HOUSE OF ASSEMBLY

Thursday 21 October 1993

The SPEAKER (Hon. N.T. Peterson) took the Chair at 10.30 a.m. and read prayers.

SOUTH AUSTRALIAN HEALTH COMMISSION (MEDICARE PRINCIPLES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 20 October. Page 1008.)

The Hon. H. ALLISON (Mount Gambier): As I was saying yesterday evening before our fire alarm, with respect to the country hospitals in South Australia, I would first refer to the Mount Gambier Hospital in relation to which I am very high in praise for the hospital administration and nursing staff and the doctors who, over the decades that I have lived in Mount Gambier, have been industrious, efficient and very uncomplaining also. They were promised a new hospital to be built to teaching standard way back in the 1970s by the then Ministers of Health, first Minister Banfield and then Minister Cornwall, and we are still waiting for that hospital to be commenced, although land has been acquired. Just how long we carry on waiting, we are not sure. We are hoping that the promises made by the Health Commission will be fulfilled.

It is a great pity that we have yet another problem being introduced into the equation. It is something we do not need in country hospitals. I have been asked also to correct an impression that I gave last night regarding the hospital at Port Augusta when I said that there could be a funding penalty of $750 000. I refer to the Port Augusta *Transcontinental* newspaper of Wednesday 20 October 1993, when hospital Chief Executive Officer, Mr Gary Stewart, makes very pertinent comments, and the situation there could possibly be worse than I stated, not better. Mr Stewart is reported as follows:

> He said the full year effect of the scheme on 1993-94 would have resulted in surplus revenue of $400 000, which would have been available for spending on equipment upgrading.

The article continues:

> Mr Stewart said the new policy meant that if private patient activity continued as expected, the hospital would lose the $400 000 surplus revenue and would be penalised a further $750 000 by the Health Commission.

That really means well over $1 million in round figures; in fact, $1.15 million, and that is significantly worse than I intimated yesterday. The article states:

> Hospital chief executive officer, Mr Gary Stewart, said the Health Commission had placed quotas on hospitals relating to public and private patients. He said the financial penalties would apply if quotas fell short or were exceeded. The agreement follows a change in a Port Augusta hospital policy last year, encouraging patients to use private insurance.
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> 'The response of the community had been exceptional, but the changes to the Medicare agreement revolve around no increase to private patient activity,' Mr Stewart said.
>
> He said the hospital would now be 'significantly penalised' if it did not change its policy. Mr Stewart said attempts to obtain a dispensation from the new policy had not been successful, despite the support of local politicians.

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

A quorum having been formed:

The Hon. H. ALLISON: As I said last night, and my comments are reinforced even further by the comments of hospital Chief Executive Officer Mr Gary Stewart of Port Augusta Hospital, there is no point in the Federal Minister of Health bemoaning the fact that there has been a severe downturn in the number of private hospital insurers in Australia. There is no point even in increasing private health care membership if private beds are rationed, if public beds are in short supply, if hospitals are penalised, if the taxpayer loses, if the patient loses, if the South Australian Health Commission in general loses, if individual hospitals lose and if the private insurer also gets the privilege to pay the gap fees, which generally he does not have to pay if he stays on the public lists, simply paying the Medicare levy. Manipulation of hospital bed numbers to try to overcome the problem will become more commonplace and that further disadvantages public patients. I suggest that the Minister do all possible in his power to remedy this situation, as was requested last night in an eloquent and well-informed manner by the shadow Minister of Health, the member for Adelaide. I support the legislation.

Mr MEIER (Goyder): This Bill, as we are well aware, ratifies the agreement signed earlier this year between the Commonwealth and the States for the new Medicare agreement. In fact, it was signed in February 1993. The underlying reason for entering into this agreement is to ensure public access to public hospital services and other health services and to promote the further development of reforms designed to make the Australian health system more effective and more efficient. That sounds good and makes one feel as though things are going well. It gives a warm inner glow. In fact, the principles of Medicare are to focus on the choice, the universality of services and equity in service provision. Again, that gives a warm inner glow.

I have contacted various hospitals in my electorate, and I would like to identify all those hospitals. The Yorketown Hospital is now encompassed in the Southern Yorke Peninsula Health Service, which includes Minlaton. Members would be well aware that, unfortunately, Minlaton Hospital has been closed by this Government and is now supposed to provide emergency care services rather than acute care services. I have received many complaints on that issue, but I will not sidetrack there.

The public hospitals in my area are Yorketown, Maitland, Wallaroo and Balaklava, and the private hospitals are Ardrossan, Moonta, Kadina and Mallala. In other words, there are four public and four private hospitals. In the new electorate of Goyder, which will come into effect after the next State election, there are the Snowtown and Blyth public hospitals. Unfortunately, the Blyth hospital is temporarily closed: any person who drives past will see a sign out the front which says 'Hospital temporarily closed'. It is tragic that two hospitals in the new electorate of Goyder have been closed in the past 12 months. It is an indictment on this Government and our health system. I wonder to what extent this new Medicare agreement will solve the problems.

One would expect that the people with whom I have spoken in the hospital system would have some idea. I will not identify the people with whom I have spoken, but comments I have received are as follows: 'The principle stinks'; 'None of us are happy about it'; 'It is a disincentive to be privately insured'; 'We have reservations about it'; and 'It is time wasting'.

Mr Blacker: Your people are more polite than mine.

Mr MEIER: My people are very polite; I acknowledge and respect that.

The Hon. B.C. Eastick: But they are just as outraged.

Mr MEIER: They certainly are outraged. In fact, they cannot credit what is going on. On each occasion on which I spoke with someone from some of those hospitals—and I did not get a chance to contact all of them—I put the question: what is the reason for this new agreement? No-one was able to give me an answer. I will now identify aspects of the new agreement, as have earlier speakers, as follows:

> The principles of Medicare focus on the choice, the universality of services and equity in service provision. Under the terms of the new agreement, South Australia will incur a penalty of $405 per occupied bed day; yet, the public occupied bed day to total State occupied bed day ratio falls below 52.96 per cent. To minimise the financial implications for the State, the South Australia Health Commission has set private and public bed day targets for each recognised hospital in South Australia. Hospitals will incur a penalty if they exceed the private occupied bed day target or fall short of the public occupied bed day target that has been set.

That is what the people are objecting to, and that is what they are outraged about.

The SPEAKER: Order! The member for Goyder will resume his seat. The member for Custance.

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

A quorum having been formed:

Mr MEIER: One must question why this new system is being brought in when Senator Richardson himself has indicated that he thought there was a need for more privately insured patients—and the last Federal election was fought very much on the issue of health care—and when the Coalition was going to give incentives for people to join the private health system. One must question why the new arrangements are in place when, for many years now, public hospitals have been able to make up budget shortfalls by having more privately insured patients. In other words, it gave them the incentive to try to encourage people to come into their hospitals, but no longer will that be the case.

It is possible for a certain person to enter hospital, perhaps this month as a privately insured patient to have an operation, to be discharged and then, shall we say in February next year, if the operation was not successful or an additional operation is required, for that same person to come back to the hospital and for the hospital to say, 'Look, we would prefer that you did not enter as a private patient on this second occasion.' The person would say, 'Why not? I was happy with the service I got as a private patient last time; I want to be here as a private patient this time.' The hospital would be able to say, 'Look, our ratio of private to public patients has become a little off centre—a little skewed—and we will be penalised $405 a day if you come in as a private patient.'

Is that a real penalty of $405? Well, for private patients it would appear that the amount the hospitals receive per patient per day is $191. That is what they get for a private patient. If they have had too many private patients they will be penalised $405. That is a considerable loss; in fact, it is a loss in excess of $200 per patient per day, so you can understand the hospitals wanting to ensure that they keep to the 52.96 per cent. The indications are that significant penalties will be incurred by the majority of hospitals as a consequence of the policy. That is very understandable, because hospitals have had their financial budgets trimmed—cut significantly—over the past few years.

I know that, when I have spoken with some of the administrators over the past two or three years, they have indicated that there has been no real increase. They have to budget within virtually the same amount as last year; they have to pick up any increase in salaries; and, as administrators have told me, that means some staff will have to go, so their administration staff has been cut back considerably as well. We cannot therefore expect them to be able to do paper shuffling to try to work out whether they have reached that magical figure of 52.96 per cent.

It is incredible that the Government should be introducing this sort of arrangement when we have heard year after year other Government Ministers call for further deregulation in other areas. They wanted more deregulation. If anything has become more regulated, it is this Medicare agreement. The hospitals have far less flexibility; they are tied very much to a formula that does not seem to make any sense at all. I suppose the only thing behind this change is that the Commonwealth wants to see that the number of public patients remains at a certain minimum level with this supposed increase in funds. I just wonder what would happen if the State said, 'Well, blow it, you've given us an additional commitment; we will run our hospitals the way we want to run them. If we happen to get 65 or 75 per cent of our patients being privately insured, so be it. If there are fewer patients in the public systems, too bad. We should be able to have that choice and not be dictated to by the Federal authorities.' In fact, it is another opportunity for the States to stand up for their principles and for good medical services.

Many people would be aware that Moonta Hospital is a private hospital; a significant breakthrough was made several years ago when the new hospital was built. I well remember taking the deputation, with the then Chairman of the board (Dr David Jones), to the then Minister of Health (Hon. Frank Blevins). I give credit to the then Minister for having ensured that Moonta Hospital was able to have six public beds with its three private beds. It certainly had to give many of its beds away. That system has worked very well, even though the number of public beds came down to 2.4 because of financial working out. It worked well because the Moonta Hospital was able to work in association with the Wallaroo Hospital.

There was an exchange of beds, in a sense, because private patients who came into Wallaroo Hospital would often be admitted as Moonta Hospital private patients rather than as Wallaroo Hospital private patients. It was through this method that Moonta Hospital was able to fund fully its private beds at no expense to the taxpayers of South Australia. It was an excellent arrangement. It allowed Moonta Hospital to continue its health services for privately insured patients and to have three public beds available.

However, with the new Medicare agreement, it suddenly became obvious to Wallaroo Hospital that, if it had to charge its private beds to Moonta Hospital rather than to Wallaroo Hospital, it would find it extremely difficult to meet this 52.96 per cent figure. As a result, there has now been a change in the arrangement between Wallaroo and Moonta Hospitals such that Moonta Hospital, rather than receiving $191 per public patient per day, is now receiving only $150 per patient per day. Additionally, its equivalent public bed numbers have reduced from 2.4 to 1.9. So it still retains the six private beds but it has dropped to below two public beds. In fact, receipt of only $150 with only 1.9 public beds means it is virtually funding those beds for nothing. There has been a complete policy reversal.

That disappoints me greatly, because there is only one other country hospital that operates under a similar system,

that is, Keith Hospital. Moonta Hospital became the second one, and one of the reasons for that was that it had more than $1 million in kitty and it was able to dictate its own terms.

Mr Ferguson: What is your policy?

Mr MEIER: My personal policy is unequivocal. I have pushed for a long time for public beds in some of these country private hospitals. In fact, Ardrossan Hospital has been asking for that for many years as well. I made approaches to the then Minister some years ago for Ardrossan Hospital to have public beds in association with its private beds. It is the logical way to go, because not every one has private health insurance and public beds should be available. Moonta Hospital got it, and it was a credit to the former Minister, the Hon. Frank Blevins—I acknowledge that. It certainly helped the people of Moonta but, now, because of this new Medicare agreement, things are going from bad to worse, and it is a great tragedy.

I know that the member for Henley Beach is concerned and I thank being him for his concern, but I wish the other members of his Government were equally concerned. I wish his Minister, who is on the front bench today handling this Bill, was as concerned, so that Moonta Hospital could get back at least to the more equitable ratio of three public beds in that hospital. It is something that needs to be addressed; it is something that I personally have great problems with and reservations about, and I see additional problems, because this new Medicare agreement has bound South Australia in a way that no South Australian would have wanted the State to be bound. We signed an agreement that contained conditions that should never have been there in the first place.

This new Medicare agreement is fraught with problems. There is no doubt that there will be little or no incentive for people to take out private health insurance in the country areas, because they might enter as a private patient but be told, 'We would rather you were a public patient. We do not want you as a private patient', simply because the hospitals have to off-set the shortfalls. It is illogical; it is a policy that should never have come into place; and it is something I hope will be negotiated out in any revision of this agreement and certainly in any new agreement. Our country hospitals are suffering too much as it is. It is time that we gave them more incentive for their own administration and gave patients a much greater say than they currently have.

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

Mr BLACKER (Flinders): I have listened with interest to the contributions made by previous speakers on this Bill, and I can only say that the sentiments expressed by hospitals in their areas have similarly been expressed to me by the hospitals in my area. I agree with the basic principles of the Bill before the House and many of the guidelines attached to it, because no-one can argue that there should be a choice of services. First, eligible persons must be given the choice to receive public hospital services free of charge as public patients. I think we would all agree with that basic principle. Secondly, there should be universality of services; access to public hospital services should be on the basis of clinical need, and I do not think anyone would argue with that. Thirdly, as under the heading 'Equity in service provision', to the maximum practicable extent, the State should ensure the provision of public hospital services equitably to all eligible persons, regardless of their geographical location.

I totally support that latter point, because often the view is expressed that people in far flung regions are disadvantaged by their general location, and sometimes are forgotten by some of the instrumentalities that provide basic services. I think we would all tend to agree with the basic principles. Where it seems to be going wrong is in terms of the issue brought to the attention of the House by the shadow Minister of Health: the quota system which seems to be in place and which is not referred to in the Bill, except in very broad principle, is unworkable, particularly for the smaller country areas.

In recent years people have been actively encouraged to take out private health cover. We now have the reverse, because the system actually encourages people to get out of private health cover and into the public services. I wonder how the Government and Government departments believe this can work. Whilst it might be an objective to look at an overall broad brush policy of a 52.9 per cent quota, it is unworkable in some of the smaller country hospitals and, for that matter, virtually every hospital in my region with the possible exception of Port Lincoln. All the other hospitals will find it extremely difficult if they are faced with the penalties, as they almost certainly will be.

It then begs the question: how will it work, how can it work and who will carry it out? For how long can we push volunteers to undertake the administration of health services when there is no incentive for them to do so? They are being pushed to the limits of frustration and tolerance to do that. All the people I know who serve on hospital boards do so out of goodwill and care for the community. Basically, they do it for the love of their community. However, when they are asked to comply with something with which it is impossible to comply, frustration sets in. That may be the objective of this agreement; it may be that the Government wants communities to abandon their hospital boards so that the situation becomes unworkable. I hope not, because that would be contrary to the provisions of this Bill.

I plead with the Minister to look at the practicalities, particularly for our smaller country hospitals which have great difficulty in surviving and providing health services. In the main, they maintain high standards of health services for the localities they serve, and we should give them some incentive and encouragement. For example, the Elliston Hospital, which always has some sort of drama or trauma about its continued survival and which is in a very isolated position, carries out an enormous amount of good work and basically runs a multifunction health service. However, for it to meet the criteria and quota system that we are talking about here is well nigh impossible. Whatever move it makes is wrong. It does not seem to matter whether it is looking for public or private patients: if it is looking for public patients, it will not have the funds to continue; if it is looking for private patients, it will get offside with the system.

It is not my intention to go beyond that, other than to say that this area causes great concern not only to me but to hospital boards in my area because they do not know where they are going. Unless they are given some clear direction and assistance in providing for the basic requirements of this legislation, I feel certain that we shall lose a great deal of confidence in our health system, and we do not want that. I do not believe that the Minister or the Government wants it, but that seems to be the product of the system as it is unfolding. I support the Bill, but I hope that the Minister will further clarify some of the concerns that I and other members have raised.

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

A quorum having been formed:

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I thank members of the Opposition for their support of this measure, although I acknowledge that that support was in somewhat guarded terms and there was far from fulsome praise for the Bill. I do not think I would misrepresent their point of view if I were to put it in those terms. The member for Adelaide indicated that he was supporting the Bill only because he felt it a matter of necessity. One of the first things we need to examine is this assumption that in some way other States have obtained better deals under the Medicare agreement than this State obtained. That is an assumption that I think members should immediately put from their mind, because it is not the case.

Any member who chooses to examine the Medicare agreements for all the States in this country will find that, for example in relation to this matter, they are identical. The honourable member's colleagues in New South Wales and Victoria have signed agreements that contain exactly the same provisions as the agreement that the Premier and I have signed on behalf of this State, and in relation—

Dr Armitage interjecting:

The SPEAKER: Order! The member for Adelaide had unlimited time in this debate and he will have a further opportunity to comment at a later stage if he wishes.

The Hon. M.J. EVANS: We will get to the matter of money in a moment, but first we need to examine the Medicare agreements. The member for Adelaide implied in relation to this discussion that those States had obtained a better deal. Given that most of the speeches from the Opposition focused on this issue of occupied bed days in the country, and occupied public bed days versus occupied private bed days, one would think that his colleagues interstate, having taken note of this, would have fought to remove it if they had received such a good deal. The reality is that their clauses are identical to ours: they are under the same constraints that we are in this State.

I understand why the Commonwealth imposed some of those conditions. The member for Adelaide indicated that there was a question of access of public patients to public hospitals, and in the Eastern States some Governments were exploiting, I think, the opportunity for private bed days in public hospitals to gain the extra revenue that that provided and, therefore, to diminish the opportunity of public patients to gain access to public hospitals funded at taxpayers' expense. Therefore, to address that problem the Commonwealth sought to impose a base line of public occupied bed days to which it could constrain the States as a whole. Of course, the agreement constrains South Australia as a whole, not on a hospital by hospital basis.

That level of public share, which as members have said is set at 52.96 per cent, is what our level was but a year or two ago. Since that time, we have seen a decline in private health insurance and a decline in the country occupied bed days of some 4 per cent in the private share. In those circumstances it should not be very difficult for the State as a whole to maintain a reasonable public share in its hospital system. In fact, the difference between what we need to have as a public occupied bed day count and what we are presently looking at in order to make up that difference is not 28 million occupied bed days, as the member for Adelaide said last night, but in fact 28 000. That is out of a total of 1.5 million.

Dr Armitage interjecting:

The Hon. M.J. EVANS: There was no figure of 28 million occupied bed days.

Dr Armitage interjecting:

The SPEAKER: Order!

The Hon. M.J. EVANS: We will examine the total figures if the honourable member wishes, but it is clearly 28 000 rather than 28 million. The difference of the order of magnitude is not one which I think this State's health system will have any great difficulty in making up. That is not to say that individual hospitals will not have special circumstances that need to be taken into account. I am well aware of that problem, as is the Health Commission itself, and we will certainly undertake to discuss with individual hospitals the problems that they have. We cannot and will not give them an open cheque because the State needs to ensure that its overall targets are met, but within that constraint it is certainly feasible for us to discuss with individual hospitals—

Dr ARMITAGE: I was wrong about the figures. I apologise.

The Hon. M.J. EVANS: The member for Adelaide indicates that he apologises to the officers concerned, and I am sure that when they read *Hansard* they will take note of that apology, and I thank the honourable member for making that clear to the House. When we come to discuss with individual hospitals what their situation is under this agreement we will certainly take into account the special factors which apply in their regard. As I said, we will not be giving them a blank cheque as that is not appropriate.

The member for Adelaide did not take into account in his catalogue of options of what might occur under this agreement that bonuses are paid to hospitals if they increase their public occupied bed days. A $200 a day bonus is paid to metropolitan hospitals where they increase their occupied bed days, but in the country the situation is slightly different and is not so clear-cut, and that is why I said we will be in a position to discuss with country hospitals what their problems are and we will take those into account later in the year. At the moment we have very limited data. The financial year in terms of the available statistics has only just commenced, and accurate data is not yet available for the full year effect of this. Within a month or two that data will be available and we will be able to track through with country hospitals, and indeed for the State as a whole, how these figures are trending and will be able to take into account the need to provide additional funding where that is appropriate.

Certainly those country hospitals that make an effort to increase their public occupied bed days or decrease their private occupied bed days will be reimbursed in relation to the bonuses that they would have had as a metropolitan hospital. In other words, they will receive an incentive for that action, and where they have lost revenue they will receive funding to cover that from a drop in private occupied bed days. So, while I acknowledge that the Commonwealth's imposition of this system has some public benefit in that it ensures that public patients have access to the public system, I acknowledge also the problems that flow from it, and indeed so does the Medicare agreement. It is very important that members understand that reference is already made in the Medicare agreement to the problems which this aspect brings about, and the parties to the agreement have agreed to address that. The agreement states:

> The parties recognise the inadequacies of using bed days as the principle measure of hospital utilisation for the purposes of this schedule and agree that it is preferable to move to use a case mix based measure such as case mix weighted separations. The parties intend to take all necessary steps including resolution of associated data capture and quality issues to establish appropriate nationally

consistent case mix based measures in the second grant year of this agreement.

That is 'Commonwealth speak' for saying that we are going to look at this problem, during the year we will find a way of resolving it and in the next year of the agreement we will switch to a much more appropriate measure. In the meantime it safeguards the Commonwealth position in relation to public occupied bed days. I would not have put quite the emphasis on it that the Commonwealth has, and I understand the problems it is causing. However, we can and will manage that situation, and it is well worthwhile this State and the other States taking the trouble to manage it because of the benefits which flow from the Medicare agreement as a whole. As the member for Adelaide said, his colleagues in the eastern States, particularly the Liberal States of New South Wales and Victoria, were very vocal about this agreement and they said a great deal, but what did they sign at the end of the day? They signed the same agreement that we signed. It just took them a couple of days longer.

Dr Armitage interjecting:

The Hon. M.J. EVANS: Indeed, it took his colleague in Western Australia even longer to sign, but what occurred there? Again, exactly the same agreement. And what about Western Australia?

Dr Armitage: It was $109 million.

The Hon. M.J. EVANS: The honourable member says Western Australia received an extra $109 million. I doubt that, because the agreement is exactly the same. The money difference comes from the Treasury-Premier style negotiations between the larger States and the Commonwealth under the Loan Council agreements and the Premiers Conference agreements where the larger States, as they have done in recent years, were inclined to use their weight of numbers to extract concessions from the Commonwealth and obtain higher grants through the fiscal equalisation process.

That is occurring notwithstanding the Medicare agreement. With or without a Medicare agreement the New South Wales and Victorian Governments would still have been able to pressure the Commonwealth Government into producing higher grants under their financial assistance grants totals. That has everything to do with the political weight of numbers in the eastern States and has almost nothing to do with the Medicare agreement. The level of funding that this State enjoys under Medicare is something that I would not want to sacrifice. I am sure that, in the event that he had the option of doing so, neither would the member for Adelaide.

Mr Ferguson interjecting:

The Hon. M.J. EVANS: True, but we have to follow the example of the eastern States, which signed the same agreement. I find it hard to believe that the member for Adelaide would hold out on a national basis against an agreement that clearly brings substantial benefits and millions of dollars to South Australia. In the second reading debate we also discussed the public patients' hospital charter. The Commonwealth has developed a draft national framework for the charter and has been consulting with national consumer organisations on that. Officers of the State and Commonwealth have had preliminary discussions about the specifics of a South Australian charter, and there will be further consultation with both consumers and service providers before the charter is finalised.

In the debate we also referred to the independent complaints body required to be established under the agreement. The Health Commission is finalising a discussion paper on that complaints mechanism now. The paper is being developed in association with a reference group, including representatives of the AMA, the Community Health Association, SACOS, ANF (the nurses federation), the Private Hospitals Association, health and social welfare councils, the Guardianship Board and the Disability Complaints Service. That paper will canvass a wide range of issues, including whether the complaints mechanism should cover private sector health services such as private hospitals and individual practitioners as well as public sector services.

Much of the other debate from members, like the member for Custance and so on, focused on many of the same issues. The member for Custance particularly referred to the need for tax deductibility for private health insurance. The last time we heard this discussion it related to a Federal election, which occurred not so long ago. That was the Federal election where the Opposition health spokesman lost his seat in Sydney, and I think it was largely because of his opposition to the Medicare agreement.

An honourable member interjecting:

The Hon. M.J. EVANS: The member for Adelaide and the member for Custance chose not to refer to that Fightback policy, which would have taken billions of dollars out of the health system, and $115 million would have come from the public health system in South Australia to fund that tax deductibility. Would that have benefited public patients? I doubt it. I am afraid that the $115 million would have come straight out of the funding for our major hospitals and they would have been disadvantaged accordingly. This Bill permits a wide ranging Committee debate, and I am sure that many other detailed questions will be asked then.

We have put to rest the myth that the agreement in this State is different from the agreement in the other States. Certainly, I can give the House an assurance that the funding difficulties that members opposite envisage for country hospitals, which I strongly support and which I have visited on many occasions, will not occur in the manner that they predicted. Those hospitals will certainly find that their individual circumstances are discussed, that their budgets can be brought before the commission and discussed with officers of the Country Health Services Division and that we will do everything we can to ensure that those hospitals are supported in the fine work they do in country South Australia.

Bill read a second time.

In Committee.

Dr ARMITAGE: On a point of order, Mr Chairman: this is a Bill with two clauses and I seek a ruling from you under Standing Order 248 relating to the fact that a complex question may be divided. I seek your ruling on whether each of the three principles and each of the two commitments under clause 2 may be considered individually to allow proper questioning.

The CHAIRMAN: As there are no objections, the Committee will proceed in that way.

Clause 1 passed.

Clause 2—'Commitment to Medicare principles.'

Principle 1—'Choices of services.'

Dr ARMITAGE: Last year the Royal Adelaide Hospital put out an edict that all people who were privately insured were to be directly classified as private patients. Would that situation contravene this principle, which provides that 'eligible persons must be given the choice to receive public hospital services free of charge as public patients'? Were does this principle stand in relation to the Hunter report, the much vaunted report into booking lists—or, if we call them

what they really are, waiting lists—in which Mr Ron Hunter, in relation to policy changes in respect to insured patients in public hospitals, recommends (No. 4.1.12) that consideration be given to the possibility of classifying all privately insured patients in public hospitals as private. Would that situation, and did the situation at the Royal Adelaide Hospital, contravene this principle of the new agreement?

The Hon. M.J. EVANS: I think this kind of issue might come under principle 2, which refers to 'whether or not an eligible person has health insurance' and 'an eligible person's financial status or place of residence'. Thus the issue of health insurance might come under principle 2, given that that deals specifically with health insurance. However, either way what the honourable member states is correct; that letter, plus discriminating between people based on their insurance category, would certainly be contrary to the agreement.

Dr ARMITAGE: That is interesting. With respect, I would say that it comes directly under this principle and not principle 2. Whilst accepting that principle 2 talks about clinical need and private insurance and so on, principle 1 states that 'eligible persons must be given the choice to receive public hospital services free of charge as public patients'. Clearly, the Royal Adelaide Hospital edict stated that these privately insured patients were being given no choice at all to be treated as public patients; in fact, it was being dictated to them that they would be treated as private patients. The reason why that was occurring was that last year the hospitals had been given a direction by the Health Commission, 'Please get as much private income in as you can; we need the revenue.'

