were potentially difficult meetings but they were productive as a result of the way in which they were handled.

The 37 recommendations obviously cannot be dealt with in the time available; however, I would like to refer to some of them. Like the Chairman, I want to address, first, the issue of voluntary euthanasia, simply because it aroused such concern among certain sections of the public and certain churches at the outset. I sincerely believe that the report will lay those concerns to rest. I was intrigued, as was I think every member of the committee, by the fact that so much of the evidence of the South Australian Voluntary Euthanasia Society (SAVES) was in keeping with much of the evidence of the churches and expert witnesses in the health professions.

I believe that the society has performed a valuable service in its painstaking and meticulous work in bringing these matters to public attention and in arguing its case from a basis of concern for individuals. I would like to quote briefly from the report as it deals with voluntary euthanasia as, follows:

> The committee does not agree with the proposition that the law should be changed to provide the option of medical assistance in dying.

The report goes on to say:

> Whether a death is categorised as being a result of murder, manslaughter or accident is determined solely by the finding of the intent of the alleged perpetrator. In all three cases, a human being dies. In each case, society's response is different. Thus society has placed significant moral and legal weight on intention. The committee believes distinctions based on intent should be maintained in the law.

That is a very brief summary of a fairly sustained case in specific disagreement with the points that the Voluntary Euthanasia Society put in support of its case. The Victorian committee dealing with similar issues simply dismissed that case in a matter of a sentence, as I recall. The committee felt that that would be intellectually dishonest and chose not to take that path but to deal piece by piece with the SAVES arguments.

However, the other recommendations of the committee addressed directly and positively the recommendations that the Voluntary Euthanasia Society, along with many other witnesses, made to the committee. Taking them in order of appearance in the report, the first one is that the right to refuse treatment be established by statute; also, that a medical power of attorney be established by statute so that any of us in future, subject to the passage through Parliament of the draft Bill, will be able to appoint someone who is near or dear to us or in whom we place great trust to represent us if we are not, as the legal term has it, competent to make decisions about our own medical treatment, not only in the stage of dying but at any stage whatsoever. That is a profoundly important step forward in South Australia.

However, the committee did believe that that power to refuse treatment placed in the hands of another person should not extend to the power to refuse normal palliative care on behalf of a patient who is unconscious or incompetent. The reason we decided that is that normal palliative care can be defined as measures directed primarily at maintaining or improving the comfort of a patient who is or would otherwise be in pain or distress. Those measures are not invasive measures: they are simply the provision, if the patient wishes, of food, water and pain relief; not only pain relief but any kind of action that would relieve mental distress which can include mental agitation, breathlessness or things of that nature.

Palliative care also covers the relief of symptoms which can include everything from vomiting and nausea to constipation and other afflictions. Whilst any one of us can refuse that treatment on our own behalf, if any one of us chose to die as a result of a personal decision to withhold water or food, that act would require an enormous amount of self-discipline, and the members of the committee and I believe that that self-discipline can only be applied by an individual acting consciously; it should not be applied by anyone else acting on behalf of an individual.

The other very important provision in the draft Bill is that the provision of palliative care, as I have just defined it, reasonably administered without negligence and with informed consent to a terminally ill patient, is not to carry any criminal or civil liability even if it has the effect of shortening life. That last phrase is the key one, because so much evidence, including legal evidence, was given to the committee to the effect that doctors may be liable to prosecution if they administer pain relief that has the effect of shortening life, and opioids can have the effect of shortening life. To see someone suffer even though the end is inevitable and to withhold the administration of opioids or any kind of pain relief simply because a doctor feels that those drugs may shorten life is not in the opinion of the committee to give the comfort and care that people who are dying should receive. So, if the legislation is passed, protection in law is a prospect for doctors in South Australia.

Another, we understand, pioneering initiative that is recommended in the report is the adoption of what has been described as good palliative care orders. Some members of the House may be aware that there is a practice in hospitals of identifying patients in a coded fashion: patients who are not to be resuscitated because their mental or physical condition is judged not to warrant resuscitation. The manner in which that is done is not, in the opinion of the committee, acceptable. Coded notices are not a good way of indicating in a somewhat of a hole in the corner approach that people should not be resuscitated. Therefore, the committee welcomed most warmly the evidence of Professor Ian Maddocks, the Professor of Palliative Care at Flinders University, that instead of a 'do not resuscitate' order, which is a negative direction, there should be good palliative care orders which are based on consultation with the patient, the family or any other significant person and the ward staff.

These orders are formulated after that discussion and they read along these lines:

> I have discussed the clinical situation which patient (named) faces, and with his (or her) permission I have also discussed the matter with family members (named) and with the following staff members (named). We have all agreed that appropriate management will now be directed towards good palliative care, and this will involve careful attention to the control of the discomforts (enumerated) which patient (named) experiences or may experience in the near future.

This is the key sentence:

> In the event of sudden deterioration intrusive measures aimed at resuscitation are inappropriate and will not be initiated.

That then becomes a collective decision made by all those who are caring for the patient, in every sense of the word. It is open, positive, compassionate and practical. We believe that that will go a long way toward transforming the whole ethos of care of the dying in South Australia. Other recommendations deal with the adoption of palliative care policies by all South Australian hospitals, with a requirement for hospitals to develop policies based on multidisciplinary consultation about palliative care, thus ensuring the

close involvement of the nursing profession and others who may be caring for the patient.

There are numerous recommendations relating to professional education. Among the most important, in my opinion, is that undergraduate education of doctors and nurses include lectures on palliative care and specified periods of attachment to a hospice or palliative care service. There are numerous recommendations also dealing with community awareness, and they cover such things as pre- and post-ordination bereavement counselling for the clergy, and a recognition of the immeasurably important role of volunteers in palliative care services. Community awareness means, of course, that we should all understand our rights and obligations.

An enormous amount of work is to be done in that area, and the committee has recommended that, subject to the passage of the legislation through Parliament, a plain language summary of the Bill be made widely available through all appropriate outlets in this State and be sent to all medical practitioners in South Australia. It was interesting to note the lack of awareness of the existing Natural Death Act (which, as a result of the draft Bill, would be repealed) by both the medical and nursing professions and the community generally.

The method that the committee has used to ensure that this matter remains alive on the public agenda as far into the future as we can see is that a resolution be passed by both Houses of Parliament to ensure that a report on the care of the dying in South Australia be presented to Parliament on or before 31 August of each year, and the recommendation covers the terms of that motion, which will ensure that annually the matter is before the House. There are many reasons why that should be the case, the most notable being that it is clearly impossible for any committee to cover the vast range of issues in the space of the 18 months in which we have been working. The matter is ongoing. Its importance will increase with the ageing of the population. The public will be more and more requiring palliative care services, and we want to ensure that there is a guaranteed monitoring process that takes account of Parliament's obligation to examine the quality and quantity of those services.

It seems to me that this device is a very useful one. I hesitate to give an analogy, but probably the most appropriate analogy is the tabling of the report on terminations of pregnancy in South Australia. That ensures that, at least once every year, the matter is brought to public attention, the media cover it, the Parliament recognises it and the results that flow from that ensure that there is public debate and examination.

I conclude my remarks by going back to my original reasons for moving the motion. When I moved the motion in December 1990, I did so in the hope that Parliament could find ways not only of easing the pain of the dying but of easing the suffering of the living who survive the dying.

Members of the House may be aware of the effect of the accumulated grief of society and the way in which it eats at the heart of every family and of many individuals. Its effects flow through in so many ways. Unresolved grief is a thoroughly damaging and destructive emotion. If we can ease the pain of the dying and involve families and health professionals in the care of the dying in a practical and compassionate way; if we can work towards what is known in the health professions and, perhaps in folklore as a 'good death', then we will ensure a much better life for those who survive as bereaved parents, sons, daughters, husbands, wives and friends. That has been the underlying goal of the committee. I believe that, although we may not have fully realised that goal, we have taken steps towards it. If the recommendations of the report are adopted by the Parliament and, where appropriate, by the Government; if the Bill in whatever form is passed—and I hope it will be passed substantially in the form in which it has been attached to this report—then I believe that the work of so many people who contributed to this committee will have been well and truly worthwhile. I commend the report to the House.

The Hon. B.C. EASTICK: I draw your attention, Sir, to the state of the House.

A quorum having been formed:

Mr HERON (Peake): I will not take up much time of the House; I only wish to say that this was the first select committee on which I have served and the subject of dying with dignity was a sensitive issue. We received about 400 written submissions, about 30 oral submissions and the committee met on some 40 different occasions. The committee broadened its outlook by looking into nursing homes, the Mary Potter Hospice, Daw House and the Modbury Hospice. We also visited Glenside Hospital and the Flinders Medical Centre. We held public meetings and undertook three or four surveys. I was amazed by the submissions that came in because when anybody talks about death or dying they take a quiet, reserved approach. However, the submissions that came through in written or oral form allowed the public, church groups and the medical profession to have their say. They have stored up their views for some time so that they could come to the committee and express them.

I believe that the medical profession—from the GPs to the specialists, the anaethetists and the nurses—must be congratulated. Members of the medical profession explained some of the traumas that they have been through not only with patients but also with the problems in the hospitals and with the next of kin. We had a submission from Dr Michael Ashby, the Medical Director of the Mary Potter Hospice, who summed up what the member for Coles said about the uniqueness of the select committee, when he stated:

> It would be a good thing if this State could maintain its strong track record in innovative social welfare and health legislation by having, at the end of the select committee, a policy on death and dying that would certainly place South Australia amongst the world leaders of public policy.

This statement and the work that went into the committee means that, hopefully, at the end of this report and in the next session a Bill will be introduced to alleviate the problems that many people see in relation to death and dying.

I congratulate the rest of the committee—the Deputy Premier and the members for Coles, Elizabeth, Newland, Light and Spence. The member for Coles summed it up quite rightly in saying that when we first met we were apprehensive. We looked at the guidelines under which we had to work, but we gradually got down to it and understood what we were on about and we finished up with this second interim report. I also thank Gordon Thomson and Anthony Murphy, who must have had papers running out of his ears. I thank him for his help. I support the report. Hopefully when the Bill hits this House next session we will all support it.

The Hon. B.C. EASTICK (Light): 'We all must die', the first four words of the preface after a quote, set the scene. It is a fact that we are mortal and it is an inevitable consequence of our being on the face of the earth. I found, in the very interesting evidence presented over an extended period, a great deal more maturity in the public arena relative to death and the problems of death than I previously understood. I refer to the medical profession, the

church leaders (and I mention them in particular) and the public arena itself. So many people we met had suffered the consequences of vital surgery. People in hospice beds gave a great deal of heart to members of the committee on the recognition that we were doing something that was long overdue and something which had probably been fired by the Natural Death Act. That Act was not before its time but has really not worked very well, not because it was not premised on the right basis but purely and simply because it has not been properly understood or promoted.

I trust that as a result of this select committee, which is yet to bring down its final report as the Deputy Premier mentioned, there will be wide community understanding from the background provided and the detail indicated in the report so that, when we finally come to debate the new Bill, which provides all of the features in its own Act (not as an appendage to some previous Act, although we have picked up certain features of other Acts in this one) it will have much better acceptance and wider utilisation by the community.

Though a great deal of the evidence provided to us related to the palliative care and hospice services directly associated with cancer and cancer treatment, there is sufficient evidence mentioned in this document to draw attention to the possibility of a wave of major problems relating to the advance of AIDS. Already AIDS victims are being given assistance through the hospice system. Regrettably there are likely to be a lot more. Motor neuron disease and some of the nephrites as well as various other diseases are coming into the hospice area. As cancer comes under control some time in the future there will be a number of other disease conditions that will still need the assistance provided by the Bill. I commend it to the community at large. I thank members of the committee who served diligently and the members of staff who have been directly associated. I recognise that there is much more to be said, but time is limited and I give way to my colleague the member for Elizabeth.

Mr M.J. EVANS (Elizabeth): In the brief time available this evening (although I know that further time will be available next session), I join other members of the committee in supporting the proposals now before the House in the form of the second interim report of the select committee. The Bill deserves special mention. Other members have canvassed the nature of the proceedings, but the concept of a medical power of attorney is one that I have supported in principle for many years. I am grateful to the member for Coles for bringing forward the concept of the select committee report as it has enabled the Medical Power of Attorney Bill to be given great substance and weight in the parliamentry process. That has been an important aspect of the committee's work. It will have far and wide-ranging implications in the community and I hope that people will take notice of the process during the winter break so that when Parliament resumes in August detailed consideration can be given in light of extensive public debate.

The committee's report is in no sense final. The Bill is a draft Bill and the committee as a whole looks forward to extensive public comment so that, if necessary and where appropriate, the precise terms of the Bill can be redrafted and presented in the most acceptable form to the community. That is not to overlook the rest of the report as many recommendations will be of significant benefit to the community if we can find the will and wherewithal to put them into effect. Little is recommended that will place an extensive cost on the public purse. All recommendations can be implemented by due diligence on the part of people involved. There is substantial goodwill in the Government from the Opposition and the Parliament as a whole as well as the Public Service to ensure that these things are done. I commend the report to the House.

Motion carried.

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

That the time for bringing up the report of the select committee be extended until the first day of the next session and that the committee have power to act during the recess.

Motion carried.

WORTHINGTON REPORT

The Hon. D.J. HOPGOOD (Deputy Premier): On behalf of the Premier and with his blessing, I move:

That upon presentation to the Speaker of the copy of the report of Mr T.A. Worthington, QC, as requested by the Premier in his letter of 16 April 1992 in relation to the Minister of Tourism, the report be deemed to be laid upon the table of the House of Assembly, and the Speaker is hereby authorised to publish and distribute the report.

Motion carried.

SELECT COMMITTEE ON PRIMARY AND SECONDARY EDUCATION

The Hon. D.J. HOPGOOD (Deputy Premier): On behalf of the Minister of Education and with his blessing, I move:

That Standing Order 339 be so far suspended as to enable the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the House.

Motion carried.

SOUTH AUSTRALIAN LOCAL GOVERNMENT GRANTS COMMISSION BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 2875.)

The Hon. B.C. EASTICK (Light): The Opposition supports this Bill and accepts the manner in which it has been brought into this House. So many amendments were required to the existing South Australian Local Government Grants Commission Act, because of Commonwealth Government intervention and direction, that it was far cleaner to have a new Bill rather than try to make attachments to the existing one, and we believe that that has been achieved in the Bill currently before us.

During its passage in another place, there was a great deal of questioning of the Minister about various aspects of the procedure. Those answers were forthcoming and there was a promise that other information which was not immediately available would be made available to the shadow Minister as soon as possible, and I have no doubt that that will also be forthcoming.

South Australia was very fortunate, when the Local Government Grants Commission Bill was first introduced, in that it put together a form of approach that soon became a model for Grants Commissions across the Commonwealth. Indeed, when the Commonwealth became more involved in giving directions to the States, the South Australian model was the basis of the distribution of funds throughout the Commonwealth, albeit that it was gradually changed to fulfil new Commonwealth Government requirements that were implemented after the Professor Self committee looked at the whole aspect of local government grants.

One problem which does arise and which causes concern on both sides of the Parliament is that there is too much direction from the Commonwealth about the expenditure of a sum of money that has been given to the States for local governing bodies. For example, when the Local Government Grants Commission concludes its report upon the manner in which the funds for any particular year will be distributed, that report has to go to Canberra so that a thumb print can be put in the bottom corner to enable the announcements to be made about the distribution of those funds. Surely this must be another instance of bureaucracy gone mad when the Commonwealth involves its officers and the Minister of Local Government Relations in the activities of the State on a matter that has been given due regard by the Minister responsible; it really duplicates activities which I suggest need no duplication.

I can assure the Government that it would have no argument from members on this side if it were to prevail on its Federal colleagues to make the distribution on a State by State basis and then leave it to the States to undertake the task, because the requirements of the Act are that the total of the funds will be distributed to local government. There is no-spin off for the Government itself. The South Australian State Government cannot take funds to utilise for other purposes: it is required to distribute the lot.

I point out one of the interesting aspects of intent so far as the South Australian State Government is concerned which has not yet been given the imprimatur of the Federal State Minister, albeit I hope that she gives it, that is, that the moneys available to local government will be withheld for a very short period of time in the name of the Grants Commission: the interest that will be generated by the withholding of those funds for a period of about two weeks will be sufficient for the activities of the Grants Commission throughout the ensuing year. It is a rather novel way of attacking the problem: it reduces the need for the State Government to provide funds for the activities of the Grants Commission, and the money is raised by funds which are directly associated with Grants Commission activities.

The funds that will be lost will be lost to local government because, if the distribution had taken place two or three weeks earlier (as the case may be), the local governing body would have had the benefit of that interest. But, local government through the Local Government Association and the liaison groups that are looking at the changed attitude to local government, have been prepared to accept this approach. The Opposition has no concerns that it is other than a perfectly reasonable and responsible way of going about the task, and we therefore give it our support.

In relation to the re-presentation of the contents of the Act, some of what might be termed 'transitional' requirements which were included in the original Act when the Commonwealth started to take a greater interest in the distribution of the funds have been eliminated. It will be a clean-skin Bill as it leaves this House: from my knowledge, it will leave this House in exactly the same way as it arrived from the other House. Therefore, we have no arguments about any variations that any member may wish to bring forward.

It is a matter of some concern to members on this side of the House, and certainly it is a concern to local government, which has expressed it publicly, that progressively a deteriorating percentage of PAYE tax has been made available to local government since the Fraser Government, in 1978 or thereabouts, guaranteed 2 per cent of that tax for distribution to local government. It has been accepted by Opposition Parties under some circumstances, but it is still a matter of some conjecture between the Opposition Parties and local government with the current Government that the Government has used the just funding requirements of local government as a fund that can be discounted to the ultimate disadvantage of local government.

We look forward to better days when, per chance, local government will be given the opportunity of returning to a larger percentage of PAYE tax and of Commonwealth distribution, and when that will be done without ties and, as I said earlier, the need for the distribution to go back to Canberra to have a tick put in the corner. That is a ridiculous set of circumstances in this day and age.

I pick up only one further point, that is, that the State Government has required the Local Government Grants Commission in this State to be responsible for the distribution of certain road funds; instead of being made available through what was the old Highways Department (now the Department of Road Transport), those funds are now allocated to the Grants Commission to make a decision.

Whilst I have every confidence in the activities of the Grants Commission—whilst it follows the lines and the protocols it has used through the years—I believe it is somewhat unwise for the commission to be charged with the responsibility of looking at all road funding. Priorities should be set by the State Government in respect of particular projects or areas, either for industrial or commercial development or tourist activities. The Government should give directives relative to where the road funding shall be expended. If that is given in specific terms to the Local Government Grants Commission to allocate, so be it.

However, I suggest that there is a genuine belief on this side of the House, and certainly in large proportion of local government, that there ought to be a positive action by the Minister of Transport exercising a discretion that takes up the original program that was put in place by the Hon. Roy Abbott when he was Minister of Transport; that is, to look at specific areas of need and provide for them. If the State Government moves to make that a necessity in the activities of the Local Government Grants Commission, with specific guidelines, we would not be so critical as we would be if that were taken away from the Department of Road Transport in the first instance. In this developing phase of State Government working with local government in an entirely different way, I hope that will evolve to the eventual benefit of the public of South Australia.

Finally, the Bill refers to the Local Government Association making certain commitments specifically to the members of the Grants Commission. Given the debate that took place during the past week or 10 days, we are aware that the Local Government Association does not yet have a constitution which is written into the State statute and which would allow for a total appreciation of how the association will respond to circumstances where individual councils may not become or may not desire to become a member of the Local Government Association. I am sure that, when the new Bill directly associated with local government is introduced in this House in the budget session those matters will be addressed, and lasting fear relative to the actual positioning of the Local Government Association in legislation before it even has its own constitution may be removed. The opposition supports the Bill.

The Hon. M.D. RANN (Minister of Employment and Further Education): I am certainly very grateful to have the opportunity to debate this Bill tonight. It is obviously historic legislation, because it reflects the agreement between the State and the Local Government Association of South Australia that was reached several years ago and signed by the Premier and the President of the Local Government

Association. Indeed, this was the first area of agreement in terms of a series of major reforms that are being implemented to give local government greater autonomy, self determination and responsibility in a partnership with the State Government rather than as some kind of vassal.

I was delighted to hear the contribution of the member for Light tonight. I know this is an area in which he has considerable expertise, and I certainly support his comments. I guess all of us were disappointed that there was not bipartisan support back in 1988 for the referendum across Australia that would have recognised the rightful place of local goverment in the Australian Constitution. However, it is very important that we have gone on from there and, in South Australia at least, we are showing the way nationally in terms of due recognition of local government's place.

Of course, we are now replacing the former Local Government Grants Commission Act of 1976. There has been a number of transitional arrangements under way for some time because, as members would know, the Commonwealth legislated in this area, apart from the highways area, some years ago, and other State Governments have been moving in tandem. We certainly believe that this Bill before the House, in terms of honouring the agreement between the LGA and the State Government, will provided for a better formula for the distribution of Commonwealth grants and, eventually, of road moneys. Members on this side of the House have great pleasure in supporting the Bill.

Bill read a second time.