That, of course, is the nub of the whole problem with this agreement. As I said in my second reading contribution, this agreement has turned the system on its ear. That is a particularly important point, because it is a prime example of how the administrators of hospitals in South Australia have absolutely lost faith in the system, and I cited a number of examples of that last night. The Minister, in addressing that question, did not indicate whether the following recommendation of the Hunter Report would be actioned:

> Consideration should be given to the possibility of classifying all privately insured patients in public hospitals as private.

If it were to be actioned, it seems that it would contravene the Medicare agreement, as the Minister indicated was the case with the Royal Adelaide Hospital edict. In asking again for a response to that question, I draw the Minister's attention to principle 1, explanatory note 1, under which hospital services are defined as including 'primary care where appropriate'. Certainly, primary care is usually meant to mean general practitioner services and, as I indicated last night, I wonder whether this is some sinister plot to overthrow, if you like, the provision of primary care via the private system. It might be more appropriate in the country, if the Minister deemed that to be the case, I do not know. I seek a response as to whether primary care includes general practice as well as to my question on the Hunter report.

The Hon. M.J. EVANS: The Government did not adopt that recommendation of the Hunter report at the time the original report was released. Nothing has changed in relation to that. It is certainly the case, as I acknowledged earlier, that that edict by the hospital was inappropriate, but the original request from the Health Commission to the hospitals was never expressed in compulsory terms. Patients were not to be forced to choose: that is, they were not to be forced to elect to be private patients. That has never been a requirement of the Health Commission and, indeed, under this agreement it is now not appropriate for us to do that at all.

Clearly though, within that constraint, there is a management decision to be made about the public-private mix to maximise the return under the agreement. Under all Commonwealth-State agreements, the States manage the agreement so as to maximise the return to the State, the taxpayers of the State and the best possible service to our patients and constituents. The issue of primary health care relates to accident and emergency areas only. It relates to GP services in accident and emergency facilities and casualty facilities, and in no way represents some ulterior motive beyond that.

Dr ARMITAGE: My last question in relation to this principle relates to the difficulty with definition, to which I referred last night. What does 'currently acceptable medical and health service standards' under explanatory note 1 mean? Acceptable to whom? Clearly, there is a divergence of opinion as to whether services are appropriate. I know that the Minister gets many letters along this line, because either I get courtesy copies of them or people write to me, sending a courtesy copy to the Minister, asking what are the medical and health service standards in their areas.

If this is meant to be a system whereby a large centralised bureaucracy can determine what is acceptable and the consumers will take it or leave it, I am distressed. If that is not the case, just who will decide what is the current acceptable level at which medical and health service standards will be regarded as being consistent?

The Hon. M.J. EVANS: This is a general agreement between the Commonwealth and the States, and it is not meant to represent a precise definition of a legally enforceable contract between commercial parties. The standards referred to are those which generally prevail in South Australia; in other words, those established by the professional associations—the AMA, hospital boards, the Australian Council for Health Care Standards, for example, and other professional groups. Those various agencies in our community provide standards for different sections of the medical profession and the various aspects of health care with which they deal. Those are the standards to which we are referring. We are not referring to some Government agency standing back and prescribing a range of standards which will be enforced; we are saying that the standards that the Commonwealth and the State will accept are those which prevail in the community as determined by the professional groups in the normal way.

Mr GUNN: Explanatory note 2 states:

> At the time of admission to a hospital, or as soon as practicable after that, an eligible person will be required to elect or confirm whether he or she wishes to be treated as a public or private patient.

That note brings into question the difficulties currently being experienced by hospital boards. I draw attention to an article in yesterday's *Transcontinental* at Port Augusta headed, 'Hospital faces private patient penalties', and stating:

> Hospital board Chairperson, Mr Clive Kitchin, said the situation was 'ridiculous'. 'It appears that last financial year when the Health Commission wanted the revenue it was fine; this year they don't want any private patient increase so an approach which penalises the hospital is introduced,' he said.
>
> 'Based on our activity this far, our year's quota for private patients will be achieved in December and we will then have to actually discourage people from using their private insurance.

The hospital's Chief Executive Officer, Mr Stewart, was reported as having said:

. . . the new policy meant that if private patient activity continued as expected, the hospital would lose the $400 000 surplus revenue and would be penalised a further $750 000 by the Health Commission.

My concern is twofold. The first is for the community at Port Augusta and the second is for those who are served by the Royal Flying Doctor Service, for which the Port Augusta Hospital is used as a base. It is a service with good facilities and it is a well managed and run hospital, which is very important to the travelling public and people living in isolated communities. I think the time has come for a clear and precise statement from the Minister on whether the Port Augusta Hospital will lose $750 000 or whether he has made any arrangements to rectify these problems.

About an hour ago, when I spoke to a hospital representative, it still was not known whether the hospital would be penalised to the extent of $750 000. I believe that most people in the community cannot understand how any Minister or Government would allow such a situation to be created. Commonsense does not appear to be applying. That hospital has a very good arrangement, and if it is to be curtailed I want to know why. Alternatively, will the Minister tell us what arrangements he has made to solve the problem at Port Augusta or any other hospital which may be in a similar situation? It is a simple question and I require a simple explanation.

The Hon. M.J. EVANS: The honourable member asks for a simple answer and normally it would be my pleasure to try to accommodate him but, as I said in my second reading response, it is not yet possible to do that. We are only a few months into the financial year, but Port Augusta is making assumptions about the full year effect of this policy on the basis of very little data. Information obtained in July, for example, is not normally typical of the full year effect. Hospital admission rates vary enormously during the year. We do not yet know what the full year effect of this will be in Port Augusta or, indeed, any other hospital. I am confident that the State as a whole will manage those targets, but I understand that in country areas there will be a more difficult situation.

The country as a whole has had a reduction in private occupied bed days. Country hospitals which are able to increase their public occupied bed days or reduce their private occupied bed days will have the revenue recompensed to them. Indeed, the equivalent of the bonus payable in the metropolitan area will be made available to them if they do that. We will discuss any extraordinary circumstances with the hospital during the course of the financial year. I will ensure that Port Augusta Hospital has its financial affairs discussed with officers of the Country Health Services Division, because its situation is particularly important as the numbers there are trending in the wrong direction.

We cannot and will not give any hospital a blank cheque in this matter. All hospitals are bound by the same rules and are required to follow the same procedures. However, it is wrong to assume, on the basis of the available data, what the full year outcome will be. We will work with the hospital to ensure that it is not unduly disadvantaged. It must stay within the guidelines and manage the situation, as other hospitals are doing, in accordance with the rules laid down by the Medicare agreement.

Mr GUNN: The hospital has already based its assumptions on three months operation. It has taken steps to ensure that it is in a sound financial position through very careful and prudent management and it has entered into detailed discussions with the Minister's officers. However, at the end of the day it has been told that the penalties will apply, and there are no ifs or buts about it.

This whole exercise is causing a great deal of uncertainty because the boards do not know where they are going. As I pointed out in my second reading speech, the Port Augusta Hospital has involved the community and encouraged people to take out private health care insurance. We thought Senator Richardson in his recent statements was saying that people should take out private insurance, but they have to use private hospitals. I do not have any problem where there are private hospitals, but at many places there are no private hospitals. Port Augusta has an existing facility which has been funded by the taxpayer and it is operating well. Surely the hospital board should be in a position to know that as long as its decisions are financially responsible it will not be forced to repay $750 000 or have it deducted from next year's grant.

What concerns me and the hospital is whether it should now commence a process of declining, refusing or not encouraging people to use its private beds. That is the situation that has now been reached. I do not want to be unreasonable or difficult, but when a matter like this has attracted such publicity the Parliament is entitled to know what will happen. At the end of the day this Parliament may decide, 'Yes, unfortunately it appears we do not have any alternative and we are locked into it.' Surely, the Minister has some discretion, because at this stage his officers in the country section of the department have in their discussions and in their correspondence made it very clear what will happen. So, I ask again: will the Minister give us an assurance that these hospitals can make decisions with confidence?

The Hon. M.J. EVANS: I can certainly give an assurance that the individual circumstances of hospitals, particularly in the country, because of the special situations that apply, will be examined very closely, and the department is not unreasonable in these things. But the reality is that we have an agreement that the State has to live with. The State has benefited considerably from that agreement and must ensure that the agreement is complied with. If each hospital exceeds its quota by even a small amount, then the State exceeds its quota. Therefore, if we allow individual hospitals to do that, especially at the rate at which Port Augusta seems to want to, clearly that will provide a problem for the State as a whole.

However, I am pleased to say that that is not occurring across the State as a whole. Our target is not at all dissimilar to the actual figures that we have in hand. I do not believe enough data is yet available, given the fluctuations in hospital admission rates, to be definitive about this, but we should be monitoring the trends and following them closely. This may not have got through to the country hospitals in quite the manner in which it needs to, and the article to which the honourable member refers points that out, but in some country areas additional funding will be available where they are able to make inroads into their private OBDs or where they are able to increase their public OBDs. Additional funding will be available as a result of that.

I know what the honourable member is saying about the nature of this agreement and the logic that underpins it. There are good public policy reasons for those provisions but, at the same time, the agreement itself acknowledges the need to move away from this measure. It is important that the honourable member understand that the Medicare agreement itself acknowledges the imperfection of this arrangement and the way in which it needs to be modified for the future. That will be done but, clearly, we do not want to allow a situation

to come about where the private OBDs begin to grow substantially in our public hospitals and public patients are excluded from that process. That would be quite wrong, given the nature of the Medicare arrangements. So, we need to protect ourselves against that.

We will certainly look at the individual circumstances that apply in Port Augusta, while the hospital clearly needs to examine the number of private patients that it has on its books and the trend that is occurring there and, if necessary, will need to ensure that it has fewer private patients at the end of the day. But those figures can be discussed with them and, as the trend continues during the year, we will discuss it with them and see whether any particular arrangement needs to be made.

Mr GUNN: I do not wish to misquote the Minister or take him out of context, but he is really saying to hospital boards such as that of Port Augusta or Port Pirie that they must start to not make available the private beds in their hospital: to discourage people from using them. I find that quite amazing. Will the Minister also give us an undertaking that he will overrule the written instructions and suggestions that his officers have made? The member for Adelaide has read into *Hansard* some of those instructions, which leave no doubt what will happen if they exceed their private capacity. Will he clearly indicate that he will override those instructions and instruct those officers to be more amenable and reasonable?

I make one other plea: in view of the fact that it has already been highlighted that this agreement was, in my judgment, signed in haste—I wonder who the Minister conferred with and who advised him—is he prepared to renegotiate this agreement so that the unfortunate circumstances in which we now find ourselves, all the indecision and the frustration will be ended? This sort of exercise is causing a great deal of difficulty for administrators of hospitals, and that is not good, and for hospital boards, taking up their time because they have to rearrange their hospital programs.

So, I ask the Minister those questions: is he prepared to renegotiate this agreement and is he prepared to overrule those officers' decisions so that they are not set in concrete? I would be interested to know who advised the Minister to sign this agreement in such haste, because obviously a proper examination would have clearly indicated some of the pitfalls that have now come to light.

The Hon. M.J. EVANS: I must disabuse the honourable member of the notion that the agreement was signed in haste: it certainly was not. It followed extensive and protracted negotiations with the Commonwealth and is exactly the same agreement as his colleagues in the Eastern States and every other State signed.

Dr Armitage interjecting:

The Hon. M.J. EVANS: We will not discuss the money, because that is part of a totally separate arrangement and not the subject of this Bill and I am sure you, Sir, would rule that out of order. The member for Eyre was discussing the provisions in relation to the public-private occupied bed days. I point out to him that every other agreement in this country, regardless of the Minister or his political affiliation, is exactly the same in this regard; exactly the same terms and conditions apply to all the States regardless of when they signed the agreement. The financial assistance grants from Treasury in relation to some of the States are different: that is to do with horizontal fiscal equalisation, with which concept I am sure the member for Adelaide is more than familiar, and which concept is quite unrelated to the Medicare agreement.

The member for Eyre again raised the question of Port Augusta and whether I would overrule those instructions. I certainly cannot overrule those instructions, because the State's gains under the Medicare agreement are dependent on our maintaining that target. Within that, though, I am prepared to ensure that we will review those figures as the year progresses and, if the scope exists, we will review them in relation to exceptional circumstances in individual hospitals.

But we will not give those hospitals a blank cheque. We will not say to them, 'Do as you wish', because other hospitals are managing that situation. They are putting in the effort to ensure that their ratios are maintained, but the agreement itself acknowledges the need to review this provision. All the parties acknowledge the need to review it: that is contained within the agreement and is occurring even as we speak.

Principle 1 agreed to.

Principle 2—'Universality of services.'

Dr ARMITAGE: Principle 2 deals with universality of services, and the principle is that access to public hospital services is to be on the basis of clinical need. As the Minister would well know, some of the doyens of service providers within the medical profession are people who work in public hospitals. They often do so because of the teaching and research loads that are available within those positions as full-timers, but the Minister would also realise that one of the factors in full-time salary packages is the right to private practice. It is that right to private practice for medical practitioners that often keeps them in the public hospital system.

I am sure that, like me, the Minister has heard on many occasions that they stay within the hospital system only because their private practice takes their income to a reasonable level compared with some of their colleagues in the private sector. If the access to public hospital services is to be on the basis of clinical need and there is to be no indication as to whether the priority for that person will include their intention to elect to be treated as a public or private patient, does this mean that the present situation, where private patients are able to be treated privately within public hospitals and hence gain some priority within the system, will end? Does the access on the basis of clinical need mean that the system, which is at present extant and which works well to encourage some of the best medical practitioners to remain in public hospitals, is under threat because of the implications of principle 2?

The Hon. M.J. EVANS: This requirement has been in the Medicare agreement for some time and was part of the old Medicare agreement. That is why we originally moved to single booking lists and why private patients do not get priority: they are part of that process and are admitted under conditions which are well established in our hospitals and which have not changed under this agreement.

Dr ARMITAGE: I am sure many people will be interested in that statement. Explanatory note 1 of principle 2 indicates that one of the factors which is not to be a determinant of an eligible person's priority for receiving hospital services is 'an eligible person's financial status or place of residence'. I draw the Minister's attention in particular to the words 'or place of residence.' Where does this leave Noarlunga Hospital, which has a quite clearly defined zone around which it has erected a barrier and from which patients outside the barrier are not able to enter. Does this arrangement at Noarlunga Hospital contravene the Medicare principles and,

if so, what will be done about it and, if not, how does it rationalise that it is not contravening Medicare principles?

The Hon. M.J. EVANS: The honourable member will be pleased to know that it does not contravene the Medicare agreement. This really relates to discrimination between people from different States. It is intended to ensure that people from different States are not excluded from service and that, within a State, everyone is entitled to service regardless of their place of residence. However, it does not specify the place from which the service must be provided. It is perfectly reasonable that, if services are available closer to the person's place of residence, the agreement between those health services should provide for a patient to be treated in a certain place.

The State is under an obligation to provide the service regardless of where a patient might live, but not at a particular place that the patient might specify. Someone may wish to be treated at a certain facility, but if there is an arrangement in place in relation to that facility for service and proper administrative reasons that they ought to be treated at another facility that does not contravene this agreement. The service must be provided, but there is no specification as to which health service must provide it.

Dr ARMITAGE: The Bill mentions nothing about States. Parliament can accept or reject legislation only on what is provided, and what is provided in the Bill says nothing at all about the States—it talks about place of residence. If the Minister and the Health Commission wish to go around the processes so be it, but we are expected to legislate on what is provided to Parliament. It may be that, in some clandestine discussion between Ministers, there was some agreement that within States that will be the case, but there is nothing about that in the Bill. The Minister said that it is related to location and being close to services. What about someone who is on the immediate southern boundary of the zone that the Noarlunga Hospital has established? They are a lot closer to the Noarlunga Hospital than they are to, say, Flinders Medical Centre. Why can they not go to the Noarlunga Hospital? The reason they cannot do that is that the Noarlunga Hospital has put up this artificial barrier. Yet we are being asked to legislate on something that provides that place of residence will not be a factor in respect of a person's priority for receiving health services.

I accept the Minister's assurance that it is meant to relate to the States, but the Bill does not say that. I would like the Minister to address that issue. Principle 2 refers to waiting times. In relation to the much vaunted Hunter report into waiting times, exactly how many of the strategies and recommendations have been accepted; which ones have been accepted in particular; and perhaps more importantly, given that the Minister indicated that 4.1.12 was not accepted, which ones were and which ones were not accepted, particularly given that the thrust of so many of the recommendations relate to day surgery? During the Estimates Committee and last night I listed the day surgery cases. They are cases that hospital administrators accept with some degree of glee in an effort to be efficient, but the Minister knows only too well that some of those same administrators are now saying that it is no longer a good idea; and in fact it may be a financial penalty to be as efficient as they were.

It is in the interests of the hospitals to have patients in longer as public patients to balance the ratio. Given that the first five recommendations relate to day surgery—hospitals should be encouraged to run seminars on the benefits of day surgery; the report of the National Day Surgery Committee should be circulated to heads of surgical units in all hospitals, and so on—will the Minister clarify where that stands in relation to the fact that hospital administrators are saying that day surgery is no longer such a good idea?

Many of the options in the Hunter report for reducing the impact on public acute care facilities are of direct interest in this matter. In particular, given that the principles state that a place of residence should have no bearing on whether an eligible person should receive priority for hospital services, I am interested in whether the local hospital strategies of the Hunter report have been adopted or rejected, because so many of those are particularly relevant to waiting lists for people in local hospital areas. The Hunter report states that consideration should be given to the allocation of additional resources for ENT and vascular surgery at the Queen Elizabeth Hospital and that a medical review of cases on the booking list for tonsillectomy should be undertaken together with further resources for the ENT department at Flinders. One wonders whether that has been done.

So, there are all sorts of recommendations in the Hunter report as to things that should have been done and things that were recommended for further study. One wonders whether they have been rejected as well. Will the Minister clarify how 'place of residence' will be administered given that it is not in the Bill (and I fully accept his statement that it means from State to State), and perhaps more importantly what is the status of the various recommendations of the Hunter report?

The Hon. M.J. EVANS: I referred to the States only to explain the matter in two parts, to say that one could look at the matter in the context of people out of the State and not discriminate against them and also people within the State. It is not referred to in the Bill because it is not relevant.

Dr Armitage interjecting:

The Hon. M.J. EVANS: I was just giving it as an example, and the honourable member read too much into the phrase. The agreement requires that regardless of where you live, be that as far away as interstate or in the next suburb, you are eligible for service provision. However, the agreement does not say that it must be provided at a particular facility because, in many cases, that is not appropriate. The services may be available at a hospital somewhat further away. For example, if you wanted specialist cardiac surgery, you would have to travel to a further facility. The agreement requires that the service is available regardless of your place of residence, but precisely at which health service it is provided is a matter for the administration of the State to determine based on health and efficiency principles.

As to the Hunter report, given the age of that document now, I am not able to give the honourable member precise references about what has happened to each of the recommendations. I will have that investigated to discover the current status of those recommendations. I draw the attention of members to the booking list policy which was recently released and which has provided substantial administrative reforms designed to tackle every step of the booking list procedure to ensure that waiting times are minimised.

Of course, the Commonwealth recently provided substantial funding under the Commonwealth-State agreement, the Medicare agreement, which will ensure that many additional procedures—1 500 procedures—are provided for elective surgery throughout the State, including 24 vascular surgery operations at the Queen Elizabeth Hospital under that hospital's access program. Those additional procedures are taking place now. Many of them have already been completed

and they are making a significant difference to patients on that booking list.

Mr OSWALD: If the same services are available at two different hospitals, or at more than one hospital, does the place of residence come into bearing in regard to principle 2?

The Hon. M.J. EVANS: No, because the agreement does not talk about the site of the health service. It talks only about the eligibility of the patient. The provider of the service has an obligation regardless of the patient's address, but not at a particular facility. The obligation is only to treat the patient and not to treat them at a certain place.

Mr BLACKER: My question is not unlike that of the member for Morphett. I was interested in the Minister's response to the member for Adelaide's comments. As to isolated areas and the service being provided within a reasonable distance of a person's residence, it does not have to be provided at the place chosen by the patient. Has the Minister or the department established a set of guidelines for the operation of that? In my district we could be talking of distances up to 160 kilometres to access a service that is more complicated than a GP procedure, and the alternative could be 160 or 200 kilometres in another direction. Are there guidelines, or have the Minister and the department a vision as to how that criteria will be interpreted?

The Hon. M.J. EVANS: Despite the fact that there is no legal obligation under this agreement to provide a service at a particular facility, obviously the health system as a whole would want to respond to the patient's best interests and needs and, if the service is available and can be reasonably provided, we would want to do it in a way that was most convenient to the patient. I appreciate that in country areas there are enormous distances to travel and country patients are disadvantaged in that respect. That is well recognised and understood. Obviously, we would provide the facilities and services according to the available resources. We have no guidelines about that, as the honourable member requested, but the resources available are used to the best possible result in country areas. While I acknowledge the distances that are involved and certainly the inconvenience to which that puts country patients, it is not possible to provide resources at every location in the country, as the honourable member knows, and we have to do the best we can in the circumstances.

Mr BLACKER: I thank the Minister for his explanation. When the Minister was talking about services being involved and available, was he including the St John Ambulance Service? In some cases the transfer of a patient by St John involves taking a patient further away, which may be desirable, but it could limit the options available to the commission in the provision of services, bearing in mind that an ambulance may not be available to effect the transfer.

The Hon. M.J. EVANS: The services have to be provided within the available resources. We cannot be obliged to provide the service regardless of the cost. At some point there has to be a limit. This tries to set out broad guidelines to ensure that States do not discriminate against populations in certain places. The obligation is to provide reasonable services within the available resources. Certainly, while the obligation is to provide only the hospital bed, the transportation to it is a necessary part, and I understand that.

Mr BLACKER: How does the operation of the patient assistance travel scheme (PATS) fit in with this program? It is difficult in more remote hospitals to have patients assessed as eligible under the PATS scheme, and in some cases that is unfair. I hope the Minister can clarify the position because, if a wider interpretation of the PATS scheme applied, it would overcome some of these problems.

The Hon. M.J. EVANS: The assistance scheme to which the honourable member refers is primarily designed to take patients to specialists rather than to hospitals. The availability of funding under that scheme is always a constraint to its extension. Like all other forms of Government assistance, the scheme can certainly be kept under review and, if resources are available to extend it, there would be good advantage to people in the country in doing so. The Government would not shrink from doing that if the funding were available. One always has to balance that against the other competing demands for that money. That is not the first priority of that scheme and, if any extension were to be made, it would be a budget matter.

The Hon. B.C. EASTICK: I draw the Minister's attention to a problem that has arisen in recent times involving a person unfortunate enough to be a kidney patient on self peritoneal dialysis and who was advised by Royal Adelaide Hospital specialists that, in the event he believed he was going down with peritonitis—one of the problems that not infrequently besets people on peritoneal dialysis—he should immediately present at Royal Adelaide Hospital, bypassing the local hospital which had no means of attending to the patient and, more than that, he should expect to present immediately to the renal dialysis area, the renal ward D8, of Royal Adelaide Hospital.

The patient, having succumbed to an attack of peritonitis part-way through a transfer on a Sunday afternoon, was put in touch with the local ambulance, which immediately took the patient to the Royal Adelaide Hospital's emergency department. In fact, on three occasions that person was put into emergency, even though they were halfway through a transfer. The charge nurse at the Royal Adelaide Hospital said, 'Nobody goes through the door to D8 until such time as we have assessed them here.' On two occasions the part transfer fluid was removed from the patient and lost for any useful pathological purpose. The patient was eventually sent up to D8 but without any adequate information.

There were several consequences. First, the person got an account for the full ambulance transfer of over $380 because they had by-passed the local hospital, which the specialist at the Royal Adelaide had told them to keep away from anyhow, and they were delayed in the assessment and treatment in a specialist area of the hospital of which they happened to be a continuing patient. I know there have to be rules and I know that the administration of the Royal Adelaide, for example, has to make certain decisions as to how people will be admitted, but I ask you, Sir, how a person in that position at 3.45 a.m. (and I happened to be present at that time on one occasion when this patient was admitted) should be treated to ensure the best interests of the patient but, more particularly, to ensure that the system is not clogged up by the use of vital resources which would be better utilised directly into the renal ward?

I appreciate that I have come down with a series of specifics, but I point out that the system ought to be flexible enough so that under such circumstances, where a person needs urgent and specialist treatment and is a continuing patient of that ward, that person is admitted according to the directions of that ward, without undue delay and without the lost of pathological specimens, and that further decreases the speed with which their well-being can be ensured.

The Hon. M.J. EVANS: I certainly understand the nature of the matter that the honourable member is raising. He might

care to give me the details of the patient and I could have the matter investigated. Certainly, members would understand the need for procedures to be followed on admission to hospital, and it becomes more difficult if people are being admitted directly into wards rather than through a more general admissions procedure. At the same time I understand the nature of the continuing care issue—one would want to avoid any unnecessary delay. In those circumstances it would be best if I investigated the matter for the honourable member.

Principle 2 agreed to.

Principle 3—'Equity in service provision.'

Dr ARMITAGE: Before I refer to principle 3, I indicate that I made an allegation which I know the Minister has already clarified. I was carried away with multiplying 28 000 by 405 and I apologise; emotion got the better of me.

I would like to ask about some definitions, which are important. I accept what the Minister indicated in relation to currently acceptable medical standards, which are the standards acceptable to regulatory bodies such as colleges and so on. What is the exact meaning of 'reasonable access' under explanatory note 2, which provides that a State should ensure provision of reasonable public access? I am sure that members from country electorates would be interested in the Minister's exact definition of 'reasonable access'. Who was consulted in terms of the definition of 'reasonable access'? What is the 'basic range of hospital services'. I think I know what that means, but I might have a different idea from that of a general practitioner who wishes to go to Wudinna or some other country town or I might have a different view from that of people in Minlaton. I suggest that the definition of 'basic range of hospital services' would be of great interest to the people in Minlaton, given that the hospital has just been closed, yet here we have enshrined in legislation that a State should ensure the provision of reasonable public access to a basic range of hospital services.

Finally, what does 'to the maximum practicable extent' mean? Who will define what is the maximum practicable extent? I am sure all members would know that, if all that really means is 'within the limit of resources', there will be no change to the system, which has seen some considerable curtailment of services.

The Hon. M.J. EVANS: Parliaments have argued for years about the definition of the word 'reasonable'. It is something that all reasonable people have come to agree is a word which cannot be defined with great precision, but when reasonable people get together they usually find some way out of it. It is also important to note that this is an agreement between the Commonwealth and the States and is therefore something which the Commonwealth and the States can agree upon when they look at the level of service, and it is only where the Commonwealth feels that the State has failed to honour that obligation that it then begins to take cognisance of what is happening in that area and to talk to the State about the services which are available and those words come into play.

Hospital and health services throughout a State will never be uniform. We cannot provide the same service at every location as is provided in the city. In the country there are different patterns of settlement; there is history to take into account. Under this principle, clinical practices also have to be taken into account; in other words, is it safe? In some very small communities it would not be medically appropriate, as the honourable member would know, to provide certain services because insufficient patient numbers would flow through the facility and therefore the staff involved would lack the ongoing practice and expertise in these matters.

Therefore, the provision sets out a series of goals, objectives and principles which it is expected the States will work towards. Indeed, it is recognised within the explanatory note that it is not possible to provide everything at every facility but that one has to provide a reasonable level of service. Clearly, that does not mean exactly 3.8 doctors per 1 000 population, or whatever the statistic is: it means whatever people agree is reasonable, based on history, available resources and expectations of that local community. While people in the honourable member's electorate would expect access to hospital services very readily, by ambulance transport for example, people in remote communities in the District of Flinders would have quite a different expectation but would be very pleased with the service they received from the Royal Flying Doctor, for example. Different time periods would elapse between their respective admissions to hospital. But in each case there would be a reasonable provision of services based on the history, the locality and the pattern of settlement of the respective electorates. Those factors would have to be taken into account in interpreting these words. They are not to be seen in a commercial litigious context: they are to be seen in a definition of broad goals and objectives as stated and agreed between Governments.

Principle 3 agreed to.

Commitment 1—'Information about service provision.'

Dr ARMITAGE: This commitment refers to the public patients hospital charter. Will the Minister inform the Committee of all details in relation to the work that has been done, according to the Minister's second reading explanation, on development of this charter? Who has been involved? For how long has the report been in the formation stage? When will it be released? What matters are taken into account?

The Hon. M.J. EVANS: We certainly will have a draft document available within a few weeks, and that will be circulated for public comment. I am not quite sure what the honourable member is seeking. The document will be available shortly, it will be made public and discussions can occur. If people want to comment, that is fine. I am not quite certain what the honourable member is trying to get from me in this context.

Dr ARMITAGE: Who has been responsible for the development thus far?

The Hon. M.J. EVANS: The honourable member was talking about the complaints and the charter.

Dr ARMITAGE: I will deal with complaints later.

The Hon. M.J. EVANS: The charter is being developed by the Commonwealth and we are awaiting results from the Commonwealth's work on the charter. When that is available I will certainly make it available to the honourable member. My comments earlier were actually about the complaints body, which involves a local drafting process. If the honourable member wants to raise that matter, we can canvass it.

Dr ARMITAGE: In relation to commitment 1, I would like details such as who has been involved in the work thus far on the complaints body; when is it likely to be released; and so on? And, more importantly, because the complaints body is not actually mentioned in the legislation, in either the commitments or explanatory notes (it is mentioned only in the Minister's second reading explanation), will the Minister say whether the complaints body will affect public and private hospitals or only public hospitals?

The Hon. M.J. EVANS: That, of course, is one of the issues to be resolved as part of the consultation and discus-

sion process. No final decision has been taken on that yet and, when that occurs and a paper is released, it will be part of the public consultation processes as to whether the decision which has been taken is right. The issue in the public debate, I suspect, will be whether the public and private system should be subject to it or just the public system.

Mr OSWALD: Who has been involved in the consultation so far?

The Hon. M.J. EVANS: It has been developed in consultation with a reference group, which includes representatives of the AMA, the Community Health Association, SACOSS, the ANF, the Private Hospitals Association, health and social welfare councils, the Guardianship Board and the Disability Complaints Service.

Mr BLACKER: Did I understand correctly that the charter is being prepared by the Commonwealth and that the State has not had any input thus far? I note that the Minister's second reading explanation states:

> Work is well advanced in developing such a charter for South Australia.

I would have hoped that we would have some input into that.

The Hon. M.J. EVANS: Certainly that is the case. The Commonwealth has prepared a national framework, which serves as the basis for individual discussions with the States. The Commonwealth has produced an overarching document, which is subject to consultation with each State, and our officers are working with Commonwealth officers on that matter. We have had, and continue to have, adequate opportunity to have an input into that and, indeed, so will the public and consumer bodies once the draft is prepared.

Mr OSWALD: Who will make the decisions as to whether private hospitals will be subject to the complaints body?

The Hon. M.J. EVANS: Initially the Government and ultimately Parliament.

Commitment 1 agreed to.

Commitment 2 agreed to; clause passed.

Title passed.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I move:

That this Bill be now read a third time.

Dr ARMITAGE (Adelaide): I wish to make a brief third reading contribution. I reiterate that the Opposition supports this legislation in a most grudging fashion because, whilst we accept that we need the Commonwealth money to run the hospitals, we do, however, believe that we have a dud agreement. The Minister can talk until he is blue in the face about the agreement being the same from State to State, but the Financial Statement (page 5.2) indicates that New South Wales and Victoria did better than South Australia to the tune of $109 million from the pool in 1993-94. So not only did New South Wales and Victoria do better than South Australia by the fact that those Ministers play better poker and waited until the Federal Government blinked but we are paying the stake of $109 million, because it comes from within the Medicare guarantee payments pool.

Mr McKee: Is that *per capita*?

Dr ARMITAGE: It is a direct loss to us. I hear the member for Gilles asking whether that is *per capita*. No, it is not *per capita*: it is a direct loss from the Medicare guarantee funding pool straight to New South Wales and Victoria. It is $109 million which they got and which we did not get. We get nothing. Our *per capita* share is zero dollars per head. New South Wales and Victoria share the $109 million.

However, to the people of the electorates of Frome and Stuart, that is a peripheral matter, because what is important is what will happen to the hospitals in Port Pirie and Port Augusta. The Minister has indicated quite clearly today that they are under threat; he has indicated that the $750 000 that the Port Augusta Hospital is to be penalised will have to be paid; and he has indicated that there will be no funding for the Port Pirie Hospital because it is likely that the money will run out early next year, according to reports. The South Coast District Hospital is to be penalised by $1 million and Barmera Hospital by $400 000, and the list goes on; those hospitals must be further distressed by the agreement and the dilemmas caused by it. It is a pity that those hospitals, which have provided such excellent services—

The SPEAKER: The member for Adelaide must realise that the third reading debate is a restricted debate; it is not a second reading debate.

Dr ARMITAGE: I do accept that, and I am about to finish. It is distressing that, whilst we grudgingly accept this legislation, people will be made to suffer because of it.

Mr GUNN (Eyre): I am somewhat disappointed that it would still appear that hospitals which have been diligent in putting their financial affairs in order and providing both public and private services to their communities run the grave risk of being penalised and not being able to plan with confidence. Therefore, I believe that the Bill is somewhat defective. It is disappointing that we are unable to amend it, because it appears we are locked into this arrangement. Again, I appeal to the Minister to do everything possible, first, to renegotiate what I regard as unacceptable, unwise and unnecessary provisions; and, secondly, to ensure that hospitals are not penalised for providing services that the community has demonstrated it wants by its participation in the private sector of health care, and to allow the boards to get on with the effective running of their hospitals

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I thank the House for its indicated agreement to the third reading of the Bill. Opposition members have indicated their concerns about the remainder of the Bill. I simply reiterate that this is the same Medicare agreement as applies throughout the country. I will not go through all those arguments again, but if members wish to compare them they will find that they are absolutely the same. The same provisions will be found in each of these agreements.

The member for Adelaide referred to hospitals in country regions and read out a list of figures with too many noughts, as he is wont to do. There are far too many zeros on some of those figures, because we are basing this on a couple of months' data. In hospital admission statistics, we must look at more than two months' data. When that process is complete, we will be able to go through it with the hospitals and examine their position, taking into account the bonuses which will be paid to those which have increased their public occupied bed days and the rebates which will be paid where private occupied bed days have declined and they have lost revenue. Those things must be taken into account, because they are part of the overall package. However, those hospitals will have to manage within the overall constraints of this State in order to guarantee that we receive the benefits from the agreement, which members should not lightly overlook.

There will be millions of dollars in benefits which the people of this State will appreciate in the 12 months to come. I thank the House for its support of this measure.

Bill read a third time and passed.

PARKS COMMUNITY CENTRE (REPEAL AND VESTING) BILL

Adjourned debate on second reading.

(Continued from 25 August. Page 498.)

Mr OSWALD (Morphett): The Opposition will be supporting this Bill, but we shall have a few questions for the Minister during the Committee stage. As I understand it, the Government Agencies Review Group, commonly known as GARG, has completed a review of the Parks Community Centre at the request of the Parks Community Centre board. Members will know that the Parks Community Centre is a very complex and expensive operation. It is a well used facility, and it is interesting to note the number of different organisations which operate within it.

Mr Ferguson: Is it your policy to keep it going?

Mr OSWALD: The honourable member might be interested in having a look at his own policy to see what his own Cabinet has done to the organisation there. In fact, I do not think that the honourable member is aware of the decision that was taken by Cabinet, or he would not have thrown in that comment. It is a matter which will be of some concern to many unions, and I imagine that the Government will experience a small industrial problem over what it has done. Nevertheless, GARG has taken a few hard decisions there. As a result of the recommendations, it has been decided to bring the fragmented sections of the centre under one administration with a view later—and perhaps the Minister could tell us about this in Committee—of possibly transferring the management and ownership of the centre to the Enfield council. I think members will be interested to hear about the timetable for that transfer.

This Bill repeals the Parks Community Centre Act, setting up a new Act with the administration and financial functioning of the centre to be assumed within the Department of Housing and Urban Development. I understand that the initial savings will be between $600 000 and $950 000, as the result of the redistribution of resources. The Minister, in his second reading explanation, made a specific reference to this. However, it is not very clear and we would like clarified in Committee how those resources will be quantified. I understand from the second reading explanation that the $900 000 will be made up as follows:

> Funding to achieve this objective can only be met through savings in efficiency, resources and the full cost recovery from the agencies operating within the centre.

How, by transferring the management within the Department of Housing and Urban Development, can we save nearly $950 000? It is anticipated that the administrative transfer to the Department of Housing and Urban Development will be completed by December, which is only a matter of weeks away. My information is that that will be achieved without too much trouble. However, the next objective, which is to transfer the rest of the property to the Enfield council, which includes all the negotiation process, within 12 months, might be stretching the imagination. Perhaps the Government will clarify that shortly.

I understand that the job losses will involve a mix of GME Act employees and weekly paid staff. There is also the possibility that we will see some industrial problems on the site because of this action. If the Government is saying that it will save nearly $1 million through job transfers and reorganising the administration, the question arises as to what has been happening over the past 10 years. How can it suddenly save nearly $1 million by making some administrative changes, and why has it not done that over the past 10 years and saved $10 million during that period? Of course, it is typical of this Government. It has rolled along spending money on different administrative parts of its departments, only to find that at the end of the day, when the screws were turned on the State during the recession and it looked at some of the administrative changes and economies that it could make, here was an organisation on which it could save nearly $950 000. If at the end of the day the service is still going to be provided to the community and we have saved $950 000 since reorganisation, we have to ask why it has taken 10 years to do it.

The joint use of the library at the Parks Community Centre and its subsequent transfer to the Enfield council is a matter of interest. In Committee we would like that matter cleared up as well. I therefore indicate the Opposition's support for the Bill, reserving the rest of my comments for the Committee stage.

The Hon. J.P. TRAINER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Vesting of centre's assets and liabilities in the Minister.'

Mr OSWALD: In the Minister's second reading explanation he referred to savings through this administrative changeover and stated:

> Funding to achieve this objective can only be met through savings in efficiency, resources and full cost recovery from the agencies operating at the Parks Community Centre.

The second reading explanation is very brief and does not indicate how the savings will be achieved and what they are. My information is that the savings could be between $600 000 and $900 000 and probably will be achieved through staff reductions and some other means. It should be put on record how that is to be achieved, what savings are to be accomplished and within what time frame.

The Hon. G.J. CRAFTER: I thank the honourable member for his support of the measure generally. The anticipated savings are at this stage somewhere in excess of $600 000. They will be achieved through changes in the way in which the centre is staffed and other associated efficiencies. The new structures that will evolve for the provision of these services may allow for further efficiencies in the fullness of time.

Mr OSWALD: What additional resources will be needed within the Department of Housing and Urban Development to manage the new arrangement? Will the Minister give the Committee some idea of what aspects of the Parks administration will be vested within the department and what will be left in the Parks board and administration as it stands?

The Hon. G.J. CRAFTER: Over the past 12 months there has been a transfer of functions into central core agencies, and the Department of Recreation and Sport, as it then was, was providing some administrative corporate services support. That has now been further formalised in the new Department of Housing and Urban Development, so

there will be not only the provision of more efficient services but also more appropriate and adequate services for the staff and the functions that are provided through the Parks Community Centre. For example, the resources of the Recreation and Sport racing division or through the South Australian Housing Trust are then all available for the delivery of services from that centre, and support is available to assist in its objectives. So, there will be not only efficiencies but an improvement in the services that the Parks currently receives.

Mr OSWALD: The Minister referred to the figure of $600 000 as perhaps the bottom level of the savings to be achieved. On the assumption that most of that amount will be made up of savings in staff, can he tell us where the staff is coming from, at what levels of management, etc., and perhaps comment on the matter I raised during the second reading debate: that if we are able to save between $600 000 and $1 million now and are suddenly finding a lot of staff surplus to requirement, mainly because we are in a recession, why has the department not looked at this earlier to see whether we might have been able to save ourselves that sort of figure over the past five or six years? Where are these staff people coming from? What levels of staff are involved, and how many are we talking about?

The Hon. G.J. CRAFTER: I will be pleased to obtain that precise information for the honourable member. It simply is not possible in a short time to bring about a change of this nature, particularly to a statutory body such as this involving the cooperation of so many interest groups and organisations, and I would like to congratulate those involved in the restructuring process and acknowledge the cooperation that has been received from both the service providers at the Parks and the community it serves. So, of necessity, it has been a consultative process and one in which people have had their opportunity to participate and together work out how the centre can be more efficiently serviced and financed; how it can, in fact, prepare for the future and, particularly, how it can relate to local government.

It has been an evolving, constructive and consultative process and one that has led to a very desirable outcome. That explains why this process has taken a little time. Certainly, it has been time worth taking, but I will obtain the specific details for the honourable member.

Clause passed.

Clause 5—'Transfer of interests in land.'

Mr OSWALD: What negotiations, if any, are taking place with the Enfield council to reach the ultimate objective that the centre could be sold to Enfield council as a going concern? Are we in any preliminary stage of negotiations or is the idea of transferring to Enfield just something for the Government or within the department at this stage and a matter yet to be raised with the Enfield council?

The Hon. G.J. CRAFTER: This matter has been discussed on a preliminary basis with the Enfield council and those discussions are continuing. I understand that the council will want to enter into more formal discussions with us on this matter within the next month or so, so the preliminary discussions will move to a more formal stage. I appreciate the way in which the Enfield council has shown interest in this centre over the years but particularly now in this new phase of its life.

Mr OSWALD: Has the Government set a time frame for the disposal of the Parks Community Centre to Enfield council in the long term?

The Hon. G.J. CRAFTER: No, because that may not be the eventual outcome. That will depend upon the discussions but, as I say, within the next month we should receive a more formal notification of the interest of the Enfield council in these negotiations.

Mr OSWALD: Is the council pursuing any other options for the disposal of the centre to any other type of organisation or by any other means other than through Enfield council?

The Hon. G.J. CRAFTER: A number of suggestions have arisen during this whole process, one of which is to negotiate with other non-Government providers for the delivery of some of the services that are currently provided at the Parks Community Centre, but at this stage our emphasis is on discussions with the appropriate local government authority.

Clause passed.

Clause 6 and title passed.

Bill read a third time and passed.

CLASSIFICATION OF FILMS FOR PUBLIC EXHIBITION (ARRANGEMENTS WITH COMMONWEALTH) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 September. Page 642.)

Mr S.J. BAKER (Deputy Leader of the Opposition): This Bill is simply to correct an anomaly. The Commonwealth Chief Censor does not have the power to pass back moneys due to this State. The Bill corrects that anomaly and we support it.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank the Opposition for its support of this measure.

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

CLASSIFICATION OF PUBLICATIONS (ARRANGEMENTS WITH COMMONWEALTH) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 September. Page 691.)

Mr S.J. BAKER (Deputy Leader of the Opposition): For the very same reasons that we supported the last Bill we also support this Bill. It deals with the same subject matter except in this case we are dealing with classified films which are not available for public exhibition, videos and publications. The Chief Censor again feels that he does not have the power to collect the fees on behalf of the State, and the Bill corrects that matter. The Bill also improves the interpretation of the rules slightly in relation to certain publications. The Opposition supports the Bill.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank the Opposition for its support of this Bill.

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

[Sitting suspended from 12.55 to 2 p.m.]

ANIMAL HUSBANDRY

A petition signed by 27 residents of South Australia requesting that the House urge the Government to phase out intensive animal husbandry practices was presented by Mr Becker.

Petition received.

BLACKWOOD POLICE STATION

A petition signed by 38 residents of South Australia requesting that the House urge the Government to reopen the Blackwood Police Station was presented by Mr S.G. Evans.

Petition received.

CAPITAL PUNISHMENT

A petition signed by 38 residents of South Australia requesting that the House urge the Government to re-introduce capital punishment for crimes of homicide was presented by Mr S.G. Evans.

Petition received.

STATE BANK

A petition signed by 15 residents of South Australia requesting that the House urge the Government to prosecute those identified as responsible for the losses of the State Bank Group was presented by Mr S.G. Evans.

Petition received.

WATER RATING

A petition signed by 22 residents of South Australia requesting that the House urge the Government to amend the water rating system to a user-pay tariff structure was presented by Mr S.G. Evans.

Petition received.

HEALTH FUNDING

A petition signed by 379 residents of South Australia requesting that the House urge the Government to increase health care funding was presented by Mr S.G. Evans.

Petition received.

QUESTION

The SPEAKER: I direct that the following written answer to a question without notice be distributed and printed in *Hansard*.

MULTIFUNCTION POLIS

In reply to **Mr S.J. BAKER (Deputy Leader of the Opposition)** 13 October.

The Hon. LYNN ARNOLD: A copy of the Commonwealth/State Agreement signed by Mr Bannon and the then Minister of Industry, Technology and Commerce, Senator John Button, in 1992 has been forwarded to the honourable member.

The issue of the $40 million is a separate issue as that money is to be provided under the Building Better Cities program, which is an agreement between the then Deputy Premier, Dr Hopgood, and the Deputy Prime Minister, Mr Howe. A copy of that agreement has also been forwarded to the honourable member.

I am confused by the member's references to the different timings of signings of these agreements. The signing of the Better Cities agreement was on 6 August 1992. The signing of the Commonwealth/State Agreement was on 4 June 1992.

The Building Better Cities program extends to include the 1995-96 financial year. Within that program, indicative expenditure for each financial year is indicated. Questions of carry over of funding within the agreement are looked at by the Commonwealth on a case-by-case basis in consultation with the South Australian Government.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. Lynn Arnold)—

Meeting the Social Challenge—October, 1993

By the Minister of Housing, Urban Development and Local Government Relations (Hon. G.J. Crafter)—

HomeStart Finance—Report, 1992-93
Listening Devices Act—Report on the Operation of, 1992-93

By the Minister of Education, Employment and Training (Hon. S.M. Lenehan)—

Education Act—Regulations—Dress Codes

By the Minister of Business and Regional Development (Hon. M.D. Rann)—

Office of Transport Policy and Planning—Report, 1992-93
State Transport Authority—Report, 1992-93

By the Minister of Health, Family and Community Services (Hon. M.J. Evans)—

Chiropractors Board of South Australia—Report, 1992-93 Ordered to be printed (Paper No. 145)
Food Act—Report, 1992-93
South Australian Health Commission—Report, 1992-93 Ordered to be printed (Paper No. 121)
Pharmacy Board of South Australia—Report, 1992-93
Radiation Protection and Control Act—Report on the Administration of, 1992-93.

MEETING THE SOCIAL CHALLENGE

The Hon. LYNN ARNOLD (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. LYNN ARNOLD: After I became Premier in September last year I committed myself to the development of two important packages dealing with this State's future. The first, Meeting the Challenge, was delivered in April. It outlined a plan for restructuring South Australia's economy, reducing the State's debt, providing assistance to industry and building a more prosperous State. The statement I am tabling today, 'Meeting the Social Challenge', delivers the human dimension of the Government's comprehensive vision for this State.

It contains a range of new initiatives to tackle some of our community's most pressing areas of concern and to ensure a quality of life for all South Australians. Meeting the Social Challenge is centred on one of the Government's most important guiding principles: putting people first. It demonstrates that, in tackling the sweeping issues of economic reform, this Labor Government will not forget the individual or community groups with special needs. South Australia has a proud record in service delivery. Our health, education and housing programs are acknowledged as national leaders. We have also implemented extensive measures to combat disadvantage in the community—with special programs for women, unemployed people, older South Australians, Aboriginal people, people from non-English speaking backgrounds, low income families and the disabled.

Meeting the Social Challenge draws together these programs into a single, cohesive strategy, providing a clear

direction for social action in South Australia over the next three to five years. The Government recognises that in the 1990s social policy and economic strategy must go hand in hand. The Government believes that the community demands economic development and that strong economic development is dependent on a well developed social infrastructure and responsive social programs.

Meeting the Social Challenge moves beyond traditional welfare models as a solution to social problems and its commitments go much further than providing a welfare safety net. The Government is committed to developing employment options, ensuring access to education and training, making housing more affordable, creating healthier and safer communities, redressing regional inequities, ensuring sound workplace practices, and laying the foundation for greater productivity at workplaces. It is the third of three major reform strategies announced by the Government, building upon the economic development strategy of Meeting the Challenge and the physical, planning and development reforms contained in 2020 Vision. Together, these three documents detail a broad, carefully constructive vision for South Australia's future.

Meeting the Social Challenge outlines a clear role for Government to ensure that social well-being, standards of living and lifestyle choices are met with fairness, equality and social justice, and in a spirit of compassion and cooperation. It emphasises that the success of South Australia's social policy will be a reflection of a successful partnership between Government, community organisations, trade unions and businesses at local, regional and national levels. The Government believes that sustainable economic development is essential to create jobs necessary to enhance life-styles and to ensure a socially just community.

Meeting the Social Challenge has four key goals. They are to increase employment opportunities; expand educational opportunities; provide improved support for families; and create better communities. In meeting these aims, the Government will meet the needs of people on three important levels—individual, family and community.

In the 1993-94 budget the Government continued its commitment to the priority areas of Aboriginal people; low income families; areas of locational disadvantage; people newly arrived in South Australia from overseas; the rural community; key groups affected by unemployment; people with disability; and the aged. The 1993-94 budget increased by $58 million expenditure on these priorities, despite a 4 per cent real terms reduction in net departmental allocations from the Consolidated Account. This has been achieved through a comprehensive approach to the redistribution of resources to areas of high priority need at a time when the effects of high unemployment and the recession generally have placed pressure on families and other vulnerable groups in the community.

Meeting the Social Challenge continues this theme. It reflects an allocation of priorities throughout Government that will be met through existing budget allocations and within the framework of the Government's debt reduction strategy. Some of the initiatives are ready for immediate implementation; others involve feasibility studies to be conducted within existing resources; and others are part of a longer term strategy to be implemented over the next three to five years. Meeting the Social Challenge contains announcements that build on the strengths of the past while creating a new vision for the future that recognises the impact of economic changes on the community; the future of work; changing life-style patterns; demographic change; the need for an increased regional focus; and the needs of special interest groups and the disadvantaged. Key initiatives include:

To increase employment opportunities through:

- Expansion of the KickStart program to build on the Government's commitment to regional employment and training. A Kickstart officer has been located in the western region to enable people up to the age of 25 to access Kickstart funding and to gain assistance in entering employment and training.
- Establishment of a Women's Enterprise Fund to assist women to establish business ventures. The Government is working on arrangements for operation of the program, including criteria for funding and a starting date for the scheme. The Government will explore establishing similar schemes for other groups, including young entrepreneurs.
- Introduction of a Best Practice Program to encourage employers to assist workers to balance work and family responsibilities. The project will focus on provision of child-care facilities and/or assistance with child-care costs; changes to the way work is organised in order to allow employees increased flexibility; and the implementation of leave policies which are compatible with family responsibilities. This will be a joint Commonwealth-State Government initiative.
- Appointment, in consultation with regional economic development boards, of three regional advocates for rural South Australia. The roles of the advocates will include to boost employment opportunities in regional areas and to provide a direct voice for regions to Government on economic and social development.

To expand educational opportunities:

- A major $33 million works program this financial year involving new projects, restructured schools and additional facilities, to cater for enrolment growth in areas including Greenwith, Angle Vale, Sheidow Park, Salisbury High School (special education), Coromandel Valley, Gilles Plains, Hillcrest, Inbarendi College, Glossop, Goolwa, Mallala, Uraidla and Kilburn.
- A program in 1994 to develop student skills in four areas of key competencies: problem solving, planning and organising, teamwork and communication of ideas and information. The project, which will assist students to enter a competitive labour market, will include government and non-government schools in metropolitan and country areas. The Northern Territory will be cooperating with South Australia on this project, with three pilot schools.
- Improved opportunities for girls, including programs and projects to broaden post-school options, increase participation in mathematics, science and technology, and provide supportive learning environments, as well as providing entry level training schemes.
- Development of plans for a literacy program across all levels of education.
- A continued commitment to ensuring that all primary school students have an opportunity to study a second language by 1995.
- A study of options for creating an applied learning and activities unit for long-term students at risk, providing a range of programs including home tutoring, wilderness camps and assistance within schools.

To provide improved support for families:

- The development of local family support centres as family 'one-stop-shops'. This initiative will bring together a wide range of services meeting family needs.
- A review of industrial arrangements to take account of the requirements of workers with family responsibilities.
- Protection of vulnerable citizens by, first, increased services for victims of domestic violence, including to meet the special needs of people from non-English speaking backgrounds, Aboriginal people, and people living in rural and isolated areas and, secondly, development and support of local action groups to devise and implement perpetrator programs, particularly in rural and Aboriginal communities.
- Establishment of a system for data collection on outcomes of cases involving child abuse or domestic violence. This will result in a comprehensive information base which will play an important role in guiding the development of programs to reduce domestic violence and deal with its individual and community consequences.
- The inclusion of material dealing with domestic violence in secondary educational curriculum and specific vocational training courses during the 1994-95 financial year.
- A State-wide community awareness program on domestic violence to coincide with the International Year of the Family in 1994.

To create better communities:

- The Government will establish a Better Communities program to meet the needs of disadvantaged areas of metropolitan and country South Australia. The program, to be modelled on the successful Elizabeth/ Munno Para Social Justice Project, will have a strong focus on jobs, health services and housing. It will be introduced progressively in targeted communities.
- The Government will provide $400 000 to establish a Family Support Program for Aboriginal children in crisis. The program will establish safe-house facilities in key locations, assist volunteer workers, and target, support and counsel families.
- The Government will examine the feasibility of an Enterprise Development Fund to assist Aboriginal communities to begin business ventures. Aboriginal business enterprise will be supported through the Business Advisory Panel, Commonwealth training programs, and other support mechanisms.

As a community we are facing many social challenges. Meeting the Social Challenge reflects the Government's commitment to the twin goals of social justice and sustainable economic development. Following this statement, portfolios will be required to develop implementation strategies around each of the initiatives announced. Consultation between the State Government, community organisations, the business sector, trade unions and other levels of Government will be an essential part of developing implementation strategies.

I commend this Government's Meeting the Social Challenge to the Parliament and the people of South Australia.