The Hon. M.D. RANN (Minister of Employment and Further Education): I move:

That this Bill be now read a third time.

It is a privilege to move this motion. In fact, it is an area in which I have a special interest and some expertise.

Bill read a third time and passed.

SITTINGS AND BUSINESS

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

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

Motion carried.

The Hon. D.J. HOPGOOD: I move:

That the House at its rising adjourn until Tuesday 2 June 1992 at 2 p.m.

This is the traditional opportunity for me, or whoever is Leader of the House, and perhaps other members who may want to support the motion, to express gratitude to those who assist us as members of the House of Assembly in the conduct of the business of the House. In fact, I am very happy to address myself to this matter. Of course, the running of the Parliament and, in particular, the House of Assembly, is an ambitious procedure made no easier by the fact that it is something that has been happening since 1857. We have the procedures of the House and the Standing Orders to guide us in what we do but, at the same time, it is important that considerable resources be directed to the task.

First, Mr Speaker, I commend to you all members in the way in which they have addressed themselves to the matters that have come before us. I thank the Deputy Leader of the Opposition for his role in assisting me in the negotiations on the business that we debate from week to week; without giving anything away from the point of view of the Opposition's right to have a full examination of the matters before us, the honourable member has been of considerable assistance as we have attempted to negotiate a reasonable program for each week. I think that for the most part we have been reasonably successful.

I thank you, Sir, for the way in which you continue to oversee the debates and apply the Standing Orders. The Clerks at the Table, the attendants in the Assembly through the Parliament, and the people who provide various forms of assistance to us—whether it be the catering staff, the library staff, the *Hansard* staff or the maintenance staff—all have a very important role to play.

I do not think that this part of the session—sometimes called the autumn session—is ever very easy. It is almost inevitable that there is a backlog of legislation awaiting us when we return after the Christmas break and, because it is towards the end of the session, there is always ambition on the part of various Ministers that additional legislation be added to the list that has been inherited from the early part of the session.

So, we have been kept pretty busy, and we know that there are still one or two matters to which we must address ourselves, although the timing of that as much as anything is dictated by those who are in another place. Although we will shortly go into recess, I do not anticipate that politics in South Australia will be dull over the next two or three months, and we know, of course, at the very least by virtue of a couple of by-elections that there will be some changed faces in this place when the Parliament resumes. At this stage, since we are not looking to any of the traditional festivals as we adjourn at this time, I merely want to express my wish that all members use the winter break productively and, of course, in the interests of their constituents and the people of South Australia.

Mr S.J. BAKER (Deputy Leader of the Opposition): I support the motion—

The Hon. J.P. Trainer: And the Crows.

Mr S.J. BAKER: And the Crows, as the member for Walsh has tricked me into doing. In expressing my thanks for the good services provided to the Parliament I have a long list, and those people have been mentioned by the Deputy Premier. It does amaze me that through thick and thin and through some of the hours we sit, despite changes to procedures, we continue to receive excellent service from all concerned. Of course, leading that band are the Clerks, who serve and advise us well and who ensure that the business of the House can be transacted in an efficient and effective fashion, leaving aside the contributions of members themselves which sometimes may get in the way of that process.

To the *Hansard* staff, the people who take down our every word and alter it when the need arises, I give special thanks. They have a very difficult task. Some speechmakers in this House are clear in their diction, positive in their thoughts, and quite easy to take down. However, most of us fail on one or two occasions—some on more—and it is up to our hard-working *Hansard* staff to somehow make sense of speeches which may have made sense to the person delivering it but which may not have got through in that form or which may not have made sense to anyone else. *Hansard's* task is a difficult one, and it is carried out with true professionalism, and we thank that staff.

Our Library continues to provide an excellent service to the Parliament, as does our switchboard. The people involved in refreshing us, those who keep us going by virtue of the

refreshments that are provided to us, too, are to be congratulated for their service. Those who serve our pecuniary needs and keep the pay packets coming in deserve recognition, and I am sure that, if the pay packet was not forthcoming, our praise would be somewhat more limited.

The Hon. D.J. Hopgood: Back to 1887.

Mr S.J. BAKER: Yes, indeed. The Deputy Premier said, 'Back to 1887'. In one of the American States which I visited, the representatives of the people did not get paid at all for three months, and neither did the staff, because the budget failed to get passed. It is interesting that we have a Supply Bill that carries us through, whereas in the States, if the budget is not passed, nobody—but nobody—gets paid. If that were to happen here, it would focus members' attention but, of course, the systems are entirely different.

We will no longer have the pleasure of the company of two members who have served the Parliament well over a long period, namely, Roger Goldsworthy and Ted Chapman; they have received the accolades of the Parliament previously. The number of members on this side of the House are soon to be boosted by the return of two excellent practitioners in the person of John Olsen and Dean Brown.

As is normal, I pay a tribute to the way in which the House conducts itself. I cannot say the same for the other place—and I know I am not supposed to mention the other place. At least we attempt to have workable programs. Sometimes the Ministers of this Government do put us into a difficult position, because they suddenly decide that their legislation is absolutely vital and important—and I will not mention any particular person in that regard—but we then finish up having a program which must be stretched to fit the occasion. In this instance, it must be a record that we have stretched ourselves well over three weeks, but one would have to admit that the matters under consideration deserved full scrutiny, and the extension was warranted. Fortunately, most of us could accommodate that, but many problems were created, because the sitting days that were determined very early did not happen to fit the time necessary to dispatch the business of the Parliament. On reflection, I suppose the South Australian people could say they got their money's worth.

I would like to pay a special tribute to you, Mr Speaker, and to the Chairman of committees. We have now undertaken a new committee system in the Parliament and, whilst it is early days, we are seeing some improvement and some genuine investigatory activities taken on behalf of these committees which have not been their hallmark in the past. Previously, they were mainly processing units; occasionally they would make in-depth investigations into particular subjects, but that was not the standard of those committees prior to the change to which we agreed.

As we have seen tonight, the use of select committees has been in a form which is constructive and which has added to the depth of the Parliament. Tonight, we have seen the report of the Death and Dying Select Committee, which went under a number of names. But certainly the quality of its deliberations was proof that the Parliament is meeting its charter in a fashion that we have not previously.

I thank everyone who has assisted me in my role to organise my side of the House. It has been a pleasure, and I hope it will continue to be a pleasure. It has been of great assistance to deal with the Deputy Premier, even though on occasions he was hijacked by his own team. Generally, we have reached a very amicable agreement on how the business of the House should be conducted, and I believe the Parliament has been better for it.

With those few words, I wish everybody concerned a healthy, constructive winter recess. May people be invigorated by that absence from the Parliament and may they come back to the Parliament with greater willingness to perform the deeds that are necessary to change this State. May they all learn from the experiences we are going through at this moment to make the changes we all believe are necessary. My thanks to everybody concerned, to those who have supported us, to those who have advised us. It has been a constructive Parliament. To everyone concerned, I hope and trust that I will see you back here, perhaps in the first week of August, refreshed and invigorated.

The Hon. J.P. TRAINER (Walsh): I am not sure whether the honourable member who has just spoken will see us after the break from exactly the same seating position, but of course we wish him well. I would like to add something to the remarks already made in appreciation of the catering staff, the library staff, the Assembly staff and all the 150 or so people, part-time and full-time, who assist us in this building, because I would like to put in a particular plug for *Hansard*. Remarks have been made to me from time to time that we do not give *Hansard* quite the same attention in these seasonal greetings as is given to other sections of the Parliament.

Mr S.J. Baker: I did.

The Hon. J.P. TRAINER: The honourable member opposite did and, on this occasion, so did the Deputy Premier. Accordingly, I hope *Hansard* will note that members did include the *Hansard* staff. In order to maintain the excellent relations that we have had in the past with the *Hansard* staff, I would like to say a few words in specific appreciation of their efforts. It is true that occasionally, we get a little disappointed that modern technology does not always make the *Hansard* proofs arrive faster than in the past. The proofs we get on the next day and the weekly volumes sometimes do not seem to arrive as quickly as they did before we had modern technology, and I certainly find it very strange that on Thursday the Assembly starts so much earlier than another place with our sessions beginning at 10.30 a.m. but somehow or other we do not have the *Hansard* proofs from the Wednesday until later in the afternoon, after members in the other place, which does not sit until 2.15, have received theirs.

Nevertheless, I would like to take this opportunity to express my appreciation and that of other members for those wonderful magicians who operate up there in the *Hansard* gallery, some with pencil and notepad and some with those strange steno machines that I do not understand at all. I think they have 10 buttons and they have what is like a miniature accounting machine roll coming out the other end. That particular roll of paper led to an interesting incident in another place to which, with your indulgence, Sir, I will refer.

I think it was Annemarie, of the *Hansard* staff, who noticed that the Hon. Legh Davis in another place was speaking more and more slowly as each second went by, and this had her absolutely mystified. She was also mystified by the mirth that was arising in the Chamber until she realised that they were all looking up at the gallery where the paper roll had come out of the end of her machine and was hanging down over the gallery into the Chamber and was just about to touch the President's head. Legh Davis had been slowing down his speech in order to slow down the descent of the paper roll. I recall that something similar happened a few weeks ago with you, Mr Speaker, but the paper was pulled up when it was a metre or two above your head rather than being as close as it was on that occasion in another place.

Hansard writers have to be much more accomplished in their shorthand skills than an office stenographer. Someone

working as an office stenographer has to operate at a rate of perhaps 100 words a minute, but our *Hansard* people have to do double that speed. In some cases, they have to cope with someone like myself or the Minister of Industry, Trade and Technology who speak in very rapid bursts. They may have to cope with up to 300 or 400 words a minute for those short bursts, and we occasionally get complaints from them when we forget about the difficulties under which they operate. I would like to extend my apologies and those of the Minister for occasionally forgetting and speaking a little too quickly.

Because of the rate at which they have to operate, they operate in 10 minute shifts and we see them in the gallery above us regularly changing reporters. Perhaps because they change so quickly we do not get the opportunity to know them as well as individuals as we do most of the other staff in the building, but I would like them to realise that, even if we do not know them all by first name, we appreciate their efforts, we thank them for their cooperation and, in particular, the patience they show to those of us who go up there with our corrections.

Mr S.G. EVANS (Davenport): I recognise the comments made by the Government Whip and I just wish to say that one practice which I have attempted to keep up on some occasions and which I think helps *Hansard*—and I will say this while the other Whip and members are here because there might be a future Whip amongst them—is that sometimes but not always the Government Whip, and quite often the Opposition Whip, would go to the *Hansard* Leader and say, 'We think we will be finishing at approximately such and such a time', but at least give *Hansard* a rough idea of when we are likely to finish. It does not always work out, but I know it is appreciated, because those people have families and if they have an idea that we are going to finish earlier than usual or a lot later it helps them to make their contacts with home and also with their rostering.