EDUCATION AND TRAINING

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.M. LENEHAN: Members will recall that I made a previous statement announcing the Government's intention to establish a South Australian Vocational Education, Employment and Training Board.

During the last two years, South Australia has been a leading participant in creating a national agenda of reform in vocational education and training. Besides cooperating in joint national activities, such as the Australian Committee for Training Curriculum and the competency-based Training Secretariat, the State has accepted formal obligations arising from the national framework for the recognition of training and our participation in the National Vocational Education and Training System Agreement signed in 1992.

A major factor in the Government's decision to move to a specialist board is its desire to ensure that the State's TAFE and training system becomes even more responsive to the requirements of industry and commerce. The board will not create an additional bureaucracy and will be serviced from within the existing resources of the Department of Employment, Education and Training. Legislation creating the board will adopt and expand relevant areas of the industrial and commercial training and tertiary education Acts.

I am very pleased to announce today the membership of the interim Vocational Education, Employment and Training Board. The Chairperson will be Mr Peter Wall, who is the Production Director of S. Smith & Sons Pty Ltd, known to most people as Yalumba Wines. The board members will be Mr Roger Boylen, Training Consultant for the Mobil Oil Refinery; Dr Elizabeth Doyle, Director of Information Services at the Royal Adelaide Hospital; Ms Joanne Holland, General Manager of IOOF (Australia) Trustees Ltd; Mr Peter Romanowski, General Manager of Mitsubishi Motors; Ms Helen Connole, Senior Lecturer in Human Resources at the University of South Australia; Ms Robyn Buckler, Training Officer with the Liquor Hospitality Miscellaneous Workers Union; Ms Fij Miller, Chairperson of the Small Business Development Corporation; Dr Heinz Kestermann, Group General Manager of Faulding Pharmaceuticals; Mr Ian Procter, Assistant Under Treasurer in the budget Treasury area; and Mr Brian Mowbray, Assistant State Secretary, Automotive Metals and Engineering Union.

I am sure that all members will join me by acknowledging the depth of experience offered by members of the interim board, and I look forward to working very closely with them.

QUESTION TIME

The SPEAKER: Before calling on questions, I point out that the Deputy Premier will take questions directed to the Minister of Labour Relations and Occupational Health and Safety; the Minister of Education, Employment and Training will take any questions on the environment and the Minister of Public Infrastructure—

Mr Becker interjecting:

The SPEAKER: The member for Hanson is out of order. The Minister of Public Infrastructure will take any questions on emergency services.

ELECTION PROMISES

The Hon. DEAN BROWN (Leader of the Opposition): Given that this may be the last Question Time before the long-awaited State election, will the Premier tell the House when the following undertakings and projects, promised by the Labor Party before the last election, four long years ago, will be carried out: the Wilpena tourist resort; the establish-

ment of a recycling plant; a package of incentives to encourage companies—

Members interjecting:

The SPEAKER: Order! The member for Ross Smith is out of order. The Leader of the Opposition.

The Hon. DEAN BROWN: —to establish recycling facilities; the demolition of Adelaide's police headquarters; an architectural competition to design a landmark building on the old tram barn site in Angas Street; the diversion of traffic out of Victoria Square; the reduction of WorkCover premiums to nationally competitive levels; the development of the Marineland site into a hotel and convention centre (and I am sure the Premier knows a bit about that); the Tandanya resort on Kangaroo Island; the extension of the north-east busway into the centre of Adelaide through a tunnel underneath the parklands; the provision of $86 a month mortgage assistance for 35 000 families; free public transport for all schoolchildren—

Members interjecting:

The Hon. DEAN BROWN: I will repeat that last one: free public transport to all school children. I think the member for Ross Smith is having some trouble containing himself.

The SPEAKER: Order! The Leader will resume his seat. It is not usual to have to correct the Government side in Question Time. However, there is far too much noise coming from the Government side and, if it continues, the Chair will have no choice but to take action. The honourable Leader.

The Hon. DEAN BROWN: Thank you. The list continues: reduce hospital waiting lists; transform the derelict St Michael's Seminary into a first-class tourist and communication facility; the maintenance of teaching numbers; the marina and housing development at Marino Rocks; the Glenelg marina and housing redevelopment; the establishment of an O-Bahn bus system to upgrade transport services to southern suburbs, first promised in 1984; a petrochemical plant at Whyalla, first promised in 1973; and the start, let alone the completion, of the third arterial road to the southern suburbs. What possible credibility does the Premier have for the next round of promises he and the Labor Party may make during this forthcoming election?

The SPEAKER: Order! Before the Premier responds, if the Opposition expects a short answer without debate on this very long question, the Chair will not be considering any points of order. It is a long question and you are going to get a long answer.

Members interjecting:

The SPEAKER: Order! The Premier will again resume his seat. Is there any dissent to that ruling?

The Hon. LYNN ARNOLD: First, the detail of some of these matters will need to be brought back to the House later. I note further down on the agenda that the Deputy Premier will be moving that at its rising the House adjourn until 2 November, so I will bring down a more detailed answer on that occasion. While I appreciate that you, Mr Speaker, have been very gracious in acknowledging that my answer may be of some length, in truth an answer detailing the achievements of the Government over the past four years and the terms before that will take all the remaining 56 minutes and more, and that would not be in the true spirit of Question Time in this House.

What was particularly interesting was that the Leader was able to hold a straight face for much of the time he was speaking, notwithstanding his own Party's attitude to a number of the issues he raised. He had a straight face but, I must say, a bit of a braced back when he raised the very first issue of Wilpena, because he knew that almost directly behind him was the very person who was going to lay herself down in front of the bulldozers if anything happened at Wilpena. To give him credit, he did not get too embarrassed about that. But he should have been embarrassed by that, because that and a number of the other issues he raised have received the ongoing, unceasing opposition of members opposite at all stages.

While some of those issues may not have been successfully resolved, members opposite can end up taking a bow for having destroyed the chance of achieving some things in this State. If we were to go through what has actually taken place in this State, we would see that a significant number of achievements have taken place. The fact that we are the second lowest taxing State in the Commonwealth is an achievement that cannot be overlooked. I know that members opposite do not want to acknowledge that, but it certainly cannot be overlooked. Maintaining a low tax regime in this State was a commitment of the Government before the last election, and the fact that we can say that we are still—and we can prove it by statistics—the second lowest tax State in the Commonwealth is an achievement of which we can be very proud.

That is notwithstanding the fact that the whole country has been through a very deep recession that has hurt people throughout Australia; indeed, many parts of the world have suffered from the recession. We went to the last election with a commitment to support employment growth in this State. What has happened? We have seen employment growth in South Australia. More South Australians are working now than a year ago; more South Australians are taking home pay packets now than a year ago. For the first time since these monthly records have been kept we recently had a continuous series of months where South Australia has been well and truly below the national average in respect of the unemployment rate.

Mr Speaker, I put to you that the commitment we made before the last election that we would see a climate of jobs growth, notwithstanding this hurtful recession, is another commitment that has been achieved. Then we look at the other things we have talked about, that is, the maintenance of a good spirit of cooperation in the workplace between unions, companies and the Government. That again is a commitment that has been well and truly achieved. Look at the levels of industrial disputation under this Government over the past four years; overwhelmingly, they are the best in Australia. I point out that the Leader of the Opposition would not put the industrial relations commitment down on his list—

Members interjecting:

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

The Hon. LYNN ARNOLD: —for the simple reason that he knows his own record on industrial relations when he was Minister for that area. He may have a lot of gall, but he does not have enough gall to stand up in this place and attack the Government on industrial relations matters. Let us look at things such as WorkCover where the commitment was given to make it more cost competitive and to ensure we saw a reduction in the levy rates. What has happened? We have seen significant reductions. It is true that we cannot compare with the gutting of the WorkCover scheme in Victoria, and we do not intend to compare with that.

Members interjecting:

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

The Hon. LYNN ARNOLD: We do not intend to dismantle the very essence of the system of giving genuine support for the those injured in the workplace by copying the likes of Jeff Kennett.

Mr Ingerson interjecting:

The SPEAKER: Order! That is the third time the member for Bragg has been called to order.

The Hon. LYNN ARNOLD: I have no doubt that the Leader of the Opposition—

The Hon. DEAN BROWN: Mr Speaker, I rise on a point of order in relation to relevance. There are 20 items on this list and the Premier has touched on only one.

Members interjecting:

The SPEAKER: Order! The Leader will resume his seat. I did inform the House that, with such a complex question, there would not be a simple answer. In the opinion of the Chair it was not possible to provide a simple answer.

Mr S.J. Baker interjecting:

The SPEAKER: The member for Mitcham is out of order. I warned the House that I would not take any points of order. I agree that the Premier is now commencing to debate the question, but I will not be taking any other points of order on other aspects of the Premier's response.

The Hon. LYNN ARNOLD: The problem is that the Leader, in his typical partisan way, has chosen to pick out a select group of commitments and overlook a vast number of others, and the reason for that is that they have all been achieved. Let us come to one that he raises in his list, that is, mortgage assistance. For us to implement this scheme this year we would have to go to the Federal Government and to the money markets and say, 'We have to achieve this commitment. We are in trouble, because we are not achieving this commitment. He is quite right—we are not achieving it. You will have to help us. You will have to lift interest rates above 15 per cent so we can implement it.' The commitment that was given was unequivocal. It said that the interest rate level above 15 per cent was the amount to which the mortgage interest scheme would be relevant, and that is where the support would be provided. How can you provide assistance if interest rates are below 15 per cent, and they are and have been for some considerable time?

I know that I am taking a lot of time. I have said I will come back with more information later but, finally, on the issue of hospital matters we have seen reductions in waiting lists in our hospitals. However, one of the points the Leader chose not to refer to was the staffing of our hospitals, nurses in our hospitals, teachers in our schools and police on the beat. He forgot to acknowledge the fact that our commitment to improve all those areas see us having the highest number of teachers, nurses and police *per capita* of any State in Australia.

They are not the sorts of figures that he wants to talk about. If the Leader wants to be honest about these matters, I suggest he goes through all the issues, because he will then find to his own shame that this Government has many achievements to its credit.

TEACHERS

Mr FERGUSON (Henley Beach): Can the Minister of Education, Employment and Training confirm that her department will continue to work cooperatively with the South Australian Institute of Teachers by assisting with the collection of institute membership fees through payroll deductions? A constituent has expressed concern to me that the Liberal Opposition will follow the Kennett Government's lead of refusing to collect institute fees because teachers in Victoria oppose the wholesale closure of schools.

The SPEAKER: Before calling on the Minister, I point out that we have had one long question and answer.

Members interjecting:

The SPEAKER: Order! I ask all respondents to keep their answers as brief as possible.

The Hon. S.M. LENEHAN: Mr Speaker, I will be delighted to concur with your wishes. I can categorically assure the South Australian Institute of Teachers and its membership that this Government will continue to work cooperatively with the institute by making payroll deductions on behalf of the institute. That has been the situation for some time, and it will continue under our Government. However, I know that the Opposition has a plan—it is not a secret plan but an open plan—to threaten the institute by refusing to collect membership fees. I remind the House of the comments made by the member for Eyre in this place on 16 February 1993, when he stated:

> The Institute of Teachers has plenty of time, and after the election will be able to collect its own dues.

I rest my case.

COMPUTER SYSTEMS

Mr S.J. BAKER (Deputy Leader of the Opposition): My question—

Members interjecting:

The SPEAKER: Order!

Mr S.J. BAKER: —is directed to the Minister of Public Infrastructure.

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: You got all the questions yesterday and you could not answer them.

Members interjecting:

The SPEAKER: Order! Interjections are out of order, and members on their feet will direct their remarks through the Chair.

Mr S.J. BAKER: Is the Government locked into a contract with Tandem for the supply of a new computer system for the E&WS Department at a cost of $38 million, and is that computer system likely to be surplus to requirements in the unlikely event of the merger between ETSA and the E&WS proceeding? I am informed that, under the Government's structural reform proposals for ETSA and the E&WS, computer requirements are being reviewed, raising the suggestion that the Government has wasted $38 million on the Tandem system for the E&WS.

The Hon. J.H.C. KLUNDER: I thank the honourable member for his question. I think the honourable member is asking me what will happen if something he opposes comes to pass. I have already answered the question in debate in this House on the Southern Power and Water Bill. That Bill is still before another place. I am not entirely sure what I can add to the answer that is not already on record in *Hansard*.

SENIORS CARD

Mr HAMILTON (Albert Park): My question—

Members interjecting:

The SPEAKER: Order! The member for Albert Park will resume his seat. The member for Heysen and the member for

Bright are out of order. If today is the last day of the session, it would be terrible to be thrown out on the last day.

Mr HAMILTON: My question is directed to the Minister of Health, Family and Community Services.

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON: Will the Minister of Health, Family and Community Services review the practice of charging low income earners and seniors for the loss of their seniors card? I have received representation from a Mr Fidler, who claims that lost seniors cards should be replaced for nothing. He advises me that people are not necessarily being careless in losing their card. According to Mr Fidler, credit card laws state that the banks must replace cards after the first loss for nothing. Mr Fidler goes on to say that he believes this would be reasonable in the case of seniors cards. After all, many are low income earners and, even if the card is lost in a fire or is stolen, the replacement fee still applies. These cases are clearly not due to carelessness.

The Hon. M.J. EVANS: I thank the honourable member for his question. I can certainly look at this issue. A fee of $10 has been in place since the card was first introduced, and it is the same level of fee as was applicable to the State Transport Authority concession cards which were available in 1989. If a holder of a seniors card was to lose that card through a burglary, fire or other misadventure in the home, they would be able to include that on any insurance claim, but certainly I understand that there are some genuine cases where, through inadvertence and features beyond the control of the person concerned, the card is no longer available. I will certainly look at that issue, as requested by the honourable member, but the fee is there to cover the costs of replacing the card, costs which are not insubstantial and which it would be wrong to impose on other card holders. We will certainly undertake to review that policy to see whether any exceptions can be made, but the policy and the cost is there for a purpose.

SOUTHERN POWER AND WATER

Mr D.S. BAKER (Victoria): My question is directed to the Minister of Public Infrastructure. It is not about money so it might be easy to answer.

The SPEAKER: Order! The honourable member will ask his question.

Mr D.S. BAKER: In view of the widespread opposition to the merger of the Electricity Trust of South Australia and the Engineering and Water Supply Department, will the Minister now undertake to stop the merger process until a thorough review to study all the ramifications is undertaken? I have been sent a copy of the union newsletter, *ASU News*, which carries the bold heading 'ASU opposes merger of ETSA and E&WS'. The newsletter discloses that on 19 October a special meeting of the ASU energy division committee carried unanimously that the ASU oppose the merger. The newsletter concludes:

> The ASU has seen this merger proposal at close quarters. We make an assessment on first hand knowledge and observations. We assert that this merger is all about image this Government is trying to portray prior to an election. That is morally wrong.

The Hon. J.H.C. KLUNDER: Here we have the member for Victoria telling me that he has a question that does not deal with money, yet the question deals with $50 million worth of savings by combining those two services. So the honourable member does not consider $50 million to be money; that is a marvellous attitude by an honourable member who would like to be a Minister at some stage in the future. The interesting thing is that the member for Victoria also argues that, because the union is opposed, he now agrees with that union. Normally, it is the other way around.

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: When the union takes one position, the member for Victoria automatically takes the other position and, if there is anything that will frighten the ASU into reconsidering its position, it is the fact that the honourable member agrees with it.

ECONOMY

The Hon. J.P. TRAINER (Walsh): Will the Premier please advise the House whether, notwithstanding the doom and gloom of the *Advertiser*, any recent economic indicators suggest that the South Australian economy is on the road to recovery?

The Hon. LYNN ARNOLD: I note that, if you live in other States of Australia and some good indicators come out about the economy of that State, you look on the front page of your local newspaper and that is where you see it. It is true that some good news figures have come out and, indeed, by virtue of the leaking of the document, they were apparently the exclusive property of the *Advertiser*.

Mr Ingerson interjecting:

The SPEAKER: Order! I have spoken to the member for Bragg three times, and this is the fourth time. I will not speak again. The Premier.

The Hon. LYNN ARNOLD: They became the exclusive property, in anticipation of their scheduled release, of the *Advertiser*. What did it do with this exclusive information that gives good news about South Australia that I will detail in a few moments? It gave it the best that it seems able to do with good news in the *Advertiser*—the page 17 treatment. That is where it put this news. It is impressive news indeed.

Members interjecting:

The Hon. LYNN ARNOLD: It was not in the financial section of the paper. In the paper a few weeks ago there was an odd juxtaposition. On the front page was an article about economic doom, gloom and disaster, in the view of the *Advertiser*, while in the business section was an article about small business in South Australia and how well it had picked up from the recession. It stated that it was doing better than in other States in Australia. The *Advertiser* could not get the themes right throughout its own paper. The Australian Chamber of Manufacturers survey—

Members interjecting:

The Hon. LYNN ARNOLD: Yes, they are working on it. The editorial on the exploration initiative of the Government was a fine piece of prose in that it took great skill to show such bias that this impressive exploration initiative could be spoken about favourably without once mentioning that it was a Government initiative. That sort of bias takes skill. It takes finesse to be as biased as that. The Australian Chamber of Manufacturers, an employer group, did a survey of members for the September quarter and covered 565 companies from all States and sectors and various sizes of firms.

The findings of that survey are interesting indeed. It showed that favourable trading conditions were the case in South Australia for the September quarter and that the outlook for the December quarter was extremely positive.

That is what was found from its own members and not what the member for Adelaide might like to have been found. It was found that South Australia performed better than did most other States and the national average in the September quarter in terms of production levels, sales growth and employment levels. It was found also that the outlook of South Australian firms for the December quarter was far better than for Australia at large. Very favourable trading conditions were reported by South Australian manufacturers over the September quarter, with 36 per cent of those surveyed experiencing improvements in production, 39 per cent having sales growth, 40 per cent having increased orders and 16 per cent having increased exports.

On every one of those indicators, South Australian firms performed much better than the Australian average. That is good news, and the silence from members opposite is now quite stunning. They find that they cannot cope with that sort of news because they have never learnt to speak that sort of news. They have no interest in speaking those sorts of figures. In terms of the lead up to Christmas, the South Australian companies that are expecting growth in production and sales outnumber those anticipating declines by seven to one. Forty-eight per cent expect production growth and 52 per cent expect sales growth—very impressive figures indeed for South Australia.

PRISONS, DRUGS

Mr MATTHEW (Bright): My question is directed to the Minister representing the Minister of Justice. In the light of increasing anxiety about the incidence of drugs in our prisons and the serving of a default notice by Yatala prison officers who are concerned about their safety through inadequate screening of visitors to the prison, and in the light of the death of a prisoner at Mobilong through a heroin overdose, what action will the Government take to ensure that all prisons have adequate screening processes?

I have been given a copy of a default notice dated 24 September 1993 concerning cessation of work by prison officers because of inadequate screening of people entering Yatala Labour Prison. I have also received a list of items confiscated from visitors screened at Yatala as a result of the default notice, from 25 September (the day following the notice) through to 1 October. The list discloses a startling array of drugs and instruments of violence confiscated from visitors. These include a .44 magnum round, four syringes, a large pair of scissors, three knives, a bong pipe with accompanying vegetable matter and a Rohypnol tablet commonly used as an hallucinogenic.

The Hon. G.J. CRAFTER: From the information that the honourable member has given to the House, I would have thought that it was an illustration of the authorities doing their work quite effectively. However, it obviously needs to be put into its proper context in accordance with policies established in this area. I will seek a report from my colleague in another place for the honourable member.

SPEAKER'S FUTURE

The Hon. T.H. HEMMINGS (Napier): I address what could well be my final question to you, Sir. Are you in a position to advise the House on where your future lies? Will it be in this House, the other place or at the end of a fishing rod?

Members interjecting:

The SPEAKER: Order! I am sure that every member of this House is as anxious as the honourable member to hear the answer.

The Hon. T.H. HEMMINGS: It has been put to me by many concerned residents of Semaphore, indeed even by members of my own family, that your reluctance to declare your hand as to your political future is creating fear, uncertainty and public disorder.

The SPEAKER: I am not sure that I should answer the question. However, to satisfy all members who have been inquiring on an ongoing basis about my future (and there are many of them), I advise that I am nearer to making a decision. Day by day I get nearer to making a decision and, when the day arrives, I will make a choice between the three very viable alternatives available to me.

PROSPECT PRIMARY SCHOOL

Dr ARMITAGE (Adelaide): My question is directed to the Minister of Education, Employment and Training. Why has her department reneged on an undertaking given to the Prospect Primary School that, as a consequence of the long day care centre being constructed in the school grounds, the existing oval toilet blocks would be demolished, the central toilet block would be refurbished and the asphalt area adjoining the oval would be reinstated, all at no cost to the school? After protracted negotiations lasting for more than three years, the school council reluctantly agreed to relinquish some of its grounds to the day care centre in the interests of the wider Prospect community. I have received a letter from the school council protesting strongly that the Education Department will not now honour its undertakings because of lack of funds. Parents are now being asked to raise money to finance the ground development so that the students can be compensated for the loss of space and playground equipment, which was sacrificed to allow the construction of the day care centre.

The Hon. S.M. LENEHAN: I understand that the question was whether I can explain why the department has made the decision. I will be seeking from the department clarification of the facts and whether that is the situation. In this House in the past questions have been asked supposedly based on fact, fact which has been shown to be incorrect. However, if the situation is as the honourable member has described, I will be very pleased to get a report from the department.

Dr Armitage interjecting:

The Hon. S.M. LENEHAN: It might be a school council letter. The question was asked why the department has made the decision and I would be delighted to get the information from the department for the Parliament when we next sit.

PARA HILLS WEST CHILD-CARE CENTRE

Mr QUIRKE (Playford): Will the Minister of Education, Employment and Training take up the issue of the temporary relocation of Para Hills West Child-Care Centre as a result of last night's fire. The fire at the centre last night, apparently the result of arson, has closed the doors of this very successful complex. The Para Hills West Child-Care Centre is a successful and viable enterprise with 100 per cent occupancy for all sessions. This morning many people were dismayed at the activities of a thoughtless few last night.

The Hon. S.M. LENEHAN: I thank the honourable member for raising this matter on behalf of his constituents.

It is very distressful when facilities, such as child-care centres, schools or other community facilities are subjected to arson attacks and those families who use such facilities find the next morning that they are not available. I will certainly take up the matter with the department. I understand that a meeting was held this morning and that temporary accommodation is being arranged nearby as quickly as possible. I would ask the honourable member to convey that to his constituents. I will get a more detailed report in terms of the medium and long-term replacement of the facilities lost last night through this arson attack.

SCHOOL GRANTS

Mrs KOTZ (Newland): I direct my question to the Minister of Education, Employment and Training. How does the Minister justify giving a $70 000 back-to-school grant to a school in the electorate of the member for Briggs, contrary to advice from her department, which indicated the school had only a 42 per cent school card ratio, whilst at the same time the Minister refused a grant for a school in the Liberal electorate of Adelaide, which had an 89 per cent school card ratio?

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! There is too much noise. The Chair cannot hear the question and neither can anyone else. The member for Newland.

Mrs KOTZ: In September/October last year the Labor Government allocated over $12 million in back-to-school grants to over 180 schools in South Australia.

The Hon. S.M. Lenehan interjecting:

The SPEAKER: Order!

Mrs KOTZ: On 21 September 1992, the member for Briggs, Mr Rann, wrote to the Minister of Education, Employment and Training expressing concern that one of his schools, the Brahma Lodge Primary School, had not received a grant. The Education Department document showed that the department recommended that no funding be given to Mr Rann's school because it did not meet the guidelines. In fact, I have a draft copy of a 'Dear Mike' letter, on the Minister's letterhead, which refuses the application but this letter was never sent. The Minister ignored the department's expert advice and gave the member for Briggs a $70 000 cheque to hand to the school.

Members interjecting:

The SPEAKER: Order! The Minister will wait until we get some order.

Members interjecting:

Mr Matthew interjecting:

The SPEAKER: Does the member for Bright wish to leave us? The honourable Minister.

The Hon. S.M. LENEHAN: I am very interested in this continual attack by the honourable member on the back-to-school grants. Obviously, she needs to inform the independent committee assessing the grants for the current financial year that she does not want any of these grants, because she does not seem to be appreciating what is happening. With respect to this particular matter—

Members interjecting:

The SPEAKER: The Minister will hold the answer until we get some order. It is useless continuing until we can hear the answer.

The Hon. S.M. LENEHAN: With respect to this particular matter—

An honourable member interjecting:

The Hon. S.M. LENEHAN: That is fine. We have got all Question Time. If you do not want the questions answered, that is fine. With respect to this particular matter it must be pointed out to members opposite—

Members interjecting:

Mr Lewis interjecting:

The SPEAKER: The Minister will wait again until we get peace. When the House comes to order, including the member for Murray-Mallee who continues to interject, the Minister will continue with the response. The Minister.

The Hon. S.M. LENEHAN: With respect to this matter, the first point I want to make is that the criteria were incorrectly applied to Brahma Lodge school. Secondly, there are a number of specific projects in some schools that may not be assessed on the school card percentage. In fact, we have refined the procedure this year and determined that where schools actually have requirements, because of the age of the buildings or because of some particular problem—

Members interjecting:

The Hon. S.M. LENEHAN: That is fine.

Mr Oswald interjecting:

The SPEAKER: The member for Morphett is out of order.

The Hon. S.M. LENEHAN: If you do not want your Question Time, it is up to you.

The SPEAKER: I would ask the Minister to direct her remarks to the Chair.

The Hon. S.M. LENEHAN: Mr Speaker, I am sorry, I was distracted for a minute. With respect to the community at Brahma Lodge, that school was certainly very entitled to what it received. There is a high proportion of children from disadvantaged families—

Members interjecting:

Dr Armitage interjecting:

The SPEAKER: The member for Adelaide has been spoken to before and again I caution him on his behaviour. The Minister.

The Hon. S.M. LENEHAN: As I understand it there were specific reasons for the decision with respect to the school in the honourable member's electorate, and he has been made very aware of that.

Mrs Kotz interjecting:

The SPEAKER: I call the member for Newland to order.

The Hon. S.M. LENEHAN: It is interesting that the Opposition do not want to know the facts of the matter but want to try to score some kind of cheap political points with respect to the back-to-school grants. The reason for this, of course, is that the back-to-school grants are very popular with the school communities, because they actually target those areas where there are needs, whether it be for minor works or for other forms of work within the particular school communities. The other important thing about the back-to-school grants is that they allow the school communities, through the school councils, to determine their own priorities rather than the facilities branch of the department imposing priorities upon them.

I would ask the honourable member to actually consult with some of the school councils and ask them what they think of having the ability to determine—

Members interjecting:

The SPEAKER: The Minister.

The Hon. S.M. LENEHAN: The honourable member should ask those councils what they think of determining their own priorities and accepting this Government's political philosophy of shared responsibility.

OPEN SPACE

The Hon. J.P. TRAINER (Walsh): Could the Minister of Housing, Urban Development and Local Government Relations advise the House whether the Government will continue to assist local communities with open space grants? I know that last year the Government provided substantial funding to local councils for the provision of open space in their areas. I am particularly delighted with the Mile End common open space area that was created as part of the redevelopment of the Horwood Bagshaw site, whereby a percentage of open space over and above that which would be normally allocated in a development of that size was funded.