I know that I tended to neglect that practice for a couple of years, but recently I have tried to pick it up. I think the same comments apply to the staff in the refreshment room and other places. If each of us could just think about it—I do not mean only the Whips but other members—and if the Leaders of the House or the Ministers have an idea of when we are likely to finish and what is likely to occur, it would help a lot. I know that at times the catering staff have not been informed that we are getting up early and no-one turns up after a lot of food has been produced. At other times we have sat on and complained because the facilities are not available to us. It is just a matter of members, especially those with responsibilities, not recognising how we can help others with a little consideration. I raise the matter now because I have become conscious in the past couple of years that this practice had been forgotten for a while and we need to pick it up and make sure that we do that.

The Hon. J.P. Trainer: Half the time we do not know ourselves.

Mr S.G. EVANS: It is not the fault of the staff if we do not know what we are doing ourselves. We should attempt to know what we are doing. I am glad that the Government Whip admits that quite often that is the case on his side of the Chamber. I have appreciated the way in which *Hansard* has worked. As I go to branch meetings at the moment, I notice some people seem to be looking at me as if I am nearly dead. They must have an interest in the future. Just in case what they are hoping will happen does happen, I would like to say that I have appreciated all the help I have been given in this place from staff and colleagues. I hope that we all have a good break, and I will see you all back here a little later this year. The middle of August would suit me better, if the Government is looking for a time—that would fit in with my program.

To *Hansard* in particular I say 'thank you' for making my speeches read reasonably. After I have given a speech I tend to think that it will be a mess, but *Hansard* has done a great job by the time I get it. If anyone wants to read my speeches, and there might be a few people, they should be able to understand them.

The SPEAKER: I feel a bit like the man who married the widow with 10 children. There is not much to say or do after all those speeches. However, I add my thanks also to the staff of this House for making my job a little easier. I thank members generally for their cooperation and the staff in particular who make it possible for us to conduct the business and run this Parliament.

Motion carried.

WILDERNESS PROTECTION BILL

Returned from the Legislative Council with the following amendments:

No. 1 Page 1 (clause 3)—After line 22 insert definition as follows:
'Aboriginal organisation' means an association, body or group comprised, or substantilly comprised, of Aboriginal persons as its principal objects the furtherance of interests of Aboriginal people:.'

No. 2 Page 5, lines 1 to 3 (clause 8)—Leave out paragraph *(b)* and insert the following paragraph:

(b) one of whom has been nominated by the Minister from a panel of three persons selected by the Wilderness Society SA Branch Incorporated;.

No 3 Page 5, lines 8 to 10 (clause 8)—Leave out subclause (4) and insert the following subclauses:

(4) The Governor may appoint suitable persons to be deputies of the members of the committee appointed by the Governor and a deputy of a member must be appointed in the same manner as the member and have the qualifications (if any) required by this Act for the appointment of the member.

(4a) The deputy of a member may act as a member of the committee in the absence, or during a temporary vacancy in the office, of the member.

No. 4 Page 7, line 20 (clause 12)—After 'The Minister must provide' insert 'the Environment, Resources and Development Committee and'.

No. 5 Page 7, lines 35 and 36 (clause 12)—Leave out 'by the Natural Resources Management Standing Committee or by members of the public' and insert 'pursuant to subsection (4)'.

No. 6 Page 14 (clause 22)—After line 6 insert paragraph as follows:

(aa) if, in the Minister's opinion, an Aboriginal organisation has a particular interest in the land to which the proposal relates, the Minister must consult that organisation in relation to the proposal;.

No. 7 Page 14, line 16 (clause 22)—Leave out 'not less than'.

No. 8 page 14, line 45 (clause 23)—Leave out 'proclamation' and insert 'regulation'.

No. 9 Page 15, line 10 (clause 24)—Leave out 'proclamation' and insert 'regulation'.

No. 10 Page 15, lines 33 to 36 (clause 24)—Leave out subclauses (6) and (7).

No. 11 Page 15 (clause 25)—After line 42 insert subclause as follows:

(1a) Rights of entry, prospecting, exploration or mining cannot be acquired pursuant to a mining Act in respect of land in respect of which the Minister has published a notice under section 22(6)*(b)* until the land is constituted as a wilderness protection zone or the Minister gives public notice under section 22(6)*(f)* that he or she has decided not to proceed with the proposal to constitute the land as a wilderness protection area or zone.

No. 12 Page 16, lines 5 to 13 (clause 25)—Leave out subparagraph (i) and insert the following subparagraph:

(i) is made—

(A) for the purpose of enabling the holder of a mining tenement that was in force immediately before constitution of the land as a wilderness protection zone

to continue to exercise rights of entry, prospecting, exploration or mining under the tenement;

(B) to enable the holder to acquire and exercise such rights under another tenement granted under the same mining Act;

(C) to enable a subsequent holder of a mining tenement referred to in subsubparagraph (A) or (B) to exercise rights of entry, prospecting, exploration or mining under the tenement;

or

(D) to enable a subsequent holder of such a mining tenement to acquire and exercise such rights under another tenement granted under the same mining Act.

No. 13 page 16 (clause 25)—After line 39 insert subclause as follows:

(9) The Minister must, at intervals of not more than five years—

(a) assess the effects of mining operations on each wilderness protection zone constituted under this Act;

(b) prepare a report setting out the Minister's conclusions following the assessment and any action that should be taken as a result of the assessment;

and

(c) cause copies of the report to be laid before both Houses of Parliament.

No. 14 Page 19, lines 11 and 12 (clause 31)—Leave out 'by the Natural Resources Management Standing Committee or by members of the public' and insert 'pursuant to subsection (9)'.

Consideration in Committee.

The Hon. S.M. LENEHAN: I move:

That the Legislative Council's amendments be agreed to.

I wish to make a few short remarks. I think it is appropriate to acknowledge that the legislation that we are now finally agreeing to, having passed through both Houses, is something of historic significance. It is something that many of us and many ordinary South Australians have wanted. Certainly, they have written both to the Premier and to me, and I should like to acknowledge the presence of the Premier in the Chamber for this very historic moment, because, without his support in all this, I do not believe we would be here tonight accepting the Bill as it comes out of the Upper House. It is something to which this Government has been committed for a number of years. We went to the last State election with the commitment to have separate wilderness legislation, and I feel very proud and pleased that I am the Minister who has had carriage of this legislation in the Parliament.

It is appropriate that I acknowledge the enormous amount of hard work that has gone on in community consultation, in drafting and in actually getting us to this point. I should really like to acknowledge the contribution of two members of the Department of Environment and Planning—Ashley Fuller and the Acting Director, Bruce Leaver. Without their work, their commitment and their dedication I would not be standing here tonight feeling very proud to be Minister for Environment and Planning in this State, presiding over this legislation. It is also important that I acknowledge the enormous community education program undertaken by the Wilderness Society of South Australia. I remind members of some of the excellent productions they have put into the community, including 'Wilderness—Let's save what's left' and a number of other very important campaigns. Speaking for every Minister in this Parliament, we cannot do the things we want to do without the support of the community and of groups such as the Wilderness Society.

It would be remiss of me not to acknowledge the constructive, cooperative and interesting dicussions we had with the mining and pastoral industries and the United Farmers and Stockowners of South Australia. At the end of the day, I believe that we got legislation with which they can feel comfortable, with which they have indicated they can live, and I believe that the fact that they have not come out publicly opposing the legislation but have worked constructively with all Government members and with the Wilderness Society to find solutions indicates that we as a community have matured.

We no longer tear at one another through the Letters to the Editor columns in the newspapers. We tend to sit down and rationally and calmly look for solutions, and I want to pay credit to all the people who have been involved in this process. Finally, I want to congratulate and thank the members of my own Caucus committee. Without their support, without the times of my going to them and saying, 'We seem to have had a small stumbling block but we are keeping in there', we would not be here tonight. I feel as though this has had the most enormous gestation period but we are now seeing the birth of one of the most progressive pieces of legislation to be agreed to by this Parliament.

The Hon. D.C. WOTTON: The Opposition supports the amendments that have come from another place, and we are very pleased to do so. As the Minister has indicated, the Bill is the product of an extensive consultation process involving a large number of groups such as the UF&S, the Chamber of Mines and Energy and, of course, the Wilderness Society. Right from the start it was important to recognise that the Bill that was first introduced into the House was the result of considerable compromise achieved through the consultation undertaken prior to the drafting and presentation of the legislation.

I believe that there is considerable support in the community for the legislation as it comes out of the Parliament. As I mentioned in my second reading contribution, there was considerable debate over whether the protection of wilderness should require separate legislation or should be included in the National Parks and Wildlife Service Act. That decision was made by the Government of the day, and we recognise that. Of course, the Opposition will be keen to monitor the legislation following its proclamation and, if there is need for amendment at a later stage, we would be keen to consider any moves that are necessary.

I, too, should like to recognise the work that has been done by the staff of the department. I should like particularly to recognise Ms Ashley Fuller, who has been associated with the legislation from a very early stage, and to commend the tremendous enthusiasm and support that has been shown this legislation by the Wilderness Society. They are the people who are to be commended, since it is because of their enthusiasm, commitment and dedication to the introduction of such legislation and the enthusiastic support that they have shown that we have the legislation before us today.

In conclusion, I bring forward one area of concern yet again; that is, that we realise that the management of wilderness areas will be by the National Parks and Wildlife Service staff. The Minister has continually argued that additional workloads are not anticipated as a result of this legislation. I fail to see that that will be the case, but I sincerely hope that the Minister and the Government recognise the difficulties under which the staff of the National Parks and Wildlife Service continue to work and that if, as a result of this legislation, further support is needed on the part of the Government, the responsible Minister will ensure that that support is provided. It is essential that that be the case. The Opposition is pleased to support the legislation as it comes out of the Parliament, and we look forward to the protection of wilderness in South Australia as a result of this important legislation.

Motion carried.

STATE GOVERNMENT INSURANCE COMMISSION BILL

Consideration in Committee of the Legislative Council's amendments.

No. 1. Page 2, line 28 (clause 5)—After 'writing' insert 'and must be published in the *Gazette* within 14 days after it is given to the board'.

No. 2. Page 5, line 9 (clause 12)—Leave out 'private' and insert 'pecuniary or personal'.

No. 3. Page 5, lines 19 and 20 (clause 12)—Leave out 'contract or proposed contract' and insert 'proposed contract and does not take part in any deliberations or decisions of the board on the matter'.

No. 4. Page 5, line 37 (clause 13)—Leave out 'private' and insert 'pecuniary or personal'.

No. 5. Page 7, line 17 (clause 18)—Leave out 'board must, in consultation with the Minister' and insert 'Minister must, in consultation with the board'.

No. 6. Page 7, line 40 (clause 18)—Leave out 'board must, in consultation with the Minister' and insert 'Minister must, in consultation with the board'.

No. 7. Page 7, lines 42 and 43 and page 8, lines 1 to 9 (clause 18)—Leave out subclauses (5), (6) and (7) and insert—

'(5) The Minister may, in consultation with the board, amend the charter at any time.

(6) The charter or any amendment to the charter comes into force and is binding on the commission on a day determined by the Minister and specified in the charter or amendment.

(7) On the charter or an amendment to the charter coming into force, the Minister must—

(a) within six sitting days, cause a copy of the charter, or the charter in its amended form, to be laid before both Houses of Parliament;

and

(b) within 14 days (unless such a copy is sooner laid before both Houses of Parliament under paragraph *(a)*), cause a copy of the charter, or the charter in its amended form, to be presented to the Economic and Finance Committee of the Parliament.'

No. 8. Page 11, line 18 (clause 29)—After 'force' insert 'and set out any amendments to the charter made during the financial year'.

No. 9. Page 11, line 19 (clause 29)—Leave out 'and'.

No. 10. Page 11 (clause 29)—After line 21 insert paragraphs as follows:

'(d) set out details of any approval given by the Treasurer during the financial year in respect of any borrowing by the commission or any security given by the commission for the repayment of a loan;

and

(e) set out details of any approval given by the Minister during the financial year in respect of a contract, arrangement or understanding in restraint of trade or commerce or any other transaction referred to in section 24.'

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

That the Legislative Council's amendment be agreed to.

There was a series of some 10 amendments, a number of which are consequential. Although I guess it could be argued that they are either implied or could be procedurally given effect to, there is no reason to object to their being incorporated in the Bill. One relates to the fact that any directions other than directions incorporated in the charter must be published in the *Gazette* within a certain time period. That seems reasonable enough.

The term 'private interest' is to be replaced by the term 'pecuniary or personal interest', to be consistent with wording used in other legislation. There is an amendment in relation to disclosure of interest, which brings it into line with that which has recently been agreed to by Parliament in relation to the MFP Development Bill. On the question of the charter, one of the amendments makes the Minister, rather than the SGIC board, responsible for the preparation of the charter. In fact, the Bill as unamended established clearly that the Minister had the power of final approval of the charter and, in that sense, the amendment is really unnecessary. It seems a fairly technical way of approaching it. Nonetheless, if that is the way in which we can ensure the Bill's passage, I do not propose to object to it, although I make the point that the preparation and development of the charter must involve SGIC and the SGIC board very intimately with Treasury and with the Minister.

A couple of other amendments relate to amendments to the charter being incorporated in the annual report. The final amendment deals with the borrowings undertaken by the commission, which also should be detailed in the annual report. Again there can be no objection to that. SGIC has been going through a difficult time. It must be recognised that so indeed are all insurance companies and all businesses whose assets and investment earnings relate to property equities. There is no question also that a number of changes were necessary. I commissioned a report early last year which led to a series of findings, proposals and intensive work by a working party. I thank the GMB for its good initiative which was a good basis for the working party, headed by Mr Heard, Mr Hill from Treasury and Mr Jones from SGIC, the quality of whose work was very apparent when this House looked at it in considerable detail through the processes of a select committee. The select committee gave the opportunity to explore all aspects.

It was noted that a number of matters incorporated in this new charter for SGIC were already being put in place, as is appropriate. Now, for the first time since the State Government Insurance Commission was established in 1972, we have a completely redrafted Bill and a new charter for the 1990s based on the financial experience of the 1970s and 1980s—some positive and some negative but providing a very positive method of operation for SGIC as it handles this difficult recessionary period and, I would hope, improves greatly its effectiveness and its benefit and profitability for the people of this State.

Mr S.J. BAKER: I support the Premier's remarks. Whilst I may have some reservations about some of the individuals concerned, we must get on with the job. The amendments before us from another place add additional checks and balances to the system although, as a member of the select committee, I was satisfied with its outcome. The wisdom of the Upper House has prevailed. The Premier has mentioned further items in his contribution which improve the Bill and require SGIC to provide greater accountability. To that extent they are supported. Despite my reservations about the role of individuals and the Premier in relation to SGIC, we can but look to the future.

We intend to be in Government at the next election and it would be no good to the State or to the incoming Liberal Government to have a lame duck like SGIC. We only hope that SGIC can improve its performance, address itself to the vital issues about which we are all concerned, take what steps are in its own management to make the necessary changes and be an organisation in which we can all have some pride. I support the amendments before us.

Motion carried.

[*Sitting suspended from 10.25 p.m. until Thursday 7 May at 2 p.m.*]

HOUSE OF ASSEMBLY

Wednesday 6 May 1992

QUESTIONS ON NOTICE

EDUCATION DEPARTMENT

380. **Mr BRINDAL (Hayward)** asked the Minister of Education:

1. How many Education Department personnel classified at superintendent level or above prior to GARG are now acting as principals of schools in a temporary capacity, how long have they been employed at this level, when does their tenure expire and what will happen to these people at the end of their tenure?

2. What is the current cumulative difference in payment per year compared with the amount which would be paid if the principals in question were principals employed at and paid at the appropriate classification level?

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

1. *(a)* Four.

(b) Since the start of term 1, 1992.

(c) The officers have permanent tenure. When their appointments to temporary positions expire they will resume their substantive positions or be placed in other acting positions.

2. $7 000.

HOSPITAL PARKING

422. **Mr BECKER (Hanson)** asked the Minister of Health:

1. Why do parents/care givers pay $10 per day for parking at the Adelaide Medical Centre for Women and Children (down from $16 per day)?

2. Do staff pay $2 per day and, if so, why the discrepancy with parents?

3. If the usual occupancy rate of the parking station is 90 per cent, where will the Queen Victoria Hospital staff and patients park?

4. Will another car park have to be built and, if so—

(a) what will it cost;

(b) will it be built in North Adelaide and, if not, why not; and

(c) where will funds be obtained?

The Hon. D.J. HOPGOOD: The replies are as follows:

1. The maximum all day charge for parents/care givers using the Kermode Street car park is $6. The actual fee charged is dependent on length of stay which averages between 2-3 hours for a fee of about $2.20. Alternative longer-term car parking particularly suitable for parents with disabled or severely ill children is available in the underground Rogerson car park. The cost is fixed at $4 a day or $2 after 2 p.m. A further discounted rate of $15 a week is available for parents requiring car park access for periods of more than a week.

2. Full-time staff currently pay $10 a week with part-time staff paying a pro rata rate. Fees are subject to annual review. The discrepancy with casual rates reflects the difference between temporary and permanent users. Separate fee structures for casuals and permanent users are common practice at car parks and reflect the two different markets being catered for.

3. The usual occupancy rate of the Kermode Street parking station is 70-80 per cent during normal working hours and 40-50 per cent outside normal working hours, not 90 per cent. There is also excess capacity in the Queen's Head car park in Kermode Street which is available to the AMCWC.

4. There is currently no plan to build another car park.

HOSPITAL MERGER

423. **Mr BECKER (Hanson)** asked the Minister of Health: Where will additional bed licences come from for the new hospital created by the amalgamation of the Adelaide Children's Hospital and the Queen Victoria Hospital?

The Hon. D.J. HOPGOOD: It is not necessary for public hospitals to have bed licences.

424. **Mr BECKER (Hanson)** asked the Minister of Health: Does the proposed merger of the Queen Victoria Hospital and the Adelaide Children's Hospital still have the same financial urgency as it had in 1987 when there were expected recurrent savings to be made of $1 200 000 per annum and, if not, why not?

The Hon. D.J. HOPGOOD: The merger has already occurred. The operational savings are even more essential today than they were in 1987.

425. **Mr BECKER (Hanson)** asked the Minister of Health: What site is proposed for the physical amalgamation of the Queen Victoria Hospital and the Adelaide Children's Hospital and is the site considered to be constricting?

The Hon. D.J. HOPGOOD: The main component of the amalgamation project is currently under construction on the Adelaide Children's Hospital site. the site is not considered to be constricting.

426. **Mr BECKER (Hanson)** asked the Minister of Health: Has the Queen Victoria Hospital site been sold for an estimated $20 million for a private hospital and, if so, why?

The Hon. D.J. HOPGOOD: No.

427. **Mr BECKER (Hanson)** asked the Minister of Health: What priority does the merger of the Queen Victoria Hospital and the Adelaide Children's Hospital have for achieving better services for both women and children?

The Hon. D.J. HOPGOOD: The merger of the Queen Victoria Hospital and Adelaide Children's Hospital places a high priority on improving services to women, children and babies.

SPEED OFFENCES

430. **Mr BECKER (Hanson)** asked the Minister of Transport: During the past 12 months, how many teenagers with provisional licences have been apprehended and fined by the police for driving in excess of 60 km/h but less than 70 km/h and how many for driving in excess of 70 km/h?

The Hon. FRANK BLEVINS: The Minister of Emergency Services has advised that the information sought by the honourable member is not readily available from the Police Department's current system. To obtain this information would require the writing of a special computer program and the manual examination of a large number of general expiation notice files.

SELF-EMPLOYMENT VENTURE SCHEME

442. **Mr BRINDAL (Hayward)** asked the Minister of Employment and Further Education:

1. How many projects and people have received benefits in the Self-Employment Venture Scheme from its inception?

2. What is the nature of each funded project and the level of grant provided?

3. What are the names and qualifications of the members of the Ministerial Advisory Committee who advise the Minister on the scheme?

The Hon. M.D. RANN: The replies are as follows:

1. The Self Employment Ventures Scheme (SEVS) commenced in 1979, and since that time has funded 540 ventures with 844 participants.

2. The scheme provided funding (in the form of either a loan or grant/loan combination) for the establishment of the following business ventures during the 1990-91 financial year. (Note: Information on the nature of the remaining funded projects and the amounts of either the loan or the grant/loan can be provided at a later date to the member for Hayward should he request it.)