Mr Venning interjecting:

The SPEAKER: I warn the member for Custance.

The Hon. G.J. CRAFTER: I thank—

Mr S.G. Evans interjecting:

The SPEAKER: I warn the member for Davenport. The Minister.

The Hon. G.J. CRAFTER: I thank the honourable member for his interest in this area of Government activity. The planning and development fund provides very substantial resources for the development of open space areas. The instance to which the honourable member refers is a good example of an area that has very little open space; it is a heavily urbanised area and this fund has allowed for a very effective plan to the benefit of not only new residents who will move into the Mile End area as a result of the development but also the longstanding residents from the surrounding area.

This year the Government will provide another $700 000 for open space facilities through the planning and development fund, and this is a continuation of the Government's commitment to providing open space for the community to enhance our built environment and increase amenity for residents. In the past four years the Government has provided $6.46 million for metropolitan open space (MOS) programs alone. In the past these grants have been well received in the community and have allowed for strategic purchases of important parcels of land, particularly those associated with the longer term open space strategies, such as the MOS scheme.

Some of the projects which have been achieved as a result of these grants are the Unley Oval redevelopment, the M.J. McInerney Reserve at West Croydon, the Wilfred Taylor Reserve at Morphett Vale, and landscaping at the Angle Park Community Park. Open space grants have also been of great benefit in regional country centres and assisted in the development of the recreational facilities at Solomontown Beach in Port Pirie, the Nuriootpa Linear Park and the river front reserve at Renmark, all very welcome additions to the open space recreational facilities in those regional centres across our State. The Department of Housing and Urban Development will be writing today to all councils in South Australia to advise them of the availability of this money and inviting them to apply for it.

MABO

Mr GUNN (Eyre): Will the Premier give this House an undertaking that he will not introduce legislation in this Parliament on the Mabo High Court judgment before first holding consultations with all interested groups, including Aborigines, pastoralists and mining companies?

I have been advised that the Government has officers working on the draft legislation. In view of the importance of ensuring that whatever legislation is brought before this Parliament has wide public support and is correct, will the Premier make sure that the consultation process is as extensive as possible, including the opportunity for interested groups to have discussions relating to the draft legislation? A number of constituents have approached me with requests to ensure that a full and effective consultation process is put into effect, and those constituents include people from the pastoral industry and the Aboriginal community.

The Hon. LYNN ARNOLD: The honourable member asks for consultation 'as extensive as possible.' In the case of Mabo and the Federal Parliament, 'as extensive as possible' has meant six months or more of consultation. I honestly do not believe that that is what we need at the moment. I think that what is being called for by all sections of the community is a degree of certainty on this matter that would not involve another six months of talking through the issue.

I find the member for Eyre is not really listening to people who are saying, 'We want certainty on this matter; we want validation of titles; we want titles to be secured; we want titles that may have extinguished native title not to be at risk; and we want to make sure that the pastoral leases in this State are not at risk.' That is what the pastoralists say to me. The mining companies also say that they want to make sure that they are not put at a disadvantage in terms of mineral exploration and development in these lands. The Aboriginal groups say that they want to make sure that their rights to native title, as defined in the High Court judgment and in legislation which is to be tabled in the Federal Parliament, are respected and that the concept of native title will not be extinguished, which is what people like the Liberal Premier of Western Australia want to do. This call for certainty from all these groups would not be helped by another lengthy waiting period of many months to decide what we are going to do in South Australia.

The Prime Minister has announced that there has been agreement on the general Federal legislative framework, and he has done so to the acclaim of all the groups referred to by the member for Eyre a few moments ago—the mining industry, the National Farmers Federation and Aboriginal groups. That to me sounds like a pretty good framework on which to base our State legislation.

We have not yet seen the draft legislation. I promise that we will look at it very closely to see whether any further crossing of t's or dotting of i's, so to speak, is necessary to take account of circumstances in South Australia. Obviously the broad principles have been agreed to by other State Premiers. Putting aside Richard Court, I point out that Jeff Kennett, John Fahey and others have said that in principle they agree with it.

If what comes down in that draft legislation fulfils all the things that I have spoken about over many months, and if it reaches the same concurrence as the in-principle agreement involving the miners, the farmers and the Aborigines has indicated, there will be no need for any lengthy consultation

process 'as extensive as possible'. If, however, in our legislation we proposed in any way to veer dramatically from the Commonwealth legislation, of course there will be consultation about that matter. If we do not intend to veer dramatically in our legislation, which will be complementary with legislation that has already been agreed to by all those groups, it would be a waste of time and move further away that point in time at which people will say, 'Yes, we feel confident and certain about this very important issue.' I think the member for Eyre ought to consider exactly what position he wants to support.

STATE TRANSPORT AUTHORITY LAND

The Hon. D.J. HOPGOOD (Baudin): I direct my question to the Minister of Business and Regional Development, representing the Minister of Transport Development in another place. Will the Minister report to the House on the immediate future of that piece of land in the Adelaide railway yards which is bounded on one side by the Noarlunga Centre-Adelaide railway line, on another side by the Adelaide-Gawler railway line and on the third side by the loop which runs past the old gaol; and, more generally, on all of the STA land that was transferred to the City of Adelaide under the parklands liberation program?

Most days the STA carries me past this piece of land, which is currently unkempt and has a barbed wire fence surrounding it. It cannot be to keep prisoners out any more, but it may have something to do with the security of certain parts of the Adelaide railway yards. As I recall, it is the land upon which prisoners once grew vegetables. As I have indicated, the Government over some years entered into an agreement with the City of Adelaide about the liberation of a good deal of that land. I understand that proceeded, but some of it is still in much the same condition as when it was transferred.

The Hon. M.D. RANN: I will get a report for the honourable member on this important matter.

KEWCO

Mr OSWALD (Morphett): I address my question to the Minister of Housing, Urban Development and Local Government Relations. Why has the State Government used its tendering process to dump another South Australian-based manufacturer in favour of a New South Wales-based company when the cost saving per unit is less than $1?

Most members will have received a copy of a letter from Kewco, a South Australian company that has been successfully supplying high quality bathroom cabinets of various sizes to the South Australian Housing Trust for 20 years at very competitive prices. Since 1992, the trust has progressively changed its orders in favour of a Newcastle firm by reducing the number of units ordered from Kewco. In a letter from the Housing Trust to Kewco, dated 19 October, two days ago, the trust again confirmed Government policy that 'no preference is to be given to local suppliers against interstate competition'. I am also advised that this will result in further job losses in South Australia, all for the sake of a paltry $1 saved per unit.

The Hon. G.J. CRAFTER: The matter that the honourable member raises has been raised with me by 14 or 15 other members, and I have undertaken to obtain a report from the relevant authority about the tendering process in this matter. I presume that the honourable member is not recommending that this Government should revert to practices that were eliminated some time ago with respect to State preferences. I think that the tendering processes adopted by this Government have been very successful and widely accepted in the community. I shall be pleased to get a report for the honourable member and, indeed, all other members.

GRAND PRIX

The Hon. T.H. HEMMINGS (Napier): I direct my question to the Minister of Tourism. When will members of the public be able to see the Grand Prix's two giant telescreens in operation; and has there been a strong response to the offer of free tickets for children 12 and under if accompanied by an adult?

The Hon. M.D. RANN: I would certainly like to extend that to Opposition members. Before doing so, I appeal to the Opposition to withdraw its motion attacking Tina Turner's appearance at the Schweppes Cola after-race concert, because it has been met with overwhelming approval. I notice that they tried not to get it on the Notice Paper.

Mr S.G. EVANS: I rise on a point of order, Mr Speaker. By taking that line the Minister is debating the answer to the question.

The SPEAKER: The Minister had been speaking for 10 seconds. I agree there was a line of comment that could be taken as debate if it continued. However, I know that the Minister will not continue that line and will respond to the question as put.

The Hon. M.D. RANN: On the specific question about what is happening with the Grand Prix, the two super screens will be available for the public to see for the first time this weekend when the Grand Prix office extends the Grand Prix carnival with a family free day at the circuit this Sunday to coincide with the telecast of the Japanese Grand Prix. One of the two giant super screens will be in the pit straight area during the Grand Prix and will be utilised on Sunday to allow people to watch the Japanese event from the track. There will be the Dutton rally cars, classic vehicle displays and Grand Prix shuttle rides. Full catering and raffles with proceeds to the Crippled Children's Association will be amongst the activities, and a number of other things will be going on.

The McLaren road car, the world's fastest road car, capable of speeds of up to 300 kilometres per hour and worth, I think, $2 million per car, which is probably out of the reach of even the member for Bragg (who wants to be the best Minister that money can buy), is making its only Australian appearance at the Grand Prix. It will also appear in a street parade on Monday 1 November down King William Street together with a Formula 1 Tyrrell to be driven by the *Advertiser's* very own motoring journalist Bob Jennings. That gives him a chance to write something positive. The McLaren road car will appear on the Grand Prix circuit on all four days of the event, and I will be having a go in it. I intend to go around the track at 200 miles per hour. I have invited netball champion and captain Michelle Fielke to join me.

As for the free kids accompanied by an adult, the Grand Prix has certainly become more affordable for family groups. All ticket prices remain at last year's level and, for the first time, this year children 12 and under accompanied by an adult will be admitted free with coupons available from all Fasta Pasta outlets. To date, approximately 16 000 kids-free vouchers have been distributed to children, with a large response from the Fasta Pasta outlets at Salisbury, Reynella and Port Adelaide.

It is certainly true that Tina Turner's involvement has been met with overwhelming support. She has cut a television advertisement for us, which has caused a considerable surge in ticket sales, which are now in excess of $3 million. We are still waiting for the Opposition to come out and say that it has full confidence in the Grand Prix Board and Mal Hemmerling, but I guess we will just have to wait and see.

MINISTERS' RECORDS

The Hon. JENNIFER CASHMORE (Coles): Will the Premier give an absolute guarantee that he and all Ministers will honour their obligations under the Libraries Act to preserve public records and the management requirements for public records as outlined in Department of Premier and Cabinet circular No. 10? I ask for this guarantee in view of reports to the Liberal Party that at least two Ministers have already ordered boxes for the removal of large quantities of documents from their offices. The Libraries Act and the circular to which I have referred require that Ministers remove from their offices only documents that are the personal records of the Minister.

The Hon. LYNN ARNOLD: This is a very silly question.

The Hon. Frank Blevins: If that was your swansong, it's disgraceful.

The Hon. LYNN ARNOLD: That is right. It was a pretty appalling effort on the part of the honourable member. Of course every member of my Cabinet will adhere to all legal requirements. There would never be any intention to do other than that. I might say that, when the honourable member was a member of Cabinet, various Ministers on that side applied different standards.

Members interjecting:

The Hon. LYNN ARNOLD: Yes, if you want to go through that. We will certainly adhere to that, as we have done before every other election, the 1985 and the 1989 election, and as we will do again before the 1997 or 1998 election.

LION NATHAN

The Hon. J.P. TRAINER (Walsh): Will the Minister of Business and Regional Development advise the House whether, following last week's announcement by Lion Nathan of job cuts at the Southwark Brewery, he has had further contact with and advice from the company regarding its plans for restructuring the brewery's operations?

The Hon. M.D. RANN: I was very interested to read in the paper that the Leader of the Opposition had had a series of confidential briefings from Lion Nathan, and I am told that the shadow Minister, the member for Bragg, also had a briefing. I understand he said that what Lion Nathan has done to its brewery operations with sacking workers is exactly what he would like to do to the Public Service, and he would quite like to have them on board as consultants.

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat. The Deputy Leader is now warned.

The Hon. FRANK BLEVINS: On a point of order, Mr Speaker, the member for Bragg called the Minister of Business and Regional Development a liar. I understand that that is unparliamentary and ask that the member for Bragg withdraw it and apologise to the Minister.

The SPEAKER: Order! The Deputy Premier will resume his seat. The Chair did not hear that interjection. However, I recall that the Chair had to undertake this action just recently with the member for Bragg. Did the member for Bragg use that word?

Mr INGERSON: I did use it, and I withdraw, Sir.

The Hon. M.D. RANN: Last Friday I wrote to Geoff Ricketts, the Lion Nathan Director with responsibility for the purchase of the South Australian Brewery operations, to confirm that the position he put to me on 2 August this year was still the company's intention; that is, that Lion Nathan still wanted to increase market share and production out of the South Australian Brewery and that, because of the wish to increase production, there were no plans for a winding down of the brewery, a closing of the brewery or massive job layoffs. In my letter I asked Mr Ricketts to confirm that South Australian Brewing sponsorship of South Australian events and initiatives would continue.

Mr Ricketts phoned my office on Monday and confirmed that the company's aim was still to increase production out of Adelaide but that there was also a need to increase efficiency dramatically. He said that the company's aim was still to increase sales in South Australian Brewing products out of South Australia and to produce other Lion Nathan brands at the South Australian Brewery. He said that it intended to continue to be a strong player in the sponsorship field, and its recent $1 million sponsorship of cricket was testament to that. On Tuesday I met with the new brewery boss Wayne Jackson and the Chief Operating Officer Kevin Roberts at the brewery, and they were able to confirm everything that Geoff Ricketts had said on Monday and revealed a number of other things that the House should be aware of.

They said they believed that the Southwark Brewery was the best in Australia with a highly skilled work force working in a good industrial relations framework. They said that their choice in investing $225 million in South Australia was a sign of confidence in this State, that the brewery's future was secure, and that they chose South Australia rather than Victoria. They also revealed, as I reveal to the House today, that they plan to move some Pepsi production to South Australia; to invest in R and D; and to start producing Steinlager and Toohey's in South Australia whilst increasing market investment behind Southwark, Eagle and West End.

They said they planned to get into international markets including shipping beer to Japan at a cheaper price than Japan can supply, and they said they are working closely with the work force to achieve these cost savings. I am concerned not only at the job layoffs that were announced but at the nature of the confidential briefings given to the Leader of the Opposition and also some of the comments that have been attributed to the former Deputy Leader of the Opposition. By the way, I am not saying for one moment that the honourable member's vote can be bought, but let it always be said that it cannot be rented.

ABORIGINAL COMMUNITY COLLEGE

Mr SUCH (Fisher): I seek leave to make a personal explanation.

Leave granted.

Mr SUCH: Last week I and other members of the Opposition asked questions about the Aboriginal Community

College at Port Adelaide. The questions raised were based on information provided to the Opposition and were asked in the public interest. I wish to put on the public record that the college has a vital educational and training role to perform for the Aboriginal community as well as to provide programs for the non-Aboriginal community, including developing intercultural understanding. I am pleased that the issues raised last week are to be fully investigated by the college itself and independently by Mr Roger Thomas, Dr Ian McPhail and Mr Darryl Carter. The Opposition and I wish the college all the best for the future in carrying out its important role, and we look forward to internal matters affecting some staff—

An honourable member: I have a point of order.

The SPEAKER: Because of the background noise the situation is quite difficult, but the honourable member is now debating the matter. A personal explanation is a personal explanation—it is not a debate or a contribution for comment.

Members interjecting:

The SPEAKER: Order!

Mr SUCH: We look forward to internal matters affecting some staff being resolved as quickly as possible.

GRIEVANCE DEBATE

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

The Hon. D.J. HOPGOOD (Baudin): I have noted that the member for Bragg is not having a particularly good afternoon, and I think it might deteriorate even further when I put certain matters to the House that were drawn to my attention this morning. If the honourable member is in a position to deny the allegations immediately, I will find that interesting indeed. Apparently there was recently a meeting between the member for Bragg, the State Director of the Liberal Party, Mr Morris, and representatives of the motor trade who sell secondhand vehicles. At that time the member for Bragg and the Director made known to the people who were present certain parts of the Liberal Party's policies for the election, whenever it is held.

The first was that the Liberal Party intends to legislate to provide for the compulsory inspection of motor vehicles should it get into office. The second point was that, if it gets into Government, the Liberal Party will transfer its sale of motor vehicles to the private sector. The third point is that it would legislate to eliminate the traditional consumer protection responsibilities from the Consumer Affairs Office with respect to secondhand cars.

One can see how interested the people who were at this meeting would be in relation to that matter. I can only assume that news of this meeting has reached members of the Government because of the outrage of at least some of the people present at the further addendum to the revelation of this policy. The addendum was that the Liberal Party wanted $100 000 for the election campaign. Let the Liberal Party deny that it is approaching people in this way, which my informant suggests is a corrupt way, looking for money for its campaign chest.

The reason this has some ring of truth is that I can recall the actions of the member for Kavel before the last State election. Members will remember that the Liberal Party was making a great play against any expansion of shopping hours. The member for Kavel, as the then Leader of the Opposition, thought he was going to win that election, so he got together with some of the larger retail business representatives and told them, 'Look, don't take too much notice of what we are saying. In Government we would obviously change the policy. We would legislate for the extension of shopping hours, and how about kicking into the campaign?' I do not know whether they did kick in to the campaign at that stage, but it is well known that that happened at that stage. In fact, that matter gives some veracity to the suggestion that the Liberal Party is continuing to carry on in this fashion.

Whether the member for Bragg was merely the bunny who was dobbed in to do the job I really do not know, but I must say that I think it is important that this matter is put in the public arena. I understand that donations from the commercial sector are a bit hard to get these days, and perhaps certain people are getting a little desperate.

The Hon. J.P. Trainer: You wouldn't think they would need the money with what the *Advertiser* gives them for free.

The Hon. D.J. HOPGOOD: It is a throw-away election poster for them, of course. My concern is for consumer protection. In 1971 the then Attorney-General, Len King, brought down landmark consumer protection legislation in this State which has been followed by a number of other States. The Opposition's policy is a retrograde step. It would be Judas selling out the consumers of secondhand motor vehicles in this State not for 30 pieces of silver but for $100 000. It may be that the honourable member is in a position to deny this allegation at this stage, but it will have to be a fairly convincing explanation.

Mr INGERSON (Bragg): I listened with interest to the comments that were just made in the House. I do not deny that I had a meeting with the Motor Trade Association, because as the shadow Minister of Industrial Relations it is my normal role to go to all associations and discuss policy matters with them. In particular, it is my role to talk about the industrial relations policy, the workers compensation policy and any other matters for which I am responsible. The three matters that were brought up by the member opposite were discussed. At no time was there any promise to do anything. I was not in a position to make promises in relation to those three issues because they are not my responsibility as shadow Minister.

Members interjecting:

The SPEAKER: Order!

Mr INGERSON: There is no question that all those issues were discussed along with the very positive industrial relations policy that we have for the next election. It is interesting to note that, as representatives of the small business sector, they were not only excited about our policy but they hoped that an election would be held very quickly so that we could introduce the enterprise agreements which would enable every single small business operator in South Australia to enter into those agreements. They made the very interesting point that more than 90 per cent of all employees in the motor trade industry are non-unionists. They made the very interesting point that none of those small businesses can today enter into enterprise agreements, and that is because the unions have not got hold of the small business sector. Because of that they encouraged me to continue to sell as practically and as often as possible the small business enterprise agreement sector that we are going to bring in. They were also very interested in our workers compensation policy.

Members interjecting:

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

Mr INGERSON: They were also very interested in our workers compensation policy for which I am responsible, as the member opposite is well aware, and it was in that area that we spent the majority of time. Almost all their questions related to what we would do about the disadvantages for small business in relation to workers compensation. They wanted to know what we would do to enable the worker, who is injured, and the employer to get together so we could have a better return-to-work system. That was the principle reason for me going along to that meeting.

I have no knowledge, nor have I ever had any personal knowledge, about any sums of money being requested of the motor trade industry by me or the Executive Director of the Liberal Party. At that meeting there was no mention by me, or by any member of the Motor Trade Association in my presence, of any sum of money.

Members interjecting:

The SPEAKER: Order! Some members will be saying it outside if we do not get some order.

The Hon. T.H. HEMMINGS (Napier): I would like to take the House on a journey to yesteryear, to my first Cabinet lunch after the Labor Party's win in 1982. The lunch was held then in the anteroom between the Premier's office and the Cabinet room. In that anteroom were three tables literally groaning under the weight of what can only be described as a glutton's delight. Apart from being new, I took note of what was on the menu that day.

For soup there was gazpacho, which is a cold soup, and minestrone zuppa and caviar. For entree we had seafood cocktails of prawns, garnish and sauce, oysters natural and oysters kilpatrick, scallops, lobster or crayfish and curried prawns. For the main course there was goulash, fried rice, a well-known Chinese dish called 'fish strange taste', crumbed whiting, the finest steak, choice chicken legs and veal schnitzel. There were then exotic cheeses from the world such as gorgonzola, camembert, brie, cheddar, double Gloucester, Wensley Dale, gouda, edam and more that I do not recall. We had a choice of hot French rolls, the finest table water and biscuits. We had French and German imported wines with the token Australian red here and there as well as Danish and German lagers, British beers, Bass, Double Diamond and Irish Guinness. For sweets we were offered Danish pastries, chocolate eclairs, truffles, zabaglione (liqueur and egg yolk) and after dinner mints.

The entire Labor Cabinet was outraged at such decadence being placed before it. When the Premier of the day called in the caterers and asked whether this fare was just to greet the incoming Labor Cabinet, the caterers assured all of us in our state of shock that that was the normal fare given to the Liberal Cabinet over the previous three years.

Members interjecting:

The Hon. T.H. HEMMINGS: It was also the duty of the two junior Ministers whose job it was to sign all the minor Cabinet documents to dream up other delicacies that could be made available to that Liberal Cabinet and advise the caterers just in case their minds could not stretch wide enough and fantasise enough to cater for the gluttony in the Liberal Cabinet room. We were assured that those lunches went on for three hours without one bit of Cabinet business being discussed. What would the Minister on the front bench do if he were in Cabinet and it spent three hours on lunch? The Minister on the front bench would lose his slim waistline. The Minister of Health as a frugal Minister would soon be advising the Premier to stop wasting taxpayers' money. Needless to say, that was the last time any such fare was placed before a Labor Cabinet. The next week we had sandwiches and tea and we enjoyed them immensely while we got on with the job of running the State.

Members interjecting:

The SPEAKER: It could be one or two of you who go. Please yourselves.

The Hon. D.C. WOTTON (Heysen): Earlier today in Question Time the member for Napier suggested to this side of the House that we should never believe him. Never was his comment more appropriate. The member for Napier's contribution today is total and absolute garbage. I say that as one of the Ministers who in 1982 spent most of my time eating sandwiches at Cabinet lunches. I do not want to waste time talking about that rubbish. I am disappointed—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. WOTTON:—that the Minister of Environment and Natural Resources is not in the House today, because I wanted to ask him a question as it is probably the last opportunity I will have to ask it.

Mr Lewis: He's out doorknocking.

The Hon. D.C. WOTTON: I presume that he is out doorknocking. My question is this: what action is the Minister taking to have the membership fees of between $800 and $1 400 paid by some 60 prospective members of the Cobbler Creek Country Club reimbursed, given that the proposed golf course was to have been developed on Crown land, that is, the Cobbler Creek Recreation Park, the lease of which has terminated due to a failure to pay security and other violations between himself, as Minister and lessor, and the lessee who has now converted the fees and moved to Western Australia? The Government supposedly scrutinised those people who expressed an interest in the development prior to the successful applicant being suggested by the Minister.

A few days ago I received a deputation arranged by the Liberal candidate for Wright, Mr Scott Ashenden, who brought members of the Cobblers Creek Action Group to see me about this matter. It involves a group of people caught up in a debacle involving the development of a golf course, namely, Cobbler Creek Country Club. Given that the golf course was to be developed on State Government land by means of a lease from the State Department of Environment and Natural Resources, that full approval was given by Salisbury council for the proposed development and that expressions of interest were scrutinised by the department and the Minister, it is not surprising that about 50 people have faithfully parted with varying amounts of money of between $800 and $1 400 per person.

The current situation is that the lease has been terminated due to a failure to pay a surety and other violations. No work has commenced or been paid for. Fees paid by members have been converted. Consumer Affairs in Perth, Western Australia, is conducting an investigation and the South Australian fraud squad is starting to show an interest the case. The developer, Mr Kevin Mahney, has retreated to Perth, Western Australia, and those involved in this development are having significant difficulty in trying to make contact with him. I am particularly concerned about this matter, because it is one that should have been overseen appropriately by the Minister.

It is obvious that the Minister has been irresponsible because of the lack of action he has taken in this matter. I would have thought that, when we are talking about a

development on Crown land, particularly when the Minister has been responsible for the lease, he would look into the matter. The mere fact that he has not done that and has ignored the situation means that about 60 people have been significantly disadvantaged and will lose a considerable amount of money as a result of the Minister's incompetence. I hope that when the Minister returns to the House, or prior to that, he will have the decency to respond to these people and explain exactly what he is doing for the short time remaining that he is Minister to help these 60 people out of a serious situation. The Minister is responsible and for once he should act responsibly.

Mr HAMILTON (Albert Park): In June 1978 I was asked to stand for preselection for the Labor Party for the seat of Albert Park. At that convention there were 250-odd delegates and I gave an undertaking at that convention that I would seek equality of opportunity in education, irrespective of one's socioeconomic background. Having been elected into this place in 1979, I have continued to pursue that right because, having come from a disadvantaged family and not having had the opportunity to have that education, I can see what I and many others missed out on in terms of equal opportunity in education. The reason I raise this issue is my concern about Liberal Party policy in relation to education.

When I look at what has taken place in Victoria and consider the question asked in the House yesterday by my colleague the member for Henley Beach in relation to the Liberal Party's hidden agenda in relation to school closures where there are fewer than 300 students, I am very concerned indeed, because one of the schools in my electorate has fewer than 300 students and that school caters for those children from backgrounds similar to my own. They have the right to have a proper education, they have the right to have the best education, they have the right to be taught by teachers who have the skills and the know-how to educate those students and it is of grave concern to me that we have an Opposition which aspires to be in government and which wants to carve up the education system in this State.

For my part, I will campaign on equality of opportunity in education. Every school in my electorate has benefited from my activities since I came into this Parliament—every one of them—but nothing was achieved between 1979 and 1982 under a Liberal Government. All we got was smart alec responses from the then Minister of Labour about a high school: I asked questions about whether there was to be a high school on Delfin Island, and all we got, after considerable questioning, was, 'We might plant a forest on there.' That was the concern for the Western suburbs. Now that former Minister is the aspiring Premier after the next State election. That was his response; he has not changed.

He would not release the Cawthorne report on industrial relations in this State. He hid behind that, crooked as a political corkscrew; he would not come out and come clean, no more than they will come clean on education, on industrial matters, on transport or on a whole range of other issues. They learnt their lesson from the Hewson package: do not educate the workers, because they will ask impertinent questions. That is their policy—keep it quiet and do not give the workers the right to question policy. I have been out there talking to workers and they know from the Western Australian and Victorian experience that they will be carved up if they elect a Liberal Government. They know it only too well. We listen to the policies, and what do we get from members opposite? 'To the best of my knowledge, that is not the case.' It was suggested to me by one of my colleagues a moment ago that when someone says 'to the best of my knowledge', invariably they are telling lies; invariably they are liars. I believe that to be the case.