Business Venture	Loan $	Grant $	Total $
Bookbinding	3 000	300	3 300
Clothing Boutique	3 800	1 200	5 000
Auto Transmission Repairs	6 930	3 306	10 236
Compost Production	3 300	1 700	5 000
Repair & Maintenance of Roller Doors	4 000	2 969	6 969
Electronic Equipment Maintenance & Repair	5 000	—	5 000
Printmaking Workshop/Studio	6 437	3 563	10 000
Stock Footage Film Library	8 550	1 680	10 230
Import & Manufacture of Packaging & Weighing Machines	5 000	—	5 000
Gas Conversion of Motor Vehicles	6 250	750	7 000
Refrigerated Air Dryer Service	3 280	1 520	4 800
Pottery Studio	7 470	3 500	10 970
Slate Roof Tiler	5 100	—	5 100
Fashion Manufacturer	6 982	3 018	10 000
Interactive Multi-Media	6 858	3 151	10 009
Computer Games	6 625	3 375	10 000
Electronic Information Service	3 290	1 645	4 935
Fashion Retail	8 535	3 234	11 769
Personal Nursing Service	4 000	1 500	5 500
Alexander Technique	3 300	1 700	5 000

Business Venture	Loan $	Grant $	Total $
Service Sales of Bottling Equipment	5 199	1 000	6 199
Car Security Systems	6 922	3 330	10 252
Japanese Translator	5 738	2 312	8 050
Music Production	3 000	1 000	4 000
Signwriting	1 000	—	1 000
Ballet & Theatrical Supplies	8 086	4 124	12 210
Freelance Photo Journalism	7 416	500	7 916
Leather Products	4 918	2 460	7 378
Graphic Design	4 000	2 500	6 500
Greeting Cards	4 313	2 237	6 550

3.

Ms C. Tuncks (Chairperson)	B. Ed. Dip. Teaching	(Casting vote only)
Assistant Director (Programs) E&T Division	Grad. Diploma in Natural Resource Management	
Mr K. Fulton (Member)	Member AIM Assoc. Member AMI Member, Business Advisory Service Small Business Corporation	
Mr P. Klar (Member)	B.A. Grad. Diploma in Business Administration Masters Degree in Business Administration	
Mr M. Sharrad (Member)	C.P.A. Member Australian Chartered Institute of Secretaries Member Australian Chartered Institute of Management	
Ms P. Von Elm (Member) (DEET NEIS Representative)	B.A.	

GOVERNMENT MANAGEMENT AND EMPLOYMENT

452. **Mr MATTHEW (Bright)** asked the Minister of Labour: How many ASO-4, ASO-5 and ASO-6 classified personnel, respectively, manage a branch, unit or division of:

(a) less than 5 employees;
(b) 5 to 10 employees;
(c) 11 to 20 employees; and
(d) greater than 20 employees?

The Hon. R.J. GREGORY: When award restructuring is finalised for Government Management and Employment Act (GME Act) employees of administrative units, all GME Act employees will be employed within one of four classification streams. Employees in the Administrative Services Stream (ASOs) undertake various administrative, clerical and related specialist functions in support of agency programs.

At this point of time, not all agencies have implemented the new classification streams. As an interim measure, GME Act employees in agencies which have not yet implemented are being paid at the level at which they translated into the new classification streams. These translation levels may change following implementation of the new classification streams.

The Administrative Service Stream has 8 work levels, that is ASO-1 to ASO-8. It is possible that positions from ASO-3 to ASO-8 may have some supervisory or management component. In addition, there is a separate management structure within the Administrative Service Stream, which has 3 work levels, that is MAS-1 to MAS-3.

No information is available centrally on the number of GME Act employees in administrative units at the ASO-4, ASO-5 and ASO-6 levels who manage different numbers of employees. It is not considered reasonable to ask individual administrative units to provide this information as it would require considerable resources by agencies.

The Commissioner for Public Employment's annual report for 1991-92 will provide information on the number of GME Act employees in administrative units who are classified at the ASO-4, ASO-5 and ASO-6 levels following the implementation phase of award restructuring.

453. **Mr MATTHEW (Bright)** asked the Minister of Labour: How many and what percentage of positions subject to the Government Management Employment Act 1986, have been classified upwards since 1 October 1990 for the following professions—

(a) Computing;
(b) Accountancy, Economics and Law;
(c) Science;
(d) Engineering;
(e) Social Work; and
(f) Arts and related disciplines?

The Hon. R.J. GREGORY: Reclassifications of individual positions were halted on 1 June 1991 due to the award restructuring process. Information on reclassifications of individual positions between 1 October 1990 and 1 June 1991 has been extracted from existing records in the Department of Labour. It should be noted that these reclassifications relate to positions, not to people, and as such do not mean that individual people were reclassified in each case. In the period between 1 October 1990 and 1 June 1991 the following positions were reclassified in the 'professions' listed in your question:

(a) In the computing area, 20 ITT (Information Technologist) positions and 5 MIT (Manager, Information Technology) positions were reclassified, approximately 6.2 per cent of the ITT and MIT positions. Other computing positions in the Clerical Officer and Administrative Officer classification groups may have been reclassified, but these cannot be identified from existing records.
(b) As accountant and economics positions were included within the Clerical Officer and Administrative Officer classification group, it is not possible to identify how many accountant and economic positions were reclassified. In the legal area, 21 LE and LEC (Legal Officers) positions were reclassified, approximately 18.4 per cent of the LE, LEC and MLS positions.
(c) In the science area, 13 SO (Scientific Officer) positions were reclassified, approximately 2.2 per cent of the SO positions. Other science positions in the Clerical Officer and Administrative Officer classification groups may have been reclassified, but these cannot be identified from existing records.
(d) In the engineering area, 4 EN (Engineer) positions were reclassified, approximately 0.9 per cent of the EN positions.
(e) In the social work area, 2 SWO (Social Worker) positions were reclassified, approximately 0.2 per cent of the SWO positions.
(f) In the arts and related discipline area it is not possible to identify these positions as a separate group and therefore it is not possible to provide the required information.

In addition to individual reclassification, the classification structures of whole classification groups are reviewed as the need arises. None of the 'professions' listed by you were reviewed between 1 October 1990 and the start of the award restructuring process.

At 1 June 1991, as part of the award restructuring process, most GME Act employees translated into streams within the new classification structure at existing or equivalent salary levels. Many agencies have now finalised the award restructuring process and have implemented all their GME Act personnel into appropriate levels of the streams within the new classification structure. Some agencies have yet to finalise this process. Each of the 'professions' listed by you have been incorporated into the new classification structure as follows:

(a) Computing positions which were classified as ITT (Information Technologist) or MIT (Manager, Information Technology) were translated into the Administrative Services Stream. Other computing positions which were classified as CO (Clerical Officers) or AO (Administrative Officer) were also translated into the Administrative Services Stream;
(b) Accountancy and economics positions were classified as CO (Clerical Officer) or AO (Administrative Officer) positions and were translated into the Administrative Services Stream. Legal positions were classified as LE (Legal Officers), LEC (Legal Officers, Crown Law) or MLS (Manager, Legal Services). These positions lie outside of the four classification streams into which most GME Act positions were translated as a result of award restructuring.
(c) The majority of science positions were classified as SO (Scientific Officers). However science qualifications were required for a number of other positions, including EP (Energy Project Officers), GE (Geologists and Geophysicists), SS (Sports Scientists), VO (Veterinary Officers), VP (Veterinary Pathologists), SV (Veterinary Scientists) and some CO (Clerical Officers) and AO (Administrative Officer) positions. The SO, GE, EP, SS, VO, VP and SV positions translated into the Professional Services Stream, while the CO and AO positions translated into the Administrative Services Stream.
(d) Engineering positions were classified as EN (Engineers) and translated into the Professional Services Stream.

(e) Social Worker positions were classified as SWO (Social Workers). As a result of award restructuring these positions translated into three different streams depending upon the type of work and educational requirements in indiviaual positions, namely the Administrative Services Stream, the Operational Services Stream and the Professional Services Stream.

(f) Arts and related disciplines positions were classified under a number of different classification groups and this group of positions is not readily identified. These positions would have translated to the Administrative Services Stream, the Operational Services Stream or the Professional Services Stream.

Information on how many positions filled by people in these professions which have been reclassified upwards as a result of award restructuring is not currently available and could not be provided without agencies devoting considerable resources.

454. **Mr MATTHEW (Bright)** asked the Minister of Labour: How many ASO-4, ASO-5 and ASO-6 positions, respectively, are held by—

1. males with a tertiary qualification;
2. females with a tertiary qualification;
3. males without a tertiary qualification; and
4. females without a tertiary qualification?

The Hon. R.J. GREGORY: There is no information available centrally on the qualifications of Government Management and Employment Act (GME Act) employees of administrative units. Similarly, most agencies would not have this information readily available and would probably have to survey each person in order to collate the requested information. This would require considerable resources by agencies and is not feasible due to their current priorities.

The Commissioner for Public Employment determines the minimum essential educational, vocational or professional qualifications required in respect to GME Act positions in administrative units. Many groups of employees (for example, economists) must have a specified tertiary qualification. However, there is no general qualification requirement for specific work levels of positions in the Administrative Services Stream (ASO classifications). Though some positions classified as ASO-4, ASO-5 of ASO-6 may require tertiary qualifications, there is no information available centrally which can provide this information and again it is not considered reasonable to expect agencies to supply this information.

The Commissioner for Public Employment's annual report for 1991-92 will provide a gender breakdown of GME Act employees at the ASO-4, ASO-5 and ASO-6 classification levels when it is published in September 1992.

488. **Mr MATTHEW (Bright)** asked the Minister of Transport: In relation to each department under the Minister's control—

(a) how many persons are currently employed in the personnel services area and what are their classifications;

(b) how many persons were employed in the personnel services area as at 1 October 1990 and what were their classifications;

(c) how many persons were employed in the personnel services area as at 1 October 1991 and what were their classifications; and

(d) how many persons were employed in the personnel services area as at 1 October 1987 and what were their classifications?

The Hon. FRANK BLEVINS: The replies are as follows:

Department of Road Transport

(a)	one	ASO-6	As translated
	two	ASO-5	
	two	ASO-4	
	one	ASO-3	
	three	ASO-2	
	three	ASO-1	
(b)	one	AO-3	
	two	AO-1	
	one	CO-5	
	two	CO-3	
	two	CO-2	
	four	CO-1	
(c)	one	AO-3	
	two	AO-1	
	one	CO-5	
	two	CO-3	
	two	CO-2	
	three	CO-1	
(d)	one	AO-3	
	four	AO-1	
	three	CO-5	
	one	CO-3	
	three	CO-2	
	three	CO-1	

Director-General of Transport

There is no personnel services area directly serving the Office of Transport Policy and Planning. This office receives personnel services from the Department of Road Transport for which it is cross-charged.