Mr GUNN: On a point of order, Mr Speaker: the honourable member is referring to members on this side as being liars and telling lies, and that is unparliamentary. I ask for a withdrawal.

The SPEAKER: When there is a specific reference to members and their telling lies, it implies that they are liars, and I must ask the member for Albert Park to withdraw.

Mr HAMILTON: I withdraw, Sir. The facts of the matter are that I will continue to work for my constituents in the Semaphore Park area so they get the best education for themselves and for their kids.

Mr GUNN (Eyre): Over the past two days we have seen the fear campaign that the Labor Party intends to wage across South Australia by telling untruths, by making grossly inaccurate and false statements, and by setting out to deliberately misrepresent, distort and put fear into the public of South Australia. One of the greatest things a member of Parliament or any member of this community can have is credibility. When you finish being a member of Parliament, if you have not retained your credibility, you have nothing to be proud of. Yesterday in this House, the Minister of Education, Employment and Training made a completely inaccurate and foolish attack on the Liberal Party which was not based on fact or on any information that was reliable or truthful.

On the 5 o'clock news last night the member for Stuart also went down that track. One would have thought the member for Stuart, a oncer in this Parliament, would want to leave this Parliament with her credibility and honesty intact. Anyone who repeats that sort of nonsense is treating the public of South Australia in a contemptible fashion. Let me tell this House what the facts are, and let me say that it is the Liberal Party that is will protect Government facilities and services in the rural areas.

Which Minister of Health wanted to close the Leigh Creek Hospital? It was a Labor Health Minister, and only a mass public meeting prevented that happening. Which Government has set out to try to do away with hospital boards; which Government was going to close the Cockburn school in my electorate; which Government closed the Murray Town school; and which Government closed the Appila school in my district? What about the future of the Coorabie school? It is the Liberal Party that has given an undertaking. My Leader has given me a personal undertaking, which I conveyed to those people, that those very small schools will be maintained. A press release of the shadow Minister of Education states:

> Education Minister, Susan Lenehan, is so embarrassed by her own Government's record of closing more than 70 schools she has sunk to telling incredible, and obviously desperate . . . [untruths] about school closures. Ms Lenehan's claim that a Liberal Government had more than 360 schools on a closure hit list is laughable. It would mean that more than 60 per cent of all schools in SA would close. It would mean that in large parts of country SA not a single school would survive. Any last vestige of credibility Ms Lenehan may have once had has been demolished by this rubbish. It is no wonder that the Minister is seeking to divert attention away from her Government's record of closing more than 70 schools.
>
> On a relative basis, this is a higher percentage of closures than the Victorian Government's planned closures. The Arnold Government's hunger for closing schools was so great that it even tried to close a school like Ethelton Primary School which had 300 students enrolled at the time. The Liberal Party opposed that closure and has

guaranteed that unlike Ms Lenehan we will not be seeking to close primary schools like Ethelton which have 300 students. Unlike the Labor Government's record, there will not be mass closures under a Liberal Government in South Australia.

Let me make clear that, as a rural representative, I have spent a great deal of my time endeavouring to maintain a high standard of education in rural and isolated parts of this State. If anyone was responsible for getting the $500 assistance for isolated parents, it was me. It was not members on this side who wanted to take away the primary producer registration concession, as the Labor Party tried to do. It will be a Liberal Government that will increase the benefits to isolated parents so they can participate in the education system. It will be the Liberal Party that will guarantee that people in isolated rural and regional centres maintain their standards and are given a fair go.

We will not plunder the taxpayers' money as happened with the State Bank and other issues. Basic services were jeopardised. It is not the Liberal Party that is trying to fine hospitals $750 000. The Liberal Party will build a better South Australia so that all those young people who are currently thrown out of work have a chance and an opportunity to have a better future and to have employment. We will open up South Australia for business so that there will be a demand for skills, unlike this Government, and for the member for Napier and others to get up and tell blatant untruths does themselves no good.

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

STATUTES AMENDMENT (LANDLORD AND TENANT) BILL

Received from the Legislative Council and read a first time.

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill amends the Landlord and Tenant Act 1936, and the Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Act 1990, so as to retain beyond 22 November 1993, and to vary, existing controls on trading-hours covenants in commercial tenancies covered by Part IV of the Landlord and Tenant Act.

Before 22 November 1990, leases for shops and similar premises in groups of six or more could contain trading-hours stipulations, which were commonly related to the legal hours of trading as specified under the Shop Trading Hours Act 1977.

The Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Act 1990 received the assent on 22 November 1990 and came into force at once. It extended normal shop trading hours to 5pm on Saturday. It also enacted a new Section 65 of the Landlord and Tenant Act. This limited the effect of existing trading-hours stipulations in commercial tenancies so that they could not be interpreted to include Saturday afternoons. It provided, however, for extensions of compulsory opening into Saturday afternoons for enclosed shopping centres, provided a two-thirds majority of affected tenants voted for it in respect of their own centre. It established procedures for conducting the vote. This was described as a recognition of the special marketing and operational factors affecting enclosed shopping centres.

Apart from this secret-ballot provision for enclosed centres, and the partial protection of existing trading-hours stipulations, the new Section 65 prohibited trading-hours stipulations in commercial tenancy agreements.

The 1990 Act provided that, after three years, the previous version of Section 65 would be re-instated in the Act. During Parliamentary debate, a commitment was given that the section would be reviewed before the three years had expired, to assess what should be the arrangement for the future.

Earlier this year, this review was established. An advertisement was placed inviting submissions, and organisations with a known interest were contacted with a similar invitation. Submissions were also invited on another matter about which representations had been made, namely the appropriateness of existing mechanisms for balancing the rights of landlords and tenants at the expiry of a lease, but it was made clear before the review was established that any other subjects than Section 65 might have to be deferred.

A range of submissions was made, and the submissions were considered, and discussed with those who had made them.

After full consideration of all the proposals put forward, the Government has concluded that the appropriate course at this time is simply to provide for an extension of the existing rules on trading-hours covenants in commercial tenancy agreements. The Government is of the view that it is not now appropriate to return to the pre-1990 situation of leaving trading-hours agreements to the market for all groups of six or more premises.

All parties involved in the review have, however, acknowledged that the situation now is different in one important respect from that which applied when shop trading hours were extended in 1990. The 1990 Act gave the vote only to tenants because the effect of the 1990 trading-hours legislation was to vary their commitments. That is no longer the case. Accordingly, provision has been made for the landlord to have a vote in the relevant meetings.

In association with that change, it is also proposed to vary the special majority requirement, and to impose a limit on the frequency with which meetings can be called to consider the compellable trading hours in a particular centre.

The opportunity has also been taken to insert a housekeeping provision to transfer the responsibility for the Commercial Tenancies Fund from the Registrar of the Commercial Tribunal to the Commissioner for Consumer Affairs. This is consistent with the systems of management of all statutory funds in Acts administered by the Minister of Consumer Affairs. It will enable the more efficient investment of money in the fund, which at present amounts to almost $800 000.

Clause 1: Short title

Clause 1 is formal.

Clause 2: Interpretation

Clause 2 provides for interpretation of references to "the principal Act" in the Bill.

Clause 3: Amendment of s. 65—Hours of business, etc.

Clause 3 amends section 65 of the *Landlord and Tenant Act 1936*. Paragraph *(a)* makes a consequential amendment to the definition of "core trading hours" in section 65(1) of the principal Act. Paragraph *(b)* makes it clear that if a resolution as to core trading hours is passed but is subsequently revoked and no other resolution is passed in its place, core trading hours for that shopping complex will revert to standard trading hours. Paragraph *(c)* replaces subsections (5) and (6) of section 65. New subsection (5) provides—

(a) for the landlord to be entitled to attend a meeting and to have the right to cast a vote—see subsection (5)*(a)* and *(g)*;

(b) that a resolution will be passed by three-quarters of those present at the meeting and voting instead of the present requirement that a resolution be passed by a number of votes equal to or greater than two-thirds of the number of tenancies—see subsection (5)*(h)*.

New subsection (6) provides that an interval of at least three months must separate resolutions as to core trading hours.

Clause 4: Substitution of s. 69 and *Clause 5: Amendment of s. 71—Accounts*Clauses 4 and 5 make the amendments in relation to the *Commercial Tenancies Fund* already referred to.

Clause 6: Substitution of s. 73a

Clause 6 repeals section 73a of the *Landlord and Tenant Act 1936* and substitutes a new section which incorporates changes to reporting requirements that are consequential on the Commissioner for Consumer Affairs assuming responsibility for the Commercial Tenancies Fund.

Clause 7: Amendment of s. 2—Commencement

Clause 7 amends section 2 of the *Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Act 1990*. Section 11 of this Act

provides a sunset provision for section 65 of the *Landlord and Tenant Act 1936* by repealing it and substituting the previous section 65. Section 2 provides that this will happen at the expiration of three years after the existing section 65 came into operation. The amendment to section 2 extends this period to six years.

Clause 8: Amendment of s. 11—Substitution of s. 65

Clause 8 replaces subsection (3) of section 11 of the *Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Act 1990*. Subsections (2) and (3) of section 65 of the *Landlord and Tenant Act 1936* make a term of a commercial tenancy agreement that requires the tenant to open outside core trading hours void. Terms of that kind in tenancy agreements in force when section 65 came into operation were preserved by subsection (4) so far as they extended to core trading hours. Subsection (3) of section 11 replaced by this clause was designed to reinstate those terms to their full operation if the sunset provision should take effect. The reason for replacing subsection (3) is to make minor modifications to it to underline the fact that in those circumstances the agreement is only reinstated in respect of the term requiring opening during hours that extend beyond core trading hours and is not reinstated in respect of any other changes that the parties may have agreed to in the meantime.

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

The SPEAKER: Ring the bells.

Mr LEWIS: On a point of order, Sir, how can two members leave the House after the House is found to be inquorate and the bells are ringing? The members for Norwood and Price have just left the Chamber.

The SPEAKER: That is absolutely out of order and I shall chastise them when they return, as I did the member for Eyre earlier today for doing exactly the same thing.

A quorum having been formed:

The SPEAKER: Before calling on the business, I inform the member for Price and the Minister of Housing, who left the Chamber after the bells were ringing for a quorum, that their doing so is absolutely against Standing Orders. They were well aware that the member for Eyre had been chastised for doing exactly the same thing earlier today. I draw all members' attention to that requirement.

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training): I move:

That Standing Orders be so far suspended as to enable the Bill to pass its remaining stages without delay.

Motion carried.

The SPEAKER: I ask all members to resume their seats or to leave the Chamber so that we can get on with the debate.

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition expresses extreme reservation about the way that this Bill is being pushed through the House.

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: The Deputy Premier suggests that this is quite amazing. I suggest to the Deputy Premier that, because of the sunset clause in the Bill, it is necessary to do something about the matter of trading provisions and the date involved, namely, 22 November 1993. The Opposition was informed that it was a matter of priority, that it could not wait and had to be dealt with, otherwise in the event of an election there would be no binding legislation to cover the existing arrangements. If the Deputy Premier has another story on that, I am happy to hear it. We were told that this legislation was absolutely vital. To the extent that we disagreed with doing anything but extending the sunset clause, the Bill still contained a number of provisions that we believed were not particularly helpful and needed further research. However, we recognised that to have this Act—

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: We tried to oppose the other amending clauses in the Bill and that was defeated in another place. It has been with a great deal of cooperation from the Opposition that we have facilitated this debate and it should be recognised that the only matter for debate should be the sunset clause and not the whole Bill. That, unfortunately, was not agreed to in another place and I find that very disappointing.

In trying to deal with the Bill on its merits, and given the time frame within which we are working, we should recognise that quite positive changes have been made to shop trading hours and to commercial tenancies in recent years and, despite the continued regulation of shop trading hours, we have seen continued protection for small tenants. We have had a number of debates in this House in the past concerning the diminished rights of tenants *vis-a-vis* the power of landlords, particularly large and powerful landlords.

Landlords have been treated badly in certain circumstances. With some residential tenancies certain landlords are being treated abysmally with their premises being wrecked and not receiving full compensation. Tenants are leaving without paying their rent and it is a wonder that in this State we have any landlords in the residential area continuing to provide such accommodation. Most tenants are very reliable, so there must be a greater balance in that area. We are not talking about that matter today but about tenancies involving shop trading and commercial tenancies. The Opposition agreed, given that the Minister had not done her homework, to facilitate the passage of this Bill so that the sunset clause providing for 22 November 1993 could be extended a further 12 months.

The Bill amends the Landlord and Tenant Act 1936 and the Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Act 1990, so as to retain beyond 22 November 1993, and to vary, existing controls on trading-hours covenants in commercial tenancies covered by Part IV of the Landlord and Tenant Act. I am reading from the second reading explanation as it will not be open for debate.

Mr LEWIS: Mr Speaker, I draw your attention to Standing Order 72.

The SPEAKER: What is the point of order?

Mr LEWIS: The point of order is that the number of advisers for the Minister may not exceed two at any one time. I do not know—

The SPEAKER: There is no debate; you have made the point. The Standing Order provides that 'Parliamentary Counsel and other advisers to a Minister on a matter presently under discussion in the House may be seated in the area . . . set aside. . . and may not exceed two. . . ' The Standing Order requires the Minister to restrict the number to two.

Mr S.J. BAKER: The Bill, as I explained, contains an important provision involving an extension of the sunset clause in the legislation. It is important to note that a new arrangement for shop trading came into force on 22 November 1990, and one of the major changes in that proposal was the extension of shopping hours until 5 p.m. on Saturdays. At the same time it provided some form of protection for people trading in shopping centres to allow them to make up their own minds as to whether they wished to trade over this extended period. We are well aware that a limited number of dollars can be spent and it was felt that a mere extension of shopping trading hours would not improve the health and well-being of shop traders across the board.

It is also important to understand that, with those limited dollars and the extended hours, the additional costs would not

necessarily be returned in revenue to traders in this State. Over the past three years we have seen a dramatic decrease in real terms of moneys being spent in our shops. That is a reflection of the economy; it is a reflection of the Government of this State, and it has caused grave difficulties for many traders. Anyone travelling along Norwood Parade, Unley Road or into the city will find that many shops have closed. If you go to some of the smaller regional centres you will find the same problems prevailing.

In 1990 we believed that the tenants in enclosed shopping centres should have a say as to whether they should be forced by tenancy agreements to bend to the will of a landlord who required them to stay open to 5 p.m. A number of people were of the view that they would not get any extra dollars through the cash register and that they would incur increased costs. That provision was placed in the Act, I might say, as a result of some very strong lobbying by the Liberal Party in order to protect the tenants in South Australia. During the parliamentary debate on that Bill there was a promise that the situation would be reviewed and that some attention would be given to whether these arrangements were appropriate or whether they should be varied within three years.

The three years is now up and there has been a review. The second reading explanation makes the point that a number of submissions were requested by advertisement earlier this year and, of course, further submissions were requested in relation to not only the provisions involving the sunset clause but also expressions from landlords to the Government as to how they would like to see the current situation either varied or improved, or both. The Government has suggested in the second reading explanation that the appropriate course at this time is simply to provide for an extension to the existing rules on trading hours covenants in commercial tenancy agreements.

The Government is of the view that it is not appropriate to return to the pre-1990 situation of leaving trading hours agreements to the market for all groups of six or more premises. We do not have any difficulty with that whatsoever. It is consistent with our philosophy; it is consistent with the principles that we have applied over a long time; it is consistent with a proposition—

Members interjecting:

Mr S.J. BAKER: And if members have any difficulty with that they should read the contributions that were made at the time. It is consistent with our principle that everybody should be given a fair go and that everybody deserves a fair go. There has to be a balance, and it is only when we have productive agreements that meet the demands of both sides that we will get a healthy trading sector, in this case the retail sector.

The suggestion from the parties involved in the review is that there is a difference in one aspect which applied in 1990 and which has now changed. The 1990 legislation talked only about tenants. Landlords, of course, have since said, 'Well, why not me?' and that is a very valid question. The provisions in this amending Act say that the landlord has a right to be involved in the discussions and in fact has a right to vote in those discussions. There is a further change proposed, and that is to vary the special majority requirement and impose a limit on the frequency with which meetings can be called to consider the compellable trading hours in a particular centre.

Instead of requiring the two-thirds majority for tenants to make up their own minds, and the two-thirds majority making a decision which is binding, that has been extended to 75 per cent to make it harder for the tenants. The amending Bill also seeks to insert a housekeeping provision to transfer the responsibility for the Commercial Tenancies Fund from the Registrar of the Commercial Tribunal to the Commissioner for Consumer Affairs. It is suggested that this is consistent with the systems of management of all statutory funds in Acts administered by the Minister of Consumer Affairs. The suggestion is that it will enable the more efficient investment of money.

We believe that because of the lateness of the amending Bill the only thing that Bill should be doing is increasing the sunset clause by a period of 12 months. It is not appropriate to rely on the goodwill of the Liberal Party, which has not had the opportunity to canvass landlords and tenants on these latest changes. It is not appropriate for any Government to say, 'There are a few other things we wanted in this Bill and we will insist upon them.' I have a point of view on these matters and I am surprised that the Democrats or the people who say they control the balance of power in another place did not insist that this Bill be made available for full consultation before being debated in the House.

In principle those clauses that did not relate to the extending of the sunset clause were opposed in another place. As history has proved, they were defeated. It is not my intention to go through the process of dividing on all those clauses because that would reflect an opposition to them. It is my intention to express opposition not to the clauses but only to the way in which they have been brought before the Parliament. We have not had the opportunity to seriously canvass these measures with the people who count, namely, the traders and the people providing the premises: the landlords. I believe it is a breach of faith of this Government to have brought this Bill before the Parliament in such a fashion, saying, 'Hurry, hurry, it's absolutely urgent and vital' and then say, 'But there are a few other things we would like you to consider.'

Whilst the Liberal Party may well agree to these amendments, I would have appreciated some time to talk to my tenants, and I would suggest that everybody else should be talking to their tenants and to the people who own and lease property. Once we have been able to facilitate that process we would then be in a position to react or offer constructive debate on this Bill. Again, we should be considering only the sunset clause. We should not be considering these other provisions because it is unfair on the people who will be affected by these changes to have this Bill go through in this form.

The Hon. T.H. HEMMINGS (Napier): Methinks the Deputy Leader speaks with a forked tongue. I have never known any member, other than the Deputy Leader, with a straight face and measured tone of voice say something that we know in his heart and head he does not believe. I cannot think of one piece of legislation that members opposite have brought in, either in Government or in Opposition, that has benefited small business. They could be called the running lackeys of big business, and BOMA in particular. Let us consider their relationship with BOMA. Who put big Stevie Condous into Colton to stand for the Liberal Party? BOMA, and it did that with the blessing of the Deputy Leader, his colleagues and Liberal Party head office.

This Government has an exemplary record. I apologise to the Minister (Hon S. M. Lenehan) who perhaps thought that this piece of legislation should not have had a comment from this side of the House. However, I think we need to place on

the record exactly what this Government has done for small business, because time and again we hear the parrots opposite telling us that we are the enemy of small business. We set up the very successful Small Business Advisory Service. I have never heard any Opposition member say anything good about that service or this Government's record in setting it up and encouraging its existence.

Who legislated to stop big business—their BOMA mates—from passing on land tax to small businesses in strip shopping areas or in major regional centres? This Government did that. Liberal members, together with their friends in the *Advertiser* and the electronic media, gave us story after story of small business people who were being used and abused by their big business landlords—their BOMA mates—but they never did anything to stop it. It was left to this Government to ensure that it did not happen.

Let us put the Deputy Leader in the position where he really wants to be. If there had been any suggestion that the Democrats were prepared to vote against the Government in another place to extend this sunset clause, they would have been at it like wolves; they would have been tearing it to shreds with the one idea of letting small businesses become vulnerable to their friends in BOMA.

This piece of legislation is to extend the sunset clause. But what happened in the other place? Opposition members fought it tooth and nail. They went at it as if they were out to destroy it. The Deputy Leader gave us the rather mealy-mouthed platitude that, on behalf of the Liberal Party, he was not going to oppose this legislation clause by clause and divide. He felt that he did not want to waste time, but he urged us to consult tenants and landlords in our electorates. He should have known that the Minister did that anyway. The Minister consulted the major players. Is the Deputy Leader suggesting that what the Minister found out from the major players was entirely different from what the Opposition found out? I may be running dangerously close to offending some members opposite by saying that the reason they wanted to contact BOMA to find out what it wanted was that a political donation may have been coming out of it. After hearing what the member for Baudin said about the way the Liberal Party is operating—

Mr S.J. BAKER: On a point of order, Mr Deputy Speaker, we do not indulge in the sleazebag activities of the member for Napier.

The DEPUTY SPEAKER: There is no point of order. The member for Napier.

The Hon. T.H. HEMMINGS: I thought that six months before any election the Liberal Party, in dealing with any major organisation, at some stage in the discussion would request a donation. I do not call that sleaze; I call that astute political dealing with community groups. It has been doing it for years, so why has it suddenly—

Mr LEWIS: I rise on a point of order, Mr Deputy Speaker.

The DEPUTY SPEAKER: Order! The member for Napier will resume his seat.

Mr LEWIS: Has the member for Napier informed you that on his retirement he will take up night soil carting?

The DEPUTY SPEAKER: Order! There is no point of order. The member for Napier.

The Hon. T.H. HEMMINGS: In response to that interjection, all I can suggest is that the manufacturers of valium are assured of a good market for years to come with the member for Murray-Mallee. I support this legislation because it is necessary. It is part of the orderly marketing arrangements that businesses have in shopping areas where there is a large landlord. That is all it is, pure and simple. If the Deputy Leader had any idea that he could have defeated the Government on these changes to the legislation, we would have heard a very different speech from him this afternoon. One of the few things that the Deputy Leader can do is count up to 40. After that he has problems, but up to 40 he is okay. He realises that the present membership of this House gives the Government a majority; hence, the mealy-mouthed platitudes that we heard from him. I support the legislation.

The Hon. B.C. EASTICK (Light): As he entered so shall he leave could well be stated against the member for Napier who has never been able to debate in this place other than with his foot in the gutter. He has been consistent whether as a Minister or as a member, and he has just demonstrated it again. The aspersions cast upon the Deputy Leader in this instance are totally wrong. The member for Napier ought to know that there has been a gentlemen's agreement in this place over a long period, supported by his own Deputy Premier, that no piece of legislation will be debated in this House other than by agreement, unless it has been on the table for two weeks to allow proper consultation in the community by the Opposition. From the point of view of his Deputy Premier, to my knowledge that has never been taken out of context or turned around.

Earlier this week Opposition members, as a result of representations to the Hon Mr Griffin in another place, learnt for the first time that certain pieces of legislation were required to be passed through both Houses of Parliament this week, if at all possible, because there may not be a continuation of parliamentary debate beyond this week.

I do not enter into whether or not there will be: the fact is that members of the Opposition were requested to look at two pieces of legislation. This was one of them, and the original intent was that we would look at this matter, which is referred to as a sunset clause by the Deputy, and not the other aspects of it. The other piece of legislation was in relation to divesting a trust of over $200 000 to provide a benefit to the *One and All*. They were the two pieces of legislation that were promoted earlier this week. The Liberal Party, in a joint meeting earlier this week, indicated that it would seek to accommodate the Government's wish subject to there being the opportunity of proper consultation in the community, and that consultation was to be in two different directions.

With respect to the legislation that is before us, it was to process the sunset clause so that there would be no disadvantage. The other issues were to be taken on board and discussed widely and treated after the proper consultation. That information was passed on to the Government. The other matter was in relation to the Prince Alfred Shipwrecked Mariners Fund Bill, which we will look at later, where there was divestment of over $200 000 from one fund into another purpose. The Government came to the Opposition and said, 'We can do without a select committee. We will just go through the Standing Orders of both Houses and do this.' The Opposition said, 'No you will not; we will seek to assist you in getting at least a select committee in place', and there was an advertisement in yesterday morning's *Advertiser* that fulfilled that commitment by the Opposition to the Government.

The Hon. Mr Gilfillan in another place made the comment that he had not been consulted on these additional parcels of legislation that the Government wants put through. Obviously, he has changed his mind in one sense in that he has been

prepared to go along with his running mates the Labor Party and deliver this package to us in total today. It does him no credit and certainly does the Government no credit. I do not believe the Deputy Premier is responsible for this, but it certainly has the full approbation of the member for Napier, as he just explained to the House in a rather gutterish way. It has destroyed a reasonableness that the Opposition showed the Government this week.

I stand not to enter any further into the debate but to stand up for the Deputy Leader, who has had aspersions cast upon him by the member for Napier that are not deserved and not in keeping with the true spirit of cooperation that this Opposition has been prepared to give the Government this week.

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training): I would like to thank the Deputy Leader for his contribution in which he touched upon the main reason for this Bill in that, while it does three things, its primary focus is to extend the existing sunset provisions beyond 22 November this year. The second thing that this Bill does is tidy up the machinery for the ballot procedure to give the landlord a single vote and to ensure that a ballot cannot be forced more frequently than once every three months, which really is just a commonsense provision. I do not believe this substantially changes the intent of the primary legislation. It is a tidying up procedure based on commonsense.

The third thing the Bill seeks to do is to make a machinery change to the administration of the Commercial Tenancies Fund, which will mean that the administration will be transferred to the Commissioner for Consumer Affairs. That is an appropriate thing to do, because it will be administered by people who are currently involved in administering funds in an efficient and effective way. I would like to put on record that there has been a very long and extensive public review, as I understand it. In fact, a public advertisement was issued to which interested parties could respond, and there has been seven months of quite extensive consultation with a wide range of interested parties.

It is fair to say that not all of the parties agree with every aspect, even though they are a fairly minor and, I believe, commonsense couple of amendments in terms of who manages the fund. It really is appropriate to look at the situation in that context, and I therefore thank members for their contribution and commend the legislation to the House.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—Commencement.

Mr S.J. BAKER: I informally oppose all those clauses that do not have anything to do with the sunset clause. I happen to agree with a number of them but have not had a chance to consult the people I consider important, including my people, my constituents, my tenants and my landlords. I believe it is important. I take my job as a member of Parliament very seriously, as I hope other members do, and I like to think that we do our job properly. Whilst there has been a review, the political Parties did not participate in that process, as the member for Light rightly pointed out. The Parliament has a special duty and it does not necessarily believe that what is printed in a Bill has 100 per cent agreement—because it never has.

We should have the right to find out for ourselves whether the amendments contained in the Bill are appropriate. On this occasion I will not canvass whether or not they are appropriate: I simply put the strong point of view that it is an inappropriate way to deal with this legislation. Having said that, I do not intend to pursue any of the other clauses in the Bill.

Clause passed.

Remaining clauses (3 to 8) and title passed.

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training):
I move:

That this Bill be now read a third time.

Mr LEWIS (Murray-Mallee): I place on record my concern at the way in which this measure has been dealt with by the House today. Never in the 14 years that I have been here has any Minister ever brought a piece of legislation into this House, got the House to agree to the suspension of Standing Orders but not made arrangements for the distribution of that legislation to the members at their benches or bothered to explain what the consequences of it would be after having been given leave to do it. It is typical of the member for Mawson, who is the Minister at the bench. I know she seeks re-election as the member for Reynel, but is highly unlikely that she will get there because of the way she has dealt with this place in general and this measure in particular.