State Transport Authority

(a)	Senior Officer, Grade 5	1
	Senior Officer, Grade 2	1
	Senior Officer, Grade 1	2
	Clerk Class 1	2
	Clerk Class 2	1
	Clerk Class 3	12
	Clerk Class 4	2
	Clerk Class 5	4
		25
(b)	Senior Officer, Grade 5	2
	Senior Officer, Grade 3	1
	Senior Officer, Grade 1	4
	Clerk Class 1	3
	Clerk Class 2	2
	Clerk Class 3	14
	Clerk Class 4	—
	Clerk Class 5	4
		30
(c)	Senior Officer, Grade 5	1
	Senior Officer, Grade 2	1
	Senior Officer, Grade 1	2
	Clerk Class 1	1
	Clerk Class 2	3
	Clerk Class 3	10
	Clerk Class 4	3
	Clerk Class 5	5
		26
(d)	Senior Officer, Grade 6	1
	Senior Officer, Grade 4	2
	Senior Officer, Grade 2	1
	Senior Officer, Grade 1	4
	Office Assistant, Grade 2	2
	Clerk Class 1	3
	Clerk Class 2	4
	Clerk Class 3	6
	Clerk Class 4	3
		26

Department of Correctional Services

(a) Currently seven persons

Title	Classification
Senior Personnel Consultant	ASO-5
Two Personnel Consultants	ASO-4
Personnel Consultant (Recruitment)	ASO-4
Senior Clerk	ASO-2
Two Clerical Officers	ASO-1

The Manager Human Resources (MAS-2) has the overall responsibility for Personnel Services and other sections within the Human Resources Branch. This position is not included in the above figures and it is estimated that the Manager would contribute approximately 40 per cent of his time to Personnel Services.

(a) eight persons

Title	Classification
Senior Personnel Consultant (Policy)	AO-1
Senior Personnel Consultant	AO-1
Three Personnel Consultants	CO-5 (1 temporary)
Personnel Consultant (Recruitment)	CO-5
Senior Clerk	CO-2
Clerical Officer	CO-1

(c) eight persons

Title	Classification
Senior Personnel Consultant (Policy)	ASO-5
Senior Personnel Consultant	ASO-5
Two Personnel Consultants	ASO-4
Personnel Consultant (Recruitment)	ASO-4
Senior Clerk	ASO-2
Two Clerical Officers	ASO-1

(d) seven persons

Title	Classification
Chief Management Services Officer	AO-3
Senior Personnel Consultant	AO-1
Three Personnel Consultants	CO-5 (2 temporary)
Senior Clerk	CO-2
Clerical Officer	CO-1

493. **Mr MATTHEW (Bright)** asked the Minister of Employment and Further Education: In relation to each department under the Minister's control:

(a) how many persons are currently employed in the personnel services area and what are their classifications;

(b) how many persons were employed in the personnel services area as at 1 October 1990 and what were their classifications;

(c) how many persons were employed in the personnel services area as at 1 October 1991 and what were their classifications;

(d) how many persons were employed in the personnel services area as at 1 October 1987 and what were their classifications?

The Hon. M.D. RANN: The replies are as follows:

Department of Employment and Technical and Further Education.

(a) Name of Unit—Personnel and Industrial Relations.

1 x Manager	ASO-6
4 x Personnel Consultants	ASO-4
2 x Assistant Consultants	ASO-2
Client Group—	
GME Act Employees	
Weekly Paid Employees	
TAFE Act Employees	

(b) 2 Units

Personnel Services	
1 x Manager	AO-1
2 x Consultants	CO-5
1 x Assistant Consultant	CO-3
1 x Personnel Clerk	CO-1
Client Group—	
GME Act Employees	
Weekly Paid Employees	
Personnel Unit	
1 x Manager	AO-1
2 x Assistant Consultants	CO-3
1 x Advertising Clerk	CO-2
0.6 x Personnel Clerk	CO-2
0.5 x Personnel Clerk	CO-1
Client Group—TAFE Act Employees	

(c) 2 Units

Personnel Services	
1 x Manager	AO-1
2 x Consultants	CO-5
1 x Assistant Consultant	CO-2
Client Group—	
GME Act Employees	
Weekly Paid Employees	
Personnel Unit	
1 x Manager	AO-1
2 x Consultants	CO-5
1 x Assistant Consultant	CO-2
Client Group—TAFE Act Employees	

(d) 2 Units

Personnel Services	
1 x Manager	AO-1
2 x Consultants	CO-5
2 x Assistant Consultants	CO-3
2 x Personnel Clerks	CO-1
Personnel Unit	
1 x Superintendent Personnel	
1 x Personnel Officer	CO-5
1 x Personnel Clerk	CO-2
2.5 x Personnel Clerks	CO-1

Office of Tertiary Education.

(a) None.

(b) One Administration and Finance Officer (CO-3) attended to personnel matters as a small part of her job.

(c) One Administration and Finance Officer (ASO-3) attended to personnel matters as a small part of her job.

(d) One Administration and Finance Officer (CO-3) attended to personnel matters as a small part of her job.

State Aboriginal Affairs.

(a) One person at a classification level of ASO-4 and is only involved in personnel services as a proportion of their duties.

(b) One person at a classification level of CO-4 and is only involved in personnel services as a proportion of their duties.

(c) One person at a classification level of ASO-3 and is only involved in personneel services as a proportion of their duties.

(d) Nil.

496. **Mr MATTHEW (Bright)** asked the Minister for Environment and Planning representing the Minister for the Arts and Cultural Heritage: In relation to each department under the Minister's control—

(a) how many persons are currently employed in the personnel services area and what are their classifications;

(b) how many persons were employed in the personnel services area as at 1 October 1990 and what were their classifications;

(c) how many persons were employed in the personnel services area as at 1 October 1991 and what were their classifications; and

(d) how many persons were employed in the personnel services area as at 1 October 1987 and what were their classifications?

The Hon. S.M. LENEHAN: The replies are as follows:

(a) Current

(i) Department for the Arts and Cultural Heritage

Five persons—1 x ASO-5
2 x ASO-4
1 x ASO-3
1 x ASO-2

(ii) State Services Department

Eight persons—1 x ASO-6
3 x ASO-5
1 x ASO-4
1 x ASO-3
2 x ASO-2
(7.1 FTE)

(b) 1 October 1990

(i) Department for the Arts

Three persons—1 x AO-4
1 x CO-5
1 x CO-1
(2.2 FTE)

(ii) Department of Local Government

Three persons—1 x AO-1
1 x CO-3
1 x SHR-4
(2.8 FTE)

(iii) State Services Department

Eight persons—1 x AO-3
3 x AO-1
1 x CO-5
3 x CO-2
(7.1 FTE)

(c) 1 October 1991

(i) Department for the Arts and Cultural Heritage

As per *(a)* above.

(ii) State Services Department

As per *(a)* above.

(d) 1 October 1987

(i) Department for the Arts

Two persons—1 x AO-4
1 x CO-5

(ii) Department of Local Government

Seven persons—1 x AO-2
4 x CO-5
2 x CO-3
(6 FTE)

(iii) State Services Department

Six persons—1 x AO-1
2 x CO-5
1 x CO-3
2 x CO-2
(5.1 FTE)

GAUGE STANDARDISATION

499. **The Hon. H. ALLISON (Mount Gambier)** asked the Minister of Transport: Has the Commonwealth Government offered South Australia $115 million towards the cost of standardising the gauge of the Adelaide/Melbourne railway line and, if so, will the sum be adequate for completion of the work and, if not, what will be the additional cost to South Australia?

The Hon. FRANK BLEVINS: Investigations are currently under way to determine the scope of the work on standardising the Adelaide to Melbourne rail line that can be accomplished for the $115 million made available through the One Nation package. It appears that this level of funding is sufficient to cover the costs of standardising the line, including some realignment work in South Australia. However, it is unlikely to cover the cost of increasing clearances through the Adelaide Hills tunnels to permit double-stacking of containers. No contribution from South Australia is anticipated.

PENSIONER TRAVEL

501. **The Hon. H. ALLISON (Mount Gambier)** asked the Minister of Transport:

1. Is it intended that free pensioner return passenger rail tickets from Mount Gambier to Adelaide, provided once a year, be discontinued from 26 April 1992?

2. Will alternative arrangements be made to provide a free return bus ticket?

The Hon. FRANK BLEVINS: The replies are as follows:

1. From 26 April 1992 Australian National's temporary arrangements for the carriage of passengers by bus, instead of the suspended rail service, will cease. The free annual passenger rail tickets cannot be used on private bus services.

2. There are no plans to offer an alternative free bus ticket.

FACS CLARE OFFICE

506. **Mr VENNING (Custance)** asked the Minister for Family and Community Services: What are the Minister's long-term intentions with respect to the Clare office of Family and Community Services?

The Hon. D.J. HOPGOOD: The Clare office will continue to be managed from the Gawler Family and Community Services Centre. It is the department for Family and Community Services' intention to:

1. Continue to provide a service which meets client demand, at present two days per week.

2. Encourage other organisations to make use of the facilities of the office.

AUSTRALIA DAY COUNCIL

507. **Mr BECKER (Hanson)** asked the Minister of Health: Has the Australia Day Council ever applied to Foundation SA for funding and, if so, for how much, and when, and what was the response?

The Hon. D.J. HOPGOOD: The Australia Day Council sought Foundation SA sponsorship support for the Australia Day parades of 1990 and 1991 and for a multicultural fair to be held at Elder Park following the 1991 parade. The amounts sought were $10 000, $12 000 and $9 812 respectively.

The council's applications were fully considered along with all of the other applications for support received by Foundation SA. The Foundation's Cultural Advisory Committee was unable to give the applications a sufficiently high priority to receive sponsorship support in those years.

STATE FLEET

510. **Mr BECKER (Hanson)** asked the Minister of Transport: Did State Fleet evaluate the benefits of Execulog and, if so, what were the findings in relation to benefits and cost effectiveness and were any Execulogs tested on State Fleet vehicles and, if not, why not?

The Hon. FRANK BLEVINS: An initial analysis of Execulog has been undertaken by trialling it on nine State Fleet vehicles on long-term hire to the Department of Public and Consumer Affairs. Further work is now required to assess the cost effectiveness of this equipment. The cost to fit an Execulog in a vehicle is in excess of $1 000 and there is a need to be able to quantify sufficient benefits to justify its purchase for either all or selected vehicles.

REPATRIATION HOSPITAL

513. **Mr BECKER (Hanson)** asked the Minister of Transport: Why are State Government chauffeur driven motor vehicles not used to transport outpatients to and from Daws Road Repatriation Hospital?

The Hon. FRANK BLEVINS: The Repatriation Hospital is the responsibility of the Federal Government through the Department of Veterans Affairs. Whilst there has been some discussion concerning the transfer of the hospital to the State, that has not occurred. Chauffeur driven vehicles in Government are used for the transportation of Ministers and other designated parliamentarians. There is limited scope to provide chauffeur driven services on an occasional basis for other prominent people on official State duties, but there is insufficient capacity (either in vehicles or staff) to provide services to private citizens needing to attend the Repatriation Hospital.