The SPEAKER: Order! The member for Murray-Mallee is well aware that a third reading speech is much more specific than any other speech, and it cannot be broadened into a general debate: it must relate to the matter before the Chair, that is, the Bill.

Mr LEWIS: That is exactly what I am doing, Sir.

The SPEAKER: Order! The Chair disagrees with the honourable member. He was talking about re-election and there is nothing about re-election in the Bill. I ask him to keep to the content of the Bill before the House.

Mr LEWIS: In the course of a sentence I mentioned that, but also in the same sentence I said that I have not seen a copy of the Bill anywhere in this place today. If you, Sir, have seen a copy, I would be grateful to know, because I have not and I am appalled. The Minister takes the Parliament so much for granted. She gets a suspension of Standing Orders—

The SPEAKER: The honourable member is once again broadening the debate. It has nothing to do with the Bill. Only the substance of the Bill can be debated: procedure cannot be debated. The member for Murray-Mallee.

Mr LEWIS: It is regrettable that the substance of the Bill is unknown to me. I do not know how it is known to you, Sir, since there is no Bill on any of the benches. Therefore let me say, as the Bill will pass, so be it, but not on my head.

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training): I would like to set the record straight. I understand that the Bill has just come down from the Upper House today and it was agreed by both sides that three pieces of legislation would be dealt with today. In fact, this is not my Bill in the sense that I am standing in for my ministerial colleague the Minister of—

Mr Hamilton: It was a cheap shot.

The SPEAKER: Order!

The Hon. S.M. LENEHAN: It is rather unfortunate. My ministerial colleague the member for Unley, the Minister who handles such legislation in this House, is in bed ill and I am standing in for him. So the personal attack levelled at me by

the member for Murray-Mallee is quite inappropriate. I am prepared to stand in and take these pieces of legislation through the House on the premise that I understood there had been agreement reached between both sides of the House in terms of dealing with them today.

Bill read a third time and passed.

PETROLEUM (PIPELINE LICENCES) AMENDMENT BILL

Returned from the Legislative Council without amendment.

RESIDENTIAL TENANCIES (HOUSING TRUST) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill proposes to bring the South Australian Housing Trust under the jurisdiction of the *Residential Tenancies Act*. Previously the Trust has been exempt from the provisions of the *Residential Tenancies Act* and has dealt with its tenants on an internal basis. Serious legal matters such as evictions were dealt with in the Supreme Court. The new jurisdiction will make dispute resolution easier and more efficient for both the Trust and its tenants.

For operational, legislative and policy reasons, the Trust will retain a handful of exemptions to specific sections under the Act and some sections have been modified to accommodate normal Trust practices and procedures established under the Trust's own legislation.

At the present time, Housing Trust tenancies are not subject to the provisions of the *Residential Tenancies Act*, which with some exceptions such as boarding and lodging houses covers private tenancy situations in South Australia. Trust tenancies were originally excluded from the *Residential Tenancies Act* on the grounds that a number of provisions under that Act were not consistent with public housing policy. Despite its exclusion from the Act, the Trust has always sought in principle to abide by the spirit of the legislation where consistent with the Trust's role and objectives.

Two important reasons exist to now justify bringing the Trust under the *Residential Tenancies Act*. The first is that it would be consistent with the spirit of tenure equity between private and public tenants. The second is that it will provide a judicial forum for dispute resolution which will be more efficient for the Trust and less stressful for Trust tenants, particularly compared to the Supreme Court.

The South Australian Housing Trust has also established its own administrative review process which provides public housing tenants with the opportunity to have Trust decisions reviewed. A tenant will not lose the right to apply to the Residential Tenancies Tribunal for the resolution of a dispute within the jurisdiction of the Tribunal even where the Trust's internal review process may apply, has commenced or has been completed.

The Residential Tenancies Tribunal will have the power to decline to hear matters where it believes that dispute can be resolved by more appropriate means such as internal review.

The exemptions which will be granted to the Trust fall broadly into the categories of notice provisions for rent increases and for termination of tenancies, the method of issuing receipts, duties to repair items introduced to the property by tenants, and security bonds. The exemptions reflect and accommodate the Trust's role as a public housing authority.

The Trust will be exempted from the requirement to lodge bonds with the Tribunal due to the small size of the bonds it customarily takes from tenants. Consequently, because the Tribunal is funded from interest on the bonds of private tenants, the Trust will be required to pay a fee whenever it or one of its tenants makes application to the Tribunal.

Because the rent imposed by the Trust is frequently means tested to suit individual circumstances, the Trust will be exempt from notice provisions with respect to variation in rent in order to enable it to react promptly when a tenant's circumstances change. Further, general increases of Trust rent are required to be submitted to Cabinet for approval, ensuring appropriate review.

The Trust allows tenants to make payments through electronic funds transfer and at post offices and consequently it is not practical for the required receipt to be issued in those circumstances. Electronic funds transfer is already addressed in the Act while the post office exemption can be left to regulation.

It is proposed that the Trust be exempted from the requirement to repair or maintain fixtures and fittings which are deemed by regulation to be non-standard. Similar provisions exist with respect to Housing Co-operatives. The Trust may choose to repair such items at its discretion.

As the Trust has a responsibility for providing housing strictly in accordance with its application list, tenants will not be permitted to assign or sublet.

The Trust will be required to give adequate notice of termination in accordance with specific grounds, such as the need to move a tenant to alternative accommodation, which will be established by Regulation under the Trust's own legislation.

Finally, the opportunity is being taken to include a provision in the Act that allows for appointment of a standing deputy to the head of the Residential Tenancies Tribunal. This change is prompted partly by the expected increased workload for the Tribunal that will result from the application of the Act to Housing Trust tenancies. It will also avoid the need for acting appointments to be made by the Governor to deal with temporary absences of the head of the Tribunal. The office of head of the Tribunal is currently entitled "Chairman". Consistently with the policy of making titles clearly "gender-neutral", the titles President and Deputy President are adopted under the Bill.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure is to be brought into operation by proclamation.

Clause 3: Substitution of s. 6—Acts binds the Crown

Section 6 currently provides that the *Residential Tenancies Act* is binding on the Crown but makes an exception in relation to tenancy agreements to which the Housing Trust is party. This provision is replaced by the now usual provision binding the Crown in right of the State and (so far as the legislative power of the State permits) the Crown in any other capacity, but not so as to impose any criminal liability. In consequence, the Act will apply to the Housing Trust in future.

Clause 4: Amendment of s. 14—Residential Tenancies Tribunal

This clause redesignates the head of the Tribunal as "President" rather than the gender-specific title of "Chairman". The clause makes provision for appointment of a standing deputy to the head of the Tribunal—a "Deputy President".

Clause 5: Amendment of s. 17—Registrar may exercise jurisdiction of Tribunal in certain matters

This clause makes a consequential amendment changing a reference to the Tribunal Chairman to a reference to President.

Clause 6: Amendment of s. 20—Constitution and times and places for proceedings of Tribunal

This clause makes a similar consequential amendment.

Clause 7: Amendment of s. 22—Powers of Tribunal

This clause changes references to the local court to references to the Magistrates Court in relation to enforcement of monetary orders of the Tribunal.

Clause 8: Amendment of s. 24—Proceedings of Tribunal

Section 24 sets out powers of the Tribunal in hearing applications. The clause adds a further provision making it clear that the Tribunal may decline to hear an application, or may adjourn a hearing, until the fulfilment of conditions fixed by the Tribunal with a view to promoting the settlement or resolution of matters in dispute between the parties.

Clause 9: Amendment of s. 29—Appeal to District Court

This clause updates references to the local court to references to the District Court in the provision conferring a right of appeal against Tribunal decisions.

Clause 10: Amendment of s. 32—Security bond

Section 32 requires that a security bond provided by a tenant be paid to the Tribunal. The clause makes an exception for bonds received by the Housing Trust.

Clause 11: Amendment of s. 34—Variation of rent

Section 34 regulates variation of rent under residential tenancies agreements. Under the section, 60 days notice of a rent variation is required and rent variations are limited to at least 6 monthly intervals. The clause adds a provision that this section is not to apply to a residential tenancy agreement to which the Housing Trust is a party.

Clause 12: Amendment of s. 35—Increase in security bond

Section 35 regulates variation of security bonds—requiring that there be a prior variation of the rent and at least 60 days notice of variation of the security bond and limiting variation of security bonds to at least 2 yearly intervals. The clause adds a provision that this section is not to apply to a residential tenancy agreement to which the Housing Trust is a party.

Clause 13: Amendment of s. 36—Excessive rent

Section 36 provides for application to the Tribunal for determination whether the rent under a residential tenancies agreement is excessive. The clause adds a provision excluding Housing Trust tenancies from the application of this section.

Clause 14: Amendment of s. 46—Landlord's responsibility for cleanliness and repairs

Section 46 provides that it will be a term of a residential tenancy agreement that the landlord provide and maintain the premises in a reasonable state of repair having regard to their age, character and prospective life and that the landlord compensate the tenant for reasonable expenses incurred in effecting "emergency repairs". The clause amends this provision so that the terms will not apply to things of a kind prescribed by regulation where the landlord is the Housing Trust.

Clause 15: Amendment of s. 52—Right of tenant to assign or sub-let

Section 52 allows assignment and sub-letting by a tenant with the consent of the landlord (which consent may not be unreasonably withheld). The clause amends this provision so that it does not apply to a residential tenancy agreement under which the Housing Trust is the landlord.

Clause 16: Amendment of s. 64—Notice of Termination by landlord on the ground that possession required for certain purposes

Sections 63, 64 and 65 set out the basic means by which a residential tenancy agreement may be terminated by a landlord. Section 63 provides for not less than 14 days notice of termination for breach of the agreement—this provision is not affected by the Bill. Section 64 sets out certain grounds on which a periodic tenancy (that is, a tenancy that is not for a fixed term) may be terminated. These include that the premises are required for demolition or substantial repairs or renovations, or for occupation by the landlord or his or her spouse, child or parent or the spouse of his or her child or parent, or in order to give vacant possession on sale of the premises. Under the clause, this provision is not to apply to Housing Trust tenancies. *Clause 18* below deals with section 65 which allows 120 days notice to terminate a periodic tenancy without any grounds being required to be given by the landlord. Under *clause 18*, that basis of termination is not to apply to Housing Trust tenancies.

Clause 17: Insertion of s. 64aa—Notice of termination by South Australian Housing Trust

This clause inserts a new provision establishing a separate basis for termination of Housing Trust tenancies in place of those applicable to periodic tenancies under sections 63 and 65. Under proposed new section 64aa, the Housing Trust may give notice of termination of a Housing Trust tenancy on a ground prescribed by regulation under the *South Australian Housing Trust Act 1936*. The proposed new section fixes 120 days as the minimum period of notice for such termination or allows a greater period of notice to be required by regulation under the *South Australian Housing Trust Act 1936*.

Clause 18: Amendment of s. 65—Notice of termination by landlord without any ground

This clause has been explained in the explanation to *clause 16* above.

Clause 19: Amendment of s. 81—Protection of tenants in relation to persons having superior title

Section 81 provides protection for a sub-tenant where the head landlord is proceeding to recover possession of premises from the landlord's immediate tenant. The section authorises the Tribunal or another court to vest a tenancy in the sub-tenant to be held directly of the head landlord. Under the clause, any such vested tenancy is to be limited to a maximum of 42 days where the head landlord is the Housing Trust.

Clause 20: Amendment of s. 86—Application of income derived from investment of the Fund

Section 86 currently allows the money in the Residential Tenancies Fund to be applied in meeting the costs of administering the Act. The Fund consists of security bond and rent money paid into the Tribunal. As the Housing Trust will be exempt from the requirement to pay security bond money into the Fund, section 86 is amended to provide that the costs of administering the Act incurred in respect of Housing Trust tenancy agreements are not to be met by the Fund.

Clause 21: Transitional provisions

This clause provides for the principal Act to apply to existing Housing Trust tenancies but only so that proceedings may be brought under the Act in relation to acts, omissions or matters occurring or arising after the commencement of this amending measure.

Provision is also made so that the change of the title of the head of the Tribunal does not affect the existing appointment.

Clause 22: Amendment of South Australian Housing Trust Act 1936

This clause makes various amendments to the *South Australian Housing Trust Act 1936* that are consequential to the provisions applying the *Residential Tenancies Act* to Housing Trust tenancies. Section 26 of the *South Australian Housing Trust Act* provides that the Trust may let houses and fix the terms and conditions of any such letting. This section is amended so that it is clear that this will be subject to the provisions of the *Residential Tenancies Act*.

Section 27 of the *South Australian Housing Trust Act* provides for rent adjustments by the Trust. The clause amends the section so that it provides the appropriate general guidance that rents should be the same or similar in amounts for houses that provide similar accommodation and are situated in the same or a similar locality.

Section 32, the regulation-making provision, is amended so that it is clear that regulations can be made under the *South Australian Housing Trust Act* prescribing the grounds for termination of Housing Trust tenancies under the *Residential Tenancies Act* and prescribing the minimum period of notice for termination on any such ground.

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

A quorum having been formed:

Mr LEWIS: Mr Speaker, is there not a quorum present?

The SPEAKER: Order! The member for Murray-Mallee would be better to keep his seat. When the bells stop we will deal with the matter. A quorum is now present. The member for Murray-Mallee presumes to tell the Chair what to do. The Chair at that time was engaged in a discussion with one of the honourable member's own colleagues, as he could clearly see. I think the member for Murray-Mallee should be a little more prudent in relation to his comments about the conduct of this House.

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training): I move:

That Standing Orders be so far suspended as to enable the Bill to proceed through its remaining stages without delay.

The SPEAKER: I have counted the House and, as there is an absolute majority of the whole number of the members of the House present, I accept the motion.

Question—'That the motion be agreed to'.

The SPEAKER: For the question say 'Aye', against 'No'.

An honourable member: No.

The SPEAKER: There being a dissident voice, there must be a division.

While the division was being held:

The SPEAKER: As there is only one member for the Noes, there is no division.

Motion carried.

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition supports the Bill, which was not one of the most important Bills but somehow it crept into the list of those Bills that had to be passed by the House. We will deal with it on its merits. The Bill contains a simple proposition that the Housing Trust can come under the umbrella of the

Residential Tenancies Tribunal so that, when there are cases emanating from trust tenants before the tribunal, a fee will be paid by the trust to the tribunal.

It is a one-way passage and we would review the operations of these provisions in government. At present, if the trust has a bad tenant—and it could have a few of them—it takes much effort to move that tenant, even with ministerial fiat behind the proposition. In taking such a case before the tribunal, I am not sure we get more justice for landlords, and in this case I do not believe that the trust will take cases to the tribunal. It seems to be a one-way street.

However, for tenants there is an opportunity to be heard, as a number of members would be aware, when they are aggrieved at actions taken and when they believe they have a right to have their cases heard. I have had to help one or two trust tenants, but these were minor matters as I do not have much trust tenancy in my area. Members opposite and some of my colleagues certainly have large numbers of trust tenants in their districts. We need to examine the legislation to see whether it is working.

The Hon. D.C. Wotton interjecting:

Mr S.J. BAKER: We would certainly review it to ensure that it is working in the best interests of tenants, taxpayers and those who are desperately waiting for public housing. The Residential Tenancies Tribunal has had a bad habit of allowing people off the hook. All members have encountered circumstances where a tenant has destroyed premises and created chaos. In those circumstances the landlord never gets the protection he or she deserves. Obviously, there are occasions when landlords do not necessarily do the right thing and such matters can be taken before the tribunal.

I am not here to say what is right or wrong but, given that power already exists within the trust to achieve changes in tenant behaviour, our allowing tenants to go before the tribunal to state their grievances may be of some small assistance in genuine cases, although I fear that a large number of other people will use and abuse the system. The Opposition supports the Bill. This matter could have been held over but the Minister reached agreement and we always uphold our agreements, notwithstanding the comment from across the way. We will facilitate the passage of the Bill.

Mr HAMILTON (Albert Park): Briefly, I want to add my support to the proposition. One important argument is that everyone has an equal right to go before the Residential Tenancies Tribunal. I will not delay the House, because I know that members want to get the Bill through, but I want to place on record my strong support for the South Australian Housing Trust and the manner in which the trust, over the 14 years during which I have been the member for Albert Park, through its managerial staff, has looked after the tenants in my electorate. Unfortunately, a few people in every walk of life impact adversely on the good reputation of other tenants. That is regrettable but in my experience the trust, particularly in the Port Adelaide region, has done an excellent job.

It is only too willing to cooperate; the staff drop into my office without being asked to talk to me about matters pertaining to tenants. That is important. I have received excellent cooperation from the trust in the Port Adelaide region. It is a pity that some landlords in the private rental industry do not take a leaf out of the trust's book, because some of the appalling conditions that I have seen over the years, both prior to and after my election to this Parliament, have been and are simply outrageous. Some of the conditions in which people have had to live over the years have been absolutely appalling.

It is only through the tribunal that we have been able to get justice for the little people in our community who do not have the wherewithal, the knowledge of the law or the money to get legal representation. Certainly, that is not to say that all landlords are bad: there are many good landlords. Equally, there are bad landlords just as there are bad tenants. I have seen bad tenants. Some of them have wrecked trust homes after being in them for only a matter of weeks, and that applies equally to private housing. I support the measure because I believe there should be equality, whether Government or private enterprise is involved.

The Hon. D.C. WOTTON (Heysen): I wish to speak briefly. I am pleased that my colleague in another place the shadow Minister responsible for this legislation has given a commitment that this legislation will be reviewed on a change of government. I have some concerns about the legislation and, while I support the measure, I believe my concerns need to be addressed. I wish to refer to a most unsatisfactory situation—and that is putting it mildly—involving a constituent of mine.

Many years ago my constituent as a property owner arranged for a person to rent a property on her land. The arrangement was made formally and went back to an arrangement made by another member of the family. When my constituent became responsible for the property, she consulted the other partner and determined that there should be a rent increase. Because an agreement was not drawn up in writing, my constituent has now been faced with a horrendous bill and is to pay interest on the original amount, as I understand it, simply because the agreement was not in writing. I understand the sensitivities of this situation and I acknowledge that there need to be clear guidelines for tenants and owners of property. The way my constituent has been treated is most unsatisfactory.

I have made representation to the Minister on her behalf. I believe it is totally inappropriate that my constituent as the landlord has been forced to pay back many thousands of dollars because the agreement regarding an increase in rental was not put in writing, and now my constituent is being forced to pay interest on that amount as well. It has put her in an extremely difficult situation. I feel for her and I will continue to make representation on her behalf. I know that she has taken legal action. I support the action that she has taken and I believe it is only as a result of a full review of the legislation that this matter can be addressed.

To be quite frank, I regret that the opportunity could not be taken at this stage for the legislation to be amended in order to deal with this matter specifically. The advice I received was that it was not appropriate to deal with it at this time, but I can assure the House that at the appropriate time I will seek to amend the legislation to take into account the most unsatisfactory circumstances in which my constituent finds herself.

The Hon. T.H. HEMMINGS (Napier): I will be equally as brief as the member for Heysen and use this opportunity to congratulate the member for Walsh on the birth of his first grandchild William Buckley, who came into the world 12 minutes ago. I understand that his fond parents have already put his name down on the Housing Trust waiting list.

The Hon. D.C. WOTTON: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! The member for Napier will resume his seat.

The Hon. D.C. WOTTON: I question the relevance of the matter that has just been brought to the attention of the House.

The SPEAKER: The member for Napier is well aware of the need for relevance in debates, and I will be listening closely.

The Hon. T.H. HEMMINGS: I am well aware of the need for relevance, Sir, and I was talking of a future Housing Trust tenant who would be covered by this piece of legislation. I thought it was as relevant as it could be, but I will be guided by you, Sir. What this Bill does is reinforce the tenants' charter. It looks after the good tenant because, let us not kid ourselves, I was Minister of Housing for 7½ years and I well know that, whilst on most occasions the South Australian Housing Trust will do the right thing, sometimes its officers can be somewhat overbearing. So, the Bill recognises and protects the good tenants.

I will pick up on what my colleague the member for Albert Park said about bad tenants: this will give the Housing Trust the power to move against them. What worries me is hearing the member for Heysen signal that a future Liberal Government would carry out a review of the Landlord and Tenants Act. Such a review would affect not only those in public housing; it could possibly affect people in private housing. I have gone on record and make no apology for attacking the Landlords Association which has, true to course, continuously attacked the tenants out there in the private sector who in most cases are paying between 60 and 65 per cent of their fixed incomes on rent. The Landlords Association has attacked me more than have members opposite.

Whenever the member for Light and the Deputy Leader start to talk about my getting into the gutter I merely say to them, 'Wolf in sheep's clothing', because the Deputy Leader and the member for Light have a record for being down in the gutter attacking members on this side. I feel quite proud that I can stand up here and make honest speeches knowing full well that it upsets those fascists over there. Having said that, I will say no more, except to indicate that my colleagues will be here after the election, fighting the good fight. Whenever people like the member for Heysen—the landlord's friend—attempt to remove tenants' rights under legislation such as this, members on this side will treat them it as they should be treated—with contempt. I support the legislation and I support the Minister.

Mr LEWIS (Murray-Mallee): I am reminded of the honourable member's recent trip to Cypress and what that entailed and the honour that attached to his dealing with those sorts of inquiries.

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: On a point of order, Mr Speaker—

The SPEAKER: Order! The member for Napier will resume his seat until the Chair has finished. The member for Murray-Mallee is well aware of the need for relevance, and the trip taken by anyone in this place to anywhere has nothing do with this Bill. Does the member for Napier still have a point of order?

The Hon. T.H. HEMMINGS: You covered it much better than I.

The SPEAKER: The member for Napier will resume his seat. The member for Murray-Mallee.

Mr LEWIS: The measure before us is, among others brought in at this time and in this way, an attempt by the devious means which only the Machiavellian minds of the Labor Party could dream up to trap the Opposition into some kind of statement which the Labor Party could then take out to Housing Trust tenants in its forthcoming election campaign as part of the scare tactics it will be exercising. We have seen it in relation to other measures not relevant to this Bill. Clearly, the comments made by members on this side of the House and this side of politics in the other place are being quoted whenever possible by members of the Labor Party in their campaign to try to discredit us as a group and as individual members. That includes the candidates who are not yet members of this place, some of whom probably will not become members, because I do expect some of the Labor Party candidates to win, but I am not sure whether or not I will be able to count them all on my left hand.

The SPEAKER: Order! The member for Murray-Mallee is well aware that whether he can count them on his left or right hand has nothing to do with the Bill.

Mr LEWIS: I rise in particular because of the contribution made by the members for Albert Park and Napier, who said the measure was about equal access and equal opportunity for everybody, regardless of whether they are tenants of private landlords or of the State—the Housing Trust. Well, they have not read the legislation, because in a good many instances there are explicit clauses in it which specifically exclude the Housing Trust from those provisions.

Let us look at the first measure before us, which relates to section 32. The security bond provision in the principal Act imposes considerable qualification on the landlord, but then we note that in this legislation the amendment inserts a new subsection which simply provides that subsection 2(b) does not apply to a security bond received by the South Australian Housing Trust. That is the first instance in which members opposite are dead wrong. The provisions in the legislation will not apply to any tenant of the Housing Trust, so you will not be able to chasten any regional manager who might need to be chastened for not complying with provisions that would otherwise be required of a private landlord. There are other instances beyond that, and let us take them one at the time.

Clause 11 of the Bill, which refers to section 34 of the principal Act, explicitly states the circumstances in which a landlord will be able to vary rent, yet it does not apply to a residential tenancy agreement in which the South Australian Housing Trust is involved as the landlord. So, the two members to whom I refer are again dead wrong. Neither of them read the legislation or they would have drawn attention to these exceptions. The kind of glib comments they made are the sort of attention to detail— or lack of it—for which they are notorious in their contributions here.

We then find reference to an increase in security bond being required. Some tenants of the Housing Trust are on incomes well in excess of $30 000 a year. They have been tenants of the Housing Trust ever since they had a dwelling of their own. I do not mean that they had the title in fee simple but they were given tenancy of that dwelling as a dwelling belonging to the Housing Trust. They could well afford to move out and allow someone else from the list of over 40 000 applicants to be given a home by the Housing Trust. They could well afford to purchase their own dwelling and set aside the funds to do so from their income. They are very much better off than the average citizen. Many of them receive more than double the average weekly income, leave

alone the amount received by those on unemployment benefits or other forms of pension. Yet, they stay there.

Under this Bill those tenants are not subject to an increase in security bond, as the Housing Trust is exempt. We only have to look at what is stated in new subsection (5) relating to increases in security bond to see that it does not apply to a residential tenancy agreement under which the South Australian Housing Trust is the landlord. We can look at excessive rent referred to under clause 13 of the Bill, referring to section 36 of the principal Act. I will not read out the provisions in the principal Act relating to excessive rent, but a new subsection (7) will be added to the principal Act which provides:

> This section does not apply to a residential tenancy agreement under which the South Australian Housing Trust is the landlord.

Again, members opposite are wrong. They did not bother to read the legislation but simply expected us to take what they say for granted and treat it as gospel, when it is not.

Clause 16 proposes that a residential tenancy agreement, under which the South Australian Housing Trust is the landlord, does not apply to section 64 of the principal Act. It is about notice of termination by the landlord on the ground that possession is required for certain purposes. So, the Housing Trust is not governed or controlled by that. There will be a difference again between properties owned by private interests and those owned by the Housing Trust. A new subsection is inserted in the principal Act by clause 17 of the Bill relating to notice of termination by the South Australian Housing Trust. We will have one rule for private landlords and another for the Housing Trust, for better or worse. We are to have a different set of rules according to whether one is a tenant of privately owned premises or a tenant of the Housing Trust.

For the edification of the members, since this legislation has not been circulated other than to me, I advise that where the South Australian Housing Trust is the landlord under an agreement with its tenants, the trust can give notice of termination of an agreement on the ground prescribed by regulation under its own Act and in those circumstances the period of notice must not be less than 120 days or, if a greater period is prescribed by regulation in relation to that ground, not less than that period. In other words, changing the regulations will, if the Bill passes, enable this clause to still apply in terms of the provision in the principal Act, although I do not speculate about that. Although the Opposition has said that it will support this legislation through the Chamber, I am emphasising the great differences that exist.

Section 81 of the principal Act will be amended, so it too will not apply to the Housing Trust. An amendment is to be made to the South Australian Housing Trust Act itself, which will subject it to certain of the provisions of the residential tenancies amending provisions. That being the case, it ill-behoves Government members to presume that they occupy the moral high ground and can quote or misquote the Opposition during the forthcoming election campaign. We would not be stupid enough to say things that would be capable of being misconstrued and could provide them with the means by which they could attempt to mislead the public in the course of that election campaign.