PIT BULL TERRIERS

518. **Mr BECKER (Hanson)** asked the Minister of Lands:

1. Does the Government propose to ban pit bull terriers in South Australia and, if not, why not?

2. How many complaints has the Minister received concerning illegal activities and unprovoked attacks on children and adults by these dogs in the past 12 months?

The Hon. S.M. LENEHAN: The replies are as follows:

1. At this stage the State Government does not intend to ban ownership of pit bull terriers. It is understood that the Federal Government has however moved to ban the importation of certain breeds of dogs known to be of a potentially savage nature. State legislation has been prepared and will be introduced into the next session of Parliament which will require that dogs of prescribed breeds be compulsorily desexed, that they be muzzled and held on a leash by a person over the age of eighteen years at all times when in a public place and which will provide that it shall be an offence to offer or advertise such dogs for sale. The breeds which it is proposed to prescribe are the American Pit Bull Terrier, the Dogo Agentina, the Fila Brasiliero and the Japanese Tosa. The Bill will allow for further breeds to be added by regulation if the necessity should arise in the future.

2. I am unable to ascertain the number of complaints received concerning illegal activities and unprovoked attacks by this breed on children and adults during the past 12 months as the majority of complaints are made to local councils and the Health Commission through hospital reports.

THIRD PARTY INSURANCE

520. **Mr BECKER (Hanson)** asked the Minister of Transport: Is the Government aware that SGIC third party insurance does not cover South Australians injured in motor vehicle accidents in New South Wales for non-economic loss up to a minimum of $16 500 and, if so, what action can be taken to cover this deficiency and, if none, why not?

The Hon. FRANK BLEVINS: Under the New South Wales Motor Accidents Act 1988, no damages for non-economic loss are awarded unless the judgment exceeds $16 500. Deductibles apply for damages assessed up to $59 400. The maximum payable under the Act for non-economic loss is $198 000 (see schedule). The prescribed amounts and the maximum are adjusted annually on 1 October in accordance with the Consumer Price Index.

The High Court of Australia's decision in *Breavington v. Godleman* (1988) 169 C.L.R. 41 established that a cause of action should be determined by the law of the place where the incident giving rise to the cause of action occurred, and not by the law of the place where the cause of action is tried. Consequently, South Australian law cannot be applied where a South Australian resident is injured in New South Wales.

The compensation schemes applying to injuries arising from motor vehicle accidents in Australia vary between the States. Uniformity can only be achieved by Commonwealth legislation.

TABLE 1—PERCENTAGES OF THE MAXIMUM

Per Cent	Amount $	Deductible $	Nett $
100	198 000	No Deductible Applies	
99	196 020	No Deductible Applies	
98	194 040	No Deductible Applies	
97	192 060	No Deductible Applies	
96	190 080	No Deductible Applies	
95	188 100	No Deductible Applies	
94	186 120	No Deductible Applies	
93	184 140	No Deductible Applies	
92	182 160	No Deductible Applies	
91	180 180	No Deductible Applies	
90	178 200	No Deductible Applies	
89	176 200	No Deductible Applies	
88	174 240	No Deductible Applies	
87	172 260	No Deductible Applies	
86	170 280	No Deductible Applies	
85	168 300	No Deductible Applies	
84	166 320	No Deductible Applies	
83	164 340	No Deductible Applies	
82	162 360	No Deductible Applies	
81	160 380	No Deductible Applies	
80	158 400	No Deductible Applies	
79	156 420	No Deductible Applies	
78	154 440	No Deductible Applies	

TABLE 1—PERCENTAGES OF THE MAXIMUM

Per Cent	Amount $	Deductible $	Nett $
77	152 460	No Deductible Applies	
76	150 480	No Deductible Applies	
75	148 500	No Deductible Applies	
74	146 520	No Deductible Applies	
73	144 540	No Deductible Applies	
72	142 560	No Deductible Applies	
71	140 580	No Deductible Applies	
70	138 600	No Deductible Applies	
69	136 620	No Deductible Applies	
68	134 640	No Deductible Applies	
67	132 660	No Deductible Applies	
66	130 680	No Deductible Applies	
65	128 700	No Deductible Applies	
64	126 720	No Deductible Applies	
63	124 740	No Deductible Applies	
62	122 760	No Deductible Applies	
61	120 780	No Deductible Applies	
60	118 800	No Deductible Applies	
59	116 820	No Deductible Applies	
58	114 840	No Deductible Applies	
57	112 860	No Deductible Applies	
56	110 880	No Deductible Applies	
55	108 900	No Deductible Applies	
54	106 920	No Deductible Applies	
53	104 940	No Deductible Applies	
52	102 960	No Deductible Applies	
51	100 980	No Deductible Applies	
50	99 000	No Deductible Applies	
49	97 020	No Deductible Applies	
48	95 040	No Deductible Applies	
47	93 060	No Deductible Applies	
46	91 080	No Deductible Applies	
45	89 100	No Deductible Applies	
44	87 120	No Deductible Applies	
43	85 140	No Deductible Applies	
42	83 160	No Deductible Applies	
41	81 180	No Deductible Applies	
40	79 200	No Deductible Applies	
39	77 220	No Deductible Applies	
38	75 240	No Deductible Applies	
37	73 260	No Deductible Applies	
36	71 280	No Deductible Applies	
35	69 300	No Deductible Applies	
34	67 320	No Deductible Applies	
33	65 340	No Deductible Applies	
32	63 360	No Deductible Applies	
31	61 300	No Deductible Applies	
30	59 400	900	58 500
29	57 420	3 080	54 340
28	55 440	5 060	50 380
27	53 460	7 040	46 420
26	51 480	9 020	42 460
25	49 500	11 500	38 000
24	47 520	12 980	34 540
23	45 540	14 960	30 580
22	43 560	16 500	27 060
21	41 580	16 500	25 080
20	39 600	16 500	23 100
19	37 620	16 500	21 120
18	35 640	16 500	19 140
17	33 660	16 500	17 160
16	31 680	16 500	15 180
15	29 700	16 500	13 200
14	27 720	16 500	11 220
13	25 740	16 500	9 240
12	23 760	16 500	7 260
11	21 780	16 500	5 280
10	19 800	16 500	3 300
9	17 820	16 500	1 320
8	15 840	16 500	Nil
7	13 860	16 500	Nil
6	11 880	16 500	Nil
5	9 900	16 500	Nil
4	7 920	16 500	Nil
3	5 940	16 500	Nil
2	3 960	16 500	Nil
1	1 980	16 500	Nil

TABLE 2—THE DEDUCTIBLE

From $0 to	$44 000 deduct	$16 500
	$44 000 deduct $16 500	= $27 500
	$44 500 deduct	$16 000 = $28 500
	$45 000 deduct	$15 500 = $29 500
	$45 500 deduct	$15 000 = $30 500
	$46 000 deduct	$14 500 = $31 500
	$46 500 deduct	$14 000 = $32 500
	$47 000 deduct	$13 500 = $33 500
	$47 500 deduct	$13 000 = $34 500
	$48 000 deduct	$12 500 = $35 500
	$48 500 deduct	$12 000 = $36 500
	$49 000 deduct	$11 500 = $37 500
	$49 500 deduct	$11 000 = $38 500
	$50 000 deduct	$10 500 = $39 500
	$50 500 deduct	$10 000 = $40 500
	$51 000 deduct	$9 500 = $41 500
	$51 500 deduct	$9 000 = $42 500
	$52 000 deduct	$8 500 = $43 500
	$52 500 deduct	$8 000 = $44 500
	$53 000 deduct	$7 500 = $45 500
	$53 500 deduct	$7 000 = $46 500
	$54 000 deduct	$6 500 = $47 500
	$54 500 deduct	$6 000 = $48 500
	$55 000 deduct	$5 500 = $49 500
	$55 500 deduct	$5 000 = $50 500
	$56 000 deduct	$4 500 = $51 500
	$56 500 deduct	$4 000 = $52 500
	$57 000 deduct	$3 500 = $53 500
	$57 500 deduct	$3 000 = $54 500
	$58 000 deduct	$2 500 = $55 500
	$58 500 deduct	$2 000 = $56 500
	$59 000 deduct	$1 500 = $57 500
	$59 500 deduct	$1 000 = $58 500
	$60 000 deduct	$500 = $59 500
	$60 500 deduct	NIL = $60 500

STATE SUPPLY

521. **Mr BECKER (Hanson)** asked the Minister of Housing and Construction representing the Minister of State Services:

1. When did State Supply commence selling surgical supplies to private hospitals and nursing homes and:
   - *(a)* what is the annual total of sales;
   - *(b)* what is the net profit;
   - *(c)* how many salespersons are employed to service private hospitals and nursing home clients;
   - *(d)* are salespersons provided with Government plated motor vehicles as part of their remuneration package and, if so, why;
   - *(e)* is sales tax added to all items sold to private hospitals and nursing homes and, if not, why not; and
   - *(f)* where are the stocks of surgical supplies stored and is the area air-conditioned, dust proof and sterile and, if not, why not?

2. When were private enterprise suppliers contacted to tender for the provision of surgical supplies to Government hospitals and/or State Supply and is it not more cost effective for private enterprise to handle these items and, if not, why not?

The Hon. M.K. MAYES: The replies are as follows:

1. In 1989 the State Supply Seaton warehouse commenced selling surgical supplies to private hospitals and nursing homes.
   - *(a)* Total sales of surgical products 1991-92—$259 000 as at 23 April 1992.
   - *(b)* The sales of surgical products to these customers is a very small part of State Supply's warehouse total sales and net profit is not calculated separately. Gross profit for surgical supplies is $36 000 for the year to date.
   - *(c)* Approximately a quarter of one person's time is spent on meeting the needs of these customers for all medical related items, not just surgical items. The remainder of the employee's time is spent servicing public hospitals.
   - *(d)* A motor vehicle is needed by and provided to salespersons, to enable them to perform their duties effectively, however it does not form part of their remuneration package.

(e) A number of nursing homes and private hospitals are sales tax exempt, however customers are required to advise State Supply on each order whether sales tax is to be applied. Surgical products do not attract sales tax.

(f) Stocks are held in the warehouse located in Adelaide and to a lesser extent at Mount Gambier and Whyalla warehouses. The warehouses are not sterile, dust proof or air-conditioned. The products currently stocked do not require storage of that type. The storage conditions are inspected by the manufacturers prior to stocking items.

2. Competitive tenders are usually called every two years. The last tender call was made in November 1991 to be let from July 1992. Tenders are advertised in the *Advertiser.*

A recent review of State Supply warehousing indicated that State Supply is providing a cost effective service to its customers. Manufacturers of surgical products have chosen State Supply to be a distributor of their products. Sales to private hospitals and nursing homes have the added benefit of contributing to lower prices due to increased purchases.