It is the Government that will be found wanting, because I doubt that it will have the means by which it can draw attention to these changes from the resources available to it and it will therefore only have the option of taking taxpayers' money and placing advertisements in the media proclaiming themselves to be the saviours of the tenants of this State and get their message across in that way. I would regard that as being even more unprincipled than the remarks I have heard from the member for Napier on this and every other measure on which he has spoken today. Goodness me, that is about as unprincipled as you can get.

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training): I thank members who have contributed to this debate. This Bill has been dealt with thoroughly and extensively in another place and I understand that the Hon. Trevor Griffin moved an amendment in another place that was acceptable to the Minister responsible for the measure. I believe that a number of questions were raised in that place and were satisfactorily answered. I therefore commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—'Landlord's responsibility for cleanliness and repairs.'

Mr S.J. BAKER: We are well aware that a number of tenants living in Housing Trust premises believe that their premises are not kept in a condition which is as habitable as they would like, and often they are right. How many complaints has the Housing Trust received in the past year? How many complaints did the South Australian Housing Trust receive from tenants dissatisfied with the state of repair of their houses?

The Hon. S.M. LENEHAN: I will obtain that information and provide it to the honourable member at a future time. I do not have that information directly before me. We will try to obtain it but, if that is not possible before this Bill is dealt with, I will provide it when it is available.

Mr S.J. BAKER: There are some legitimate claims that are not acted upon by the Housing Trust, yet this provision excludes the Housing Trust from that responsibility. My colleague the member for Murray-Mallee has already pointed out that the Housing Trust is exempt from a number of provisions in the legislation, and this happens to be one of them. It is important that the Housing Trust acts as an appropriate landlord to ensure that its tenants receive a fair go and that they do have good quality premises. However, there is no requirement under the legislation that the trust should comply.

The Hon. S.M. LENEHAN: In fact, an Administrative Appeals Tribunal is being established by the Housing Trust to ensure that all tenants are treated fairly and equitably. I would like to put it on the public record that, in meeting with and discussing some of these issues with Housing Trust tenants in my own electorate, they are very pleased with the quality and service provided by the Housing Trust, in terms of many of the issues relating to the maintenance of their gardens and their premises. It is one of those old stories: it is not possible to please everybody when you have such a huge number of tenants.

The trust does its utmost to accommodate the wishes and needs of all trust tenants, but in establishing an Administrative Appeals Tribunal the trust is seeking to ensure that none of its tenants have a legitimate complaint against the quality of service, whether it relates to repairs to their homes or in terms of their gardens, lawns and surroundings. If tenants feel that they have been treated unfairly, they will be able to approach the Administrative Appeals Tribunal when it is established.

Clause passed.

Remaining clauses (15 to 21) and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN FILM CORPORATION (ADMINISTRATION) AMENDMENT BILL

Second reading.

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training): 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.

The South Australian Film Corporation Act was originally assented to in 1972. There have been a number of amendments to the Act since then concerning the repeal of provisions in relation to the South Australian Film Advisory Board and the separation of the role of Chair and Managing Director of the Corporation.

A number of inconsistencies are apparent in the South Australian Film Corporation Act when compared to other Acts within the Arts and Cultural Heritage portfolios. These inconsistencies have over the past eighteen months and during a period of operational difficulty affected the operational effectiveness of the Corporation.

The Government recently supported the recommendations of a review into the Corporation which will result in a new organisational structure being created. This reorganisation will not affect the corporate body which will continue to operate under the Act under the name the South Australian Film Corporation. Adoption of the review recommendations does, however, require some amendment of the Act to improve operational efficiency and accountability of the members of the Corporation.

The review recommends that the membership of the Corporation be increased in size. An increase in the overall size of the membership from six to ten should ensure that greater expertise and knowledge will be available for the operation of the Corporation and enhance staff accountability.

Present legislation does not clearly identify responsibility for the administration of the Act. In fact there is clearly an overlap of the same responsibility between the Corporation and Managing Director. Currently the Managing Director is appointed by the Governor and reports directly to the Minister.

It is proposed that this be amended so that the Corporation has the power to appoint a Chief Executive Officer, and that the Chief Executive Officer report to the Corporation.

An amendment to the method of appointment and the reporting relationship of the Chief Executive Officer is seen as paramount to the efficient and effective operations of the Corporation. This amendment is consistent with the appointment and reporting arrangements in other Acts for Statutory Authorities within the Arts and Cultural Heritage portfolio.

Finally, the opportunity is being taken to insert into the Act provisions relating to conflict of interests and Corporation members' duties of honesty and care in the same form as provisions made in recent Acts establishing statutory corporations.

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 4—Interpretation

Clause 3 amends the principal Act by striking out the definition of Chairman and replacing the definition of Managing Director with Chief Executive Officer.

Clause 4: Amendment of s. 5—Establishment of the Corporation

Clause 4 increases the number of members of the Corporation from six to not less than eight and not more than ten. It provides that the Chief Executive Officer is eligible for appointment to the Corporation.

Clause 5: Substitution of s. 6

Clause 5 strikes out section 6 of the principal Act and inserts three new sections. The proposed section 6 varies from the current provision by increasing the number of members constituting a quorum of the Corporation from four to five, by providing that a telephone or video conference between members be taken to be a meeting of the Corporation, by providing that a resolution of the Corporation becomes a valid decision of the Corporation despite not being voted on at a meeting if the notice of the proposed resolution is given to all members and a majority of the members express their concurrence in the proposed resolution, by stating that accurate minutes be kept of the Corporation's proceedings and by stating that the Corporation may determine its own procedures.

The proposed section 6A provides that a member of the Corporation must disclose any pecuniary or personal interest in any matter under consideration by the Corporation. It provides a defence if the defendant can prove that they were unaware of their interest in the matter. Any disclosure must be recorded in the minutes and reported to the Minister. If a member discloses an interest in a contract and takes no part in any deliberations on the contract the contract is not liable to be avoided and the member is not liable to account for profits derived from the contract.

The proposed section 6B provides that a member must always act honestly and exercise a reasonable degree of care and diligence in the performance of official functions. If a member is culpably negligent in the performance of official functions the member is guilty of an offence. A member or former member must not make improper use of his or her official position, or of information acquired through his or her official position, to gain a personal advantage or to cause detriment to the Corporation or the State.

Clause 6: Amendment of s. 9—Power to appoint Chief Executive Officer and other employees

Clause 6 amends section 9 to provide that the Chief Executive Officer is to be appointed by the Corporation and, subject to the control of the Corporation, is responsible for the management of the operations of the Corporation.

Clause 7: Amendment of s. 12—Power of Corporation to delegate powers

Clause 7 inserts a new subsection into section 12 to provide that a delegate must not act in any matter pursuant to the delegation in which they have a direct or indirect pecuniary or personal interest.

Clause 8: Repeal of Part III

Clause 8 repeals the provisions relating to the Managing Director. In place of a Managing Director there will be a Chief Executive Officer-see clause 6.

Clause 9: Amendment of s. 26—Superannuation

Clause 9 is a consequential amendment.

Clause 10: Amendment of s. 30—Annual report

Clause 10 is a consequential amendment.

Clause 11: Amendment of s. 33—Regulations

Clause 11 is a consequential amendment.

Clause 12: Transitional provision

Clause 12 provides that the members in office immediately before the commencement of this Act will continue in office under the principal Act as amended by this Act.

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

A quorum having been formed:

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training): I move:

That Standing Orders be so far suspended as to enable the Bill to proceed through its remaining stages without delay.

Motion carried.

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition supports the Bill.

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

PRINCE ALFRED SHIPWRECKED MARINERS FUND (TRANSFER AND REVOCATION OF TRUSTS) BILL

Received from the Legislative Council and read a first time.

The Hon. M.D. RANN (Minister of Business and Regional Development): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill will enable trust moneys of approximately $230 000 in the Prince Alfred Shipwrecked Mariners' Fund to be made available to reduce debt associated with the sail training vessel "One and All".

The Prince Alfred Shipwrecked Mariners' Fund was created by order of the Supreme Court in 1926 as a charitable trust to provide for the relief of poor, shipwrecked or injured mariners, or their families, who had some link with South Australia. Its purpose was to apply the proceeds of the sale in 1924 of the Prince Alfred Sailors Home. The home had been operated by a non-profit incorporated association from premises near the Port Adelaide Courthouse and Police Station. The sale, and the creation of the fund, were part of the winding-up of the association.

The money was ordered by the court to be held in trust by the Public Trustee, to be paid out on the order of a Board of Management consisting of the Mayor of Port Adelaide and several officials whose duties were connected with the regulation of the port and of coastal navigation in South Australia.

The Prince Alfred Shipwrecked Mariners' Fund has outlived its purpose. The only remaining member of the Board of Management is the Mayor of Port Adelaide. The last payment from the fund was made in 1983, to meet some otherwise irrecoverable expenses of two children whose father had drowned in a marine mishap off Queensland in 1960. Earlier this month, the balance in the fund was $233 183.01. Several propositions for an alternative use for the money of the fund have been explored in recent years.

Since 1989, the sail training vessel "One and All" has been largely under the control of the Treasurer, as the result of rights exercised under a ship's mortgage when the operations of the vessel encountered financial difficulties. In the same year, the Sailing Ship Trust of South Australia was formed, for the charitable purpose of taking over the operation of the vessel for the people of South Australia. The formation of this trust followed the formation of an earlier trust for the purpose of raising funds to assist the vessel. As part of these arrangements, it was contemplated that the Sailing Ship Trust of South Australia would take over the debts of the previous operating organisation, on condition that the Trust also take ownership of the assets—principally the ship—free of encumbrance.

The present trustees of the Sailing Ship Trust are Martin Bruce Cameron (chair), Malcolm Alexander Kinnaird, Cyril Keith Beamish, Roderic Jason Lindquist, Alan Scott McKenzie, Daryl Leonard Stillwell, Mike Hughes, Marc Colquhoun, Karyn Foster and Alexander Muir Mathieson. They have arranged to settle the debt to the State in relation to the "One and All" for $150 000, which the Treasurer has accepted. That leaves the Trust with credit commitments to approximately $360 000, some of which is secured by ship's mortgage, and the majority of which is supported by personal guarantees.

In the course of the discussions leading to the working-out of these arrangements, a proposal was developed that the funds standing to the credit of the Prince Alfred Shipwrecked Mariners' Fund be transferred to the Sailing Ship Trust of South Australia, to reduce its debt.

As mentioned, various proposals have been explored in recent years for an alternative use for the Prince Alfred Shipwrecked Mariners' Fund. Under the terms of the trust, the Sailing Ship Trust of South Australia operates the sail training vessel "One and All" on behalf of the people of South Australia. The trust is bound to ensure that the vessel is operated for the benefit of the community and principally to conduct a sail training program based in South Australia. The continued operation of the vessel provides significant personal development and recreational opportunities for a wide range of South Australians.

The Government has been advised that this proposal, while broadly in sympathy with the objectives of the original trust to establish some enduring social benefit in relation to seafaring, is too far away from those original purposes for it to be said with confidence that the Supreme Court would have the power to amend the terms of the original order of 1926 to give effect to this proposal. Consequently, the appropriate course is to legislate to transfer the money to the Sailing Ship Trust of South Australia, to enable a reduction of the debt burden associated with the "One and All" and to facilitate its future operation, on a financially sound footing, for the benefit of all South Australians.

Clause 1: Short title

Clause 2: Interpretation

Two terms are defined: the Fund to be transferred and the Trust to which the Fund is to be transferred.

The Fund is *The Prince Alfred Shipwrecked Mariners Fund* held by the Public Trustee and administered by a Board of Management pursuant to a cy pres scheme ordered by the Supreme Court in 1926.

The Trust is *The Sailing Ship Trust of South Australia* established to manage the "One and All".

Clause 3: Transfer of Fund and revocation of trusts

The assets and liabilities of the Fund are transferred to the trustees of the Trust. The trustees are required to use the Fund to pay off existing debts. The trusts affecting the Fund are revoked.

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

A quorum having been formed:

The Hon. M.D. RANN (Minister of Business and Regional Development): I move:

That Standing Orders be so far suspended as to enable the Bill to proceed through the remaining stages without delay.

Motion carried.

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition supports the Bill, but it is important to reflect on some of the circumstances involved. Again, at the last minute the Government has brought before us a piece of legislation which requires the scrutiny of the House and of a select committee. The Bill proposes that the moneys from the Prince Alfred Shipwrecked Mariners' Fund be transferred to the Sailing Ship Trust of South Australia. The Prince Alfred Shipwrecked Mariners' Fund Trust was established in 1924 and, as its name clearly demonstrates, it was to assist the survivors of shipwrecks. It has been used over the years, the last time being about 1973 when moneys were used to assist two children of a person who was lost at sea.

Whilst the measure may seem unimportant, an important principle was almost breached in its passage. It was the Government's intention to rush through the legislation and suspend the normal requirement of taking it to a select committee. That is not and never should be appropriate. We should never change the rules to get a quick fix solution, because the integrity of the Parliament and of the Government is paramount, particularly the integrity of Parliament.

These trust funds which have been set up must be scrutinised in a more extensive form by a committee of the Parliament. Having been established by legislation under which certain powers and rights are vested in other people, if we wish to take away or change those powers we are required to go through the process of calling witnesses to ensure that the changes in the rules or use of the moneys of the trust are in keeping with the original wishes of the benefactors, given that circumstances have changed dramatically over the space of almost 70 years in this instance.

The Government did not want to do that. The Government said, 'The Parliament can fix it in a hurry,' and the Opposition said, 'No, it cannot. We have to go through the processes.' It was fortunate that the Opposition managed to ensure that the due processes occurred. Despite the best efforts of the Government to shove, push and change the rules, the Opposition held firm on this matter. We did what the tradition of the Parliament requires, whereby people should be asked to make representations to the Parliament on this matter. That was done very quickly, and we understand there were no reservations about the change in the use of the money. For that we are very grateful. I am not sure how, if there had been

an expression of opposition to the measure, we would have handled that circumstance.

One of the great assets of this State is the *One and All*. It is a fine sailing vessel, with which you, Mr Speaker, have a strong association and affinity. It is a ship that we would wish to grace our waters until it can no longer do so. Unfortunately, it has suffered considerable financial difficulties, and we understand that personal guarantees have been given to ensure that the vessel stays within our waters. It was put to the Opposition that, unless moneys were made available from some source, the ship would have to be sold. That was a proposition that we felt we should do all in our power to prevent.

I understand that there is $230 000 in the fund at the moment and that if this legislation is passed that will be transferred to the Sailing Ship Trust of South Australia. The original donors to the Prince Alfred Shipwrecked Mariners' Fund probably felt that the money should be used to assist particular families. Such circumstances do not prevail 70 years later. However, I am sure that if they reflected upon the matter they would agree that this is an appropriate use of the resources.

Whilst we might have had some difficulty in the way that the Government handled the legislation, we believe that justice has been seen to be done. We have gone through the due processes and the Parliament is now satisfied that the money is going to an appropriate cause. Therefore, I have pleasure in supporting the legislation.

The Hon. M.D. RANN (Minister of Business and Regional Development): This is an example of one good cause helping another. I concur with the Deputy Leader of the Opposition that, whilst it is hard for us to put ourselves into the minds and consciousness of people who have long since passed on and who made donations 70 years ago, if shipwrecked mariners and their families wanted to see the proper and best use of their funds, surely this is it. We are talking about the *One and All*, a sail training vessel which is assisting young people, and it would seem to be the most appropriate of linkages.

I should like to pay tribute to a few people who were involved in this process. You, Sir, as Speaker, the member for Price and in the Premier's Department Mr Kevin Foley were involved in discussions relating to the use of these funds and how to assist the *One and All*. I understand that there was widespread consultation with the Seamen's Union and other appropriate groups and that essentially there was no obstacle to this happening.

When we reflect on the very serious nature of the reason for this fund being established and also think about the future of young people in South Australia, we see that we could not have achieved a better transfer. The Bill, if passed, will enable trust moneys of approximately $230 000 in the Prince Alfred Shipwrecked Mariners Fund to be made available to reduce the debt associated with the *One and All*. It is there not for maintenance, promotion or marketing but to reduce the debt. We want to see this money spent in a proper way and I am sure that the board of management of the *One and All*, headed by our friend and former colleague Martin Cameron, will ensure that that happens.

He is a very good and decent person and a great loss to the Parliament. I think all members of both sides of the House would agree that his patriotism and loyalty to his Party and to our State has never been questioned. I would like to commend this Bill to the House and thank all those who were involved. This is a good example of lateral thinking. I particularly want to pay credit to Kevin Foley, to you, Sir, and also to the member for Price for a job well done.

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

APPROPRIATION BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 5.35 p.m. the House adjourned until 2 November at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 19 October

QUESTIONS ON NOTICE

SGIC HEALTH

1. **The Hon. JENNIFER CASHMORE:** Has SGIC ever paid dental and/or medical accounts for any of its employees or ex-employees and, if so—

(a)in what year did this practice commence and does it still apply;

(b)how many employees and ex-employees have received these benefits;

(c)what has been the total annual cost and the cost per employee and ex-employee in each year; and

(d)were members of employees' and ex-employees' families covered by these benefits and, if so, what was the total and the cost per employee and ex-employee of the family benefit in each year?

The Hon. FRANK BLEVINS: SGIC pays dental and/or medical accounts for employees or ex-employees in line with the health insurance cover they have taken out. That is, if the employee does not have SGIC Health insurance cover, then no medical and/or dental accounts are paid.

As an encouragement to staff to become members of SGIC Health, SGIC also pays a top-up on medical and extras (including dental) costs, being the gap between the Medicare scheduled fee and the actual charge, limited to $1 000 per annum (for families) and $500 per annum (for singles). This is only paid where employees are eligible under their membership, and is not paid for employees who are not members of SGIC Health. In answer to the specific questions, I advise that:

(a) The practice outlined above commenced on 1 August 1987 and is still operating.

(b & c) SGIC Health's records for its first three years of operation do not separate staff and general public members, so data on the benefit paid to staff, the total cost and the cost per employee is only available from 1990-91 onwards.

Year	Average No. of Staff Members	Total cost of Extras[1] + Medical Staff Top-Up Benefits Paid (including FBT)	Cost per Staff Member
1990-91	757	$587,423	$775.99
1991-92	719	$609,173	$847.25
1992-93	650	$560,311	$862.02

[1]Extras = Dental, Optical, Chiropractic, Ambulance etc.

(d) Employees' families are eligible for this benefit, but ex-employees and their families are not, even if they remain members of SGIC Health.

PENSIONERS

92. **The Hon. D.C. WOTTON:** Is it the intention of the Government to amend the current eligibility criteria to enable pensioners living in retirement villages to obtain concessions including those for electricity and water and, if not, why not?

The Hon. FRANK BLEVINS: Eligible pensioners occupying unit accommodation in resident funded retirement villages have been entitled to water and sewer rate concessions since 1 July 1985.

Pensioners are eligible for electricity concessions also if the account is in their name and they reside at the property.

INTELLECTUALLY DISABLED PERSONS

97. **Mr BECKER:**

1. Why was it necessary for the Intellectual Disability Services Council to issue the newsletter *Communique* dated August 1993?

2. How many copies were distributed, to whom and at what postal cost?

3. What was the detailed breakdown of all costs of preparation and printing *Communique* and what was the total cost of this issue?

4. Are future issues proposed and if so—

(a) how many and when; and

(b) will they include details of what services are provided and the types of disabilities for which they are available or will they contain staff promotional articles?

5. How many staff at each classification are employed in the Council and how many are male?

The Hon. M.J. EVANS:

1. It is fundamental that legislation, Government policy and procedures acknowledge the particular needs of people with intellectual disability. To that end, people who are involved in developing these must be well informed about issues and about the activities of the major lead agency responsible for the funding and provision of services to people with intellectual disability.

2. Total 286
Total posted 228
Total postage cost $195.45

Copies were sent to Members of Parliament, Government departments and agencies, welfare agencies, service providers and others.

3. It is not possible to give a detailed breakdown as the production of this publication was carried out by the Manager, Corporate Communications concurrently with numerous other ongoing activities. This is the only staff member dedicated to the area.

Total printing and layout cost on the publication was $947.50. 550 copies were produced. The balance will be used as a source of information (with other material) for tertiary students who approach the Council for resources to support their studies.

4. It is envisaged that *Communique* will be produced quarterly. This publication will be strategically targeted to members of Parliament, heads of government departments, chairs of related non government organisation and significant others.

Future editions will not contain details necessarily about services provided since this information is of far more interest and relevance to current and future clients. In terms of the types of disabilities, it is evident from the name of this organisation that it serves people with intellectual disability.

The first edition of *Communique* did not contain articles which promoted staff and nor will future editions. There are photographs of staff in the publication to give a human face to the important work being done by the organisation.

The publication of staff photographs in this way is consistent with the proposed development of Citizens Charters for government departments. The rationale behind this development being promoted by the Chief Executive Officer of Public Sector Reform is that it makes Government and in particular Government employees more accountable.

5.

Employee Category	Total FTE	Male	Female	Total
Developmental Educators	238.58	94	150	244
Departmental Care Workers	728.18	197	681	878
Admin/Clerical	155.63	56	120	176
Allied Health Prof	91.95	28	98	126
Catering	46.30	9	57	66
Housekeeping	41.36	5	49	64
Porter/Orderlies	6.07	6		6
Stores	3.00	3		3
Laundry/Linen	16.82	2	15	17
Maintenance	13.19	13		13
Salaried Medical	0.10	1	1	2
Other Medical	1.81		3	3

ABORIGINAL FUNDING

102. **Mr GUNN:** How much money is provided by the Government for the provision of services to the AP Lands for health, education, road construction and other ongoing involvement?

The Hon. FRANK BLEVINS: The attached table provides details of the amounts provided by the Government for the provision of the services outlined in the Member for Eyre's question.

	1992-93 Actual Expenditure
Health:	
Nganampa Health Council	882 000
Education:	
Amata School	940 729
Ernabella School	1 136 647
Fregon School	626 393
Indulkana School	760 319
Kenmore Park School	137 080
Mimili School	476 634
Murputja School	28 456
Pipalyatjara School	617 124
Anangu Teacher Education Program	377 000
	5 100 382
Road Maintenance	541 000
Other Involvement:	
AP Statutory Authority Funding	221 000
Maintenance of State Owned Assets	350 000
Maintenance of Government Employee Housing	180 000
Essential Services—State (Water, Power & Sewerage)	2 308 800
Essential Services—Commonwealth Funded	2 029 000

GROUP ASSET MANAGEMENT DIVISION

104. **Mr S.J. BAKER:** How many people are employed by GAMD on a salary, how many are ex-State Bank employees and how many have tertiary or economic related qualifications?

The Hon. FRANK BLEVINS: As at 30 June 1993, direct GAMD staff totalled 87. Eighty four of these are employed on salary by the State Bank and their services provided to GAMD under the 1992 Deed of Amendment. Three other staff, namely the Executive Chairman, the Treasurer's Representative and the Treasurer's Project Officer are seconded from the State Government.

All 84 staff referred to above are currently State Bank employees. However prior to employment in GAMD, they were employed in and drawn from other areas as follows:

State Bank	27
Other State Bank entities	39
External	18

In relation to tertiary/economic qualifications, I advise that 37 employees have tertiary qualifications, 14 have other economic related qualifications, and 33 have no formal qualifications.

ENGINEERING AND WATER SUPPLY DEPARTMENT

110. **The Hon. D.C. WOTTON**:

1. When SAFA was established, what was the total amount of loans taken over from the E&WS and what was the amount, maturity date and interest rate for each loan?

2. When these funds were lent to the E&WS what interest rates were charged in each of the years 1989-90 to 1992-93, what is the current rate and what has been the cost to the E&WS and to ratepayers in any years where the rates charged by SAFA were higher than on the loans taken over?

The Hon. FRANK BLEVINS:

1. All E&WS loans have been provided directly by the Government by way of appropriations from the capital side ofConsolidated Account (formerly the Loan Account). The only loans taken over by SAFA were those which had been provided to semi-government authorities (eg SA Housing Trust). Therefore, when SAFA was established (in 1983) there was no impact on E&WS loans. The vast majority of Government loans to E&WS had no fixed interest rate or maturity date.

2. With the exception of relatively minor amounts sourced from the Commonwealth under specific purpose agreements and on which E&WS was charged interest at the same rate as that payable to the Commonwealth, all loans provided by the Government to E&WS since 1983-84 have been charged interest at the Common Public Sector Interest Rate. Like the Average Treasury Rate it replaced, the Common Public Sector Interest Rate is a floating interest rate determined by the Treasurer on the basis of the average cost of the State's past borrowings. I provided detailed information on the Common Public Sector Interest Rate in a letter to the honourable member in July 1992.

The rates charged for the years 1989-90 to 1992-93 were as follows:-

1989-90	15.1%pa
1990-91	14.5%pa
1991-92	13.7%pa
1992-93	11.75%pa

The estimated average Common Public Sector Interest Rate for 1993-94 is 10.0 per cent per annum. The current rate is 10.1 per cent per annum.

Prior to 1984-85, E&WS was allocated a share of the Government's total interest costs which covered interest paid by the Government almost entirely on borrowings from the Commonwealth under the Financial Agreement. The E&WS allocation was calculated on the basis of the average interest rate applying on that debt (the Average Treasury Rate mentioned above). The Commonwealth ceased lending to South Australia under the Financial Agreement in 1982-83. Indeed, along with all other States, South Australia is required to progressively repay all outstanding Financial Agreement debt by 2005-2006.

The Common Public Sector Interest Rate is the average rate of a pool of net debt covering remaining Government borrowings from the Commonwealth under the Financial Agreement and most semi-government debt issued or taken over by SAFA. Of course, the Commonwealth Government is the finest borrower in Australia and SAFA's borrowings are more costly.

Where interest is allocated to departments, any additional interest costs resulting from the withdrawal of the Commonwealth Government from raising funds on behalf of the States have been passed on to those departments. Until now departments have also paid a margin of approximately 0.75 per cent to reflect the value of the Government guarantee. An explicit guarantee fee will be charged in the future.

Given the pooled approach to debt management in South Australia, the long standing practice of not fixing maturity dates on E&WS loans and the variations which occur in SAFA's borrowing costs relative to the Commonwealth, any quantification of the additional interest cost to E&WS would be very arbitrary. Moreover, until relatively recently, E&WS operations have been supported by the general taxpayer because of the Consolidated Account funding of the E&WS overall deficit.

POLICE STATIONS

112. **Mr GUNN:** Does the Government intend closing any police stations in the northern or western parts of the State and, if so, which ones?

The Hon. M.K. MAYES: No.

McNAMARA FAMILY

119. **The Hon. DEAN BROWN:** How can the State Bank justify eviction of the McNamara family from their properties Kinmont and Myalpa near Tumby Bay when Ben McNamara, the son, was awarded this year's Young Achievers Award for innovation and initiative in producing and marketing quandongs from the properties?

The Hon. FRANK BLEVINS: I am advised that on 1 September 1993 the State Bank reached agreement with the McNamaras in respect of the orderly disposal of the assets of their property owning company, Alandra Pastoral Co. Pty Ltd (Receiver & Manager appointed). Accordingly, there will be no eviction.

I am further advised that the McNamara family does not live on the properties Kinmont or Myalpa and that there are no quandongs grown on either property.